tons to be completed between late last fall and sometime in 1973.

Complementing Japan's efficient steelmaking furnaces are its blast furnaces, some of which are the world's largest.

The great improvement in productivity in raw steelmaking and a low employment cost give Japan a substantial advantage over the U.S. in steelmaking costs. Employment cost per manhour worked in the Japanese steel industry in 1970 was $1.80. In sharp contrast was the U.S. figure of $5.68.

The decade of productivity gains was marked with a multifold increase in the flow of Japanese steel into the U.S. From 601,375 net tons in 1960, Japanese steel imports into the U.S. grew to 7,294,380 net tons in 1968, then subsided to 6,252,654 tons in 1969 and 5,935,475 tons in 1970 as pressure from U.S. steel producers influenced foreign producers to put limits on their steel exports to the U.S.

Biggest competitor—Japan's ability to sell steel below U.S. prices, supply high quality material, and market aggressively has made it the biggest foreign competitor in the U.S. market. While Japan was supplying the U.S. with 5,935,475 net tons of steel in 1970, U.S. mills shipped 84,810,459 net tons to the domestic market.

Japan was the world's biggest gainer in 1970 over 1969 in raw steel production. Its 1970 output, at 102.9 million net tons, was up 12.3 million tons—more than half of the 21.1 million ton increase in the world. In contrast, U.S. raw steel production declined 9.9 million tons.

Japan is the world's third largest steel producer The U.S. is still first, and the USSR is second.

NAGANO FOR EXTENDING STEEL QUOTA PLAN

Extension of the voluntary steel quota arrangement with Japanese and European producers has the support of Japan's No. 1 steelmaker. Shigeo Nagano, Nippon Steel Corp., Tokyo, tells Industry Week: "We would like to continue the voluntary restrictions in concert with European steel producers."

The Japanese and American steel industries in particular have been closely related because of an exchange of technology, points out Mr. Nagano, and he would like to see such a relationship continued. "Good relations between the U.S. and Japan in economics and all other fields are most important for us (Japan)," says Mr. Nagano. "Because Japan must buy all of its raw materials from abroad and must sell goods in order to buy those raw materials, we must think of the interests of the other countries. We can't think only of our own interests."

CHANGES?

Whether Mr. Nagano's spirit of cooperation will extend to agreeing to tighten the arrangement is still a question. All he'll admit is that, "I am satisfied with the present formula." As far as any changes go he says, "There has to be a meeting point of various and mutual interests."

The original three-year formula called for Japanese and European Economic Community steelmakers to hold steel exports to the U.S. to 5.75 million tons each in 1969—allowed for a 5% annual increase in the quota—and promised that traditional product mix and geographic distribution patterns would not change greatly.

Domestic steelmakers contend that the 5% annual growth rate is too high since it's about double the average annual growth rate of U.S. demand and that product mix pledges have been violated as more of the higher priced grades of steel are coming in.

Negotiations on any extensions have not yet started but informal talks will begin soon, Mr. Nagano says.

HOUSE OF REPRESENTATIVES—*Monday, June 14, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D. D., offered the following prayer:

Thou hast given a banner to them that fear Thee, that it may be displayed because of the truth.—Psalm 60: 4.

O God, our Father, we thank Thee for this day, this national day, when we pledge allegiance again to the flag of our country and rejoice in the fact that such a banner is ours. We are grateful for the faith in freedom and the devotion to democracy it symbolizes. May other nations and oppressed people seeing it be thankful and take fresh courage.

Though the road to peace be difficult, still may we walk on it with clear minds and warm hearts with our flag ever before us leading us on to the time when war shall be no more and the light of liberty shall be the life of all men.

In the spirit of the Master of Men we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 7016. An act making appropriations for the Office of Education and related agencies, for the fiscal year ending June 30, 1972, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 7016) entitled "An act making appropriations for the Office of Education and related agencies, for the fiscal year ending June 30, 1972, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. STENNIS, Mr. BIBLE, Mr. BYRD of West Virginia, Mr. PROXMIRE, Mr. MONTOYA, Mr. HOLLINGS, Mr. ELLENDER, Mr. COTTON, Mr. CASE, Mr. FONG, Mr. BOGGS, Mr. PERCY, Mr. BROOKE, and Mr. YOUNG to be the conferees on the part of the Senate.

The message also announced that the Vice President, pursuant to Public Law 91-605, appointed Mr. BAYH, Mr. GRAVEL, Mr. BUCKLEY, and Mr. WEICKER as members of the Commission on Highway Beautification.

RECESS

The SPEAKER. Pursuant to the order of the House of June 2, 1971, the Chair declares the House in recess for the purpose of observing and commemorating Flag Day.

Accordingly (at 12 o'clock and 2 minutes p.m.), the House stood in recess subject to the call of the Chair.

FLAG DAY

During the recess the following proceedings took place in honor of the United States Flag, the Speaker of the House of Representatives presiding:

FLAG DAY PROGRAM, U.S. HOUSE OF REPRESENTATIVES, JUNE 14, 1971

The United States Army Band (Pershing's Own) and United States Army Chorus entered the door to the left of the Speaker and took the positions assigned to them.

The honored guests, Mrs. Dwight D. Eisenhower, the Joint Chief of Staff, and the Commandant of the Coast Guard, entered the door to the right of the Speaker and took the positions assigned to them. Mrs. Dwight D. Eisenhower was seated at the desk in front of the Speaker's rostrum.

The United States Army Band (Pershing's Own) and the United States Army Chorus (conducted by Col. Samuel R. Loboda, U.S.A.) presented *Stand Up for America.*

The Doorkeeper (Honorable William M. Miller) announced the Flag of the United States.

[Applause, the Members rising.]

The United States Army Band (Pershing's Own) played *The Stars and Stripes Forever.*

THE UNITED STATES ARMY BAND

Col. Samuel R. Loboda, Homer City, Pa.; Sgt. Maj. Richard H. Mains, Sr., Hamilton, Ohio; M. Sgt. Charles R. Bassett, Alexandria, Va.; M. Sgt. Michael A. Cefaratti, District Heights, Md.; M. Sgt. Bruce C. Cornue, Arlington, Va.; M. Sgt. Eugene L. Drifmeyer, Cincinnati, Ohio; M. Sgt. Robert B. Ferguson, Memphis, Tenn.; M. Sgt. Lewis M. Fripp, Savannah, Ga.; M. Sgt. Arthur S. Greenwood, Arlington, Va.; M. Sgt. Leo B. Hurst, Franklin, Va.; M. Sgt. Anthony B. Korcel, Conemaugh, Pa.; M. Sgt. Edward E. Korcel, Conemaugh, Pa.; M. Sgt. Paulino Mandragona, Richfield Park, N.J.; M. Sgt. Robert J. Pallansch, Falls Church, Va.; M. Sgt. Henry S. Smith, Arnold, Pa.; M. Sgt. Elviro D. Todino, Lakewood, Ga.; Sp7 Roger H. Ayers, Fancy Gap, Va.; Sp7 Savoyd Beard, Memphis, Tenn.; Sp7 Robert A. Lewis, Lanham, Md.; Sp7 Arthur B. Moreland, Vienna, Va.; Sp7 Charles C. Welker, Jr., Lantana, Fla.; Sp6 Richard S. Brown, Philadelphia, Pa.; Sp6 James A. Burrier, Westchester, Pa.; Sp6 Michael C. Faulhaber, Madison, Wis.; Sp6 John R. Freeman, Columbus, Ohio; Sp6 John P. German, Conrad, Mont.; Sp6 Benjamin D. Goldberg, St. Louis, Mo.; Sp6 Stephen Greennagel, Arlington, Va.: Sp6 Frank B. Harmantas,

Arlington, Va.; Sp6 Samuel O. Harris, Wayne, Pa.; Sp6 Gene W. Holliker, Arlington, Va.; Sp6 Clifton T. Hudgins, Jr., Falls Church, Va.; Sp6 Arthur T. La Bar, Birchwood, Wis.; Sp6 James W. McGarity, Jr., Douglasville, Ga.; Sp6 James C. Prodan, Attica, Ohio; Sp6 Charles V. Snyder, Washington, Pa.; Sp6 Lee R. Stevens, Morristown, N.J.; Sp5 Christopher A. Runk, Phillipsburg, Pa.

THE UNITED STATES ARMY CHORUS

Sp7 Thomas G. Beveridge, Arlington, Va.; Sp7 Kenneth B. Corcoran, Zeigler, Ill.; Sp7 Frank F. Ennis, San Antonio, Tex.; Sp7 Spencer G. Hay; Greenbelt, Md.; Sp7 Donald R. Hole, Reading, Pa.; Sp7 William F. Kugel, Mitchell, S. Dak.; Sp7 Harold J. Sherman, Royal Oak, Mich.; Sp7 Joseph P. Trabucco, Malden, Mass.; Sp6 Ronald T. Billingsley, Hillsboro, Ill.; Sp6 Stanley O. Cornett, Laurel, Md.; Sp6 James H. Gibbs, Asheville, N.C.; Sp6 James Hawkins, Jacksboro, Tex.; Sp6 Barry S. Hemphill, New York City, N.Y.; Sp6 Gerald Howell, Pensacola, Fla.; Sp6 James T. Johnson, Decatur, Ala.; Sp6 Michael J. Malovic, Nickliffe, Ohio; Sp6 Michael S. Miller, Atlanta, Ga.; Sp6 Paul D. Miller, Alexandria, Va.; Sp6 Roger L. Nelson, Galesburg, Ill.; Sp6 Arthur M. Poulin, Waterville, Minn.; Sp6 William H. Read, Rome, Ga.; Sp6 Brian F. Stuart, Superior, Wis.; Sp5 Gerald A. Goodale, Mt. Clemons, Mich.

The Flag was carried into the Chamber by Color Bearer and a guard from each of the branches of the Armed Forces: Sergeant James B. Tubbs, Jr., U.S. Army, NCO-in-charge; Corporal Dennis Latham, U.S. Marine Corps; Seaman James Laskodi, U.S. Navy; Sergeant Kennith P. Theissen, U.S. Air Force; and Seaman Richard Simms, U.S. Coast Guard.

The Color Guard saluted the Speaker, faced about, and saluted the House.

The Flag was posted and the Members were seated.

The SPEAKER. The Chair recognizes the distinguished gentleman from Alabama (Mr. NICHOLS).

Mr. NICHOLS. Mr. Speaker, I should like to recognize at this time our distinguished and dedicated colleague from Missouri, the Honorable DURWARD HALL, who will lead us in the *Pledge of Allegiance to the Flag*, after which, if you will remain standing, the United States Army Band and Chorus will lead us in our National Anthem.

The Honorable DURWARD HALL led the Members and guests in the *Pledge of Allegiance to the Flag*.

The United States Army Band (Pershing's Own) and the United States Army Chorus presented *The Star-Spangled Banner*.

Mr. NICHOLS. Mr. Speaker, it is our privilege today to have with us the United States Army Band and Chorus, led by Colonel Samuel R. Loboda. This talented musical group will now present a medley of patriotic songs in keeping with the birthday of the United States Army and Flag Day 1971.

The United States Army Band (Pershing's Own) and the United States Army Chorus presented a medley of patriotic songs.

Mr. NICHOLS. Mr. Speaker, 194 years ago today, on June 14, 1777, the Continental Congress officially adopted the Stars and Stripes as the official flag of these United States. Two years earlier, however, on June 14, 1775, the Army of the United States came into being. Today, it is my very special privilege as Chairman of the Flag Day Committee and on behalf of the entire U.S. Congress to present as our honored guest one of America's greatest ladies. A lady who, along with her distinguished and illustrious husband, served her country well in the major military tribulations of world history. A lady who is loved by one and all and who, by her presence here today, upholds the dignity and proud heritage of our great country. It is with much honor that I present to the Congress and to our guests on this Flag Day, our very special and honored guest, Mrs. Dwight David Eisenhower.

[Applause, the Members rising.]

Mrs. DWIGHT D. EISENHOWER. I have just a couple of words. I am very, very proud of the honor of being here. On my father's side of the family I am proud to be a Daughter of the American Revolution. I am proud of that, too. But, oh, we can all be so proud of this Flag.

Thank you.

Mr. NICHOLS. Mr. Speaker, the greatest events of our past and present are symbolized by our flag. It is the proud symbol of a nation blessed by prospering industries, universal education and free institutions. Can we wave it too much? I think not.

Just recently, President Nixon received a lady visitor at the White House who brought a small American flag as a gift. She had made it herself, and as Mr. Nixon thanked her for it, he commented that a lot of work must have gone into it. "Yes, Mr. President" she said, "there are 78,000 stitches in that flag." And then she added, "but it was all worthwhile, because to me every one of these stitches stands for something that is right about America."

The American flag stands for something that is right, something that is good about America. It stands for great cities and towering buildings, for seats of learning and for museums. It stands for social security, medical care for our elderly, and national defense. It stands for places of worship and for a blend of people that represent nationalities from all over the world. It is a symbol of a courageous and resourceful people, and it boasts a form of government that has never been surpassed in its excellence.

Throughout this great land today many will take part in Flag Day services, and these people are, in effect, the backbone of America. They are strong and they are level-headed, far beyond the influence of rabble-rousers. They realize that there can be no effective government from the streets—that there can be no stability without self-discipline—that there can be no enlightened tomorrows if we destroy our institutions of learning today—and that there can be no progress unless ideas and privileges are given an opportunity to surface, remembering also that every privilege has a corresponding responsibility.

America has never promised her citizens prosperity without work, reward without effort, strength without struggle, or security without sacrifice.

On this Flag Day, we must remember what is right about America—this is our heritage.

When I see the American flag during military ceremonies, or when it is displayed in our cities and streets and on our buildings, I see football teams lined up for the kickoff; I see America's huge industrial might turning out the best in manufactured goods, the best goods any nation ever had; I see mothers playing with their children in the park, and college students walking across campus.

But too, I also see proud marines raising the flag on Iwo Jima and the flag-draped caskets of Presidents Eisenhower and John F. Kennedy and the all too many other caskets coming home from Vietnam.

Essentially the flag is a solemn mystery for the dead are symbolized in it as well as the living. We are made obscurely aware of that mystery when the American flag is slowly lowered at dusk. Why is it that it is lowered slowly in the evening, and raised briskly at dawn? It may be because it is lowered reluctantly—it is as though the flag were in love with the freedom of daylight and hates the darkness to fall. It is as though the flag were a living thing and breathing thing, free as the air, and very mortal. Sadly it comes down at nightfall, triumphantly it rises at dawn.

Mr. Speaker, perhaps, above all, the American flag represents all of the many freedoms we as Americans enjoy every day. Freedom—no word was ever spoken that has held out greater hope, demanded greater sacrifice, needed more to be nurtured, blessed more the giver, damned more its destroyer, or comes closer to being God's will on earth. May Americans ever be its protector.

Let us then, in honoring the American flag on this Flag Day 1971, give both our hearts and allegiance to the Republic for which our beloved flag stands, and pledge our undying devotion to that one Nation, under God, indivisible, with liberty and justice for all.

May we stand together and conclude the program by singing together *God Bless America*.

The Members and guests rose and sang *God Bless America*, accompanied by the U.S. Army Band (Pershing's Own) and the U.S. Army Chorus.

The Colors were retired from the Chamber, the U.S. Army Band (Pershing's Own) playing *It's a Grand Old Flag*.

The U.S. Army Band (Pershing's Own) and the U.S. Army Chorus retired from the Chamber.

The honored guests retired from the Chamber.

At 12 o'clock and 32 minutes p.m., the

proceedings in honor of the United States Flag were concluded.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 1 o'clock and 30 minutes p.m.

FLAG DAY

Mr. BARING. Mr. Speaker, this day we designate as Flag Day in the United States is the opportunity for every American citizen to pause in his daily work or his leisure time to note his good fortune in being an American and to make plans to improve on his existence, the life of those around him, and the strength of his country.

The American flag has bested all elements of attack in the past and I personally have the confidence that the American flag will continue to fly with dignity and America's people remain strong despite what appears to be difficult days ahead. The past crises this Nation and our people have experienced profess America's ability to perform under any duress at home or under any onslaught from abroad.

Yes, Mr. Speaker, America's track record has been good. However, increasing pressure from within this Nation makes the pathway ahead more difficult than ever before in the country's history. Forces from the outside also are pulling at the country's status as a world leader and as a free united nation.

Much of America's future greatness depends on the functions of this U.S. Congress and the fact that millions of American youths may soon have the right to vote in all elections. The youth must properly exercise that right when the time comes. Equally important is the fact that today's youth will be leading this Nation tomorrow.

American youth is a major key, I believe, to the survival of this Nation's flag which is the symbolism of the life of freedom and liberty. Congress must remain attentive to the youth of America as it does to the generation of parents of today's youth.

Mr. Speaker, youth in turn must share in this responsibility to keep the best interests of the United States in its bosom and not allow immoral or subversive forces to wreak havoc within its ranks.

I believe the majority of American youth today cherish the freedom and liberty of this Nation which has been the tradition established by their parents, grandparents, and our forefathers.

Mr. Speaker, it is our job as U.S. Congressmen to safeguard this tradition for American youth so that they may in turn be properly equipped to safeguard America for their children and grandchildren.

While the U.S. Congress is trying to extricate this country out of a morass of difficult problems, the Congress must also continue to support those traditions which help instill pride in America into the hearts of all of our people, especially our youth and younger children.

One of those traditions is this ceremony in the House today—Flag Day. Flag Day should exemplify every day in America's life as each of us strives to keep our country safe and strong.

Mr. PEPPER. Mr. Speaker, I am very pleased to join in this special order in behalf of Flag Day.

The flag is the most visible symbol of the great land we all love. The honor we pay to it is homage to the great ideals and the great traditions of the United States of America and of the people who have lived and died for freedom, equality, opportunity, and human dignity.

My affection for my country makes it very gratifying to be a cosponsor of H.R. 5998, which with other resolutions introduced by our distinguished colleague, Mr. SAYLOR, would designate the second Monday in June as a national holiday known as Flag Day.

I am conscious that this will rarely coincide, as it does fortuitously today, with the actual date of the adoption by the Third Continental Congress of the Stars and Stripes as our national banner. It seems to me, however, to be less important that we adopt the actual date than that we observe once each year the anniversary of that historic event of 1777.

There has been much dispute in recent years over the treatment the American flag has received from extremists of the left and the right. I personally deplore these abuses of our national symbol, whatever the motives which prompt activists to use the flag for momentary propaganda purposes. I have lived too long in the enjoyment of the bounty, material and spiritual, of the land that flourishes under that flag to feel that there is ever a legitimate reason to degrade its noble status.

I recall the statement of Woodrow Wilson:

> The flag is the embodiment, not of sentiment, but of history.

I have awe and deep respect for the remarkable history of this great land of the free and the brave.

Mr. ANDERSON of California. Mr. Speaker, our flag is our national symbol. It symbolizes all that for which we stand; it symbolizes the hopes, dreams, and sacrifices of those who established this Nation and those who have fought and died to preserve it.

As our national symbol, we are proud to honor it in many ways. Soldiers salute "Old Glory"; citizens proudly display it; our Nation drapes its star-spangled flag to commemorate those who died for it. There are rules on how to display it, and respectful chords that accompany its hoisting and lowering.

How we revere the Stars and Stripes reflects our attitude toward our country. If we love our country, we show our love by promoting the ideals under which our country was founded. If we love our country, we respect its symbols.

To most Americans, no other man-made object gives the patriotic thrill and excitement as our flag. Today, we are witnessing the brilliant pageantry of the posting of the colors and are hearing speeches honoring our Nation's flag. While we are mindful today of some who malign and overtly disrespect the great symbol of our Nation, we recall that the same flag is the symbol of Flanders Field, Bataan, Iwo Jima, and Normandy Beach.

Under the Stars and Stripes, a nation has been born, suffered its adolescence and matured to become the last best hope of humanity. While we continue to seek an improvement of conditions in many needy areas of public concern, the flag reminds us of the successes of the past and gives us the hope that our problems can and will be overcome.

What makes us love our flag, our country? Surely, other men of other nations love and admire their own flag as much. Some would say it is our freedom; others would say it is right to pursue happiness; still others would say that it is our form of government that brings forth a love of country.

Mr. Speaker, I feel that it is all of these qualities that makes us proud to be Americans—proud to feel that we have established an idea that is unique and superior to any other.

Thomas Jefferson and our Founding Fathers expressed it better than I:

> We hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the pursuit of happiness.

Through the symbol of the flag, we honor today the idea of America. As we view "Old Glory," we are mindful of its meaning for the past, and are hopeful for the furtherance of this idea of America for the future.

Mr. CARNEY. Mr. Speaker, nothing is more important in the world, to my way of thinking, than realistic idealism. It is the driving force behind every democratic and humanitarian movement known to man. It is the well-spring of energy from which all positive social, ethical, moral, and political reforms arise, and the basis of every forward-looking society in the world. In truth, it is the very backbone of civilization.

By realistic idealism, I refer to the formulation and adoption of programs by intelligent citizens interested in progress along sound, constructive lines; that is to say, in programs based on ethical and workable principles. It is that cause which we honor in the celebration of Flag Day, and all obeisances to our flag are merely reflections of the honor we feel at being part of the American Nation.

President Wilson once observed that:

> The things that the flag stands for were created by the people. Everything it stands for was written by their lives. The flag is the embodiment, not of sentiment, but of history. It represents the experiences made by men and women, the experiences of those who do and live under the flag.

Actually, I believe this can be said of the general view of all Americans, and, if so, it is highly complimentary to the flag for the exploits and achievements of our people are great in number and

quality, and in their profound effect upon the progress of mankind.

Ours is a land of human beings and, as such, cannot stand faultless in the eyes of history. Yet, does any other nation come so close as ours in the pursuit of faultlessness? I think not. Ours also is a land of wealth, which we have not been above squandering on occasion. Yet, with a capacity for recognizing mistakes and correcting them, we have managed to develop methods of conserving our resources, which now stand as a model for the rest of the world. Ours is a land of unrivaled productive imagination, responsible for the development of much that the world is pleased to call present-day technology.

All this has earned great honor for the American flag and every iota of that honor is clearly traceable to our intense national interest in the cause of realistic idealism, the fount of all our inspiration.

The American flag is a proud banner, known throughout the world as representative of courage, and truth, and honor, and, above all, the attainable ideals of a free people.

Mr. BURKE of Florida. Mr. Speaker, there are many things that represent the spirit and fiber of America, but there is none which we are more proud of, or which is so dear to us than the American flag, which we honor on this, its special day, Flag Day.

The tradition of Flag Day goes back to 1889 when the principal of a kindergarten in New York City decided to hold patriotic exercises on June 14. In the early 1890's Elizabeth Duane Gillespie, president of the Colonial Dames of Pennsylvania, who was descendant of Benjamin Franklin, proposed that June 14 be known thereafter as Flag Day and that the flag be displayed on this day on residences, business places and public buildings.

This custom has been carried on ever since and today, in light of current attacks on our military, our patriotism and our Nation itself, it is even more significant that we show more than special honor to this day.

All of us should take note of this significant occasion and contemplate what our flag represents to us. Although times change, our respect for our flag should not. Former President Woodrow Wilson once said of Flag Day:

> We meet to celebrate Flag Day because this flag which we honor and under which we serve is the emblem of our unity, our power, our thought and purpose as a nation. It has no other character than that which we give it from generation to generation. The choice is ours.

To be sure, it is up to us to determine what connotations we wish to give to our flag. We, who live in this greatest of all nations; we, who are blessed with more freedoms and liberties than any people have ever enjoyed, have so many reasons to raise our head with pride when this standard which signifies so much is raised. Our flag truly deserves our utmost respect and dignity, even though there are some despoilers who would ridicule such feeling.

We have gone through difficult and trying times before, and certainly in the past decade. Yet, despite the turmoil and tragedies, our way of life has been good to us. Our Nation's individual accomplishments and our achievements far outnumber our failures. The happy days of our people far outnumber the bleak. And although we still must face our problems and find ways to solve the dilemmas of the poor, the underprivileged, the sick, and the disabled, we can find hope in the knowledge that we have the tools and the know-how to accomplish these goals.

Yes; we as a united people have a better chance to conquer these problems, which have forever plagued the world, than any other nation in the world. We the people, living in one country under one God, is what the American flag is all about—that and the freedoms we enjoy are what set us apart from other nations and make the United States of America great. Let us all take this opportunity today then to ask God's blessing on our Nation and pay to the flag the respect as the symbol of a free country it deserves.

Mr. HOGAN. Mr. Speaker, 194 years ago today, on June 14, 1777, the Constitutional Congress resolved:

> That the flag of the thirteen United States be thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field, representing a new constellation.

Today, Flag Day, 1971, is a time for reflection—for remembering the history of our flag and the principles which it represents.

The flag is, of course, only a symbol. It is up to us to provide it with a national character to pass from one generation to another. In these troubled times, it may be considered old fashioned to be a flag waver. But if we would merely pause and think of the lives that have been given to support the ideals for which the flag stands—of the men and women who have gone before us and have invested their energy and effort to improve this country—then our spirit of patriotism might be rekindled.

Recently, I called to the attention of my colleagues the example of two students from the University of Maryland—David Simpson and Charles Blocher—who defended our flag as a group of demonstrators, during a disturbance at the school, tried to lower it in order that they might fly the flag upside down.

These courageous young men did not flinch from standing up for what they believe. Old fashioned, or not, they saw their flag being desecrated and demonstrated a loyalty which would have made our forefathers proud.

These two men apparently have instilled in them the ideals which should be instilled in all Americans. Apparently they know what our country is all about and what our flag stands for. Too often parents take this country for granted and all that it offers and fail to teach their children that the Pledge of Allegiance is something more than a memorized chant to be dutifully recited.

It is past time to begin looking for the meaning behind the words and the symbol. I strongly urge we begin now—before it is too late.

A constituent of mine, Linda Keys Sheehan, wrote a poem that beautifully fits this occasion. As you read "Ode to the Flag" please consider what it says. It is time for our side to stand up and be counted. We who appreciate this great Nation and the sacrifices of those who came before us, have an obligation to defend and preserve it.

ODE TO THE FLAG

(By Linda Keys Sheehan, 1970)

Our nation's flag is a stirring sight
As it flutters proudly in the breeze.
It's colors of blue, red and white
Means so much to you and me;
Red stands for courage and hardiness
The White means innocence and purity
Blue for justice, perserverence and vigilance
In it's promise to keep us free.

This banner stands for a bountiful land,
It's government, people and ideals,
The stripes for the thirteen colonies stand
It's symbolism is very real.
Each state now is represented
By a star of white on blue.
President Washington first presented
The American Flag to you.

Many brave men have fought and died
To protect it from dishonor and disgrace.
Wives have mourned and mothers have cried
So we could remain . . . The United States.
The sight of this manner brings feeling of joy
Of courage, pride and freedom to all.
A symbol of our nation in all it's glory
On the moon Old Glory stands tall.

Mr. HAGAN. Mr. Speaker, Flag Day, 1971, is a time for reaffirming our belief in the ideals and aspirations we share as citizens of the United States of America. With this day upon us, I feel we should take the time to reaffirm our allegiance and our love for this great land and its multitude of opportunities and benefits.

There is no doubt but in these troubled times that this is the day and this is the time for patriotism. It is the time we should all remember and pay tribute to the wonderful privileges of our citizenship and our democratic form of government. We should all stand up to the challenges and problems confronting our Nation and with our uniform strength we will endure, prosper, and triumph over all adversities and strife.

Our Stars and Stripes is a mighty emblem and represents a people and ideals worthy of its spirited and great heritage. Our flag represents a fine people; it is a flag many Americans have loved and died for; it is a flag that shall always denote our devotion, our loyal spirit, and our determination. Because of the history and inspiration of our flag, and the great and beloved country for which it stands, I have cosponsored a bill, H.R. 5997, to make Flag Day a legal public holiday. It is earnestly hoped that this bill will be enacted into law so that we can all pay the proper respect to the flag.

Flag Day, 1971, will be remembered and revered, for it is believed that it will stand out in the 20th century as a time of renewed respect, love, and dedication to our beloved America.

PRINTING OF PROCEEDINGS HAD DURING THE RECESS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks today on the Flag Day ceremony immediately after the expiration of the recess.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

SNOW JOB ON COAL MINERS

(Mr. HECHLER of West Virginia. Mr. Speaker, the Bureau of Mines is secretly planning to spend between a quarter and a half million dollars on a Madison Avenue propaganda drive to try and convince coal miners that they are the major cause of accidents in the mines.

I am shocked by this proposal, which is cruel, heartless, arrogant, and stupid, in that order.

The proposal comes on the heels of an official report by the General Accounting Office which pinpoints and documents the clear responsibility of the mine operators for the hazardous conditions in the mines, and the failure of the Bureau of Mines to enforce the Federal Coal Mine Health and Safety Act of 1969.

I hope that this proposed contract for spending between a quarter and a half million dollars solely for the purpose of public relations will be suspended by the Bureau of Mines, and I hope that they get on with the job of enforcing the Coal Mine Health and Safety Act instead of attempting a half a million dollar snow job on the coal miners. Later in the day, during a special order, I shall detail additional background of this fantastic proposal.

THE PRESIDENT'S POLICY IN REGARD TO THE PEOPLE'S REPUBLIC OF CHINA

(Mr. GIBBONS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I take this opportunity to commend the President of the United States for his enlightened policy in regard to the People's Republic of China. It seems to me that it makes good sense to open up trade relations with that country from whom we have isolated ourselves for so long.

I want to also commend the President for his enlightened policy in removing the restrictions that required the use of American ships on the shipment of our goods to foreign countries, particularly to the bloc countries. This restrictive policy has not worked. It has prevented the sale of our surplus agricultural products, and it has not helped our shipping industry either. It is time for us to abandon that policy also. I applaud the President for what he has done in both of these matters.

THE DEARNESS OF FREEDOM

(Mr. FLOWERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLOWERS. Mr. Speaker, 7 years and 80 days have elapsed since the first American became a captive of the Communist government of North Vietnam. Over 200 years ago, a great American writer of the Revolutionary period, Thomas Paine, wrote these words:

'Tis dearness only that gives everything its value. Heaven knows how to put a proper price upon its goods; and it would be strange indeed, if so celestial an article as freedom should not be highly rated.

Today is Flag Day, and across this land we are engaged in a celebration of that freedom, in a living testament to the value which our society accords that most precious concept. But elsewhere in this world, Americans are held captive by a government which has demonstrated beyond reasonable question its contempt for personal liberty. This Nation—under administrations from both political parties—has offered time and again to exchange prisoners, to grant freedom to their men in return for the freedom of ours. Beyond Government activities, offers from private groups and private citizens have been made endlessly to the Hanoi regime. These offers have thus far been met with stony silence.

As we celebrate our great national symbol this day, let freedom-loving people of the world know once again of our commitment to the ideal of liberty, and of our unyielding determination to secure its blessings for American prisoners of war. Perhaps it is not too much to hope that the tide of world opinion will require the leaders of a nation shrouded in totalitarianism to rise to basic principles of civilization.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District of Columbia day. The Chair recognizes the gentleman from South Carolina (Mr. MCMILLAN).

AMENDMENTS TO THE HEALING ARTS PRACTICE ACT

Mr. McMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 8589) to amend the Healing Arts Practice Act, District of Columbia, 1928, to revise the composition of the Commission on Licensure To Practice the Healing Art, and for other purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

H.R. 8589

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Section 4 of the Healing Arts Practice Act, District of Columbia, 1928 (D.C. Code, sec. 2–103), is amended to read as follows:

"SEC. 4. (a) (1) There is established a commission to be known as the Commission on Licensure To Practice the Healing Art (hereafter in this Act referred to as the 'Commission'). The Commission shall be composed of eleven members. The Commissioner of the District of Columbia shall appoint nine members of the Commission as follows:

"(A) Three members shall be appointed from a panel of six physicians licensed under this Act who are in private practice in the District of Columbia and who are nominated by the Medical Society of the District of Columbia.

"(B) One member shall be appointed from a panel of two physicians licensed under this Act who are nominated by the dean of the Georgetown School.

"(C) One member shall be appointed from a panel of two physicians licensed under this Act who are nominated by the dean of the George Washington University Medical School.

"(D) One member shall be appointed from a panel of two physicians licensed under this Act who are nominated by the dean of the Howard University Medical School.

"(E) One member shall be appointed from a panel of two osteopathic physicians licensed under this Act who are nominated by the Association of Osteopathic Physicians of the District of Columbia, Incorporated.

"(F) Two members shall be appointed from persons who are not physicians and who represent the community at large.

"(2) The Corporation Counsel of the District of Columbia (or his delegate) and the Director of Public Health of the District of Columbia (or his delegate) shall be ex officio members of the Commission.

"(3) A vacancy in the Commission shall be filled in the same manner as the original appointment was made.

"(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, members of the Commission (appointed under paragraph (1) of subsection (a)) shall be appointed for terms of three years.

"(2) Of the members first appointed to the Commission under such paragraph (1)—

"(A) three members shall be appointed for terms of one year,

"(B) three members shall be appointed for terms of two years, and

"(C) three members shall be appointed for terms of three years,

as designated by the Commissioner of the District of Columbia at the time of appointment.

"(3) Any member of the Commission appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member of the Commission may serve after the expiration of his term until his successor has taken office.

"(c) The Commission shall elect a President and a Vice President from among its members. The Director of Public Health of the District of Columbia (or his delegate) shall be the Secretary of the Commission.

"(d) The Commission shall make, and may alter, such rules as it deems necessary to conduct its business. The Commission shall adopt a common seal and from time to time may alter it. The courts shall take judicial notice of the seal."

(b) The Commissioner of the District of Columbia shall appoint the first nine members of the Commission on Licensure To Practice the Healing Art, established by section 4 of the Healing Arts Practice Act, District of Columbia, 1928 (as amended by this Act), not later than ninety days after the date of the enactment of this Act.

SEC. 2. (a) The Healing Arts Practice Act, District of Columbia, 1928, is amended by redesignating section 25(a) (D.C. Code, sec. 2–122a) as section 25A and by adding after that section the following new section:

"SEC. 25B. (a) The Commission may issue, without examination, temporary licenses to persons holding the degree of doctor of medicine or doctor of osteopathy who wish to pursue or participate in residency or fellowship training programs in the District of Columbia. An applicant for a temporary license shall furnish to the Commission satisfactory proof that—

"(1) he is at least twenty-one years of age and is of good moral character;

"(2) he is a graduate of a medical school or an osteopathic school registered under section 5(a) of this Act or is otherwise qualified after examination by the Educational Council for Foreign Medical Graduates;

"(3) he has been accepted or appointed for residency or fellowship in an accredited program;

"(4) he will limit his practice and training to the confines of the hospital or other facilities within such accredited program; and

"(5) he will practice only under the supervison of the attending medical staff of such hospitals, facilities, or affiliated institutions within such accredited program.

Each applicant for a license under this section must be nominated by the institution in which he is serving as a resident or fellow. An institution which nominates an applicant for a license under this section shall notify the Commission of the beginning and ending dates of the period for which such applicant has been accepted or appointed.

"(b) A license issued under this section shall be valid for a period not to exceed one year. Such a license may be renewed upon application for a period not to exceed one year. A license issued under this section may not be renewed for periods aggregating more than four years.

"(c) The holder of a license under this section may sign birth and death certificates, prescriptions for narcotics, barbiturates, and other drugs, and other legal documents in compliance with existing laws, if the execution of such documents involves duties prescribed by or incident to his residency or fellowship program.

"(d) Within sixty days after appointment of any intern to any hospital or institution in the District of Columbia, such hospital or institution shall file with the Commission the name of each such intern and shall furnish such other information concerning such intern as the Commission may require."

(b) Sections 6 and 23 of such Act (D.C. Code, secs. 2–104, 2–119) are each amended by striking out "section 25 (a)" and inserting in lieu thereof "section 25A".

SEC. 3. (a) Section 25 of the Healing Arts Practice Act, District of Columbia, 1928 (D.C. Code, sec. 2–121), is amended—

(1) by striking out in the first sentence "An applicant who desires to obtain a license without examination" and inserting in lieu thereof "An applicant who desires to obtain a license by endorsement and without examination"; and

(2) by striking out the third and fourth sentences and inserting in lieu thereof "The Commission may issue a license by endorsement to an applicant under this section if it determines he has met the requirements of this section. A license issued to an applicant under this section shall correspond in scope as nearly as practicable to the license held by the applicant which is the basis for the issuance of a license under this section. No person may be licensed under this section who has been examined under authority of the Commission and who has failed."

(b) Sections 6, 11, and 23 of such Act (D.C. Code, secs. 2–104, 2–108, 2–119) are each amended by striking out "reciprocity" each place it appears in those sections and inserting in lieu thereof "endorsement".

SEC. 4. (a)(1) The first sentence of section 25A of the Healing Arts Practice Act, District of Columbia, 1928 (D.C. Code, sec. 2–122a) (as so redesignated by section 2 of this Act), is amended by striking out ": *Provided*, That the examination given by the national examining board" and inserting in lieu thereof the following: "or to anyone who has successfully completed the examination administered by the Federation of State Medical Boards of the United States if the Commission determines that the examination given by the national examining board or by such federation, as the case may be,".

(2) The proviso in the last sentence of such section 25A is amended by inserting "or on the basis of successful completion of the examination administered by the Federation of State Medical Boards of the United States" immediately after "national examining board".

(b)(1) The second sentence of the first paragraph of section 6 of such Act (D.C. Code, sec. 2–104) is amended by inserting "or by virtue of successful completion of the examination administered by the Federation of State Medical Boards of the United States as provided in such section," after "section 25A of this Act,".

(2) The sixth sentence of section 11 of such Act (D.C. Code, sec. 2–108) is amended by inserting "or by virtue of successful completion of the examination administered by the Federation of State Medical Boards of the United States," after "national examining board,".

(3) Clause (4) of the third sentence of section 23 of such Act (D.C. Code, sec. 2–119) is amended by inserting "or by virtue of successful completion of the examination administered by the Federation of State Medical Boards of the United States" after "national examining board".

(4) The fourth sentence of such section 23 is amended by inserting "or on the basis of successful completion of the examination administered by the Federation of State Medical Boards of the United States" immediately after "national examining board".

SEC. 5. (a) Section 50 of the Healing Arts Practice Act, District of Columbia, 1928 (D.C. Code, sec. 2–141), is repealed.

(b) The amendments made by this Act shall not be construed as affecting any provision of Reorganization Plan Numbered 3 of 1967, except that the Commissioner of the District of Columbia and the District of Columbia Council shall exercise their respective functions under the Healing Arts Practice Act, District of Columbia, 1928, through the Commission on Licensure To Practice the Healing Art established by section 4 of such Act (as amended by this Act).

(c) The members of the Commission on Licensure To Practice the Healing Art in office on the date of the enactment of this Act shall continue in office until at least four members have been appointed to that Commission under section 4(a)(1) of the Healing Arts Practice Act, District of Columbia, 1928 (as amended by this Act).

With the following committee amendment:

Page 7, strike out lines 10 through 13, inclusive, and insert in lieu thereof "the issuance of a license under this section."

The committee amendment was agreed to.

Mr. McMILLAN. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, the purpose of H.R. 8589, as set forth in the committee report (H. Rept. No. 92–262), is to amend the District of Columbia Healing Arts Practice Act in three respects, as follows:

First. Revise the makeup of the Commission on Licensure, increasing the number of members from five to 11 and assuring a broad representation of the medical profession and other areas of the community's professional skills;

Second. Provide for temporary licensure of physicians and osteopaths who are engaged in residency and fellowship training programs in the District of Columbia; and

Third. Broaden the use of endorsement as a method of licensure, by eliminating the application of reciprocity as a barrier to the admission of competent physicians to practice in the District of Columbia.

PROVISIONS OF THE BILL

1. COMMISSION ON LICENSURE

Section 4 of District of Columbia Healing Arts Practice Act of 1928 (D.C. Code, sec. 2–103; 45 Stat. 1327) presently provides for a five-member Commission on Licensure to Practice the Healing Art in the District of Columbia, consisting of the Commissioner of the District of Columbia, the U.S. Commissioner of Education, the U.S. Attorney for the District of Columbia, the Superintendent of Public Schools of the District of Columbia, and the Director of Public Health of the District of Columbia. This Commission is responsible for the licensing of physicians, osteopaths, and others who practice the healing art in the District of Columbia. They are aided in this function by an examining board, whose duty is to examine the applicants for such licensure as provided by law, and to report their findings with respect to the candidates' qualifications to the Commission.

It will be noted that this Commission, as presently constituted, includes only one physician in its membership. Also, the lay members of the Commission are all officials with a heavy burden of time-consuming duties and responsibilities in other areas, for which reason they cannot be expected to take any great interest in the operation of this Commission on Licensure or to have any particular training or expertise in its vitally important work.

Section 1 of the bill, H.R. 8589, will provide for an 11-member Commission on Licensure to Practice the Healing Art. Nine of these members shall be appointed by the Commissioner of the District of Columbia, as follows:

Three members from among six physicians in private practice in the District, and who are nominated by the Medical Society of the District of Columbia.

Four members, consisting of one physician from each panel of two nominated by the deans of the three local medical schools and by the Association of Osteopathic Physicians of the District of Columbia, Inc.

Two members who are not physicians, and who represent the community at large.

The remaining two members of the Commission will be the District of Columbia Corporation Counsel or his delegate, and the Director of Public Health of the District of Columbia or his delegate, both ex officio.

With respect to the nominations referred to above, on the part of the Medical Society of the District of Columbia, the deans of the three local schools of medicine, and the Association of Osteopathic Physicians of the District of Columbia, from among whom the Commissioner of the District of Columbia will appoint 7 members of the Commission on Licensure, it is the intent of this committee that in the event the District of Columbia Commissioner does not find in any such slate any nominee whom he believes to be capable of serving appropriately on such Commission on Licensure, he may request and receive new nominations from that source for his further consideration.

The nine members appointed by the District of Columbia Commissioners shall serve 3-year terms. However, the terms of the original appointees will be staggered so as to provide a continuity of membership.

It is obvious that the membership of this newly created Commission, which will include seven physicians representing a broad spectrum of the city's medical community, as well as a representative of the District of Columbia's Health Services Administration as a legal representative from the District of Columbia Corporation Counsel's office, will assure a high degree of professional interest and competence. Further, the two lay members will presumably be selected for their demonstrated special interest in the city's health problems, and their presence on the Commission will provide added balance in the public interest. For these reasons, it is the opinion of your committee that such a body will constitute a far more effective agency for the licensing of medical and osteopathic physicians in the District of Columbia than can the Commission as presently constituted.

The concept that the Commission on Licensure should include physicians from the medical community appears sound, in view of the fact that your committee is advised that there are presently 26 State licensing boards in this country which are composed entirely of physicians. Further, all other States have such boards composed of a minimum of three physicians and ranging to a maximum of 11 physicians.

Our committee believes also that the system of nominations for membership, from which the District of Columbia Commissioner will select the medical appointees to the Commission, will be invaluable to the Commissioner by assuring the high caliber of his appointees and their proper distribution among the various segments of the medical community.

2. TEMPORARY LICENSURE FOR RESIDENTS AND FELLOWS

Section 2 of the bill authorizes the Commission to issue, without examination, temporary licenses to persons holding the degree of doctor of medicine or doctor of osteopathy who wish to participate in residency or fellowship training programs in the District of Columbia. These temporary licenses shall be valid for 1 year, and renewable for additional 1-year periods not exceeding a total of 4 additional years.

These residents and fellows will have completed their internship, and hence will be advanced trainees in the medical profession. However, they will be limited in their practice and training under this temporary license to the confines of the hospitals or other medical facilities in which they are employed, and will be permitted to practice only under the supervision of the attending medical staffs of these institutions. Thus, they will not be licensed to engage in the general practice of medicine.

The purpose of the temporary license is to enable these residents and fellows, in the course of their service as trainees, to sign birth and death certificates, prescriptions for narcotics, barbiturates, and other drugs, and other documents, all of which functions require medical licensure in the District of Columbia. This authority will, of course, greatly enhance the contribution of these residents and fellows to the institutions and to the attending medical staffs under whose supervision they will serve.

Our committee is informed that 37 States now require residents serving in hospitals to be licensed or registered, and seven of these require full licensure to practice medicine. It is the committee's opinion that the temporary license for limited practice, as provided in H.R. 8589, is desirable and appropriate for the District of Columbia.

The bill does not provide for the licensing of interns in the city's medical institutions, but it does require that the names of such interns be filed with the Commission.

3. WIDER USE OF LICENSURE BY ENDORSEMENT

Section 25 of the District of Columbia Healing Arts Practice Act (D.C. Code, sec. 2–121; 45 Stat. 1335) presently provides for licensing by endorsement, without examination, of physicians or osteopaths who are licensed in other jurisdictions of the United States or in foreign countries, and who possess the qualifications required for licensure in the District of Columbia—provided, however, that the State in which the candidate is licensed maintains a policy of reciprocity with the District with respect to such licensure by endorsement. This limitation does not apply in the case of physicians licensed in foreign countries.

At this time, all State and territorial medical licensing boards do have such a reciprocal relationship with the District of Columbia, except for Florida, Hawaii, and the Virgin Islands. Hence, under existing law, a physician or an osteopath licensed in these jurisdictions and who wishes to practice in the District may obtain a license to do so only by taking the written examination, even though he may have been out of school for some years. All such applicants have previously been required to pass such examinations, of course.

Section 3 of the bill, H.R. 8589, removes this unrealistic barrier to the licensing, by endorsement and without examination, of applicants who meet all the requirements for a license to practice the healing art in the District of Columbia, with no limitation as to reciprocity between the District and other jurisdictions.

PREVIOUS LEGISLATION

Public Law 115 of the 90th Congress, approved October 24, 1967 (81 Stat. 336; D.C. Code, sec. 2–133), waived the requirement of licensure to practice the healing art in the District of Columbia in the case of physicians or osteopaths practicing entirely within the confines of hospital or other medical facilities under the jurisdiction of the District of Columbia Department of Public Health. This proposed legislation, H.R. 8589, will not affect that provision of law in any way.

This bill, H.R. 8589, is identical to H.R. 13837 of the 91st Congress, which was approved by the House on October 27, 1970.

COMMITTEE AMENDMENT

The amendment to H.R. 8589, as reported by your committee, deletes a provision in the bill which would prevent a physician licensed in another jurisdiction from being licensed in the District of Columbia, by endorsement and without examination, if he had previously taken the written examination for licensure in the District and failed such examination. It is the opinion of the committee that this provision which exists in present law, probably was written into the District of Columbia Code some years ago, when there may have been substantial differences in the written examinations for medical licensing in various jurisdictions. At present, however, such licenses are granted throughout the country on the basis of standardized written examinations, such as that prepared by the National Board of Medical Examiners or its equivalent. Thus, there appears no valid reason to continue this discrimination against an applicant who after once having failed such an exami-

nation in the District of Columbia, succeeded later in passing the same examination or at least one of the same scope and difficulty, and thus qualified for licensure in some other jurisdiction. For this reason, this provision was stricken from the bill.

SUPPORT FOR THE BILL

At a public hearing conducted on May 24, 1971, spokesmen for the Medical Society of the District of Columbia expressed that group's unqualified endorsement of H.R. 8589 as reported by our committee. The bill is endorsed also by the respective deans of Howard University College of Medicine, Georgetown University School of Medicine, and George Washington University School of Medicine, and by the Association of Osteopathic Physicians of the District of Columbia, Inc.

CONCLUSION

It is the opinion of this committee that the amendments to the District of Columbia Healing Arts Practice Act contained in H.R. 8589 will provide for a more realistic, effective, and desirable administration of that act, and that the enactment of this proposed legislation is therefore in the public interest.

Mr. BROYHILL of Virginia. Mr. Speaker, I wish to commend to my colleagues for their favorable action the bill H.R. 8589, of which I am pleased to be the principal sponsor.

This bill will amend the District of Columbia Healing Arts Practice Act in the following three major respects.

First, the bill will establish new requirements for the appointment of a Commission on Licensure To Practice the Healing Art. This provision will increase the number of members of this Commission from five to 11, and also will provide for the first time a broad representation of the healing arts profession on this Commission, as well as other areas of professional skill and interest in the city.

Second, the measure will provide for temporary licensing, without examination but with adherence to certain requirements, of doctors of medicine or osteopathy who seek to participate in residency or fellowship training programs in medical institutions in the District of Columbia.

Third, this bill will establish broader and more realistic criteria for licensing in the District of Columbia, by endorsement and without examination, of applicant physicians or osteopaths who are licensed in other jurisdictions or who have successfully passed standard examinations for such licensure, and who meet all the requirements for licensing as specified in the District of Columbia Healing Arts Practice Act.

Under existing law, the Commission on Licensure to Practice the Healing Art in the District of Columbia has only one physician in its membership, namely the District of Columbia Director of Public Health. The other members are the Commissioner of the District of Columbia, the U.S. Commissioner of Education, the District of Columbia Superintendent of Schools, and the U.S. Attorney for the District of Columbia. It is obvious that the nonmedical members of this Commission as presently constituted can have little interest in its operation, and also that because of their heavy burden of other duties and responsibilities they can have little or no time to devote to the work of this Commission.

By contrast, the proposed new Commission on Licensure will include three physicians in private practice in the District of Columbia, three physicians representing each of the three local schools of medicine, one osteopathic physician in practice in the District, and a representative of the District of Columbia Director of Public Health. In addition, there will be two nonmedical members representing the community at large, whom the Congress will expect to be appointed by reason of their special interest in the health problems of the city, and an attorney from the office of the District of Columbia Corporation Counsel.

Mr. Speaker, there is no question that this new Commission, by virtue of its much greater representation from among the medical profession itself, will provide a much more effective administration of licensure of medical and osteopathic practitioners in the District of Columbia.

The bill, H.R. 8589, will further modernize and update the District of Columbia Healing Arts Practice Act by authorizing the issuance of temporary licenses to physicians and osteopaths who which to participate in residency and fellowship training programs in the various hospitals and other medical institutions in the District. These licenses will be issued for a 1-year period, and will be renewable for as many as three additional 1-year periods, not to exceed 4 years in the aggregate.

These temporary licenses will not permit these physicians to engage in the general practice of medicine. Instead, they will be restricted to practice only in the hospital or other medical institution in which they are training, and only under the supervision of the medical staff of those institutions. The purpose of these temporary licenses is to enable these advanced medical trainees to perform such duties as signing birth and death certificates, prescriptions for narcotics—within the restrictions of the Federal Narcotics Act—barbiturates, and other drugs, as well as other legal documents incident to their training duties. These residents and fellows are thoroughly capable of assuming these responsibilities, and by doing so will not only increase the scope of their own medical experience but also will be of greater service to the hospitals and the medical staffs by whom they are employed. Existing District of Columbia law requires a medical license for the performance of these functions.

I am informed that temporary licensing of residents and fellows in training is now required by 37 medical licensing boards throughout the country, and it is obvious that this is a growing practice which is definitely in the public interest.

The bill does not provide for such temporary licensing of interns, but it does require that interns be registered by name with the Commission.

The final major provision of H.R. 8589 will remove an impediment existing in present law, with respect to the licensing in the District of Columbia of a physician or an osteopath who is licensed in another jurisdiction, and who meets all the requirements for licensure prescribed in the District of Columbia Healing Arts Practice Act, by endorsement and without examination. At present, this licensure by endorsement is restricted to those applicants who can submit proof that the licensing agency of the jurisdiction where they are licensed grants, without examination, to physicians licensed in the District of Columbia, license to practice in their jurisdictions. In other words, such licensure is granted to physicians only from jurisdictions which maintain a policy of reciprocity with the District of Columbia in this respect.

At the present time, all jurisdictions within the United States do maintain such a reciprocal relationship with the District of Columbia, with the exception of Florida, Hawaii, and the Virgin Islands. Thus, physicians licensed to practice in those States and who wish to practice in the District cannot obtain a license to do so without taking the written examination. Inasmuch as many such applicants have been out of school for many years, and yet have a proven competency in the practice of the healing art, I regard this barrier as ridiculous.

This proposed legislation will correct this situation by abolishing this unrealistic and inequitable impediment to the proper application of the issuance of licenses by endorsement to qualified physicians from other jurisdictions, regardless of reciprocity. There is no reason whatever, in my judgment, to maintain this present ban on such licensure by endorsement for physicians who happen to be licensed in Florida, Hawaii, the Virgin Islands, or anywhere else.

Mr. Speaker, this legislation has the endorsement of the Medical Society of the District of Columbia, the Association of Osteopathic Physicians of the District of Columbia, and all the local schools of medicine. The bill is definitely in the public interest, and I solicit the support of my colleagues in behalf of its enactment.

Mr. GROSS. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Iowa is recognized.

Mr. GROSS. Mr. Speaker, is this expanded Commission of 11 members to be a labor of love or is some compensation to be paid to them?

Mr. McMILLAN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from South Carolina.

Mr. McMILLAN. I understand that the Board will consist of five to 11 members.

Mr. GROSS. Is this to be a labor of love on the part of the Commission, with no compensation, or is compensation to be paid?

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. The District of Columbia Commissioner now has the authority to grant per diem honorariums to members of such a Commission. The bill we now have under consideration makes no change in that respect.

Mr. GROSS. So they can be paid. Have they been paid in the past?

Mr. BROYHILL of Virginia. They have not been paid in the past.

Mr. GROSS. It is contemplated, though, to pay them, is that correct?

Mr. BROYHILL of Virginia. It is possible that payments could be provided, but we have no reason to expect this to be the case.

Mr. GROSS. That subject did not come before the committee as to any change in the present conduct of the Commission with respect to compensation?

Mr. BROYHILL of Virginia. No; it did not.

Mr. GROSS. No change in evidence at this time.

Is this business of the operation of sauna and turkish baths considered to be a healing art, where the massages are performed by women exclusively?

Mr. BROYHILL of Virginia. No. This would not come under the jurisdiction of the Commission on Licenses To Practice the Healing Art.

Mr. GROSS. Would they be under this bill?

Mr. BROYHILL of Virginia. No; they would not. Also, most of the massages to which the gentleman has referred have been performed out in the State of Virginia. This legislation does not affect the Commonwealth of Virginia.

Mr. GROSS. I understand that. But I also understand from reading the newspapers that they do operate a few such joints in the District of Columbia. I do not know whether they call them Tiki-Tiki or what they call them in the District. Anyway, they are not covered under the bill.

Mr. BROYHILL of Virginia. No. This bill will not permit the issuance of licenses in that regard.

Mr. GROSS. I thank the gentleman.

Mr. McMILLAN. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VACATION WORK PERMITS FOR MINORS

Mr. McMILLAN. Mr. Speaker, I call up the bill (H.R. 2592) to amend the act entitled "An act to regulate the employment of minors in the District of Columbia," approved May 29, 1928, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2592

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 12 of the Act entitled "An Act to regulate the employment of minors in the District of Columbia", approved May 29, 1928 (45 Stat. 1002; D.C. Code, sec. 36–212), is amended by striking out "if the age of such minor has been proved according to section 11 of this Act, and such minor has in all other respects, except as to the completion of the eighth grade, fulfilled the requirements for a work permit specified in this Act", and inserting in lieu thereof the following: "upon the written certification of the parent, guardian, or custodian of the minor that such minor is at least fourteen years of age and is physically fit, and without the necessity of being accompanied, at the time of filing an application for such vacation permit, by his parent, guardian, or custodian, or of filing a school record, provided such minor has in all other respects fulfilled the requirements for a work permit specified in this Act: *And provided further,* That the director may subsequently require of a minor the certificate of physical fitness authorized by section 10 (c) of this Act, and may cancel the vacation permit issued to any minor who is found to be physically unqualified for the employment in which he is engaged".

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

That the first sentence of section 12 of the Act entitled "An Act to regulate the employment of minors in the District of Columbia", approved May 29, 1928 (D.C. Code Sec. 36–212), is amended by striking out "if the age" and all that follows down through and including the period at the end of such sentence and inserting in lieu thereof the following: "if the application of such minor for such permit is accompanied by (1) a written certification of the parent, guardian, or custodian of the minor that the minor is at least fourteen years of age and is physically fit, and (2) the statement relating to his employment required by paragraph (a) of section 10 of this Act. Such minor may be required to file the certificate of physical fitness required by paragraph (c) of section 10 of this Act. A permit issued under this section to any minor who is found to be physically unqualified for the employment in which he is engaged may be canceled."

(b) Section 10 of such Act (D.C. Code, sec. 36–210) is amended by striking out "SEC. 10. The officer" and inserting in lieu thereof "SEC. 10. Except as provided in section 12 of this Act, the officer".

The committee amendment was agreed to.

Mr. McMILLAN. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, the purpose of H.R. 2592—as set forth in the committee report, House Report No. 92–261—is to amend the existing District of Columbia law relating to the employment of minors (D.C. Code Sec. 36–212) to facilitate the issuance of work permits.

PRESENT LAW

Under existing District of Columbia law (D.C. Code, 36–212), a minor between the ages of 14 and 16 years who wishes to work during the regular summer vacation period of the District of Columbia public schools, or at any other times when the schools are not in session, must obtain a vacation work permit from the Department of School Attendance and Work Permits of the District of Columbia public school administration. This permit is actually not issued to the minor himself, but is furnished to his prospective employer, who is required to notify the department in writing of its receipt and to return the permit to the department upon the termination of the minor's employment. Hence, this vacation work permit is issued to authorize the employment of the minor in one specific job. This permit system is essential not only for the protection of the minors themselves against exploitation and unsuitable employment, but also as a protection for the employers in connection with the child labor laws and also in obtaining adequate employee insurance.

At present, in order to qualify for such a vacation work permit the minor must—

First, apply in person at the office of the work permit section for such permit, accompanied by his parent, guardian, or custodian.

Second, present a statement signed by his prospective employer of his intent to employ the minor, and setting forth the nature of the occupation, the number of hours per day and the number of days per week the minor will work, and agreeing to notify the permit section of the commencement of the minor on the job and to return the permit to them when the employment is terminated.

Third, present evidence of his age, preferably and whenever possible by the submission of a birth certificate. In cases in which it can substantially be proved that no birth certificate can be obtained, several alternative evidences of age may be submitted in lieu. These include baptismal records, bona fide records of date and place of birth in a family Bible, passports having the age of the child, life insurance policies, and certificates of physical age issued by a District of Columbia school medical inspector and accompanied, if obtainable, by a parent's or guardian's affidavit of age and a record of age given in the register of the school first attended by the minor.

Fourth, present a certificate of physical fitness, signed by a District of Columbia school medical inspector after a thorough physical examination of the minor.

The present law (D.C. Code, sec. 36–202) also prohibits the employment of minors less than 16 years of age before 7 o'clock in the morning and after 7 o'clock in the evening.

PROVISIONS OF THE BILL

H.R. 2592, as amended, simplifies present procedure and would require only the following:

First. Repeal the requirement that the minor be accompanied by his parent, guardian, or custodian when he applies for a work permit.

Second. The minor must submit with his application for a work permit a written certification by his parent, guardian, or custodian that the child is at least 14 years of age and is physically fit. This statement will serve in lieu of the presently required work certificate and certificate of physical fitness. The bill, however, additionally provides that in the event any question arises as to the physical fitness of the child for or during employment, an examination may be required and any permit issued may be cancelled if the child is not found to be physically qualified.

NEED FOR THE LEGISLATION

In recent years, and again this year, the District of Columbia government in cooperation with local employers, has endeavored to provide employment for about 30,000 young people more or less during the summer vacation period. The fact that many thousands of these youths were actually placed in summer employment indicates the desirability and need for simplification of the work permit procedure.

Your committee is of the opinion that the existing law providing for the issuance of vacation work permits in the District of Columbia is badly in need of revision. When this act was approved, 41 years ago, its provisions were unquestionably deemed to be expedient at that time to protect the minors from exploitation in the commercial world. Today, however, this picture has changed considerably. There are many more minors seeking employment, and more opportunities are available to them. Consequently, increased emphasis has been placed in recent years upon making work experience available to minors, and it has become important that everything legally possible be done to facilitate and encourage their employment.

Our committee is informed that in the past several years, with the rapid influx of minor workers into the District of Columbia labor market, in some instances the summer had nearly passed before the youngsters were able to secure the necessary vacation permit to authorize them to begin work. This situation is attributable in general to two provisions in the present law.

First, experience has indicated that the requirement that a child be accompanied by his parent, guardian, or custodian has been a major stumbling block to the minor seeking a permit. This is true because in many instances it has meant that the parent is obliged to take time off from work to accompany the child to the permit office, where he sometimes has been obliged to spend a half day or more while the application was being processed. In these times, when employment of both parents in a family is becoming more and more prevalent, this requirement simply imposes an unreasonable hardship in too many cases, and as a result youngsters have too frequently been thwarted in their desire to obtain the vacation work permit. This proposed legislation will eliminate this requirement.

The second major impediment to the prompt issuance of these permits has been the requirement of a birth certificate or other evidence of age as spelled out in the present law. Your committee is advised that in many instances, particularly in the case of the many youngsters who live in the District of Columbia but were born elsewhere, despite the efforts of the work permit personnel to assist these minors in their efforts to obtain birth certificates, the process has proved time consuming and frustrating. Your committee is of the opinion that the written statement of the parent, certifying that his child is at least 14 years of age, is sufficient and will serve the interests of all persons concerned. In this connection, should it subsequently be found that a child is less than 14 years of age, there is ample authority under existing statutes for the cancellation of the work permit.

Our committee feels also that the elimination of the requirement of a physical examination, before the issuance of a vacation permit, with the provision that such examination may be required when doubt exists as to the child's physical fitness, and the further stipulation that a permit will be revoked whenever a child is found to be physically unqualified for the work in which he is engaged, will eliminate considerable waste of time in the issuance of these permits and thus improve the present law. Again, the parent will certify as to the minor's physical fitness.

CONCLUSIONS

For the reasons indicated above, our committee is of the opinion that the provisions of this bill amending present procedures, requiring the issuance of work permits to minors between the ages of 14 and 16, so as to require that the applicant minor present a written statement as to age and physical fitness signed by his parent or guardian and a written statement from his prospective employer, along with his application to the permit section office, will eliminate time-consuming and frustrating procedures for both children and parents. It will encourage minors to seek gainful employment during the summer vacation.

COMMITTEE HEARINGS

The bill, H.R. 2592, was included with other legislation for testimony and public hearings on May 24 and 25, 1971, by the Subcommittee on Housing and Youth Affairs. This legislation is essentially similar to the bill, H.R. 12671, of the 91st Congress, which was favorably reported and passed by the House and amended in the Senate but not finally enacted by the Congress. That legislation was strongly supported by the District of Columbia government and other local and private groups. As to the present bill, the District of Columbia expressed a preference for broader legislation which included the general provisions of the pending measure. In transmitting the District of Columbia government report on the legislation, however, the committee was advised in the transmittal that "the Commissioner of the District of Columbia endorses in principal the intent and purposes of H.R. 2592." Testimony from the Director of School Attenance and Work Permits of the District of Columbia Public Schools, in testimony before the Committee, indicated the view that modification of existing procedures relating to the employment of minors was highly desirable.

Mr. McMILLAN. Mr. Speaker.

Mr. GROSS. Mr. Speaker, I move to strike the necessary number of words.

Mr. Speaker, I am unable to find in the report any kind of a statement giving recognition to this bill by any of the city officials of the District. Are they for or against this bill? I guess it does not make very much difference, but it is sometimes worth while to know their attitude.

Mr. McMILLAN. The Commissioners requested this legislation.

Mr. GROSS. But there is no statement from the Commissioners; no formal statement, at least?

Mr. McMILLAN. I do not believe it is in the report.

Mr. GROSS. Is this legislation necessary in order for HUD to pay $40 a week this summer to 14-year-olds and others to attend remedial classes in the District public schools in mathematics and reading?

Mr. McMILLAN. I certainly agree with the gentleman's thought in connection with this matter. I should like to state that this bill has no connection with the proposal to children to go to school.

Mr. GROSS. Unless there is a change in the law, how can city officials use a grant made by HUD to pay $40 a week to youngsters, 14-year-olds and 15-year-olds, to go to remedial classes to make up their scholastic deficiencies this summer?

Mr. McMILLAN. I have been trying to get an answer to your question for 2 weeks. I have not found out how they get that permission.

Mr. GROSS. This legislation is not directed to that; is that correct?

Mr. McMILLAN. It has no connection with the schoolchildren proposal.

Mr. GROSS. When the gentleman does find out, if he ever does, will he let me know under what authority they are doing this?

Mr. McMILLAN. Yes. I shall be happy to comply with your request.

Mr. GROSS. I thank the gentleman.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PAYMENT OF MEDICAL EXPENSES FOR POLICE AND FIREMEN RETIRED FOR TOTAL DISABILITY

Mr. McMILLAN. Mr. Speaker, by direction of the Committee on the District

of Columbia, I call up the bill (H.R. 8794) to provide for the payment of the cost of medical, surgical, hospital, or related health care services provided certain retired, disabled officers and members of the metropolitan police force of the District of Columbia, the fire department of the District of Columbia, the U.S. Park Police force, the Executive Protective Service, and the U.S. Secret Service, and for other purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

H.R. 8794

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to the provisions of subsection (b), the District of Columbia shall pay the reasonable costs of medical, surgical, hospital, or other related health care services of any officer or member of the Metropolitan Police force of the District of Columbia, the Fire Department of the District of Columbia, the United States Park Police force, the Executive Protective Service, or the United States Secret Service who—

(1) retires after the date of enactment of this Act under subsection (g) of the Policemen and Firemen's Retirement and Disability Act (D.C. Code, sec. 4–527 (g)) (relating to retirement for disability); and

(2) at the time of such retirement, has a disability caused by injury or disease contracted or aggravated in the line of duty, which is determined by, or under regulations of, the Commissioners of the District of Columbia (hereafter in this Act referred to as the "Commissioner") to be a total disability.

(b) No payment may be made under this Act for medical, surgical, hospital, or other related health care services provided a retired officer or member unless—

(1) at the time such services are provided the disability of the retired officer or member has been determined by, or under regulations of, the Commissioner to be a total disability;

(2) such services have been determined by, or under regulations of, the Commissioner to be necessary and directly related to the treatment of the injury or disease which caused the disability of the retired officer or member; and

(3) the retired officer or member submits to such medical examinations as the Commissioner may require.

(c) The Commissioner may determine that the disability of a retired officer or member is a total disability only if the Commissioner finds that the retired officer or member is unable (because of the injury or disease causing his disability) to secure or follow substantially gainful employment. In determining whether employment is substantially gainful employment the Commissioner shall take into account the amount of expenses incurred by, or which can reasonably be expected to be incurred by, the retired officer or member in securing the medical, surgical, hospital, or other related health care services necessitated by his disability, and such other factors as the Commissioner deems advisable.

(d) In addition to any medical examination required under the Policemen and Firemen's Retirement and Disability Act, the Commissioner shall require, in each year that payments under this Act are made with respect to any retired officer or member, a medical review of the disability of such retired officer or member.

(e) The Commissioner may provide for payments under this Act to be made either directly to the retired officer or member or to the provider of the medical, surgical, hospital, or other related health care services.

SEC. 2. The Commissioner shall prescribe such regulations as may be necessary to carry out the provisions of this Act.

SEC. 3. There are authorized to be appropriated from revenues of the United States such sums as may be necessary to reimburse the District of Columbia, on a monthly basis, for payments made under this Act from revenues of the District of Columbia in the case of retired officers or members of the United States Park Police force, the Executive Protective Service, or the United States Secret Service.

SEC. 4. This Act shall take effect on the first day of the first month which begins more than thirty days after the date of enactment of this Act.

Mr. McMILLAN. Mr. Speaker, I move to strike the last word.

The purpose of the bill, H.R. 8794, as set forth in the committee report, House Report No. 92–263, is to authorize the District of Columbia government to pay the necessary costs of medical, surgical, hospital, or related health care services for officers and members of the Metropolitan Police force, the Fire Department of the District of Columbia, the U.S. Secret Service, who are retired subsequent to the date of enactment of this legislation for total disability incurred in line of duty. These payments shall be made only for expenses incident to the injury or disease which is the cause of such retirement.

NEED FOR LEGISLATION

Subsection (e) of the District of Columbia Policemen and Firemen's Retirement and Disability Act, added thereto on August 21, 1957 (71 Stat. 394; D.C. Code, sec. 4–525), provides that an officer or member of the District of Columbia Fire Department or of any of the several police forces whose members are subject to the provisions of that act, who are temporarily disabled by injury or disease incurred in the performance of duty, to such an extent as to require medical or surgical services other than such as can be rendered in the clinic operated by the District government for such employees, or to necessitate hospital treatment, shall have the expense of such medical services or hospital treatment paid by the District of Columbia. The payment of such expenses requires a certificate from the Commissioner of the District of Columbia setting forth the necessity for such services and treatment and the nature of the injury or disease rendering such payment necessary.

At present, however, there is no comparable provision of law authorizing the payment for medical or surgical services, or of hospital treatment, for such policemen and firemen who have retired by reason of such service-incurred disabilities which are permanent in nature. Public Law 90–291, approved April 19, 1968, provides for the payment of medical expenses, after retirement, for law enforcement officers not employed by the United States who receive disabling injuries while apprehending persons suspected of committing Federal crimes. However, while this provision of law would apply in some instances of disabling injuries sustained by metropolitan policemen or members of the other police forces operating in the District, it would by no means cover all such cases, and of course is not applicable in any event to members of the District of Columbia Fire Department.

PRECEDENTS FOR THIS BILL

At this time, employees of the Federal or District of Columbia governments, except for those coming under the provisions of the D.C. Policemen and Firemen's Retirement and Disability Act, who are retired for service-incurred disability, do receive medical, surgical, or hospital services and treatment for such disabling injuries or diseases at the expense of the government. Such employees are offered this protection under the provisions of chapter 81 of title 5 of the United States Code, relating to workmen's compensation, and by section 8337 of this same title, which pertains to disability retirement.

Thus, despite the hazardous nature of their duties, the members of the District of Columbia Fire Department and of the several police forces referred to in H.R. 8794 are the only government employees in the District who are not afforded this assurance against duty-incurred financial disaster.

PROVISIONS OF THE BILL

This proposed legislation would authorize the payment of the costs of medical, surgical, hospital, or other health care services such as nursing home care and the like, for officers and members of the subject forces who retire after the date of enactment of this act under subsection (g) of the Policemen and Firemen's Retirement and Disability Act (D.C. Code, section 4–527(g)) for service-incurred disability which is determined by the Commissioner of the District of Columbia to be total at the time of the member's retirement and also at the time any such services are provided. It is provided also that no such payments shall be made unless the District of Columbia Commissioner determines that such medical services are necessary and are directly related to the treatment of the injury or disease which caused the total disability of the retired member.

In determining a retired member to be totally disabled, the District of Columbia Commissioner must find that the member is unable, because of that disability, to secure or to follow substantially gainful employment. Further, in determining whether employment is "substantially gainful employment," the Commissioner is directed to take into consideration the amount of the medical and related health care expenses which are incurred by the retired member, or which may reasonably be expected to be

incurred by him in the future, by reason of his disability. This provision is intended to enable the Commissioner to administer the payments authorized in this legislation in an equitable manner, in cases where some employment of a disabled retiree may be possible but the remuneration therefrom will be completely inadequate to meet the retiree's essential medical expenses in connection with the disabling condition for which he was retired.

The bill requires a medical review of the disability of each retired member whose medical expenses are being paid, in year in which such payments are made. It is intended that this medical review shall be broader in scope than a mere medical examination, in that such a review will include a study and consideration of the retired member's entire medical history from the time of his total disability. This is for the purpose of assuring that the payments made under this act shall be only those which are justified and concomitant with the intent of the legislation.

Further, H.R. 8794 provides that the payments authorized may be paid either directly to the retired member or to the provider of his necessary medical services, and that the Commissioner of the District of Columbia shall prescribe regulations as may be necessary for the administration of the act.

PRESENT CASES

At present, your committee is advised that there are only two persons who would be affected by the enactment of this proposed legislation. One is a member of the metropolitan police force, who was totally disabled by an injury incurred in line of duty in 1965. This man is paralyzed from the waist down, and his ability to engage in any gainful employment whatever will always be extremely limited at best. The other is a member of the District of Columbia Fire Department, also totally disabled while in the performance of his duty as a firefighter in 1968. This man is permanently hospitalized, with nurses in attendance around the clock.

Neither of these men has been retired, because under present law this action would immediately subject them to the costs of their required medical care. Instead, the District has been paying the costs of their medical, surgical, and hospital services under the provisions of subsection (e) of the District of Columbia Policemen and Firemen's Retirement and Disability Act, as cited above. However, inasmuch as this authority relates only to payments of the costs incident to temporary disability, from which the member may be expected to recover and return to active duty, this humanitarian assumption of these expenses on the part of the District of Columbia cannot continue indefinitely, nor can these men continue to be carried on the rolls of their respective departments for an indefinite time.

The seriousness of this dilemma, and the dire jeopardy in which these men would be placed if they were retired under the present provisions of District of Columbia law, are obvious in view of the costs of their essential medical care. During the 5-year period beginning in 1965, the District expended some $31,700 for the necessary medical, surgical, and hospital services for this police officer, and the annual cost of his prescribed drugs alone is approximately $550 per year. Further hospital and surgical treatment in his case is expected. In the case of the disabled fireman, the Fire Department has expended nearly $170,000 for his essential care during the 2½ years since his total disability, and there is no present prospect that this cost will diminish during the remainder of his lifetime.

COST OF LEGISLATION

It is obviously impossible to forecast with any accuracy the cost which the enactment of this proposed legislation will involve, as this is dependent upon unpredictable factors. However, the total average annual expenditure on the part of the District of Columbia incident to the medical expenses of the two persons referred to above, the only two who at present would be involved, is $74,240. Thus, if the present situation should prevail through fiscal year 1976, the total cost to the District of Columbia government for that 5-year period would be some $371,200. During this period, of course, the number of cases involved may either increase or drop to zero.

HEARING

A public hearing on legislation substantially the same as H.R. 8794 was conducted on November 24, 1970, at which time no opposition was expressed to its enactment. Thus, the substance of the measure is supported by the government of the District of Columbia, the District of Columbia Policemen's Association, and the District of Columbia Firefighters Association.

CONCLUSIONS

Your committee feels strongly that the officers and members of these gallant services, who are subject in the daily performance of their duties to the most hazardous conditions, are entitled to at least as much assurance of protection against financial disaster in the event they are totally disabled while so engaged as are all the other government employees—clerks, teachers, and others who are not nearly so likely to be disabled—and that the Congress is obligated to assure this protection to these men through the enactment of this proposed legislation.

At the same time, however, it is the intent of this committee that the District of Columbia Police and Fire Clinic shall afford all possible medical services to retired members who have suffered any degree of disability in service, and that the payments authorized in H.R. 8794 shall be for those necessary medical services which the facilities of the clinic are not adequate to perform.

Mr. BROYHILL of Virginia. Mr. Speaker, I move to strike the requisite number of words.

The thrust of this bill is to authorize the District of Columbia to pay the cost of necessary medical, surgical, hospital, or other health care services for members of the Metropolitan Police force, the District of Columbia Fire Department, the U.S. Park Police force, the Executive Protective Service, and the U.S. Secret Service Division who are retired after the date of enactment of this legislation under the District of Columbia Police and Firemen's Retirement and Disability Act for total disability incurred in the performance of their duties. Guidelines are provided for the determination of total disability, and I wish to emphasize that the payments authorized by this bill are to be made only for medical services directly related to the specific injury or disease which caused the disability for which the member was retired, and not for any other such condition which the retired member may contract subsequent to his retirement.

At present, there is no statutory provision for the District of Columbia government to assume responsibility for the expenses of medical or hospital treatment for retired members of these forces in the District, except that Public Law 90–291, approved April 19, 1968, does authorize such payments in the case of retired law enforcement officers not employed by the United States who receive disabling injuries while apprehending persons suspected of committing Federal crimes. This very narrow authorization obviously cannot apply to the great majority of Metropolitan Police Force officers who may suffer disabling injuries in the line of duty, nor can it apply in any case to a member of the District of Columbia Fire Department.

At the same time, however, other Federal and District of Columbia government employees are entitled to medical and hospital treatment at government expense subsequent to their retirement, if they have been forced to retire for service-incurred disability, under the provisions of Federal law pertaining to workmen's compensation and disability retirement. Thus, the members of the District of Columbia Fire Department and of the several police forces in the District, alone among local government employees, must face the hazard of expensive medical, surgical, or hospital treatment after their retirement for total disability incurred in the performance of their duties.

It has been brought to my attention that there are presently two individuals employed by the District government who would benefit from the enactment of this proposed legislation. One is a Metropolitan Police officer, Charles Allen, and the other is a District of Columbia fireman by the name of Hunter Vaughn. Both of these men were totally disabled several years ago, by injuries suffered in the performance of their duties.

Officer Allen, paralyzed from the waist down, has required extensive medical, surgical, and hospital services since the spring of 1965, and during this time the District has expended more than $30,000

for his necessary medical expenses, his prescriptions alone costing some $550 per year. Private Vaughn is permanently hospitalized, with 24-hour nursing care essential. The District of Columbia Fire Department spent $64,000 in 1969 alone for Mr. Vaughn's medical expenses.

The reason that the staggering costs of these two men's medical care have thus far been paid by the District of Columbia is the simple fact that neither has thus far been retired. Subsection (e) of the District of Columbia Police and Firemen's Retirement and Disability Act authorizes the respective departments to pay such expenses for disabilities of a temporary nature, only as long as the members remain on the active rolls; and out of compassion for these men's plight, the departments have refrained from retiring them, since to do so would have the effect of immediately cutting off any payment the District could make toward the medical care on which their lives depend, and the expense of which neither man could possibly meet on his own.

This situation cannot continue for an indefinite time, however, because these men obviously should be retired, and there is actually no legally defensible basis for their being carried on the rolls of the departments as active members.

Mr. Speaker, we in the Congress must take immediate action to provide the proper relief for these two men who lost their ability to earn a living in the service of this city, and for all members of these vital forces who may suffer this same fate in the future. It is unthinkable that the members of the Police and Fire Departments should continue to face this financial and physical hazard while all other employees of the Federal and District governments, who face far less likelihood of suffering service-incurred disabling injury or disease, are secure in the knowledge that this disaster cannot beset them after their retirement.

I wish to commend the administrations of the Metropolitan Police force and the District of Columbia Fire Department for keeping these two hapless men, Officer Allen and Private Vaughn, on the active rolls all these months and years, solely out of compassion for their plight and in humane consideration of the fate which would overtake them upon retirement.

I was the principal sponsor of two bills designed to meet the objectives of this proposed legislation, H.R. 17096 of the 91st Congress and H.R. 113 introduced on January 22 of this year. I am most happy to be a cosponsor of this present bill, H.R. 8794, and I urge my colleagues to join with me now in eliminating this indefensible inequity in the present law with respect to totally disabled police and fire officers in the Nation's Capital.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman.

Mr. NELSEN. Mr. Speaker, I was going to point out the benefits that would accrue because of this bill are the same as those given any civil service employee employed by the city of Washington. So this would seem to be very fair and reasonable.

Mr. BROYHILL of Virginia. That is an inequity in law, that all Government employees except these policemen and firemen already have this protection. So there is no question that this an injustice, and that we should correct it. We have a moral as well as a legal responsibility to take care of this inequity.

Mr. GROSS. Mr. Speaker, will the gentleman yield to me?

Mr. BROYHILL of Virginia. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. The gentleman said in his previous remarks that compensation would be paid either by the District of Columbia or the Federal Government. Does he really mean that?

Mr. BROYHILL of Virginia. Yes; I do, because it provides for the reimbursement of the District for payments made in behalf of retirees of the Park Police force, the Executive Protective Service, and the Secret Service, because they are Federal employees, even though they are covered by the District of Columbia Police and Firemen's Retirement and Disability Act.

Mr. GROSS. If I read the report correctly on page 4 in the second paragraph, it is not designed to be financed by the Federal Government insofar as the firemen and police of the District of Columbia are concerned.

Mr. BROYHILL of Virginia. No; payments on behalf of retired members of the Metropolitan Police force and the District of Columbia Fire Department will be made entirely from District of Columbia funds.

The SPEAKER. The time of the gentleman from Virginia has expired.

(Mr. BROYHILL of Virginia (at the request of Mr. GROSS) was allowed to proceed for 1 additional minute.)

Mr. GROSS. I would like to make a little legislative record on this bill.

I see no reason why the Federal Government should pay for the disability of police and firemen operating solely within the District of Columbia.

It is not contemplated, is it, that the Federal Government pay for the medical assistance and hospitalization and other costs of other than those who are Federal employees such as the Park Police and the White House Police force; is that true or not true?

Mr. BROYHILL of Virginia. That is true. I am glad the gentleman made that observation. Payments on behalf of the District of Columbia policemen and firemen will be paid from District of Columbia funds.

Mr. HOGAN. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise in support of H.R. 8794.

As a member of the District of Columbia Committee last year, I had the privilege of being one of the original sponsors of this legislation during the 91st Congress and I am pleased to have been able to cosponsor it again this year.

Mr. Speaker, we read periodically of an instance when a policeman or fireman forfeits his life in the line of duty. There is no way, of course, in which we can begin to repay these men for the service they have rendered. At the same time, however, there are officers who make almost as great a contribution, those who have sustained injuries in the line of duty, which leave them totally disabled for the rest of their lives. Even worse, the medical and surgical care required for these injuries oftentimes place them and their families under a financial burden which they cannot hope to bear.

Presently, under the Policemen and Firemen's Retirement and Disability Act, the expense of such care is paid by the District of Columbia government when a member of these forces becomes temporarily disabled in the performance of his duty. The act does not include such benefits, however, for members retired for duty-related disability.

I firmly believe that the District's moral obligation to assist financially those who become totally disabled from service-connected injuries or diseases is just as binding after their retirement as it is while they remain on the active rolls.

Mr. Speaker, I think the necessity for this legislation is best demonstrated by the fact that, at the present time, employees of the Federal or District of Columbia governments, who are retired for service-incurred disability, do receive medical, surgical, or hospital services and treatment for such disabling injuries or diseases at the expense of the government. Apparently, the only employees not entitled to these benefits are those coming under the provisions of the District of Columbia Policemen and Firemen's Retirement and Disability Act. This should not be the case, Mr. Speaker, and this bill which we have before us today, will assure that in the future the police and firemen of the District of Columbia receive the same treatment as their colleagues in the Federal and District of Columbia governments.

H.R. 8794 would permit the District government to fulfill this obligation to those members retiring after its effective date who are totally disabled at the time of retirement.

Mr. Speaker, I would like to include in my remarks at this point a section-by-section analysis of the bill for the benefit of my colleagues who may not be wholly familiar with the provisions:

SECTION-BY-SECTION ANALYSIS

Section 1, subsection (a) provides that the District of Columbia shall pay all reasonable costs of medical, surgical, hospital, or other related health services for any officer or member of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, the Executive Protective Service, or the United States Secret Service, who retires after the date of enactment of this Act for service-incurred disability which is determined by the Commissioner of the District of Columbia, at the time of the officer's or member's retirement, to be total disability.

Subsection (b) provides that no payment shall be made under this Act unless at the time the medical, surgical, hospital, or other

health services are provided the retired officer or member has been determined by, or under the regulations of, the D.C. Commissioner to be totally disabled, and unless such services have been determined by the Commissioner to be necessary and directly related to the injury or disease which caused such total disability. It is provided further that the retired officer or member must submit to such medical examinations as the D.C. Commissioner may require.

Subsection (c) provides that the D.C. Commissioner may determine an officer or member to be totally disabled only if he finds that such officer or member is unable, because of the injury or disease, causing the disability, to secure or pursue substantially gainful employment. It is further provided that in making the determination as to whether employment is "substantially gainful employment", the Commissioner shall take into account the amount of the medical and related health care expenses incurred by, or which may reasonably be expected to be incurred by, the retired officer or member as a result of his disability, as well as such other factors as the Commissioner may deem advisable.

Subsection (d) provides that in addition to any medical examination required under the Policemen and Firemen's Retirement and Disability Act, the Commissioner of the District of Columbia shall require, in any year in which payments are made under this Act with respect to retired officers and members, a medical review of the disability which necessitated the retirement of each such retired officer or member.

Subsection (e) provides that the payments made under this Act may be made either directly to the retired officer or member or to the provider of the medical, surgical, hospital or other related health care services.

Section 2 provides that the D.C. Commissioner shall prescribe such regulations as may be necessary to carry out the provisions of this Act.

Section 3 authorizes the appropriation from revenues of the United States of such sums as may be necessary to reimburse the District of Columbia, on a monthly basis, for payments made under this Act from revenues of the District of Columbia, in the case of retired officers or member of the United States Park Police, the Executive Protective Service, or the United States Secret Service.

Section 4 establishes the effective date as the first day of the first month which begins more than thirty days after the date of enactment of the Act.

Mr. Speaker, at the present time only two persons would be affected by enactment of this legislation. One of these two dedicated public servants, Policeman Charles Allen, of Lanham, Md., in my congressional district, is paralyzed from his waist down. Over $30,000 has been expended for his care since May 1965, and further hospital and surgical treatment is anticipated. The other man, Fireman Hunter Vaughn, is permanently hospitalized and requires nurses around the clock.

Mr. Speaker, I believe that the District of Columbia government has a moral obligation in these two cases, and in similar, future cases. I think the District government recognizes this obligation since they requested enactment of this legislation. It is now our responsibility. Mr. Speaker, I urge my colleagues to approve H.R. 8794.

Mr. ROBINSON of Virginia. Mr. Speaker, I rise in support of this bill, because I regard it as one further measure of justified public concern for the welfare of the public safety forces of the Nation's Capital.

We should strive, surely, in discharging our constitutional responsibilities to the District of Columbia, for model treatment of the personnel of the police and fire departments. This is important if we are to continue to attract high-quality recruits to what often are hazardous careers.

I have a particular interest in this legislation, because one of the prospective beneficiaries, a disabled fireman, is from my congressional district. He is a member of a hardworking Shenandoah Valley family, which, no matter how desperate the situation, could be expected to make every possible sacrifice in order to care for its own.

Any impartial appraisal of the plight of this man, with respect to a need for very expensive medical treatment and attendance into the indefinite future, would make plain, however, that neither the family nor ordinary community services could furnish him the order of care he has been receiving at the expense of the District of Columbia Fire Department.

At the same time as the committee report makes plain, the fire department cannot justify an indefinite expenditure in behalf of a member of its force who cannot be expected ever to return to active duty.

The department has not retired him—has not cut him adrift—for humanitarian reasons.

We have an obligation, Mr. Speaker, to take note of situations of this kind, and I believe the bill under consideration provides appropriate relief, with adequate protection against abuse of these extraordinary benefits.

Policemen and firemen disabled in the line of duty deserve no less.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WILLIAMS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 311, nays 1, not voting 121, as follows:

[Roll No. 131]

YEAS—311

Abbitt	Anderson, Tenn.	Arends
Abourezk	Andrews, Ala.	Ashbrook
Adams	Annunzio	Ashley
Anderson, Calif.	Archer	Aspin
		Aspinall
Baker	Gross	Peyser
Barrett	Gubser	Pickle
Belcher	Gude	Pike
Bennett	Hagan	Poage
Bergland	Haley	Poff
Betts	Hall	Powell
Bevill	Hamilton	Preyer, N.C.
Biester	Hammer-schmidt	Price, Ill.
Bingham	Hanna	Price, Tex.
Blackburn	Hansen, Wash.	Quie
Blanton	Harsha	Quillen
Blatnik	Harvey	Railsback
Boggs	Hathaway	Randall
Boland	Hawkins	Rarick
Bray	Hechler, W. Va.	Rees
Brooks	Henderson	Reid, Ill.
Broomfield	Hicks, Wash.	Reid, N.Y.
Brotzman	Hogan	Reuss
Brown, Mich.	Holifield	Rhodes
Broyhill, N.C.	Horton	Riegle
Broyhill, Va.	Hosmer	Roberts
Buchanan	Hull	Robinson, Va.
Burke, Fla.	Hungate	Robison, N.Y.
Burke, Mass.	Hunt	Rodino
Burleson, Tex.	Hutchinson	Roe
Burlison, Mo.	Ichord	Roncalio
Burton	Jacobs	Rooney, N.Y.
Byrnes, Wis.	Jarman	Rosenthal
Byron	Johnson, Calif.	Roush
Cabell	Johnson, Pa.	Roy
Caffery	Jones, Ala.	Roybal
Camp	Jones, Tenn.	Ruppe
Carey, N.Y.	Karth	Ruth
Carney	Kastenmeier	Ryan
Carter	Kazen	Sandman
Cederberg	Keating	Sarbanes
Celler	Kee	Satterfield
Chamberlain	Keith	Scheuer
Chappell	King	Schmitz
Clancy	Kuykendall	Schneebeli
Clausen, Don H.	Kyl	Schwengel
Clawson, Del	Kyros	Scott
Cleveland	Landgrebe	Sebelius
Collier	Landrum	Seiberling
Collins, Ill.	Latta	Shipley
Collins, Tex.	Leggett	Shoup
Colmer	Lent	Shriver
Conable	Link	Sikes
Conyers	Lloyd	Sisk
Coughlin	Long, Md.	Skubitz
Crane	Lujan	Smith, Calif.
Culver	McClory	Smith, N.Y.
Daniel, Va.	McCloskey	Snyder
Daniels, N.J.	McClure	Spence
Davis, Ga.	McCollister	Springer
Davis, S.C.	McDade	Stafford
Davis, Wis.	McDonald, Mich.	Staggers
de la Garza	McFall	Stanton, J. William
Dellenback	McKay	Stanton, James V.
Dennis	McKinney	Steed
Devine	McMillan	Steele
Diggs	Macdonald, Mass.	Steiger, Ariz.
Dingell	Madden	Steiger, Wis.
Dorn	Mahon	Stokes
Dow	Martin	Stubblefield
Dowdy	Mathis, Ga.	Stuckey
Downing	Matsunaga	Sullivan
Duncan	Mayne	Symington
du Pont	Mazzoli	Taylor
Edmondson	Meeds	Teague, Calif.
Edwards, Ala.	Metcalfe	Teague, Tex.
Eilberg	Michel	Terry
Erlenborn	Mikva	Thompson, Ga.
Eshleman	Miller, Calif.	Thompson, N.J.
Fascell	Miller, Ohio	Thone
Findley	Mills, Ark.	Udall
Fisher	Mills, Md.	Ullman
Flood	Minish	Vander Jagt
Flowers	Mink	Vanik
Foley	Minshall	Vigorito
Ford, Gerald R.	Mizell	Waggonner
Forsythe	Monagan	Waldie
Fountain	Montgomery	Wampler
Fraser	Morgan	Watts
Frelinghuysen	Morse	Whalen
Frenzel	Mosher	White
Frey	Moss	Whitten
Fulton, Pa.	Myers	Williams
Fuqua	Natcher	Wilson, Charles H.
Garmatz	Nedzi	Winn
Gaydos	Nelsen	Wolff
Giaimo	Nichols	Wright
Gibbons	Obey	Wyatt
Goldwater	O'Hara	Yates
Gonzalez	O'Konski	Yatron
Goodling	O'Neill	Young, Fla.
Gray	Passman	Zion
Green, Oreg.	Patten	Zwach
Green, Pa.	Perkins	
Griffin		
Griffiths		

NAYS—1

Saylor

NOT VOTING—121

Abernethy	Evans, Colo.	Moorhead
Abzug	Evins, Tenn.	Murphy, Ill.
Addabbo	Fish	Murphy, N.Y.
Alexander	Flynt	Nix
Anderson, Ill.	Ford,	Patman
Andrews,	William D.	Pelly
N. Dak.	Fulton, Tenn.	Pepper
Badillo	Galifianakis	Pettis
Baring	Gallagher	Pirnie
Begich	Gettys	Podell
Bell	Grasso	Pryor, Ark.
Biaggi	Grover	Pucinski
Bolling	Halpern	Purcell
Bow	Hanley	Rangel
Brademas	Hansen, Idaho	Rogers
Brasco	Harrington	Rooney, Pa.
Brinkley	Hastings	Rostenkowski
Brown, Ohio	Hays	Rousselot
Byrne, Pa.	Hébert	Runnels
Casey, Tex.	Heckler, Mass.	St Germain
Chisholm	Helstoski	Scherle
Clark	Hicks, Mass.	Slack
Clay	Hillis	Smith, Iowa
Conte	Howard	Stephens
Corman	Jonas	Stratton
Cotter	Jones, N.C.	Talcott
Danielson	Kemp	Thomson, Wis.
Delaney	Kluczynski	Tiernan
Dellums	Koch	Van Deerlin
Denholm	Lennon	Veysey
Dent	Long, La.	Ware
Derwinski	McCormack	Whalley
Dickinson	McCulloch	Whitehurst
Donohue	McEwen	Widnall
Drinan	McKevitt	Wiggins
Dulski	Mailliard	Wilson, Bob
Dwyer	Mann	Wydler
Eckhardt	Mathias, Calif.	Wylie
Edwards, Calif.	Melcher	Wyman
Edwards, La.	Mitchell	Young, Tex.
Esch	Mollohan	Zablocki

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hays with Mr. Anderson of Illinois.
Mr. Dent with Mr. Hastings.
Mr. Hébert with Mr. Grover.
Mr. Addabbo with Mr. Wydler.
Mr. Byrne of Pennsylvania with Mr. Pirnie.
Mr. Brasco with Mr. Bell.
Mr. Stratton with Mr. McKevitt.
Mr. Zablocki with Mr. Hillis.
Mr. Cotter with Mr. Andrews of North Dakota.
Mr. Delaney with Mr. Talcott.
Mrs. Grasso with Mrs. Dwyer.
Mr. Murphy of New York with Mr. Halpern.
Mr. Pucinski with Mr. Conte.
Mr. Rostenkowski with Mr. Pettis.
Mr. Evins of Tennessee with Mr. Mathias of California.
Mr. Dulski with Mrs. Heckler of Massachusetts.
Mr. Biaggi with Mr. Pelly.
Mr. Begich with Mr. Kemp.
Mr. Abernethy with Mr. Jonas.
Mr. Hanley with Mr. Mailliard.
Mr. Howard with Mr. Whalley.
Mr. Casey of Texas with Mr. Brown of Ohio.
Mr. Danielson with Mr. Dickinson.
Mr. Denholm with Mr. Thomson of Wisconsin.
Mr. Donahue with Mr. Wiggins.
Mr. Edwards of Louisiana with Mr. Hansen of Idaho.
Mr. Fulton of Tennessee with Mr. Derwinski.
Mr. Moorhead with Mr. Ware.
Mr. Kluczynski with Mr. Bow.
Mr. Jones of North Carolina with Mr. Wyman.
Mr. Tiernan with Mr. Esch.
Mr. Slack with Mr. Fish.
Mr. Alexander with Mr. McEwen.
Mr. Clark with Mr. Scherle.
Mr. Corman with Mr. Whitehurst.
Mr. Evans of Colorado with Mr. Widnall.
Mr. Brademas with Mr. Rousselot.
Mr. Melcher with Mr. Bob Wilson.
Mr. Mann with Mr. Veysey.
Mr. Mollohan with Mr. Wylie.
Mr. Van Deerlin with Mr. Rangel.
Mr. Nix with Mr. William D. Ford.
Mr. Gallagher with Mr. Clay.
Mr. Long of Louisiana with Mr. Lennon.
Mr. Koch with Mr. Dellums.
Mr. Drinan with Mr. Mitchell.
Mrs. Chisholm with Mr. Baring.
Mr. Helstoski with Mrs. Hicks of Massachusetts.
Mr. Stephens with Mr. Young of Texas.
Mr. Gettys with Mr. McCormack.
Mr. Harrington with Mr. Runnels.
Mr. Brinkley with Mr. Edwards of California.
Mr. Galifianakis with Mr. Flynt.
Mr. Podell with Mr. Murphy of Illinois.
Mr. Pryor of Arkansas with Mr. Pepper.
Mr. Smith of Iowa with Mr. Patman.
Mrs. Abzug with Mr. Eckhardt.
Mr. Rogers with Mr. Rooney of Pennsylvania.
Mr. Purcell with Mr. St Germain.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS TO THE ACT AFFECTING PUBLIC UTILITIES OF THE DISTRICT OF COLUMBIA

Mr. CABELL. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 2591) to amend section 8 of the act approved March 4, 1913 (37 Stat. 974), as amended, to standardize procedures for the testing of utility meters; to add a penalty provision in order to enable certification under section 5(a) of the Natural Gas Pipeline Safety Act of 1968, and to authorize cooperative action with State and Federal regulatory bodies on matters of joint interest, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2591

A bill to amend section 8 of the Act approved March 4, 1913 (37 Stat. 974), as amended, to standardize procedures for the testing of utility meters; to add a penalty provision in order to enable certification under section 5(a) of the Natural Gas Pipeline Safety Act of 1968, and to authorize cooperative action with State and Federal regulatory bodies on matters of joint interest

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes", approved March 4, 1913 (37 Stat. 974, as amended; D.C. Code, sec. 43–101 et seq.), is amended as follows:

(a) The first two paragraphs of paragraph 57 (D.C. Code, sec. 43–603) are amended to read as follows:

"57. That the commission shall appoint inspectors of gas meters, whose duty it shall be, when required by the commission, to inspect, examine, and ascertain the accuracy of gas meters used or intended to be used for measuring and ascertaining the quantity of gas furnished for light, heat, or power by any person or corporation to or for the use of any person or corporation.

"No corporation or person shall furnish, set, or put in use any gas meter which shall not have been inspected and proved for accuracy, or any meter the type of which shall not have been approved by the commission or by an inspector of the commission."

(b) Paragraph 85 (D.C. Code, sec. 43–906) is amended by adding the following new paragraphs:

"Any person who violates any regulation issued by the commission governing safety or pipeline facilities and the transportation of gas, shall be subject to a civil penalty of not to exceed $1,000 for each such violation for each day that such violation persists. However, the maximum civil penalty shall not exceed $200,000 for any related series of violations.

"Any such civil penalty may be compromised by the commission. In determining the amount of such penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the person charged, the gravity of the violation, and the good faith of the person charged in attempting to achieve compliance, after notification of a violation, shall be considered. The amount of such penalty when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the District of Columbia to the person charged or may be recovered in a civil action in the District of Columbia courts."

(c) Paragraph 96 (D.C. Code, 43–207) is amended by adding the following new paragraph:

"The commission may act jointly or concurrently with any official board or commission of the United States or any State thereof in any proceeding relating to the regulation of any public service company. Any such action may be under an interstate compact or agreement, or under the concurrent power of the States to regulate interstate commerce, or as an agency of the Federal Government, or otherwise."

SEC. 2. This Act shall take effect on the date of its enactment.

With the following committee amendment:

On page 2, line 20, strike out "or" and insert in lieu thereof "of".

The committee amendment was agreed to.

Mr. CABELL. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the purposes of H.R. 2591 as set forth in the committee report, House Report No. 92–269, which amends section 8 of the act approved March 4, 1913 (37 Stat. 974; D.C. Code, title 43, section 603), as amended, are as follows:

First, it standardizes procedures for the testing of utility meters.

Second, it adds a penalty provision in order to enable certification to meet the requirements of the Natural Gas Pipeline Safety Act of 1968.

Third, it authorizes joint cooperative action by the District of Columbia Public Service Commission wth State and Federal regulatory bodies on matters of joint interest.

The bill is similar to draft legislation

submitted to the Congress in the last session by the Public Service Commission of the District of Columbia, but which was not reached for action at that time.

PROVISIONS OF THE BILL—(1) METERS

Section 1(a) of H.R. 2591 eliminates costly and unnecessary procedures under present law, which now requires that every gas meter in the District of Columbia shall be inspected, proved and sealed by an inspector of the Public Service Commission before being placed into service.

The proposed amendment retains the present law requirement that a meter shall be inspected and proved for accuracy before being set or put into use and places those duties directly on the utility in question, but at the same time eliminates the requirements that these procedures be performed by an inspector and deletes the requirement of sealing meters.

Neither Maryland nor Virginia requires gasmeter sealing, and the District of Columbia does not require inspection and sealing of electrical meters.

Our committee was advised that the seal required by present law serves no particular useful purpose; it is merely attached to gasmeters which are used for measuring gas furnished within the District of Columbia; and the elimination of the requirement that an inspection be performed by a commission inspector who must seal the meter after such inspection, would allow inspectors to better utilize their time in checking apparatus used by utilities in the physical testing of the gasmeters and in spot checking meters in accordance with accepted practice.

Elimination of this sealing requirement, the testimony brought out, would result in a substantial savings of approximately $20,000 per year to the utility in question.

The bill was recommended for approval by the chairman and by a member of the District of Columbia Public Service Commission who testified that the elimination of the seal requirement on gasmeters would result in a more efficient operation, a substantial savings in expenses, and the same protection would still be afforded the public under commission regulations.

Meters would continue to be tested, as at present, by company personnel at the company's meter shop, and the company keeps permanent records of the test on each meter, repairs made thereto, and the results of the accuracy tests of all meters likewise will continue to be made and recorded on the meter history card kept on file with the company.

(2) PENALTY PROVISIONS

A civil penalty for violation of safety regulations is required by the Natural Gas Pipeline Safety Act of 1968 (Public Law 90–481; 49 U.S.C. 1674(a)), in order that the District of Columbia may be certified. Certification cannot be granted by the Federal Government unless civil and injunctive penalties are authorized by local law. The District of Columbia already has injunctive powers but no civil penalty provisions.

Hence, there is included in the bill section 1(b) which would impose a civil penalty on any person who violates any commission regulation governing safety of pipeline facilities and the transportation of gas. The penalty would be up to $1,000 for each such violation for each day that such violation persists, with the maximum penalty not to exceed $200,000 for any related series of violations. The commission would be authorized to compromise any such civil penalty.

Both Maryland and Virginia already have local enforcement of the Natural Gas Pipeline Safety Act of 1968, and the adoption of section 1(b) would create a uniform policy of local enforcement in the three jurisdictions served by the utility.

(3) JOINT ACTION

The gas and electric utilities regulated by the Public Service Commission of the District of Columbia cross State lines and serve other jurisdictions, such as Maryland and Virginia. However, the Public Service Commission has jurisdiction over these utilities only with respect to their operation within the District of Columbia. Testimony on behalf of the Public Service Commission pointed to the need, especially with respect to electric service within the Washington metropolitan area, for interconnection and interchange of energy with other sources of power, and hence the necessity for cooperative arrangements with the regulatory commissions in adjacent and nearby States, in order to insure long-range planning and adequate service to residents of the District as well as to the other jurisdictions concerned.

Section 1(c) of this bill thus authorizes the Public Service Commisison to act jointly or concurrently with any official board or commission of the United States or of any State in any proceeding relating to the regulation of any public service company. This language is substantially the same as that contained in Maryland law (Annotated Code of Maryland, 1957, article 78, section 59), which authorizes the Maryland Commission to participate in joint action with other regulatory agencies.

EFFECTIVE DATE

Section 2 of the bill makes it effective upon the date of enactment.

HEARING

A hearing was held on H.R. 2591 by the subcommittee on business, commerce and fiscal affairs of your committee on May 26, 1971, at which time representatives of the Public Service Commission of the District of Columbia and of the Washington Gas Light Co. testified in support of the bill. No testimony was offered in opposition thereto, nor has any communication been received by the committee in opposition.

COMMISSIONER'S ENDORSEMENT

A letter from the District of Columbia, dated April 1, 1971, reporting on H.R. 2591 and recommending the enactment of such legislation, was also filed with the committee.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CABELL. Mr. Speaker, I ask unanimous consent that each subcommittee chairman be permitted to revise and extend his remarks and to include extraneous matter immediately following the passage of each bill which has been acted upon today from the Committee on the District of Columbia, and that all Members may have 5 legislative days during which to extend their remarks on the bills which have been passed today.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ON REINTRODUCTION OF H.R. 8385, EMERGENCY STRIKE LEGISLATION

(Mr. HARVEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARVEY. Mr. Speaker, last month, for the eighth time since 1963, Congress passed emergency strike legislation to end a crippling nationwide railroad strike. The latest congressional action was made necessary by the failure of any preceding Congress to pass effective permanent emergency rail strike legislation. When the current emergency legislation expires on October 1, 1971, the Nation will face a potential national railroad strike situation. Once again Congress will have to act on emergency 11th hour legislation unless prompt action by the 92d Congress to create permanent mechanisms to settle rail disputes prevents a replay of an all-too-familiar scene.

On May 13, I introduced H.R. 8385, to amend the Railway Labor Act to deal directly with emergency transportation disputes. This bill is intended as a compromise measure, one that includes the best and most workable provisions of the various pieces of emergency strike legislation so far referred to the House Interstate and Foreign Commerce Committee. Hopefully, my bill will provide a vehicle for the committee and the Congress to enact permanent legislation with regard to the tremendously complex and important problem of emergency railroad strikes.

Briefly, H.R. 8385 will provide the President with a very flexible and effective method of equitably settling emergency disputes. He would have the option of calling for either a selective strike, a 30-day cooling off period, or final offer selection. The President could combine these alternatives in any man-

ner he deemed necessary, and if one course of action failed, he would be free to select another. Because final offer selection is included as one of the options, H.R. 8385 guarantees that national emergency disputes would be settled without recourse to congressional intervention.

While it is not possible to combine into one bill all of the elements that would fully satisfy management, labor, and the administration, I believe that my proposal adopts the best mechanisms of all previously proposed solutions. I consider H.R. 8385 to be a nonpartisan solution to a problem that has plagued all Members of Congress, regardless of party affiliation.

I am reintroducing my bill this afternoon with a bipartisan group of 36 cosponsors. This large number of cosponsors indicates the great interest and concern that exists among Members of the 92d Congress for an effective and equitable solution to the problem of national emergency transportation disputes. My colleagues and I hope that prompt committee action will be forthcoming on this measure in an effort to safeguard the public against emergency rail disputes and to avoid the cumbersome ad hoc legislation that has characterized the recent history of railroad strikes.

WILLIAM M. McCULLOCH RETIRES

(Mr. WHALEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WHALEN. Mr. Speaker, last week our distinguished colleague and my very good friend, BILL MCCULLOCH, announced that he will not be a candidate for reelection in 1972.

I have had the privilege of knowing BILL and working with him for many years at the local, State, and National levels. He has been an inspiration and a confidant. I will miss his counsel and understanding.

Later in this Congress, I am sure all of us will want to pause and pay tribute to his innumerable accomplishments in this Chamber. Now, however, I take the opportunity to insert in the RECORD the accolades paid to BILL in editorials in the Dayton Daily News, the Dayton Journal-Herald, and the Washington Post. Certainly, as the Post comments:

The Judiciary Committee, the House and the capital itself will be the poorer when Mr. MCCULLOCH retires.

[From the Dayton Daily News, June 9, 1971]

MCCULLOCH RETIRES

Rep. William McCulloch, who has announced he will not seek re-election again, is closing out a long and distinguished career in Congress, one of service to the Fourth district which he has represented since 1947, and to the nation, which he has represented all his life.

The cliches that usually are lightly spent at the end of a congressman's career bear real value when paid in tribute to the Piqua Republican. Rep. McCulloch really has been a hard-working, thoughtful and effective lawmaker, who has performed with integrity and perception.

As the ranking minority member of the important Judiciary committee, Rep. McCulloch played the major role in Congress to secure enactment of the strong civil rights legislation in recent years. And he did that at no political gain and potentially at some political risk to himself. He acted as he did because he knew what was right, rather than grabbing for what would be expedient.

That surprised no one who knows him. Rep. McCulloch has been devoted to accomplishing the image of America that too many politicians only orate about. That has meant acknowledging the nation's mistakes and lapses so that they could be corrected and filled. Rep. McCulloch has been a conservative in the decent meaning of that word, trying to conserve and expand, in living forms, the best in our national past.

The representative's office said he was announcing his coming retirement "with sincere and genuine regret." It is received in the same spirit, with thanks for a job very well done.

[From the Dayton Journal Herald, June 11, 1971]

MCCULLOCH'S RETIREMENT—CIVIL RIGHTS CHAMPION WILL BE MISSED

U.S. Rep. William M. McCulloch's announcement of his retirement at the end of his present term—his 13th—in Congress comes as no shock, but it is no less disappointing for being inevitable, the result of persistent disability resulting from a fall last year.

Rep. McCulloch is the senior member of Ohio's congressional delegation, the ranking Republican on the vital House Judiciary Committee and a member of the Joint Committee on Atomic Energy.

But Rep. McCulloch's congressional seniority and influence will be less remembered and less honored than his unrelenting and uncompromising advocacy of strong civil rights legislation. He has fought vigorously, unceasingly for effective civil rights laws and justly regards the Voting Rights Act of 1965 as one of his most significant legislative achievements. He fought equally hard for extension of the law last year over the objections of the Nixon Administration, which had sought a law with wider application but with less authority.

Rep. McCulloch's interest in civil rights brought the Piqua congressman membership on the National Advisory Commission on Civil Disorders (Kerner Commission) which warned in 1968 of growing racial polarization in the United States; and on the National Commission on the Causes and Prevention of Violence (Eisenhower Commission), which also warned of impending racial conflict.

Cynics were confounded by Rep. McCulloch's devotion to the cause of racial justice, and looked in vain for his minority constituency. There is virtually none in Ohio's Fourth Congressional District, which is predominantly rural, white, conservative and—obviously—Republican. But then Rep. McCulloch has another quality that confounds the cynics—integrity. Bill McCulloch's honesty, his sense of duty and public service will be sorely missed by Ohioans and Americans.

[From the Washington Post, June 11, 1971]

MR. MCCULLOCH DECIDES TO RETIRE

It is sad but not surprising news that Rep. William McCulloch has decided not to run for reelection next year. The Ohio Republican, who is ranking minority member of the House Judiciary Committee, has not been well in consequence of a fall he took a while ago, and it would not be his style to retain a public office to which he did not feel he could devote his full energy and time. Quiet, direct, hardworking, conservative in taste and stubborn in principle, Mr. McCulloch has been the kind of representative who shows up at 7 a.m. to begin the day's business. This may have worked some hardship on his staff, but it also worked to the enormous advantage of the country. For the fact is that no man can claim a larger role in the passage of the landmark civil rights legislation of the past 14 years than Mr. McCulloch. The subject had become his quiet passion.

What put his commitment beyond challenge was the fact that there was nothing in his background to suggest that it proceeded from fashion, social pressure or political urgencies. On the contrary, he grew up on a working farm in that part of rural, white Ohio he has represented since he was elected to the 80th Congress, and before he came to Washington he had served an extended term as member and then as Republican leader of the Ohio House of Representatives. In fact, Mr. McCulloch's polite and relentless pressure for civil rights legislation often as not brought him into conflict with numerous of his Republican colleagues in the House, whose views he generally shared on questions of, say, economic and foreign policy. He fought hard (and prevailed) during the deliberations on the Civil Rights Act of 1964 to keep his anxious and unhappy fellow Republicans in the House from going over the side. More recently, when the Nixon administration attempted to gut the crucial Voting Rights Act of 1965, it was Mr. McCulloch who led the unyielding opposition to Attorney General Mitchell in the House.

In a town that does not take kindly to behavior that is inconsistent with its cherished stereotypes ("rural Republican congressmen," "big city liberals," and the rest) and a town that is never quite comfortable until it has unearthed some practical, if vaguely discreditable, political motive for seeming acts of principle and independence, Mr. McCulloch, of course, has not escaped the motive-seekers. One tortured theory holds that his dedication to the cause of civil rights is based on the fact that Lima, Ohio is within his district and that there is an increasingly militant black population there. How this fact could be expected to explain the flak Mr. McCulloch has risked over the years from his principal constituents and the total absence of showboating with which he has pursued his objectives defies imagination. We prefer to stick with the explanation offered by an associate: "He is a very stubborn man, and he thinks it is right." The Judiciary Committee, the House and the capital itself will be the poorer when Mr. McCulloch retires. He has done as much as any man could to shatter some of this city's more patronizing generalities.

PERSONAL ANNOUNCEMENT

Mr. MIKVA. Mr. Speaker, I regret that due to a physical ailment I was unable to be present for rollcalls 126 and 127. Had I been present, I would have voted "nay" on the motion to recommit—roll 126—and "yea" on final passage on House Joint Resolution 617 authorizing the payment of Micronesian war claims arising from World War II.

TRYING TO MAKE THE COAL MINER THE FALL GUY

The SPEAKER pro tempore (Mr. GONZALEZ). Under a previous order of

the House, the gentleman from West Virginia (Mr. HECHLER) is recognized for 30 minutes.

Mr. HECHLER of West Virginia. Mr. Speaker, earlier under the 1-minute rule, I called attention to the fact that the Bureau of Mines is secretly planning to spend between a quarter and half a million dollars on a Madison Avenue propaganda drive to try and convince coal miners that they are the major cause of accidents in the mines. A front-page article in the Charleston, W. Va., Gazette yesterday was headlined, "Fall Guy—New Approach to Mine Accidents—Blame the Miner."

I have termed this proposal to be cruel, heartless, arrogant, and stupid, in that order. The proposal comes on the heels of an official report by the General Accounting Office which pinpoints and documents the clear responsibility of mine operators for hazardous conditions in the mines, and the failure of the Bureau of Mines to enforce the Federal Coal Mine Health and Safety Act of 1969.

In February of this year, Harry W. Treleaven, Jr., a New York advertising executive, was hired as a $121-a-day Federal consultant to come up with ideas on how the Department of the Interior could improve its public relations. Now Mr. Treleaven helps to run an advertising firm known as Allison, Treleaven & Reitz. His partners are James Allison, who like Mr. Treleaven, was one of the top publicity men in the 1968 Nixon campaign. Mr. Allison most recently was one of the principal publicity assistants to the chairman of the Republican National Committee. The third partner, Ken Reitz, was instrumental in a mass media campaign which successfully defeated former Senator Albert Gore of Tennessee in 1970. This is a relevant fact as related in an account by Ward Sinclair of the Louisville Courier Journal on June 12, 1971:

WARD SINCLAIR ARTICLE

Reversing earlier plans, the U.S. Bureau of Mines has decided to ask for bids on a contract to mount a potentially costly public relations campaign on coal-mine safety aimed at miners.

But there is a catch. The Bureau has given advertising agencies in various large cities only until next Wednesday afternoon to submit proposals for the contract.

The effect of the Bureau's action still leaves an ad agency run by two men who figured heavily in Richard Nixon's 1960 presidential campaign in a preferential position on the bidding.

The decision to seek bids, rather than to award what is known as a "sole source" contract, was reached this week after the controversial matter received attention from the news media.

Originally, the contract was to be given to the Holder-Kennedy agency of Nashville, Tenn., which became involved at the suggestion of Allison, Treleaven & Reitz, a Washington advertising firm . . .

Wording of the bid proposal sent out Thursday by the Brueau is nearly identical to that of the proposal originally drawn up by Treleaven during a period when he was a $121-a-day consultant hired by (Secretary of the Interior) Morton.

Interior Department officials balked this week at giving the contract to Holder-Kennedy, on the grounds that it did not meet the requisites of a sole-source contract. Sole-source contracts can be given only to a firm that makes a proposal for a project.

But when an agency such as the Bureau comes up with an idea for a project—which officials now acknowledge was the case in this instance—the agency must solicit proposals for carrying out its idea. This process is much like bidding.

Allison, for example, and officials at the Bureau say the idea was passed on to Treleaven by Edward D. Failor, a GOP political appointee who is an associate to Bureau Director Elburt F. Osborn. Failor would not talk to reporters.

The Bureau's haste in soliciting bids for the public relations scheme, which will be directed mainly at coal miners, leaves Holder-Kennedy and the Allison, Treleaven & Reitz firm in highly favorable position for winning the contract.

Both firms are familiar with the Bureau's needs—Treleaven wrote the Bureau's proposal, as it turned out—and both have had lead time in which to prepare themselves for the bidding.

Officials also noted that the low bidder will not necessarily get the contract. The job will go to the ad agency that the Bureau deems best able to handle it and that makes the proposal the Bureau likes best.

The short time provided potential bidders leaves them a large amount of work to do between now and 3:30 P.M. Wednesday, when their contract proposals are due here.

The Bureau wants a full-scale study and assessment of safety campaigns run by the Bureau itself, industry and labor in addition to coal. It wants in-depth interviews with miners and their families to determine their attitudes toward safety.

Potential bidders then are being asked to develop a comprehensive all-media "education" program—using television, radio, the print media, billboards and even lapel buttons and bumper stickers.

After accepting the ad agency proposal that it likes best, the Bureau will then set about contracting for and funding the actual project.

The main thrust of the campaign is to convince coal miners that their safety is their own responsibility, as opposed to being a responsibility of industry or government. . . .

THOMAS N. BETHELL ARTICLE

This fantastic idea was first unveiled by Thomas N. Bethell in the June 1–15, 1971 issue of "Coal Patrol," the complete text of which follows:

[From the Coal Patrol, June 1–15, 1971]

THE SELLING OF THE INTERIOR DEPARTMENT

Last January, when Rogers C. B. Morton was nominated for the job of Secretary of the Interior, he told the Senate he was "totally committed to the proposition of bringing better management, better service, and better rewards to the nation from the efforts of this department." He may still have that goal in mind, but there are indications that the Secretary may be equally committed to making Interior a wing of the Republican National Committee (which Morton headed before accepting his new post) and using the huge department as just one of many launching pads for the re-election of Richard Nixon in 1972. If so, Morton is steering Interior straight into at least one major conflict of interest. The immediate victims: the nation's coal miners.

When Morton became Secretary, his chief aide at the GOP National Committee, Jim Allison, left the committee to go into public relations—in partnership with Harry Treleaven, the former Madison Avenue advertising men who masterminded Nixon's 1968 campaign publicity. On February 18—a bare three weeks after taking over at Interior—Morton hired Treleaven at $121 a day to do a "fact-finding study" of the department's information programs. Treleaven used questionnaires and interviews to put together files on each of the department's information officers, their projects, budgets, communication materials, and attitudes. When reporters found out about the assignment in mid-March, Treleaven said his only goal was to help make sure Interior "spends its dollars wisely in ways that will do the most good for the public." He denied allegations that the project was mainly designed to do good for Harry Treleaven, reassuring skeptics that the consulting job would end no later than May 17.

Apparently it did (with Treleaven an estimated $7,000 to the good). But just two or three days later—as *Coal Patrol* discovered by telephoning Treleaven's office—he had come back to Morton with a suggestion that Interior's image could best be improved by giving Treleaven's company a fat contract. Specifically he had in mind a complete campaign—films, TV spots, billboards, bumper stickers, lapel buttons, the works—on mine safety, a subject which has understandably made Interior and its Bureau of Mines look less than perfect (since Nixon took office more than 500 miners have died in coal mines, and the administration has been widely accused of failure to enforce the 1969 Federal Coal Mine Health and Safety Act). The central message of Treleaven's campaign was that if miners would just shape up and watch what they were doing, they wouldn't get killed.

The idea that individual carelessness is the main cause of mine fatalities is a popular theme with the industry, of course—and it is accepted by many of the bureaucrats at the Bureau of Mine's Washington headquarters, even though their own field inspectors have repeatedly found that company negligence—cutting corners, pushing production instead of protection—kills more men than anything else. Henry Wheeler, the Bureau's sluggish director of health and safety, does a lot of talking about "personal risk-taking," as he calls it, and he can be expected to push Treleaven's proposal with Bureau director Elburt Osborn. But the Bureau's public information office clammed up when *Coal Patrol* asked for details of the proposal, admitting only that "we do have under consideration an unsolicited proposal from Mr. Treleaven" and that "some people in the Bureau think the proposal has merit." The Bureau's spokesman didn't want to comment on the question of whether it was proper for Treleaven to use information he had picked up as a supposedly objective "evaluator" as the basis for a proposal which would benefit his own company. Asked whether any large-scale public relations campaign wouldn't have to be opened to competitive bidding, the spokesman said he didn't think so (adding that the Bureau would not, of course, approve the proposal without first making sure that Treleaven's books were in order and that he was an equal-opportunity employer!).

The Bureau's spokesman wouldn't tell *Coal Patrol* how much money Treleaven wants for his razzle-dazzle campaign, and one of Treleaven's aides wasn't much more helpful (Treleaven himself was out of town and unavailable for comment). But *Coal Patrol* did learn that Treleaven's company hopes to split the job with Holder-Kennedy, a Nashville public relations outfit, and a telephone

call to Holder-Kennedy's president, Hal Kennedy, turned up the information that the proposal, which Kennedy described as "a comprehensive communications campaign," is divided into several phases. The first of these, Kennedy said, would be aimed at "Research and fact-finding" on coal miners' attitudes and other subjects, and would be a low-cost operation—apparently in the neighborhood of $40,000. Then Treleaven and Holder-Kennedy would gear up for the main show, whose cost Kennedy wasn't prepared to estimate. *Coal Patrol's* own estimate, based on the going rates for films, TV spots, billboards, etc., is that the proposal will cost the taxpayers at least a quarter of a million dollars, and probably two or three times that much.

The Treleaven proposal raises some sticky questions, such as:

•Timing: It was just last November that President Nixon himself sent a memo to the various government agencies criticizing "self-serving and wasteful public relations efforts" and ordering an immediate shut-off of "inappropriate promotional activities." The idea was to save some money, and it was apparently taken seriously at Interior, which cut back its public relations budget (a few weeks before Morton arrived) by an estimated 47%. Whether or not Treleaven's proposal is "self-serving," it would certainly seem "wasteful," because the Bureau of Mines has its own facilities for producing films and other educational materials and has a number of TV spots, pamphlets, posters and other safety messages in circulation.

•Priority: The Bureau's critics don't buy the idea that miners mainly get themselves killed; they believe that the government's biggest challenge is to get coal and they don't believe that the Bureau has made much of an effort in that direction. The House Education and Labor Committee, investigating the Bureau's performance in connection with the Kentucky mine disaster that took 38 lives last December, has concluded that the agency has been "derelict," and Sen. Harrison Williams, chairman of the Senate Labor Committee, charged June 1 that only a "massive shake-up" could save the Bureau. The General Accounting Office, asked by Williams last August to make a thorough inquiry into the Bureau's enforcement procedures, reported this week that the agency has been "at times extremely lenient, confusing, uncertain, and inequitable." The Bureau's critics agree that the Bureau needs, more than anything else, to put its own house in order before it can even begin to justify bombarding miners with a high-powered—and probably misleading—campaign aimed at convincing them that they're the culprits when something goes wrong.

•Conflict of interest: It's reasonable to raise an eyebrow when federal funds are about to be doled out to a former GOP National Committee staff man, Jim Allison, who just happens to have gone into partnership with the President's own image-builder, Harry Treleaven, at exactly the same time that Allison's boss, Rogers Morton, became Secretary of Interior—and hired Treleaven to "evaluate" his department.

Maybe it's all just coincidence—but maybe some Congressional committee will want to ask the Interior Secretary how the whole scheme squares with his promise, in January, "to get the Bureau of Mines onstream, to bring up its competence . . . to try and develop a department that carries out the will of Congress."

•As Coal Patrol was going to press on June 1 a report came in that the proposal to the Bureau of Mines may not have been the only one put together by Treleaven. According to an Interior official, Treleaven has also proposed a public relations campaign for the Bureau of Indian Affairs.

After four months with Rogers Morton in office, it's reasonable to ask what he sees Interior's mission to be. Does he want it to serve the entire nation, as he promised the Senate, or is it aimed more narrowly at helping the President get re-elected? Having the Republican Party's chief fund-raiser as Interior Secretary raises some obvious questions. Morton raised the bulk of the GOP's 1968 and 1970 campaign funds from industrialists. High up on the list are the presidents of oil companies and electric utilities, which now control the key coal companies and are moving toward a monopoly of all sources of energy. Interior is the principal federal agency controlling mineral resources, and the Bureau of Mines can control production to the extent that it makes the operators run safe mines. Industry leaders—looking ahead to unprecedented profits—don't want to be confronted with a lot of troublesome hurdles set up by the federal government.

Maybe it's pure coincidence that Treleaven's company wants to work with Holder-Kennedy of Nashville. But the last time the two outfits got together was in 1969, when a Treleaven partner, Ken Reitz (the company's name now is Allison, Treleaven & Reitz) moved to Tennessee to engineer the Nixon administration's multi-million-dollar fight to defeat Sen. Albert Gore in the 1970 elections. Reitz spent 18 months on the campaign; Holder-Kennedy worked with him on production of TV spots, films, billboards, and other materials. They blitzed Gore—they had at least 25 different full-color TV spots, for example, and beamed them at Tennesseans more than 60 times a day during the closing weeks—and ran the costliest campaign in Tennessee history. Gore went under, struggling against an avalanche of misrepresentations of his stands on school prayer, gun control, Haynsworth-Carswell, and other gut issues.

But many observers believe that Gore was singled out not for his stands on these issues but for his record in an area that Reitz's propaganda never mentioned. Gore was (along with Sen. Philip Hart) the Senate's strongest voice against the growing monopolization of the economy by the oil industry. Constantly warning against the day, "not far off . . . when we may well have all major energy sources—petroleum, coal, uranium—under the control of a very few powerful corporations," Gore did more than make speeches: he used his seniority on three powerful committees to expose the industry's high-handed dealings.

When Continental Oil bought Consolidation Coal in 1966, Gore investigated and exposed the "sophisticated gimmick" under which a dummy company was set up and the merger maneuvered through Internal Revenue Service loopholes so that nobody paid any taxes on more than $460 million in profits—and he publicized a crafty arrangement that permitted corporate insiders to make handsome profits on stock options before they were announced to the public.

Two years later, when Kennecott used the same techniques to acquire Peabody Coal, Gore fought successfully to get the IRS loopholes closed—and just a couple of weeks ago the Federal Trade Commission, acting on information turned up by Gore's staff, declared the Kennecott-Peabody merger illegal and ordered it broken up.

From the Nixon administration's standpoint, Gore's highest crime may have been to expose the sophisticated gimmickry used by Atlantic-Richfield Oil to avoid paying any income taxes at all on more than half a billion dollars in profits in a 5-year period. Atlantic-Richfield's president, Robert O. Anderson, gave more than $60,000 to Nixon's 1968 campaign, earning him an open door at the White House and the right to select the Secretary of Interior (he picked Walter Hickel, presumably because Hickel, as governor of Alaska, had helped Atlantic-Richfield move in on the North Slope oil fields without undue interference from state legislators, Eskimos, or conservationists). Anderson, called "the industry's most important spokesman on issues," is the Republican National Committeeman from New Mexico—which puts him in a pretty fair position to influence Rogers Morton on the current controversy raging over coal-burning power plants polluting the air in the Southwest; Atlantic-Richfield has thousands of acres of coal leases waiting for development in the area.

Presumably, if the Nixon administration wants the same kind of handsome funding from the oil industry in 1972 that it had in 1968, it will look sharp on issues that the oil men (and their coal subsidiaries) care about. Just as the campaign against Albert Gore involved much more than met the eye, so it can be assumed that any planned proposal from Allison, Treleaven & Reitz contains more politics than might at first be apparent.

(*Footnote for those who can handle a little more sordid detail:* While Reitz was in Tennessee using oil-industry funds to beat Albert Gore, Morton's deputy, Jim Allison, sortied north into New Jersey to help a Republican challenger try to unseat Sen. Harrison Williams, principal Senate backer of the 1969 Coal Act and now the leading Congressional voice for tough federal occupational health and safety regulations in all industries. Allison's main contribution was to try to revive, as a campaign issue, Williams' earlier bout with alcoholism—a matter which the Senator had openly discussed and laid to rest. The tactic backfired, and Williams won handily.)

Under Rogers Morton, Interior seems to be increasingly inhabited by political people with jobs that parallel, or replace, those held by civil servants or non-political appointees.

The Bureau of Mines, for example, is technically under the director of Dr. Elburt F. Osborn, a career geologist. He is paid $35,000 a year. But his new, White House-appointed assistant, Edward D. Failor, gets the same pay as the boss—an odd arrangement by any business standards. And Failor, who has no mining experience, has the key job of enforcing safety regulations by determining the size of the fines to be imposed on operators for violations found by the Bureau's inspectors.

The General Accounting Office, Congress's investigative agency, reported last week that Failor's office isn't using the criteria established by Congress in the 1969 Coal Act to determine the fines. The result: massive confusion, charges of favoritism, and a huge backlog of unpaid fines (the big companies send their lawyers in to chat with Failor, and the small companies, claiming a foul, are talking about court action).

Failor's background is strictly politics. He worked for Barry Goldwater in 1964 as part of a close-knit group whose self-selected nickname was "the syndicate"—a batch of bright young men who are now, seven years older, scattered through the Nixon administration; White House aide William Timmons is a principal leader. Failor has been a lobbyist and fund-raising consultant, and last fall he managed Rep. Clark MacGregor's unsuccessful campaign against Hubert Humphrey. After the election, the defeated MacGregor moved into the White House as Nixon's chief Congressional liaison man, and a few weeks later Failor moved into Interior. He put in three months as a $100-a-day "consultant" before the Civil Service Commission cleared him for a career job designation from which it would be hard to fire him, if the Nixon administration loses in 1972. Soon after Failor arrived, the Bureau's career man on assessment of fines, Mitchell Sabagh, quit.

Another "syndicate" member, Lewis Helm, has been serving as deputy assistant secretary for mineral resources—a political appoint-

ment. Helm is currently waiting for Civil Service clearance so that he, too, can take a protected "career" job with strong political overtones: coordinator of Interior's mineral resource state liaison officers. Helm's new post—created May 13—has some interesting responsibilities. According to Interior's description, the state liaison officers "serve as primary public contacts on matters relating to production, processing, use, re-use, and disposal of minerals . . . seek to reconcile land-use conflicts whereby raw minerals can be produced, used, and disposed of in a manner that is acceptable to all parties . . . maintaining contact with various state legislators and legislative programs and with governors." Included under this umbrella would be strip-mining, air and water pollution, severance taxes, and a host of other topics in which the industry faces growing opposition from the public. Meeting with governors, Helm will have no technical expertise on minerals to offer—he has no background in the field—but he does have other skills: a former public relations man, he worked in 1968 with "Citizens for Nixon," an organization in which many of the citizens were millionaire industrialists.

(In a 1968 campaign memo quoted in Joe McGinniss's book, *The Selling of the President*, Harry Treleaven wrote: "We need one man in each key state who can advise us on a *continuing* basis. Do we have a state-by-state political strategy?" Helm's new job will give him a staff of 34 state liaison officers—each in touch, on a continuing basis, with governors and legislators.)

Politics seems to have mixed into yet another change at Interior last month. Edward Essertier, a former California newspaperman who had been working as the department's chief information officer, stepped down a notch and was replaced by Robert Kelly, chief of public relations at Pepsi-Cola. Donald M. Kendall, Pepsi's president, is one of Nixon's strongest corporate supporters and contributed thousands of dollars to Rogers Morton's campaign chests in 1968 and 1970. Essertier reportedly asked the White House to explain the demotion and was told only that Interior's image needed "a renewed emphasis." (Apparently Interior wasn't alone: over at the Commerce Department, the director of public affairs has been replaced by the former public relations director of Continental Oil.)

All of these changes—along with Treleaven's proposal for a lucrative contract to tell the nation's miners all about their sins—may be designed to bring about the "better management, better service, and better rewards to the nation" that Rogers Morton promised when he took office. But it seems equally possible that what's going on can best be described by another of Harry Treleaven's 1968 memos. "The trouble is in Washington," wrote Treleaven. "Fix that and we're on our way to fixing everything." It may be that the fix is in at Interior.

LOUISVILLE COURIER-JOURNAL ARTICLES

Mr. Speaker, I include at this point two articles by Ward Sinclair in the Louisville (Ky.) Courier-Journal of June 5 and June 12, 1971:

[From the Louisville Courier-Journal, June 5, 1971]

PLAN COULD NET $250,000, SOME OFFICIALS SAY—NIXON CAMPAIGN FIGURES SEEK U.S. CONTRACT TO PUSH MINE SAFETY

(By Ward Sinclair)

WASHINGTON.—Two public relations men who had key roles in President Nixon's 1968 presidential campaign are trying to land a potentially rich contract which could serve to clean up the government's tarnished coal mine safety image.

The thrust of the proposal is to mount an intensive safety campaign directed at the miners themselves, presumably in an effort to convince them that their safety depends on what they do on their own behalf, rather than on what their employers do.

Both men—Harry Treleaven and James Allison, now working together with their publicity firm—were close allies of Interior Secretary Rogers C. B. Morton when he was Republican national chairman.

If finally awarded, the no-bid contract will come from Morton's Interior Department, which oversees the U.S. Bureau of Mines and coal mine health and safety activities.

The mine safety promotional scheme eventually could net the Allison-Treleaven combine as much as a quarter-million dollars, by some department estimates. But it could run higher.

Allison said yesterday the proposal has been approved by the department "but not signed yet." Interior officials said it is still "under review," but sources indicated that approval seemed likely.

As it is now being discussed, the contract would go to the Holder-Kennedy advertising firm in Nashville, Tenn., which has in the past been active in promoting Republican candidates for office.

Treleaven and Allison, as the major promoters of the project, would share in the benefits of the contract.

Allison said the idea for such a program had come from the Department of Interior—he specifically named Edward D. Failor, a much-criticized GOP political appointee in the Bureau of Mines—and that Treleaven had responded by drawing up a proposed program.

Hal Kennedy, president of the Nashville firm, said that he was "hopeful" the project would be approved. He said his firm became involved at the request of Treleaven, since it had staff available to go into a "sophisticated and well-organized communications program."

"The bureau wants this program badly," Kennedy said. "We have the troops in the right part of the country to do it. We're geared up and ready to go. We have people here with some background in coal."

The safety campaign might involve use of television, bumper stickers, billboards, lapel button, coalfields appearances by "celebrities" and government officials and other techniques borrowed from political hucksterism.

Treleaven, a former New York relations agent, was described by author Joe McGinniss, is his best-selling book, "The Selling of the President," as a mastermind of the 1968 television blitz that many believe was instrumental in Mr. Nixon's election.

Allison, at the time, was Morton's No. 1 assistant at GOP national headquarters. Ken Reitz, a partner in the Allison, Treleaven & Ritz firm, organized the GOP drive against Sen. Albert Gore in Tennessee, as a Holder-Kennedy operative.

Although Interior spokesmen expressed the view that approval of the promotion campaign was likely, they also admitted that questions about legality and propriety had come up in discussion of awarding the potentially lucrative plum.

Aside from the obvious political overtones, these were some of the doubts about legality and propriety that officials were reported to be mulling over:

Whether a "sole-source" contract—that is, a no-bid contract—could be given in view of the apparent fact that the idea came from department itself, rather than an outside source.

Government regulations require competitive bidding on projects sought by a particular agency. No-bid contracts may be given on projects brought in and proposed without a specific invitation from the agency.

Whether Holder-Kennedy could get the contract, since the actual outlining of the project and major negotiations were carried out by Treleaven, presumably representing his own agency.

Whether Treleaven's outfit could get the contract, since the proposal apparently evolved from a "study" he earlier made of the department's image and communications problems. He was hired by Morton in February at $121 a day, to do the study—only three weeks after Morton became interior secretary.

Whether the department should bypass its own public-information office at the Bureau of Mines, which has rather comprehensive facilities for producing pamphlets, news releases, films and television announcements—all of which it has done, and is doing, in the mine safety field.

PRESSURE HAS INCREASED

The proposed public-relataions project comes at a time when the Nixon administration and the Interior Department are under increasing pressure over the deteriorating safety record in the country's coal mines.

In 1969, the first year of the Nixon administration, there were 203 coal mine fatalities. In 1970, when the tough new mine-safety law took effect, 260 miners were killed.

The 1971 record, so far, is worse. Through May, 85 men had died in the industry, compared to 80 at the same point in 1970. And criticism of the enforcers is reaching a new crescendo. Just this week the General Accounting Office released a severe critique of bureau enforcement practices.

The Treleaven proposal is designed for three phases, the first two of which would cost about $40,000, according to Allison.

The first phase would involve the interviewing of coal miners to study their "motivational" habits and attitudes. Kennedy said, "nobody knows now how to reach and motivate miners . . . the bureau's TV safety spots are ineffective." His agency will study answers to those quandaries, he said. They'll do it in three weeks.

The second phase would take three more weeks, with development of a promotional program that would be presented to Interior for acceptance or rejections.

THIRD PHASE MORE COSTLY

The third, and much more costly phase would be the promotional campaign itself. Kennedy said the cost and form are yet to be determined, but he acknowledged that if the agency has to buy television and radio time and print advertising space it could become quite costly.

"The missing ingredient in the bureau's work is the creation of an awareness of the miners' own responsibility to himself. I've looked at a lot of these cases," Kennedy said, "and in 90 per cent of the ones I've studied, negligence and complacency are major factors, although there are many contributing factors."

Most labor, congressional and Bureau of Mines experts believe that just the opposite is the case—that miners are killed and maimed in a majority of instances because of failure of management to take and insist on proper safety precautions.

[From the Louisville Courier-Journal, June 12, 1971]

DEADLINE ONLY DAYS AWAY—MINES BUREAU ASKS BIDS ON MINE SAFETY CAMPAIGN

(By Ward Sinclair)

WASHINGTON.—Reversing earlier plans, the U.S. Bureau of Mines has decided to ask for bids on a contract to mount a potentially costly public relations campaign on coal-mine safety aimed at miners.

But there is a catch. The bureau has given advertising agencies in various large cities only until next Wednesday afternoon to submit proposals for the contract.

The effect of the bureau's action still leaves an ad agency run by two men who figured heavily in Richard Nixon's 1968 presidential

campaign in a preferential position on the bidding.

The decision to seek bids, rather than to award what is known as a "sole-source" contract, was reached this week after the controversial matter received attention from the news media.

Originally, the contract was to be given without bids to the Holder-Kennedy agency of Nashville, Tenn., which became involved at the suggestion of Allison, Treleaven & Reitz, a Washington advertising firm.

Harry Treleaven, who drew up the public relations plans for the bureau, was a key operative in the 1968 Nixon campaign. James Allison during 1968 was right-hand man to Republican national Chairman Rogers C. B. Morton, who know is interior secretary.

Wording of the bid proposal sent out Thursday by the bureau is nearly identical to that of the proposal originally drawn up by Treleaven during a period when he was a $121-a-day communications consultant hired by Morton.

Interior Department officials balked this week at giving the contract to Holder-Kennedy, on the grounds that it did not meet the requisities of a sole-source contract. Sole-source contracts can be given only to a firm that makes a proposal for a project.

But when an agency such as the bureau comes up with an idea for a project—which officials now acknowledge was the case in this instance—the agency must solicit proposals for carrying out its idea. The process is much like bidding.

Allison, for example, and officials at the bureau's say the idea was passed on to Treleaven by Edward D. Failor, a GOP political appointee who is an assistant to Bureau Director Elburt F. Osborn. Failor would not talk to reporters.

The bureau's haste in soliciting bids for the public-relations scheme, which will be directed mainly at coal miners, leaves Holder-Kennedy and the Allison, Treleaven & Reitz firm in highly favorable positions for winning the contract.

Both firms are familiar with the bureau's needs—Treleaven wrote the bureau's proposal, as it turned out—and both have had lead time in which to prepare themselves for the bidding.

Officials also noted that the low bidder will not necessarily get the contract. The job will go to the ad agency that the bureau deems best able to handle it and that makes the proposal the bureau likes best.

STUDIES, INTERVIEWS WANTED

The short time provided potential bidders leaves them a large amount of work to do between now and 3:30 p.m. Wednesday, when their contract proposals are due here.

The bureau wants a full-scale study and assessment of safety campaigns run by the bureau itself, industry and labor in various fields in addition to coal. It wants in-depth interviews with miners and their families to determine their attitudes toward safety.

Potential bidders then are being asked to develop a comprehensive, all-media "education" program—using television, radio, the print media, billboards and even lapel buttons and bumper stickers.

After accepting the ad agency proposal that it likes best, the bureau will then set about contracting for and funding the actual project.

The main thrust of the campaign is to convince coal miners that their safety is their own responsibility, as opposed to being a responsibility of industry or government.

One difference in the bureau's request for proposals compared to the Treleaven prospectus is that the proposed campaign has been broadened to include management as a target of the educational effort. But the rest of the wording indicates that the miner is still the principal target of the campaign.

CRITICIZED BY GAO

Ironically, coal mine safety critics such as West Virginia Rep. Ken Hechler and New Jersey Sen. Harrison A. Williams Jr. have repeatedly blamed industry and government for the conditions that have led to a steady rise in coal mining fatalities in 1969.

And a further irony is that investigation reports on file at the bureau show that it was a "fault of management" that led to a majority of the fatal accidents during the past two years—for a variety of reasons related to generally poor housekeeping and equipment problems in the mines.

But bureau officials, notably Henry Wheeler, deputy director for health and safety, insist that conditions have become safer, despite the statistical refutation of that theory and that the key remaining unsolved problem is the miner's own laxness toward safety.

The severest recent criticism of the bureau and industry came from the government's General Accounting Office, which said in a report released June 1 that the bureau's enforcement of the safety law has been "at times extremely lenient, confusing, uncertain and inequitable."

BEN A. FRANKLIN ARTICLE

Mr. Speaker, I also call attention to an article in the June 13, 1971, New York Times by Ben A. Franklin, as reprinted in the Charleston (W. Va.) Gazette of the same date, the text of which follows:

[From the Charleston (W. Va.) Gazette, June, 13, 1971]

FALL GUY—NEW APPROACH TO MINE ACCIDENTS—BLAME MINER

(By Ben A. Franklin)

WASHINGTON.—The U.S. Bureau of Mines, under criticism for allegedly lax safety enforcement, has met new controversy over a plan suggesting that carelessness by individual miners is a major cause of the coal industry's high rate of accidental injuries and deaths.

The bureau's new approach to the mine accident rate, the highest of any major industry, became known this week.

The agency has been considering signing, on an "emergency basis" a negotiated contract with two commercial public relations concerns for an intensive advertising campaign aimed at individual miners. When the plan came to light, the bureau asked for bids on the contract.

Executives of both the advertising agencies have worked for top Republican candidates, including President Nixon. Officials said the safety contract, as originally planned, would have committed from $200,000 to $500,000 to the campaign.

The original proposal called for such devices as lapel buttons, billboards, bumper stickers, and radio and television newspaper promotions. It contrasted with the bureau's previous admonitions to the mine owners that the responsibility for curbing the rising toll of accidents was theirs and the government's, under the federal Coal Mine Health and Safety Act of 1969.

Disclosure of the campaign came only a few days after a critical review of the bureau's safety enforcement record, issued by the General Accounting Office, an investigative and auditing arm of Congress. The report scored what it called the bureau's "at times extremely lenient, confusing, uncertain and inequitable enforcement of federal health and safety standards in the mines.

The report singled out for disapproval the discovery that in one Bureau of Mines district in West Virginia, a review of 986 federal safety violation citations at 32 large mines had disclosed that "nearly 560, or over half, were repeat violations."

Moreover, the GAO investigators found that through Dec. 31, 1970, only 31 per cent of the federal mine inspections required by law had been made in that district.

Neither of these findings, bureau officials acknowledged, could be laid to individual miners.

During the boom production year of 1970, the bureau's own statistics show, the 260 fatalities in coal mines—57 more than in 1969—occurred at a frequency rate of 1.02 deaths per million man-hours. The 1970 death rate was 20 per cent higher than that of 1969, before the tough, new federal safety law took effect.

The proposed contract for the safety public relations project also stirred political interest here.

The bureau is part of the Interior Department. When Secretary of the Interior Rogers C. B. Morton left the chairmanship of the Republican National Committee last January, one of his aides there, James Allison, also left to form a public relations partnership here with Harry W. Treleaven Jr., the New York advertising man who headed publicity for President Nixon's 1968 campaign.

Last February, Morton hired Treleaven as a $121-a-day government consultant to review the Interior Department's public information programs. That project ended in mid-May with a report that brought extensive personnel changes.

Late in May, Treleaven approached Interior officials with an unsolicited proposal for an extensive coal mine safety promotion by Allison, Treleaven and Rietz, his new concern. The campaign was to be shared by the Holder-Kennedy Co., a Nashville public relations concern that handled the Republican television campaign against Sen. Albert Gore in the Tennessee Democrat's 1970 defeat by Rep. Bill Brock. Ken Rietz, the third partner in Allison, Treleaven & Rietz, was a top Brock campaign aide.

As of June 4, officials here said Saturday, the negotiated, "single source" contract with the two concerns was being cleared for authorization of the first $10,000 phase of the campaign. This phase would have involved a three-week period of research and interviews with miners to learn what elements drive would reach them most of an "all-media" publicity drive would reach them most effectively.

But over last weekend, the Louisville Courier-Journal disclosed the negotiations. Thereupon, bureau officials said that as a result of "conflict-of-interest questions" about the contract raised by Interior Department lawyers, it had been decided that the safety campaign should be let out for competitive bidding

JACK ANDERSON ARTICLE

Mr. Speaker, I include at this point excerpts from an article by Jack Anderson in the June 9, 1971, Washington Post:

THE WASHINGTON MERRY-GO-ROUND—BUREAU

(By Jack Anderson)

Coal miners are being killed by the dozens again this year, and the General Accounting Office has now put the blame where it belongs—with the Bureau of Mines, which has failed utterly to enforce the 1969 mine safety law.

The GAO investigation found that in some major coal fields less than one-third of the legally required mine inspections were made last year. In all, the GAO said, the bureau's performance has been "extremely lenient, confusing, uncertain and inequitable."

Instead of gearing up for an all-out enforcement drive, however, the bureau is now considering a massive, costly publicity campaign whose main theme will be that the miners themselves are to blame for the continuing underground carnage.

Worse, the publicity proposal was submitted under highly questionable circumstances. Here are the backstage facts:

Shortly after he took over as Interior Secretary, Rogers Morton hired Harry Treleaven, the political flack and ad executive who directed the theatrics for President Nixon's 1968 campaign.

Treleaven was paid $121 a day to analyze the department's information programs. He reported his conclusions to Morton last month, but is still officially a consultant to the Secretary.

SELF-SERVING REPORT

Several days after he submitted his report, Treleaven sent a letter to Henry Wheeler, the bureau's deputy director for health and safety, under the letterhead of his newly reorganized public relations firm, Allison, Treleaven and Rietz (with some help from Holder and Kennedy (Inc.), a Nashville, Tenn., public relations outfit which represents oil and steel companies.

Aside from the obvious ethical questions raised by Treleaven's use of his position as a government consultant to drum up business for his own company his proposal is astonishing in other ways.

It makes no mention of the fact that, time and again, company negligence has been shown to be the principal cause of the coal industry's hideous safety record.

Instead, Treleaven suggests a program to "help motivate miners to do what is right." The first phase is to study the present bureau publicity effort to see whether it is "motivating workers to adopt safe working habits and actually changing behavior."

Phase two, to quote the letter, "will be the development of a full-scale all-media communications program which will accomplish our agreed upon objectives."

It would even include such hoopla "as contests, personal appearances by celebrities and government officials. . . ."

POLITICS AND SAFETY

The key man in helping Treleaven to slick in with the Bureau of Mines is Edward Failor, a grade-A political hack who was hired by the Nixon Administration to oversee enforcement of the mine safety law although his only recent experience has been in Republican politicking.

According to Jim Allison, Treleaven's partner, Failor invited Treleaven to submit his proposal. Allison acknowledged further that the Treleaven plan had already been given the bureau's unofficial approval.

My associate Brit Hume called Failor to ask him about this. His secretary answered the phone "Judge Failor's office." Apparently he was once a municipal judge in Dubuque, Iowa, and still likes to be called "Judge." Failor refused to discuss the matter.

MADISON AVENUE SPLURGE

Mr. Speaker, the Bureau of Mines proposes to spend taxpayers' money for a Madison Avenue splurge to try and put the monkey on the back of the coal miners. The whole deal smells to high heaven. It is an unholy mixture of politics, propaganda and pabulum.

We have seen many instances where Republican Party politics have interfered with the professional, life-and-death job of protecting the health and safety of coal miners. When you trace the Treleaven proposal, the footprints go directly to the office of Edward D. Failor, the $35,000-a-year staff associate to the Director of the Bureau of Mines, whose major experience was in the area of fund-raising for the Iowa Republican Party. There is also a strong element of boardroom politics in the Treleaven proposal, which shifts the burden away from coal operators and their new owners, the companies, and places the responsibility for safety on the defenseless coal miners.

James Allison, a partner in the firm of Allison, Treleaven and Reitz, also played a prominent role in the 1968 Nixon campaign, and was a top assistant of the Republican National Committee. The Holder-Kennedy advertising firm played a key role in the massive media campaign unleashed against former Senator Albert Gore—Democrat, Tenn.—in 1970.

Apparently the Treleaven proposal is a typical all-media saturation campaign, which includes television, radio, billboards, lapel buttons, bumper stickers. It appears that the campaign is deliberately massive in order to overcome what is expected to be some stiff sales resistance on the part of the tough-minded coal miners. I know from experience that the coal miners of West Virginia are not stupid enough to swallow that kind of pabulum, and I do not think the miners from other States will either. Why does not the Bureau of Mines get on with the job of enforcing the health and safety law, instead of trying to give the miners a snow job?

GENERAL ACCOUNTING OFFICE REPORT

In the General Accounting Office report, the Comptroller General states:

Bureau inspectors have cited mine operators for violations and have required that they be corrected. During subsequent inspections of the same mines, however, numerous new violations were found, often of the same type as the earlier ones.

Mr. Speaker, the clear responsibility for providing safer working conditions rests with those who own and operate the coal mines of the Nation. And the Bureau of Mines is charged under the law with monitoring that responsibility to see that it is carried out. I have incurred the ire of the United Mine Workers of America, because I have insisted on drastic penalties to be imposed on individual miners who violate safety regulations. The 1969 law includes a fine of up to $250 for miners who are caught smoking.

The Comptroller General's report states:

The operators' required self-policing programs for determining whether they were complying with health and safety requirements also appeared to be ineffective.

The report added:

We believe that effective pre-shift, onshift and weekly inspections by the mine operators could result in fewer repeated violations of the type discussed above and in safer conditions for the mine workers. Therefore, the Bureau should require that the mine operators implement effective inspection programs. To achieve more effective examinations will require the operators to devote more emphasis to recruiting and training persons to perform these inspections. The operators also must provide for the prompt correction of hazardous conditions brought to their attention by their inspectors if the required inspections are to serve their purpose.

The report also criticized the Bureau of Mines and the Department of the Interior, and stated that:

The Department's policies for enforcing health and safety standards have been at times extremely lenient, confusing, uncertain and inequitable.

I would suggest that the Bureau of Mines could better spend public funds on enforcing the Federal Coal Mine Health and Safety Act of 1969, and convincing the owners and operators of the coal mines that they mean business in abiding by the preamble of the 1969 act, which states:

Congress declares that the first priority and concern of all in the coal mining industry must be the health and safety of its precious resource—the coal miner.

NBC'S LAST TUESDAY

The SPEAKER pro tempore (Mr. GONZALEZ). Under previous order of the House, the gentleman from New York (Mr. ROONEY) is recognized for 30 minutes.

Mr. ROONEY of New York. Mr. Speaker, much has been said and written lately about the failure of the television networks to report fairly both sides of an issue. In essence, charges have been levied that persons have found themselves on television responding to questions with answers that were in fact answers to other questions; that one side of an issue is completely ignored as if there were no reasonable answer and that news events have, in fact, been generated by TV personnel who found the real situation for one reason or another not quite newsworthy enough.

Most of us have long believed that the majority of newsmen make it their business as a matter of pride, if nothing else, to get the whole story and to get it right. Unfortunately, television newsmen and some print newsmen are making their thesis a hard one to hold on to.

My suspicions were greatly increased by a recent NBC program called "First Tuesday" and then a subsequent rehash of that distorted program in the Washington Post in a three part series written by the reporter who was the consultant to "First Tuesday" when it was putting together its unilateral picture of the FBI which was in reality nothing but a part of the swirling vendetta against the FBI and its respected Director, J. Edgar Hoover.

Another salvo in a relentless barrage to impugn the good name and deeds of the FBI appeared in the June 7, 1971, issue of The Washington Post-Times Herald in the form of an article—the first of a three-part series—by a reporter named Walter Pincus, entitled "FBI Clears Its Own Funds for Congress." The article contends, as its title implies, that the FBI is accountable to no one, save itself, in justifying its annual appropriation requests. Such a theme implies equally, of course, that the House Committee on Appropriations has blithely ignored its responsibility to hold the FBI strictly accountable for the appropriations it receives.

Apparently finding his task exhilarating, reporter Pincus goes on, throwing reportorial caution to the winds, by suggesting that the Subcommittee of the House Appropriations Committee, which oversees FBI requests for money, has deliberately accommodated the FBI to a preferential niche around which no "serious House review of the FBI" seems likely for the future.

As chairman of the subcommittee whose integrity this article has so grossly maligned, I am indignant and outraged at this shoddy substitution of sensation for journalism. That this compilation of innuendo, half-truths, distortions, and downright sloppy investigation might pass as serious newspaper reporting is, indeed, alarming.

It would seem that Mr. Pincus was so eager to jump aboard the newly refurbished and well-orchestrated bandwagon of vilification against the FBI and its Director that he was determined not to let the facts stand in his way. Why should he? Others who have clearly beat him to the wire in the current anti-FBI sweepstakes have, after all, shown a cavalier disdain for the truth.

Moreover, as a citizen of the United States, I am deeply disturbed at this continuing attempt to discredit a devoted and exemplary public servant, FBI Director J. Edgar Hoover. He has selflessly molded the FBI into perhaps the finest investigative agency in the world. To my mind, the FBI represents one of the best-managed and most efficient Government agencies it has been my privilege to observe in more than a quarter of a century on the Hill. This evaluation of the FBI is not made from any infatuation with or as some critics would maintain, a fear of Mr. Hoover. It is made from the cold, hard analysis and comparison of Government operations from a vantage point few others have had.

Distinguished Government service should be acclaimed, not disparaged; superior performance should be acknowledged, not attacked; dedicated public servants should be encouraged, not denounced. Mediocrity has been all too much the condition attendant to the conduct of many Government operations. Those of my subcommittee and myself, who have easily distinguished accomplishment from the drab background of the norm, do not, when we do so, deserve to have our integrity and motives darkly questioned as they have been in Mr. Pincus' article.

The FBI has received no preferential treatment before my subcommittee. But, FBI Director Hoover has been shown the respect and admiration engendered by the abundant evidence of his single-minded devotion to duty for more than 47 years.

An ancient sage once said:

Criticism is easier than craftsmanship.

How true that saying rings today when the intemperate broadsides of reporter Pincus' article are compared with the facts—the hard-won accomplishments of a craftsman, Mr. Hoover.

Let me examine Mr. Pincus' charges and set the record straight.

In view of his assertion that FBI "agents are in charge of investigating their own congressional appropriation," a review at the outset of the history of the surveys and investigations staff of the House Appropriations Committee, is in order.

Back in 1953, when the late Congressman Clarence Cannon, of Missouri, was the chairman of the full committee, the staff was set up with the help of FBI agents on loan to the committee. Since that time, the staff has been headed by agents separated from the FBI's rolls and placed on the committee's payroll for the period of their tenure. At the present time there are three agents running the staff as director, first assistant director, and second assistant director, respectively. An agent usually remains on the committee's rolls over a 3-year period, progressing from second assistant director to director, after which he returns to duty in the FBI.

The staff uses investigators and other personnel from many Government agencies to conduct the special studies and surveys called for by the various subcommittees. The personnel from these agencies remain on the rolls of their respective agencies which are reimbursed by the committee for the costs of their personnel.

During the calendar year 1970, personnel from a total of no less than 14 Government agencies assisted on the Surveys and Investigations Staff—as has been the practice in prior years. The agencies represented included the FBI, Agriculture, Army Audit Agency, CIA, Commerce, Defense Contract Audit Agency, Export-Import Bank, HEW, Interior, NASA, Tariff Commission, Transportation, Treasury, and the Veterans' Administration. Admittedly, the majority of the personnel are borrowed from the FBI. This is not surprising since we have found the manifold responsibilities of the FBI have given their agents broad and superior investigative and administrative experience.

The surveys and investigations staff has never been requested to conduct any studies directly involving an appropriation request of the FBI. The FBI's request is closely studied and independently evaluated by the regular staff of the committee—which has no FBI personnel assigned—prior to being considered by the members of the subcommittee of which I have the honor to serve as chairman.

The committee actually reimbursed the FBI the amount of $707,981 during the fiscal year 1970 for services of its personnel on loan to the Staff and not $511,000 as reported in the article.

Mr. Pincus glibly charged that the FBI Director has not felt it necessary to appear before the Senate Appropriations Subcommittee that handles its budget and that Senator JOHN MCCLELLAN, the subcommittee chairman, has not pressed for such an appearance since the Director declined to make one the year the Senator became chairman. Senator MCCLELLAN assumed chairmanship of the subcommittee in February 1961 and I understand he has followed the policy of hearing only appeals from cuts in appropriation requests made by this House. This House, during the fiscal year 1963, did, contrary to the assertion of Mr. Pincus, cut an FBI appropriation request for pay raise funds. The Director of the FBI elected to accept our action without appeal and, in line with the Senator's policy, no hearings were accordingly called for the FBI.

Furthermore, I understand Mr. Hoover has never had the opportunity to decline an invitation to appear before Senator MCCLELLAN'S subcommittee and I, therefore, consider Mr. Pincus entirely remiss in suggesting the Director is immune from its examination.

The FBI has always fully justified every dollar it has requested over the 20-plus years I have served as the chairman of the subcommittee. Director Hoover's testimony has consistently been outstanding. He has never failed to provide a comprehensive, detailed, and factual accounting of his stewardship. I only wish others would do likewise.

Before I get into the erroneous charge by reporter Pincus that the FBI has received money enough to hire more agents than it actually has, I would like to explain the FBI's sound practice in its appropriation requests of referring to personnel in terms of full-year employees. This term of "full year" has the same meaning as "man-year" and both denote employment of one man for a total of 260 work days in a fiscal year. The Bureau pays for a total of 260 days worked even though performed by two or more different employees. The net result is that it has the equivalent use of only one employee for a full year.

Another very important point to be kept in mind with respect to figures on agent personnel, they do not reflect the additional manpower expended on FBI work by agents in the form of overtime. Agents have always performed considerable overtime but beginning with fiscal year 1955, premium overtime pay was initiated which only partially compensates for such overtime work. Since fiscal year 1955, all Bureau agents have performed in excess of 2½ hours overtime daily. The uncompensated overtime has resulted since fiscal year 1961 in the Bureau having an equivalent to the full-year services ranging from 792 to 1,241 agents over and above those provided in appropriations each year.

Now then, engaging in some interesting arithmetic, this fellow Pincus reached the conclusion that although the number of FBI agents increased from 6,005 in the fiscal year 1957 to 8,482 in the fiscal year 1971, the Congress actually provided funds for a total of 8,976. The beginning figure of 6,005 is correct. If we then add to this figure all of the individual increases which total 2,871 a figure of 8,876 can be computed—in any case, not the 8,976 arrived at by Mr. Pincus.

But even the 8,876 is not correct. It fails to take into account the downward revision of full-year agents required over the years so that the FBI could meet rising costs of operations. Many of these costs, like those of other Government agencies, it was forced to absorb by edict of the executive branch. In order to comply with such directives and operate without violating the antideficiency statute, the FBI as well as other agencies, had to cut expenses to the core by curtailment of employment if necessary.

Taking into consideration the net effect of these downward revisions, the total number of agents, not full-year, provided for in the 1971 requests therefore is actually 8,350 and not the improperly totaled 8,976 arrived at by Mr. Pincus through improperly pyramiding the individual increases since 1957.

Bearing in mind what I have said and taking into account the fact that the appropriation requests are prepared about 1 year prior to the beginning of a fiscal year, I believe we have the explanation for Mr. Pincus' slanted conclusion concerning the agents provided for in fiscal years 1968 versus 1967 and 1962 versus 1957.

Mr. Pincus pointed out that the FBI Director requested 50 new agents, none for the seat of government, in the fiscal year 1962. This was followed by a statement also made by the Director and completely out of context;

We will endeavor to absorb this extra work (at the seat of government) with our present staff through streamlining and greater productive efficiency.

The parentheses and words therein were gratuitously supplied by Mr. Pincus.

In this regard, I wish to point out that had the FBI and Mr. Hoover been able to employ all of the additional agents requested each year and continue to absorb costs which they were required to do relating to postage rate increases, health benefits increases and the like, they would be miracle workers. Instead of coming in and crying for supplementals to defray these costs, the FBI tightened its belt, did with a few less agents in a particular fiscal year and yet got their job done in their usual outstanding manner. For this they should be commended, not criticized. It is proof that the FBI Director is not an empire builder.

The FBI has for many years followed a policy of assigning its personnel so as to meet the changing needs of the service. In line with this policy, agents from the field have been assigned to supervisory duties at the seat of government when the normal workload required such action. The FBI has rarely asked for additional personnel for the seat of government staff to supervise investigations except where a new investigative program was being instituted. For example, the request for the fiscal year 1972 which is now pending before this House contains a request for 23 agents for the supervisory staff at FBI Headquarters. These agents are required to supervise the 1,500 agents being added during the fiscal years 1971 and 1972 to handle organized crime, extremist, and aircraft hijacking matters.

In January 1962, the Director testified that the estimated fingerprint receipts for fiscal year 1963 would be 5.7 million. At that time he noted that although the fingerprint work had increased substantially he was not requesting any additional personnel for the Identification Division. In February 1963, testifying in connection with the 1964 fiscal year budget, the Director submitted a revised estimate for fingerprint receipts for fiscal year 1963—6 million. The increase from 5.7 to 6 million—300,000—was due primarily to revised estimates received from other Government agencies at the time they submitted their estimates for the fiscal year 1964 and following his projection in testimony in 1962. Mr. Hoover requested 150 additional clerks, and not 125 as Mr. Pincus reported, to handle the expected increase in work.

As reporter Pincus' article states, the anticipated increase in fingerprint receipts did not materialize and actual receipts for the fiscal year 1963 were 5,720,537. The revised figure which had previously been reported as 6 million was not realized primarily because receipts from Federal agencies were considerably lower than anticipated. However, in considering personnel needs in the fingerprint operation, there are many factors which must be taken into account, such as growth of files, number of fugitives identified, number of wanted notices posted, increases in latent fingerprint work and the like, which are not directly related to the volume of prints received. Increases in these categories were reported in the Director's testimony year after year and were taken into account by the subcommittee in evaluating the request for additional personnel.

Mr. Pincus asserted that the Director showed he hired only 85 clerks which proves that Mr. Hoover did not featherbed the Bureau's operations when the work load fell short of earlier estimates.

Another false charge leveled at the Director was that he threatened to halt the processing of non-Federal applicant prints in order to obtain additional funds for the FBI Identification Division. This was certainly not the case. In the interest of economy and with the approval of the Attorney General, the processing of non-Federal applicants was discontinued in May 1970. Thereafter, Congress approved an amendment to the FBI's 1971 fiscal year budget which provided for 400 additional full-year employees to resume processing of non-Federal applicant fingerprint work which was reinstituted in October 1970.

The article indicates that non-Federal applicant fingerprint checks had grown some 472,855 between 1967 and 1970 but that during the same period fingerprint checks for Federal Government agencies dropped 246,637. Actually, during this period Federal applicants decreased 357,925. However, the primary factors to be considered during this period are an increase in criminal prints of 540,261 and an overall increase in fingerprint receipts of 246,637.

Pincus conveniently ignored these facts. Also to be taken into consideration in evaluating workload and personnel needs of the Identification Division during this period was the tremendous increase in correspondence and forms not accompanied by fingerprints, increase in latent fingerprint work, increase in fugitives identified, and the increase in wanted notices posted and canceled.

Incidentally, the FBI's principal responsibility in the fingerprint operation is not to process the prints of Federal applicants as stated by Mr. Pincus. This should be abundantly clear when we see the volume of Federal applicant work is about 30 percent of the total volume received. This important fact was also ignored in the article.

Mr. Pincus makes much of the armored vehicles which are provided for the FBI. The Director of the FBI testified before the House Appropriations Subcommittee on March 17, 1971, during which the need for the armored vehicles was the subject of the following colloquy:

Mr. SIKES. There has been some comment in the press about the purchase of armored cars for the FBI. Will you tell us about this?

Mr. HOOVER. For many years the Committee has approved the purchase of one armored vehicle for replacement purposes and, as you know, this is specifically set forth in the appropriation language. We are permitted to have a total of four armored vehicles. We have two here in Washington, D.C., one in New York City and one in Los Angeles.

If I may digress at this point, I would like to say that during a recent television interview, I suggested one of the older cars was in Miami. There is no armored FBI car at Miami, and there never has been.

I now resume reading the Director's testimony:

The cost of the armored vehicle purchased in 1970 was $27,665. In recent years we have experienced an increase in cost and the principal reason for this has been the escalating cost of armoring the cars. One vehicle is disposed of each year after it has been dearmored and the proceeds from the sale are applied against the cost of the vehicle purchased.

The armored vehicles are used for protective purposes.

Mr. TOLSON. Mr. Congressman, during the calendar year 1970 Mr. Hoover received 26 threats on his life and so far this year, he has received another 16 threats. It is necessary for security reasons for Mr. Hoover to be transported in these vehicles.

Mr. HOOVER. The Attorney General and I have used the armored vehicles when we were required to be in New York City and Los Angeles. The vehicles are available as the needs arise for investigative purposes.

Mr. SIKES. I am certainly glad you have an armored vehicle available for your protection.

The armored vehicle provides necessary security at a minimum cost to the taxpayers. An alternative would be to assign armed agents to protect the Director in view of the death threats he receives. A minimum of four agents would be required for such an assignment and this would cost $110,000 annually. When compared to the cost of the armed guards, the cost of providing the armored car is far more economical and at the same time does provide the protection necessary.

The wholly unwarranted attempt by reporter Pincus to discredit FBI Director Hoover's testimony before my subcommittee, as well as the subcommittee's examination of that testimony, is not at all surprising. This fellow Pincus has occasionally taken wild press shots at the FBI, dating as far back as 1961. More recently, he served as a researcher for the network television program "First Tuesday" which, during its telecast on June 1, 1971, did its best to portray the FBI as a totalitarian agency of repression. In preparation for this telecast, Mr. Pincus obtained a set of blueprints of the new FBI headquarters, after which NBC spent many thousands of their stockholders' dollars constructing the model of the new building which was exhibited on the television program. At the moment they showed their one-sided ridiculous story of the building their Mr. Garrick Utley had a tape that I had made 2 weeks before here in the House recording studio explaining in detail the need of the Department of Justice for the building so as to consolidate seven different locations here in Washington in which the FBI is

presently located. The American public was never permitted to learn that NBC had this direct and I think satisfactory answer in their possession.

I was proud to defend the FBI during that telecast as I am proud today to defend it and my subcommittee from scurrilous attacks seemingly designed to destroy established and effective agencies of our Government.

INSPECTION TOUR OF SOUTHEAST ASIA

The SPEAKER pro tempore (Mr. GONZALEZ). Under a previous order of the House the gentleman from California (Mr. McCLOSKEY) is recognized for 60 minutes.

Mr. McCLOSKEY. Mr. Speaker, I would like at this time to report to the House on a trip the gentleman from California (Mr. WALDIE) and I made to Southeast Asia during the Easter recess, April 7 through April 16. I will describe four specific factual situations we encountered there, but would first like to mention an issue which arose repeatedly during our trip, an issue which presents the House with a problem as serious as that of ending the war itself.

That issue is the deliberate, willful, and continuing deception of Congress by the executive branch of Government.

In both Vietnam and Laos, Congressman WALDIE and I were given deceptive briefings; we were given incomplete and misleading information in the presence of officers, both military and Foreign Service, who know that such information was incomplete and misleading; we were given incorrect facts on several occasions in the presence of officers who knew that such facts were incorrect, yet stood mute.

The deception was clearly not a matter of protecting secret information from the enemy; the intention was to conceal information from the Representatives of the people of the United States as if we were the enemy.

I believe that this deception was not merely an isolated instance of conduct by specific individuals; the Defense Department and the State Department seem to have developed a pattern of conduct which accepts the concept that the executive branch is entitled to and should conceal facts which are unsupportive of executive branch policy.

In recent weeks, for example, the executive branch has refused repeated requests from my office to release statistics on the following:

First, the number of amputee casualties in Vietnam;

Second, the number of deaths from overuse of drugs in Vietnam;

Third, the number of Laotian villages destroyed by Air Force bombing.

These are not statistics that need be withheld from the North Vietnamese or Pathet Lao. The purpose in concealing these statistics can only be that they might cause the American people and the Congress to demand a more rapid withdrawal from Southeast Asia than the Defense and State Departments feel is appropriate to the Nation's best interests.

Such concealment, the deliberate withholding of information from the Congress, presents a grave constitutional question as to whether the legislative branch can properly perform its own legislative responsibilities.

Under the Constitution, we in the Congress have the sole power to declare war; we fund the standing Army, but for a period not to exceed 2 years; we in the House of Representatives, who face our constituents for reelection every 2 years, must also initiate the revenues necessary to support the Nation's expenditures.

All of these provisions were clearly intended by the framers of the Constitution to give Congress the controlling decisions in matters of war and peace. We make the laws; the President as Commander in Chief only executes those laws.

If Congress is to make wise decisions, however, we must be fully informed. We cannot authorize a war without complete information; we should not permit a war to continue without complete information.

Against this background, I would like to describe the four specific factual situations we observed in Southeast Asia and which bear upon the decision to cut off funding for the war which is now before the Congress.

I. THE DESTRUCTION OF THE HAMLETS OF VIETNAM

Over a year ago, on a previous visit to Vietnam, I was advised by our personnel there that in one of Vietnam's 44 Provinces, Quang Nam Province, 307 out of 555 hamlets had been destroyed by American forces. On our most recent visit, Congressman WALDIE and I visited cities and hamlets in each of the six northernmost Provinces of South Vietnam, from Quang Tri just south of the DMZ down to Binh Dinh. We confirmed that the pattern of destruction in Quang Nam province was not unique. In all six of the northern Provinces, we flew over vast areas where only hedgerows remain to indicate where hundreds of thousands of people once lived in quiet rural villages. It appears that at least half of the hamlets in these six Provinces have been deliberately destroyed by American firepower.

In our zeal to separate the guerrilla from his base of support in the countryside, it appears that we have accomplished the same "wanton destruction of villages" and "forcible relocation of civilian population" that we expressly defined and denounced at Nuremberg as a crime against humanity, a definition of crime which we likewise insisted at Nuremberg should be applicable to all nations, not just Nazi Germany.

I could find no American officer or statesman, from Ambassador Bunker on down, who could tell me of any consideration given by American decisionmakers to the question of whether we ourselves, in our search-and-destroy, free-fire zone policies, had not violated our war-crime precedents established at Nuremberg.

Worse yet, American officers assigned to brief us or to escort our inspection trip, either did not know, or chose to deliberately conceal, the fact that American forces and American firepower had destroyed the hamlets in question.

In Thua Thien Province, we flew over the lovely river valley of the Song Bo River, noticing the burned-out hedgerows of dozens of hamlets now surrounded by overgrown fields in what must have once been productive rice paddies and orchards. We flew on some 20 kilometers to a tin-roofed refugee camp located in coastal sand dune country where the refugees of one of those Song Bo River valley hamlets, Xuan Loc hamlet of Ap Thanh Tan village, were gathered to meet us. With a circle of American advisory team members, Vietnamese Government officials and our own escort officers listening, we were first told by the local hamlet chief through both Vietnamese and American interpreters that the hamlet of Xuan Loc of Ap Thanh Tan had been destroyed by the communists in May of 1969, and that his people had fled the village after their homes had been burned by the Vietcong. The hamlet consisted of 128 families, of over 500 total population. We asked if Americans had asked the people to leave. The answer was "No." We asked if American troops or planes had fired on the village; the answer was "No." We asked if the people ever returned to the hamlet to do honor to the graves of their ancesters. The answer was "No."

Under repeated questioning, the hamlet chief insisted that his people had moved out of the original village voluntarily and that U.S. troops had helped them to move.

A number of Vietnamese police stood behind the chief as he talked, and the Vietnamese and American advisers and escort officers present nodded approvingly, or remained silent as this story unfolded.

As we continued questioning the chief in the center of a group of perhaps 100 listeners, a nondescript sort of fellow in a semimilitary uniform wandered over and made a few laughing comments to one of our interpreters. It turned out his name was Ho Le, the assistant platoon leader of the 17th Popular Forces Platoon which operated in the area. Ho Le had a far different recollection of the destruction of Xuan Loc hamlet.

The Vietcong had occasionally come into the village at night, but in May of 1966, marines of the Third Marine Division had ordered the villagers to leave. Thereafter, the marines burned the village to the ground. Ho Le stated he had participated since 1965 in military operations in Thua Thien province and that his platoon had been assigned to the second battalion of one of the Marine regiments operating in the area. He stated unequivocally that the Vietcong had not burned any villages, and that no homes had been burned until the marines ordered that the villagers move out, at which time the hamlets were burned down by the marines.

Had Ho Le not volunteered this information, I am absolutely satisfied that the U.S. military and civilian officers assigned to our party would have permitted us to leave the area with a wholly false impression of the history and cir-

cumstances of the people of this one small hamlet in Thua Thien province. At least one of those officers understood and spoke Vietnamese. Upon completion of Ho Le's account, no Vietnamese or American present suggested that he had been incorrect in any detail.

If the case of Xuan Loc hamlet as described by Ho Le is typical of the hundreds of other hamlets which are now completely destroyed and abandoned, then America has deliberately perpetrated a violation of the Nuremberg principles which is far graver in its scope and the numbers of people affected than was the evacuation of northern Norway for which Gen. Alfred Jodl was sentenced to death 25 years ago.

II. THE DESTRUCTION OF THE VILLAGES OF LAOS

In view of the American policy of destroying villages in Vietnam, Congressman WALDIE and I were interested in ascertaining U.S. policy toward villages in Laos. According to ex-Ambassador William Sullivan, some 3,500 villages once existed in the northern and eastern portions of Laos which have been contested or under Pathet Lao control since 1962.

Prior to our visit to Laos, we had received some harrowing reports of heavy bombing of these villages, and from Government documents had ascertained that nearly 700,000 out of the million or so original inhabitants of these villages had become refugees during the past 10 years. We were further advised that in 1969 and 1970 we had dropped nearly 1 million tons of bombs in Laos, nearly twice the total of the prior 2 years.

We questioned both Air Force and State Department officials on this subject at Udorn Air Force base in Thailand and at the U.S. Embassy in Laos. We were assured by both the commanding general of the 13th Air Force, Major General Evans, and by Ambassador Godley in Vientiane that we are not and have not bombed villages and that to their knowledge any villages that had been hit were hit by mistake. Ambassador Sullivan had testified before the Senate Refugee Subcommittee a year ago, on May 7, 1970, indicating that only 8 villages had been hit by mistake in the 4½ years he had served in Laos, terminating in March of 1969. Both Ambassador Godley and General Evans stated that all targets in Laos had to be approved by the Ambassador, or by United States-Laos acrial fire control teams in O–1's.

On the evening of April 13, at a dinner at the home of Ambassador Godley, we were told by various ranking country team officials, in the presence of both the Ambassador and Deputy Chief of Mission Monteagle Stearnes that; first, we had not bombed villages except by occasional mistake; second, no surveys of refugee attitudes had been made because of lack of staff; third, bombing was certainly no more than one of the factors, and certainly not a major factor in causing refugees to leave their homes; and, fourth, neither the United States nor the Royal Lao Government had forced refugees to leave their homes; they left voluntarily.

The dinner party lasted over 5 hours, and we were repeatedly assured of the validity of the foregoing four points. I think it fair to say that Congressman WALDIE and I went to bed that evening believing that we had been told the truth by sincere and dedicated men that the rural villages of Laos had not been subject to deliberate U.S. bombing.

On the following morning, April 14, however, I found in a briefing book prepared by a member of my Washington congressional staff reference to a survey of refugees made in July 1970, under the auspices of the U.S. Embassy political section of Vientiane. A young officer in the political section at the Embassy confirmed that a summary of refugee opinions did exist. He went with me to the office of Deputy Chief of Mission Stearnes whom I asked to show me the document in question. Mr. Stearnes picked a sheaf of papers off his desk, leafed through them, and finally handed them to me at my request. This report was entitled "Xieng Khouang Province Refugees in Vientiane Plain," and dated July 10, 1970. The report summarizes the responses of over 200 refugees, from 96 separate villages in the Plain of Jars area, with respect to the bombing of their homes. Quoting from page 5 and 6 of the report:

> 75% of 190 respondents said their homes had been damaged by the bombing.
>
> 76% said the attacks took place in 1969.
>
> The bombing is clearly the most compelling reason for moving.

Both the facts stated and the conclusions in this report, addressed personally to Mr. Stearnes by the U.S. Information Service on July 10, 1970, are, of course, in square contradiction to the testimony furnished the Senate Refugee Subcommittee last year, as well as inconsistent with the facts and opinions expressed so positively to us the previous evening.

It is clear that Mr. Stearnes deliberately intended to give Congressman WALDIE and myself a less than complete picture of refugee attitudes and bombing while we were in Laos. The Embassy prepared and gave to us, prior to the April 13 dinner discussions, what purported to be rather a careful "briefing book" on refugees. Three of the eight sections in the book were specifically titled as relating to Xieng Khouang Province. The refugee survey report of July 10, 1970, is entitled "Xieng Khouang Province Refugees in Vientiane Plain" and we accidentally learned from Mr. Albert on April 16 that Mr. Stearnes had called Mr. Albert into his office on the afternoon of the 13th—just prior to the dinner—and asked him if he was the one who had prepared the report in question. Bearing in mind that this report, and a shorter report of similar survey of refugees in a more northerly camp, were the only such reports in the Embassy's possession on the impact of bombing on refugees, it is hard to escape the conclusion that the Embassy did not want inquiring Congressmen to learn anything about widespread bombing in 1969, directed and controlled by the U.S. Ambassador. The omission of this report from the so-called briefing book was clearly deliberate.

After finally obtaining possession of the reports in question at approximately 3 p.m. on the afternoon of April 14, we were able on the morning of April 15, to visit one of the refugee camps, Ban Na Nga, located about 40 kilometers north of Vientiane. We were accompanied by four interpreters, including two, Reverend Roffe and Father Menger, who had been personally recommended by the Ambassador as "unbaised."

We talked to 16 separate individuals and various groups of refugees who had come to the camp from at least seven separate villages in Tasseng Kat, one of the administrative sectors of Xieng Khouang Province.

The refugees were unanimous in describing the destruction of every single home in each of the seven villages where they had lived. They described both T–28 and jet aircraft, as well as the use of CBU cluster bombs and white phosphorous; in all but one of the villages, the refugee had seen people killed by the air strikes, the most numerous being the village of Ba Phone Savanh, a village of 35 homes where nine were killed and 14 wounded.

We personally observed and talked with a number of people bearing scars from CBU pellets of white phosphorous. In talking to the refugees, Congressman WALDIE initially used Father Menger as an interpreter for the first five individuals interviewed. I used Reverend Roffe and a Chinese interpreter named Wong. After several hours, we compared notes and found that we were receiving identical information from the refugees, save in one respect. The refugees interviewed by Congressman WALDIE said, as interpreted by Father Menger, that Pathet-Lao soldiers were living in the villages at the time of the air attacks. The refugees with whom I talked, interpreted by Reverend Roffe and Mr. Wong, stated that the Pathet-Lao were situated some distance away from the village, with the closest soldiers being at least 500 meters away and generally as far as 2 or 3 kilometers away.

We decided to exchange interpreters, although I retained Mr. Wong to monitor Father Menger's interpretations as we were advised by several local people accompanying us that Father Menger had a reputation for inaccuracy.

Thereafter, all persons interviewed agreed that Pathet-Lao soldiers had not been living in their villages. Most important, Congressman WALDIE reinterviewed one of the men who had first stated, according to Father Menger, that the Pathet-Lao lived in his village. This time the refugee was unequivocal in stating that no Pathet-Lao lived in his village and that his earlier comments had been misinterpreted.

The refugees commonly described the killing of their water buffalo, and the fact that they had to live in holes or caves, farming only at night when the bombing became so intensive in 1969. In only one of the seven villages had a refugee seen any visiting Pathet-Lao soldiers killed by the bombing of his village; the soldiers were described as visiting the villages only occasionally or as passing through on the road.

At one interview, the Chief of Tasseng Kat, the administrative area where these villages had been located, volunteered the information that his Tasseng had been evacuated from the Plain of Jars in early 1970 because they were ordered to leave by the Province Governor. U.S. planes provided the airlift capability.

The Air Force briefings from General Evans and his staff conclusively demonstrated both the immense accuracy of targeting and bombing, and also the voluminous and comprehensive aerial reconnaissance photography which precedes and follows bombing strikes. It is clear that the Air Force is only following orders, and that all targets are cleared and approved by the State Department.

With reference to the foregoing facts, it is clear that the Embassy officials on the night of April 13 deliberately misled Congressman WALDIE and myself in four particulars:

First, although they denied it, nonaccidental bombing had taken place in Northern Laos during 1969;

Second, at least 76 percent of 96 small villages had been hit by such bombing;

Third, reports had been made and were in the possession of the Embassy, showing that bombing was clearly the most compelling reason for the refugees leaving their homes; and

Fourth, some of the refugees had moved because of the direct orders of the Royal Laotian Government, not voluntarily; transportation was furnished by U.S. aircraft.

It is clear that cluster bombs and white phosphorus were used against the civilian population of a country with whom the United States has not declared war. The bombing was done under the direction and control of the State Department, not the U.S. Air Force. Both the extent of the bombing and its impact on the civilian population of Laos was deliberately concealed by the State Department between the period July 10, 1970, when the refugee report was completed, and April 13, 1971, when the report was reluctantly handed to me by Deputy Chief of Missions Stearnes in Vientianne.

III. THE AIR FORCE'S REFUSAL TO RELEASE PHOTOGRAPHS OR FURNISH LISTS OF LAOTIAN VILLAGES BOMBED

On April 13 and 15, I was privileged to meet with Major General Evans, commander, 13th Air Force, and on April 16 with Major General Hardin, vice commander, 7th Air Force. General Evans confirmed to me that the rules of engagement in Laos required that no bombing take place within 500 meters of an "active village," an active village being defined as one hut.

At the April 13 meeting, I circled eight villages in northern Laos at random and asked for aerial photographs of such villages. General Evans said he would be glad to have such photographs located and enlarged. On April 15, General Evans advised me that his staff had located only two of the villages in question, and showed me two photographs blown up to approximately 24 inches square. It was clear from the photographs, and General Evans confirmed, that these two villages were no longer in existence in the circled areas indicated.

I asked General Evans for the photographs and he replied that he would first like to get permission for their release from his superior, General Clay, commander, 7th Air Force, in Saigon. He stated he was going to Saigon the following morning and request permission from General Clay for their release to me prior to my scheduled departure at 1700 the following day, April 16.

In the early afternoon of April 16, I called at 7th Air Force Headquarters at Saigon and was referred to Major General Hardin, who advised me that General Clay had decided to refuse release of the pictures to me, and that I should request the pictures and any other Air Force data and information from the Air Force liaison office in Washington.

I did this by letter to Maj. Gen. John C. Giraudo, Office of Legislative Liaison at the Pentagon on April 19, 1971. On April 20, I submitted a list of 196 villages to the Pentagon, requesting recent photographs thereof.

By an earlier letter of March 17, 1971, to General Giraudo, I had requested a list of the villages in Northern Laos which had been hit by U.S. bombs since such bombing commenced.

To date I have had no responsive reply to these requests, save for the delivery of 12 photographs of Laotian villages which were not included in the list of villages for which photographs were requested.

How many of the 3,500 villages behind Pathet Lao lines have been destroyed by American bombing is a matter which is still open to question. This question can be determined quite easily, however, if the Air Force will produce current photographs of these areas from its comprehensive files. The failure to produce these photographs, under ordinary rules of evidentiary law, can only be deemed to properly raise the inference that the villages have indeed been destroyed, contrary to the statements we received from State Department officials.

IV. 1968 VIETNAM TASK FORCE STUDY BY DEPARTMENT OF DEFENSE

Since returning from Southeast Asia, I learned that in 1967, Secretary McNamara commissioned a task force within the Department of Defense to study the decisionmaking process which had led to U.S. involvement in Vietnam. The study was to be "comprehensive and objective," and references were made available which included all relevant DOD documents save those which were interoffice memos solely within the White House itself.

From September 1967 through August 1968, DOD people in the Office of the Secretary put together a 30-volume study of the command decisions which led to U.S. involvement in Vietnam. The study was entitled "United States-Vietnam Relationships 1945–67" by the Vietnam Task Force, Office of the Secretary of Defense."

I am advised that the study not only details the decisionmaking process at the White House-State Department-DOD level, but reveals a number of instances where the public and the Congress were deliberately misled by the executive branch as to: First, the nature of the intelligence estimates available to the executive branch; second, recommendations made to the President; third, plans and programs under consideration; fourth, decisions actually made; fifth, U.S. purposes and aims; and sixth, programs being conducted by the executive branch.

Since the decisionmaking process covered in the study ended in March 1968, there would seem to be no reason today, 3 years later, why such a study should remain unavailable to Congress.

Excerpts from the study have been published in the New York Times of yesterday and today, and I will insert them in the record at the conclusion of my remarks.

One excerpt from the accompanying Times' article is worthy of reference here:

> The study conveys an impression that the war was thus considered less important for what it meant to the South Vietnamese than for what it meant to the position of the United States in the world.
>
> Mr. McNaughton would later capsulize this perception in a memorandum to Mr. McNamara seeking to apportion American aims in South Vietnam:
>
> 70% to avoid a humiliating U.S. defeat (to our reputation as guarantor)
>
> 20% to keep SVN (and then adjacent) territory from Chinese hands
>
> 10% to permit the people of South Viet Nam to enjoy a better, freer way of life.

If this apportionment of goals remains correct as of today, Flag Day, 1971, Mr. Speaker, I would respectfully submit that the avoidance of a humiliating defeat as a guarantor is not worth one more life, American or Asian; that there is no real fear any longer of Chinese control of Viet Nam; and finally, 1.9 million South Vietnamese under arms should be sufficient to provide a better, freer way of life for their countrymen if they have the will to do so.

Recent books by Townsend Hoopes, and others, refer to much of the material contained in this study, and have quoted many of the documents on which the study is based.

Because the deception of the Congress alleged to have been set forth in this study is consistent with the deception described earlier in these remarks, it seems appropriate to me that the House, through its appropriate committees, require the Defense Department to deliver a copy of such study for congressional review, and that we should further require truthful and accurate information on the matters I have discussed today.

Another example of what can only be termed callous distortion of the truth has recently been called to my attention.

As the Speaker knows, the administration has been quick to take credit for declining numbers of American combat deaths in Vietnam. A category of so-called "nonhostile action deaths" has been set up, presumably to reduce further the number of deaths of Americans due to the Southeast Asian policy the administration chooses to follow. By attributing the deaths of these men to nonhostile causes, the inference is created that their deaths are from automobile accidents, illness, or misfortunes entirely

unconnected with the war. Perhaps some are.

But at least one group of deaths, those resulting from short artillery rounds, have been included in this category. I doubt if any troop commander would argue that deaths from misdirected air strikes or artillery firepower would be considered other than ordinary combat casualties resulting from the very nature of war itself. At least since World War I, American commanders have called in fire, even on top of their own positions, knowing full well that some casualties would occur amongst their own troops.

Yet, let me read the following letter a Mrs. Ward of Columbus, Ind., recently received from the Adjutant General of the Army. Apparently Mrs. Ward had written President Nixon to inquire why her sister had not received a letter of condolence from the President following her sister's husband's death.

The letter follows:

OFFICE OF THE ADJUTANT GENERAL,
Washington, D.C., November 6, 1970.

Mrs. K. M. WARD
Columbus, Indiana

DEAR MRS. WARD: This is in further response to your letter of 8 October 1970 addressed to President Nixon regarding the death of your brother-in-law, Sergeant Jim A. Wray.

It is indeed thoughtful that you should seek comfort for your sister and you may be assured that the President deeply regrets the loss of each of our servicemen. He is keenly aware of the contribution and sacrifices of all those who serve in Vietnam but because of the many demands placed upon him, he is unable to extend personal condolences to the next of kin of all personnel who die on active duty. It is my understanding that President Nixon sends letters of condolence to the next of kin only in combat or combat-associated deaths. Sergeant Wray died on 2 July 1969 in Vietnam as the result of injuries received while on a military operation when supporting artillery impacted in the area. He was reported as a non-hostile casualty.

The nearest regional Veterans Administration office will assist Mrs. Wray in initiating a request for the memorial certificate you mention.

My deepest sympathy is with Mrs. Wray and her daughter, Tracy, in the great loss they have suffered.

Sincerely,

VERNE L. BOWERS,
Major General, U.S. Army, Acting The Adjutant General.

Mr. Speaker, this is a small and petty deceit, unworthy of a nation that searches for truth in the pursuit of a war in which it asks its young men to die.

I repeat, what I said earlier: This deception is not a matter of protecting secret information from the enemy. The intention is to conceal information from the people of the United States as if we were the enemy. The purpose in concealing facts or publishing misleading facts is to avoid cause for the American people and the Congress to demand a more rapid withdrawal from Southeast Asia.

There is a commonly used jury instruction, stemming from centuries of common law, to the effect that concealment of information causes the presumption that such information would be adverse. In the light of the deception and concealment which I have discussed today, it seems to me that the House is justified in a more vigorous leadership in ending the war.

Congress has the constitutional power to declare peace as well as war.

Following are the texts of key documents accompanying the Pentagon's study of the Vietnam war, for the period December 1963, through the Tonkin Gulf incident in August 1964, and its aftermath. Except where excerpting is specified, the documents are printed verbatim, with only unmistakable typographical errors corrected.

The material referred to follows:

MCNAMARA REPORT TO JOHNSON ON THE SITUATION IN SAIGON IN 1963

(Memorandum, "Vietnam Situation," from Secretary of Defense Robert S. McNamara to President Lyndon B. Johnson, Dec. 21, 1963.)

In accordance with your request this morning, this is a summary of my conclusions after my visit to Vietnam on December 19–20.

1. Summary. The situation is very disturbing. Current trends, unless reversed in the next 2–3 months, will lead to neutralization at best and more likely to a Communist-controlled state.

2. The new government is the greatest source of concern. It is indecisive and drifting. Although Minh states that he, rather than the Committee of Generals, is making decisions, it is not clear that this is actually so. In any event, neither he nor the Committee are experienced in political administration and so far they show little talent for it. There is no clear concept on how to reshape or conduct the strategic hamlet program; the Province Chiefs, most of whom are new and inexperienced, are receiving little or no direction because the generals are so preoccupied with essentially political affairs. A specific example of the present situation is that General [name illegible] is spending little or no time commanding III Corps, which is in the vital zone around Saigon and needs full-time direction. I made these points as strongly as possible to Minh, Don, Kim, and Tho.

3. The Country Team is the second major weakness. It lacks leadership, has been poorly informed, and is not working to a common plan. A recent example of confusion has been conflicting USOM and military recommendations both to the Government of Vietnam and to Washington on the size of the military budget. Above all, Lodge has virtually no official contact with Harkins. Lodge sends in reports with major military implications without showing them to Harkins, and does not show Harkins important incoming traffic. My impression is that Lodge simply does not know how to conduct a coordinated administration. This has of course been stressed to him both by Dean Rusk and myself (and also by John McCone), and I do not think he is consciously rejecting our advice; he has just operated as a loner all his life and cannot readily change now.

Lodge's newly-designated deputy, David Nes, was with us and seems a highly competent team player. I have stated the situation frankly to him and he has said he would do all he could to constitute what would in effect be an executive committee operating below the level of the Ambassador.

As to the grave reporting weakness, both Defense and CIA must take major steps to improve this. John McCone and I have discussed it and are acting vigorously in our respective spheres.

4. Viet Cong progress has been great during the period since the coup, with my best guess being that the situation has in fact been deteriorating in the countryside since July to a far greater extent than we realized because of our undue dependence on distorted Vietnamese reporting. The Viet Cong now control very high proportions of the people in certain key provinces, particularly those directly south and west of Saigon. The Strategic Hamlet Program was seriously overextended in those provinces, and the Viet Cong has been able to destroy many hamlets, while others have been abandoned or in some cases betrayed or pillaged by the government's own Self Defense Corps. In these key provinces, the Viet Cong have destroyed almost all major roads, and are collecting taxes at will.

As remedial measures, we must get the government to re-allocate its military forces so that its effective strength in these provinces is essentially doubled. We also need to have major increases in both military and USOM staffs, to sizes that will give us a reliable, independent U.S. appraisal of the status of operations. Thirdly, realistic pacification plans must be prepared, allocating adequate time to secure the remaining government-controlled areas and work out from there.

This gloomy picture prevails predominantly in the provinces around the capital and in the Delta. Action to accomplish each of these objectives was started while we were in Saigon. The situation in the northern and central areas is considerably better, and does not seem to have deteriorated substantially in recent months. General Harkins still hopes these areas may be made reasonably secure by the latter half of next year.

In the gloomy southern picture, an exception to the trend of Viet Cong success may be provided by the possible adherence to the government of the Cao Dai and Hoa Hao sects, which total three million people and control key areas along the Cambodian border. The Hoa Hao have already made some sort of agreement, and the Cao Dai are expected to do so at the end of this month. However, it is not clear that their influence will be more than neutralized by these agreements, or that they will in fact really pitch in on the government's side.

5. Infiltration of men and equipment from North Vietnam continues using (a) land corridors through Laos and Cambodia; (b) the Mekong River waterways from Cambodia; (c) some possible entry from the sea and the tip of the Delta. The best guess is that 1,000–1,500 Viet Cong cadres entered South Vietnam from Laos in the first nine months of 1963. The Mekong route (and also the possible sea entry) is apparently used for heavier weapons and ammunition and raw materials which have been turning up in increasing numbers in the south and of which we have captured a few shipments.

To counter this infiltration, we reviewed in Saigon various plans providing for cross-border operations into Laos. On the scale proposed, I am quite clear that these would not be politically acceptable or even militarily effective. Our first need would be immediate U–2 mapping of the whole Laos and Cambodian border, and this we are preparing on an urgent basis.

One other step we can take is to expand the existing limited but remarkably effective operations on the Laos side, the so-called Operation HARDNOSE, so that it at least provides reasonable intelligence on movements all the way along the Laos corridor; plans to expand this will be prepared and presented for approval in about two weeks.

As to the waterways, the military plans presented in Saigon were unsatisfactory, and a special naval team is being sent at once from Honolulu to determine what more can be done. The whole waterway system is so vast, however, that effective policing may be impossible.

In general, the infiltration problem, while serious and annoying, is a lower priority than the key problems discussed earlier. However, we should do what we can to reduce it.

6. Plans for Covert Action into North Vietnam were prepared as we had requested and

were an excellent job. They present a wide variety of sabotage and psychological operations against North Vietnam which I believe we should aim to select those that provide maximum pressure with minimum risk. In accordance with your direction at the meeting, General Krulak of the JCS is chairing a group that will lay out a program in the next ten days for your consideration.

7. Possible neutralization of Vietnam is strongly opposed by Minh, and our attitude is somewhat suspect because of editorials by the New York Times and mention by Walter Lippmann and others. We reassured them as strongly as possible on this—and in somewhat more general terms on the neutralization of Cambodia. I recommend that you convey to Minh a Presidential message for the New Year that would also be a vehicle to stress the necessity of strong central direction by the government and specifically by Minh himself.

8. U.S. resources and personnel cannot usefully be substantially increased. I have directed a modest artillery supplement, and also the provision of uniforms for the Self Defense Corps, which is the most exposed force and suffers from low morale. Of greater potential significance, I have directed the Military Departments to review urgently the quality of the people we are sending to Vietnam. It seems to have fallen off considerably from the high standards applied in the original selections in 1962, and the JCS fully agree with me that we must have our best men there.

Conclusion. My appraisal may be overly pessimistic. Lodge, Harkins, and Minh would probably agree with me on specific points, but feel that January should see significant improvement. We should watch the situation very carefully, running scared, hoping for the best, but preparing for more forceful moves if the situation does not show early signs of improvement.

A 1964 MEMO BY JOINT CHIEFS OF STAFF DISCUSSING WIDENING OF THE WAR

(Memorandum from Gen. Maxwell D. Taylor, Chairman of the Joint Chiefs of Staff, to Secretary of Defense McNamara, Jan. 22, 1964, "Vietnam and Southeast Asia.")

1. National Security Action Memorandum No. 273 makes clear the resolve of the President to ensure victory over the externally directed and supported communist insurgency in South Vietnam. In order to achieve that victory, the Joint Chiefs of Staff are of the opinion that the United States must be prepared to put aside many of the self-imposed restrictions which now limit our efforts, and to undertake bolder actions which may embody greater risks.

2. The Joint Chiefs of Staff are increasingly mindful that our fortunes in South Vietnam are an accurate barometer of our fortunes in all of Southeast Asia. It is our view that if the US program succeeds in South Vietnam it will go far toward stabilizing the total Southeast Asia situation. Conversely, a loss of South Vietnam to the communists will presage an early erosion of the remainder of our position in that subcontinent.

3. Laos, existing on a most fragile foundation now, would not be able to endure the establishment of a communist—or pseudo neutralist—state on its eastern flank. Thailand, less strong today than a month ago by virtue of the loss of Prime Minister Sarit, would probably be unable to withstand the pressures of infiltration from the north should Laos collapse to the communists in its turn. Cambodia apparently has estimated that our prospects in South Vietnam are not promising and, encouraged by the actions of the French, appears already to be seeking an accommodation with the communists. Should we actually suffer defeat in South Vietnam, there is little reason to believe that Cambodia would maintain even a pretense of neutrality.

4. In a broader sense, the failure of our programs in South Vietnam would have heavy influence on the judgments of Burma, India, Indonesia, Malaysia, Japan, Taiwan, the Republic of Korea, and the Republic of the Philippines with respect to US durability, resolution, and trustworthiness. Finally, this being the first real test of our determination to defeat the communist wars of national liberation formula, it is not unreasonable to conclude that there would be a corresponding unfavorable effect upon our image in Africa and in Latin America.

5. All of this underscores the pivotal position now occupied by South Vietnam in our world-wide confrontation with the communists and the essentiality that the conflict there would be brought to a favorable end as soon as possible. However, it would be unrealistic to believe that a complete suppression of the insurgency can take place in one or even two years. The British effort in Malaya is a recent example of a counterinsurgency effort which required approximately ten years before the bulk of the rural population was brought completely under control of the government, the police were able to maintain order, and the armed forces were able to eliminate the guerrilla strongholds.

6. The Joint Chiefs of Staff are convinced that, in keeping with the guidance in NSAM 273, the United States must make plan to the enemy our determination to see the Vietnam campaign through to a favorable conclusion. To do this, we must prepare for whatever level of activity may be required and, being prepared, must then proceed to take actions as necessary to achieve our purposes surely and promptly.

7. Our considerations, furthermore, cannot be confined entirely to South Vietnam. Our experience in the war thus far leads us to conclude that, in this respect, we are not now giving sufficient attention to the broader area problems of Southeast Asia. The Joint Chiefs of Staff believe that our position in Cambodia, our attitude toward Laos, our actions in Thailand, and our great effort in South Vietnam do not comprise a compatible and integrated US policy for Southeast Asia. US objectives in Southeast Asia cannot be achieved by either economic, political, or military measures alone. All three fields must be integrated into a single, broad US program for Southeast Asia. The measures recommended in this memorandum are a partial contribution to such a program.

8. Currently we and the South Vietnamese are fighting the war on the enemy's terms. He has determined the locale, the timing, and the tactics of the battle while our actions are essentially reactive. One reason for this is the fact that we have obliged ourselves to labor under self-imposed restrictions with respect to impeding external aid to the Viet Cong. These restrictions include keeping the war within the boundaries of South Vietnam, avoiding the direct use of US combat forces, and limiting US direction of the campaign to rendering advice to the Government of Vietnam. These restrictions, while they may make our international position more readily defensible, all tend to make the task in Vietnam more complex, time-consuming, and in the end, more costly. In addition to complicating our own problem, these self-imposed restrictions may well now be conveying signals of irresolution to our enemies—encouraging them to higher levels of vigor and greater risks. A reversal of attitude and the adoption of a more aggressive program would enhance greatly our ability to control the degree to which escalation will occur. It appears probable that the economic and agricultural disappointments suffered by Communist China, plus the current rift with the Soviets, could cause the communists to think twice about undertaking a large-scale military adventure in Southeast Asia.

9. In adverting to actions outside of South Vietnam, the Joint Chiefs of Staff are aware that the focus of the counterinsurgency battle lies in South Vietnam itself, and that the war must certainly be fought and won primarily in the minds of the Vietnamese people. At the same time, the aid now coming to the Viet Cong from outside the country in men, resources, advice, and direction is sufficiently great in the aggregate to be significant—both as help and as encouragement to the Viet Cong. It is our conviction that if support of the insurgency from outside South Vietnam in terms of operational direction, personnel, and material were stopped completely, the character of the war in South Vietnam would be substantially and favorably altered. Because of this conviction, we are wholly in favor of executing the covert actions against North Vietnam which you have recently proposed to the President. We believe, however, that it would be idle to conclude that these efforts will have a decisive effect on the communist determination to support the insurgency; and it is our view that we must therefore be prepared fully to undertake a much higher level of activity, not only for its beneficial tactical effect, but to make plain our resolution, both to our friends and to our enemies.

10. Accordingly, the Joint Chiefs of Staff consider that the United States must make ready to conduct increasingly bolder actions in Southeast Asia; specifically as to Vietnam to:

a. Assign to the US military commander responsibilities for the total US program in Vietnam.

b. Induce the Government of Vietnam to turn over to the United States military commander, temporarily, the actual tactical direction of the war.

c. Charge the United States military commander with complete responsibility for conduct of the program against North Vietnam.

d. Overfly Laos and Cambodia to whatever extent is necessary for acquisition of operational intelligence.

e. Induce the Government of Vietnam to conduct overt ground operations in Laos of sufficient scope to impede the flow of personnel and material southward.

f. Arm, equip, advise, and support the Government of Vietnam in its conduct of aerial bombing of critical targets in North Vietnam and in mining the sea approaches to that country.

g. Advise and support the Government of Vietnam in its conduct of large-scale commando raids against critical targets in North Vietnam.

h. Conduct aerial bombing of key North Vietnam targets, using US resources under Vietnamese cover, and with the Vietnamese openly assuming responsibility for the actions.

i. Commit additional US forces, as necessary, in support of the combat action within South Vietnam.

j. Commit US forces as necessary in direct actions against North Vietnam.

11. It is our conviction that any or all of the foregoing actions may be required to enhance our position in Southeast Asia. The past few months have disclosed that considerably higher levels of effort are demanded of us if US objectives are to be attained.

12. The governmental reorganization which followed the coup d'etat in Saigon should be completed very soon, giving basis for concluding just how strong the Viet-

namese Government is going to be and how much of the load they will be able to bear themselves. Additionally, the five-month dry season, which is just now beginning, will afford the Veitnamese an opportunity to exhibit their ability to reverse the unfavorable situation in the critical Mekong Delta. The Joint Chiefs of Staff will follow these important developments closely and will recommend to you progressively the execution of such of the above actions as are considered military required, providing, in each case, their detailed assessment of the risks involved.

13. The Joint Chiefs of Staff consider that the strategic importance of Vietnam and of Southeast Asia warrants preparations for the actions above and recommend that the substance of this memorandum be discussed with the Secretary of State.

A 1964 McNAMARA REPORT ON STEPS TO CHANGE THE TREND OF THE WAR

(Excerpts from memorandum, "South Vietnam," from Secretary of Defense McNamara to President Johnson, March 16, 1964.)

I. U.S. OBJECTIVES IN SOUTH VIETNAM

We seek an independent non-Communist South Vietnam. We do not require that it serve as a Western Alliance. Vietnam must be free, however, to accept outside assistance as required to maintain its security. This assistance should be able to take the form not only of economic and social pressures but also political and military help to root out and control insurgent elements.

Unless we can achieve this objective in South Vietnam, almost all of Southeast Asia will probably fall under Communist dominance (all of Vietnam, Laos, and Cambodia), accommodate to Communism so as to remove effective U.S. and anti-Communist influence (Burma), or fall under the domination of forces not now explicitly Communist but likely then to become so (Indonesia taking over Malaysia). Thailand might hold for a period with our help, but would be under grave pressure. Even the Philippines would become shaky, and the threat to India to the west, Australia and New Zealand to the south, and Taiwan, Korea, and Japan to the north and east would be greatly increased.

All these consequences would probably have been true even if the U.S. had not since 1954, and especially since 1961, become so heavily engaged in South Vietnam. However, that fact accentuates the impact of a Communist South Vietnam not only in Asia, but in the rest of the world, where the South Vietnam conflict is regarded as a test case of U.S. capacity to help a nation meet a Communist "war of liberation."

Thus, purely in terms of foreign policy, the stakes are high. They are increased by domestic factors.

II. PRESENT U.S. POLICY IN SOUTH VIETNAM

We are now trying to help South Vietnam defeat the Viet Cong, supported from the North, by means short of the unqualified use of U.S. combat forces. We are not acting against North Vietnam except by a very modest "covert" program operated by South Vietnamese (and a few Chinese Nationalists)—a program so limited that it is unlikely to have any significant effect. In Laos, we are still working largely within the framework of the 1962 Geneva Accords. In Cambodia we are still seeking to keep Sihanouk from abandoning whatever neutrality he may still have had fulfilling his threat of reaching an accommodation with Hanoi and Peking. As a consequence of these policies, we and the GVN have had to condon the extensive use of Cambodian and Laotian territory by the Viet Cong, both as a sanctuary and as infiltration routes.

III. THE PRESENT SITUATION IN SOUTH VIETNAM

The key elements in the present situation are as follows:

A. The military tools and concepts of the GVN-US efforts are generally sound and adequate* Substantially more can be done in the effective employment of military forces and in the economic and civic action areas. These improvements may require some selective increases in the U.S. presence, but it does not appear likely that major equipment replacement and additions in U.S. personnel are indicated under current policy.

B. The U.S. policy of reducing existing personnel where South Vietnamese are in a position to assume the function is still sound. Its application will not lead to any major reductions in the near future, but adherence to this policy as such has a sound effect in portraying to the U.S. and the world that we continue to regard the war as a conflict the South Vietnamese must win and take ultimate responsibility for. Substantial reductions in the numbers of U.S. military training personnel should be possible before the end of 1965. However, the U.S. should continue to reiterate that it will provide all the assistance and advice required to do the job regardless of how long it takes.

C. The situation has unquestionably been growing worse, at least since September.

1. In terms of government control of the countryside, about 40% of the territory is under Viet Cong control or predominant influence. In 22 of the 43 provinces, the Viet Cong control 50% or more of the land area, including 80% of Phuoc Tuy; 90% of Binh Duong; 75% of Hau Mghia; 90% of Long An; 90% of Kien Tuong; 90% of Dinh Tuong; 90% of Kien Hoa and 85% of An Xuyen.

2. Large groups of the population are now showing signs of apathy and indifference, and there are some signs of frustration within the U.S. contingent. . . .

a. The ARVIN and paramilitary desertion rates, and particularly the latter, are high and increasing.

b. Draft-dodging is high while the Viet Cong are recruiting energetically and effectively.

c. The morale of the hamlet militia and of the Self Defense Corps, on which the security of the hamlets depends, is poor and failing.

3. In the last 90 days the weakening of the government's position has been particularly noticeable. . . .

4. The political control structure extending from Saigon down into the hamlets disappeared following the November coup. . . .

5. North Vietnamese support, always significant, has been increasing. . . .

D. The greatest weakness in the present situation is the uncertain viability of the Khanh government. Khanh himself is a very able man within his experience, but he does not yet have wide political appeal and his control of the army itself is uncertain. . . .

E. On the positive side, we have found many reasons for encouragement in the performance of the Khanh Government to date. Although its top layer is thin, it is highly responsive to U.S. advice, and with a good grasp of the basic elements of rooting out the Viet Cong. . . .

2. Retaliatory Actions. For example:

a. Overt high and/or low-level reconnaissance flights by U.S. or Farmgate aircraft over North Vietnam to assist in locating and identifying the sources of external aid to the Viet Cong.

b. Retaliatory bombing strikes and commando raids on a tit-for-tat basis by the GVN against NVN targets (communication centers, training camps, infiltration routes, etc.)

c. Aerial mining by the GVN aircraft (possibly with U.S. assistance) of the major NVN ports.

3. Graduated Overt Military Pressure by GVN and U.S. Forces.

This program would go beyond reacting on a tit-for-tat basis. It would include air attacks against military and possibly industrial targets. The program would utilize the combined resources of the GVN Air Force and the U.S. Farmgate Squadron, with the latter reinforced by three squadrons of B–57s presently in Japan. Before this program could be implemented it would be necessary to provide some additional air defense for South Vietnam and to ready U.S. forces in the Pacific for possible escalation.

The analysis of the more serious of these military actions (from 2(b) upward) revealed the extremely delicate nature of such operations, both from the military and political standpoints. There would be the problem of marshalling the case to justify such action, the problem of communist escalation, and the problem of dealing with the pressures for premature or "stacked" negotiations. We would have to calculate the effect of such military actions against a specified political objective. That objective, while being cast in terms of eliminating North Vietnamese control and direction of the insurgency, would in practical terms be directed toward collapsing the morale and the self-assurance of the Viet Cong cadres now operating in South Vietnam and bolstering the morale of the Khanh regime. We could not, of course, be sure that our objective could be achieved by any means within the practical range of our options. Moreover, and perhaps most importantly, unless and until the Khanh government has established its position and preferably is making significant progress in the South, an overt extension of operations into the North carries the risk of being mounted from an extremely weak base which might at any moment collapse and leave the posture of political confrontation worsened rather than improved.

The other side of the argument is that the young Khanh Government [two words illegible] reinforcement of some significant sources against the North and without [words illegible] the in-country program, even with the expansion discussed in Section [words illegible] may not be sufficient to stem the tide.

[Words illegible] balance, except to the extent suggested in Section V below, I [words illegible] against initiation at this time of overt GVN and/or U.S. military [words illegible] against North Vietnam.

C. Initiate Measures to Improve the Situation in South Vietnam.

There were and are sound reasons for the limits imposed by present policy—the South Vietnamese must win their own fight; U.S. intervention on a larger scale, and/or GVN actions against the North, would disturb key allies and other nations; etc. In any case, it is vital that we continue to take every reasonable measure to assure success in South Vietnam. The policy choice is not an "either/or" between this course of action and possible pressures against the North; the former is essential without regard to our decision with respect to the latter. The latter can, at best, only reinforce the former.

The following are the actions we believe can be taken in order to improve the situation both in the immediate future and over a longer-term period. To emphasize that a

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* Mr. McCone emphasizes that the GVN/US program can never be considered completely satisfactory so long as it permits the Viet Cong a sanctuary in Cambodia and a continuing uninterrupted and unmolested source of supply and reinforcement from NYN through Laos.

new phase has begun, the measures to be taken by the Khanh government should be described by some term such as "South Vietnam's Program for National Mobilization."

BASIC U.S. POSTURE

1. The U.S. at all levels must continue to make it emphatically clear that we are prepared to furnish assistance and support for as long as it takes to bring the insurgency under control.

2. The U.S. at all levels should continue to make it clear that we fully support the Khanh government and are totally opposed to any further coups. The Ambassador should instruct all elements, including the military advisors, to report intelligence information of possible coups promptly, with the decision to be made by the ambassador whether to report such information to Khanh. However, we must recognize that our chances would not be great of detecting and preventing a coup that had major military backing.

3. We should support fully the Pacification Plan now announced by Khanh (described in Annex B), and particularly the basic theory—now fully accepted both on the Vietnamese and U.S. sides—of concentrating on the more secure areas and working out from these through military operations to provide security, followed by necessary civil and economic actions to make the presence of the government felt and to provide economic improvements. . . .

V. POSSIBLE LATER ACTIONS

If the Khanh government takes hold vigorously—inspiring confidence, whether or not noteworthy progress has been made—or if we get hard information of significantly stepped-up VC arms supply from the North, we may wish to mount new and significant pressures against North Vietnam. We should start preparations for such a capability now. (See Annex C for an analysis of the situation in North Vietnam and Communist China.) Specifically, we should develop a capability to initiate within 72 hours the "Border Control [1]" and "Retaliatory Actions" referred to on pages 5 and 6, and we should achieve a capability to initiate with 30 days' notice the program of "Graduated Overt Military Pressure." The reasoning behind this program of preparations for initiating action against North Vietnam is rooted in the fact that, even with progress in the pacification plan, the Vietnamese Government and the population in the South will still have to face the prospect of a very lengthy campaign based on a war-weary nation and operating against Viet Cong cadres who retain a great measure of motivation and assurance.

In this connection, General Khanh stated that his primary concern is to establish a firm base in the South. He favors continuation of covert activities against North Vietnam, but until such time as "rear-area security" has been established, he does not wish to engage in overt operations against the North.

In order to accelerate the realization of pacification and particularly in order to denigrate the morale of the Viet Cong forces, it may be necessary at some time in the future to put demonstrable retaliatory pressure on the North. Such a course of action might proceed according to the scenario outlined in Annex D. . . .

VII. RECOMMENDATIONS

I recommend that you instruct the appropriate agencies of the U.S. Government:

1. To make it clear that we are prepared to furnish assistance and support to South Vietnam for as long as it takes to bring the insurgency under control.

2. To make it clear that we fully support the Khanh government and are opposed to further coups.

3. To support a Program for National Mobilization (including a national service law) to put South Vietnam on a war footing.

4. To assist the Vietnamese to increase the armed forces (regular plus paramilitary) by at least 50,000 men.

5. To assist the Vietnamese to create a greatly enlarged Civil Administrative Corps for work at province, district and hamlet levels.

6. To assist the Vietnamese to improve and reorganize the paramilitary forces and increase their compensation.

7. To assist the Vietnamese to create an offensive guerrilla force.

8. To provide the Vietnamese Air Force 25 A–1H aircraft in exchange for the present T–28s.

9. To provide the Vietnamese Army additional M–113 armored personnel carriers (withdrawing the M–114s there), additional river boats, and approximately $5–10 million of other additional material.

10. To announce publicly the Fertilizer Program and to expand it with a view within two years to trebling the amount of fertilizer made available.

11. To authorize continued high-level U.S. overflights of South Vietnam's borders and to authorize "hot pursuit" and South Vietnamese ground operations over the Laotian line for the purpose of border control. More ambitious operations into Laos involving units beyond battalion size should be authorized only with the approval of Souvanna Phouma. Operations across the Cambodian border should depend on the state of relations with Cambodia.

12. To prepare immediately to be in a position on 72 hours' notice to initiate the full range of Laotian and Cambodian "Border Control" actions (beyond those authorized in Paragraph 11 above) and the "Retaliatory Actions" against North Vietnam, and to be in a position on 30 days' notice to initiate the program of "Graduated Overt Military Pressure" against North Vietnam.

GLOSSARY OF TERMS IN TEXT

ARVIN—Army of the Republic of (South) Vietnam.

BLACK RADIO—In psychological warfare, broadcasts by one side that are disguised as broadcasts by the other.

BLUE SPRINGS—Apparently a covert operation not further identified in the study of the documents.

BOX TOP—Apparently a code name for a covert project not further identified in documents.

CANDY MACHINE—Code name for an allied operation in Vietnam not otherwise identified in the documents.

CAP—Combat air patrol.

CI—Counterinsurgency.

CHICOM—Chinese Communist.

CHINAT—Chinese Nationalist.

CINPAC—Commander in Chief, Pacific. Position held by Adm. Harry D. Felt, 1958–61; Adm. U.S. Grant Sharp, 1964–68.

COMUSMACV—Commander, United States Military Assistance Command, Vietnam. Position held by Gen. Paul D. Harkins in 1964; Gen. William C. Westmoreland, 1964–68; Gen. Creighton W. Abrams since.

COUNTRY TEAM—Council of Senior United States officials in Vietnam, including Ambassador, commander of American forces, C.I.A. chief and others.

DEPTEL—State Department telegram.

DE SOTO PATROLS—United States destroyer patrols in Tonkin Gulf.

EMBTEL—United States Embassy telegram.

FARMGATE—Clandestine United States Air Force strike unit in Vietnam, 1964.

GVN—Government of (South) Vietnam.

HARDNOSE—Code name, apparently for a covert project, not otherwise identified in the documents.

I.C.C.—International Control Commission, established under 1954 Geneva accords, comprising representatives of Poland, Canada and India.

JCSM—Joint Chiefs of Staff memorandum.

LEAPING LENA—Code name for an allied operation not further identified in the documents.

LUCKY DRAGON—Code name, apparently for a covert allied operation in Vietnam, not otherwise identified.

MACV—Military Assistance Command, Vietnam.

NSAM—National security action memorandum.

NVM—North Vietnam.

OPLAN—Operation Plan.

PDJ—Plain des Jarres.

Pierce Arrow—Code name for the U.S. reprisal bombing of North Vietnam after the Gulf of Tonkin incidents.

PL—Pathet Lao.

PL/VM—Pathet Lao/Vietminh.

POL—Petroleum, oil, lubricants.

PSYOPS—Psychological operations.

Queen Bee—Code name for an allied operation not otherwise identified in the documents.

RECCE—Reconnaissance.

RLAF—Royal Laotian Air Force.

RLG—Royal Laotian Government.

RTG—Royal Thai Government.

RVNAF—Republic of (South) Vietnam Air Force; also Republic of (South) Vietnam armed forces.

SAR—Search and rescue.

SEPTEL—Separate telegram.

SVN—South Vietnam.

34A—Operation plan, 1964, covering covert ground, air and sea raids against North Vietnam.

TRIANGLE—Code name for an operation in South Vietnam not otherwise identified in the documents.

USOM—United States Operations Mission, the American economic aid apparatus in Saigon.

VNAF—(South) Vietnam Air Force; (South) Vietnam armed forces.

WATER GLASS—Code name of an operation in Vietnam not otherwise identified in the documents.

WHITE RADIO—In psychological warfare, broadcasts that are openly attributed to the side transmitting them.

YANKEE TEAM—Phase of the Indochina bombing operation.

U.S. ORDER FOR PREPARATIONS FOR SOME RETALIATORY ACTION

(Excerpts from National Security Action Memorandum 288, "U.S. Objectives in South Vietnam," March 17, 1964, as provided in the body of the Pentagon study. The words in brackets are the study's. The paragraph in italic is the paraphrase by a writer of the study.)

[The United States' policy is] to prepare immediately to be in a position on 72 hours' notice to initiate the full range of Laotian and Cambodian "Border Control Actions" . . . and the "Retaliatory Actions" against North Vietnam, and to be in a position on 30 days' notice to initiate the program of "Graduated Overt Military Pressure" against North Vietnam. . . .

We seek an independent non-Communist South Vietnam. We do not require that it serve as a Western base or as a member of a Western Alliance. South Vietnam must be free, however, to accept outside assistance as required to maintain its security. This assistance should be able to take the form not only of economic and social measures but also police and military help to root out and control insurgent elements.

Unless we can achieve this objective in South Vietnam, almost all of Southeast Asia will probably fall under Communist dominance (all of Vietnam, Laos, and Cambodia),

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[1] Authority should be granted immediately for covert Vietnamese operations into Laos, for the purposes of border control and of "hot pursuit" into Laos. Decision on "hot pursuit" into Cambodia should await further study of our relations with that country.

accommodate to Communism so as to remove effective U.S. and anti-Communist influence (Burma), or fall under the domination of forces not now explicitly Communist but likely then to become so (Indonesia taking over Malaysia). Thailand might hold for a period without help, but would be under grave pressure. Even the Philippines would become shaky, and the threat to India on the West, Australia and New Zealand to the South, and Taiwan, Korea, and Japan to the North and East would be greatly increased.

All of these consequences would probably have been true even if the U.S. had not since 1954, and especially since 1961, become so heavily engaged in South Vietnam. However, that fact accentuates the impact of a Communist South Vietnam not only in Asia but in the rest of the world, where the South Vietnam conflict is regarded as a test case of U.S. capacity to help a nation to meet the Communist "war on liberation."

Thus, purely in terms of foreign policy, the stakes are high. . . .

We are now trying to help South Vietnam defeat the Viet Cong, supported from the North, by means short of the unqualified use of U.S. combat forces. We are not acting against North Vietnam except by a modest "covert" program operated by South Vietnamese (and a few Chinese Nationalists)—a program so limited that it is unlikely to have any significant effect. . . .

There were and are some sound reasons for the limits imposed by the present policy—the South Vietnamese must win their own fight; U.S. intervention on a larger scale, and/or GVN actions against the North, would disturb key allies and other nations, etc. In any case, it is vital that we continue to take every reasonable measure to assure success in South Vietnam. The policy choice is not an "either/or" between this course of action and possible pressure against the North; the former is essential and without regard to our decision with respect to the latter. The latter can, at best, only reinforce the former. . . .

Many of the actions described in the succeeding paragraphs fit right into the framework of the [pacification] plan as announced by Khanh. Wherever possible, we should tie our urgings of such actions to Khanh's own formulation of them, so that he will be carrying out a Vietnamese plan and not one imposed by the United States . . .

Among the alternatives considered, but rejected for the time being . . . were overt military pressure on North Vietnam, neutralization, return of U.S. dependents, furnishing of a U.S. combat unit to secure the Saigon area, and a full takeover of the command in South Vietnam by the U.S. With respect to this last proposal, it was said that

. . . the judgment of all senior people in Saigon, with which we concur, was that the possible military advantages of such action would be far outweighed by adverse psychological impact. It would cut across the whole basic picture of the Vietnamese winning their own war and lay us wide open to hostile propaganda both within South Vietnam and outside.

Cable From President to Lodge on Escalation Contingencies

(Cablegram from President Johnson to Henry Cabot Lodge, United States Ambassador in Saigon, March 20, 1964.)

1. We have studied your 1776 and I am asking State to have Bill Bundy make sure that you get out latest planning documents on ways of applying pressure and power against the North. I understand that some of this was discussed with you by McNamara mission in Saigon, but as plans are refined it would be helpful to have your detailed comments. As we agreed in our previous messages to each other, judgment is reserved for the present on overt military action in view of the consensus from Saigon conversations of McNamara mission with General Khanh and you on judgment that movement against the North at the present would be premature. We have [sic] share General Khanh's judgment that the immediate and essential task is to strengthen the southern base. For this reason our planning for action against the North is on a contingency basis at present, and immediate problem in this area is to develop the strongest possible military and political base for possible later action. There is additional international reason for avoiding immediate overt action in that we expect a showdown between the Chinese and Soviet Communist parties soon and action against the North will be more practicable after than before a showdown. But if at any time you feel that more immediate action is urgent, I count on you to let me know specifically the reasons for such action, together with your recommendations for its size and shape.

2. On dealing with de Gaulle, I continue to think it may be valuable for you to go to Paris after Bohlen has made his first try. (State is sending you draft instruction to Bohlen, which I have not yet reviewed, for your comment.) It ought to be possible to explain in Saigon that your mission is precisely for the purpose of knocking down the idea of neutralization wherever it rears its ugly head and on this point I think that nothing is more important than to stop neutralist talk wherever we can by whatever means we can. I have made this point myself to Mansfield and Lippmann and I expect to use every public opportunity to restate our position firmly. You may want to convey our concern on this point to General Khanh and get his ideas on the best possible joint program to stop such talk in Saigon, in Washington, and in Paris. I imagine that you have kept General Khanh abreast of our efforts in Paris. After we see the results of the Bohlen approach you might wish to sound him out on Paris visit by you.

Draft Resolution for Congress on Actions in Southeast Asia

(Draft Resolution on Southeast Asia, May 25, 1964, as provided in the body of the Pentagon study. The major paragraphs of the resolution as approved by Congress appear in the article accompanying the texts today.)

Whereas the signatories of the Geneva Accords of 1954, including the Soviet Union, the Communist regime in China, and Viet Nam agreed to respect the independence and territorial integrity of South Viet Nam, Laos and Cambodia; and the United States, although not a signatory of the Accords, declared that it would view any renewal of aggression in violation of the Accords with grave concern and as seriously threatening international peace and security;

Whereas the Communist regime in North Viet Nam, with the aid and support of the Communist regime in China, has systematically flouted its obligations under these Accords and has engaged in aggression against the independence and territorial integrity of South Viet Nam by carrying out a systematic plan for the subversion of the Government of South Viet Nam, by furnishing direction, training, personnel and arms for the conduct of guerrilla warfare within South Viet Nam, and by the ruthless use of terror against the peaceful population of that country;

Whereas in the face of this Communist aggression and subversion the Government and people of South Viet Nam have bravely undertaken the defense of their independence and territorial integrity, and at the request of that Government the United States has, in accordance with its Declaration of 1954, provided military advice, economic aid and military equipment;

Whereas in the Geneva Agreements of 1962 the United States, the Soviet Union, the Communist regime in China, North Viet Nam and others solemnly undertook to respect the sovereignty, independence, neutrality, unity and territorial integrity of the Kingdom of Laos;

Whereas in violation of these undertakings the Communist regime in North Viet Nam, with the aid and support of the Communist regime in China, has engaged in aggression against the independence, unity and territorial integrity of Laos by maintaining forces on Laotian territory, by the use of that territory or the infiltration of arms and equipment into South Viet Nam, and by providing direction, men and equipment for persistent armed attacks against the Government of (words illegible);

Whereas in the face of this Communist aggression the Government of National Unification and the non-Communist elements in Laos have striven to maintain the conditions of unity, independence and neutrality envisioned for their country in the Geneva Agreements of 1962;

Whereas the United States has no territorial, military or political ambitions in Southeast Asia, but desires only that the peoples of South Viet Nam, Laos and Cambodia should be left in peace by their neighbors to work out their own destinies in their own way, and, therefore, its objective is that the status established for these countries in the Geneva Accords of 1954 and the Geneva Agreements of 1962 should be restored with effective means of enforcement;

Whereas it is essential that the world fully understand that the American people are united in their determination to take all steps that may be necessary to assist the peoples of South Viet Nam and Laos to maintain their independence and political integrity.

Now, therefore, be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled:

That the United States regards the preservation of the independence and integrity of the nations of South Viet Nam and Laos as vital to its national interest and world peace;

Sec. 2. To this end, if the President determines the necessity thereof, the United States is prepared, upon the request of the Government of South Viet Nam or the Government of Laos, to use all measures, including the commitment of armed forces to assist that government in the defense of its independence and territorial integrity against aggression or subversion supported, controlled or directed from any Communist country;

Sec. 3. (a) The President is hereby authorized to use for assistance under this joint resolution not to exceed $——— during the fiscal year 1964, and not to exceed $——— during the fiscal year 1965, from any appropriations made available for carrying out the provisions of the Foreign Assistance Act of 1961, as amended, in accordance with the provisions of that Act, except as otherwise provided in this joint resolution. This authorization is in addition to other existing authorizations with respect to the use of such appropriations.

(b) Obligations incurred in carrying out the provisions of this joint resolution may be paid either out of appropriations for military assistance or appropriations for other than military assistance except that appropriations made available for Titles I, III, and VI of Chapter 2, Part I, of the Foreign Assistance Act of 1961, as amended, shall not be available for payment of such obligations.

(c) Notwithstanding any other provision of the Foreign Assistance Act of 1961, as amended, when the President determines it to be important to the security of the United States and in furtherance of the purposes of this joint resolution, he may authorize the use of up to $—— of funds available under subsection (a) in each of the fiscal years 1964 and 1965 under the authority of section 614 (a) of the Foreign Assistance Act of 1961,

as amended, and is authorized to use up to $—— of such funds in each such year pursuant to his certification that it is inadvisable to specify the nature of the use of such funds, which certification shall be deemed to be a sufficient [words illegible].

(d) Upon determination by the head of any agency making personnel available under authority of section 627 of the Foreign Assistance Act of 1961, as amended, or otherwise under that Act, for purposes of assistance under this joint resolution, any officer or employee so made available may be provided compensation and allowances at rates other than those provided by the Foreign Service Act of 1946, as amended, the Career Compensation Act of 1949, as amended, and the Overseas Differentials and Allowances Act to the extent necessary to carry out the purposes of this joint resolution. The President shall prescribe regulations under which such rates of compensation and allowances may be provided. In addition, the President may utilize such provisions of the Foreign Service Act of 1946, as amended, as he deems appropriate to apply to personnel of any agency carrying out functions under this joint resolution.

CABLE FROM TAYLOR WARNING ON THE "MARCH NORTH" CAMPAIGN

(Excerpts from cablegram from Ambassador Taylor in Saigon to the State Department, July 25, 1964.)

The GVN public campaign for "Marching North" (reported EMBTEL 201) may take several courses. In the face of U.S. coolness and absence of evidence of real grassroots support outside certain military quarters, it may die down for a while although it is hardly likely to disappear completely. On the other hand, the proponents of a "Quick Solution" may be able to keep it alive indefinitely as an active issue, in which case it is likely to foment an increasing amount of dissatisfaction the US (assuming that we continue to give it no support) to the serious detriment of our working relations with the GVN and hence of the ultimate chances of success of the in-country pacification program. In such a case, Vietnamese leaders in and out of government, unable to find a vent to their frustration in "Marching North" may seek other panaceas in various forms of negotiation formulas. General Khanh may find in the situation an excuse or a requirement to resign.

Finally, this "March North" fever can get out of hand in an act of rashness—one maverick pilot taking off for Hanoi with a load of bombs—which could touch off an extension of hostilities at a time and in a form most disadvantageous to US interests.

Faced with these unattractive possibilities, we propose a course of action designed to do several things.

We would try to avoid head-on collision with the GVN which unqualified US opposition to the "March North" campaign would entail. We could do this by expressing a willingness to engage in joint contingency planning for various forms of extended action against GVN [sic]. Such planning would not only provide an outlet for the martial head of steam now dangerously compressed but would force the generals to look at the hard facts of life which lie behind the neon lights of the "March North" slogans. This planning would also gain time badly needed to stabilize this government and could provide a useful basis for military action if adjudged in our interest at some future time. Finally, it would also afford US. an opportunity, for the first time, to have a frank discussion with GVN leaders concerning the political objectives which they would envisage as the purposes inherent in military action against the DRV . . . .

It would be important, however, in initiating such a line of action that we make a clear record that we are not repeat not assuming any commitment to supplement such plans . . . .

U.S. NOTE TO CANADA ON POINTS FOR ENVOY TO RELAY TO HANOI

(United States note delivered at the Canadian Embassy in Washington, Aug. 8, 1964, for transmission to J. Blair Seaborn, Canadian member of the International Control Commission.)

Canadians are urgently asked to have Seaborn during August 10 visit make following points (as having been conveyed to him by US Government since August 6):

A. Re Tonkin Gulf actions, which almost certainly will come up:

1. The DRV has stated that Hon Ngu and Hon Me islands were attacked on July 30. It should be noted that the USS MADDOX was all of that day and into the afternoon of the next day, over 100 miles south of those islands, in international waters near the 17th parallel, and that the DRV attack on the MADDOX took place on August 2d, more than two days later. Neither the MADDOX or any other destroyer was in any way associated with any attack on the DRV islands.

2. Regarding the August 4 attack by the DRV on the two US destroyers, the Americans were and are at a complete loss to understand the DRV motive. They had decided to absorb the August 2 attack on the grounds that it very well might have been the result of some DRV mistake or miscalculation. The August 4 attack, however—from the determined nature of the attack as indicated by the radar, sonar, and eye witness evidence both from the ships and from their protecting aircraft—was, in the American eyes, obviously deliberate and planned and ordered in advance. In addition, premeditation was shown by the evidence that the DRV craft were waiting in ambush for the destroyers. The attack did not seem to be in response to any action by the South Vietnamese nor did it make sense as a tactic to further any diplomatic objective. Since the attack took place at least 60 miles from nearest land, there could have been no question about territorial waters. About the only reasonable hypothesis was that North Vietnam was intent either upon making it appear that the United States was a "paper tiger" or upon provoking the United States.

3. The American response was directed solely to patrol craft and installations acting in direct support of them. As President Johnson stated: "Our response for the present will be limited and fitting."

4. In view of uncertainty aroused by the deliberate and unprovoked DRV attacks this character, US has necessarily carried out precautionary deployments of additional air power to SVN and Thailand.

B. Re basic American position.

5. Mr. Seaborn should again stress that US policy is simply that North Vietnam should contain itself and its ambitions within the territory allocated to its administration by the 1954 Geneva Agreements. He should stress that US policy in South Vietnam is to preserve the integrity of that state's territory against guerrilla subversion.

6. He should reiterate that the US does not seek military bases in the area and that the US is not seeking to overthrow the Communist regime in Hanoi.

7. He should repeat that the US is fully aware of the degree to which Hanoi controls and directs the guerrilla action in South Vietnam and that the US holds Hanoi directly responsible for that action. He should similarly indicate US awareness of North Vietnamese control over the Pathet Lao movement in Laos and the degree of North Vietnamese involvement in that country. He should specifically indicate US awareness of North Vietnamese violations of Laotian territory along the infiltration route into South Vietnam.

8. Mr. Seaborn can again refer to the many examples of US policy in tolerance of peaceful coexistence with Communist regimes, such as Yugoslavia, Poland, etc. He can hint at the economic and other benefits which have accrued to those countries because their policy of Communism has confined itself to the development of their own national territories and has not sought to expand into other areas.

9. Mr. Seaborn should conclude with the following new points:

a. That the events of the past few days should add credibility to the statement made last time, that "US public and official patience with North Vietnamese aggression is growing extremely thin."

b. That the US Congressional Resolution was passed with near unanimity, strongly reaffirming the unity and determination of the US Government and people not only with respect to any further attacks on US military forces but more broadly to continue to oppose firmly, by all necessary means, DRV efforts to subvert and conquer South Vietnam and Laos.

c. That the US has come to the view that the DRV role in South Vietnam and Laos is critical. If the DRV persists in its present course, it can expect to continue to suffer the consequences.

d. That the DRV knows what it must do if the peace is to be restored.

e. That the US has ways and means of measuring the DRV's participation in, and direction and control of, the war on South Vietnam and in Laos and will be carefully watching the DRV's response to what Mr. Seaborn is telling them.

WILLIAM BUNDY MEMO ON ACTIONS AVAILABLE TO U.S. AFTER TONKIN

(Excerpts from second draft of a memorandum, "Next Courses of Action in Southeast Asia," by William P. Bundy, Assistant Secretary of State for Far Eastern Affairs, Aug. 11, 1964. A summary was cabled to the Pacific command and the embassies in Saigon and Vientiane on Aug. 14 with requests for comments. According to the Pentagon study, the full draft was edited in the office of Assistant Secretary of Defense John T. McNaughton. Words that were deleted at that time are shown below in double parentheses; words that were inserted at that time are shown in italics. Small cap type denotes underlining in the original document. Also, according to the McNaughton office's editing, the second paragraph, beginning "We have agreed . . .," was to be moved below, to follow the heading "Phase One—'Military Silence' (through August).")

I. INTRODUCTION

This memorandum examines the courses of action the US might pursue, commencing in about two weeks, assuming that the Communist side does not react further the [sic] the events of last week.

We have agreed that the intervening period will be in effect a short holding phase, in which we would avoid actions that would in any way take the onus off the Communist side for escalation . . .

* * * * *

III. ESSENTIAL ELEMENTS OF US POLICY

A. SOUTH VIET-NAM is still the main theater. Morale and momentum there must be maintained. This means:

1. We must devise means of action that, *for minimum risks,* get maximum results ((for minimum risks)) *in terms of morale in SVN and pressure on NVN.*

2. We must continue to oppose any Viet-Nam conference, and must play the prospect of a Laos conference very carefully. We must particularly avoid any impression of rushing to a Laos conference, and must show

a posture of general firmness into which an eventual Laos conference would fit without serious loss.

3. We particularly need to keep our hands free for at least limited measures against the Laos infiltration areas. . . .

C. *Solution.* Basically, a solution in both South Viet-Nam and Laos will require a combination of *military* pressures and some form of communication under which Hanoi (and Peiping) eventually accept the idea of getting out.[1] Negotiation without continued pressure, indeed without continued military action will not achieve our objectives in the foreseeable future. But *military* pressure could be accompanied by attempts to communicate with Hanoi and perhaps Peiping—through third-country channels, through side conversations around a Laos conference of any sort—provided always that we make it clear both to the Communists and to South Viet-Nam that the pressure will continue until we have achieved our objectives. After, but only after, we have ((established a)) *know that North Vietnamese are hurting and that the* clear pattern of pressure *has dispelled suspicions of our motives,* we could ((then)) accept a conference broadened to include the Viet-Nam issue. (The UN now looks to be out as a communication forum, though this could conceivably change.)

IV. TIMING AND SEQUENCE OF ACTIONS

(A. Phase One—"Military Silence" (through August) (see p. 1))

(A.) B. Phase Two—Limited pressures (September through December))

There are a number of limited actions we could take that would tend to maintain the initiative and the morale of the GVN and Khanh, but that would not involve major risks of escalation. Such actions could be such as to foreshadow stronger measures to come, though they would not in themselves go far to change Hanoi's basic actions.

1. 34A OPERATIONS could be overtly acknowledged and justified by the GVN. Marine operations could be strongly defended on the basis of continued DRV sea infiltration, and successes could be publicized. LEAFLET OPERATIONS could also be admitted and defended, again on the grounds of meeting DRV efforts in the South, and their impunity (we hope) would tend to have its own morale value in both Vietnams. Air-drop operations are more doubtful; their justification is good and less clear than the other operations, and their successes have been few. With the others admitted, they could be left to speak for themselves—and of course security would forbid any mention of specific operations before they succeeded.

2. JOINT PLANNING [2] between the US and the GVN already covers possible actions against the DRV and also against the Panhandle. It can be used in itself to maintain the morale of the GVN leadership, as well as to control and inhibit any unilateral GVN moves. With 34A outlined, it could be put right into the same framework. We would not ourselves publicize this planning but it could be leaked (as it probably would anyway with desirable effects in Hanoi and elsewhere.

3. STEPPED-UP TRAINING OF VIETNAMESE ON JET AIRCRAFT should now be undertaken in any event in light of the presence of MIG's in North Vietnam. The JCS are preparing a plan, and the existence of training could be publicized both for its morale effect in the GVN and as a signal to Hanoi of possible future action.

4. CROSS-BORDER OPERATIONS INTO THE PANHANDLE could be conducted in a limited scale. To be successful, GROUND OPERATIONS would have to be so large in scale as to be beyond what the GVN can spare, and we should not at this time consider major US or Thai ground action from the Thai side. But on the air side, there are at least a few worthwhile targets in the infiltration areas, and these could be hit by U.S. *and/or* (([deleted phrase illegible] and by)) GVN air. Probably we should use both (*query if US strike should be under a* [*word illegible*] cover) US & GVN; probably we should avoid publicity so as not to embarrass Souvanna; the Communist side might squawk, but in the past they have been silent on this area. *The strikes should probably be timed and plotted on the map to bring them to the borders of North Vietnam at the end of December.*

5. DESOTO patrols could be reintroduced at some point. Both for present purposes and to maintain the credibility of our account of the events of last week, they must be clearly dissociated from 34A operations both in fact and in physical appearance. [Sentence deleted here is illegible.] In terms of course patterns, we should probably avoid penetrations of 11 miles or so and stay at least 20 miles off; whatever the importance of asserting our view of territorial waters, it is less than the international drawbacks of appearing to provoke attack unduly. [Previous sentence is marked in handwriting "disagree."]

6. SPECIFIC TIT-FOR-TAT ACTIONS could be undertaken for any *VC or DRV activity suited to the treatment.* [Deleted sentence illegible.] These would be "actions of opportunity." As Saigon 377 points out, the VC have "unused dirty tricks" such as mining (or attacks) in the Saigon River, sabotage of major POL stocks, and terrorists attacks on US dependents. The first two, at least, would lend themselves to prompt and precise reprisal, e.g., by mining the Haiphong channel and attacking the Haiphong POL storage. Terrorism against US dependents would be harder to find the right reprisal target, and reprisal has some disadvantages in that it could be asked why this was different from the regular pattern of terrorism against South Vietnamese. However, we should look at possible [deleted word is illegible.] classes of tit-for-tat situations.

7. THE SEQUENCE AND MIX OF US AND GVN ACTIONS needs careful thought. At this point, both the GVN role ((and)) *in the actions and the* rationales directly ((related)) relating the actions to what is being done to the GVN should be emphasized. Overt 34A actions should ((certainly)) be the first moves, and the GVN might go first in air attacks on the Panhandle. But there are advantages in other respects to actions related to US forces. If we lost an aircraft in the Panhandle ((or a U–2 over the DRV)) we could act hard and fast, and of course similarly for any attack on the DESOTO patrols. *The loss of a U–2 over the NVN does not offer as good a case.* Probably the sequence should be played somewhat by ear.

SUMMARY. The above actions are in general limited and controllable. However, if we accept—as of course we must—the necessity of prompt retaliation especially for attacks on our own forces, they could amount to at least a pretty high noise level that might stimulate some pressures for a conference. The problem is that these actions are not in themselves a truly coherent program of strong enough pressures either to bring Hanoi around or to sustain a pressure posture into some kind of discussions. Hence, while we might communicate privately to Hanoi while all this was going on, we should continue absolutely opposed to any conference.

(B.) C. Phase Three—More Serious Pressures. (January 1965 and following).

All the above actions would be foreshadowing systematic military action against the DRV, and we might at some point conclude that such action was required either because of incidents arising from the above actions or because of deterioration in the situation in South Viet-Nam, particularly if there were to be clear evidence of greatly increased infiltration from the north. However, in the absence of such major new developments, we should probably be thinking of a contingency date, as suggested by Ambassador Taylor, of 1 January 1965. Possible categories of action (are) beginning at about that time, are:

1. Action against infiltration routes and facilities is probably the best opening gambit. It would follow logically the actions in the Sept.-Dec. Phase Two. It could be justified by evidence that infiltration was continuing and, in all probability, increasing. The family of infiltration-related targets starts with clear military installations near the borders. It can be extended almost at will northward, to inflict progressive damage that would have a meaningful cumulative effect and would always be keyed to one rationale.

2. Action in the DRV against selected military-related targets would appear to be the next upward move. POL installations and the mining of Haiphong Harbor (to prevent POL import as its rationale) would be spectacular actions, as would action against key bridges and railroads. All of these could probably be designed so as to avoid major civilian casualties.

3. Beyond these points it is probably not useful to think at this present time.

SUMMARY OF TAYLOR'S REPORT SENT TO MCNAMARA BY JOINT CHIEFS

(Excerpts from Summary of Ambassador Taylor's first mission report from Saigon, on Aug. 10, 1964, as transmitted on Aug. 14 by Col. A. R. Brownfield, acting special assistant to the Joint Chiefs of Staff for counterinsurgency and special activities, to Secretary McNamara through Col. Alfred J. F. Moody, the Secretary's military assistant. Colonel Brownfield's covering memorandum said this summary had also been supplied to Gen. Earle G. Wheeler, Chairman of the Joint Chiefs, and to Deputy Secretary of Defense Cyrus R. Vance, for their appearance before the House Armed Services Committee on Aug. 18.)

The basis of this report and monthly reports hereafter are the results of a countrywide canvass of responsible US advisors and observers. The canvass dealt with: Army and public morale, combat effectiveness of military units, US-GVN counterpart relationships, and effectiveness of GVN officials.

In broad terms, the canvass results are surprisingly optimistic at the operational levels of both the civil and military organizations. This feeling of optimism exceeds that of most senior US officials in Saigon. Future reports should determine who is right.

VIET CONG SITUATION

Strategy: The communist strategy as defined by North Vietnam and the puppet National Liberation Front is to seek a political settlement favorable to the communists. This political objective to be achieved by stages, passing first through "neutralism" using the National Liberation Front machinery, and

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[1] We have never defined precisely what we mean by "getting out"—what actions, what proofs, and what future guarantees we would accept. A small group should work on this over the next month. The actions we want the DRV to take are probably these:

(a) Stop training and sending personnel to wage war in SVN and Laos.

(b) Stop sending arms and supplies to SVN and Laos.

(c) Stop directing and controlling military actions in SVN and Laos.

(d) Order the VC and PL to stop their insurgencies and military actions.

(e) Remove VM forces and cadres from SVN and Laos.

(f) See that VC and PL stop attacks and incidents in SVN and Laos.

(g) See that VC and PL cease resistance to government forces.

(h) See that VC and PL turn in weapons and relinquish bases.

(i) See that VC and PL surrender for amnesty or expatriation.

[2] This is Phase One also.

then the technique of a coalition government.

Tactics: The VC tactics are to harass, erode and terrorize the VN population and its leadership into a state of demoralization without an attempt to defeat the RVNAF or seize and conquer terrain by military means. US/GVN progress should be measured against this strategy and these tactics.

Status: In terms of equipment and training, the VC are better armed and led today than ever in the past.

VC infiltration continues from Laos and Cambodia.

No indication that the VC are experiencing any difficulty in replacing their losses in men and equipment.

No reason to believe the VC will risk their gains in an overt military confrontation with GVN forces, although they have a sizable force with considerable offensive capability in the central highlands.

GVN SITUATION

Political: The slow pace of the CI campaign and the weakness of his government has caused Khanh to use the March North theme to rally the homefront, and offset the war weariness.

US observers feel the symptoms of defeatism are more in the minds of the inexperienced and untried leadership in Saigon than in the people and the Army.

We may face mounting pressure from the GVN to win the war by direct attack on Hanoi which if resisted will cause local politicians to seriously consider negotiation or local soldiers to consider a military adventure without US consent.

For the present, the Khanh government has the necessary military support to stay in power.

It is estimated that Khanh has a 50–50 chance of lasting out the year.

The government is ineffective, beset by inexperienced ministers who are jealous and suspicious of each other.

Khanh does not have confidence or trust in most of his ministers and is not able to form them into a group with a common loyalty and purpose.

There is no one in sight to replace Khanh.

Khanh has, for the moment, allayed the friction between the Buddhists and Catholics.

Khanh has won the cooperation of the Hoa Hao and Cao Dai.

Khanh has responded to our suggestions for improved relations between GVN and US Mission.

The population is confused and apathetic.

Khanh has not succeeded in building active popular support in Saigon.

Population support in the countryside is directly proportionate to the degree of GVN protection.

There are grounds to conclude that no sophisticated psychological approach is necessary to attract the country people to the GVN at this time. The assurance of a reasonably secure life is all that is necessary.

The success of US attacks on North Vietnam, although furnishing a psychological lift to the GVN, may have whetted their appetite for further moves against the DRV.

MILITARY

The regular and paramilitary personnel strengths are slowly rising and by January 1965 should reach 98% of the target strength of 446,000.

The RVNAF desertion rate has decreased to .572% or ½ the rate of last March.

Three VNAF squadrons of A–1H aircraft will be combat ready by 30 September 1964 and the fourth by 1 December 1964 with a two to one pilot to cockpit ratio.

The evaluation of RVNAF units reports the following number combat effective:

28 of 30 regiments;

100 of 101 infantry, marine and airborne battalions;

17 of 20 ranger battalions;

19 of 20 engineer battalions.

The principal defects are low present for duty strengths and weak leadership at the lower levels. Both are receiving corrective treatment.

Extensive intelligence programs are underway to improve our intelligence capability by the end of the year.

GVN OVERALL OBJECTIVE

Increase in percentage of population control represents progress toward stabilizing the in-country situation. Using July figures as a base, the following percentages should be attainable.

[In percent]

	Rural		Urban	
	July 31, 1964	Dec. 31, 1964	July 31, 1964	Dec. 31 1964
GVN control	33	40	44	47
VC control	20	16	18	14
Contested	47	44	42	39

U.S. MISSION OBJECTIVES

Do everything possible to bolster the Khanh Government.

Improve the in-country pacification campaign against the VC.

Concentrating efforts on strategically important areas such as the provinces around Saigon (The Hop Tac Plan).

Undertake "show-window" social and economic projects in secure urban and rural areas.

Be prepared to implement contingency plans against North Vietnam with optimum readiness by January 1, 1965.

Keep the US public informed of what we are doing and why . . .

PACIFIC COMMANDER'S EVALUATION OF WASHINGTON'S ACTION SCENARIO

(Excerpts from cablegram from Adm. U.S. Grant Sharp, commander of Pacific forces, to Joint Chiefs of Staff, "Next Courses of Action in Southeast Asia," Aug. 17, 1964.)

2. Recent U.S. military actions in Laos and North Vietnam demonstrated our intent to move toward our objectives. Our operations and progress in Laos constitute one step along the route. Our directness and rapidity of reaction in bombing North Vietnamese installations and deploying U.S. combat forces to Southeast Asia were others. Each step played a part. Their effect was to interrupt the continually improving Communist posture, catch the imagination of the Southeast Asian peoples, provide some lift to morale, however temporary, and force CHICOM/DRV assessment or reassessment of U.S. intentions. But these were only steps along the way. What we have not done and must do is make plain to Hanoi and Peiping the cost of pursuing their current objectives and impeding ours. An essential element of our military action in this course is to proceed in the development of our physical readiness posture: deploying troops, ships, aircraft, and logistic resources in a manner which accords a maximum freedom of action. This is the thrust we should continue to pursue, one which is intended to provide more than one feasible course for consideration as the changed and changing Southeast Asian situation develops. Remarks in the paragraphs which follow are submitted in light of this assessment and with the view that pressures against the other side once instituted should not be relaxed by any actions or lack of them which would destroy the benefits of the rewarding steps previously taken in Laos and North Vietnam. . . .

3. Para I: The proposed two weeks suspension of operations is not in consonance with desire to get the message to Hanoi and Peiping. Pierce Arrow showed both force and restraint. Further demonstration of restraint alone could easily be interpreted as period of second thoughts about Pierce Arrow and events leading thereto as well as sign of weakness and lack of resolve. Continuous and effective pressure should be implied to the Communists in both the PDJ and panhandle. Consequently, concur in continued RECCE of DRV, panhandle and PDJ. Concur in attempt to secure Phou Kout and continued T–28 and Triangle operations. Resumption of 34A actions and Desoto Patrols is considered appropriate. Each can be carefully conducted to avoid interference with the other. . . .

7. Para III A 1: Concur that South Vietnam is current hot spot and main concern in S.E. Asia. RVN cannot be reviewed apart from S.E. Asia. It is merely an area in a large theater occupied by the same enemy. Action to produce significant results in terms of pressure on DRV and improvements of morale in RVN must entail risk. Temptation toward zero action and zero risk must be avoided. . . .

11. Para III C 17: Concur with the thesis set forth that we make clear to all that military pressure will continue until we achieve our objectives. Our actions must keep the Communists apprehensive of what further steps we will take if they continue their aggression. In this regard, we have already taken the large initial step of putting U.S. combat forces into Southeast Asia. We must maintain this posture; to reduce it would have a dangerous impact on the morale and will of all people in Southeast Asia. And we must face up to the fact that these forces will be deployed for some time and to their need for protection from ground or air attack. RVN cannot provide necessary ground security without degradation of the counter-insurgency effort and has little air defense capability. A conference to include Vietnam, before we have overcome the insurgency, would lose U.S. our allies in Southeast Asia and represent a defeat for the United States.

12. Para IV A 1: Knowledge of success of 34A operations would have a highly beneficial effect morale in the RVN. Suggest that these operations might be leaked to the press rather than overtly acknowledging them. 34A operations should be resumed to keep up external pressure on the DRV. . . .

20. In considering more serious pressure, we must recognize that immediate action is required to protect our present heavy military investment in RVN. We have introduced large amounts of expensive equipment into RVN and a successful attack against Bien Hoa, Tan Son Nhut, Danang, or an installation such as a radar or communication site would be a serious psychological defeat for U.S. MACV reports that inability of GVN to provide requisite degree of security and therefore we must rely on U.S. troops. MACV has requested troops for defense of the three locations mentioned above. My comments on this request are being transmitted by separate message. In addition to the above, consideration should be given to creating a U.S. base in RVN. A U.S. base in RVN would provide one more indication of our intent to remain in S.E. Asia until our objectives are achieved. It could also serve as a U.S. command point or control center in event of the chaos which might follow another coup. By an acknowledged concrete U. . (as received) commitment, beyond the advisory effort, it informs the Communists that an overt attack on the RVN would be regarded as a threat to U.S. forces. Such a base should be accessible by air and sea, possessed of well developed facilities and installations, and located in an area from which U.S. operations could be launched effectively. Danang meets these criteria. . . .

22. In conclusion, our actions of August 5 have created a momentum which can lead to the attainment of our objectives in S. E. Asia. We have declared ourselves forcefully both by overt acts and by the clear readiness

to do more. It is most important that we not lose this momentum.

STATE DEPARTMENT AIDE'S REPORT ON ACTIONS TAKEN AFTER TONKIN

(Part VIII, "Immediate Actions in the Period Prior to Decision," of an outline for Assistant Secretary Bundy, Nov. 7, 1964. Markings indicate that it was drafted by Deputy Assistance Secretary of State Marshall Green.)

The US, together with the RLG and GVN, are involved in a number of operations—34–A, Yankee Team, Recce, and RLAF T–28 ops—designed to warn and harass North Vietnam and to reduce enemy capabilities to utilize the Lao Panhandle for reinforcing the Vietcong in South Vietnam and to cope with PL/VM pressures in Laos. The US also has under consideration De Soto Patrols and Cross Border Ground Operations. The present status and outlook of these operations are described below, together with a checklist of outstanding problems relating to each of the field of operations.

In general the working group is agreed that our aim should be to maintain present signal strength and level of harassment, showing no signs of lessening of determination but also avoiding actions that would tend to prejudge the basic decision.

A. OPLAN 34–A

Although not all of Oplan 34–A was suspended after the first Tonkin Gulf incident, in effect little was accomplished during the remainder of August and the month of September. Several successful maritime and airborne operations have been conducted under the October schedule. A schedule for November is under discussion and will probably be approved November 7.

1. Maritime Operations: Since the resumption of Marops under the October schedule, the following have been completed:

Recon L Day (Oct. 4) Probe to 12 miles of Vinh Sor.

Recon L+2 (Oct. 10) Probe to 12 miles of Vinh Sor.

Loki IV L+5 Junk capture failed.

32 & 45 E L 8 (Oct. 28/29) Bombard Vin Son radar and Mui Dai observation post.

The following operation was refused approval:

44c L+10 Demolition by frog men supported by fire team of bridge on Route 1.

Currently approved is:

34B L+12 (Nov. 4, on) Bombardment of barracks on Hon Matt and Tiger Island.

The following maritime operations remain on the October schedule and presumably will appear on the November schedule along with some additional similar operations:

L+13 Capture of prisoner by team from PTF.

L+15 Junk capture.

L plus 19 Bombard Cap Mui Ron and Tiger Island.

L plus 25 Bombard Yen Phu and Sam Son radar.

L plus 28 Blow up Bridge Route 1 and bombard Cap Mui Dao.

L plus 30 Return any captives from L plus 1 15.

L plus 31 Bombard Hon Ne and Hon Me.

L plus 36 Blow up pier at Phuc Loi and bombard Hon Ngu.

L plus 38 Cut Hanoi-Vinh rail line.

L plus 41 Bombard Dong Hoi and Tiger Island.

L plus 24 Bombard Nightingale Island.

2. Airborne Operations: Five teams and one singleton agent were in place at the beginning of October. Since then one of the teams has been resupplied and reinforced. The remaining four were scheduled to be resupplied and reinforced but weather prevented flights. These operations, plus the dropping of an additional team, will appear on the November schedule.

Two of the teams carried out successful actions during October. One demolished a bridge, the other ambushed a North Vietnamese patrol. Both teams suffered casualties, the latter sufficient to cast doubt on the wisdom of the action.

3. Psychological Operations: Both black and white radio broadcasts have been made daily. Black broadcasts have averaged eight to ten hours weekly, white broadcasts sixty hours weekly.

Letters posted through Hong Kong have averaged about from 50 to 100 weekly.

During September and October only one leaflet delivery was made by air. This was done in conjunction with a resupply mission.

The November schedule will call for a large number of leaflets and deception operations.

4. Reconnaissance Flights: An average of four flights per week have covered the bulk of Oplan 34–A targets.

Problems

1. Surfacing of Marops—The question of whether to surface Marops remains unresolved. While Washington has suggested this be done, General Khanh has been reluctant to do so. It is argued that surfacing the operations would enable the US to offer some protection to them; the counterargument postulates US involvement in North Vietnam and consequent escalation.

2. Security of Operations—The postponement of an operation, whether because of unfavorable weather or failure of Washington to approve at the last moment, jeopardizes the operation. Isolation of teams presents hazards.

3. Base Security—After the Bien Hoa shelling some attention has been given to the security of the Danang base. Perimeter guard has been strengthened, but action remains to be taken for marine security, although a survey is underway.

4. Team welfare—In-place teams Bell and Easy have been in dire need of supplies for several weeks. Weather has prevented resupply, which will be attempted again during the November moon phase.

5. NVN Counteraction—The capability of the North Vietnamese against Marops has improved somewhat, although not yet sufficiently to frustrate these operations.

B. YANKEE TEAM OPERATIONS

For several months now the pattern of YankeeTeam Operations has [words illegible] a two-week period and about ten flights during the same time interval [words illegible] for Panhandle coverage. Additionally, we have recently been authorized a maximum of two shallow penetration flights daily to give comprehensive detailed coverage of cross border penetration. We have also recently told MACV that we have a high priority requirement for night photo recce of key motorable routes in Laos. At present about 2 nights recce flights are flown along Route 7 areas within a two-week span.

YT supplies cap for certain T–28 corridor strikes. Cap aircraft are not authorized to participate in strike or to provide suppression fire.

Pending questions include (a) whether YT strikes should be made in support of RLAF T–28 corridor operations; (b) whether YT recce should be made of areas north of 20° parallel; (c) YT suppressive attacks against Route 7, especially Ban Ken Bridge; and (d) YT activity in event of large-scale ground offensive by PL (this issue has not arisen but undoubtedly would, should the PL undertake an offensive beyond the capabilities of Lao and sheep-dipped Thai to handle).

C.T.–28 OPERATIONS

There are now 27 T–28 (including three RT–28) aircraft in Laos, of which 22 are in operation. CINCPAC has taken action, in response to Ambassador Unger's request to build this inventory back up to 40 aircraft for which a pilot capability, including Thai, is present in Laos.

The T–28's are conducting the following operations:

1. General harassing activities against Pathet Lao military installations and movement, primarily in Xieng Khouang and Sam Neua Provinces. This also includes efforts to interdict Route 7.

2. Tactical support missions for Operation Anniversary Victory No. 2 (Saleumsay), the FAR-Meo clearing operation up Route 4 and north of Tha Thom.

3. Tactical support for Operation Victorious Arrow (Sone Sai), a FAR clearing operations in southern Laos.

4. Strike on targets of opportunity, including in support of FAR defensive actions such as at Ben Khen northwest Thakhek.

5. Corridor interdiction program. The original targets under this program have been hit and plans are now underway to hit four additional targets (including in the Tchepone area), plus restriking some of the original 13 targets. Ambassador Unger has submitted for approval under this program 6 additional targets.

The Ambassador has been authorized to discuss with the RLAF RT–28 reconnaissance in northwest Laos along the area just north of and to the east and west of the line from Veng Phou Kha-Muong Sai.

In recent weeks, the T–28's have been dropping a large number of surrender leaflets on many of their missions. These have already led, in some cases, to PL defections.

US participation in SAR operations for downed T–28's, is authorized.

We are faced by the following problems in connection with the T–28's:

1. Authority for Yankee Team aircraft to engage in suppressive strikes in the corridor area, in support of the T–28 strike program there, has not been given as yet.

2. Also withheld is authorization for YT suppressive fire attack on Ban Ken Bridge on Route 7.

3. We are investigating reports of greatly increased truck movement along Route 7 as well as enemy build-up of tanks and other equipment just across the border in NVN. Counteraction may be required involving attack on Ban Ken.

4. Thai involvement. Hanoi claims to have shot down a T–28 over DRV territory on August 18 and to have captured the Thai pilot flying the plane. Although the information the North Vietnamese have used in connection with this case seems to be accurate, it is not clear the pilot is alive and can be presented to the ICC. The possibility cannot be excluded, however, nor that other Thai pilots might be captured by the PL.

5. The DRV claims T–28's have violated North Vietnamese airspace and bombed/strafed NVN villages on August 1 and 2, and on October 16 and 17 and again on October 28. The charges are probably accurate with respect to the first two dates (along Route 7) and the last one (Mu Gia Pass area). The October 16 and 17 strikes were actually in disputed territory which was recognized by the 1954 Geneva Agreements as being in Laos.

6. The Pathet Lao has called to the attention of the ICC T–28 strikes in the corridor area and called for the ICC to stop them and inform the Co-Chairmen. The ICC has already agreed to investigate another PL charge concerning alleged US/SVN activities in the corridor area in violation of the Geneva Agreements.

D. DESOTO PATROLS

Further DeSoto Patrols have been held in abeyance pending top-level decision. Ambassador Taylor (Saigon's 1378) sees no advantage in resuming DeSoto Patrols except for essential intelligence purposes. He believes we should tie our actions to Hanoi's support

of Viet Cong, not to the defense of purely US interests.

E. CROSS BORDER GROUND OPERATIONS

Earlier in the year several eight-man reconnaissance teams were parachuted into Laos as part of Operation Leaping Lena. All of these teams were located by the enemy and only four survivors returned to RVN. As a result of Leaping Lena, Cross Border Ground Operations have been carefully reviewed and COMUSMACV has stated that he believes no effective Cross Border Ground Operations can be implemented prior to January 1, 1965 at the earliest.

F. COVERT OPERATIONS IN LAOS

Consideration is being given to improving Hardnose (including greater Thai involvement) and getting Hardnose to operate more effectively in the corridor infiltration areas.

No change in status of Kha.

G. OTHER SENSITIVE INTELLIGENCE OPERATIONS

These include "Queen Bee", "Box Top", "Lucky Dragon" and "Blue Springs".

A 1964 MEMO FROM THE JOINT CHIEFS ON SEPTEMBER'S COVERT RAIDS

(Memorandum from Maj. Gen. Rollen H. Anthis, an Air Force aide to the Joint Chiefs of Staff, to Assistant Secretary of State Bundy and Assistant Secretary of Defense McNaughton, Aug. 27, 1964. The subject of the memorandum was given as "OPLAN 34A—September Schedule.")

1. Attached hereto is COMUSMACV'S proposed schedule of 34A actions for September.

2. All of the actions listed have either been specifically approved previously or are similar to such approved actions. For example, Action (3) (d) was specifically approved by consideration of JCSM-426-64 dated 19 May 1964, while Action (3) (b) is similar to a previously approved action against a security post.

3. The method of attack has been changed in some instances from destruction by infiltration of demolition teams to the concept of standoff bombardment from PTFs. These actions are so indicated in the attachment.

The proposed September 34A actions are as follows:

(1) Intelligence Collection Action

(a) 1-30 September—Aerial photography to update selected targets along with pre- and post-strike coverage of approved actions.

(b) 1-30 September—Two junk capture missions; remove captives for 36-48 hours interrogation; booby trap junk with antidisturbance devices and release; captives returned after interrogation; timing depends upon sea conditions and current intelligence.

(2) Psychological Operations

(a) 1-30 September—In conjunction with approved overflights and maritime operations, delivery of propaganda leaflets, gift kits, and deception devices simulating resupply of phantom teams.

(b) 1-30 September—Approximately 200 letters of various propaganda themes sent through third country mail channels to North Vietnam.

(c) 1-30 September—Black Radio daily 30-minute programs repeated once, purports to be voice of dissident elements in North Vietnam.

(d) 1-30 September—White Radio broadcast of eight-and-one-half hours daily, propaganda "Voice of Freedom".

(3) Maritime Operations

(a) 1-30 September—Demolition of Route 1 bridge by infiltrated team accompanied by fire support teams, place short-delay charges against spans and caissons, place antipersonnel mines on road approaches. (This bridge previously hit but now repaired.)

(b) 1-30 September—Bombard Cape Mui Dao observation post with 81 MM mortars and 40 MM guns from two PTFs.

(c) 1-30 September—Demolition of another Route 1 bridge (see map), concept same as (3) (a) above.

(d) 1-30 September—Bombard Sam Son radar, same as (3) (b).

(e) 1-30 September—Bombard Tiger Island barracks, same as (3) (b).

(f) 1-30 September—Bombard Hon Ngu Island, same as (3) (b).

(g) 1-30 September—Bombard Hon Matt Island, same as (3) (b) and run concurrently with (3) (f).

(h) 1-30 September—Destruction of section of Hanoi-Vinh railroad by infiltrated demolition team supported by two VN marine squads, by rubber boats from PTF's, place short-delay charges and antipersonnel mines around area.

(i) 1-30 September—Bombard Hon Me Island in conjunction with (3) (a) above concept same as (3) (b).

(j) 1-30 September—Bombard Cape Falaise gun positions in conjunction with (3) (h) above, concept same as (3) (b).

(k) 1-30 September—Bombard Cape Mui Ron in conjunction with junk capture mission, concept same as (3) (b).

(4) Airborne Operations—Light-of-moon period 16-28 September.

(a) Four missions for resupply of inplace teams.

(b) Four missions for reinforcement of inplace teams.

(c) Four missions to airdrop new psyops/sabotage teams depending upon development of drop zone and target information. These are low-key propaganda and intelligence gathering teams with a capability for small-scale sabotage on order after locating suitable targets.

(5) Dates for actual launch of maritime and airborne operations are contingent upon the intelligence situation and weather conditions.

HIGHLIGHTS OF TONKIN PERIOD

Here, in chronological sequence, are highlights of the period covered in this article:

FEBRUARY 1964

Start of Operation Plan 34A program of clandestine military operations against North Vietnam.

MARCH 1964

Plans for "new and significant pressures on North Vietnam" urged by Mr. McNamara on return from Vietnam; since new Government of Gen. Nguyen Khanh considered unable to improve South Vietnam outlook.

President Johnson approves; cables Henry Cabot Lodge, United States Ambassador in Saigon, that "our planning for action against the North is on a contingency basis at the present."

APRIL 1964

Scenarios for escalation reviewed in Saigon by Mr. Lodge, William P. Bundy, Dean Rusk, Gen. Earle G. Wheeler. Plans cover details of stepping up United States military involvement to conform with Administration conviction that Hanoi controls Vietcong. Extent of Hanoi's involvement should be "proven to the Satisfaction of our own public, of our allies and of the neutralists," according to Mr. Rusk.

List of 94 potential targets bombing in North drawn up by Joint Chiefs.

MAY 1964

General Kahnh asks United States attacks on the North, tells Mr. Lodge Saigon wants to declare war on North Vietnam. Mr. McNamara does not "rule out" possibility of bombing, but stresses "such actions must be supplementary to and not a substitute for" success against Vietcong in South. Mr. Lodge cables Mr. Rusk that United States cannot "expect a much better performance" from Saigon Government "unless something" in the way of United States action is forthcoming.

William Bundy sends President 30-day scenario for graduated military pressure against the North that would culminate in full-scale bombing attacks. Includes joint Congressional resolution "authorizing whatever is necessary with respect to Vietnam."

JUNE 1964

Honolulu strategy meeting, Ambassador Lodge urges "a selective bombing campaign against military targets in the North" to bolster shaky morale in South. He questions need for Congressional resolution; Mr. Rusk, Mr. McNamara, John McCone of C.I.A., support it.

Preparatory military deployments under way in Southeast Asia.

J. Blair Seaborn, Canadian diplomat, meets secretly in Hanoi with Pham Van Dong, North Vietnam's Premier, warns of "the greatest devastation" that would result from escalation by North Vietnam.

President resists pressure to ask for Congressional resolution immediately and to step up the war effort.

Mr. Johnson queries C.I.A. on "domino theory." Agency replies only Cambodia is likely to "quickly succumb to Communism" if Laos and South Vietnam fall, but says U.S. prestige would be damaged.

JULY 1964

General Khanh announces "March North," propaganda campaign.

South Vietnamese naval commandos raid two North Vietnamese islands in Gulf of Tonkin. Part of "growing operational capabilities" of 34A program, the Pentagon study says.

AUGUST 1964

Destroyer Maddox, on Gulf of Tonkin intelligence patrol, attacked by North Vietnamese PT boats seeking South Vietnamese raiders. Joined by the C. Turner Joy, attacked again by torpedo boats, history reports.

Less than 12 hours after news of second attack reaches Washington, bombers on way to North Vietnam on reprisal raiders from carrier.

Tonkin Gulf resolution, drafted by Administration, introduced. Administration officials testify; Mr. McNamara disclaims knowledge South Vietnamese attacks on islands. Resolution passes.

What study calls "an important threshold in the war"—U.S. reprisal air strikes against North—crossed with "virtually no domestic criticism."

VIETNAM ARCHIVE: PENTAGON STUDY TRACES 3 DECADES OF GROWING U.S. INVOLVEMENT

(By Neil Sheehan)

A massive study of how the United States went to war in Indochina, conducted by the Pentagon three years ago, demonstrates that four administrations progressively developed a sense of commitment to a non-Communist Vietnam, a readiness to fight the North to protect the South, and an ultimate frustration with this effort—to a much greater extent than their public statements acknowledged at the time.

The 3,000-page analysis, to which 4,000 pages of official documents are appended, was commissioned by Secretary of Defense Robert S. McNamara and covers the American involvement in Southeast Asia from World War II to mid-1968—the start of the peace talks in Paris after President Lyndon B. Johnson had set a limit on further military commitments and revealed his intention to retire. Most of the study and many of the appended documents have been obtained by The New York Times and will be described and presented in a series of articles beginning today.

Though far from a complete history, even at 2.5 million words, the study forms a great archive of government decision-making on Indochina over three decades. The study led its 30 to 40 authors and researchers to many broad conclusions and specific findings, including the following:

The Truman Administration's decision to

give military aid to France in her colonial war against the Communist-led Vietminh "directly involved" the United States in Vietnam and "set" the coures of American policy.

That the Eisenhower Administration's decision to rescue a fledgling South Vietnam from a Communist takeover and attempt to undermine the new Communist regime of North Vietnam gave the Administration a "direct role in the ultimate breakdown of the Geneva settlement" for Indochina in 1954.

That the Kennedy Administration, though ultimately spared from major escalation decisions by the death of its leader, transformed a policy of "limited-risk gamble," which it inherited, into a "broad commitment" that left President Johnson with a choice between more war and withdrawal.

That the Johnson Administration, though the President was reluctant and hesitant to take the final decisions, intensified the covert warfare against North Vietnam and begin planning in the spring of 1964 to wage overt war, a full year before it publicly revealed the depth of its involvement and its fear of defeat.

That this campaign of growing clandestine military pressure though 1964 and the expanding program of bombing North Vietnam in 1965 were begun despite the judgment of the Government's intelligence community that the measures would not cause Hanoi to cease its support of the Vietcong insurgency in the South, and that the bombing was deemed militarily ineffective within a few months.

That these four succeeding administrations built up the American political, military and psychological stakes in Indochina, often more deeply than they realized at the time, with large-scale military equipment to the French in 1950; with acts of sabotage and terror warfare against North Vietnam beginning in 1954; with moves that encouraged and abetted the overthrow of President Ngo Dinh Diem of South Vietnam in 1963; with plans, pledges and threats of further action that sprang to life in the Tonkin Gulf clashes in August, 1964; with the careful preparation of public opinion for the years of open warfare that were to follow; and with the calculation in 1965, as the planes and troops were openly committed to sustained combat, that neither accommodation inside South Vietnam nor early negotiations with North Vietnam would achieve the desired result.

The Pentagon study also ranges beyond such historical judgments. It suggests that the predominant American interest was at first containment of Communism and later the defense of the power, influence and prestige of the United States, in both stages irrespective of conditions in Vietnam.

And it reveals a great deal about the ways in which several administrations conducted their business on a fateful course, with much new information about the roles of dozens of senior officials of both major political parties and a whole generation of military commanders.

The Pentagon study was divided into chronological and thematic chapters of narrative and analysis, each with its own documentation attached. The Times—which has obtained all but one of nearly 40 volumes—has collated these materials into major segments of varying chronological length, from one that broadly covers the two decades before 1960 to one that deals intensively with the agonizing debate in the weeks following the 1968 Tet offensive.

The months from the beginning of 1964 to the Tonkin Gulf incident in August were a pivotal period, the study makes clear, and The Times begins its series with this phase.

Vast Review of War Took a Year

(By Hedrick Smith)

In June, 1967, at a time of great personal disenchantment with the Indochina war and rising frustration among his colleagues at the Pentagon, Secretary of Defense Robert S. McNamara commissioned a major study of how and why the United States had become so deeply involved in Vietnam.

The project took a year to complete and yielded a vast and highly unusual report of Government self-analysis. It was compiled by a team of 30 to 40 Government officials, civilian and military, many of whom had helped to develop or carry out the policies that they were asked to evaluate and some of whom were simultaneously active in the debates that changed the course of those policies.

While Mr. McNamara turned over his job to Clark M. Clifford, while the war reached a military peak in the 1968 Lunar New Year offensive, while President Johnson cut back the bombing of North Vietnam and announced his plan to retire, and while the peace talks began in Paris, the study group burrowed through Government files.

The members sought to probe American policy toward Southeast Asia from World War II pronouncements of President Franklin D. Roosevelt into the start of Vietnam peace talks in the summer of 1968. They wrote nearly 40 book-length volumes backed up by annexes of cablegrams, memorandums, draft proposals, dissents and other documents.

MANY INCONSISTENCIES

Their report runs to more than 7,000 pages—1.5 million words of historical narratives plus a million words of documents—enough to fill a small crate.

Even so, it is not a complete or polished history. It displays many inconsistencies and lacks a single all-embracing summary. It is an extended internal critique based on the documentary record, which the researchers did not supplement with personal interviews, partly because they were pressed for time.

The study emerged as a middle-echelon and official view of the war, incorporating material from the top-level files of the Defense Department into which flow papers from the White House, the State Department, the Central Intelligence Agency and the Joint Chiefs of Staff.

Some important gaps appear in the study. The researchers did not have access to the complete files of Presidents or to all the memorandums of their conversations and decisions.

Moreover, there are other important gaps in the copy of the Pentagon study obtained by The New York Times. It lacks the section on the secret diplomacy of the Johnson period.

But whatever its limitations, the Pentagon's study discloses a vast amount of new information about the unfolding American commitment to South Vietnam and the way in which the United States engaged itself in that conflict. It is also rich in insights into the workings of government and the reasoning of the men who ran it.

Throughout the narrative there is ample evidence of vigorous, even acrimonious, debate within the Government—far more than Congress, the press and the public were permitted to discover from official pronouncements.

But the Pentagon account and its accompanying documents also reveal that once the basic objective of policy was set, the internal debate on Vietnam from 1950 until mid-1967 dealt almost entirely with how to reach those objectives rather than with the basic direction of policy.

The study related that American governments from the Truman Administration onward felt it necessary to take action to prevent Communist control of South Vietnam. As a rationale for policy, the domino theory—that if South Vietnam fell, other countries would inevitably follow—was repeated in endless variations for nearly two decades.

CONFIDENCE AND APPREHENSIONS

Especially during the nineteen-sixties, the Pentagon study discloses, the Government was confident that American power—or even the threat of its use—would bring the war under control.

But the study reveals that high officials in the Johnson Administration were troubled by the potential dangers of Chinese Communist intervention and felt the need for self-restraint to avoid provoking Peking, or the Soviet Union, into combat involvement.

As some top policy-makers came to question the effectiveness of the American effort in mid-1967, the report shows, their policy papers began not only to seek to limit the military strategies on the ground and in the air but also to worry about the impact of the war on American society.

"A feeling is widely and strongly held that 'the Establishment' is out of its mind," wrote John T. McNaughton, Assistant Secretary of Defense, in a note to Secretary McNamara in early May, 1967. Mr. McNaughton, who three years earlier had been one of the principal planners of the air war against North Vietnam, went on to say:

"The feeling is that we are trying to impose some U.S. image on distant peoples we cannot understand (any more than we can the younger generation here at home), and that we are carrying the thing to absurd lengths. Related to this feeling is the increased polarization that is taking place in the United States with seeds of the worst split in our people in more than a century."

At the end of June, 1967, Mr. McNamara—deeply disillusioned with the war—decided to commission the Pentagon study of Vietnam policy that Mr. McNaughton and other high officials had encouraged him to undertake.

Mr. McNamara's instructions, conveyed orally and evidently in writing as well, were for the researcher to pull together the Pentagon's documentary record and, according to one well-placed former official, to produce an "objective and encyclopedic" study of the American involvement.

BROADEST POSSIBLE INTERPRETATION

The Pentagon researchers aimed at the broadest possible interpretation of events. They examined not only the policies and motives of American administrations, but also the effectiveness of intelligence, the mechanics and consequences of bureaucratic compromises, the difficulties of imposing American tactics on the South Vietnamese, the governmental uses of the American press, and many other tributaries of their main story.

The authors reveal, for example, that the American intelligence community repeatedly provided the policy-makers with what proved to be accurate warnings that desired goals were either unattainable or likely to provoke costly reactions from the enemy. They cite some lapses in the accuracy of reporting and intelligence, but give a generally favorable assessment of the C.I.A. and other intelligence units.

The Pentagon researchers relate many examples of bcreaucratic compromise forged by Presidents from the conflicting proposals of their advisers.

In the mid-fifties, they found, the Joint Chiefs of Staff were a restraining force, warning that successful defense of South Vietnam

could not be guaranteed under the limits imposed by the 1954 Geneva accords and agreeing to send in American military advisers only on the insistence of Secretary of State John Foster Dulles.

In the nineteen-sixties, the report found, both Presidents Kennedy and Johnson chose partial measures, overriding advice that some military proposals were valid only as packages and could not be adopted piecemeal.

In examining Washington's constant difficulties with the governments in Saigon, the study found the United States so heavily committed to the regime of the moment and so fearful of instability that it was unable to persuade the South Vietnamese to make the political and economic reforms that Americans deemed necessary to win the allegiance of the people.

Though it ranges widely to explain events, the Pentagon report makes no summary effort to put the blame for the war on any single administration or to find fault with individual officials.

The writers appear to have stood at the political and bureaucratic center of the period, directing their criticisms toward both left and right.

In one section, Senator Eugene J. McCarthy, the antiwar candidate for the 1968 Democratic Presidential nomination, is characterized as "impudent and dovish" and as an "upstart challenger." At another point in the same section the demands of Adm. U.S. Grant Sharp, commander of Pacific forces, for all-out bombing of North Vietnam, are characterized as "fulminations."

For the most part, the writers assumed a calm and unemotional tone, dissecting their materials in detached and academic manner. They ventured to answer key questions only when the evidence was at hand. They found no conclusive answers to some of the most widely asked questions about the war, including these:

Precisely how was Ngo Dinh Diem returned to South Vietnam in 1954 from exile and helped to power?

Who took the lead in preventing the 1956 Vietnam election required under the Geneva accords of 1954—Mr. Diem or the Americans?

If President Kennedy had lived, would he have led the United States into a full-scale ground war in South Vietnam and an air war against North Vietnam as President Johnson did?

Was Secretary of Defense McNamara dismissed for opposing the Johnson strategy in mid-1967 or did he ask to be relieved because of disenchantment with Administration policy?

Did President Johnson's cutback of the bombing to the 20th Parallel in 1968 signal a lowering of American objectives for the war or was it merely an effort to buy more time and patience from a war-weary American public?

The research project was organized in the Pentagon's office of International Security Affairs—I.S.A., as it is known to Government insiders—the politico-military affairs branch, whose head is the third-ranking official in the Defense Department. This was Assistant Secretary McNaughton when the study was commissioned and Assistant Secretary Paul C. Warnke when the study was completed.

"IT REMAINS M'NAMARA'S STUDY"

In the fall of 1968, it was transmitted to Mr. Warnke, who reportedly "signed off" on it. Former officials say this meant that he acknowledged completion of the work without endorsing its contents and forwarded it to Mr. Clifford.

Although it had been completed during Mr. Clifford's tenure, "in everyone's mind it always remained Mr. McNamara's study," one official said.

Because of its extreme sensitivity, very few copies were reproduced—from 6 to 15, by various accounts. One copy was delivered by hand to Mr. McNamara, then president of the World Bank. His reaction is not known, but at least one other former policy-maker was reportedly displeased by the study's candor.

Other copies were said to have been provided to President Johnson, the State Department and President Nixon's staff, as well as to have been kept for Pentagon files.

The authors, mostly working part-time over several months, were middle-level officials drawn from I.S.A., Systems Analysis, and the military staffs in the Pentagon, or lent by the State Department or White House staff. Probably two-thirds of the group had worked on Vietnam for the Government at one time or another.

Both the writing and editing were described as group efforts, through individuals with academic qualifications as historians, political scientists and the like were in charge of various sections.

For their research, the Pentagon depended primarily on the files of Secretary McNamara and Mr. McNaughton. William P. Bundy, former Assistant Secretary of State for Far Eastern Affairs, provided some of his files.

For extended periods, probably the most serious limitation of the Pentagon study is the lack of access to White House archives. The researchers did possess the Presidential decision papers that normally circulated to high Pentagon officials, plus White House messages to commanders or ambassadors in Saigon. These provide insight into Presidential moods and motives, but only intermittently.

An equally important handicap is that the Pentagon researchers generally lacked records of the oral discussions of the National Security Council or the most intimate gatherings of Presidents with their closest advisers, where decisions were often reached.

As the authors themselves remark, it is common practice for the final recommendations drafted before a key Presidential decision to be written to the President's spoken specifications on the basis of his reactions to earlier proposals. The missing link is often the meeting of the Administration's inner circle.

Also, because the Pentagon study draws almost entirely on internal Government papers, and primarily papers that circulated through the Defense Department, the picture of so important a figure as Secretary of State Dean Rusk remains shadowy. Mr. Rusk was known as a man who rarely committed himself to paper and who, especially during the Johnson Administration, saved his most sensitive advice for solitary talks with the President.

In the late months of the Johnson Administration, the lack of records of such meetings is a considerable weakness because, as the survey comments, Mr. Johnson operated a split-level Government. Only his most intimate advisers were aware of the policy moves he was contemplating, and some of the most important officials at the second level of government—Assistant Secretaries of State and Defense—were late to learn the drift of the President's thinking.

The Pentagon account notes that at times the highest Administration officials not only kept information about their real intentions from the press and Congress but also kept secret from the Government bureaucracy the real motives for their written recommendations or actions.

"The lesson is this," one Pentagon analyst observes, "is that the rationales given in such pieces of paper (intended for fairly wide circulation among the bureaucracy, as opposed to tightly held memoranda limited to those closest to the decision maker), do not reliably indicate why recommendations were made the way they were." The words in parentheses are the analyst's.

Another omission is the absence of any extended discussion of military or political responsibility for such matters as civilian casualties or the restraints imposed by the rules of land warfare.

NECESSARILY FRAGMENTED ACCOUNT

The approach of the writers varies markedly from section to section. Some of the writers are analytical and incisive. Others offer narrative compendiums of the most important available documents for their periods, with little comment or interpretation.

As a bureaucratic history, this account is necessarily fragmented. The writers either lacked time or did not choose to provide a coherent, integrated summary analysis for each of the four administrations that became involved in Vietnam from 1950 to 1968.

The Pentagon account divides the Kennedy period, for example, into five sections—dealing with the key decisions of 1961, the strategic-hamlet programs, the buildup of the American advisory mission in Vietnam, the development of plans for phased American withdrawal, and the coup d'état that ousted President Diem.

In the Johnson era, four simultaneous stories are told in separate sections—the land war in South Vietnam, the air war against the North, political relations with successive South Vietnamese governments and the secret diplomatic search for negotiations. There is some overlapping, but no single section tries to summarize or draw together the various strands.

The overall effect of the study, nonetheless, is to provide a vast storehouse of new information—the most complete and informative central archive available thus far on the Vietnam era. [See text.]

THE COVERT WAR

The Pentagon papers disclose that in this phase the United States had been mounting clandestine military attacks against North Vietnam and planning to obtain a Congressional resolution that the Administration regarded as the equivalent of a declaration of war. The papers make it clear that these far-reaching measures were not improvised in the heat of the Tonkin crisis.

When the Tonkin incident occurred, the Johnson Administration did not reveal these clandestine attacks, and pushed the previously prepared resolution through both houses of Congress on Aug. 7.

Within 72 hours, the Administration, drawing on a prepared plan, then secretly sent a Canadian emissary to Hanoi. He warned Premier Pham Van Dong that the resolution meant North Vietnam must halt the Communist-led insurgencies in South Vietnam and Laos or "suffer the consequences." [See text, Page 36.]

The section of the Pentagon study dealing with the internal debate, planning and action in the Johnson Administration from the beginning of 1964 to the August clashes between North Vietnamese PA boats and American destroyers—portrayed as a critical period when the groundwork was laid for the wider war that followed—also reveals that the covert military operations had become so extensive by August, 1964, that Thai pilots flying American T-28 fighter planes apparently bombed and strafed North Vietnamese villages near the Laotian border on Aug. 1 and 2.

Moreover, it reports that the Administration was able to order retaliatory air strikes on less than six hours' notice during the Tonkin incident because planning had progressed so far that a list of targets was available for immediate choice. The target list had been drawn up in May, the study reports, along with a draft of the Congressional resolution—all as part of a proposed "scenario" that was to build toward openly acknowledged air attacks on North Vietnam.

Simultaneously, the papers reveal, Secretary McNamara and the Joint Chiefs of Staff also arranged for the deployment of air strike forces to Southeast Asia for the opening

phases of the bombing campaign. Within hours of the retaliatory air strikes on Aug. 4 and three days before the passage of the Congressional resolution, the squadrons began their planned moves. [See text.]

"PROGRESSIVELY ESCALATING PRESSURE"

What the Pentagon papers call "an elaborate program of covert military operations against the state of North Vietnam" began on Feb. 1, 1964, under the code name Operation Plan 34A. President Johnson ordered the program, on the recommendation of Secretary McNamara, in the hope, held very faint by the intelligence community, that "progressively escalating pressure" from the clandestine attacks might eventually force Hanoi to order the Vietcong guerrillas in Vietnam and the Pathet Lao in Laos to halt their insurrections.

In a memorandum to the President on Dec. 21, 1963, after a two-day trip to Vietnam, Mr. McNamara remarked that the plans, drawn up by the Central Intelligence Agency station and the military command in Saigon, were "an excellent job."

"They present a wide variety of sabotage and psychological operations against North Vietnam from which I believe we should aim to select those that provide maximum pressure with minimum risk," Mr. McNamara wrote.

President Johnson, in this period, showed a preference for steps that would remain "noncommitting" to combat, the study found. But weakness in South Vietnam and Communist advances kept driving the planning process. This, in turn, caused the Saigon Government and American officials in Saigon to demand ever more action.

Through 1964, the 34A operations ranged from flights over North Vietnam by U–2 spy planes and kidnappings of North Vietnamese citizens for intelligence information, to parachuting sabotage and psychological-warfare teams into the North, commando raids from the sea to blow up rail and highway bridges and the bombardment of North Vietnamese coastal installations by PT boats.

These "destructive undertakings," as they were described in a report to the President on Jan. 2, 1964, from Maj. Gen. Victor H. Krulak of the Marine Corps, were designed "to result in substantial destruction, economic loss and harassment." The tempo and magnitude of the strikes were designed to rise in three phases through 1964 to "targets identified with North Vietnam's economic and industrial well-being."

The clandestine operations were directed for the President by Mr. McNamara through a section of the Joint Chiefs organization called the Office of the Special Assistant for Counterinsurgency and Special Activities. The study says that Mr. McNamara was kept regularly informed of planned and conducted raids by memorandums from General Krulak, who first held the position of special assistant, and then from Maj. Gen. Rollen H. Anthis of the Air Force, who succeeded him in February, 1964. The Joint Chiefs themselves periodically evaluated the operations for Mr. McNamara.

Secretary of State Dean Rusk was also informed, if in less detail.

The attacks were given "interagency clearance" in Washington, the study says, by coordinating them with the State Department and the Central Intelligence Agency, including advance monthly schedules of the raids from General Anthis.

The Pentagon account and the documents show that William P. Bundy, the Assistant Secretary of State for Far Eastern Affairs, and John T. McNaughton, head of the Pentagon's politico-military operations as the Assistant Secretary of Defense for International Security Affairs, were the senior civilian officials who supervised the distribution of the schedules and the other aspects of interagency coordination for Mr. McNamara and Mr. Rusk.

The analyst notes that the 34A program differed in a significant respect from the relatively low-level and unsuccessful intelligence and sabotage operations that the C.I.A. had earlier been carrying out in North Vietnam.

The 34a attacks were a military effort under the control in Saigon of Gen. Paul D. Harkins, chief of the United States Military Assistance Command there. He ran them through a special branch of his command called the Studies and Observations Group. It drew up the advance monthly schedules for approval in Washington. Planning was done jointly with the South Vietnamese and it was they or "hired personnel," apparently Asian mercenaries, who performed the raids, but General Harkins was in charge.

The second major segment of the Administration's covert war against North Vietnam consisted of air operations in Laos. A force of propeller-driven T–28 fighter-bombers, varying from about 25 to 40 aircraft, had been organized there. The planes bore Laotian Air Force markings, but only some belonged to that air force. The rest were manned by pilots of Air America (a pseudo-private airline run by the C.I.A.) and by Thai pilots under the control of Ambassador Leonard Unger. [See text.]

The destroyer patrols in the Gulf of Tonkin, code-named De Soto patrols, were the third element in the covert military pressures against North Vietnam. While the purpose of the patrols was mainly psychological, as a show of force, the destroyers collected the kind of intelligence on North Vietnamese warning radars and coastal defenses that would be useful to 34A raiding parties or, in the event of a bombing campaign, to pilots. The first patrol was conducted by the destroyer Craig without incident in February and March, in the early days of the 34A operations.

SEPARATE CHAIN OF COMMAND

The analyst states that before the August Tonkin incident there was no attempt to involve the destroyers with the 34A attacks or to use the ships as bait for North Vietnamese retaliation. The patrols were run through a separate naval chain of command.

Although the highest levels of the Administration sent the destroyers into the gulf while the 34A raids were taking place, the Pentagon study, as part of its argument that a deliberate provocation was not intended, in effect says that the Administration did not believe that the North Vietnamese would dare to attack the ships.

But the study makes it clear that the physical presence of the destroyers provided the elements for the Tonkin clash. And immediately after the reprisal air strikes, the Joint Chiefs of Staff and Assistant Secretary of Defense McNaughton put forward a "provocation strategy" proposing to repeat the clash as a pretext for bombing the North.

AID FOR THE BOMBING RAIDS

Reconnaissance flights by regular United States Air Force and Navy jets, code-named Yankee Team, gathered photographic intelligence for bombing raids by the T-28's against North Vietnamese and Pathet Lao troops in Laos.

The Johnson Administration gradually stepped up these air operations in Laos through the spring and summer of 1964 in what became a kind of preview of the bombing of the North. The escalation occurred both because of ground advances by the North Vietnamese and the Pathet Lao and because of the Administration's desire to bring more military pressure against North Vietnam.

As the intensity of the T–28 strikes rose, they crept closer to the North Vietnamese border. The United States Yankee Team jets moved from high-altitude reconnaissance at the beginning of the year to low-altitude reconnaissance in May. In June, armed escort jets were added to the reconnaissance missions. The escort jets began to bomb and strafe North Vietnamese and Pathet Lao troops and installations whenever the reconnaissance planes were fired upon.

Of the three elements of the covert war, the analyst cites the 34A raids as the most important. The "unequivocal" American responsibility for them "carried with it an implicit symbolic and psychological intensification of the U.S. commitment," he writes. "A firebreak had been crossed."

The fact that the intelligence community and even the Joint Chiefs gave the program little chance of compelling Hanoi to stop the Vietcong and the Pathet Lao, he asserts, meant that "a demand for more was stimulated and an expectation of more was aroused."

WARNING BY THE JOINT CHIEFS

On Jan. 22, 1964, a week before the 34A raids started, the Joint Chiefs warned Mr. McNamara in a memorandum signed by the Chairman, Gen. Maxwell D. Taylor, that while "we are wholly in favor of executing the covert actions against North Vietnam . . . it would be idle to conclude that these efforts will have a decisive effect" on Hanoi's will to support the Vietcong. [See text.]

The Joint Chiefs said the Administration "must make ready to conduct increasingly bolder actions," including "aerial bombing of key North Vietnam targets, using United States resources under Vietnamese cover," sending American ground troops to South Vietnam and employing "United States forces as necessary in direct actions against North Vietnam."

And after a White House strategy meeting on Feb. 20, President Johnson ordered that "contingency planning for pressures against North Vietnam should be speeded up."

"Particular attention should be given to shaping such pressures so as to produce the maximum credible deterrent effect on Hanoi," the order said.

The impelling force behind the Administration's desire to step up the action during this period was its recognition of the steady deterioration in the positions of the pro-American governments in Laos and South Vietnam, and the corresponding weakening of the United States hold on both countries. North Vietnamese and Pathet Lao advances in Laos were seen as having a direct impact on the morale of the anti-Communist forces in South Vietnam, the primary American concern.

This deterioration was also concealed from Congress and the public as much as possible to provide the Administration with maximum flexibility to determine its moves as it chose from behind the scenes.

"THE ROOT OF THE PROBLEM"

The United States found itself particularly unable to cope with the Vietcong insurgency, first through the Saigon military regime of Gen. Duong Van Minh and later through that of Gen. Nguyen Khanh, who seized power in a coup d'état on Jan. 30, 1964. Accordingly, attention focused more and more on North Vietnam as "the root of the problem," in the words of the Joint Chiefs.

Walt W. Rostow, the dominant intellectual of the Administration, had given currency to this idea and provided the theoretical framework for escalation. His concept, first enunciated in a speech at Fort Bragg, N.C., in 1961, was that a revolution could be dred up by cutting off external sources of support and supply.

Where North Vietnam was concerned, Mr. Rostow had evolved another theory—that a credible threat to bomb the industry Hanoi had so painstakingly constructed out of the ruins of the French Indochina War would be enough to frighten the country's leaders into ordering the Vietcong to halt their activities in the South.

In a memorandum on Feb. 13, 1964, Mr. Rostow told Secretary of State Rusk that President Ho Chi Minh "has an industrial

complex to protect: he is no longer a guerrilla fighter with nothing to lose."

The Administration was firmly convinced from interceptions of radio traffic between North Vietnam and the guerrillas in the South that Hanoi controlled and directed the Vietcong. Intelligence analyses of the time stated, however, that "the primary sources of Communist strength in South Vietnam are indigenous," arising out of the revolutionary social aims of the Communists and their identification with the nationalist cause during the independence struggle against France in the nineteen-fifties.

The study shows that President Johnson and most of his key advisers would not accept this intelligence analysis that bombing the North would have no lasting effect on the situation in the South, although there was division—even among those who favored a bombing campaign if necessary—over the extent to which Vietcong fortunes were dependent on the infiltration of men and arms from North Vietnam.

William Bundy and Mr. Rusk mentioned on several occasions the need to obtain more evidence of this infiltration to build a case publicly for stronger actions against North Vietnam.

As the Vietcong rebellion gathered strength, so did interest in bombing the North as a substitute for successful prosecution of the counterinsurgency campaign in the South, or at least as an effort to force Hanoi to reduce guerrilla activity to a level where the feeble Saigon Government could handle it.

This progression in Administration thinking was reflected in Mr. McNamara's reports to President Johnson after the Secretary's trips to Vietnam in December and March.

In his December memorandum recommending initiation of the covert 34A raids, Mr. McNamara painted a "gloomy picture" of South Vietnam, with the Vietcong controlling most of the rice and population heartland of the Mekong Delta south and west of Saigon. "We should watch the situation very carefully," he concluded, "running scared, hoping for the best, but preparing for more forceful moves if the situation does not show early signs of improvement."

Then, in his memorandum of March 16 on his latest trip, Mr. McNamara reported that "the situation has unquestionable been growing worse" and recommended military planning for two programs of "new and significant pressures upon North Vietnam."

The first, to be launched on 72 hours' notice, was described as "Border Control and Retaliatory Actions." These would include assaults by Saigon's army against infiltration along the Ho Chi Minh Trail network of supply lines through southeastern Laos, "hot pursuit" of the guerrillas into Cambodia, "retaliatory bombing strikes" into North Vietnam by the South Vietnamese Air Force "on a tit-for-tat basis" in response to guerrilla attacks, and "aerial mining . . . (possibly with United States assistance) of the major . . . ports in North Vietnam." The words in parentheses are Mr. McNamara's.

BEYOND A TIT-FOR-TAT BASIS

The second program, called "Graduated Overt Military Pressure," was to be readied to begin on 30 days' notice. "This program would go bevond reacting on a tit-for-tat basis," Mr. McNamara told the President. "It would include air attacks against military and possibly industrial targets." The raids would be carried out by Saigon's air force and by an American air commando squadron code-named Farmgate, then operating in South Vietnam with planes carrying South Vietnamese markings. To conduct the air strikes, they would be reinforced by three squadrons of United States Air Force B–57 jet bombers flown in from Japan.

President Johnson approved Mr. McNamara's recommendations at a National Security Council meeting on March 17, 1964, directing that planning "proceed energetically."

Mr. McNamara had advocated trying a number of measures to improve the Saigon Government's performance first, before resorting to overt escalation. "There would be the problem of marshaling the case to justify such action, the problem of Communist escalation and the problem of dealing with pressures for premature or 'stacked' negotiations," he remarked in his March memorandum.

His description of negotiations echoed a belief in the Administration that the Government of General Khanh was incapable of competing politically with the Communists. Therefore, any attempt to negotiate a compromise political settlement of the war between the Vietnamese themselves was to be avoided because it would result in a Communist take-over and the destruction of the American position in South Vietnam.

Similarly, any internal accommodation between the opposing Vietnamese forces under the vague "neutralization" formula for Vietnam that had been proposed by President de Gaulle of France that June was seen as tantamount to the same thing, a Communist victory. In his March memorandum, Mr. McNamara mentioned the dangerous growth of "neutralist sentiment" in Saigon and the possibility of a coup by neutralist forces who might form a coalition government with the Communists and invite the United States to leave.

A 'SOLUTION' IN DISFAVOR

William Bundy would later refer to this possibility as a "Vietnam solution" that must be prevented.

In a glimpse into the President's thoughts at this time, the study shows he was concerned with the problem. Mr. Johnson told Ambassador Henry Cabot Lodge in a cablegram to Saigon on March 20, 1964, that he was intent on "knocking down the idea of neutralization wherever it rears its ugly head, and on this point I think nothing is more important than to stop neutralist talk wherever we can by whatever means we can." [See text.]

Mr. Lodge was opposed to planning for "massive destruction actions" before trying what he described as "an essentially diplomatic carrot and stick approach, backed by covert military means."

This plan, which Mr. Lodge had been proposing since the previous October, involved sending a secret non-American envoy to Hanoi with an offer of economic aid, such as food imports to relieve the rice shortages in North Vietnam, in return for calling off the Vietcong. If the North Vietnamese did not respond favorably, the stick—unpublicized and unacknowledged air strikes, apparently with unmarked planes—would be applied until they did.

The President's message of March 20 shared Mr. Lodge's opinion that it was still too early for open assaults on the North.

"As we agreed in our previous messages to each other," Mr. Johnson cabled, "judgment is reserved for the present on overt military action in view of the consensus from Saigon conversations of McNamara mission with General Khanh and you on judgment that movement against the North at the present would be premature. We . . . share General Khanh's judgment that the immediate and essential task is to strengthen the southern base. For this reason, our planning for action against the North is on a contingency basis at present, and immediate problem in this area is to develop the strongest possible military and political base for possible later action."

Mr. Johnson added that the Administration also expected a "showdown" soon in the Chinese-Soviet dispute "and action against the North will be more practicable" then.

PUSHING, YET HESITATING

This and the other sporadic insights the study gives into Mr. Johnson's thoughts and motivations during these months leading up to the Tonkin Gulf incident in August indicate a President who was, on the one hand, pushing his Administration to plan energetically for escalation while, on the other, continually hesitating to translate these plans into military action.

The glimpses are of a Chief Executive who was determined to achieve the goal of an "independent, non-Communist South Vietnam" he had enunciated in a national security action memorandum in March, yet who was holding back on actions to achieve that goal until he believed they were absolutely necessary.

Above all, the narrative indicates a President who was carefully calculating international and domestic political conditions before making any of his moves in public.

By the latter half of April, 1964, accordingly, planning for further attacks against the North had matured sufficiently through several scenarios for Secretary Rusk, William Bundy and Gen. Earle G. Wheeler, the Army Chief of Staff, to review the plans with Ambassador Lodge at a Saigon strategy meeting on April 19 and 20.

The scenario envisioned escalation in three stages from intensification of the current clandestine 34A raids, to "covert U.S. support of overt . . . aerial mining and air strike operations" by Saigon to "overt joint . . . aerial reconnaissance, naval displays, naval bombardments and air attacks" by the United States and South Vietnam.

The analyst does not mention any provision in the April planning scenario for a Congressional resolution that would constitute authority to wage war; he refers instead to "Presidential consultations with key Congressional leaders." But the idea of a resolution was already current by then. The author reports its first emergence in discussions in the State Department in mid-February, 1964, "on the desirability of the President's requesting a Congressional resolution, drawing a line at the borders of South Vietnam." He cites a Feb. 13 letter to Secretary Rusk to this effect from Mr. Rostow, then chairman of the State Department's Policy Planning Council.

At the April Saigon meeting and in the weeks immediately afterward, the author says, "a deliberate, cautious pacing of our actions" prevailed over a near-term escalation approach being pressed by the Joint Chiefs and Mr. Rostow.

One reason for this, the study explains, was that the Administration recognized that it "lacked adequate information concerning the nature and magnitude" of infiltration of trained guerrilla leaders and arms from the North and was beginning a major effort to try to gather enough concrete evidence to justify escalation if this became necessary.

ROSTOW PLEA FOR CLARIFICATION

"For example," the study reports, "citing the 'lack of clarity' on the 'role of external intrusion' in South Vietnam, Walt Rostow urged William Sullivan [chairman of the interagency Vietnam coordinating committee] on the eve of [a] March visit to attempt to 'come back from Saigon with as lucid and agreed a picture' as possible on the extent of the infiltration and its influence on the Vietcong."

The direct outcome of Mr. Rusk's April visit to Saigon was his agreement to try Ambassador Lodge's carrot-and-stick approach. On April 30, 1964, the Secretary flew to Ottawa and arranged with the Canadian Government for J. Blair Seaborn, Canada's new representative on the International Control Commission, to convey the offer of United States economic aid to Premier Dong when Mr. Seaborn visited Hanoi in June.

On May 4 General Khanh, sensing a de-

cline in his fortunes and beginning to abandon the idea of strengthening his government to the point where it could defeat the Vietcong in the South, told Ambassador Lodge that he wanted to declare war quickly on North Vietnam, have the United States start bombing and send 10,000 Special Forces troops of the United States Army into the South "to cover the whole Cambodian-Laotian border." Mr. Lodge deflected the suggestions.

Secretary McNamara, on a visit to Saigon May 13, was instructed to tell General Khanh that while the United States did not "rule out" bombing the North, "such actions must be supplementary to and not a substitute for successful counter-insurgency in the South" and that "we do not intend to provide military support nor undertake the military objective of 'rolling back' Communist control in North Vietnam."

But on May 17, when the Pathet Lao launched an offensive on the Plaine des Jarres that threatened to collapse the pro-American Government of Premier Souvanna Phouma and with it "the political underpinning of United States-Laotian policy," the study declares, this "deliberate, cautious approach" to escalation planning was suddenly thrown into "crisis management."

The Administration immediately turned the Laotian air operations up a notch by intensifying the T-28 strikes and, on May 21, by starting low-altitude target reconnaissance by United States Navy and Air Force jets over areas held by the Pathet Lao and the North Vietnamese.

In Washington, the chief planner, William Bundy, assisted by Mr. McNaughton and Mr. Sullivan, worked up a 30-day program culminating in full-scale bombing of the North. He submitted it as a formal draft Presidential memorandum for consideration by an executive committee of the National Security Council.

For a number of reasons, this May 23 scenario was never carried out as written. The President, in fact, delayed another nine months the scenario's dénouement in an air war.

But the document is important because it reveals how far the Administration had progressed in its planning by this point and because a number of the steps in the scenario were carried out piecemeal through June and July and then very rapidly under the political climate of the Tonkin Gulf clash.

For the military side of the scenario, the President's order of March 17 to plan for retaliatory air strikes on 72 hours' notice and for full-scale air raids on 30 days' notice had borne fruit in Operation Plan 37-64.

This plan had been prepared in the Honolulu headquarters of Adm. Harry D. Felt, commander in chief of Pacific forces, or CINCPAC, and had been approved by the Joint Chiefs on April 17. It tabulated how many planes and what bomb tonnages would be required for each phase of the strikes, listed the targets in North Vietnam with damage to be achieved, and programmed the necessary positioning of air forces for the raids. A follow-up operation plan, designated 32-64, calculated the possible reactions of China and North Vietnam and the American ground forces that might be necessary to meet them.

The Joint Staff had refined the bombing plan with more target studies. These estimated that an initial category of targets associated with infiltration, such as bridges and depots of ammunition and petroleum, could be destroyed in only 12 days if all the air power in the western Pacific were used.

For the political side of the scenario, recommendations from William Bundy and Mr. Rusk had produced more evidence of infiltration by the North for public release to justify escalation. William J. Jorden, a former correspondent of The New York Times who had become a State Department official, had gone to South Vietnam and had pulled together the data available there for a possible new State Department white paper.

PENTAGON VERSION OF SCENARIO

Here is the scenario as the Pentagon analyst quotes it. The words in parentheses—and the numbers designating the length of time to "D-Day"—were in the original scenario and the words in brackets were inserted by the analyst for clarification:

"1. Stall off any 'conference [Laos or] Vietnam until D-Day.'

"2. Intermediary (Canadian?) tell North Vietnam in general terms that U.S. does not want to destroy the North Vietnam regime (and indeed is willing 'to provide a carrot') but is determined to protect South Vietnam from North Vietnam.

"3. (D-30) Presidential speech in general terms launching Joint Resolution.

"4. (D-20) Obtain joint resolution approving past actions and authorizing whatever is necessary with respect to Vietnam.

"Concurrently: An effort should be made to strengthen the posture in South Vietnam. Integrating (interlarding in a single chain of command) the South Vietnamese and U.S. military and civilian elements critical to pacification, down at least to the district level, might be undertaken.

"5. (D-16) Direct CINCPAC to take all prepositioning and logistic actions that can be taken 'quietly' for the D-Day forces. . . .

"6. (D-15) Get Khanh's agreement to start overt South Vietnamese air attacks against targets in the North (see D-Day item 15 below), and inform him of U.S. guarantee to protect South Vietnam in the event of North Vietnamese and/or Chinese retaliation.

"7. (D-14) Consult with Thailand and the Philippines to get permission for U.S. deployments; and consult with them plus U.K., Australia, New Zealand and Pakistan, asking for their open political support for the undertaking and for their participation in the re-enforcing action to be undertaken in anticipation of North Vietnamese and/or Chinese retaliation.

"8. (D-13) Release an expanded 'Jorden Report,' including recent photography and evidence of the communication nets, giving full documentation of North Vietnamese supply and direction of the Vietcong.

"9. (D-12) Direct CINCPAC to begin moving forces and making specific plans on the assumption that strikes will be made on D-Day (see Attachment B* in backup materials for deployments).

"10. (D-10) Khanh makes speech demanding that North Vietnam stop aggression, threatening unspecified military action if he does not. (He could refer to a 'carrot.')

"11. (D-3) Discussions with allies not covered in Item above.

"12. (D-3) President informs U.S. public (and thereby North Vietnam) that action may come, referring to Khanh speech (Item 10 above) and declaring support for South Vietnam.

"13. (D-1) Khanh announces that all efforts have failed and that attacks are imminent. (Again he refers to limited goal and possibly to 'carrot.')

"14. (D-Day) Remove U.S. dependents.

"15. (D-Day) Launch first strikes. . . . Initially, mine their ports and strike North Vietnam's transport and related ability (bridge, trains) to move south; and then against targets which have maximum psychological effect on the North's willingness to stop insurgency—POL (petroleum, oil and lubricants) storage, selected airfields, barracks/training areas, bridges, railroad yards, port facilities, communications, and industries. Initially, these strikes would be by South Vietnamese aircraft; they could then be expanded by adding Farmgate, or U.S. aircraft, or any, combination of them.

"16. (D-Day) Call for conference on Vietnam (and go to U.N.). State the limited objective: Not to overthrow the North Vietnam regime nor to destroy the country, but to stop D.R.V.-directed efforts in the South. Essential that it be made clear that attacks on the North will continue (i.e., no cease-fire) until (a) terrorism, armed attacks, and armed resistance to pacification efforts in the South stop, and (b) communications on the networks out of the North are conducted entirely in uncoded form."

THE ANALYST'S DEFINITION

The last paragraph was to provide a capsule definition of what the Administration meant when it later spoke publicly about "negotiations," a definition the analyst describes as "tantamount to unconditional surrender" for the other side.

The covering memorandum on the scenario pointed out that military action would not begin until after "favorable action" on the joint Congressional resolution. William Bundy drafted the resolution on May 25.

Attached to the scenario were assessments of possible Soviet, Chinese and North Vietnamese reactions. These included a provision for reinforcing the South Vietnamese Army "by U.S. ground forces prepositioned in South Vietnam or on board ship nearby" if Hanoi reacted by intensifying Vietcong activity in the South.

After meetings on May 24 and 25, the Executive Committee of the National Security Council—including Secretaries Rusk and McNamara, John A. McCone, Director of Central Intelligence, and McGeorge Bundy, Presidential assistant for national security—decided to recommend to the President only piecemeal elements of the scenario. Among these were the sending of the Canadian emissary to Hanoi and the move for a joint Congressional resolution.

The documents do not provide a clear explanation for their decision, the analyst says, although an important factor seems to have been concern that "our limited objectives might have been obscured" if the Administration had begun a chain of actions to step up the war at this point.

Whether political considerations in an election year also prompted the President to limit the proposed escalation is a question that is not addressed by the study here. The narrative does attribute such motives to Mr. Johnson's similar hesitation to take major overt actions in the following month, June.

In any case, the account explains, the urgency was taken out of the Laos crisis by a Polish diplomatic initiative on May 27 for a new Laos conference that would not include discussions of Vietnam, a major fear of the Administration. The President instructed his senior advisers to convene another strategy conference in Honolulu at the beginning of June "to review for . . . final approval a series of plans for effective action."

On his way to the conference, after attending the funeral of Prime Minister Jawaharlal Nehru in New Delhi, Secretary Rusk stopped off in Saigon for conversations with General Khanh and Ambassador Lodge.

The Ambassador and Gen. William C. Westmoreland, who was replacing General Harkins as chief of the Military Assistance Command in Saigon, flew to Honolulu with Secretary Rusk for the strategy session at Admiral Felt's headquarters there on Junj 1 and 2, 1964. They were joined by William Bundy, Mr. McNamara, General Taylor, Mr. McCone, and Mr. Sullivan.

While he had previously counseled patience, Mr. Lodge's chief recommendation at Honolulu reflected his growing nervousness over the shakiness of the Saigon regime. He argued for bombing the North soon.

The analyst writes: "In answer to Secretary Rusk's query about South Vietnamese popular attitudes, which supported Hanoi's revolutionary aims, the Ambassador stated his conviction that most support for the VC would fade as soon as some 'counterterrorism measures' were begun against the D.R.V."—

the Democratic Republic of (North) Vietnam.

Admiral Felt's record of the first day's session quotes Mr. Lodge as predicting that "a selective bombing campaign against military targets in the North" would "bolster morale and give the population in the South a feeling of unity."

The Honolulu discussions concentrated on an air war, ranging over its entire implications, down to such details as the kind of antiaircraft guns North Vietnam had and how difficult these defenses might make attacks on particular targets. By now the Joint Chiefs had improved on Admiral Felt's Operation Plan 37-64 to the point of producing the first version to comprehensive list of 94 targets from bridges, to industries, that Mr. McNamara and President Johnson would use to select the actual sites to be struck when sustained air raids began in the coming year.

Obtaining a Congressional resolution "prior to wider U.S. action in Southeast Asia" was a major topic. The analyst paraphrases and quotes from William Bundy's memorandum of record on the second day's talks to summarize the discussion concerning the resolution:

"Ambassador Lodge questioned the need for it if we were to confine our actions to 'tit-for-tat' air attacks against North Vietnam. However, Secretaries McNamara and Rusk and C.I.A. Director McCone all argued in favor of the resolution.

In support, McNamara pointed to the need to guarantee South Vietnam's defense against retaliatory air attacks and against more drastic reactions by North Vietnam and Communist China. He added that it might be necessary, as the action unfolded . . . to deploy as many as seven divisions. Rusk noted that some of the military requirements might involve the calling up of reserves, always a touchy Congressional issue. He also stated that public opinion on our Southeast Asia policy was badly divided in the United States at the moment and that, therefore, the President needed an affirmation of support."

"General Taylor noted that there was a danger of reasoning ourselves into inaction," the memorandum goes on. "From a military point of view, he said the U.S. could function in Southeast Asia about as well as anywhere in the world except Cuba."

MORE TIME FOR ESTIMATES

The upshot of the conference, however, was that major actions "should be delayed for some time yet," the historian says. A separate briefing paper that William Bundy prepared for Secretary Rusk to use in communicating the conference's findings to the President at a White House meeting late on the afternoon of June 3 counseled more time "to refine our plans and estimates." Mr. Bundy emphasized the need for an "urgent" public relations campaign at home to "get at the basic doubts of the value of Southeast Asia and the importance of our stake there."

Secretary McNamara, General Taylor and Mr. McCone joined Secretary Rusk in making the June 3 report to the President on the Honolulu conference. A documentary record of this White House meeting is not available, but the study deduces the President's reaction and decisions from the subsequent actions taken by his senior advisers.

Where decisive military actions were concerned, "the President apparently recognized the need for more and better information, but did not convey a sense of urgency regarding its acquisition," the analyst says. He notes that on the same day as the White House meeting, "possibly just following," Secretary McNamara told the Joint Chiefs that he wanted to meet with them on June 8, five days later, "to discuss North Vietnamese targets and troop movement capabilities."

But one element of the May 23 scenario, the positioning of forces for later action, began to fall into place right after the White House meeting. The Pentagon study says that "noncommitting military actions . . . were given immediate approval."

On June 4 Mr. McNamara directed the Army to take "immediate action . . . to improve the effectiveness and readiness status of its materiel prestocked for possible use in Southeast Asia."

The Secretary's directive specifically ordered the Army to augment stocks previously placed with Thailand's agreement at Korat, a town south of the Laotian border, to support potential combat operations by a United States Army infantry brigade and to give "first priority at the Okinawa Army Forward Depot to stocking non-air-transportable equipment" that would be required by another Army infantry brigade flown to the island staging base on sudden notice.

The President also "apparently encouraged" the intensified public-relations campaign recommended by William Bundy and the other Honolulu conference participants, the study asserts.

"In June, State and Defense Department sources made repeated leaks to the press affirming U.S. intentions to support its allies and uphold its treaty commitments in Southeast Asia," the analyst explains, citing several articles that month in The New York Times. The Administration also focused publicity through June and into July on its military prepositioning moves. The augmentation of the Army war stocks at Korat in Thailand was given "extensive press coverage," the account says, citing a dispatch in The Times on June 21, 1964.

And what the analyst calls "the broad purpose" of these positioning moves—to serve as steps in the operation plans—was not explained to the public.

DOWNING OF TWO NAVY JETS

The Administration did openly step up its air operations in Laos in mid-June, after the enemy provided it with a rationale of self-defense. On June 6 and 7 two Navy jets on low-altitude target reconnaissance flights were shot down by enemy ground fire. Washington immediately added armed escort jets to the reconnaissance flights and on June 9 the escort jets struck Pathet Lao gun positions and attacked a Pathet Lao headquarters.

A similar escalation of the T-28 operations and the involvement of Thai pilots was unofficially acknowledged in Washington, although the responsibility for these operations was laid to the Laotian Government. And subsequent strikes by the American escort jets against enemy positions were not made public.

At the end of June the Royal Laotian Air Force was secretly strengthened with more T-28's, and American planes began conducting troop transport operations and night reconnaissance flights for a successful counteroffensive by the Laotian Army to protect the key position of Muong Soui.

FIRMNESS, BUT RESTRAINT

President Johnson was projecting an image of firmness but moderation, the study notes. In early June, he first requested and then rejected a draft from Mr. Rostow for a major policy speech on Southeast Asia that took an "aggressive approach", and instead relied "on news conferences and speeches by other officials to state the official view," the account continues. "In contrast to the Rostow approach, [the President's] news conference on 23 June and Secretary Rusk's speech at Williams College, 14 June, emphasized the U.S. determination to support its Southeast Asian allies, but avoided any direct challenge to Hanoi and Peking or any hint or intent to increase our military commitment."

A formal question the President submitted to the C.I.A. in June also indicated what was on his mind "Would the rest of Southeast Asia necessarily fall if Laos and South Vietnam came under North Vietnamese control?" he asked. The agency's reply on June 9 challenged the domino theory, widely believed in one form or another within the Administration.

"With the possible exception of Cambodia," the C.I.A. memorandum said, "its is likely that no nation in the area would quickly succumb to Communism as a result of the fall of Laos and South Vietnam. Furthermore, a continuation of the spread of Communism in the area would not be inexorable, and any spread which did occur would take time—time in which the total situation might change in any number of ways unfavorable to the Communist cause."

The C.I.A. analysis conceded that the loss of South Vietnam and Laos "would be profoundly damaging to the U.S. position in the Far East" and would raise the prestige of China "as a leader of world Communism" at the expense of a more moderate Soviet Union. But the analysis argued that so long as the United States could retain its island bases, such as those on Okinawa, Guam, the Philippines and Japan, it could wield enough military power in Asia to deter China and North Vietnam from overt military aggression against Southeast Asia in general.

SOME LEVERAGE AVAILABLE

Even in the "worst case," if South Vietnam and Laos were to fall through "a clear-cut Communist victory," the United States would still retain some leverage to affect the final outcome in Southeast Asia, according to the analysis.

It said that "the extent to which individual countries would move away from the U.S. towards the Communist would be significantly affected by the substance and manner of U.S. policy in the period following the loss of Laos and South Vietnam."

As in the case of the earlier C.I.A. analysis stating that the real roots of Vietcong strength lay in South Vietnam, the study shows that the President and his senior officials were not inclined to adjust policy along the lines of this analysis challenging the domino theory.

Only the Joint Chiefs, Mr. Rostow and General Taylor appear to have accepted the domino theory in its literal sense—that all of the countries of Southeast Asia, from Cambodia to Malaysia, would tumble automatically into the Communist camp if the linchpin, South Vietnam were knocked out, and that the United States position in the rest of the Far East, from Indonesia through the Philippines to Japan and Korea, would also be irrevocably harmed.

Yet the President and most of his closest civilian advisers—Mr. Rusk, Mr. McNamara and Mr. McGeorge Bundy—seem to have regarded the struggle over South Vietnam in more or less these terms. [See text.]

In 1964, the Administration also feared an outbreak of other "wars of national liberation" in the Asian, African and Latin American countries, and Mr. McNamara wrote in his March 16 memorandum to the President, "the South Vietnam conflict is regarded as a test case."

THE THREAT OF CHINA

The struggle in South Vietnam was likewise bound up with the idea of "containing China," whose potential shadow over Southeast Asia was viewed as a palpable threat by Mr. Rusk because of his World War II experience in Asia and the victory of Mao Tse-tung's revolution in China.

But behind these foreign-policy axioms about domino effects, wars of liberation and the containment of China, the study reveals a deeper perception among the President and his aides that the United States was now the most powerful nation in the world and that the outcome in South Vietnam would demonstrate the will and the ability of the United States to have its way in world affairs.

The study conveys an impression that the war was thus considered less important for what it meant to the South Vietnamese peo-

ple than for what it meant to the position of the United States in the world.

Mr. McNaughton would later capsulize this perception in a memorandum to Mr. McNamara seeking to apportion American aims in South Vietnam:

"70 pct.—To avoid a humiliating U.S. defeat (to our reputation as a guarantor).

"20 pct.—To keep SVN (and the adjacent) territory from Chinese hands.

"10 pct.—To permit the people of SVN to enjoy a better, freer way of life.

"Also—To emerge from crisis without unacceptable taint from methods used.

"Not—To 'help a friend,' although it would be hard to stay in if asked out."

The words in parentheses are Mr. McNaughton's.

Thus, he had reasoned in another memorandum, even if bombing North Vietnam did not force Hanoi to call off the Vietcong, "it would demonstrate that U.S. was a 'good doctor' willing to keep promises, be tough, take risks, get bloodied and hurt the enemy badly."

CONFIDENCE AT THE TOP

And while the study shows doubt and worry in the Administration it also reveals an underlying confidence among the decision makers at the top, whose attitude would count, that if this mightiest nation resolved to use its vast power, the other side would buckle.

Mr. Rostow would articulate this confidence in a memorandum to Secretary Rusk that fall: "I know well the anxieties and complications on our side of the line. But there may be a tendency to underestimate both the anxieties and complications on the other side and also to underestimate that limited but real margin of influence on the outcome that flows from the simple fact that we are the greatest power in the world—if we behave like it."

Accordingly, in mid-June, the Administration carried out another element of the May 23 scenario, the element that had first been formulated by Ambassador Lodge as his "carrot and stick." On June 18, at the Administration's request, Mr. Seaborn, the New Canadian representative on the International control Commission, paid the first of his two secret calls on Premier Dong in Hanoi.

Washington sought to convey to North Vietnam through Mr. Seaborn the more precise and threatening meaning of the preparatory military deployments to Southeast Asia that it was publicizing on a vaguer level in public. Back in May, Mr. Lodge had urged an unacknowledged air strike on some target in the North "as a prelude to his [Mr. Seaborn's] arrival" if the Vietcong had recently committed some terrorist act "of the proper magnitude" in the South, but the President apparently did not see fit to act on the suggestion by June.

The analyst says Mr. Seaborn stressed to Premier Dong that while the United States' ambition in Southeast Asia were limited and its intentions "essentially peaceful," its patience was not limitless. The United States was fully aware of the degree to which Hanoi controlled the Vietcong, Mr. Seaborn said, and "in the event of escalation the greatest devastation would of course result for the D.R.V. itself."

NO REPORT ON THE "CARROT"

The North Vietnamese Premier, the study relates, "fully understood the seriousness and import of the warning conveyed by Mr. Seaborn." Whether Mr. Seaborn also proferred the "carrot" of food and other economic aid is not reported.

At the June 3 meeting at the White House the President had also apparently approved continued work for the Congressional resolution, the historian says, because planning for it continued apace. "Its intended purpose," the historian comments, "was to dramatize and make clear to other nations the firm resolve of the United States Government in an election year to support the President in taking whatever action was necessary to resist Communist aggression in Southeast Asia."

By June 10, there was "firm support" from most of the foreign-policy-making machinery of the Government for obtaining the resolution, although the account notes that at an interagency meeting that day "five basic 'disagreeable questions' were identified for which the Administration would have to provide convincing answers to assure public support."

"These include: (1) Does this imply a blank check for the President to go to war in Southeast Asia? (2) What kinds of force could he employ under this authorization? (3) What change in the situation (if any) requires the resolution now? (4) Can't our objectives be attained by means other than U.S. military force? (5) Does Southeast Asia mean enough to U.S. national interests?"

Despite the prospect of having to answer these questions publicly, William Bundy wrote in a memorandum for a second interagency meeting on June 12, the Administration required a Congressional resolution immediately as "a continuing demonstration of U.S. firmness and for complete flexibility in the hands of the executive in the coming political months." While the United States did not expect "to move in the near future to military action against North Vietnam," he said, events in South Vietnam or Laos might force it to reconsider this position.

But in the opinion of the analyst, the President in June, 1964, already felt "the political conventions just around the corner and the election issues regarding Vietnam clearly drawn," and so he recoiled at this time from the repercussions of major escalation and of seeking a Congressional resolution. At a high-level meeting on both subjects June 15, McGeorge Bundy, the historian says, brought Presidential guidance to Secretaries Rusk and McNamara in the form of a White House memorandum that postponed a decision for the present.

Washington's efforts to achieve some political stability in Saigon and to hold the line militarily against the guerrillas were coming to naught, however, under the blows of the Vietcong. In his fear and nervousness, General Kanh broke a promise he had made to Ambassador Lodge and Secretary Rusk in their May meeting to consult with Washington before publicly announcing any intention to declare war on the North and to start a bombing campaign.

On July 19, he started a "March North" campaign of militant slogans and oratory at a "unification rally" in Saigon. The same day, as the analyst puts it, Air Marshal Nguyen Cao Ky, then chief of the South Vietnamese Air Force, "spilled the beans to reporters" on joint planning that the United States and the Saigon Government had secretly been conducting since June, with President Johnson's approval, for ground and air assaults in Laos.

In an emotional meeting on July 23 with General Taylor, who had just replaced Mr. Lodge as Ambassador, General Khanh asserted that North Vietnamese draftees had been taken prisoner with Vietcong guerrillas in fighting in the northern provinces. The United States should realize, he said, that the war had entered a new phase that called for new measures.

ANOTHER HEATED MEETING

During another heated meeting on July 24, General Khanh asked Ambassador Taylor whether to resign. The Ambassador asked him not to do so and cabled Washington urging that the United States undertake covert joint planning with the South Vietnamese for bombing the North.

The State Department, the study says, immediately authorized Ambassador Taylor "to tell Khanh the U.S.G. had considered attacks on North Vietnam that might begin, for example, if the pressure from dissident South Vietnamese factions became too great. He must keep this confidential."

The Pentagon narrative skins over the last few days in July, 1964, but a summary of a command and control study of the Tonkin Gulf incident done by the Defense Department's Weapons System Evaluation Group in 1965, which The Times obtained along with the Pentagon narratives, fills in the events of these few days.

The study discloses that after a National Security Council meeting called on July 25, apparently to discuss these critical developments in Saigon, the Joint Chiefs proposed air strikes by unmarked planes flown by non-American crews against several targets in North Vietnam, including the coastal bases for Hanoi's flotilla of torpedo boats.

Assistant Secretary McNaughton sent the Joint Chiefs' memorandum to Secretary Rusk on July 30, the study reports, the same day that a chain of events was to unfold that would make it unnecessary to carry out the Joint Chiefs' plan, even if the President had wanted to accept it.

The Pentagon narrative now remarks that the clandestine 34A raids against North Vietnam—after getting off to what the Joint Chiefs had called "a slow beginning" in a report to Mr. McNamara on May 19—picked up in tempo and size during the summer, although the analyst provides few details. The Joint Chiefs had informed Mr. McNamara that trained sabotage teams, electronic intelligence-gathering equipment, C–123 transports for the air-drops and fast PT boats for the coastal raids were giving the program "growing operational capabilities. (See text.)

ATTACK ON TWO ISLANDS

At midnight on July 30, South Vietnamese naval commandos under General Westmoreland's command staged an amphibious raid on the North Vietnamese islands of Hon Me and Hon Nieu in the Gulf of Tonkin.

While the assault was occurring, the United States destroyer Maddox was 120 to 130 miles away, heading north into the gulf on the year's second De Soto intelligence-gathering patrol. Her sailing orders said she was not to approach closer than eight nautical miles to the North Vietnamese coast and four nautical miles to North Vietnamese islands in the gulf.

The account does not say whether the captain of the Maddox had been informed about the 34A raid. He does state that the Maddox altered course twice on Aug. 2 to avoid a concentration of three North Vietnamese torpedo boats and a fleet of junks that were still searching the seas around the islands for the raiders.

The destroyer reached the northernmost point of her assigned patrol track the same day and headed south again.

"When the (North Vietnamese) PT boats began their high-speed run at her, at a distance of approximately 10 miles, the destroyer was 23 miles from the coast and heading further into international waters," the study says. "Apparently," it explains, "these boats . . . had mistaken Maddox for a South Vietnamese escort vessel."

In the ensuing engagement, two of the torpedo boats were damaged by planes launched from the aircraft carrier Ticonderoga, stationed to the south for reasons the study does not explain. A third PT boat was knocked dead in the water, sunk by a direct hit from one of the Maddox's five-inch guns.

NEW ORDERS FOR MADDOX

The next day, Aug. 3, President Johnson ordered the Maddox reinforced by the destroyer C. Turner Joy and directed that both destroyers be sent back into the gulf, this time with instructions not to approach closer than 11 nautical miles to the North Vietnamese coast. A second aircraft carrier, the Constellation, on a visit to Hong Kong, was instructed to make steam and join the Ticonderoga as quickly as possible.

The study terms these reinforcing actions "a normal precaution" in the light of the first attack on the Maddox and not an attempt to use the destroyers as bait for another attack that would provide a pretext for reprisal airstrikes against the North. "Moreover," it comments, "since the augmentation was coupled with a clear [public] statement of intent to continue the patrols and a firm warning to the D.R.V. that a repetition would bring dire consequences, their addition to the patrol could be expected to serve more as a deterrent than a provocation."

The study gives a clear impression that the Administration at this moment did not believe the North Vietnamese would dare to attack the reinforced destroyer patrol.

For on the night of Aug. 3, while the De Soto patrol was resuming, two more clandestine 34A attacks were staged. PT boats manned by South Vietnamese crews bombarded the Rhon River estuary and a radar installation at Vinhson. This time the Maddox and the Turner Joy were definitely warned that the clandestine assaults were going to take place, the documents show.

Apparently expecting the President to order a resumption of the patrol, the admiral commanding the Seventh Fleet asked General Westmoreland on Aug. 2 to furnish him the general location of the planned raids so that the destroyers could steer clear of the 34A force. There was a good deal of cable traffic back and forth between the two commanders through the Pentagon communications center in Washington to modify the patrol's course on Aug. 3 to avoid any interference with the raiders.

On the night of Aug. 4, Tonkin Gulf time, approximately 24 hours after this second 34A assault, North Vietnamese torpedo boats then attacked both the Maddox and the Turner Joy in what was to be the fateful clash in the gulf.

MOTIVES STILL UNCLEAR

The Pentagon account says that Hanoi's motives for this second attack on the destroyers are still unclear. The narrative ties the attack to the chain of events set off by the 34A raids of July 30, but says that Hanoi's precise motive may have been to recover from the embarrassment of having two torpedo boats damaged and another sunk in the first engagement with the Maddox, without any harm to the American destroyer.

"Perhaps closer to the mark is the narrow purpose of prompt retaliation for an embarrassing and well-publicized rebuff by a much-maligned enemy," the narrative says. "Inexperienced in modern naval operations, D.R.V. leaders may have believed that under the cover of darkness it would be possible to even the score or to provide at least a psychological victory by severely damaging a U.S. ship."

The study does not raise the question whether the second 34A raid on the night of Aug. 3, or the apparent air strikes on North Vietnamese villages just across the Laotian border on Aug. 1 and 2 by T–28 planes, motivated the Hanoi leadership in any way to order the second engagement with the destroyers.

Marshall Green, then the Deputy Assistant Secretary of State for Far Eastern Affairs, mentioned the apparent bombing of the villages in a lengthy memorandum to William Bundy dated Nov. 7, 1964, on United States covert activities in Indochina. (See text).

Listing complaints that North Vietnam had been making to the International Control Commission over the T–28 operations with Thai pilots, Mr. Green noted charges by Hanoi that "T–28's have violated North Vietnamese airspace and bombed/strafed NVN villages on Aug. 1 and 2, and on Oct. 16 and 17 and again on Oct. 28. The charges are probably accurate with respect to the first two dates (along Route 7) and the last one (Mugia Pass area)." The words in parentheses are Mr. Green's.

RAIDS POSSIBLY INADVERTENT

The context of the memorandum indicates that the raids on the North Vietnamese villages may have been inadvertent. But neither the narrative nor Mr. Green's memorandum says whether Hanoi thought this at the time the air strikes occurred.

Whatever the North Vietnamese motives for the second clash, President Johnson moved quickly now to carry out what the analyst calls "recommendations made . . . by his principal advisers earlier that summer and subsequently placed on the shelf."

Because of the Pacific time difference, the Pentagon received the first word that an attack on the Maddox and the Turner Joy might be imminent at 9:20 A.M. on the morning of Aug. 4, after the destroyers had intercepted North Vietnamese radio traffic indicating preparations for an assault. The flash message that the destroyers were actually engaged came into the communications center at 11 A.M.

The Joint Chiefs' staff began selecting target options for reprisal air strikes from the 94-target list, the first version of which was drawn up at the end of May. Adm. U.S. Grant Sharp, who had replaced Admiral Felt as commander in chief of Pacific forces, telephoned from Honolulu to suggest bombing the coastal bases for the torpedo boats.

Within 10 minutes, Mr. McNamara convened a meeting with the Joint Chiefs in his conference room on the third floor of the Pentagon to discuss possibilities for retaliation. Secretary Rusk and McGeorge Bundy came over to join them.

MEETING ALREADY SCHEDULED

Twenty-five minutes later the two secretaries and Mr. Bundy left for a previously scheduled National Security Council meeting at the White House. They would recommend reprisal strikes to the President, while the Joint Chiefs stayed at the Pentagon to decide on specific targets.

At 1:25 P.M., two and a half hours after the flash message of the engagement and possibly while Mr. McNamara, Mr. Rusk, Mr. McCone and McGeorge Bundy were still at lunch with the President, the director of the Joint Staff telephoned Mr. McNamara to say that the Chiefs had unanimously agreed on the targets. Fighter-bombers from the carriers Constellation and Ticonderoga should strike four torpedo boat bases at Hongay, Lochau, Phucloi and Quangkhe, and an oil storage depot near Vinh that held some 10 per cent of North Vietnam's petroleum supply.

At a second National Security Council meeting that afternoon, President Johnson ordered the reprisals, decided to seek the Congressional resolution immediately and discussed with his advisers the swift Southeast Asia deployment of the air strike forces designated in Operation Plan 37–64 for the opening blows in a possible bombing campaign against the North. His approval for these preparatory air deployments, and for the readiness of Marine Corps and Army units planned to meet any Chinese or North Vietnamese retaliation to a bombing campaign, was apparently given later that day, the study shows.

Mr. McNamara returned to the Pentagon at 3 P.M. to approve the details of the reprisal strikes, code-named Pierce Arrow. An execution order was prepared by the Joint Staff, but at 4 P.M. Mr. McNamara learned from Admiral Sharp in a telephone conversation that there was now confusion over whether an attack on the destroyers had actually taken place.

ADMIRAL INSTRUCTED TO CHECK

The Secretary told Admiral Sharp that the reprisal order would remain in effect, but that the admiral was to check and make certain that an attack had really occurred before actually launching the planes. At 4:49 P.M., less than six hours after the first message of the attack had flashed into the Pentagon communications center, the formal execution order for the reprisals was transmitted to Honolulu. Admiral Sharp had not yet called back with confirming details of the attack. The order specified that the carriers were to launch their planes within about two and a half hours.

The admiral called back at 5:23 P.M. and again a few minutes after 6 o'clock to say that he was satisfied, on the basis of information from the task group commander of the two destroyers, that the attack had been genuine. The study says that in the meantime Mr. McNamara and the Joint Chiefs had also examined the confirming evidence, including intercepted radio messages from the North Vietnamese saying that their vessels were engaging the destroyers and that two torpedo boats had been sunk.

By now Mr. McNamara and the Chiefs had moved on to discussing the prepositioning of the air strike forces under Operation Plan 37–64.

At 6:45 P.M., President Johnson met with 16 Congressional leaders from both parties whom he had summoned to the White House. He told them that because of the second unprovoked attack on the American destroyers, he had decided to launch reprisal air strikes against the North and to ask for a Congressional resolution, the study says.

The Pentagon study gives no indication that Mr. Johnson informed the Congressional leaders of United States responsibility for and command of the covert 34A raids on July 30 and Aug. 3.

Nor does the history give any indication that Mr. Johnson told the Congressional leaders of what the historian describes as "the broader purpose of the deployments" under Operation Plan 37–64, which Mr. McNamara was to announce at a Pentagon news conference the next day and describe as a precautionary move.

"It is significant," the analyst writes, "that few of these additional units were removed from the western Pacific when the immediate crisis subsided. In late September the fourth attack aircraft carrier was authorized to resume its normal station in the eastern Pacific as soon as the regularly assigned carrier completed repairs. The other forces remained in the vicinity of their August deployment."

PLANES LEAVE TICONDEROGA

At 8:30 P.M. on Aug. 4, Mr. McNamara returned to the Pentagon and at 11:30 P.M., after several telephone calls to Admiral Sharp, he learned that the Ticonderoga had launched her bomb-laden aircraft at 10:43 P.M. They were expected to arrive over their targets in about an hour and 50 minutes.

The carriers had needed more time to get into launching position than the execution order had envisioned. The Constellation, steaming from Hong Kong, was not to launch her planes for another couple of hours.

The President did not wait. Sixteen minutes after Mr. McNamara's last phone call to Admiral Sharp, at 11:36 P.M., he went on television to tell the nation of the reprisal strikes. He characterized his actions as a "limited and fitting" response. "We still seek no wider war," he said.

Almost simultaneously, the air deployments under Operation Plan 37–64 had begun.

The first F–102 Delta Dagger jet fighters were landing at Saigon's airport around the time Mr. McNamara described the deployments at a Pentagon news conference on Aug. 5. He had given a brief post-midnight conference the same day to describe the reprisal strikes. He reported now that 25 North Vietnamese patrol craft had been destroyed or damaged along with 90 per cent of the oil storage tanks near Vinh.

"Last night I announced that moves were under way to reinforce our forces in the Pacific area," he continued. "These moves include the following actions:

"First, an attack carrier group has been

transferred from the First Fleet on the Pacific coast to the western Pacific. Secondly, interceptor and fighter-bomber aircraft have been moved into South Vietnam. Thirdly, fighter-bomber aircraft have been moved into Thailand. Fourthly, interceptor and fighter-bomber squadrons have been transferred from the United States into advance bases in the Pacific. Fifthly an antisubmarine task force group has been moved into the South China Sea. And finally, selected Army and Marine forces have been alerted and readied for movement."

FULBRIGHT A SENATE SPONSOR

The study notes that the Administration drafted the Congressional resolution for the two men who would sponsor its passage through both houses for the President: Senator J. W. Fulbright of Arkansas, chairman of the Senate Foreign Relations Committee, and Representative Thomas E. Morgan of Pennsylvania, chairman of the House Foreign Affairs Committee.

Precisely who drafted this final version of the resolution is not mentioned. The wording was less precise than that of the resolution drafted by William Bundy for the May 23 scenario, but the key language making the resolution in effect a declaration of war remained:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approve and support the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

"Sec. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in Southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, 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 Defense Treaty requesting assistance in defense of its freedom."

Mr. McNamara and Secretary Rusk both testified on behalf of the resolution in secret sessions of the Senate and House foreign relations committees on Aug. 6. In his narrative, the Pentagon analyst occasionally quotes from and refers to portions of their testimony that have never been made public by the Pentagon. Along with the study, The Times also obtained more extensive quotations from this portion of the hearing transcript. The following account of the testimony on Aug. 6 thus contains both quotations used by the Pentagon analyst and the fuller quotations obtained by The Times.

MORSE LEARNS OF ATTACKS

Senator Wayne Morse of Oregon had learned that boats manned by South Vietnamese crews had attacked the two North Vietnamese islands on July 30. Mr. Morse, one of two Senators who were to vote against the Tonkin Gulf resolution—the other was Ernest L. Gruening of Alaska—alleged during the secret hearing on Aug. 6 that Mr. McNamara had known about the raids and that the destroyers had been associated with it.

"First," Mr. McNamara replied, "our Navy played absolutely no part in, was not associated with, was not aware of, any South Vietnamese actions, if there were any. . . . The Maddox was operating in international waters, was carrying out a routine patrol of the type we carry out all over the world at all times."

"I did not have knowledge at the time of the attack on the island," he said. "There is no connection between this patrol and any action by South Vietnam."

Mr. McNamara contended that whatever action had taken place against these North Vietnamese islands had been part of an anti-infiltration operation being conducted by a fleet of coastal patrol junks the United States had helped South Vietnam to organize in December, 1961.

"In the first seven months of this year they have searched 149,000 junks, some 570,000 people," he is quoted as telling the committee in this secret session. "This is a tremendous operation endeavoring to close the seacoasts of over 900 miles. In the process of that action, as the junk patrol has increased in strength, they have moved farther and farther north endeavoring to find the source of the infiltration.

"As part of that, as I reported to you earlier this week, [Mr. McNamara had testified before the committee in a secret session on Aug. 3 after the first attack on the Maddox], we understand that the South Vietnamese sea force carried out patrol action around these islands and actually shelled the parts they felt were associated with this infiltration.

"Our ships had absolutely no knowledge of it, were not connected with it; in no sense of the word can be considered to have backstopped the effort," he said.

Senator Franch Church of Idaho then asked Secretary Rusk at the same secret session: "I take it that our government which supplied these boats . . . did know that the boats would be used for attacks on North Vietnamese targets, and that we acquiesced in that policy, is that correct?"

". . . In the larger sense, that is so, but as far as any particular detail is concerned we don't from Washington follow that in great detail," Mr. Rusk replied.

CHURCH PRESSES QUESTIONS

"They are doing it with out acquiescence and consent, is that correct?" Senator Church continued.

"But within very limited levels as far as North Vietnam is concerned," Mr. Rusk said.

At a Pentagon news conference after his testimony before the committee, Mr. McNamara spoke about the coastal patrol junks again and avoided any specific mention of the July 30 raid:

Q. Mr. Secretary.

A. Yes?

Q. Have there been any incidents that you know involving the South Vietnamese vessels and the North Vietnamese?

A. No, none that I know of, although I think that I should mention to you the South Vietnamese naval patrol activities that are carried on to prevent the infiltration of men and material from the North into the South.

In the last seven months of 1961, for example, about, 1,400 men were infiltrated across the 17th Parallel from North Vietnam into South Vietnam. To prevent further infiltration of that kind, the South Vietnamese with our assistance have set up a naval patrol which is very active in that area which continues to inspect and examine junks and their personnel.

In one eight-month period that I can recall they discovered 140 Vietcong infiltrators.

Q. They operate on their own?

A. They operate on their own. They are part of the South Vietnamese Navy, commanded by the South Vietnamese Navy, operating in the coastal waters inspecting suspicious incoming junks, seeking to deter and prevent the infiltration of both men and materiel from North Vietnam into South Vietnam.

Q. Mr. Secretary. Do these junks go north into North Vietnam areas?

A. They have advanced closer and closer to the 17th Parallel and in some cases I think have moved beyond that in an effort to stop the infiltration closer to the point of origin.

Q. Do our naval vessels afford any cover for these operations?

A. Our naval vessel afford no cover whatsoever. Our naval personnel do not participate in the junk operations.

M'GOVERN RAISED THE ISSUE

When Senator George S. McGovern of South Dakota subsequently brought up the July 30 attack on the islands during the Senate floor debate on the resolution, Senator Fulbright replied that he had been assured by the Administration that "our boats did not convoy or support or back up any South Vietnamese naval vessels" and that the destroyer patrol "was entirely unconnected or unassociated with any coastal forays the South Vietnamese themselves may have conducted."

The Congressional resolution passed on Aug. 7 by a vote of 88 to 2 in the Senate and 416 to 0 in the House.

The history shows that besides the May 19 progress report from the Joint Chiefs on the 34A Operations, Mr. McNamara had received other memorandums on the clandestine attacks from General Anthis the special assistant to the Joint Chiefs, on June 13, July 1 and July 28, 1964. General Anthis drew up the advance monthly schedules of the covert operations for approval by William Bundy and Mr. McNaughton.

Where Mr. Rusk is concerned, the study reveals that he was kept reasonably well informed.

The study also makes it clear that there was no connection between the 34A raids and the coastal patrol junk fleet described by Mr. McNamara and referred to by Mr. Rusk.

Thus, in the space of three days, the Administration had put firmly into place two key elements of the May 23 scenario—prepositioning of major air strike forces and Congressional authorization for wider action.

Internal Administration planning for Congressional authorization to escalate also now disappears from the documentary record. The account notes that during the next round of planning "the question of Congressional authority for open acts of war against a sovereign nation was never seriously raised."

There was confusion in Congress, however, over precisely what the resolution meant, the account says, commenting:

"Despite the nearly unanimous votes of support for the resolution, Congressional opinions varied as to the policy implications and the meaning of such support. The central belief seemed to be that the occasion necessitated demonstrating the nation's unity and collective will in support of the President's action and affirming U.S. determination to oppose further aggression. However, beyond that theme, there was a considerable variety of opinion. . . . Several spokesmen stressed that the resolution did not constitute a declaration of war, did not abdicate Congressional responsibility for determining national policy commitments and did not give the President carte blanche to involve the nation in a major Asian war."

The Administration would now communicate the meaning of the resolution to Hanoi by carrying out in a more significant manner an element of the May 23 scenario that Washington had already used once in June when the Canadian emissary had paid his first visit to Hanoi.

SECOND SEABORN MISSION

On Aug. 10, Mr. Seaborn was sent back with a second message for Premier Dong, which concluded:

"a. That the events of the past few days should add credibility to the statement made last time, that 'U.S. public and official patience with North Vietnamese aggression is growing extremely thin.'

"b. That the U.S. Congressional resolu-

tion was passed with near unanimity, strongly reaffirming the unity and determination of the U.S. Government and people not only with respect to any further attacks on U.S. military forces but more broadly to continue to oppose firmly, by all necessary means, D.R.V. efforts to subvert and conquer South Viet Nam and Laos.

"c. That the U.S. has come to the view that the D.R.V. role in South Vietnam and Laos is critical. If the D.R.V. persists in its present course, it can expect to continue to suffer the consequences. [The word 'continue' referred to the reprisal air strikes that followed the Tonkin incident.]

"d. That the D.R.V. knows what it must do if the peace is to be restored.

"e. That the U.S. has ways and means of measuring the D.R.V.'s participation in, and direction and control of, the war on South Vietnam and in Laos and will be carefully watching the D.R.V.'s response to what Mr. Seaborn is telling them." [See text.]

Mr. McNaughton had drafted the message on the day the resolution was passed.

During this, as in his first meeting with Mr. Seaborn in June, the history says, "Pham Van Dong showed himself utterly unintimidated and calmly resolved to pursue the course upon which the D.R.V. was embarked to what he confidently expected would be its successful conclusion."

In the heat of the Tonkin clash, the Administration had also accomplished one of the major recommendations of the June strategy conference at Honolulu—preparing the American public for escalation.

"AN IMPORTANT FIREBREAK"

"The Tonkin Gulf reprisal constituted an important firebreak and the Tonkin Gulf resolution set U.S. public support for virtually any action," the study remarks.

Almost none of the "disagreeable questions" the Administration might have to answer about the resolution, which had given the President pause in mid-June, had been asked in the emotional atmosphere of the crisis.

And inside the Administration the planners were moving more quickly now.

On Aug. 10, three days after passage of the resolution, Ambassador Taylor cabled the President a situation report on South Vietnam. It said that the Khanh regime had only "a 50–50 chance of lasting out the year." Therefore, a major objective of the United States Mission in Saigon was to "be prepared to implement contingency plans against North Vietnam with optimum readiness by Jan. 1, 1965."

On Aug. 11, four days after passage of the resolution, William Bundy drew up a memorandum for a high-level State-Defense Departments policy meeting. The memorandum outlined graduated steps towards a possible full-scale air war against North Vietnam with "a contingency date, as suggested by Ambassador Taylor, of 1 January, 1965." But until the end of August, Mr. Bundy said, there should be "a short holding phase, in which we would avoid actions that would in any way take the onus off the Communist side for escalation."

SUMMARY SENT TO TAYLOR

On Aug. 14, a lengthy summary of Mr. Bundy's memorandum was cabled to Ambassador Taylor, Ambassador Unger in Vientiane, and to Admiral Sharp in Honolulu for coments that would permit "further review and refinement."

The Tonkin Gulf reprisal air strikes, the analyst writes, "marked the crossing of an important threshold in the war, and it was accomplished with virtually no domestic criticism, indeed, with an evident increase in public support for the Administration. The precedent for strikes against the North was thus established and at very little apparent cost."

"There was a real cost, however," he concludes, in that the Administration was psychologically preparing itself for further escalation. "The number of unused measures short of direct military action against the North had been depleted. Greater visible commitment was purchased at the price of reduced flexibility." And "for all these reasons, when a decision to strike the North was faced again, it was much easier to take."

Admiral Sharp, in his cable to Washington on Aug. 17 commenting on Mr. Bundy's memorandum, "candidly" summed up this psychological commitment, the analyst says.

"Pressures against the other side once instituted should not be relaxed by any actions or lack of them which would destroy the benefits of the rewarding steps previously taken," the admiral wrote.

RUSK CABLE TO EMBASSY IN LAOS ON SEARCH AND RESCUE FLIGHTS

(Cablegram from Secretary of State Dean Rusk to the United States Embassy in Vientiane, Laos, Aug. 26, 1964. A copy of this message was sent to the Commander in Chief, Pacific.)

We agree with your assessment of importance SAR operations that Air America pilots can play critically important role, and SAR efforts should not discriminate between rescuing Americans, Thais and Lao. You are also hereby granted as requested discretionary authority to use AA pilots in T–28's for SAR operations when you consider this indispensable rpt indispensable to success of operation and with understanding that you will seek advance Washington authorization wherever situation permits.

At the same time, we believe time has come to review scope and control arrangements for T–28 operations extending into future. Such a review is especially indicated view fact that these operations more or less automatically impose demands for use of US personnel in SAR operations. Moreover, increased AA capability clearly means possibilities of loss somewhat increased, and each loss with accompanying SAR operations involves chance of escalation from one action to another in ways that may not be desirable in wider picture. On other side, we naturally recognize T–28 operations are vital both for their military and psychological effects in Laos and as negotiating card in support of Souvanna's position. Request your view whether balance of above factors would call for some reduction in scale of operations and/or dropping of some of better-defended targets. (Possible extension T–28 operations to Panhandle would be separate issue and will be covered by septel.)

On central problem our understanding is that Thai pilots fly missions strictly controlled by your Air Command Center with [word illegible] in effective control, but that this is not true of Lao pilots. We have impression latter not really under any kind of firm control.

Request your evaluation and recommendations as to future scope T–28 operations and your comments as to whether our impressions present control structure correct and whether steps could be taken to tighten this.

RUSK QUERY TO VIENTIANE EMBASSY ON DESIRABILITY OF LAOS CEASE-FIRE

(Cablegram from Secretary of State Rusk to the United States Embassy in Laos, Aug. 7, 1964. Copies were also sent, with a request for comments, to the American missions in London, Paris, Saigon, Bangkok, Ottawa, New Delhi, Moscow, Pnompenh and Hong Kong, and to the Pacific command and the mission at the United Nations.)

1. As pointed out in your 219, our objective in Laos is to stabilize the situation again, if possible within framework of the 1962 Geneva settlement. Essential to stabilization would be establishment of military equilibrium in the country. Moreover, we have some concern that recent RLG successes and reported low PL morale may lead to some escalation from Communist side, which we do not now wish to have to deal with.

2. Until now, Souvanna's and our position has been that military equilibrium would require Pathet Lao withdrawal from areas seized in PDJ since May 15 and that such withdrawal is also basic precondition to convening 14-nation conference. Question now arises whether territorial gains of Operation Triangle, provided they can be consolidated, have in practice brought about a situation of equilibrium and whether, therefore, it is no longer necessary to insist on Pathet Lao withdrawal from PDJ as precondition to 14-nation conference. This is in fact thought which has previously occurred to Souvanna (Vientiane's 191) and is also touched on in Secretary's letter to Butler (Deptel 88 to Vientiane). If Souvanna and we continued to insist on PDJ withdrawal other side would inevitably insist on your yielding Triangle gains, and our judgment is that such arrangement substantially worse than present fairly coherent geographical division. If withdrawal precondition were to be dropped, it could probably best be done at tripartite meeting where it might be used by Souvanna as bargaining counter in obtaining satisfaction on his other condition that he attend conference as head of Laotian Government. Remaining condition would be cease-fire. While under present conditions cease-fire might not be of net advantage to Souvanna—we are thinking primarily of T–28 operations—Pathet Lao would no doubt insist on it. If so, Souvanna could press for effective ICC policing of cease-fire. Latter could be of importance in upcoming period.

3. Above is written with thought in mind that Polish proposals [one word illegible] effectively collapsed and that pressures continue for Geneva [word illegible] conference and will no doubt be intensified by current crisis brought on by DRV naval attacks. Conference on Laos might be useful safety valve for these generalized pressures while at same time providing some deterrent to escalation of hostilities on that part of the "front." We would insist that conference be limited to Laos and believe that it could in fact be so limited, if necessary by our withdrawing from the conference room if any other subject brought up, as we did in 1961–62. Side discussions on other topics could not be avoided but we see no great difficulty with this; venue for informal corridor discussion with PL, DRV, and Chicoms could be valuable at this juncture.

4. In considering this course of action, key initial question is of course whether Souvanna himself is prepared to drop his withdrawal precondition and whether, if he did, he could maintain himself in power in Vientiane. We gather that answer to first question is probably yes but we are much more dubious about the second. Request Vientiane's judgment on these points. Views of other addresses are so requested, including estimated reactions host governments. It is essential that these estimates take account of recent developments: military successes non-Communist forces in Laos and latest demonstration US determination resist Communist aggression in Southeast Asia.

SAIGON EMBASSY'S RESPONSE ON DRAWBACKS IN LAOS TALKS

(Cablegram from Ambassador Maxwell D. Taylor in Saigon to Secretary Rusk, Aug. 9, 1964, with copies to the embassies in Vientiane and Bangkok and the Pacific command.)

From our vantage point we can see positive disadvantages to our position in SEA in pursuing course of action outlined REFTEL.

1. In first place rush to conference table would serve to confirm to Chicoms that US retaliation for destroyer attacks was transient phenomenon and that firm Chicom re-

sponse in form of commitment to defend NVN has given US "paper tiger" second thoughts. Moreover, much of beneficial effects elsewhere resulting from our strong reaction to events in Gulf of Tonkin would be swiftly dissipated.

2. In Vietnam sudden backdown from previous strongly held US position on PDJ withdrawal prior to conf on Laos would have potentially disastrous effect. Morale and will to fight, particularly willingness to push ahead with arduous pacification task and to enforce stern measure on Khanh's new emergency decree, would be undermined by what would look like evidence that US seeking to take advantage of any slight improvement in non-Communist position as excuse for extricating itself from Indochina via conf route. This would give strength to probable pro-Gaullist contention that GVN should think about following Laotian example by seeking negotiated solution before advantage of temporarily strengthened anti-Communist position recedes.

3. General letdown in Vietnam which would result from softening of our stand in Laos just after we had made great show of firmness vis-a-vis Communists would undoubtedly erode Khanh's personal position with prospects of increased political instability and coup plotting.

4. It should be remembered that our retaliatory action in Gulf of Tonkin is in effect an isolated US-DRV incident. Although this has relation, as Amb. Stevenson has pointed out, to larger problem of DRV aggression by subversion in Vietnam and Laos, we have not yet come to grips in a forceful way with DRV over the issue of this larger and much more complex problem. Instead, we are engaged, both in Vietnam and Laos, in proxy actions against proxy agents of DRV. If, as both Khanh and Souvanna hope, we are to parlay the consequences of our recent clash with the DRV into actions which specifically direct themselves against DRV violations of the 1954 and 1962 agreements, we must avoid becoming involved in political engagements which will tie our hands and inhibit our action. For example, any effort to undertake credible joint planning operations with GVN re interdictory air strikes upon infiltration network in southern DRV and especially in panhandle would be completely undercut if we were engaged in conf discussing the Laos territory in question.

5. Similarly, it would seem to us that Souvanna's willingness to hold fast on preconditions or substantive negotiations bears direct relationship to his assessment of US willingness to meet the problem where it originates—in North Vietnam itself. This fact shines clearly through his recent brief letter to Pres. Johnson. Moreover, it would be folly to assume that Khanah, who is now in fairly euphoric state as result of our Gulf of Tonkin action, would do anything other than slump into deepest funk if we sought to persuade him to send GVN del to conf. [Two words illegible] is that he would resign rather than send [Two words illegible].

Intensified pressure for Geneva-type con cited in REFTEL would appear to us to be coming almost entirely from those who are opposed to US policy objectives in SEA (except possibly UK which seems prepared jump on bandwagon). Under circumstances, we see very little hope that results of such conference would be advantageous to US. Moreover, prospects of limiting it to consideration of only Laotian problem appear at this time juncture to be dimmer than ever. Even though prior agreement reached to limit conf. we do not see how in actual practice we could limit discussion solely to Laos if others insist on raising other issues. To best our knowledge, we never "withdrew" from room when DRV attempted raise extraneous issues during 1961–1962 conf. Instead, we insisted to chair on point of order and had DRV ruled out of order. Prospect of informal corridor discussions with PL, DRV and Chicoms is just what GVN would fear most and may well increase pressures on GVN to undertake negotiated solution so as to avoid their fear of being faced with "fait accompli" by US.

7. Rather than searching for "safety valve" to dissipate current "generalized pressures" SEA, it seems to us we should be looking for means which will channel those pressures against DRV; seems to us "safety valve," if needed (for example by Soviets) exists in current UNSC discussion. We should continue to focus attention in all forms on Communist aggressive actions as root cause of tension in SEA and reinforce our current stance. In the final analysis, this stance would be more valid deterrent to escalation by PL/VM than attempt seek accommodation within context Laos problem alone.

While not rpt not specifically within our province, we would point out that PL/VM appear to have capability of retaking territory regained by RLG in Operation Triangle at any time of their choosing and that therefore "territorial swap" envisaged in DEPTEL may be highly illusory. Moreover, any territorial deal which seems to confirm permanent PL/VM control over corridor as an arrangement acceptable to US would be anathema to GVN and indicate our willingness accept infiltration network as tolerable condition on GVN frontiers. Such situation would in their and US mission opinions vitiate against any hope of successful pacification of GVN territory.

U.S. MISSION'S RECOMMENDATIONS ON FURTHER MILITARY STEPS

(Cablegram from the United States Mission in Saigon to the State Department, Aug. 18, 1964.)

This is US Mission message.

In preparing our reply, we have found it simpler to produce a new paper which undertakes to state the problem in South Viet Nam as we see it in two possible forms and then to provide course of action responding to each statement of the problem.

Underlying our analysis is the apparent assumption of Deptel 439 (which we believe is correct) that the present incountry pacification plan is not enough in itself to maintain national morale or to offer reasonable hope of eventual success. Something must be added in the coming months.

Statement of the problem—A. The course which US policy in South Viet Nam should take during the coming months can be expressed in terms of four objectives. The first and most important objective is to gain time for the Khanh government to develop a certain stability and to give some firm evidence of viability. Since any of the courses of action considered in this cable carry a considerable measure of risk to the US, we should be slow to get too deeply involved in them until we have a better feel of the quality of our ally. In particular, if we can avoid it, we should not get involved militarily with North Viet Nam and possibly with Red China if our base in South Viet Nam is insecure and Khanh's army is tied down everywhere by the VC insurgency. Hence, it is our interest to gain sufficient time not only to allow Khanh to prove that he can govern, but also to free Saigon from the VC threat which presently rigns (as received) it and assure that sufficient GVN ground forces will be available to provide a reasonable measure of defense against any DRV ground reaction which may develop in the execution of our program and thus avoid the possible requirement for a major US ground force commitment.

A second objective in this period is the maintenance of morale in South Viet Nam particularly within the Khanh Government. This should not be difficult in the case of the government if we can give Khanh assurance of our readiness to bring added pressure on Hanoi if he provides evidence of ability to do his part. Thirdly while gaining time for Khanh, we must be able to hold the DRV in check and restrain a further buildup of Viet Cong strength by way of infiltration from the North. Finally, throughout this period, we should be developing a posture of maximum readiness for a deliberate escalation of pressure against North Viet Nam, using January 1, 1965 as a target D-Day. We must always recognize, however, that events may force US to advance D-Day to a considerably earlier date.

[Start of sentence illegible] we then need to design a course of action which will achieve the four objectives enumerated above. Such a course of action would consist of three parts: the first, a series of actions directed at the Khanh Government; the second, actions directed at the Hanoi Government; the third, following a pause of some duration, initiation of an orchestrated air attack against North Viet Nam.

In approaching the Khanh Government, we should express our willingness to Khanh to engage in planning and eventually to exert intense pressure on North Viet Nam, providing certain conditions are met in advance. In the first place before we would agree to go all out against the DRV, he must stabilize his government and make some progress in cleaning up his operational backyard. Specifically, he must execute the initial phases of the Hop Tac Plan successfully to the extent of pushing the Viet Cong from the doors of Saigon. The overall pacification program, including Hop Tac, should progress sufficiently to allow earmarking at least three division equivalents for the defense in I Corps if the DRV step up military operations in that area.

Finally we should reach some fundamental understandings with Khanh and his government concerning war aims. We must make clear that we will engage in actions against North Viet Nam only for the purpose of assuring the security and independence of South Viet Nam within the territory assigned by the 1954 agreements; that we will not (rpt not) join in a crusade to unify the north and south; that we will not (rpt not) even seek to overthrow the Hanoi regime provided the latter will cease its efforts to take over the south by subversive warfare.

With these understandings reached, we would be ready to set in motion the following:

(1) Resume at once 34A (with emphasis on Marine operations) and Desoto patrols. These could start without awaiting outcome of discussions with Khanh.

(2) Resume U-2 overflights over all NVN.

(3) Initiate air and ground strikes in Laos against infiltration targets as soon as joint plans now being worked out with the Khanh Government are ready. Such plans will have to be related to the situation in Laos. It appears to US that Souvanna Phouma should be informed at an appropriate time of the full scope of our plans and one would hope to obtain his acquiescence in the anti-infiltration actions in Laos. In any case we should always seek to preserve our freedom of action in the Laotian corridor.

By means of these actions, Hanoi will get the word that the operational rules with respect to the DRV are changing. We should perhaps consider message to DRV that shooting down of U–2 would result in reprisals. We should now lay public base for justifying such flights and have plans for prompt execution in contingency to shoot down. One might be inclined to consider including at this state tit-for-tat bombing operations in our plans to compensate for VC depredations in SVN. However, the initiation of air attacks from SVN against NVN is likely to release a new order of military reaction from both sides, the outcome of which is impossible to predict. Thus, we do not visualize initiating this form of reprisal as a desirable tactic in the current plan but would reserve the capa-

bility as an emergency response if needed.

Before proceeding beyond this point, we should raise the level of precautionary military readiness (if not already done) by taking such visible measures as [word illegible] Hawk units to Danang and Saigon, landing a Marine force at Danang for defense of the airfield and beefing up MACV's support base. By this time (assumed to be late fall) we should have some reading on Khanh's performance.

Assuming that his performance has been satisfactory and that Hanoi has failed to respond favorably, it will be time to embark on the final phase of course of action A, a carefully orchestrated bombing attack on NVN directed primarily at infiltration and other military targets. At some point prior thereto it may be desirable to open direct communications with Hanoi if this not been done before. With all preparations made, political and military, the bombing program would begin, using U.S. reconnaisance planes, VNAF/Farmgate aircraft against those targets which could be attacked safely in spite of the presence of the MIG's and additional U.S. combat aircraft if necessary for the effective execution of the bombing programs.

Pros and cons of course of action—A. If successful course of action A will accomplish the objectives set forth at the outset as essential to the support of U.S. policy in South Viet Nam. I will press the Khahn Government into doing its homework in pacification and will limit the diversion of interest to the out-of-country ventures it gives adequate time for careful preparation estimated at several months, while doing sufficient at once to maintain internal morale. It also provides ample warning to Hanoi and Peking to allow them to adjust their conduct before becoming overcommitted.

On the other hand, course of action A relies heavily upon the durability of the Khanh government. It assumes that there is little danger of its collapse without notice or of its possible replacement by a weaker or more unreliable successor. Also, because of the drawn-out nature of the program it is exposed to the danger of international political pressure to enter into negotiations before NVN is really hurting from the pressure directed against it.

Statement of the Problem—B. It may well be that the problem of U.S. policy in SVN is more urgent than that depicted in the foregoing statement. It is far from clear at the present moment that the Khanh Government can last until January 1, 1965, although the application of course of action A should have the effect of strengthening the government [rest of sentence illegible].

[Start of sentence illegible] we would have to restate the problem in the following terms. Our objective avoids the possible consequences of a collapse of national morale. To accomplish these purposes, we would have to open the campaign against the DRV without delay, seeking to force Hanoi as rapidly as possible to resist from aiding the VC and to convince the DRV that it must cooperate in calling off the VC insurgency.

Course of Action—B. To meet this statement of the problem, we need an accelerated course of action, seeking to obtain results faster than under course of action A. Such an accelerated program would include the following actions:

Again we must inform Khanh of our intentions, this time expressing a willingness to begin military pressures against Hanoi at once, providing that he will undertake to perform as in course of action A. However, US action would not await evidence of performance.

Again we may wish to communicate directly on this subject with Hanoi or awaiting effect of our military actions. The scenario of the ensuing events would be essentially the same as under Course A but the execution would await only the readiness of plans to expedite relying almost exclusively on US military means.

Pros and cons of Course of Action B. This course of action asks virtually nothing from the Khanh Government, primarily because it is assumed that little can be expected from it. It avoids the consequence of the sudden collapse of the Khanh Government and gets underway with minimum delay the punitive actions against Hanoi. Thus, it lessens the chance of an interruption of the program by an international demand for negotiation by presenting a fait accompli to international critics. However, it increases the likelihood of US involvement in ground action since Khanh will have almost no available ground forces which can be released from pacification employment to mobile resistance of DRV attacks.

Conclusion: It is concluded that Course of Action A offers the greater promised achievement of US policy objectives in SVN during the coming months. However, we should always bear in mind the fragility of the Khanh Government and be prepared to shift quickly to Course of Action B if the situation requires. In either case, we must be militarily ready for any response which may be initiated by NVN or by Chicoms.

Miscellaneous: as indicated above, we believe that 34A operations should resume at once at maximum tempo, still on a covert basis; similarly, Desoto patrols should begin advance, operating outside 12-mile limit. We concur that a number of VNAF pilots should be trained on B–57's between now and first of year. There should be no change now with regard to policy on evacuation of US dependents.

Recommendation: It is recommended that USG adopt Course of Action A while maintaining readiness to shift to Course of Action B.

Joint Chiefs' Recommendations On Military Courses of Action

(Excerpts from memorandum, "Recommended Courses of Action—Southeast Asia," from the Joint Chiefs of Staff to Secretary of Defense Robert S. McNamara, Aug. 26, 1964.)

3. The Joint Chiefs of Staff have considered Ambassador Taylor's statements of objectives and courses of action. In recognition of recent events in SVN, however, they consider that his proposed course of action B is more in accord with the current situation and consider that such an accelerated program of action with respect to the DRV is essential to prevent a complete collapse of the US position in Southeast Asia. Additionally, they do not agree that we should be slow to get deeply involved until we have a better feel for the quality of our ally. The United States is already deeply involved. The Joint Chiefs of Staff consider that only significantly stronger military pressures on the DRV are likely to provide the relief and psychological boost necessary for attainment of the requisite governmental stability and viability.

4. Recent US military actions in Laos and against the DRV have demonstrated our resolve more clearly than any other US actions in some time. These actions showed force and restraint. Failure to resume and maintain a program of pressure through military actions could be misinterpreted to mean we have had second thoughts about Pierce Arrow and the events leading thereto, and could signal a lack of resolve. Accordingly, while maintaining a posture of readiness in the Western Pacific, the Joint Chiefs of Staff believe that the US program should have as concurrent objectives: (1) improvements in South Vietnam, including emphasis on the Pacification Program and the Top Tac plan to clear Saigon and its surroundings; (2) interdiction of the relatively unmolested VC lines of communication (LOC) through Laos by operations in the Panhandle and of the LOC through Cambodia by strict control of the waterways leading therefrom; (3) denial of Viet Cong (VC) sanctuaries in the Cambodia-South Vietnam border area through the conduct of "hot pursuit" operations into Cambodia, as required; (4) increased pressure on North Vietnam through military actions. As part of the program for increased pressures, the OPLAN 34A operations and the Desoto patrols in the Gulf of Tonkin should be resumed, the former on an intensified but still covert basis.

5. The Joint Chiefs of Staff believe, however, that more direct and forceful actions than these will, in all probability, be required. In anticipation of a pattern of further successful VC and Pathet Lao (PL) actions in RVN and Laos, and in order to increase pressure on the DRV, the US program should also provide for prompt and calculated responses to such VC/PL actions in the form of air strikes and other operations against appropriate military targets in the DRV.

6. The Joint Chiefs of Staff recognize that defining what might constitute appropriate counteroperations in advance is a most difficult task. We should therefore maintain our prompt readiness to execute a range of selected responses, tailored to the developing circumstances and reflecting the principles in the Gulf of Tonkin actions, that such counteroperations will result in clear military disadvantage to the DRV. These responses, therefore, must be greater than the provocation in degree, and not necessarily limited to response in kind against similar targets. Air strikes in response might be purely VNAF; VNAF with US escort to provide protection from possible employment of MIG's; VNAF with US escort support in the offensive as well as the defensive role; or entirely US. The precise combination should be determined by the effect we wish to produce and the assets available. Targets for attack by air or other forces may be selected from appropriate plans including the Target Study for North Vietnam consisting of 94 targets, recently forwarded to you by the Joint Chiefs of Staff. . . .

"Plan of Action" Attributed to Assistant Secretary McNaughton

(Excerpts from memorandum, Sept. 3, 1964, "Plan of Action for South Vietnam," which the Pentagon study indicates was drawn up by Assistant Secretary of Defense John T. McNaughton.)

1. Analysis of the present situation. The situation in South Vietnam is deteriorating. Even before the government sank into confusion last week, the course of the war in South Vietnam had been downward, with Viet Cong incidents increasing in number and intensity and military actions becoming larger and more successful, and with less and less territory meaningfully under the control of the government. Successful ambushes had demonstrated an unwillingness of the population even in what were thought to be pacified areas to run the risk of informing on the Viet Cong. War weariness was apparent. The crisis of the end of August—especially since the competing forces have left the government largely "faceless" and have damaged the government's ability to manage the pacification program—promises to lead to further and more rapid deterioration. . . . The objective of the United States is to reverse the present downward trend. Failing that, the alternative objective is to emerge from the situation with as good an image as possible in US, allied and enemy eyes.

2. Inside South Vietnam. We must in any event keep hard at work inside South Vietnam. This means, inter alia, immediate action:

(a) to press the presently visible leaders to get a real government in operation;

(b) to prevent extensive personnel changes down the line;

(c) to see that lines of authority for carrying out the pacification program are clear.

New initiatives might include:

(d) to establish a US Naval base, perhaps at Danang;

(e) to embark on a major effort to pacify one province adjacent to Saigon.

A separate analysis is being made of a proposal:

(f) to enlarge significantly the US military role in the pacification program inside South Vietnam—e.g., large numbers of US special forces, divisions of regular combat troops, US air, etc., to "interlard" with or to take over functions of geographical areas from the South Vietnamese armed forces. . .

3. Outside the borders of South Vietnam. There is a chance that the downward trend can be reversed—or a new situation created offering new opportunities, or at least a convincing demonstration made of the great costs and risks incurred by a country which commits aggression against an ally of ours—if the following course of action is followed. The course of action is made up of actions outside the borders of South Vietnam designed to put increasing pressure on North Vietnam but designed also both to create as little risk as possible of the kind of military action which would be difficult to justify to the American public and to preserve where possible the option to have no US military action at all. . . .

Actions. The actions, in addition to present continuing "extra-territorial" actions (U.S. U–2 recce of DRV, U.S. jet recce of Laos, T–28 activity in Laos), would be by way of an orchestration of three classes of actions, all designed to meet these five desiderata—(1) from the U.S., GVN and hopefully allied points of view, they should be legitimate things to do under the circumstances, (2) they should cause apprehension, ideally increasing apprehension, in the DRV, (3) they should be likely at some point to provoke a military DRV response, (4) the provoked response should be likely to provide good grounds for us to escalate if we wished, and (5) the timing and crescendo should be under our control, with the scenario capable of being turned off at any time. . . .

4. Actions of opportunity. While the above course of action is being pursued, we should watch for other DRV actions which would justify [words illegible]. Among such DRV actions might be the following:

a. Downing of U.S. recce or U.S. rescue aircraft in Laos (likely by AA, unlikely by MIG).

b. MIG action in Laos or South Vietnam (unlikely).

c. Mining of Saigon Harbor (unlikely).

d. VC attacks on South Vietnamese POL storage, RR bridge, etc. (dramatic incident required).

e. VC attacks (e.g., by mortars) on, or take-over of, air fields on which U.S. aircraft are deployed (likely).

f. Some barbaric act of terrorism which inflames U.S. and world opinion (unlikely). . . .

6. Chances to resolve the situation. Throughout the scenario, we should be alert to chances to resolve the situation:

a. To back the DRV down, so South Vietnam can be pacified.

b. To evolve a tolerable settlement:

I. Explicit settlement (e.g., via a bargaining-from-strength conference, etc.).

II. Tacit settlement (e.g., via piecemeal live-and-let-live Vietnamese "settlements," a de facto "writing off" of indefensible portions of SVN, etc.).

c. If worst comes and South Vietnam disintegrates or their behavior becomes abominable, to "disown" South Vietnam, hopefully leaving the image of "a patient who died despite the extraordinary efforts of a good doctor."

7. Special considerations during next two months. The relevant "audiences" of U.S. actions are the Communists (who must feel strong pressures), the South Vietnamese (whose morale must be buoyed), our allies (who must trust us as "underwriters"), and the U.S. public (which must support our risk-taking with U.S. lives and prestige). During the next two months, because of the lack of "rebuttal time" before election to justify particular actions which may be distorted to the U.S. public, we must act with special care—signalling to the DRV that initiatives are being taken, to the GVN that we are behaving energetically despite the restraints of our political season, and to the U.S. public that we are behaving with good purpose and restraint.

TOP AIDES' PROPOSAL TO JOHNSON ON MILITARY STEP IN LATE 1964

(Memorandum from Assistant Secretary of State for Far Eastern Affairs, William P. Bundy, for President Johnson, Sept. 8, 1964. The memorandum was headed "Courses of Action for South Vietnam.")

This memorandum records the consensus reached in discussions between Ambassador Taylor and Secretary Rusk, Secretary McNamara and General Wheeler, for review and decision by the President.

THE SITUATION

1. Khanh will probably stay in control and may make some headway in the next two-three months in strengthening the Government (GVN). The best we can expect is that he and the GVN will be able to maintain order, keep the pacification program ticking over (but not progressing markedly) and give the appearance of a valid Government.

2. Khanh and the GVN leaders are temporarily too exhausted to be thinking much about moves against the North. However, they do need to be reassured that the US continues to mean business, and as Khanh goes along in his Government efforts, he will probably want more US effort visible, and some GVN role in external actions.

3. The GVN over the next 2–3 months will be too weak for us to take any major deliberate risks of escalation that would involve a major role for, or threat to, South Vietnam. However, escalation arising from and directed against U.S. action would tend to lift GVN morale at least temporarily.

4. The Communist side will probably avoid provocative action against the US, and it is uncertain how much they will step up VC activity. They do need to be shown that we and the GVN are not simply sitting back after the Gulf of Tonkin.

COURSES OF ACTION

We recommend in any event:

1. U.S. naval patrols in the Gulf of Tonkin should be resumed immediately (about September 12). They should operate initially beyond the 12-mile limit and be clearly dissociated from 34A maritime operations. The patrols would comprise 2-3 destroyers and would have air cover from carriers; the destroyers would have their own ASW capability.

2. 34A operations by the GVN should be resumed immediately thereafter (next week). The maritime operations are by far the most important. North Vietnam is likely to publicize them, and at this point we should have the GVN ready to admit that they are taking place and to justify and legitimize them on the basis of the facts on VC infiltration by sea. 34A air drop and leaflet operations should also be resumed but are secondary in importance. We should not consider air strikes under 34A for the present.

3. Limited GVN air and ground operations into the corridor areas of Laos should be undertaken in the near future, together with Lao air strikes as soon as we can get Souvanna's permission.

These operations will have only limited effect, however.

4. We should be prepared to respond on a tit-for-tat basis against the DRV in the event of any attack on U.S. units or any special DRV/VC action against SVN. The response for an attack on U.S. units should be along the lines of the Gulf of Tonkin attacks, against specific and related targets. The response to special action against SVN should likewise be aimed at specific and comparable targets.

The main further question is the extent to which we should add elements to the above actions that would tend deliberately to provoke a DRV reaction, and consequent retaliation by us. Example of actions to be considered would be running U.S. naval patrols increasingly close to the North Vietnamese coast and/or associating them with 34A operations. We believe such deliberately provocative elements should not be added in the immediate future while the GVN is still struggling to its feet. By early October, however, we may recommend such actions depending on GVN progress and Communist reaction in the meantime, especially to U.S. naval patrols.

The aim of the above actions, external to South Vietnam, would be to assist morale in SVN and show the Communists we still mean business, while at the same time seeking to keep the risks low and under our control at each stage.

Further actions within South Vietnam are not covered in this memorandum. We believe that there are a number of immediate-impact actions we can take, such as pay raises for the police and civil administrators and spot projects in the cities and selected rural areas. These actions would be within current policy and will be refined for decision during Ambassador Taylor's visit. We are also considering minor changes in the U.S. air role within South Vietnam, but these would not involve decisions until November.

MEMO ON JOHNSON'S APPROVAL OF RENEWED NAVAL OPERATIONS

(National security action memorandum from McGeorge Bundy, adviser to the President on national security, to Secretary of Defense McNamara and Secretary of State Rusk, Sept. 10, 1964.)

The President has now reviewed the situation in South Vietnam with Ambassador Taylor and with other advisers and has approved the following actions:

1. U.S. naval patrols in the Gulf of Tonkin will be resumed promptly after Ambassador Taylor's return. They will operate initially well beyond the 12-mile limit and be clearly dissociated from 34A maritime operations. The patrols will comprise two to three destroyers and would have air cover from carriers; the destroyers will have their own ASW capability.

2. 34A operations by the GVN will be resumed after completion of a first DeSoto patrol. The maritime operations are by far the most important. North Vietnam has already publicized them, and is likely to publicize them even more, and at this point we should have the GVN ready to admit that they are taking place and to justify and legitimize them on the basis of the facts of VC infiltration by sea. 34A air drop and leaflet operations should also be refused but are secondary in importance. We should not consider air strikes under 34A for the present.

3. We should promptly discuss with the Government of Laos plans for limited GVN air and ground operations into the corridor areas of Laos, together with Lao air strikes and possible use of U.S. armed aerial reconnaissance. On the basis of these discussions a decision on action will be taken, but it should be recognized that these operations will in any case have only limited effect.

4. We should be prepared to respond as appropriate against the DRV in the event of

any attack on US units or any special DRV/VC action against SVN.

5. The results of these decisions will be kept under constant review, and recommendations for changes or modifications or additions will be promptly considered.

6. The President reemphasizes the importance of economic and political actions having immediate impact in South Vietnam, such as pay raises for civilian personnel and spot projects in the cities, and selected rural areas. The President emphasizes again that no activity of this kind should be delayed in any way by any feeling that our resources for these purposes are restricted. We can find the money which is needed for all worthwhile projects in this field. He expects that Ambassador Taylor and the country team will take most prompt and energetic action in this field.

7. These decisions are governed by a prevailing judgment that the first order of business at present is to take actions which will help to strengthen the fabric of the Government of South Vietnam; to the extent that the situation permits, such action should precede larger decisions. If such larger decisions are required at any time by a change in the situation, they will be taken.

Cable Authorizing Air Strikes on Laos Infiltration Routes

(Cablegram from the State Department and the Defense Department to the United States Embassy in Vientiane, Oct. 6, 1964. Copies of the cablegram were sent to the United States Embassies in Saigon and Bangkok and to the commander in chief of Pacific forces. The embassy in Saigon was asked to relay the message to the United States commander in Vietnam.)

You are authorized to urge the RLG to begin air attacks against Viet Cong infiltration routes and facilities in the Laos Panhandle by RLAF T–28 aircraft as soon as possible. Such strikes should be spread out over a period of several weeks, and targets should be limited to those deemed suitable for attack by T–28s and listed Para. 8 Vientiane's 581, excluding Mu Gia pass and any target which Laos will not hit without U.S. air cover or fire support since decision this matter not yet made.

You are further authorized to inform Lao that YANKEE TEAM suppressive fire strikes against certain difficult targets in Panhandle, interspersing with further T–28 strikes, are part of the over-all concept and are to be anticipated later but that such US strikes are not repeat not authorized at this time.

Report soonest proposed schedule of strikes and, upon implementation, all actual commitments of RLG T–28s, including targets attacked, results achieved, and enemy opposition. Also give us any views in addition to those in Vientiane's 581 as to any targets which are deemed too difficult for RLG air strikes and on which US suppressive strikes desired.

FYI: Highest levels have not authorized YANKEE TEAM strikes at this time against Route 7 targets. Since we wish to avoid the impression that we are taking first step in escalation, we inclined defer decision on Route 7 strikes until we have strong evidence Hanoi's preparation for new attack in PDJ, some of which might come from RLAF operations over the Route. END FYI.

You may inform RLG, however, that US will fly additional RECCE over Route 7 to keep current on use being made of the Route by the PL and to identify Route 7 targets and air defenses. The subject of possible decision to conduct strikes on Route 7 being given study in Washington.

FYI: Cross border ground operations not repeat not authorized at this time.

William Bundy Draft on Handling World and Public Opinion

(Draft section of a paper, "Conditions for Action and Key Actions Surrounding Any Decision," by Assistant Secretary of State Bundy, Nov. 5, 1964.)

1. Bien Hoa may be repeated at any time. This would tend to force our hand, but would also give us a good springboard for any decision for stronger action. The President is clearly thinking in terms of maximum use of a Gulf of Tonkin rationale, either for an action that would show toughness and hold the line till we can decide the big issue, or as a basis for starting a clear course of action under the broad options.

2. Congress must be consulted before any major action, perhaps only by notification if we do a reprisal against another Bien Hoa, but preferably by careful talks with such key leaders as Mansfield, Dirksen, the Speaker, Albert, Halleck, Fulbright, Hickenlooper, Morgan, Mrs. Boton, Russell, Saltonstall, Rivers, (Vinson?), Arends, Ford, etc. He probably should wait till his mind is moving clearly in one direction before such a consultation, which would point to some time next week. Query if it should be combined with other topics (budget?) to lessen the heat.

3. We probably do not need additional Congressional authority, even if we decide on very strong action. A session of this rump Congress might well be the scene of a messy Republican effort.

4. We are on the verge of intelligence agreement that infiltration has in fact mounted, and Saigon is urging that we surface this by the end of the week or early next week. Query how loud we want to make this sound. Actually Grose in the Times had the new estimate on Monday; so the splash and sense of hot new news may be less. We should decide this today if possible. . . . In general, we all feel the problem of proving North Vietnamese participation is less than in the past, but we should have the Jorden Report updated for use as necessary.

5. A Presidential statement with the rationale for action is high on any check list. An intervening fairly strong Presidential noise to prepare a climate for an action statement is probably indicated and would be important in any event to counter any SVN fears of a softening in our policy. We should decide the latter today too if possible.

6. Secretary Rusk is talking today to Dobrynin. For more direct communication Seaborn can be revved up to go up the 15th if we think it wise. He is not going anyway, and we could probably hold him back so that the absence of any message was not itself a signal.

7. Our international soundings appear to divide as follows:

a. We should probably consult with the U.K., Australia, New Zealand, and possibly Thailand before we reach a decision. We would hope for firm moral support from the U.K. and for participation in at least token form from the others.

b. SEATO as a body should be consulted concurrently with stronger action. We should consult the Philippines a day or so before such action but not necessarily before we have made up our minds.

c. The NATO Council should be notified on the Cuban model, i.e., concurrently, by a distinguished representative.

d. For negative reasons, France probably deserves VIP treatment also.

e. In the UN, we must be ready with an immediate affirmative presentation of our rationale to proceed concurrently either with a single reprisal action or with the initiation of a broader course of action.

f. World-wide, we should select reasonably friendly chiefs of state for special treatment seeking their sympathy and support, and should arm all our representatives with the rationale and defense of our action whether individual reprisal or broader.

8. USIA must be brought into the planning process not later than early next week, so that it is getting the right kind of materials ready for all our information media, on a contingency basis. The same [word illegible] true of CIA's outlets.

McNaughton's November Draft on Vietnam Aims and Choices

(Second draft of a paper, "Action for South Vietnam," by Assistant Secretary of Defense McNaughton, Nov. 6, 1964.)

1. U.S. AIMS

(a) To protect US reputation as a counter-subversion guarantor.

(b) To avoid domino effect especially in Southeast Asia.

(c) To keep South Vietnamese territory from Red hands.

(d) to emerge from crisis without unacceptable taint from methods.

2. PRESENT SITUATION

The situation in South Vietnam is deteriorating. Unless new actions are taken, the new government will probably be unstable and ineffectual, and the VC will probably continue to extend their hold over the population and territory. It can be expected that, soon (6 months? two years?), (a) government officials at all levels will adjust their behavior to an eventual VC take-over, (b) defections of significant military forces will take place, (c) whole integrated regions of the country will be totally denied to the GVN, (d) neutral and/or left-wing elements will enter the government, (e) a popular front regime will emerge which will invite the US out, and (f) fundamental concessions to the VC and accommodations to the DRV will put South Vietnam behind the Curtain.

3. URGENCY

"Bien Hoa" having passed, no urgent decision is required regarding military action against the DRV, but (a) such a decision, related to the general deteriorating situation in South Vietnam, should be made soon, and (b) in the event of another VC or DRV "spectacular," a decision (for at least a reprisal) would be urgently needed.

4. INSIDE SOUTH VIETNAM

Progress inside SVN is important, but it is unlikely despite our best ideas and efforts (and progress, if made, will take at least several months). Nevertheless, whatever other actions might be taken, great efforts should be made within South Vietnam: (a) to strengthen the government, its bureaucracy, and its civil-military coordination and planning, (b) to dampen ethnic, religious, urban and civil-military strife by a broad and positive GVN program designed (with US Team help) to enlist the support of important groups, and (c) to press the pacification program in the countryside.

5. ACTION AGAINST DRV

Action against North Vietnam is to some extent a substitute for strengthening the government in South Vietnam. That is, a less active VC (on orders from DRV) can be matched by a less efficient GVN. We therefore should consider squeezing North Vietnam.

6. OPTIONS OPEN TO US

We have three options open to us (all envision reprisals in the DRV for DRV/VC "spectaculars" against GVN as well as US assets in South Vietnam.)

Option A. Continue present policies. Maximum assistance with SVN and limited external actions in Laos and by the GVN covertly against North Vietnam. The aim of any

reprisal actions would be to deter and punish large VC actions in the South, but not to a degree that would create strong international negotiating pressures. Basic to this option is the continued rejection of negotiating in the hope that the situation will improve.

Option B. Fast full squeeze. Present policies plus a systematic program of military pressures against the north, meshing at some point with negotiation, but with pressure actions to be continued at a fairly rapid pace and without interruption until we achieve our central present objectives.

Option C. Progressive squeeze-and-talk. Present policies plus an orchestration of communications with Hanoi and a crescendo of additional military moves against infiltration targets, first in Laos and then in the DRV, and then against other targets in North Vietnam. The scenario would be designed to give the US the option at any point to proceed or not, to escalate or not, and to quicken the pace or not. The decision in these regards would be made from time to time in view of all relevant factors.

7. ANALYSIS OF OPTION A

(To be provided)

8. ANALYSIS OF OPTION B

(To be provided)

9. ANALYSIS OF OPTION C

(a) Military actions. Present policy, in addition to providing for reprisals in DRV for DRV actions against the US, envisions (1) 34A Airops and Marops, (2) deSoto patrols, for intelligence purposes, (3) South Vietnamese shallow ground actions in Laos when practicable, and (4) T28 strikes against infiltration-association targets in Laos. Additional actions should be:

Phase one (in addition to reprisals in DRV for VC "spectaculars" in South Vietnam): (5) US strikes against infiltration-associated targets in Laos.

Phase two (in addition to reprisals in DRV against broader range of VC actions). (6) Low-level reconnaissance in southern DRV, (7) US/VNAF strikes against infiltration-associated targets in southern DRV.

Phase three: Either continue only the above actions or add one or more of the following, making timely deployment of US forces: (8) Aerial mining of DRV ports, (9) Naval quarantine of DRV, and (10) US/VNAF, in "cresendo," strike additional targets on "94 target list."

South Vietnamese forces should play a role in any action taken against the DRV.

(b) Political actions. Establish immediately a channel for bilateral US-DRV communication. This could be in Warsaw or via Seaborn in Hanoi. Hanoi should be told that we do not seek to destroy North Vietnam or to acquire a colony or base, but that North Vietnam must:

(1) Stop training and sending personnel to wage war in SVN and Laos.

(2) Stop sending arms and supplies to SVN and Laos.

(3) Stop directing and controlling military actions in SVN and Laos.

(4) Order the VC and PL to stop their insurgencies and military actions.

(5) Remove VM forces and cadres from SVN and Laos.

(6) Stop propaganda broadcasts to South Vietnam.

[(7) See that VC and PL stop attacks and incidents in SVN and Laos?]

[(8) See that VC and PL cease resistance to government forces?]

[(9) See that VC and PL turn in weapons and relinquish bases?]

[(10) See that VC and PL surrender for amnesty of expatriation?]

US demands should be accompanied by offers (1) to arrange a rice-barter deal between two halves of Vietnam and (2) to withdraw US forces from South Vietnam for so long as the terms are complied with.

We should not seek wider negotiations—in the UN, in Geneva, etc.—but we should evaluate and pass on each negotiating opportunity as it is pressed on us.

(c) Information actions. The start of military actions against the DRV will have to be accompanied by a convincing world-wide public information program. (The information problem will be easier if the first US action against the DRV is related in time and kind to a DRV or VC outrage or "spectacular", preferably against SVN as well as US assets.)

(d) VS–DRV–Chicom-USSR reactions. (To be elaborated later.) The DRV and China will probably not invade South Vietnam, Laos or Burma, nor is it likely that they will conduct air strikes on these countries. The USSR will almost certainly confine herself to political actions. If the DRV or China strike or invade South Vietnam, US forces will be sufficient to handle the problem.

(e) GVN Reactions. Military action against the DRV could be counterproductive in South Vietnam because (1) the VC could step up its activities, (2) the South Vietnamese could panic, (3) they could resent our striking their "brothers", and (4) they could tire of waiting for results. Should South Vietnam disintegrate completely beneath us, we should try to hold it together long enough to permit us to try to evacuate our forces and to convince the world to accept the uniqueness (and congenital impossibility) of the South Vietnamese case.

(f) Allied and neutral reactions. (To be elaborated later.) (1) Even if OPTION C failed, it would, by demonstrating US willingness to go to the mat, tend to bolster allied confidence in the US as an ally. (2) US military action against the DRV will probably prompt military actions elsewhere in the world—e.g., Indonesia against Malaysia or Timor, or Turkey against Cyprus.

TAYLOR'S BRIEFING OF KEY OFFICIALS ON SITUATION IN NOVEMBER 1964

(Excerpts from prepared briefing by Ambassador Taylor, "The Current Situation in South Vietnam—November, 1964," delivered to the "principals"—the senior officials to whom the Southeast Asia working group reported—at a Washington meeting on Nov. 27, 1964.)

After a year of changing and ineffective government, the counter-insurgency program country-wide is bogged down and will require heroic treatment to assure revival. Even in the Saigon area, in spite of the planning and the special treatment accorded the Hop Tac plan, this area also is lagging. The northern provinces of South Viet-Nam which a year ago were considered almost free of Viet-Cong are now in deep trouble. In the Quang Ngai-Binh Dinh area, the gains of the Viet-Cong have been so serious that once more we are threatened with a partition of the country by a Viet-Cong salient driven to the sea. The pressure on this area has been accompanied by continuous sabotage of the railroad and of Highway 1 which in combination threaten an economic strangulation of northern provinces.

This deterioration of the pacification program has taken place in spite of the very heavy losses inflicted almost daily on the Viet-Cong and the increase in strength and professional competence of the Armed Forces of South Viet-Nam. Not only have the Viet-Cong apparently made good their losses, but of late, have demonstrated three new or newly expanded tactics: the use of stand-off mortar fire against important targets, as in the attack on the Bien Hoa airfield; economic strangulation on limited areas; finally, the stepped-up infiltration of DRV military personnel moving from the north. These new or improved tactics employed against the background of general deterioration offer a serious threat to the pacification program in general and to the safety of important bases and installations in particular.

Perhaps more serious than the downward trend in the pacification situation, because it is the prime cause, is the continued weakness of the central government. Although the Huong government has been installed after executing faithfully and successfully the program laid out by the Khanh government for its own replacement, the chances for the long life and effective performance of the new line-up appear small. Indeed, in view of the factionalism existing in Saigon and elsewhere throughout the country it is impossible to foresee a stable and effective government under any name in anything like the near future. Nonetheless, we do draw some encouragement from the character and seriousness of purpose of Prime Minister Huong and his cabinet and the apparent intention of General Khanh to keep the Army out of politics, at least for the time being.

As our programs plod along or mark time, we sense the mounting feeling of war weariness and hopelessness which pervade South Viet-Nam particularly in the urban areas. Although the provinces for the most part appear steadfast, undoubtedly there is chronic discouragement there as well as in the cities. Although the military leaders have not talked recently with much conviction about the need for "marching North," assuredly many of them are convinced that some new and drastic action must be taken to reverse the present trends and to offer hope of ending the insurgency in some finite time.

The causes for the present unsatisfactory situation are not hard to find. It stems from two primary causes, both already mentioned above, the continued ineffectiveness of the central government, and the other, the increasing strength and effectiveness of the Viet-Cong and their ability to replace losses.

While, in view of the historical record of South Viet-Nam, it is not surprising to have these governmental difficulties, this chronic weakness is a critical liability to future plans. Without an effective central government with which to mesh the U.S. effort the latter is a spinning wheel unable to transmit impulsion to the machinery of the GVN. While the most critical governmental weaknesses are in Saigon, they are duplicated to a degree in the provinces. It is most difficult to find adequate provincial chiefs and supporting administrative personnel to carry forward the complex programs which are required in the field for successful pacification. It is true that when one regards the limited background of the provincial chiefs and their associates, one should perhaps be surprised by the results which they have accomplished, but unfortunately, these results are generally not adequate for the complex task at hand or for the time schedule which we would like to establish.

As the past history of this country shows, there seems to be a national attribute which makes for factionalism and limits the development of a truly national spirit. Whether this tendency is innate or a development growing out of the conditions of political suppression under which successive generations have lived is hard to determine. But it is an inescapable fact that there is no national tendency toward team play or mutual loyalty to be found among many of the leaders and political groups within South Viet-Nam. Given time, many of these [words illegible] undoubtedly change for the better, but we are unfortunately pressed for time and unhappily perceive no short term solution for the establishment of stable and sound government.

The ability of the Viet-Cong continuously to rebuild their units and to make good their losses is one of the mysteries of this guerrilla war. We are aware of the recruiting methods by which local boys are induced or compelled to join the Viet-Cong ranks and have some

general appreciation of the amount of infiltration personnel from the outside. Yet taking both of these sources into account, we still find no plausible explanation of the continued strength of the Viet-Cong if our data on Viet-Cong losses are even approximately correct. Not only do the Viet-Cong units have the recuperative powers of the pheonix, but they have an amazing ability to maintain morale. Only in rare cases have we found evidences of bad morale among Viet-Cong prisoners or recorded in captured Viet-Cong documents.

Undoubtedly one cause for the growing strength of the Viet-Cong is the increased direction and support of their campaign by the government of North Viet-Nam. This direction and support take the form of endless radioed orders and instructions, and the continuous dispatch to South Viet-Nam of trained cadre and military equipment over infiltration routes by land and by water. While in the aggregate, this contribution to the guerrilla campaign over the years must represent a serious drain on the resources of the DRV, that government shows no sign of relaxing its support of the Viet-Cong. In fact, the evidence points to an increased contribution over the last year, a plausible development, since one would expect the DRV to press hard to exploit the obvious internal weaknesses in the south.

If, as the evidence shows, we are playing a losing game in South Viet-Nam, it is high time we change and find a better way. To change the situation, it is quite clear that we need to do three things: first, establish an adequate government in SVN; second, improve the conduct of the counterinsurgency campaign; and finally, persuade or force the DRV to stop its aid to the Viet-Cong and to use its directive powers to make the Viet-Cong desist from their efforts to overthrow the government of South Viet-Nam. . . .

In bringing military pressure to bear on North Viet-Nam, there are a number of variations which are possible. At the bottom of the ladder of escalation, we have the initiation of intensified covert operations, anti-infiltration attacks in Laos, and reprisal bombings mentioned above as a means for stiffening South Vietnamese morale. From this level of operations, we could begin to escalate progressively by attacking appropriate targets in North Viet-Nam. If we justified our action primarily upon the need to reduce infiltration, it would be natural to direct these attacks on infiltration—related targets such as staging areas, training facilities, communications centers and the like. The tempo and weight of the attacks could be varied according to the effects sought. In its final forms, this kind of attack could extend to the destruction of all important fixed targets in North Viet-Nam and to the interdiction of movement on all lines of communication.

* * * We reach the point where a decision must be taken as to what course or courses of action we should undertake to change the tide which is running against us. It seems perfectly clear that we must work to the maximum to make something out of the present Huong government or any successor thereto. While doing so, we must be thinking constantly of what we would do if our efforts are unsuccessful and the government collapses. Concurrently, we should stay on the present in-country program, intensifying it as possible in proportion to the current capabilities of the government. To bolster the local moral and restrain the Viet-Cong during this period, we should step up the 34-A operations, engage in bombing attacks and armed recce in the Laotian corridor and undertake reprisal bombing as required. It will be important that United States forces take part in the Laotian operations in order to demonstrate to South Viet-Nam our willingness to share in the risks of attacking the North.

If this course of action is inadequate, and the government falls then we must start over again or try a new approach. At this moment, it is premature to say exactly what these new measures should be. In any case, we should be prepared for emergency military action against the North if only to shore up a collapsing situation.

If, on the other hand as we hope, the government maintains and proves itself, then we should be prepared to embark on a methodical program of mounting air attacks in order to accomplish our pressure objectives visa-vis the DRV and at the same time do our best to improve in-country pacification program. We will leave negotiation initiatives to Hanoi. Throughout this period, our guard must be up in the Western Pacific, ready for any reaction by the DRV or of Red China. Annex I suggests the train of events which we might set in motion. . . .

VIEW OF CHIEFS' REPRESENTATIVE ON OPTIONS B AND C

(Memorandum from Vice Adm. Lloyd M. Mustin of the staff of the Joint Chiefs of Staff to Assistant Secretary Bundy as chairman of the Working Group on Southeast Asia, Nov. 14, 1964. The memorandum was headed "Additional Material for Project on Courses of Action in Southeast Asia.")

References: a. Your memorandum of 13 November 1964 to the NSC Working Group.
b. JCSM 902–64, dated 27 October 1964.
c. JCSM 933–64, dated 4 November 1964.
d. JCSM 955–64, dated 14 November 1964.

1. Reference a requests JCS views spelling out Option "B" as a preferred alternative, with something like Option "C" as a fallback alternative. Because of the way in which formal JCS views in the premises have been developed and expressed, this requires some degree of interpretation.

2. Reference b is the most recent recommendation by the Joint Chiefs of Staff for courses of action with respect to South Vietnam, framed in context of initiation "in cold blood." Various JCS papers, the most recent dated 22 October 1964, identify the corresponding recommendations with respect to Laos. Reference b specifically identifies certain of its listed actions to begin now, with the balance of them "implemented as required, to achieve U.S. objectives in Southeast Asia."

3. Reference c formalized the most recent JCS recommendation for reprisal (hot blood) actions and reference d provided an analysis of DRV/CHICOM reactions to these strikes, and the probable results thereof. The proposed actions are essentially the same as in reference c except for the principal difference that the "hot blood" actions are initiated at a substantial higher level of military activity.

4. Only in that the courses of action in either of these sets of documents can be completed in minimum time consistent with proper conduct of military operations do they match Option "B" as defined for purposes of the NSC Working Group study. The distinction is that while the Joint Chiefs of Staff offer the capability for pursuing Option "B" as defined, they have not explicitly recommended that the operations be conducted on a basis necessarily that inflexible. All implementing plans do in fact explicitly recognize a controlled phase which would permit suspension whenever desired by national authority.

5. I believe my draft contribution to PART VI provides a reasonable application of the JCS recommendations to Option "B" as defined for the study, but this does not mean that the Joint Chiefs of Staff have recommended Option "B" as defined in the study.

6. There is in an advanced state of completion a JCS fall-back recommendation for a course of action which, subject to possible further modifications by the Joint Chiefs of Staff, will provide essentially the same military actions listed in my draft input to PART VII. These include the same military actions listed in the above, but without the stress upon starting forthwith, and with more specific emphasis on some extension of the over-all time for execution of the complete list. Thus it imposes what amount to some arbitrary delays, which would provide additional intervals for diplomatic exchanges.

7. Because of the time delays which it reflects, it is specifically the JCS fall-back position.

8. For information, the analysis in reference d develops and supports the conclusion that the United States and its Allies can deal adequately with any course of action the DRV and/or CHICOMS decide to pursue. You may note that this conclusion is developed in the context of the most intense of all courses of action prepared by the Joint Chiefs of Staff. This reflects a position less pessimistic than some which have appeared in project drafts.

9. A final overall comment by the Joint Staff member of the Working Group:

We recognize quite clearly that any effective military action taken by the United States will generate a hue and cry in various quarters. The influence that this kind of "pressure" may have upon the United States acting in support of its national interests will be no more than what we choose to permit it to be. There are repeated expressions in various project draft materials indicating that this influence will necessarily be great. We do not agree. There are too many current examples of countries acting in what they presumably believe to be their own [word illegible] self-interest, in utter disregard for "world opinion," for us to accept the position that the United States must at all times conduct all its affairs on the basis of a world popularity contest. In short, we believe that certain strong US actions are required in Southeast Asia, that we must take them regardless of opinion in various other quarters, and that results of our failing to take them would be substantially more serious to the United States than would be any results of world opinions if we did take them. And as far as that goes, we do not believe that if we took the necessary actions the adverse pressures from other countries would prove to be very serious after all—at least from countries that matter to us.

GLOSSARY OF TERMS USED IN TEXTS

CHICOM—Chinese Communists.
DEPTEL—State Department telegram.
D.R.V.—Democratic Republic of (North) Vietnam.
GVN—Government of (South) Vietnam.
H.N.C.—High National Council.
I.C.C.—International Control Commission.
J.C.S—Joint Chiefs of Staffs
J.C.S.M.—Joint Chiefs of Staff memorandum.
MACV—Military Assistance Command, Vietnam.
MAROPS—Marine Operations.
NSC—National Security Council.
OPERATION TRIANGLE—Code name for an operation not otherwise identified.
P.D.J.—Plaines des Jarres.
P.L.—Pathet Lao.
P.O.L.—Petroleum, oil, lubricants.
RECCE—Reconnaisance.
R.L.A.F.—Royal Laotian Air Force.
R.L.G.—Royal Laotian Government.
RVNAF—Republic of (South) Vietnam Armed (or Air) Forces.
SEA—Southeast Asia.
SVN—South Vietnam.
U.S.G.—U.S. Government.
VM—Vietminh.
VNAF—(South) Vietnamese Armed Forces.

FINAL DRAFT POSITION PAPER PRODUCED BY WORKING GROUP

("Draft Position Paper on Southeast Asia" circulated to the principal top-level officials concerned, Nov. 29, 1964. The draft was ac-

companied by a memorandum from William Bundy saying: "I attach a draft action paper for review at the meeting at 1:30 on Monday in Secretary Rusk's conference room. Secretary Rusk has generally approved the format of these papers, and they have been given a preliminary review for substance by Ambassador Taylor and Messrs. McNaughton and Forrestal. However, I am necessarily responsible for the way they are now drafted." The Pentagon study says this paper was originally a draft national security action memorandum but that it was changed to a draft position paper at the instructions of the principals. Words and phrases that were deleted from the final version are shown in italics. Handwritten interpolations or revisions are shown in double parentheses.)

I. CONCEPT

A. US objectives in South Vietnam (SVN) are unchanged. They are to:

1. Get Hanoi and North Vietnam (DRV) support and direction removed from South Vietnam, and, to the extent possible, obtain DRV cooperation in ending Viet Cong (VC) operations in SVN.

2. Re-establish an independent and secure South Vietnam with appropriate international safeguards, including the freedom to accept US and other external assistance as required.

3. Maintain the security of other non-Communist nations in Southeast Asia including specifically the maintenance and observance of the Geneva Accords of 1962 in Laos.

B. We will continue to press the South Vietnamese Government (GVN) in every possible way to make the government itself more effective and to push forward with the pacification program.

C. We will join at once with the South Vietnamese and Lao Governments in a determined action program aimed at DRV activities in both countries and designed to help GVN morale and to increase the costs and strain on Hanoi, foreshadowing still greater pressures to come. Under this program the first phase actions (((see TAB D))) within the next thirty days will be intensified forms of action already under way, plus (1) US armed reconnaissance strikes in Laos, and already under way, plus (1) US armed reconnaissance strikes in Laos, and (2) GVN and possible US air strikes against the DRV, as reprisals against any major or spectacular Viet Cong action in the south, whether against US personnel and installations or not.

D. Beyond the thirty-day period, first phase actions may be continued without change, or additional military measures may be taken including the withdrawal of dependents and the possible initiation of strikes a short distance across the border against the infiltration routes from the DRV. In the later case this would become a transitional phase. ((Be prepared to stop flow of dependents to SVN at [illegible word] time we start air strikes in force.))

E. Thereafter, if the GVN improves its effectiveness to an acceptable degree and Hanoi does not yield on acceptable terms, or *if the GVN can only be kept going by stronger action* the US is prepared—at a time to be determined—to enter into a second phase program, in support of the GVN and RLG, of graduated military pressures directed systematically against the DRV. Such a program would consist principally of progressively more serious air strikes, of a weight and tempo adjusted to the situation as it develops (possibly running from two to six months). Targets in the DRV would start with infiltration targets south of the 19th parallel and work up to targets north of that point. This could eventually lead to such measures as air strikes on all major military-related targets, aerial mining of DRV ports, and a US naval blockade of the DRV. The whole sequence of military actions would be designed to give the impression of a steady, deliberate approach, and to give the US the option at any time (subject to enemy reaction) to proceed or not, to escalate or not, and to quicken the pace or not. Concurrently, the US would be alert to any sign of yielding by Hanoi, and would be prepared to explore negotiated solutions that attain US objectives in an acceptable manner. *The US would seek to control any negotiations and would oppose any independent South Vietnamese efforts to negotiate.*

HEADING ILLEGIBLE

A. A White House statement will be issued following the meeting with Ambassador Taylor, with the text as in Tab B, attached.

B. Ambassador Taylor will consult with the GVN promptly on his return, making a general presentation ((in accordance with the draft instructions)) as stated in Tab B, attached. He will further press for the adoption of specific measures as listed in the Annex to Tab B.

C. At the earliest feasible date, we will publicize the evidence of increased DRV infiltration. This action will be coordinated by Mr. Chester Cooper in order to insure that the evidence is sound and that senior government officials who have testified on this subject in the past are in a position to defend and explain the differences between the present estimates and those given in the past. The publicizing will take four forms:

1. An on-the-record presentation to the press in Washington, concurrently with an on-the-record or background presentation to the press in Saigon.

2. Available Congressional leaders will be given special briefings. (No special leadership meetings will be convened for this purpose).

3. The Ambassadors of key allied nations will be given special briefings.

A written report will be prepared and published within the next ten days giving greater depth and background to the evidence.

D. LAOS AND THAILAND.

THE US AMBASSADORS IN THESE COUNTRIES WILL inform the government leaders ((in general terms)) of the concept we propose to follow and of specific actions requiring their concurrence or participation. In the case of Laos, we will obtain RLG approval of an intensified program of ((US armed)) reconnaisance strikes both in the Panhandle area of Laos and along the key infiltration routes in central Laos. These actions will not be publicized except to the degree approved by the RLG. It is important, however, for purposes of morale in SV, that their existence be generally known.

Thailand will be asked to support our program fully, to intensify its own efforts in the north and northeast, and to give further support to operations in Laos, such as additional pilots and possibly artillery teams.

E. KEY ALLIES.

We will consult immediately with the UK, ((DC)) AUSTRALIA, NEW ZEALAND, ((Bundy)) and the Philippines. ((Humphrey?))

1. UK. The President will explain the concept and proposed actions fully to Prime Minister Wilson, seeking full British support, but without asking for any additional British contribution in view of the British role in Malaysia.

2. Australia and New Zealand will be pressed through their Ambassadors, not only for support but for additional contributions.

3. The Philippines will be particularly pressed for contributions along the lines of the program for approximately 1800 men already submitted to President Macapagal.

F. We will press generally for more third country aid, stressing the gravity of the situation and our deepening concern. A summary of existing third country aid and of the types of aid that might now be obtained is in Tab C, attached.

G. COMMUNIST COUNTRIES.

1. We will convey to Hanoi our unchanged determination ((and)) our objectives, and that we have a growing concern at the DRV role, to see if there is any sign of change in Hanoi's position.

2. We will make no special approaches to Communist China in this period.

3. WE WILL CONVEY OUR DETERMINATION AND GRAVE CONCERN TO THE SOVIETS, NOT IN THE EXPECTATION OF ANY CHANGE IN THEIR POSITION BUT IN EFFECT TO WARN THEM TO STAY OUT, AND WITH SOME HOPE THEY WILL PASS ON THE MESSAGE TO HANOI AND PEIPING.

H. OTHER COUNTRIES.

1. We will convey our grave concern to key interested governments such as Canada, India, and France, but avoid spelling out the concept fully.

2. In the event of a reprisal action, will explain and defend our action in the UN as at the time of the Gulf of Tonkin incident. We do not plan to raise the issue otherwise in the UN. (The Lao Government may stress the DRV infiltration in Laos in its speech, and we should support this and spread the information.)

I. INTENSIFIED MILITARY ACTIONS.

1. The GVN maritime operations (MAROPS) will be intensified ((*including U.S. air protection of GVN vessels from attacks by MIG's or DRV surface vessels*)) *and we will urge the GVN to surface and defend these as wholly justified in response to the wholly illegal DRV actions.*

2. Lao air operations will be intensified, especially in the corridor areas and close to the DRV border. US air cover and flak suppression will ((may)) be supplied where ((if)) needed.

3. US high-level reconnaissance over the DRV will be stepped up.

4. US armed ((air)) reconnaissance ((and air)) strikes will be carried out in Laos, first against the corridor area and within a short time against Route 7 and other infiltration routes, *in a major operation to cut key bridges.* (These actions will be publicized only to the degree agreed with Souvanna.) ((At this time we prepare to stop flow of dependents to V.N.))

J. REPRISAL ACTIONS.

For any VC provocation similar to the following, a reprisal will be undertaken, preferably within 24 hours, against one or more selected targets in the DRV. GVN forces will be used to the maximum extent, supplemented as necessary by US forces. The exact reprisal will be decided at the time, in accordance with a quick-reaction procedure which will be worked out.

The following may be appropriate occasions for reprisals, but we should be alert for any appropriate occasion.

1. Attacks on airfields.
2. Attack on Saigon.
3. Attacks on provincial or district capitals.
4. Major attacks on US citizens.
5. Attacks on major POL facilities.

((expand))

6. Attacks on bridges and railroad lines after the presently damaged facilities have been restored and warning given.

7. Other "spectaculars" such as earlier attack on a US transport carrier at a pier in Saigon.

In these or similar cases, the reprisal action would be linked as directly as possible to DRV infiltration, so that we have a common threat of justification.

A flexible list of reprisal targets has been prepared running from infiltration targets in the southern part of the DRV up to airfields, ports, and naval bases also located south of the 19th parallel.

K. US/GVN JOINT PLANNING will be initiated *both for reprisal actions and for possible later air strikes across the border in the DRV.*

L. Major statement or speech. Depending on US public reaction, a major statement or speech may be undertaken by the President during this period. This will necessarily be required if a reprisal action is taken, but some other significant action, such as the stopping of the flow of U.S. dependents, might

be the occasion. Such a statement or speech would restate our objectives and our determination, why we are in South Vietnam, and how gravely we view the situation. It should in any event follow the full publicizing of infiltration evidence.

M. Dependents. The flow of dependents to South Vietnam will be stopped [at an early date, probably immediately after Ambassador Taylor has consulted with the GVN] [at the start of the second phase], and this will be publicly announced.

N. Deferred Actions. ((See TAB D))

The following actions will not be taken within the thirty-day period, but will be considered for adoption in the transitional or second phases of the pogram:

1. Major air deployment to the area.

2. Furnishing US air cover for CVN MAROOPS.

((2)) 3. ((Be required to resume)) Resuming destroyer patrols in the Gulf of Tonkin. If attacked, these would be an alternative basis for reprisals, and should be considered primarily in this light.

((5)) 4. ((Be prepared to evacuate)) Evacuation of U.S. dependents.

((3)) 5. US low-level reconnaissance into the DRV.

((4)) 6. GVN/((LAO/)) US air strikes across the border ((s)), initially against the infiltration routes and installations and then against other targets south of the 19th parallel.

NOTE

The Joint Chiefs of Staff recommend immediate initiation of sharply intensified military pressures against the DRV, starting with a sharp and early attack in force on the DRV, subsequent to brief operations in Laos and US low-level reconnaissance north of the boundary to divert DRV attention prior to the attack in force. This program would be designed to destroy in the first three days Phuc Yen airfield near Hanoi, other airfields, and major POL facilities, clearly to establish the fact that the US intends to use military force to the full limits of what military force can contribute to achieving US objectives in Southeast Asia, and to afford the GVN respite by curtailing DRV assistance to and direction of the Viet Cong. The follow-on-military program—involving armed reconnaissance of infiltration routes in Laos, air strikes on infiltration targets in the DRV, and then progressive strikes throughout North Vietnam—could be suspended short of full destruction of the DRV if our objectives were earlier achieved. The military program would be conducted rather swiftly, but the tempo could be adjusted as needed to contribute to achieving our objectives.

REPORT OF MEETING OF U.S. ENVOYS TO REVIEW OPERATIONS IN LAOS

(Excerpts from cablegram, signed by Ambassador Maxwell D. Taylor, from United States Embassy in Saigon to State Department, Defense Department and Commander in Chief, Pacific, Sept. 19, 1964.)

Following is a summary, coordinated with Vientiane and Bangkok, of the conclusions of the meeting of the three posts held at Saigon September 11 to review air and limited ground operations of the Lao corridor:

1. Air operations in corridor: This involves attack of 22 targets for which folders at Vientiane and Saigon. If objective is primarily military, i.e., to inflict maximum damage to targets, to prevent VN/PL dispersal and protective measures, and impede rapid VN/PL riposte, it was agreed that a series of sharp, heavy attacks must be made in a relatively short timespan, which would involve substantial U.S. and/or VNAF/Farmgate attacks. If objective primarily phychological, military disadvantages of attacks over longer time frame would be acceptable and chief reliance could be placed on RLAF T–28s with some Yankee team strikes against harder targets, e.g., five bridges. Estimated sortie requirements for this second option 188 T 28 sorties and 80 USAF sorties. Time required [number illegible] days. Vientiane representatives believe Souvanna would [words illegible] would probably wish [words illegible] such attacks spread out over considerable period of time. Also felt Souvanna would prefer VNAF not conduct air strikes in corridor. It was general consensus that best division of targeting for immediate future would be RLAF/YANKEE team mix.

Vientiane is very reluctant to see VNAF partcipation such strikes and would hope that by keeping GVN informed of actions being taken by RLAF and US in corridor, psychological needs of GVN could reasonably be met. Saigon will seek to do this, but if there are compelling reasons for covert VNAF participation Vientiane would be given prior info on necessity, timing, and place of such strikes.

Alternatively, it was agreed that, if possible, joint Lao, Thai, RVN, and U.S. participation in a common effort against a common enemy would be desirable but, recognizing that, even if possible, arrangements for such an effort would take some time to achieve. If such negotiations are conducted, however, RLAF/Yankee team strikes should not be precluded. Vientiane has since stated it does not consider that it would be desirable to seek to formalize such four country participation in corridor operations as to do so would raise question of degree of Souvanna Phouma's knowledge and involvement which Vientiane feels would jeopardize success of operations.

2. Ground operations: A. Although it was agreed that northern Route 9 area offered most profitable targets, conference proceeded on assumption that Vientiane would find operations astride Route 9 politically unacceptable at this time. However, Vientiane's 448 to dept, dispatched after return of conferees, now indicates that "shallow penetration raids (20 kilometers) . . . in Rte 9 area . . by company-sized units" would be acceptable and would not require clearance by the RLG

F. It was the view of Saigon group that authority for U.S. advisors to accompany units is a prerequisite to successful operations. Without this U.S. participation probability of success is judged so low that the advisability of conducting cross border operations would be questionable. Vientiane representatives were strongly opposed to presence U.S. advisors because of difficulty with current SAR operations in Laos and political importance of U.S. maintaining credible stance of adhering to provisions of Geneva accords.

F. Embassy Vientiane had earlier indicated that they would insist on advanced clearance of cross border operations. All representatives agreed that this requirement would be met by Vientiane having opportunity to comment on all plans submitted to Washington for approval. Once approval to execute is received, Vientiane would be kept informed of day-to-day operations as information addressee on operational traffic between Saigon/Washington, on/-CINCPAC . . .

ACCOUNT OF TAYLOR'S MEETING WITH SAIGON GENERALS ON UNREST

(Excerpts from Saigon airgram to the State Department. Dec. 24, 1964, as provided in the body of the Pentagon study. Ambassador Taylor and his deputy, U. Alexis Johnson, met with the so-called Young Turk leaders, among them Generals Nguyen Cao Ky, Nguyen Van Thieu and Nguyen Chanh Thi and an Admiral identified as Cang.)

Ambassador TAYLOR. Do all of you understand English? (Vietnamese officers indicated they did, although the understanding of General Thi was known to be weak.) I told you all clearly at General Westmoreland's dinner we Americans were tired of coups. Apparently I wasted my words. Maybe this is because something is wrong with my French because you evidently didn't understand. I made it clear that all the military plans which I know you would like to carry out are dependent on governmental stability. Now you have made a real mess. We cannot carry you forever if you do things like this. Who speaks for this group? Do you have a spokesman?

General KY. I am not the spokesman for the group but I do speak English. I will explain why the Armed Forces took this action last night.

We understand English very well. We are aware of our responsibilities, we are aware of the sacrifices of our people over twenty years. We know you want stability, but you cannot have stability until you have unity . . . But still there are rumors of coups and doubts among groups. We think these rumors come from the HNC, not as an organization but from some of its members. Both military and civilian leaders regard the presence of these people in the HNC as divisive of the Armed Forces due to their influence.

Recently the Prime Minister showed us a letter he had received from the Chairman of the HNC. This letter told the Prime Minister to beware of the military, and said that maybe the military would want to come back to power. Also the HNC illegally sought to block the retirement of the generals that the Armed Forces Council unanimously recommended be retired in order to improve unity in the Armed Forces.

General THIEU. The HNC cannot be bosses because of the Constitution. Its members must prove that they want to fight.

General KY. It looks as though the HNC does not want unity. It does not want to fight the Communists.

It has been rumored that our action of last night was an intrigue of Khanh against Minh, who must be retired. Why do we seek to retire these generals? Because they had their chance and did badly . . .

Yesterday we met, twenty of us, from 1430 to 2030. We reached agreement that we must take some action. We decided to arrest the bad members of the HNC, bad politicians, bad student leaders, and the leaders of the Committee of National Salvation, which is a Communist organization. We must put the trouble-making organizations out of action and ask the Prime Minister and the Chief of State to stay in office.

After we explain to the people why we did this at a press conference, we would like to return to our fighting units. We have no political ambitions. We seek strong, unified, and stable Armed Forces to support the struggle and a stable government. Chief of State Suu agrees with us. General Khanh saw Huong who also agreed.

We did what we thought was good for this country; we tried to have a civilian government clean house. If we have achieved it, fine. We are now ready to go back to our units.

Ambassador TAYLOR. I respect the sincerity of you gentlemen. Now I would like to talk to you about the consequences of what you have done. But first, would any of the other officers wish to speak?

Admiral CANG. It seems that we are being treated as though we were guilty. What we did was good and we did it only for the good of the country.

Ambassador TAYLOR. Now let me tell you how I feel about it, what I think the consequences are: first of all, this is a military coup that has destroyed the government-making process that, to the admiration of the whole world, was set up last fall largely through the statesman-like acts of the Armed Forces.

You cannot go back to your units, General Ky. You military are now back in power. You are up to your neck in politics.

Your statement makes it clear that you

have constituted yourselves again substantially as a Military Revolutionary Committee. The dissolution of the HNC was totally illegal. Your decree recognized the Chief of State and the Huong Government but this recognition is something that you could withdraw. This will be interpreted as a return of the military to power. . . .

Ambassador TAYLOR. Who commands the Armed Forces? General Khanh?

General KY. Yes, sir . . .

General THIEU. In spite of what you say, it should be noted that the Vietnamese Commander-in-Chief is in a special situation. He therefore needs advisors. We do not want to force General Khanh; we advise him. We will do what he orders . . .

Ambassador TAYLOR. Would our officers be willing to come into a government if called upon to do so by Huong? I have been impressed by the high quality of many Vietnamese officers. I am sure that many of the most able men in this country are in uniform. Last fall when the HNC and Huong Government was being formed, I suggested to General Khanh there should be some military participation, but my suggestions were not accepted. It would therefore be natural for some of them now to be called upon to serve in the government. Would you be willing to do so? . . .

General KY. Nonetheless, I would object to the idea of the military going back into the government right away. People will say it is a military coup.

Ambassador TAYLOR and Ambassador JOHNSON (together). People will say it anyway.

Ambassador TAYLOR. You have destroyed the Charter. The chief of State will still have to prepare for elections. Nobody believes that the Chief of State has either the power or the ability to do this without the HNC or some other advisory body. If I were the Prime Minister, I would simply overlook the destruction of the HNC. But we are preserving the HNC itself. You need a legislative branch and you need this particular step in the formation of a government with National Assembly . . .

Ambassador TAYLOR. It should be noted that Prime Minister Huong has not accepted the dissolution of the HNC . . .

General THIEU. What kind of concession does Huong want from us?

Ambassador Taylor again noted the need for the HNC function.

General KY. Perhaps it is better if we now let General Khanh and Prime Minister Huong talk.

General THIEU. After all, we did not arrest all the members of the HNC. Of nine members we detained only five. These people are not under arrest. They are simply under controlled residence . . .

Ambassador TAYLOR. Our problem now, gentlemen, is to organize our work for the rest of the day. For one thing, the government will have to issue a communique.

General THIEU. We will still have a press conference this afternoon but only to say why we acted as we did.

Ambassador TAYLOR. I have real troubles on the U.S. side. I don't know whether we will continue to support you after this. Why don't you tell your friends before you act? I regret the need for my blunt talk today but we have lots at stake . . .

Ambassador TAYLOR. And was it really all that necessary to carry out the arrests that very night? Couldn't this have been put off a day or two? . . .

In taking a friendly leave, Ambassador Taylor said: You people have broken a lot of dishes and now we have to see how we can straighten out this mess.

HIGHLIGHTS OF THE PERIOD

Between the Tonkin Gulf resolution of August, 1964, and the start of concentrated United States bombing of North Vietnam in 1965, the details of such an air war were being planned, discussed and debated in the Johnson Administration, according to the secret Pentagon chronicle.

Here, chronologically, are highlights of those months of decision-making.

AUGUST 1964

Ambassador Maxwell D. Taylor cables agreement with Administration "assumption" that "something must be added in the coming months" to forestall "a collapse of national morale" in Saigon. Suggests "carefully orchestrated bombing attack" on North.

Joint Chiefs of Staff concur, call air war "essential to prevent a complete collapse of the U.S. position in Southeast Asia." Propose what study calls "provocation strategy."

SEPTEMBER 1964

John T. McNaughton, Assistant Secretary of Defense for International Security Affairs, outlines provocation plan "to provide good grounds for us to escalate if we wished. . . ." Includes South Vietnamese air strikes on Laos infiltration routes; coastal raids on North; resumption U.S. destroyer patrols in Gulf of Tonkin.

White House strategy meeting, Analyst finds "general consensus" on necessity for early 1965 air strikes but says "tactical considerations" require delay. Cites President's "presenting himself as the candidate of reason and restraint," need for "maximum public and Congressional support," fear of "premature negotiations," Saigon weakness.

President orders low-risk interim measures, says William P. Bundy memo, "to assist morale . . . and show the Communists we still mean business. . . ." Coastal raids, destroyer patrols included.

OCTOBER 1964

Air strikes on Laos infiltration routes start, following delay awaiting outcome Laotian cease-fire talks. U.S. feared new Geneva conference. Analyst says this "not compatible with current perceptions of U.S. interest."

NOVEMBER 1964

Vietcong attack Bienhoa airfield. Joint Chiefs urge "prompt and strong response" including air strikes on North. Ambassador Taylor urges bombing "selected" targets.

President declines, directs interagency working group under Bundy to consider, recommend Vietnam options, policy.

Group's three recommended options all include bombing North. Analyst says group's deliberations showed "remarkably little latitude for reopening the basic questions about U.S. involvement."

Option A—reprisal air strikes, covert pressure intensified.

Option B—bomb North "at a fairly rapid pace and without interruption" till all U.S. demands met; U.S. to define negotiating position, chronicle says, "in a way which makes Communist acceptance unlikely" if U.S. pressed to negotiate "before a Communist agreement to comply."

Option C—graduated air war, possible deployment ground troops.

National Security Council select committee meets. George W. Ball, Under Secretary of State, indicates "doubt" about effectiveness bombing North, argues against domino theory, says Bundy memo, Mr. Ball's policy paper suggests diplomatic strategy leading to international Vietnam conference.

DECEMBER 1964

President approves recommended plan—Option A for 30 days, then Option C. Stresses he feels "pulling the South Vietnamese together" basic to any other action.

Operation Barrel Roll—U.S. air strikes at infiltration routes Laotian panhandle—under way. National Security Council agrees to "no public statements" unless a plane is lost, then "to insist that we were merely escorting reconnaissance flights."

Air Marshal Nguyen Cao Ky and ex-Premier Nguyen Khanh attempt coup. Ambassador Taylor tells them U.S. is "tired of coups," warns that "all the military plans which I know you would like to carry out are dependent on government stability."

JANUARY 1965

Two U.S. jets lost over Laos. Press reports on "Barrel Roll."

South Vietnam forces trounced at Binhia. Study says Saigon "final collapse" and Vietcong take-over seem "distinct possibility."

Mr. Bundy, in memo, says "shaky" Saigon morale due partly to "widespread feeling that the U.S. is not ready for stronger action" and is "insisting on perfectionism" in Saigon. Urges "stronger action" despite "grave difficulties."

Robert S. McNamara, Secretary of Defense, Mr. McNaughton favor "initiating air strikes" agree U.S. aim "not to 'help friend' but to contain China," chronicle says.

FEBRUARY 1965

Vietcong attack U.S. military advisers' componnd at Pleiku. Study says this "triggered a swift, though long-contemplated Presidential decision to give an 'appropriate and fitting response'."

Forty-nine U.S. jets in first reprisal strike, raid Conghoi.

Second reprisal strike follows guerrilla attack on U.S. barracks.

Operation Rolling Thunder—sustained air war—ordered.

SOME KEY FIGURES IN THE PENTAGON NARRATIVE: WHO THEY ARE AND WHERE THEY ARE NOW

M'GEORGE BUNDY

Special assistant to Presidents Kennedy and Johnson for national security affairs, 1961–66 . . . since 1966, president of the Ford Foundation. Born Boston March 30, 1919 . . . graduated from Yale, 1940, majoring in classics and mathematics . . . ran as a Republican for seat on Boston City Council, 1941 . . . served as aide to Adm. Alan G. Kirk, World War II . . . foreign-policy adviser to Thomas E. Dewey, Republican Presidential candidate, 1948 . . . joined Harvard faculty, 1949 . . . became dean of Faculty of Arts and Science, 1953 . . . named by President Kennedy to White House post . . . often described as principal architect of U.S. Vietnam policy . . . was recalled briefly by President Johnson during the Arab-Israeli crisis in summer of 1967 . . . often seen as a potential Secretary of State . . . just as visible—and controversial—as foundation head as when directing foreign policy from White House basement office . . . now lives in New York.

WILLIAM PUTNAM BUNDY

From 1951 to end of Johnson Administration, "the other Bundy" held sensitive positions in government departments, from the Central Intelligence Agency to State Department . . . now a senior research associate at Center for International Studies of Massachusetts Institute of Technology and will assume editorship of Foreign Affairs, the quarterly, after October, 1972. Born in Washington, Sept. 24, 1917 . . . earned, bachelor's degree from Yale, 1939; master's from Harvard, 1940; law degree from Harvard, 1947 . . . married to a daughter of Dean Acheson, former Secretary of State . . . practiced law, Washington, 1947–51 . . . a Democrat . . . with the C.I.A., 1951–61 . . . served consecutively as Assistant and Deputy Secretary of Defense for International Security Affairs, 1961–64 . . . Assistant Secretary of State for East Asian and Pacific Affairs, 1964–69 . . . always, compared with younger brother McGeorge, an anonymous figure . . . lives in Cambridge, Mass.

MICHAEL VINCENT FORRESTAL

White House specialist on Vietnam, 1962–65 . . . in private law practice New York now . . . newly elected chairman of board, Metro-

politan Opera Guild. Born Nov. 26, 1927, in New York . . . graduated from Phillips Exeter Academy . . . studies at Princeton interrupted to serve on staff of W. Averell Harriman at Paris headquarters of Economic Cooperation Administration, 1948–50 . . . his father, late James V. Forrestal, was the first Secretary of Defense . . . received law degree from Harvard, 1953, and practiced in New York till 1960 . . . returned to firm of Shearman & Sterling, where he is partner, in 1965 . . . as Kennedy and Johnson aide, served on National Security Council . . . in July, 1964, appointed chairman White House interdepartmental Vietnam coordinating committee . . . accompanied Mrs. John F. Kennedy on 1967 visit to Cambodia . . . early supporter of the late Sen. Robert F. Kennedy's Presidential bid . . . member Council on Foreign Relations . . . lives in New York.

NGUYEN KHANH

South Vietnam's Premier—on and off—from February, 1964, through Mid-February, 1965. Since 1968, in exile in Paris. Born in Travinh, South Vietnam, Nov. 8, 1927 . . . educated military academy at Dalat, 1950, also in France, at U.S. Staff College, Fort Leavenworth, Kan. . . . fought as guerrilla against French . . . sent to Saigon on mission . . . joined French colonial forces . . . paratrooper, reached rank of major . . . helped foil 1960 coup against Ngo Dinh Diem . . . stayed on sidelines during 1963 coup . . . ousted Gen. Doung Van Minh Jan. 30, 1964 . . . in August, assumed dictatorial powers . . . forced out . . . remained Army chief . . . led coup against incumbent . . . survived coup attempt February . . . is deposed as commander in chief by military . . . sent abroad as roving ambassador . . . a Buddhist, but not popular with Buddhists . . . short, jaunty, goatteed . . . liked to wear paratrooper's red beret . . . fond of saying: "I am a fighter."

JOHN T. M'NAUGHTON

Mr. McNaughton a close and trusted associate of Secretary of Defense Robert S. McNamara from 1961 to 1967, and his wife and their younger son died in plane collision near Asheville, N.C., July 19, 1967, a week before he was to be sworn in as Secretary of Navy. Born Nov. 21, 1921, in Bicknell, Ind. . . . graduated from DePauw University, 1942 . . . served four years in Navy during World War II . . . graduated from Harvard Law School, 1948 . . . studied at Oxford as Rhodes scholar, working with European Cooperation Administration in Paris during vacations . . . also wrote for Pekin (Ill.) Times, owned by father . . . two years as editor of that paper . . . returned to Harvard as assistant professor, 1953, professor, 1956 . . . chosen by Mr. McNamara in 1961 to serve as Deputy Assistant Secretary for International Security Affairs . . . general counsel to Defense Department, 1962 . . . Assistant Secretary of Defense for International Security Affairs, 1964–67, heading Pentagon's foreign-affairs planning staff.

MAXWELL DAVENPORT TAYLOR

Chairman of the Joint Chiefs of Staff, 1962–64; United States Ambassador to South Vietnam, 1964–65; special consultant to the President, 1965–9, now on the board of the Institute for Defense Analyses, chairman of Foreign Intelligence Advisory Board. Born Keytesville, Mo., Aug. 26, 1901 . . . graduated from United States Military Academy, 1922 . . . Command and General Staff School, 1933 . . . Army War College, 1940 . . . taught French, Spanish, at West Point . . . assistant military attaché, Pekin, 1937 . . . commander 101st Airborne Division, World War II . . . took part invasions Normandy, Holland . . . Superintendent United States Military Academy, 1945–49 . . . United States Commander, Berlin, 1950 . . . Commander of Eighth Army, Korea, 1953 . . . Army Chief of Staff, 1955 . . . resigned 1959 in "limited war" strategy dispute . . . recalled as adviser by President Kennedy, 1961 . . . was influential in both Kennedy, Johnson administrations . . . scholarly, much-decorated . . now living in Chevy Chase, Md.

VIETNAM ARCHIVE: A CONSENSUS TO BOMB DEVELOPED BEFORE 1964 ELECTION, STUDY SAYS

(By Neil Sheehan)

The Johnson Administration reached a "general consensus" at a White House strategy meeting on Sept. 7, 1964, that air attacks against North Vietnam would probably have to be launched, a Pentagon study of the Vietnam war states. It was expected that "these operations would begin early in the new year."

"It is important to differentiate the consensus of the principals at this September meeting," the study says, "from the views which they had urged on the President in the preceding spring. In the spring the use of force had been clearly contingent on a major reversal—principally in Laos—and had been advanced with the apparent assumption that military actions hopefully would not be required. Now, however, their views were advanced with a sense that such actions were inevitable."

The administration consensus on bombing came at the height of the Presidential election contest between President Johnson and Senator Barry Goldwater, whose advocacy of full-scale air attacks on North Vietnam had become a major issue. That such a consensus had been reached as early as September is a major disclosure of the Pentagon study.

The consensus was reflected, the analysis says, in the final paragraph of a formal national security action memorandum issued by the President three days later, on Sept. 10. This paragraph spoke of "larger decisions" that might be "required at any time."

The last round of detailed planning of various political and military strategies for a bombing campaign began "in earnest," the study says, on Nov. 3, 1964, the day that Mr. Johnson was elected President in his own right.

Less than 100 days later, on Feb. 8, 1965, he ordered new reprisal strikes against the North. Then, on Feb. 13, the President gave the order for the sustained bombing of North Vietnam, code-named Rolling Thunder.

This period of evolving decision to attack North Vietnam, openly and directly, is shown in the Pentagon papers to be the second major phase of President Johnson's defense of South Vietnam. The same period forms the second phase of the presentation of those papers by The New York Times.

The papers, prepared by a team of 30 to 40 authors in 1967–68 as an official study of how the United States went to war in Indochina, consist of 3,000 pages of analysis and 4,000 pages of supporting documents. The study covers nearly three decades of American policy on Southeast Asia. Yesterday The Time's first report on this study, and presentation of key documents, covered the period of clandestine warfare and planning before the Tonkin Gulf incidents in 1964.

In its glimpses into Lyndon B. Johnson's personal thoughts and motivations between the fateful September meeting and his decision to embark on an air war, the Pentagon study shows a President moving and being moved toward war, but reluctant and hesitant to act until the end.

But, the analyst explains, "from the September meeting forward, there was little basic disagreement among the principals [the term the study uses for the senior policy makers] on the need for military operations against the North. What prevented action for the time being was a set of tactical considerations."

The first tactical consideration, the analyst says, was that "the President was in the midst of an election campaign in which he was presenting himself as the candidate of reason and restraint as opposed to the quixotic Barry Goldwater," who was publicly advocating full-scale bombing of North Vietnam. The historian also mentions other "temporary reasons of tactics."

The "shakiness" of the Saigon Government.

A wish to hold the line militarily and diplomatically in Laos.

The "need to design whatever actions were taken so as to achieve maximum public and Congressional support . . ."

The "implicit belief that overt actions at this time might bring pressure for premature negotiations—that is negotiations before the D.R.V. [Democratic Republic of (North) Vietnam] was hurting."

Assistant Secretary of Defense John T. McNaughton, the head of the Pentagon's Office of International Security Affairs, summed up these tactical considerations in the final paragraph of a Sept. 3 memorandum to Secretary of Defense Robert S. McNamara, in preparation for the crucial White House strategy session four days later.

"Special considerations during the next two months. The relevant audiences of U.S. actions are the Communists (who must feel strong pressures), the South Vietnamese (whose morale must be buoyed), our allies (who must trust us as 'underwriters'), and the U.S. public (which must support our risk-taking with U.S. lives and prestige). During the next two months, because of the lack of 'rebuttal time' before election to justify particular actions which may be distorted to the U.S. public, we must act with special care—signaling to the D.R.V. that initiatives are being taken, to the G.V.N. [Government of (South) Vietnam] that we are behaving energetically despite the restraints of our political season, and to the U.S. public that we are behaving with good purpose and restraint." The words in parentheses are Mr. McNaughton's.

NOT TO ENLARGE THE WAR

The President was already communicating this sense of restraint to the voters. On the night of Aug. 29, in an address to a crowd at an outdoor barbecue a few miles from his ranch in Texas, when two tons of beef were served in a belated celebration of his 56th birthday, he made a statement that he was to repeat in numerous election speeches.

"I have had advice to load our planes with bombs," the President said, "and to drop them on certain areas that I think would enlarge the war and escalate the war, and result in our committing a good many American boys to fighting a war that I think ought to be fought by the boys of Asia to help protect their own land."

The policy of the United States toward Vietnam, the President explained later in his speech, was "to furnish advice, give counsel, express good judgment, give them trained counselors, and help them with equipment to help themselves."

"IT IS A WAR AND A BIG WAR"

"We are doing that," he said. "We have lost less than 200 men in the last several years, but to each one of those 200 men—and we lost about that many in Texas on accidents on the Fourth of July—to each of those 200 men who have given their life to preserve freedom, it is a war and a big war and we recognize it.

"But we think it is better to lose 200 than to lose 200,000. For that reason we have tried very carefully to restrain ourselves and not to enlarge the war."

Eleven days earlier, on Aug. 18, Ambassador Maxwell D. Taylor had cabled from Saigon that he agreed with an "assumption" now held in the Administration in Washington that the Vietcong guerrillas—the VC, as they were usually termed—could not be defeated and the Saigon Government preserved by a counterguerrilla war confined to South Vietnam itself.

"Something must be added in the coming months," the Ambassador said in his message. What General Taylor proposed to add was "a carefully orchestrated bombing attack on NVN [North Vietnam], directed primarily at infiltration and other military targets" with "Jan. 1, 1965, as a target D-Day."

The bombing should be undertaken under either of two courses of action, the Ambassador said. The first course would entail using the promise of the air attacks as an inducement to persuade the regime of Gen. Nguyen Khanh to achieve some political stability and get on seriously with the pacification program. Under the second course, the United States would bomb the North, regardless of whatever progress General Khanh made, to prevent "a collapse of national morale" in Saigon.

For the Ambassador cautioned that "it is far from clear at the present moment that the Khanh Government can last until Jan. 1, 1965." The Ambassador said that before bombing the North the United States would also have to send Army Hawk antiaircraft missile units to the Saigon and Danang areas to protect the airfields there against retaliatory Communist air attacks—assumed possible from China or North Vietnam—and to land a force of American Marines at Danang to protect the air base there against possible ground assaults.

His cable was designated a joint United States mission message, meaning that Deputy Ambassador U. Alexis Johnson and Gen. William C. Westmoreland, chief of the United States Military Assistance Command, had concurred with the Ambassador's views.

On Aug. 26, three days before the President's speech at the barbecue in Stonewall, Tex., the Joint Chiefs of Staff submitted a memorandum to Secretary McNamara agreeing with Ambassador Taylor. They said that bombing under his second criterion, to stave off a breakdown in Saigon, was "more in accord with the current situation" in their view and added that an air war against the North was now "essential to prevent a complete collapse of the U.S. position in Southeast Asia."

The Joint Chiefs' memorandum was the first appearance, the account says, of a "provocation strategy" that was to be discussed at the Sept. 7 White House session—in the words of the narrative, "deliberate attempts to provoke the D.R.V. into taking actions which could then be answered by a systematic U.S. air campaign."

The memorandum itself is not this explicit, although it does seem to suggest attempting to repeat the Tonkin Gulf clashes as a pretext for escalation.

In a Sept. 3 memorandum to Secretary McNamara, however, Mr. McNaughton was specific. He outlined several means of provocation that could culminate in a sustained air war. In the meantime, they could be employed to conduct reprisal air strikes that would help hold the situation in South Vietnam together and, the analyst notes, permit postponing "probably until November or December any decision as to serious escalation."

DEFINES SERIOUS ESCALATION

This serious escalation Mr. McNaughton defined as "a crescendo of GVN–U.S. military actions against the D.R.V.," such as mining harbors and gradually escalating air raids.

He described his provocation program to Mr. McNamara as "an orchestration of three classes of actions, all designed to meet these five desiderata—(1) From the U.S., GVN and hopefully allied points of view they should be legitimate things to do under the circumstances, (2) they should cause apprehension, ideally increasing apprehension, in the D.R.V., (3) they should be likely at some point to provoke a military D.R.V. response, (4) the provoked response should be likely to provide good grounds for us to escalate if we wished, and (5) the timing and crescendo should be under our control, with the scenario capable of being turned off at any time." [See text, McNaughton plan, Sept. 3.]

The classes of actions were:

South Vietnamese air strikes at enemy infiltration routes through southeastern Laos that would "begin in Laos near the South Vietnamese border and slowly 'march' up the trails and eventually across the North Vietnamese border."

A resumption of the covert coastal raids on North Vietnam under Operation Plan 34A, which President Johnson had temporarily suspended since the Tonkin Gulf incident. The South Vietnamese Government would announce them publicly, declaring them "fully justified as necessary to assist in interdiction of infiltration by sea."

A resumption of patrols in the Gulf of Tonkin by United States destroyers, codenamed De Soto patrols, although these would still be physically "disassociated" from the 34A attacks. Mr. McNaughton noted that "the U.S. pubic is sympathetic to reasonable insistence on the right of the U.S. Navy to ply international waters."

MAJORITY IN DISAGREEMENT

But a majority of the officials at the Sept. 7 White House strategy meeting disagreed. They decided for the present against adopting a provocation strategy for reprisal air attacks, precisely because the Khanh regime was so weak and vulnerable and the morale-lifting benefits of such strikes might be offset by possible Communist retaliation, the analyst says. The meeting was attended by the President; Secretary of State Dean Rusk; Secretary McNamara; Gen. Earle G. Wheeler, the new Chairman of the Joint Chiefs; Ambassador Taylor, who had flown in from Saigon, and John A. McCone, the Director of Central Intelligence.

"We believe such deliberately provocative elements should not be added in the immediate future while the GVN is still struggling to its feet," Assistant Secretary of State William P. Bundy wrote in a memorandum recording the consensus recommendations formally made to the President after the meeting.

"By early October, however, we may recommend such actions depending on GVN progress and Communist reaction in the meantime, especially to U.S. naval patrols." A resumption of the destroyer patrols was one outcome of the Sept. 7 meeting.

The analyst says that a similar reason was given for the decision against beginning a sustained bombing campaign against the strategy, in the near future. "The GVN over the next 2–3 months will be too weak for us to take any major deliberate risks of escalation that would involve a major role for, or threat to, South Vietnam," the Bundy memorandum states.

Ambassador Taylor had acknowledged in his cable of Aug. 18 that bombing the North to prevent a collapse in the South if the Khanh regime continued to decline "increases the likelihood of U.S. involvement in ground action since Khanh will have almost no available ground forces which can be released from pacification employment to mobile resistance of D.R.V. attacks."

"A BASE FOR WIDER ACTION"

The Pentagon account concludes from the Sept. 7 strategy discussions that by now the Saigon regime was being regarded less and less as a government capable of defeating the Vietcong insurgency than "in terms of its suitability as a base for wider action."

Despite the pessimistic analyses of Ambassador Taylor and the Joint Chiefs for future escalation, some of those at the White House meeting hoped the Khanh regime could be somewhat stabilized. Citing handwritten notes of the meeting in the Pentagon files, the analyst quotes Mr. McNamara as saying that he understood "we are not acting more strongly because there is a clear hope of strengthening the GVN."

"But he went on," the account continues, "to urge that the way be kept open for stronger actions even if the GVN did not improve or in the event the war were widened by the Communists."

The handwritten notes of the meeting quote the President as asking, "Can we really strengthen the GVN?"

And in his memorandum of the consensus, William Bundy wrote: "Khanh will probably stay in control and may make some headway in the next 2–3 months in strengthening the Government (GVN). The best we can expect is that he and the GVN will be able to maintain order, keep the pacification program ticking over (but not progressing markedly), and give the appearance of a valid government."

On Sept. 10, therefore, the President ordered a number of interim measures in National Security Action Memorandum 314, issued over the signature of his special assistant, McGeorge Bundy. These were intended, in the words of William Bundy's memorandum of consensus, "to assist morale in SVN and show the Communists we still mean business, while at the same time seeking to keep the risks low and under our control at each stage."

A REFLECTION OF CONSENSUS

The most important orders Mr. Johnson gave dealt with covert measures. The final paragraph in the President's memorandum also reflected the consensus, the analyst finds, of the Sept. 7 meeting and other strategy discussions of the time—"the extent to which the new year was anticipated as the occasion for beginning overt military operations against North Vietnam."

This final paragraph read: "These decisions are governed by a prevailing judgment that the first order of business at present is to take actions which will help to strengthen the fabric of the Government of South Vietnam; to the extent that the situation permits, such action should precede larger decisions. If such larger decisions are required at any time by a change in the situation, they will be taken." [See text, McGeorge Bundy memo, Sept. 10.]

The interim measures Mr. Johnson ordered included these:

Resumption of the De Soto patrols by American destroyers in the Tonkin Gulf. They would "operate initially well beyond the 12-mile limit and be clearly disassociated from 34A maritime operations," but the destroyers "would have air cover from carriers."

Reactivation of the 34A coastal raids, this time after completion of the first De Soto patrol. The directive added that "we should have the GVN ready to admit they are taking place and to justify and legitimize them on the basis of the facts of VC infiltration by sea." The account explains, "It was believed that this step would be useful in establishing a climate of opinion more receptive to expanded (air) operations against North Vietnam when they became necessary." The word in parentheses is the historian's.

An arrangement with the Laotian Government of Premier Souvanna Phouma to permit "limited GVN air and ground operations into the corridor areas of [southeastern] Laos, together with Lao air strikes and possible use of U.S. armed aerial reconnaissance." Armed aerial reconnaissance is a military operation in which the pilot has authority to attack unprogramed targets, such as gun installations or trucks, at his own discretion.

¶The United States "should be prepared" to launch "tit for tat" reprisal air strikes like those during the Tonkin Gulf incident "as appropriate against the D.R.V. in the event of any attack on U.S. units or any special D.R.V.–VC action against SVN."

The President also ordered "economic and political actions" in South Vietnam, such as

pay raises for Vietnamese civil servants out of American funds, to try to strengthen the Saigon regime.

The United States destroyers Morton and Edwards resumed the De Soto patrols in the Tonkin Gulf on Sept. 12, two days after Mr. Johnson's directive. They were attacked in a third Tonkin incident on the night of Sept. 18, and the President glossed over it.

However, he went ahead with his decision to resume the 34A coastal raids, still covertly, the account says. The order to reactivate them was issued by Mr. Johnson on Oct 4, with the specification that they were to be conducted under tightened American controls.

Each operation on the monthly schedules now had to be "approved in advance" by Deputy Secretary of Defense Cyrus R. Vance for Secretary McNamara, Llewellyn A. Thompson, acting Deputy Under Secretary of State for Political Affairs, for Secretary Rusk, and McGeorge Bundy at the White House for the President.

During October, a subsequent report to William Bundy on covert activities said, the 34A coastal raids consisted of two shallow probes of North Vietnamese defenses, an attempt to capture a junk, and successful shellings of the radar station at Vinhson and the observation post at Muidao.

Two Sabotage Actions

Two of the sabotage teams that had previously been parachuted into the North also "carried out successful actions during October," the report said. "One demolished a bridge, the other ambushed a North Vietnamese patrol. Both teams suffered casualties, the latter sufficient to cast doubt on the wisdom of the action."

The U–2 spy plane flights over North Vietnam and the parachuting of supplies and reinforcements to sabotage and psychological warfare teams in the North continued throughout this period and had not been affected by the President's suspension of the costal raids after the original Tonkin Gulf incident.

The covert step-up in the air operations in Laos ordered by the President did not take place until mid-October. The Pentagon account says that one reason for the delay was the Administration's need to "await the uncertain outcome" of negotiations then taking place in Paris between the right-wing, neutralist and pro-Communist factions in Laos. The objective of the talks was to arrange a cease-fire that might lead to a new 14-nation Geneva conference to end the Laotian civil war.

"However, a Laotian cease-fire was not compatible with current perceptions of U.S. interest," the analyst writes.

The Administration feared that during an ensuing Geneva conference on Laos, international pressures, particularly from the Communist countries, might force the discussions onto the subject of Vietnam. Negotiations in the present circumstances were considered certain to unravel the shaky anti-Communist regime in Saigon.

The Administration also believed that even the convening of a conference on Laos might create an impression in Saigon that Washington was going to seek a negotiated withdrawal from South Vietnam and set off a political collapse there and the emergence of a neutralist coalition regime that would ask the United States to leave.

The account notes that in his Aug. 11 high-level policy memorandum on Southeast Asia, William Bundy had "characterized U.S. strategy" toward the Paris talks with the statement that "we should wish to slow down any progress toward a conference and to hold Souvanna to the firmest possible position." Mr. Bundy had referred to a suggestion by Ambassador Leonard Unger that Prince Souvanna Phouma insist on three-faction administration of the Plaine des Jarres as "a useful delaying gambit."

"Significantly," the analysis says, "this proposal was advanced at Paris by Souvanna Phouma on 1 September—illustrating the fact that Souvanna was carefully advised by U.S. diplomats both prior to and during the Paris meetings. Other features of Souvanna's negotiating posture which apparently were encouraged as likely to have the effect of drawing out the discussions were insistence on Communist acceptance of (1) Souvanna's political status as Premier and (2) unhampered operations by the I.C.C. [International Control Commission]."

"Insistence on Souvanna's position is another point on which he should insist, and there would also be play in the hand on the question of free I.C.C. operations," Mr. Bundy wrote in his Aug. 11 memorandum.

Breakdown in Negotiations

"It will be recalled that the latter point was the issue on which progress toward a cease-fire became stalled," the analyst remarks. The negotiations broke down in Paris late in September.

American mission representatives from Bangkok and Vientiane met in Saigon on Sept. 11 under Ambassador Tayor's auspices, however, and decided that the South Vietnamese Air Force should not participate in the stepped-up air action in Laos authorized by the President in his directive of Sept. 10.

A list of 22 targets in the Laotian panhandle had been drawn up during the summer for the possibility of such raids, including one on a control point at the Mugia Pass, just across the North Vietnamese border.

South Vietnamese air strikes would offend Premier Souvanna Phouma by complicating his political position, the meeting determined, so the air attacks would be confined to clandestine raids by the T–28's in Laos and the United States Navy and Air Force jets—code-named Yankee Team—operating over Laos. Accord was also reached that South Vietnamese troops, possibly accompanied by American advisers, would also make ground forays into Laos up to a depth of 20 kilometers, or 12 miles.

"The mission representative agreed that, once the [air and ground] operations began, they should not be acknowledged publicly," the analyst writes. "In effect, then, they would supplement the other covert pressures being exerted against North Vietnam. Moreover, while the Lao Government would of course know about the operations of their T–28's, Souvanna was not to be informed of the GVN-U.S. [ground] operations. The unacknowledged nature of these operations would thus be easier to maintain."

Joint Departmental Message

On Oct. 6, a joint State and Defense Department message authorized Ambassador Unger in Laos to obtain Premier Souvanna Phouma's approval for the T–28 strikes "as soon as possible."

But as the analyst points out, the message showed that the President had decided to postpone the accompanying strikes by Yankee Team jets, the "U.S. armed aerial reconnaissance" mentioned in Mr. Johnson's National Security Action Memorandum 314.

Five of the targets in the Laotian panhandle, well-defended bridges, had been specifically marked for the American jets, and fire by the Yankee Team planes would also be required against antiaircraft batteries defending the Mugia Pass. The message from Washington excluded these targets from the list of 22.

"You are further authorized to inform Lao that Yankee Team suppressive-fire strikes against certain difficult targets in panhandle, interspersing with further T–28 strikes, are part of the over-all concept and are to be anticipated later, but that such U. S. strikes are not repeat not authorized at this time," the cable said. [See text, cable on Laos Strikes, Sept. 10.]

Ambassadors Unger and Taylor both warned that the Laotian Government, without some participation by the American jets, would not persevere in attacking targets on the Communist infiltration routes. Accordingly, the day before the T–28 strikes began on Oct. 14 with Premier Souvanna Phouma's approval. Washington authorized the Yankee Team jets to fly combat air patrol over the T–28's to raise morale and protect them from any interference by North Vietnamese MIG's.

'Minor Extension' Only

Ambassador Taylor said in his cable that the combat air patrol missions could be achieved by "a relatively minor extension" of the current rules of engagement for American aircraft in Indochina.

The President also postponed for the present the planned ground forays into Laos by the South Vietnamese. Ambassador Taylor pointed out in a cable on Oct. 9 that these would not be possible "in forseeable future" in any case because the South Vietnamese Army was so tied down fighting the guerillas in its own country.

Several eight-man South Vietnamese reconnaissance teams were parachuted into Laos in an operation called Leaping Lena, but the Nov. 7 report to William Bundy on covert operations would note that "all of these teams were located by the enemy and only four survivors returned. . . ."

On Nov. 1, two days before the election, the Vietcong struck with a devastating mortar barrage on American planes and facilities at Bienhua airfield near Saigon. The attack put the President under great internal pressure, the analyst says, to strike back openly, as he had said in his directive of Sept. 10 that he was prepared to do "in the event of any attacks on U.S. units or any special D.R.V/VC action against SVN."

In the enemy's barrage, four Americans were killed, five B–57 bombers were destroyed and eight damaged. These were some of the B–57's that had earlier been sent from Japan to the Philippines at Mr. McNamara's suggestion as part of the preparations for possible bombing of the North. They had since been moved into South Vietnam, however, to try to shore up the Khanh Government's military position by bringing more air power to bear upon the Vietcong.

"As of the end of October (in anticipation of resumed De Soto patrols), elements of our Pacific forces were reported as 'poised and ready' to execute reprisals for any D.R.V. attacks on our naval vessels. Thus, there was a rather large expectancy among Administration officials that the United States would do something in retaliation," the analyst writes. The words in parentheses are his.

"Change of Ground Rules"

The Joint Chiefs told Mr. McNamara that the Bienhoa attack had been "a deliberate act of escalation and a change of the ground rules under which the VC had operated up to now." Asserting that "a prompt and strong response is clearly justified," they proposed, on the same day as the incident, "that the following specific actions be taken" (the words in parentheses are those of the Joint Chiefs; words in brackets have been inserted by The Times for clarification):

"a. Within 24–36 hours Pacific Command (PACOM) forces take initial U.S. military actions as follows:

"(1) Conduct air strikes in Laos against targets No. 3 (Tchepone barracks, northwest), No. 4 (Tchepone military area), No. 19 (Bantbay military area), No. 8 (Nape highway bridge), and the Banken bridge on Route 7.

"(2) Conduct low-level air reconnaissance of infiltration routes and of targets in North Vietnam south of Latitude 19 degrees.

"b. Prior to air attacks on the D.R.V., land the Marine special landing forces at Danang and airlift Army or Marine units from Okinawa to the Saigon-Tansonnhut-Bienhoa area, to provide increased security for US personnel and installations.

"c. Use aircraft engaged in airlift (subparagraph b, above) to assist in evacuation of U.S. dependents from Saigon, to commence concurrently with the daylight air strikes against the D.R.V. (subparagraph d, below).

"d. Assemble and prepare necessary forces so that:

"(1) Within 60 to 72 hours, 30 B–552's from Guam conduct a night strike on D.R.V. target No. 6 (Phucyen airfield). [Phucyen, 13 miles from Hanoi, is the principal North Vietnamese air base].

"(2) Commencing at first light on the day following subparagraph (1) above, PACOM air and naval forces conduct air strikes against D.R.V. targets No. 6 (Phucyen airfield) (daylight follow-up on the above night strike), No. 3 (Hanoi Gialam airfield), No. 8 (Haiphong Catbi airfield), No. 48 (Haiphong POL), and No. 49 (Hanoi POL). [POL is a military abbreviation for petroleum, oil and lubricants.]

"(3) Concurrently with subparagraph (2). above the Vietnamese Air Force (VNAF) will strike DRV target No. 36 (Vitthulu barracks).

"(4) Combat air patrols (CAP), flak suppressive fire, strike photographic reconnaissance, and search and rescue operations (S.A.R.) are conducted as appropriate.

"(5) The above actions are followed by:

"(a) Armed reconnaissance on infiltration routes in Laos.

"(b) Air strikes against infiltration routes and targets in the D.R.V.

"(c) Progressive PACOM and SAC [Strategic Air Command] strikes against the targets listed in 94 Target Study.

"(e) Thai bases be used as necessary in connection with the foregoing, with authority to be obtained through appropriate channels. . . .

"Recognizing that security of this plan is of critical importance, they [the Joint Chiefs] consider that external agencies, such as the VNAF, should be apprised only of those parts of the plan necessary to insure proper and effective coordination. The same limited revelation of plans should govern discussions with the Thais in securing authority for unlimited use of Thai bases."

CAUTION FROM SAIGON

From Saigon, Ambassador Taylor cabled for a more restrained response consisting of "retaliation bombing attacks on selected D.R.V. targets" using both American and South Vietnamese planes and for a "policy statement that we will act similarily in like cases in the future."

But the President felt otherwise for the moment. "Apparently, the decision was made to do nothing," the analyst says, adding that the documentary evidence does not provide an adequate explanation.

At a White House meeting the same day, the account continued, the President expressed concern that United States retaliatory strikes might bring counterretaliation by North Vietnam or China against American bases and civilian dependents in the South.

In briefing the press, Administration officials, unidentified in the study, drew a contrast "between this incident and the Tonkin Gulf attacks where our destroyers were 'on United States business.'"

"A second [White House] meeting to discuss possible U.S. actions was 'tentatively scheduled' for 2 November, but the available materials contain no evidence that it was held," the account continues. "President Johnson was scheduled to appear in Houston that afternoon, for his final pre-election address, and it may be that the second White House meeting was called off."

"One thing is certain," the writer concludes. "There were no retaliatory strikes authorized following the attack on the U.S. bomber base."

A PANEL UNDER BUNDY

But the President had not altogether declined to act on Nov. 1. He had appointed an interagency working group under William Bundy to draw up various political and military options for direct action against North Vietnam. This was the one "concrete result" of the Nov. 1 mortar raid on Bienhoa, the account reports.

The Bundy working group, as it would be unofficially called in the Government, held its first meeting at 9:30 A.M. on Nov. 3, the day that Mr. Johnson was elected to the Presidency in his own right by a huge landslide.

"Bienhoa may be repeated at any time" Mr. Bundy wrote in a memorandum to the group on Nov. 5. "This would tend to force our hand, but would also give us a good springboard for any decision for stronger action. The President is clearly thinking in terms of maximum use of a Gulf of Tonkin rationale, either for an action that would show toughness and hold the line till we can decided the big issue, or as a basis for starting a clear course of action under the broad options." [See text, McGeorge Bundy drafts, Nov. 5.]

Ostensibly, the Bundy group had a mandate to re-examine the entire American policy toward Vietnam and to recommend to the National Security Council a broad range of options. Its membership represented the entire foreign-policy-making machine of the Government—Mr. Bundy; Marshall Green; Michael V. Forrestal, head of the interagency Vietnam coordinating committee, and Robert Johnson c. the State Department; Mr. McNaughton from the civilian hierarchy of the Pentagon; Vice Adm. Lloyd M. Mustin from the Joint Chiefs' staff and Harold Ford of the Central Intelligence Agency.

"REMARKABLE LITTLE LATITUDE"

But, the account says, "there appears to have been, in fact, remarkably little latitude for reopening the basic question about U.S. involvement in the Vietnam struggle."

The basic national objective of "an independent, non-Communist South Vietnam," established by the President's National Security Action Memorandum 288 of the previous March, "did not seem open to question."

THE OPTIONS HARDENED

The September discussions had established a consensus that bombing of the North "would be required at some proximate future date for a variety of reasons" and individual and institutional pressures all tended to harden the options toward this end as they were finally presented to the National Security council and then the President.

The analyst gives a number of examples of this stiffening process from the successive draft papers developed by the group during its three weeks of deliberations.

"The extreme withdrawal option was rejected almost without surfacing for consideration" because of its conflict with the policy memorandums. "Fallback positions" outlined in an original working-group draft suffered a similar fate.

FIRST FALLBACK POSITION

The first fallback position, the study says, "would have meant holding the line—placing an immediate, low ceiling on the number of U.S. personnel in SVN, and taking vigorous efforts to build on a stronger base elsewhere, possibly Thailand."

"The second alternative would have been to undertake some spectacular, highly visible supporting action like a limited-duration selective bombing campaign as a last effort to save the South; to have accompanied it with a propaganda campaign about the unwinnability of the war given the GVN's ineptness and, then, to have sought negotiations through compromise and neutralization when the bombing failed."

But because of "forceful objections" by Admiral Mustin, the Joint Chiefs representative, both of these possibilities were downgraded in the final paper presented to the National Security Council on Nov. 21. In effect they were "rejected before they were fully explored," the study says.

Thus all three options, labeled A, B and C, entailed some forms of bombing, with "the distinctions between them" tending to blur as they evolved during the group's three weeks of deliberations, the analyst says. Mr. McNaughton and William Bundy collaborated closely on their formulation.

A similar convergence occurred on the question of negotiations.

THE MINIMUM POSITION

Here the minimum United States position was defined as forcing Hanoi to halt the insurgency in the South and to agree to the establishment of a secure, non-Communist state there, a position the analyst defines as "acceptance or else." Moreover, talks of any kind with Hanoi were to be avoided until the effects of bombing had put the United States into a position to obtain this minimum goal in negotiations.

"The only option that provided for bargaining in the usual sense of the word was Option C," the study says. Here the United States would be willing to bargain away international supervisory machinery to verify Hanoi's agreement.

"The policy climate in Washington simply was not receptive to any suggestion that U.S. goals might have to be compromised," the study comments.

These are the options in their final form as the study summarizes them:

OPTION A—Conduct U.S. reprisal air strikes on North Vietnam "not only against any recurrence of VC 'spectaculars' such as Bienhoa," intensify the coastal raids of Operation Plan 34A, resume the destroyer patrols in the gulf, step up the air strikes by T–28's against infiltration targets in Laos and seek reforms in South Vietnam.

OPTION B—What Mr. McNaughton called "a fast/full squeeze." Bomb the North "at a fairly rapid pace and without interruption," including early air raids on Phueyen Airfield near Hanoi and key bridges along the road and rail links with China until full American demands are met. "Should pressures for negotiations become too formidable to resist and discussion begin before a Communist agreement to comply," the analyst writes, "it was stressed that the United States should define its negotiating position 'in a way which makes Communist acceptance unlikely.' In this manner it would be 'very likely that the conference would break up rather rapidly,' thus enabling our military pressures to be resumed."

OPTION C—Mr. McNaughton's "slow squeeze"; the option he and William Bundy favored. Gradually increasing air strikes "against infiltration targets, first in Laos and then in the D.R.V., and then against other targets in North Vietnam" intended to "give the impression of a steady deliberate approach . . . designed to give the United States the option at any time to proceed or not, to escalate or not and to quicken the pace or not." This option also included the possibility of a "significant ground deployment to the northern part of South Vietnam" as an additional bargaining counter.

A SELECT COMMITTEE MEETS

On Nov. 24, a select committee of the National Security Council met to discuss the option papers formally presented to the council three days earlier. This group comprised Secretaries Rusk and McNamara, Mr. McCone, General Wheeler, McGeorge Bundy and Under Secretary of State George W. Ball.

William Bundy attended to keep a record and to represent the working group.

In the account of this meeting, Mr. Ball makes his first appearance in the Pentagon history as the Administration dissenter on Vietnam. William Bundy's memorandum of record says Mr. Ball "indicated doubt" that bombing the North in any fashion would improve the situation in South Vietnam and "argued against" a judgment that a Vietcong victory in South Vietnam would have a falling-domino effect on the rest of Asia.

While the working-group sessions had been in progress, the study discloses, Mr. Ball had been writing a quite different policy paper "suggesting a U.S. diplomatic strategy in the event of an imminent GVN collapse."

"In it, he advocated working through the U.K. [United Kingdom, or Britain] who would in turn seek cooperation from the U.S.S.R., in arranging an international conference (of smaller proportions than those at Geneva) which would work out a compromise political settlement for South Vietnam," the analyst says. The words in parentheses are the analyst's.

Of those present at the November 24 meeting, the memorandum of record indicates, only Mr. Ball favored Option A. The study gives the impression this was conceived as a throwaway option by the Working Group. The group's analysis labeled it "an indefinite course of action" whose "sole advantages" were these:

"(a) Defeat would be clearly due to GVN failure, and we ourselves would be less implicated than if we tried Option B or Option C, *and failed*.

"(b) The most likely result would be a Vietnamese negotiated deal, under which an eventually unified Communist Vietnam would reassert its traditional hostility to Communist China and limit its own ambitions to Laos and Cambodia."

SECRETARY RUSK DISAGREES

At the Nov. 24 meeting, however, Mr. Rusk said that while he favored bombing North Vietnam, he did not accept an analysis by Mr. McNaughton and William Bundy that if the bombing failed to save South Vietnam "we would obtain international credit merely for trying."

"In his view," the analyst writes, "the harder we tried and then failed, the worse our situation would be."

McGeorge Bundy demurred to some extent, the account goes on, but Mr. Ball "expressed strong agreement with the last Rusk point."

General Wheeler, reflecting the viewpoint of the Joint Chiefs, argued that the hard, fast bombing campaign of Option B actually entailed "less risk of a major conflict before achieving success," in words of the study, than the gradually rising air strikes of Option C.

The study adds that Mr. Bundy and Mr. McNaughton may have deliberately loaded the language of Option B to try to frighten the President out of adopting it lest it create severe international pressure for quick negotiations.

General Wheeler's argument presaged a running controversy between the Joint Chiefs and the civilian leadership after the bombing campaigns began in the coming year.

The meeting on Nov. 24 ended without a clear majority decision on which option should be recommended to the President. The principals resumed when Ambassador Taylor reached Washington to join the strategy talks on Nov. 27, 1964.

TAYLOR'S THREE PURPOSES

In a written briefing paper, he told the conferees:

"If, as the evidence shows, we are playing a losing game in South Vietnam . . . it is high time we change and find a better way." He proposed gradually increasing air strikes against the North for a threefold purpose:

"First, establish an adequate government in SVN; second, improve the conduct of the counterinsurgency campaign; finally persuade or force the D.R.V. to stop its aid to the Vietcong and to use its directive powers to make the Vietcong desist from their efforts to overthrow the Government of South Vietnam."

To improve anti-Communist prospects in the South, the Ambassador proposed using the lever of American air strikes against the North to obtain promises from the Saigon leaders that they would achieve political stability, strengthen the army and the police, suppress dissident Buddhist and student factions, replace incompetent officials and get on with the war effort.

The analyst says that the Ambassador had thus revised his earlier view that Washington should bomb the North merely to prevent "a collapse of national morale" in Saigon. He still favored some form of bombing in an emergency, but now he wanted something solid from the Saigon leaders in exchange for a coherent program of rising air war.

In the course of discussions on Nov. 27, however, the Ambassador acknowledged that while bombing "would definitely have a favorable effect" in South Vietnam, ". . . he was not sure this would be enough really to improve the situation," the analyst reports, again quoting from William Bundy's memorandum of record.

"Others, including McNamara, agreed with Taylor's evaluation, but the Secretary [Mr. McNamara] added that 'the strengthening effect of Option C could at least buy time, possibly measured in years.'"

Ambassador Taylor proposed that the Administration therefore adopt a two-phase program culminating in the bombing of infiltration facilities south of the 19th Parallel in North Vietnam, in effect Option A plus the first stages of Option C. Phase I would consist of 30 days of the Option A type of actions, such as intensification of the coastal raids on the North, air strikes by American jets at infiltration routes and one or two reprisal raids against the North. Meanwhile, Ambassador Taylor would obtain the promises of improvement from the Saigon leadership.

At the end of the 30 days, with the promises in hand, the United States would then move into Phase II, the air war. The air raids were to last two to six months, during which Hanoi was apparently expected to yield.

The others agreed, and the proposal was redefined further at a meeting on Nov. 28. William Bundy was assigned the task of drawing up a formal policy paper outlining the proposal. The Cabinet-level officials agreed to recommend it to the President at a White House meeting scheduled for Dec. 1, right after Mr. Johnson's Thanksgiving holiday at his ranch.

On Nov. 28, the same day that his closest advisers made their decision to advise him to bomb North Vietnam, Mr. Johnson was asked at a news conference at the ranch:

"Mr. President, is expansion of the Vietnam war into Laos or North Vietnam a live possibility at this moment?"

"WHEN YOU CRAWL OUT . . ."

"I don't want to give you any particular guide posts as to your conduct in the matter," Mr. Johnson told the newsmen about their articles. "But when you crawl out on a limb, you always have to find another one to crawl back on.

"I have just been sitting here in this serene atmosphere of the Pedernales for the last few days reading about the wars that you [speculating newsmen] have involved us in and the additional undertakings that I have made decisions on or that General Taylor has recommended or that Mr. McNamara plans or Secretary Rusk envisages. I would say, generally speaking, that some people are speculating and taking positions that I think are somewhat premature."

"At the moment," he concluded, "General Taylor will report to us on developments. We will carefully consider these reports. . . . I will meet with him in the early part of the week. I anticipate there will be no dramatic announcement to come out of these meetings except in the form of your speculation."

William Bundy's draft policy paper, written the next day, said the bombing campaign "would consist principally of progressively more serious air strikes, of a weight and tempo adjusted to the situation as it develops (possibly running from two to six months)." The words in parentheses are Mr. Bundy's."

The draft paper added: "Targets in the D.R.V. would start with infiltration targets south of the 19th Parallel and work up to targets north of that point. This could eventually lead to such measures as air strikes on all major military-related targets, aerial mining of D.R.V. ports, and a U.S. naval blockade of the D.R.V.

"Concurrently," it continued, "the U.S. would be alert to any sign of yielding by Hanoi, and would be prepared to explore negotiated solutions that attain U.S. objectives in an acceptable manner." [See text, working group's draft, Nov. 29.]

Apparently at Mr. McNamara's suggestion, the analyst says, a final sentence in this paragraph was deleted; it read, "The U.S. would seek to control any negotiations and would oppose any independent South Vietnamese efforts to negotiate." Also removed, possibly during a final meeting of the top officials on Nov. 30 to review the policy paper and "apparently on the advice of McGeorge Bundy," was a proposal that the President make a major speech indicating the new direction that Washington's policy was taking.

Likewise deleted was a provision to brief "available Congressional leaders . . . (no special leadership meeting will be convened for this purpose)" on new evidence being compiled on North Vietnamese infiltration into the South, as a public justification of the bombing.

A separate recommendation from the Joint Chiefs for a series of major raids—like those in their retaliation proposal for the Vietcong mortar strike at Bienhoa air base on Nov. 1—was deleted for unspecified reasons, the analyst says, "in effect, presenting a united front to the President."

The paper that was sent to the President made no mention of American ground troops to provide security for airfields in the South when the bombing began, as General Wheeler had reminded the conferees on Nov. 24 would be necessary.

The writer notes the "gap" between the drastic concessions expected from Hanoi and the relatively modest bombing campaign that was expected to break Hanoi's will. He puts forward "two by no means contradictory explanations of this gap." This is the first:

CALCULATED 'DOSES OF FORCE'

"There is some reason to believe that the principals thought that carefully calculated doses of force could bring about predictable and desirable responses from Hanoi. Underlying this optimistic view was a significant underestimate of the level of the D.R.V. commitment to victory in the South and an overestimate of the effectiveness of U.S. pressures in weakening that resolve."

A related factor, the account says, "Which, no doubt, commended the proposal to the Administration was the relatively low cost—in political terms—of such action." The context here indicates that the Administration thought the public would find an air war less repugnant than a ground war.

The President seems to have shared the view of his chief advisers, the analyst writes, that "the threat implicit in minimum but increasing amounts of force ('slow squeeze')

would . . . ultimately bring Hanoi to the table on terms favorable to the U.S."

"McGeorge Bundy, as the President's assistant for national security affairs, was in a position to convey President Johnson's mood to the group," the account goes on. It adds that notes taken at a White House meeting on Dec. 1 when the senior officials met with Mr. Johnson to present the bombing plan "tend to confirm that the President's mood was more closely akin to the measures recommended" than to other, harsher bombing plans.

"A second explanation of the gap between ends and means is a more simple one," the account comments. "In a phrase, we had run out of alternatives other than pressures."

A memorandum by Assistant Secretary McNaughton on Nov. 6, 1964, made the point succinctly: "Action against North Vietnam is to some extent a substitute for strengthening the Government in South Vietnam. That is, a less active VC (on orders from D.R.V.) can be matched by a less efficient GVN. We therefore should consider squeezing North Vietnam." The words in parentheses are Mr. McNaughton's. [See text.]

DOUBTS AT TWO POLES

The two dissenters from the view that "calculated doses of force" would bring Hanoi around were, at opposite poles, the Joint Chiefs and the intelligence agencies.

"The J.C.S. differed from this view on the grounds that if we were really interested in affecting Hanoi's will, we would have to hit hard at its capabilities," the account says. The Joint Chiefs wanted the United States to demonstrate a willingness to apply unlimited force.

Their bombing plan, deleted from the position paper before it was presented to the President, asserted that the destruction of all of North Vietnam's major airfields and its petroleum supplies "in the first three days" was intended to "clearly . . . establish the fact that the U.S. intends to use military force to the full limits of what military force can contribute to achieving U.S. objectives in Southeast Asia . . . The follow-on military program—involving armed reconnaissance of infiltration routes in Laos, air strikes on infiltration targets in the D.R.V. and then progressive strikes throughout North Vietnam—could be suspended short of full destruction of the D.R.V. if our objectives were achieved earlier."

The analyst remarks that the Joint Chiefs' plan was "shunted aside because both its risks and costs were too high," but the author does not attempt to evaluate the possible effect of his plan on Hanoi's will.

Like Mr. Ball, the account says, the intelligence community "tended toward a pessimistic view" of the effect of bombing on the Hanoi leaders.

The intelligence panel within the Bundy working group, composed of representatives from the three leading intelligence agencies—the C.I.A., the State Department's Bureau of Intelligence and Research and the Pentagon's Defense Intelligence Agency—"did not concede very strong chances for breaking the will of Hanoi," the author writes.

ANALYSIS OF ENEMY POLICY

"The course of actions the Communists have pursued in South Vietnam over past few years implies a fundamental estimate on their part that the difficulties facing the U.S. are so great that U.S. will and ability to maintain resistance in that area can be gradually eroded—without running high risks that this would wreak heavy destruction on the D.R.V. or Communist China," the panel's report said.

If the United States now began bombing, the panel said, the Hanoi leadership would have to ask itself "a basic question" about how far the United States was willing to step up the war "regardless of the danger of war with Communist China and regardless of the international pressures that could be brought to bear. . . ." The decision of the Hanoi leadership was thus uncertain for a number of reasons, the panel cautioned, and "in any event, comprehension of the other's intentions would almost certainly be difficult on both sides, and especially as the scale of hostilities mounted."

The panel then cast doubt on the so-called Rostow thesis of how much Hanoi feared destruction of its industry. This thesis, named for its proponent, Walt W. Rostow, chairman of the State Department's Policy Planning Council, underlay much of the Administration's hope for the success of a bombing campaign.

The panel said: "We have many indications that the Hanoi leadership is acutely and nervously aware of the extent to which North Vietnam's transportation system and industrial plant is vulnerable to attack. On the other hand, North Vietnam's economy is overwhelmingly agricultural and, to a large extent, decentralized in a myriad of more or less economically self-sufficient villages. Interdiction of imports and extensive destruction of transportation facilities and industrial plants would cripple D.R.V. industry. These actions would also seriously restrict D.R.V. military capabilities, and would degrade, though to a lesser extent, Hanoi's capabilities to support guerrilla warfare in South Vietnam and Laos. We do not believe that such actions would have a crucial effect on the daily lives of the overwhelming majority of the North Vietnam population. We do not believe that attacks on industrial targets would so greatly exacerbate current economic difficulties as to create unmanageable control problems. It is reasonable to infer that the D.R.V. leaders have a psychological investment in the work of reconstruction they have accomplished over the last decade. Nevertheless, they would probably be willing to suffer some damage to the country in the course of a test of wills with the U.S. over the course of events in South Vietnam."

NO CHANGE OF POLICY

As in the case of earlier intelligence findings that contradicted policy intentions, the study indicates no effort on the part of the President or his most trusted advisers to reshape their policy along the lines of this analysis.

One part of the intelligence panel's report that the Administration did accept was a prediction that China would not react in any major way to a bombing campaign unless American or South Vietnamese troops invaded North Vietnam or northern Laos. The study indicates that this analysis eased Administration fears on this point.

Chinese reaction to systematic bombing of North Vietnam was expected to be limited to providing Hanoi with antiaircraft artillery, jet fighters and naval patrol craft. The panel predicted that the Soviet role was "likely to remain a minor one," even where military equipment was concerned. However, the Russians subsequently sent large-scale shipments of formidable antiaircraft equipment to North Vietnam.

"CAUTIOUS AND EQUIVOCAL"

Now that a decision to bomb North Vietnam was drawing near, the study says, Mr. Johnson became "cautious and equivocal" in approaching it. Two analysts of this period, in fact, differ in their characterization of his decision at the two-and-a-half-hour White House meeting on Dec. 1, 1964, a month after the election, when the bombing plan was presented to him.

One analyst says that at this meeting the President "made a tentative decision" to bomb, ordering the preparatory Phase I put into effect and approving Phase II, the air war itself, "in principle."

The second analyst says that while the President approved the entire bombing plan "in general outline at least . . . it is also clear that he gave his approval to implement only the first phase of the concept."

The President tied the actual waging of air war to reforms by the Saigon Government, this analyst says, and left an impression by the end of the meeting that he was "considerably less than certain that future U.S. actions against North Vietnam (the air war) would be taken, or that they would be desirable."

NO FOLLOWING MEMORANDUM

The study notes that "the precise nature of the President's decisions" at the meeting is not known because a national security action memorandum was not issued afterward.

"However," the study continues, "from handwritten notes of the meeting, from instructions issued to action agencies and from later reports of diplomatic and military actions taken, it is possible to reconstruct the approximate nature of the discussion and the decisions reached." The footnotes do not indicate who made the handwritten notes found in the Pentagon files, although the indication is that it was Mr. McNaughton or Mr. McNamara.

After a briefing by Ambassador Taylor on the situation in South Vietnam, the discussion turned to a draft statement, prepared by William Bundy, that the Ambassador was to deliver to the Saigon leaders. The statement explained the two-phase bombing plan and tied Phase II to a serious attempt by the Saigon leadership to achieve some political stability and get on with the war effort against the Vietcong.

In Saigon, General Khanh had nominally surrendered authority to a civilian cabinet headed by Premier Tran Van Huong. The general was intriguing against the Huong Cabinet, however, as the ostensible commander in chief of the armed forces and head of a Military Revolutionary Committee of South Vietnamese generals. Within this council, a group headed by Air Vice Marshall Nguyen Cao Ky, the chief of the air force, was intriguing both with and against General Khanh.

Against this background, the study says of the White House meeting:

"The President made it clear that he considered that pulling the South Vietnamese together was basic to anything else the United States might do. He asked the Ambassador specifically which groups he (Ambassador Taylor) might talk to and what more we might do to help bring unity among South Vietnam's leaders. He asked whether we could not say to them 'we just can't go on' unless they pulled together. To this, Taylor replied that we must temper our insistence somewhat. . . ."

WHICH ONES TO BRIEF

The meeting then moved into a discussion of which allied countries were to be briefed on the proposed air war. The President said he wanted "new, dramatic effective" forms of assistance from several, specifically mentioning Australia, New Zealand, Canada and the Philippines. These briefings by special envoys were included in the draft position paper laying out the bombing plan as the important diplomatic element in Phase I.

"In each case," the study says, "the representative was to explain our concept and proposed actions and request additional contributions by way of forces in the event the second phase of U.S. actions were entered."

The plan made no provision for similar consultations with Congressional leaders and there is no evidence in the study that Mr. Johnson conducted any.

In approving the statement General Taylor was to make to the Saigon leaders, the President also gave his assent to ready the military signal that was formally to sound the beginning of the 30 days of Phase I—Operation Barrel Roll, air strikes by United States Air Force and Navy jets of Yankee

Team against infiltration routes and facilities in the Laotian panhandle, which was to be the final step-up in the Laos air operations.

At the end of the meeting, the account continues, Ambassador Taylor "slipped out the White House rear entrance" to avoid the press and "only a brief, formal statement" was issued. The analyst, remarks that the White House press statement released immediately afterward "contained only two comments regarding any determinations that had been reached."

INSTRUCTIONS FOR TAYLOR

One said, "The President instructed Ambassador Taylor to consult urgently with the South Vietnamese Government as to measures that should be taken to improve the situation in all its aspects."

The other, the concluding paragraph, said the President had "reaffirmed the basic U.S. policy of providing all possible and useful assistance to the South Vietnamese people and Government in their struggle to defeat the externally supported insurgency and aggression being conducted against them."

The final sentence in this paragraph, the analyst notes, was one "specifically linking this policy" with Congress's Tonkin Gulf resolution. The sentence read: "It was noted that this policy accords with the terms of the Congressional joint resolution of Aug. 10, 1964, which remains in full force and effect."

Then, on Dec. 3, emerging from a second meeting with Mr. Johnson, "presumably having received the final version of his instructions," the account goes on, Ambassador Taylor told reporters assembled at the White House "that he was going to hold 'across-the-board' discussions with the GVN."

"Asserting that U.S. policy for South Vietnam remained the same, he stated that his aim would be to improve the deteriorating situation in South Vietnam. Although he hinted of changes 'in tactics and method,' he quite naturally did not disclose the kind of operations in which the United States was about to engage or any future actions to which immediate activity could lead."

The Administration now moved quickly. William Bundy left for Australia and New Zealand the next day, Dec. 4, to brief their governments on both phases of the bombing plan, the writer says.

WILSON VISITS WASHINGTON

Prime Minister Harold Wilson of Britain was "thoroughly briefed on the forthcoming U.S. actions" during a state visit to Washington Dec. 7 to 9, the narrative continues, while other envoys briefed the Canadians and the Asian allies. The writer notes that while Britain, Australia and New Zealand were given "the full picture," the Canadians were "told slightly less" and the Philippines, South Korea and the Chinese Nationalist Government on Taiwan were "briefed on Phase I only." What the Thais and the Laotians were told is not made explicit.

The New Zealand Government "expressed grave doubts" that the bombing would break Hanoi's will, the writer says, and predicted that it might increase infiltration to South Vietnam.

In meetings in Saigon on Dec. 7 and 9 with General Khanh and Premier Huong, Ambassador Taylor exacted the desired promises in exchange for the bombing. At the second meeting, the Ambassador presented them with a draft press release describing the desired improvements, including strengthening of the army and the police, which the Saigon Government released in its own name, at the United States' request, on Dec. 11.

William H. Sullivan, newly appointed as Ambassador to Laos, obtained Premier Souvanna Phouma's agreement on Dec. 10 to the American air strikes at infiltration routes along the Ho Chi Minh Trail supply network through the Laotian panhandle, and Operation Barrel Roll got under way on Dec. 14 with attacks by American jets on "targets of opportunity"—that is, unprogramed targets sighted by the pilots.

At a meeting of the National Security Council on Dec. 12, when the final details for Barrel Roll were reviewed and approved, the study reports, it was "agreed that there would be no public operations statements about armed reconnaissance in Laos unless a plane were lost."

"In such an event, the principals stated, the Government should continue to insist that we were merely escorting reconnaissance flights as requested by the Laotian Government."

LEVEL OF ATTACKS SET

McGeorge Bundy was quoted in the memorandum of record as stating that the agreed plan "fulfilled precisely the President's wishes."

On Dec. 18 Secretary McNamara set the level of Barrell Roll attacks for the 30 days of Phase I—the analyst indicates that he did so at the President's wishes—at two missions of four aircraft apiece each week.

The Administration also stepped up the raids by T–28 fighter planes in Laos with a joint message on Dec. 8 from Secretaries McNamara and Rusk to Ambassador Sullivan. The cable instructed him to have the Laotians intensify bombing "in the corridor areas and close to the D.R.V. border."

The analyst reports that in the three months between the beginning of October and the end of December there were 77 sorties by the T–28's in the panhandle area—a sortie is a strike by a single plane—and that by early December the air raids had "already precipitated several complaints from the D.R.V." to the International Control Commission "alleging U.S.-sponsored air attacks on North Vietnamese territory."

Events in Saigon had meanwhile gone awry. Political turmoil broke out there again with Buddhist and student demonstrations against Premier Huong's Cabinet.

On Dec. 20, in defiance of Ambassador Taylor's wishes, General Khanh, in a temporary alliance with the so-called Young Turks—the young generals led by Marshal Ky—announced the dissolution of the High National Council, a body that was supposed to be functioning as a temporary legislature to draw up a constitution for a permanent civilian government. They also made a large number of political arrests by night, seizing several members of the High National Council.

That day, Ambassador Taylor summoned the Young Turks to the embassy and, in the writer's words, read them "the riot act." They included Gen. Nguyen Van Thieu, now President of South Vietnam.

According to the embassy's cable to Washington, the conversation began like this:

Ambassador Taylor: Do all of you understand English? (Vietnamese officers indicated they did . . .)

I told you all clearly at General Westmoreland's dinner we Americans were tired of coups. Apparently I wasted my words. Maybe this is because something is wrong with my French because you evidently did not understand. I made it clear that all the military plans which I know you would like to carry out are dependent on government stability. Now you have made a real mess. We cannot carry you forever if you do things like this.

Marshal Ky and other Vietnamese generals denied that they had staged a coup and said they were trying to achieve unity by getting rid of divisive elements, the account goes on.

The Ambassador tried to persuade them to support the civilian regime of Premier Huong and apparently to restore the High National Council. The Vietnamese officers would not agree.

The embassy cable describes the end of the conversation:

"In taking a friendly leave, Ambassador Taylor said: 'You people have broken a lot of dishes and now we have to see how we can straighten out this mess.'" [See text, Taylor message, Dec. 12.]

By the end of the month, Ambassador Taylor, Deputy Ambassador Johnson and General Westmoreland had apparently despaired of trading a bombing campaign against the North for a stable Saigon Government that would prosecute the war in the South. On Dec. 31, the account continues, they sent a joint message to Washington saying, in effect, that the United States should go ahead with the air campaign against the North "under any conceivable alliance condition short of complete abandonment of South Vietnam."

A FIRMER BASE SOUGHT

The account indicates, however, that the President was reluctant to proceed into Phase II without at least the appearance of a firmer base in Saigon since the turmoil there was making it more difficult for him to justify escalation to the American public.

The writer remarks that at the meeting of the senior National Security Council Members on Dec. 24, Secretary Rusk "raised an issue that was high among Administration concerns—namely that the American public was worried about the chaos in the GVN, and particularly with respect to its viability as an object of increased U.S. commitment."

On Christmas Eve, the Vietcong planted a bomb in the Brinks, an officers billet in Saigon, killing two Americans in the blast and wounding 58 others; the President declined to authorize reprisal air strikes against the North, despite vigorous recommendations from Ambassador Taylor, Admiral Sharp in Honolulu and the Joint Chiefs, who were now pressing hard for escalation.

"Highest levels today reached negative decision on proposal . . . for reprisal aciton," Mr. Rusk cabled the Ambassador on Dec. 29.

Five days earlier, Mr. Rusk had also instructed Ambassador Taylor to halt, until the turmoil in Saigon subsided, the planned, piecemeal release to the press of evidence of a major increase in infiltration from the North during 1964, the writer says. The Ambassador had first reported the increase to Washington in October, along with a report of the appearance of individual North Vietnamese Army regulars, and the Administration began leaking the information in November through background briefings.

MAKING A CASE IN PUBLIC

By this time, the Administration felt that it had sufficient information on infiltration to make a public case for bombing the North. The intelligence community had obtained evidence that a minimum of 19,000 and a maximum of 34,000 infiltrators, mostly former southerners who had fought against the French in the Vietminh, had entered the South since 1959. Chester L. Cooper, a former intelligence officer, had put together a major report on Hanoi's support and direction of the guerrillas, but the Administration had decided earlier in December against public disclosure of the document itself because this might create "undesirable speculation," and had instead instructed the Ambassador to continue the piecemeal approach. Now, the analyst says, Mr. Rusk wanted this halted as well for fear that more publicity might create pressure for action prematurely.

DEBATE GROWS IN CONGRESS

The political upheaval in Saigon, the writer continues, was fueling a Vietnam debate in Congress, which, while it did not exhibit much antiwar sentiment, did show considerable confusion and dismay, the writer says.

Secretary Rusk, on television on Jan. 3, 1965 (felt it necessary to defend the Administration "in the context of a year-end foreign policy report," the account adds.

Mr. Rusk did not hint at the Administration's plans for possible bombing of the North. "Ruling out either a U.S. withdrawal or a major expansion of the war," the writer says, "Rusk gave assurances that with internal unity, and our aid and persistence the South Vietnamese could themselves defeat the insurgency."

On Jan. 14, however, as a result of the loss of two American jets over Laos in Operation Barrel Roll, "accounts of U.S. air operations against Laotian infiltration routes gained wide circulation for the first time," the writer says. A dispatch from Laos by United Press International, he adds, "in effect blew the lid on the entire Yankee Team operation in Laos since May of 1964."

"Despite official State or Defense refusal to comment on the nature of the Laotian air missions, these disclosures added new fuel to the public policy debate," the writer continues. The disclosures were complicating matters for the President by giving ammunition to the very small minority of anti-war senators who were taking seriously the press speculation that the United States might be getting ready to bomb the North.

In a Senate speech on Jan. 19, the account goes on, Senator Wayne Morse of Oregon charged that the Yankee Team air strikes had ignored the 1962 Geneva accords on Laos and "violated the nation's belief in 'substituting the rule of law for the jungle law of military might.' Broadening his attack, he warned, that 'there is no hope of avoiding a massive war in Asia' if U.S. policy towards Southeast Asia were to continue without change."

Within the Administration in Washington, key policy makers were coming to the same conclusion that Ambassador Taylor and his colleagues had reached in Saigon—that it was desirable to bomb the North regardless of what state of government existed in the South.

The political turmoil in Saigon, the narrative says, appears "to have been interpreted in Washington as an impending sell-out" to the National Liberation Front. Fear increased that a neutralist coalition government would emerge and invite the United States to leave.

VICTORY FOR THE VIETCONG

Washington's sense of crumbling in the military situation was heightened when Saigon's army suffered a "highly visible" setback in a ferocious battle at Binhgia, southeast of the capital, between Dec. 26 and Jan. 2. Vietcong guerrillas nearly destroyed two South Vietnamese Marine battalions.

"All evidence pointed to a situation in which a final collapse of the GVN appeared probable and a victorious consolidation of VC power a distinct possibility," the narrative says.

AS THE HOUR APPROACHED

William Bundy communicated the feeling in a memoranum he wrote to Secretary Rusk on Jan. 6 for a meeting Mr. Rusk was to have with the President that afternoon. Mr. Bundy explained that the memorandum encompassed, besides his own thoughts, those of Michael V. Forrestal, head of the interagency Vietnam coordinating committee, and Ambassador Unger, who had recently been transferred back to Washington from Vientiane.

"I think we must accept that Saigon morale in all quarters is now very shaky indeed," he said in part, "and that this relates directly to a wide-spread feeling that the U.S. is not ready for stronger action and indeed is possibly looking for a way out. We may regard this feeling as irrational and contradicted by our repeated statements, but Bill Sullivan was very vivid in describing the existence of such feelings in October, and we must honestly concede that our actions and statements since the election have not done anything to offset it. The blunt fact is that we have appeared to the Vietnamese (and to wide circles in Asia and even in Europe) to be insisting on a more perfect government than can reasonably be expected, before we consider any additional action—and that we might even pull out our support unless such a government emerges.

"In key parts of the rest of Asia, notably Thailand, our present posture also appears weak. As such key parts of Asia see us, we looked strong in May and early June, weaker in later June and July, and then appeared to be taking a quite firm line in August with the Gulf of Tonkin. Since then we must have seemed to be gradually weakening—and, again, insisting on perfectionism in the Saigon Government before we moved.

"The sum total of the above seems to us to point—together with almost certainly stepped-up Vietcong actions in the current favorable weather—to a prognosis that the situation in Vietnam is now likely to come apart more rapidly than we had anticipated in November. We would still stick to the estimate that the most likely form of coming apart would be a government of key groups starting to negotiate covertly with the Liberation Front or Hanoi, perhaps not asking in the first instance that we get out, but with that necessarily following at a farily early stage. In one sense this would be a 'Vietnam solution,' with some hope that it would produce a Communist Vietnam that would assert its own degree of independence from Peiping and that would produce a pause in Communist pressure in Southeast Asia. On the other hand, it would still be virtually certain than [sic] Laos would then become untenable and that Cambodia would accommodate in some way. Most seriously, there is grave question whether the Thai in these circumstances would retain any confidence at all in our continued support. In short, the outcome would be regarded in Asia, and particularly among our friends, as just as humiliating a defeat as any other form. As events have developed, the American public would probably not be too sharply critical, but the real question would be whether Thailand and other nations were weakened and taken over thereafter.

"The alternative of stronger action obviously has grave difficulties. It commits the U.S. more deeply, at a time when the picture of South Vietnamese will is extremely weak. To the extent that it included actions against North Vietnam, it would be vigorously attacked by many nations and disapproved initially even by such nations as Japan and India, on present indications. Most basically, its stiffening effect on the Saigon political situation would not be at all sure to bring about a more effective government, nor would limited actions against the southern D.R.V. in fact sharply reduce infiltration or, in present circumstances, be at all likely to induce Hanoi to call it off.

"Nonetheless, on balance we believe that such action would have some faint hope of really improving the Vietnamese situation, and, above all, would put us in a much stronger position to hold the next line of defense, namely Thailand. Accepting the present situation—or any negotiation on the basis of it—would be far weaker from this latter key standpoint. If we moved into stronger actions, we should have in mind that negotiations would be likely to emerge from some quarter in any event, and that under existing circumstances, even with the additional element of pressure, we could not expect to get an outcome that would really secure an independent South Vietnam. Yet even on an outcome that produced a progressive deterioration in South Vietnam and an eventual Communist take-over, we would still have appeared to Asians to have done a lot more about it.

"In specific terms, the kinds of action we might take in the near future would be:

"a. An early occasion for reprisal action against the D.R.V.

"b. Possibly beginning low-level reconnaissance of the D.R.V. at once.

"Concurrently with a or b, an early orderly withdrawal of our dependents [from Saigon, but only if] stronger action [is contemplated]. If we are to clear our decks in this way—and we are more and more inclined to think we should—it simply must be, for this reason alone, in the context of some stronger action. . . .

"Introduction of limited U.S. ground forces into the northern area of South Vietnam still has great appeal to many of us, concurrently with the first air attacks into the D.R.V. It would have a real stiffening effect in Saigon, and a strong signal effect to Hanoi. On the disadvantage side, such forces would be possible attrition targets for the Vietcong."

A SIMILAR MEMORANDUM

Mr. McNaughton, Mr. Bundy's counterpart at the Pentagon, had given Mr. McNamara a similar memorandum three days earlier.

"The impact of these views can be seen in the policy guidance emanating from Washington in mid and late January, 1965," the Pentagon's narrative says.

In a cablegram to Saigon on Jan. 11, the writer goes on, Secretary Rusk instructed Ambassador Taylor "to avoid actions that would further commit the United States to any particular form of political solution" to the turmoil there. If another military regime emerged from the squabbling "we might well have to swallow our pride and work with it," Mr. Rusk said.

Another memorandum to Mr. McNamara from Mr. McNaughton, on Jan. 27, along with Mr. McNamara's pencilled comments on it, "adds perspective to this viewpoint," the historian says. Mr. McNaughton stated "and Mr. McNamara agreed" that the United States objective in South Vietnam was "not to 'help friend' but to contain China," and "both favored initiating strikes against North Vietnam."

Paraphrasing the memorandum and Mr. McNamara's comments, the writer says, "At first they believed these [air attacks] should take the form of reprisals; beyond that, the Administration would have to 'feel its way' into stronger, graduated pressures. McNaughton doubted that such strikes would actually help the situation in South Vietnam, but thought they should be carried out anyway. McNamara believed they probably would help the situation, in addition to their broader impacts on the U.S. position in Southeast Asia."

"Clear indication that the Administration was contemplating some kind of increased military activity" had gone out to Saigon two days earlier in another cablegram from Mr. Rusk, the account goes on. "Ambassador Taylor was asked to comment on the 'departmental view' that U.S. dependents should be withdrawn to 'clear the decks' in Saigon and enable better concentration of U.S. efforts on behalf of South Vietnam."

THE SIGNAL FOR "D-DAY"

Ever since the original bombing scenario of May 23, 1964, the evacuation of American women and children had been the signal for "D-Day."

"The Rusk cable made specific reference to a current interest in reprisal actions," the analyst says.

The initial blow came in about two weeks. The Vietcong attacked the United States military advisers' compound at Pleiku in the Central Highlands and an Army helicopter base at Camp Holloway, four miles away. Nine Americans were killed and 76 wounded.

"The first flash from Saigon about the assault came on the ticker at the National Military Command Center at the Pentagon at 2:38 P.M. Saturday, Feb. 6, Washington time," the narrative says. "It triggered a swift, though long-contemplated Presidential

decision to give an 'appropriate and fitting' response. Within less than 14 hours, by 4 P.M. Sunday, Vietnam time, 49 U.S. Navy jets—A–4 Skyhawks and F–8 Crusaders from the Seventh Fleet carriers U.S.S. Coral Sea and U.S.S. Hancock—had penetrated a heavy layer of monsoon clouds to deliver their bombs and rockets upon North Vietnamese barracks and staging areas at Donghoi, a guerrilla training garrison 40 miles north of the 17th Parallel.

"Though conceived and executed as a limited one-shot tit-for-tat reprisal, the drastic U.S. action, long on the military planners' drawing boards under the operational code name Flaming Dart precipitated a rapidly moving sequence of events that transformed the character of the Vietnam war and the U.S. role in it."

Then the guerillas attacked an American barracks at Quinhon, on the central coast, and on Feb. 11, the President launched a second and heavier reprisal raid, Flaming Dart II.

Two days later, on Feb. 13, he decided to begin Operation Rolling Thunder, the sustained air war against North Vietnam.

"As is readily apparent," the analyst concludes, "there was no dearth of reasons for striking North. Indeed, one almost has the impression that there were more reasons than were required. But in the end, the decision to go ahead with the strikes seems to have resulted as much from the lack of alternative proposals as from any compelling logic in their favor."

THE INDIVIDUAL INCOME TAX SHARING ACT OF 1971

The SPEAKER pro tempore (Mr. GONZALEZ). Under a previous order of the House the gentleman from Texas (Mr. PRICE) is recognized for 30 minutes.

Mr. PRICE of Texas. Mr. Speaker, I rise to introduce the Individual Income Tax Sharing Act of 1971. I am making this proposal because I believe it to constitute an appropriate means of achieving true tax reform. I would point out that the Individual Income Tax Sharing Act of 1971, as such, also represents an alternative to revenue sharing. I still favor revenue sharing in principle, and I think Congress should continue to explore its possibilities in depth along with those of the act.

Mr. Speaker, in my judgment, this Congress has an obligation to the people of our Nation to as quickly as possible arrive at a means to reduce the mounting fiscal crisis that is besetting State and local governments. The extent of this crisis can be determined by examining the trends in State and local financing over the last two decades. In 1950, State and local spending amounted to $28 billion. By 1969, it had risen to $132 billion; an increase of 372 percent. During those same years State and local debt increased 454 percent; from $24 billion to $134 billion. State and local taxes have followed this same dizzying spiral. In 1950, per capita State and local tax totaled $105 billion. By 1969, this figure had increased 262 percent to $380 billion.

While State and local fiscal affairs have been growing, Federal involvement in and Federal spending for State and local programs have also been growing, but at even a more alarming rate. In 1950, Federal aid amounted to $2.5 billion. This year over $30 billion will be given to State and local governments. This represents an increase of 1,200 percent. Unfortunately, this growth has not worked to the taxpayers' best advantage, for the $30 billion in Federal aid that will be distributed this year will not be dispensed very efficiently or, I am afraid, very effectively. With Government bureaucrats allocating and distributing Federal dollars to State and local governments through over 500 different grant programs administered in a jungle of Federal regulations, waste and ineffectiveness is almost guaranteed.

It was in an effort to attack this problem at its roots that President Nixon has proposed that the Federal Government share a part of the general tax revenue raised each year with State and local governments. According to the President's proposals, in the very first year general revenue sharing comes into being, $5 billion of new money will be shared by States, counties, cities, and townships. This $5 billion represents 1.3 percent of the national personal income tax base; consequently, tax revenues shared will increase in proportion to the increase in annual income tax collections. In addition, unlike the present Federal assistance setup, there will be no strings attached to general revenue sharing. There will be no required programs, projects, or matching State or local funding requirements. There will be just money. Pure and simple money.

Mr. Speaker, even though revenue sharing, if it is enacted by this Congress, will help alleviate the fiscal pressures on State and local governments, I do have certain reservations about revenue sharing in concept and in practice. These reservations are centered on my belief that taking money from individuals in the form of taxes then indirectly giving them part of their money back minus certain operating costs through general revenue sharing is not the best way to operate. In my judgment, the Individual Income Tax Sharing Act of 1971 constitutes a better approach because it permits the individual to retain larger shares of his earned income, it reduces personal tax burdens, and it gives State and local governments more flexibility in determining the optimal tax combinations and levels which will best help them meet their own particular fiscal needs.

While the act is complex and will require detailed study by the taxwriting Ways and Means Committee, there are certain central provisions of my proposal which I would like to highlight for the benefit of my colleagues. Most basic to the act are the provisions providing the taxpayer with a Federal income tax credit equal to 20 percent of his combined State and local taxes. This credit would be easy to compute and to utilize and it would be available to all taxpayers whether they itemize or use the standard deduction to determine taxable income.

The bill also would increase the credit for State death taxes which may be taken against the Federal estate tax to 80 percent of any Federal estate taxes on the first $150,000 of a taxable estate plus 20 percent of the Federal estate tax on any taxable estate over $150,000. Under present laws the Federal tax credit, which is based on an 80-percent tax schedule established in 1926, provides a credit of only about 10 percent of the present estate tax rates. In this connection, the bill also changes present law to exempt members of the Armed Forces who die as a result of injuries received in a combat zone from Federal estate taxes. Simple justice demands that this be included for the reason that those who sacrifice their lives for the sake of their country should not have their estates levied upon by the Federal Government.

In addition, the bill directs the Secretary of the Treasury to work with the Joint Senate-House Committee on Internal Revenue Taxation for the purpose of determining the feasibility of the Federal Government's taking the costs and the burdens of State income tax collection from States who want the Federal Government to perform this service. A study of this area would be performed under the auspices of the Treasury Secretary and the joint committee. The results would be submitted to Congress for review and action not later than 1 calendar year after the date of the enactment of this act. This provision is based on the belief that if Federal collection of State income taxes is feasible, it should ease the reporting burdens on individual taxpayers and employers, eliminate tax collection costs for the participating States, and streamline the process by which State and Federal taxes are collected.

In sum, Mr. Speaker, the Individual Tax Sharing Act of 1971 is a proposal designed to provide an alternative to general revenue sharing, an alternative based on the proposition that it is better to increase indivdual disposable income through tax reductions than it is for the Government merely to share tax revenues taken from already overburdened taxpayers with State and local governments. I commend this proposal to the attention of my colleagues and urge them to give it their support.

TAKE PRIDE IN AMERICA

The Speaker pro tempore. Under a previous order of the House the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. Today being Flag Day, it is significant to note the number of requests for flags having been flown over the U.S. Capitol Building. The Capitol Architect's office which supervises the flying of flags for congressional constituents reports that 31,722 requests were handled in 1970. This was 7,982 more flags than the total flown in 1969.

TRAVEL FOR ELDERLY, HANDICAPPED

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York (Mr. ROSENTHAL) is recognized for 10 minutes.

Mr. ROSENTHAL. Mr. Speaker, on behalf of myself and 28 of my colleagues I am reintroducing today a bill to permit the elderly and the handicapped to travel free or at reduced rates on the Nation's commercial air, rail, and bus lines.

Joining me as cosponsors are Mr. ADDABBO, Mr. BURTON, Mrs. CHISHOLM, Mr. DENT, Mr. DELLUMS, Mr. DONOHUE, Mr. EDWARDS of California, Mr. EILBERG, Mr. ESCH, Mrs. GRASSO, Mr. HALPERN, Mr. HANSEN of Idaho, Mr. HARRINGTON, Mr. HAWKINS, Mr. KOCH, Mr. MADDEN, Mr. MCKEVITT, Mr. MIKVA, Mrs. MINK, Mr. MITCHELL, Mr. NIX, Mr. PEPPER, Mr. PIKE, Mr. PODELL, Mr. SEIBERLING, Mr. TIERNAN, Mr. WALDIE, and Mr. YATRON.

This bill will help the 20 million elderly Americans and 6 million handicapped citizens visit their friends and family more easily and get more enjoyment out of life. These are people with limited incomes and critical mobility problems. They are the ones who feel the greatest impact of rising fares and continuing inflation.

The financially pressed transportation industry will benefit from this bill as well. The elderly and the handicapped represent a virtually untapped market for most of the Nation's air, rail, and bus lines. With more empty seats than they need, there is not a carrier that could not use the additional business.

Public response to this proposal following its original introduction on May 26, 1971—H.R. 8754—has been very encouraging. I would like to insert in the RECORD. Most are from persons who would use such an opportunity to travel; they eloquently tell of the desirability of such legislation.

The letters follow:

DEAR CONGRESSMAN ROSENTHAL: Bravo to you for trying to put through reduced fares for senior citizens, particularly those on Social Security. It would certainly create a lot of happiness to be able to travel a bit—even though our resources are limited (like the reduced half-fares of bus & subway travel in NY which are so helpful). (From a New York woman.)

MY DEAR CONGRESSMAN ROSENTHAL: Your bill which seeks travel break for elderly would be what the doctor prescribed for senior citizens. I'm retired 14 years, I'm well and could use such consideration in reduced fares. I hope you will hear from those in my class. (From a Long Island man.)

DEAR SIR: Thank you for your bill giving the aged a cut in travel. We are all your constituents, a group of 60 called the Golden Age Group. Please continue your good work for the senior citizens. Thank you. (From a Long Island group.)

DEAR CONGRESSMAN B. S. ROSENTHAL: Your bill seeking travel break for elderly is great.

I have written to airlines asking for reduced rates for elderly as when I went to Chicago I was in any empty plane.

Since I'm 58 I would like your bill to apply to me. Your idea is very good. Thank you. (From a Middle Village, N.Y., woman.)

DEAR SIR: Legislation to allow elderly and disabled people to travel at reduced rates on airlines and railroads is the best news we have heard in a long time. We who have children and grandchildren living as far as 3,000 miles from New York are anxiously awaiting to see what happens to your timely proposal. We the elderly have discussed this topic many times at the Senior Citizens Centers. As we grow old our desire to see our children becomes very strong, but the high travel rates keep us from seeing them, altho we have the time. Your proposal would be a dream come true. May God Bless You and your family with good health. (From a New York woman.)

DEAR CONGRESSMAN ROSENTHAL: I read about your bill which would allow the elderly to travel free or at reduced rates. This bill if passed would do much to enhance the lives of the elderly who are very, very lonely. They could visit their loved ones and also see a little more than the street or town where they live. Living on a fixed income is a struggle even for those who put aside some money in their working years to give them a little security in their old age. Inflation and illness wipes out most savings. Travel is a luxury most cannot afford. Loneliness is the greatest ill of the aged. They need to have something to look forward to. A trip occasionally would bring great joy to many.

I wrote to my Congressman urging him to support the bill.

(From a Bronx woman.)

DEAR SIR: How refreshing for Americans to read the enclosed article on your proposed introduction of legislation to permit elderly and handicapped to travel free or on reduced rates. In a land which finds itself in trouble, so much so that it is necessary to advertise on billboards to love one's country and be loyal, when it should be like mother-love, instinctive, there is need for such action as you propose.

The forgotten Americans are those over 65, who, with accumulated bills, and bills yet to be met till they go to grave, find a "CRUMBS" Social Security check not enough, and many cannot even buy the expensive meat they need for aged bodies—worse, those physically able to work after forced retirement, are prohibited from earning all they can or else forfeit THEIR social security checks (an injustice).

Wasting so much on the moon, the Viet Nam tragedy, and so much other waste, it seems if some are anxious to have spent a billion on an SST, etc., that everyone should help push your proposal across . . . it will brighten life for many . . . and any critic need not fear an excessive use of such transportation, for at that age not everyone can travel freely because of tired bodies, etc.

Congratulations to you . . . we know it is a tough project . . . but you have the prayers of many. I am 64 years of age and in one year I'll be a forgotten American, except for thoughtful people like you. We need an awakening in America—this is a good step forward, to show respect for the millions, now elderly who devoted their working careers to build their nation. (From a Watertown, N.Y., man.)

DEAR SIR: I think your bill for reduced (travel) fares for senior citizens is marvelous.

I am a retired teacher (N.Y. City). The high cost of travel has prevented me from going to places I long to see. (From a New York woman.)

DEAR SIR: I have seen mention of a bill you're sponsoring, whereby the aged and physically handicapped could benefit by reduced travel costs. God bless you, sir, and I hope you get this bill rolling, so that we, the elders, can benefit soon.

It's good to know someone still cares. (From a Long Beach, N.Y., woman.)

DEAR CONGRESSMAN ROSENTHAL: Having read an article in the N.Y. Post about a bill you introduced to the House, I take the liberty to write to you and tell you what a gift that would be to us retired people living on a pension, to be able to travel either free or at reduced prices. Just to visit my children and family would be a blessing. Good luck to you, and we sincerely hope that it will come true. (From a New York City woman.)

DEAR MR. ROSENTHAL: In the Los Angeles Herald-Examiner was an article about a bill you introduced in the House concerning reduced fares to those over 65 and the blind, physically handicapped and mentally handicapped.

What a blessing this would be if it were passed into law. Many of these people could go places on airlines, trains and buses. Many of us have a fixed income and a little joy could come into our lives with some way to get around without paying the full fares. If airlines are half empty on each trip, why not fill them with oldsters, etc.? Please get this bill passed. Will write our senators and representatives. Thank you. (From a California couple.)

CONFEDERATE MEMORIAL DAY—1971

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, June 13 was Confederate Memorial Day. In our Nation's Capital and in keeping with the custom established in 1914, the descendants and friends of Confederate veterans held memorial services at the Confederate Monument in Arlington National Cemetery.

I was honored to have been asked to deliver the address for the occasion. I include my speech at this point in the RECORD:

SPEECH BY MR. RARICK

Mr. Chairman, Madam President General of the United Daughters of the Confederacy, Commander Eble of the Sons of Confederate Veterans, Commander Porter of The Stars and Bars, Distinguished Officers and members of your organizations, Members of our United States Armed Forces, Distinguished guests, descendants, sympathizers and friends of the South:

As a U.S. Representative of a Southern Congressional District, I have many times explained my service here in our Nation's Capital as similar to that of a spy behind enemy lines.

Consequently, I was most happy and gratified at the large gathering at Gettysburg Friday for the dedication by the state of Louisiana to our confederate dead on that battleground . . . a reminder to posterity that Louisianians were there and cared enough to remember.

I join with your leaders in expressing gratitude for your presence today . . . your attest to your loyal respect for history as well as your memory of the unforgotten heroes of the south.

We are gathered again to pay our respects to the fallen heroes of the southland who made the supreme sacrifice in the first battle to preserve the U.S. Constitution . . . a war fought to deny southern states their constitutional right to independence.

Here about us arrayed around this beautiful monument sleep 267 Confederate soldiers and their wives.

A monument of mortar and steel will long endure as a reminder for future generations, but the true story of devotion can only be immortal so long as the issues and facts of history, live in the hearts and minds of those of us who follow.

If those of the southern cause were but able to speak to us today, would they not compel us to take heed of their mistakes and

relate their struggle not only to the present, but what by logical conclusion faces us in the future. Those we honor today have written their lesson in blood and courage. We ignore the past at the peril of the future. The Union must be preserved. . . . There can be no secession under the Constitution. Our people as a nation move forward united, or we go down in flames together.

Yet today, Americans are being told that the constitution is no longer the law of the land. It no longer protects us as individuals. It has been usurped or superseded by treaty, United Nations charter, or Supreme Court amendment.

Internationalism . . . one-world thinking . . . bombards our environment from the news media, text books, church booklets and sermons, attacks against our culture and our living patterns. Yes, our very way of life and our children's birthright as free people are under massive revolutionary assault. There is a new secessionist movement underway.

A small minority has already seceded from the Union, and by raw power, intrigue, distortion and manipulated violence would capture and deliver all our people into a new system of worldwide government, reducing our beloved United States to the role of a state among states.

Already the spokesmen of the new secessionist movement dictate our customs, our morals, our styles, and our thoughts, without any voice or vote by the people. Those who disagree are told the changes are necessary for progress in the name of peace. They tell us it's too late to stop the revolution anyway. The trend is irreversible.

Can there be a difference between secession by people working through their state governments in accordance with the compact between the States to achieve peace and a secession movement led by a small group of wealthy internationalists with no mandate from the people or States but manufacturing justification under treaties and UN Charter and hiding behind the veneer of world peace and brotherood?

The union today is divided. . . . not by states or geographical sectionalism, but more by philosophical ideas. We find many new southerners outside southern states who join with us in abhorence at the new secessionist movement.

What no foreign despot has ever achieved—nor did even the war between the states accomplish—has now become a clear and imminent threat. Dismemberment of the United States by treasonous acts against the constitution is now claimed justified as patriotic acts of courage to achieve peace.

If secession by the south was illegal, how can secession by the internationalists as winds of change be legal? The only logical answer is that the south must continue to be made the whipping boy of guilt and shame. The history of the United States is the history of the south and southern people. Conceding this to be true, then the future of our nation can only be the future of the south and its people. The south is the greatest threat to the new secessionist movement.

It is time that we of the South start accentuating the positive, rather than defending the negative.

The new war of succession that we face is psychological war of semantics, of words, slogans, bias and distortion. The most successful implements of war are not always swords but rather—by dropping the "s" from in front of the "w," we have the weapon of modern warfare—"words."

The stigma of being marked as a southerner should always be borne with pride and honor. It is to your credit, not to your shame. Every progressive and libertarian idea, concept, and tradition in our country originated with and comes directly from southerns and southern leaders.

It was Patrick Henry, a southerner from Virginia, who used his sword—"words"—to rouse the American colonists to resist tyranny from the omnipotent power of his era.

It was George Washington, another southerner, who led the true Revolutionary Army that subdued the tyranny of foreign power, then served as chairman of the Constitutional Convention, and ultimately became the first President of our new Republic.

It was Thomas Jefferson, another southerner, who was responsible for the indictment of English colonialism by drafting that cherished freedom document, the Declaration of Independence. The same Thomas Jefferson, who, unsatisfied with the Constitution as accepted, because of the fear of too much power being amassed in the new Federal Government, was responsible for the words and adoption of the Bill of Rights, i.e., the first 10 amendments to the Constitution—a Bill of Rights which guarantees nothing, but is worded to prevent a too powerful central Government from interfering in your God-given talents and your freedom of choice in exercising maximum control over life and destiny as well as that of your children.

It was James Madison, another southerner, later to become the fourth President of the United States, who was the secretary and kept the notes at the Constitutional Convention. Of the 37 Presidents of the United States, 14—almost ½—were either born in, reared in, or claimed the South as their home.

Of the 14 Chief Justices who have been on the Supreme Court of the United States, 5 have been Southerners, including Edward Douglas White of Louisiana, who authored the slaughterhouse cases, which allowed the American people to live in peace for three decades under the separate but equal theory of Constittional law, until overthrown by Earl Warren in 1954.

Chief Justice John Marshall, acknowledged by lawyers and jurists as the great builder of the Supreme Court, was a Southerner from Virginia.

Southerners who are identified in history for their exemplary military services to the United States include General Douglas MacArthur of Arkansas, Andrew Jackson of Tennessee, General George Patton, Admiral Chester W. Nimitz, and General—later President—Dwight D. Eisenhower, all of Texas. And, of course, General Robert E. Lee, who resigned his Union commission and left his post as Commandant of West Point to take command of the Confederate forces. Following the Civil War, Lee concentrated his energies not in despair or revenge, but by serving as President of Washington College, later to be renamed Washington and Lee, where he labored to preserve and perpetuate our Southern education and culture.

But among the noblest of all American patriots and statesmen was Jefferson Davis of Mississippi. History has not smiled on President Davis nor his devotion to duty under the Constitution as he saw it. But then, few southerners wrote the history.

As the newly-elected president of the Confederacy is reported to have said to Mrs. Davis:

"If we succeed, we shall hear nothing of these malcontents.

If we do not, then I shall be held accountable by friends as well as foes. I will do my best and God will give me strength to bear whatever comes.

Jefferson Davis, at age 16, entered West Point military academy where he served with Robert E. Lee. As a lieutenant in the U.S. Army, he served in northern states during the Black Hawk Indian War. He served his country and state as a U.S. Congressman. During the Mexican War, he returned to the army and as a combat officer rose to the rank of colonel and distinguished himself under fire. Under President Franklin Pierce, he served 4 years as Secretary of War, resigning to serve in the U.S. Senate for his State of Mississippi.

Jefferson Davis was well-known among northerners and was the Nation's last moderate chance to avoid secession or armed conflict. But Senator Davis' appeals for reason in those days were as effective in dealing with the abolitionists as are the appeals to common sense with the civil rights abolitionists of today.

President Davis was and is still regarded as a leading constitutionalist in the defense of state's rights and local government. He adamantly opposed every intrusion by the Federal Government to interfere in the government, urging that such rights were never surrendered to the Federal Government in the compact by the States. Many of President Davis' statements and warnings ring clear and applicable today.

A steadfast patriot and true leader, not suffering the disease of compromise for fame and fortune, President Davis remained unswerving in his ideas and dedication to the death.

Captured by Union forces, he was imprisoned for 2 years, until released on $100,000.00 bond. Charged with treason under the Constitution, he was denied trial, which he sought so that he could prove by law his innocence under the Constitution and therefore the legality of the Confederate cause.

President Davis never recanted. He refused to ask the Federal Government to restore his citizenship. His constant position was that he had done nothing wrong, that it was the northern politicians who had broken the Constitutional compact between the states.

At the age of 76, speaking to the Mississippi State Legislature, President Davis said he had never repented. "If it were to do all over again, I would do just as I did in 1861."

So long as men cherish the concept of limited government by law and revere the U.S. Constitution, no greater champion nor martyr to his cause can be found in history than Jefferson Davis . . . statesman, soldier, patriot, American from the south. His was the fearless dedication of a great leader for all Americans—for all times.

These are but a few of the distinguished Southerners who played leading roles in founding our Nation, drafting its laws, preserving our liberties, and passing them on to our generations, we can be proud to be Americans, but more especially proud to be Americans from that region of our Nation known as the South.

The history of the U.S. is the history of the South and Southern people. When the South, its people and institutions, has been given its fair voice and representation in our Government, U.S. citizens have enjoyed the greatest peace and prosperity. But when the molders of public opinion and national leaders exploit the South as a whipping boy for political gains such as trading off our people for bloc votes in Northern cities, history then is complete, in that our Nation is reduced to a standstill. When "we the people" are not truly represented, our Nation is plagued by misunderstanding, division, distrust, and even violence.

Since the history of the U.S. is the history of the South and Southern people, then the future of the U.S. is that of the South and will depend upon the dedication, intelligence, leadership and organized efforts of Southern people today and in the future. We cannot now permit the new secession. The Union is preserved for all, or all is lost.

We must gird for the battle by ridding ourselves of any feeling of guilt or fear. Psychological words such as racist, bigot, extremist, and repression are but emotional trigger words—word-swords—of the war of nerves, intended to catch you off guard, to deny you your right to rebuttal—to deny believability to your expressions and explan-

ations. In short, to shut you up and thereby deny your freedom of speech and expression. Racism, bigotry, and extremism do not exist where there is no freedom. Where there is repression, those repressed are unable to complain.

While it seems to be the rage of the times to say, "Yes," it takes real courage to say, "No." This reminds me of the military commander, who upon seeing his men turn and run, said, "I'm their leader; I must follow them." Anyone can jump into the stream and float with the debris and refuse. It takes a thoroughbred to buck the current and tide. Politicians and public opinion polls produce followers, not leaders. Politicians and opinion-making agents with pretty faces are selected by the communications people and sold to unsuspecting people like so much merchandise.

Today's common enemy loves repetition. Remember that when you see or hear an idea or an individual given wide coverage on TV or the newspaper, beware. This is but the word-sword of the power secessionists striving to brainwash you into surrender by overselling the suggestion that the expressed ideas are representative of the masses, and to create the impression that if you disagree, you are alone and you best be quiet.

Southerners, and most thinking Americans, by now are aware that the great bulk of our communications media are not interested in giving factual news, but rather in serving as vehicles of propaganda by people who do not like us, nor our southern heritage. In fact, they admit using their stewardship supposedly to bring "peaceful change" to our system of government. Do you know of any wire services or TV networks in the North owned by Southerners. Remember that the First Amendment, freedom of speech and press, was never intended to give a brainwashing monopoly to the wealthy owners of communications devices to sell only their biased ideals! The First Amendment freedom was intended to guarantee that our people receive the truth and be fully informed on all issues so that by being so informed, we can act to retain our freedoms.

Free thought and individual action has always been associated with the south and southern people. Yes, southerners are different. They are different because they are the descendants of the only Americans who have been defeated in war, who have lived under enemy occupation and know what it is to be prisoners in their own homes—the tyranny of being denied all constitutional liberties. The reconstruction period in the south should never be forgotten. Its lesson should remind all southerners that if we do not take a stand for our freedoms; then we deserve to lose them. This is why most southern people are so outspoken and intolerant against revolutionary moves and new extremist changes. Many react without knowing why—almost by instinct.

There is nothing wrong with our system of government, with our country, or with our people. Our problem is with the small, dedicated internationally-minded group of new secessionists who by the use of power and wealth prevent our system from working as intended.

Power to the people! That's what the constitution was all about. Power to the people! That's what the struggle for southern independence was all about.

Those who seek "power to the people" today do not tell us what people. To whom do they desire to give the power and control over our lives. Their activities can only make them suspect that they are being used to create an evil impression that there is something wrong with people-power.

There are those constantly among us who set traps by striving to convince our people that free men are incapable of governing themselves and that we'd be better off joining the new secessionist movement under the new leadership of an elite one-world aristocracy. If our people fall for the bait, we will not only lose our country, but as individuals, be reduced to the state of common laborers on the new plantation.

It is past time that we of the south break loose from our verbal bondage. We must stop being defensive and regain the offensive. We must charge with our weapons of words and honesty, for if the U.S. loses, we all lose.

The history of the south is the future of the United States. The action of the south and southern people will decide our nation's future or its fate.

This is our challenge . . . by working together we can preserve the Union and perpetuate the noblest system of government our Creator has ever bequeathed to free men.

The lessons from battles of our fallen heroes of over 100 years ago remain unchanged.

"For we struggle not against flesh and blood, but against principalities, against powers, against the rulers of darkness of this world, against wickedness in high places."

The history of the United States is the history of the South . . . the future of the United States is the future of the South, outnumbered always. To that end, we rededicate ourselves, our fortunes, and our sacred honor on this Confederate memorial day here among the habiliments of our illustrious dead and America's heroes of all wars.

LEAD POISONING: ONE GHETTO HAZARD WE CAN ELIMINATE

The SPEAKER pro tempore. Under a previous order to the House the gentleman from Massachusetts (Mr. BOLAND) is recognized for 10 minutes.

Mr. BOLAND. Mr. Speaker, lead poisoning kills hundreds of children each year and leaves thousands of others with crippling neural disorders—blindness, retardation, even paralysis. Ghetto children, already the principal victims of our tainted environment, are the most vulnerable. Often chronically malnourished they eat the paint they find flaking and peeling off the walls around them. This paint may be lead based—a kind that is now largely obsolete and found only in the old and rotting buildings of our city slums.

Even a tiny dose of lead is toxic, attacking the central nervous system in much the same way as mercury. Large doses, or small ones accumulated over a period of time, can be lethal. No one knows just how many children fall victim to lead poisoning each year. The early symptoms mimic those of the trifling and commonplace sicknesses found among children everywhere—the flu, for example, or colic. Only a doctor trained to recognize symptoms of lead poisoning can make the distinction between this disorder and others. Even the experts are often bewildered. With chilling frequency, the diagnosis comes too late.

Infants will put almost anything into their mouths—a hazard in itself. But ghetto infants, still more menancingly, often show a craving for unnatural foods. Called "pica," this phenomenon occurs chiefly in undernourished children. It makes them all the more likely to eat paint flakes. Once confined to the ghetto, lead poisoning is now spreading elsewhere. Restored townhouses, always fashionable, are becoming more so year by year. As more and more high-income couples buy old buildings for the purpose of restoration, their children, too, will encounter flakes of lead-based paint. And, like all young children, they will put these flakes into their mouths.

Unlike mercury and DDT poisoning, lead poisoning has not been made into a modish cause célèbre.

Yet, it poses a far greater danger to the Nation's health.

It can be eliminated.

Legislation enacted early this year—legislation that I cosponsored—would achieve that goal. Called the Lead Based Paint Poisoning Preventive Act, it promises to make lead poisoning little more than a bad memory. First, it flatly prohibits the use of lead based paints in any building constructed or rehabilitated with Federal assistance. Second, it authorizes grants to detect and treat lead poisoning, and to find and eliminate the sources of that poisoning.

The act authorizes $20 million for carrying out its provisions during fiscal 1972. But the administration—astonishingly—requested no fiscal 1972 appropriations at all. Later, yielding to outcries from the medical community, it suggested $2 million—a paltry 10 percent of the full authorization.

Certainly, Mr. Speaker, the problem of lead poisoning demands more than this.

As a ranking member of the Appropriations Committee, I will exhaust every means to see that the act is amply funded.

It is time to stop talking about environmental hazards and to start doing something about them.

With permission, Mr. Speaker, I put in the RECORD a Springfield, (Mass.) Daily News article by Roger Caras outlining the dimensions of the lead poisoning problem:

OUR ONLY WORLD: HOUSE PAINT IS DEADLIER THAN SEA'S POISONED FISH

(By Roger Caras)

The papers are full of stories about the mercuric contamination of fish, and possible arsenic content as well. But, there is a deadly form of chemical pollution much closer to home, and the lives it claims or wrecks each year are numbered in the thousands. The culprit is that very heavy metal, lead.

Pica is a serious problem among children. There are many psychological and cultural, as well as physical factors like sub-standard nutrition, involved. Pica is the craving or hunger for unnatural foods. It is a deadly serious affair in many parts of the country.

Children afflicted with pica are apt to eat paint whenever and wherever they can find it chipping or flaking. If the building is old and the interior surfaces have four or five layers of paint, there is the strong likelihood that one or more of them will contain lead. Lead eaten by a child can result in death. Perhaps those that die are among the lucky ones for many of those that survive are afflicted with everything from loss of sight to severe mental retardation.

Lead poisoning is not a rare or isolated event. It is seen in every city in this country. A city like New York may have 500 or more

confirmed cases in a single year. Heaven above knows how many go undiagnosed.

Children between the ages of 1 and 3 years comprise almost 85 per cent of the cases seen in the clinics. Two years is the peak age. Over 50 per cent of the deaths from lead poisoning occur in 2-year-olds.

Insidiously, lead poisoning can be extremely difficult to diagnose. In its early stages it appears, symptomatically, like a dozen other things. And while unexplained vomiting, constipation and irritability are being ignored or treated as "something that is going around" the child is building a lethal or crippling level of lead in his body. It takes an alert and concerned doctor to pick up lead poisoning in the early stages. And the late stages are very likely to be too late to avoid permanent brain damage if not death. Doctors as well as parents need educating. Too few people are aware of the danger.

As one might expect "lead pollution" occurs most frequently in the "lead belt." The "lead belt" is the slum area in any city or town. The older the building, the more run down it is the more likely it is to have peeling walls and sills with underlayers of lead-bearing paint exposed for the child to pick at. But, the problem is not limited to poor neighborhoods. Not by any means!

Many affluent families today seek old buildings and restore them to former splendor. Whole areas of Philadelphia have been and are now being reclaimed. Old, run-down brownstones in New York are being gobbled up by fashionable people to be reconstituted as genteel residences. Young and imaginative people moving into such homes very often have young children. Before they have the wiring replaced or the new shower stall put in they should see that all of the old paint is stripped and taken away.

Clearly, lead paint must never be again used on interior surfaces that will be exposed to children now or in the future. In fact, there should be legislation, I think, requiring every landlord to survey every dwelling unit under his control. Every room should be examined for lead-bearing paint and where it exists it should be removed. Painting over it is not enough. That is just leaving the problem to future parents and future crippled children.

Again it must be stressed that this is not a remote or rare problem. Thousands of children this year will be killed and maimed by lead. We are all up tight about mercury and arsenic, about DDT and tritium. Let's start at home and rid our lives of one of the most immediate and most insidious chemical evils of all. Let's get the lead out—of our homes. Every day we wait spells doom for children across America. At least, while waiting for legislation where it still has not been enacted, check through your own home. You may not be in the financial mood to "fix your home up" at the moment but you will be in even less of a mood after a funeral.

THE RAID ON QUEBEC TERRACE

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Michigan (Mr. DINGELL) is recognized for 30 minutes.

Mr. DINGELL. Mr. Speaker, what has come to pass? Bearded strangers in scruffy clothes smash down the door of a man's home—the man is shot in the head—his wife is thrown half naked outside as the man lies bleeding on the floor, the home is vandalized—walls smashed, furnishings ransacked, dozens of personal possessions are carried away.

Where did this happen? Was it in Hitler's Germany? Or in Soviet Russia at the height of the Stalinist purges? No, it happened right here in suburban Maryland on the outskirts of the Nation's Capital. And it was not the Gestapo, or the NKVD, or even a Charles Manson-style hippie cult that perpetrated this act of terrorism.

It was committed by agents of the Internal Revenue Service, Alcohol, Tobacco, and Firearms Division, and by Montgomery County police.

It happened last Monday night, June 7, and it ranks as one of the most irresponsible, outrageous, and mindless bungles I have had the displeasure to read about in a long time.

A 27-year-old Silver Spring man—Kenyon F. Ballew, a pressroom employee of the Washington Post and the Evening Star, and—I might add—a district commissioner of the Boy Scouts in Prince Georges County—was taking a bath in his apartment about 8:30 in the evening. His wife, who was dressed only in panties, heard shouting and heavy pounding on the door. She said she repeatedly asked, "Who is it?" All she could hear through the pounding was the demand: "Open up!" She ran to get her husband.

While Mr. Ballew was getting out of the tub, these agents-cum-hippies proceeded to bash down the door with an 85-pound battering ram. Naked and dripping from the tub, Mr. Ballew grabbed an antique muzzle-loading revolver from the wall and went toward the living room, encountering two officers—whom the police themselves described as dressed in "scruffy" clothes—carrying guns. Mrs. Ballew said both she and her husband thought they were hippies or gangsters.

According to Mrs. Ballew, the officers opened fire; her husband slumped to the floor with a bullet in his brain, his gun discharging as he fell. She began screaming, "Murder—get the police!" when the officers informed her: "We are the police."

The agents then shoved Mrs. Ballew—still half-naked—out into the apartment house hallway, while they proceeded to turn the apartment into a shambles, looking—according to the search warrant—for "unregistered hand grenades."

A half-dozen photographs in the newspapers bear mute testimony to the destructiveness of the search. Huge holes were knocked in the walls, some of Mrs. Ballew's aquariums—in which she raised tropical fish—were smashed. Furniture, clothing, and other possessions were tumbled together in huge heaps, which looked, as one reporter put it, "like the whole apartment had been lifted, shaken and placed on its side." The agents left it that way.

They refused to let this woman aid her husband who lay bleeding on the floor, but later handcuffed her and took her to the police station under arrest—for what offense we may only imagine.

On the way to the station, Mrs. Ballew said, one agent intimated that there may have been a mistake, but added, "These things do happen."

What the agents finally discovered were four empty grenade casings, includings one plastic type which Mrs. Ballew said had been used as a container for oil, and a heavy iron one which the couple's 7-year-old son used as a toy. She said Mr. Ballew had owned the casings for many years.

In addition, dozens of personal possessions not specified in the warrant were seized by the county police, apparently without any lawful authority whatsoever.

These included a collection of antique muzzle-loading guns, a portable radio, an electric clock, and Mrs. Ballew's accordian and her new sewing machine. These articles were not receipted in the inventory space on the back of the warrant, as required by law.

One wonders, in fact, what business the Federal agents had inviting county police into the apartment at all. The county police had no jurisdiction in this case; it was a Federal warrant, addressed to Federal officers, and alleging a Federal offense. Montgomery County police had no conceivable function even being there; but, evidently, decided to take improper advantage of an opportunity to rummage through Mr. Ballew's home at their leisure, without bothering to obtain a State warrant on their own, for which they would have been compelled to offer sworn testimony relating to a State offense.

There is a strong suggestion here, Mr. Speaker, that this entire pack of overzealous officers violated Federal law by depriving this man and his wife of their constitutional rights under color of their authority.

A few moments before bashing into this apartment, the Federal agents had raided another apartment in the same building, directly overhead, under another search warrant. In this apartment lives a woman, her 10-year-old daughter, and a baby. Only the daughter was home at the time; terrified, she refused to open the door. She later explained that she, too, could not understand what the officers had been saying because of all their pounding and shouting, but had finally understood the word "police," and had then opened the door.

Searching the apartment, the agents found nothing, and left empty handed. "Bad information," they later lamely explained.

Mr. Speaker, I am thoroughly appalled by this revelation of the reckless, brutal, and inept methods employed by the Alcohol, Tobacco, and Firearms Division of the Internal Revenue Service in executing search warrants in private homes.

This kind of storm-trooper exercise may have been commendable in Nazi Germany, but it must be made unmistakably clear to the ATFD that it is intolerable here.

What has happened in this incident is precisely the sort of thing I anticipated, and objected to, in the no-knock provisions of the crime bill that was passed last year.

It does not matter what the authorities are searching for—whether it be a grenade, marihuana, counterfeit money, stolen property, obscene materials, or anything. When police are permitted to barge into people's homes without every possible effort being made to fully inform the homeowner of their identity, authority, and purpose, they are just in-

viting violent resistance. The present deplorable tactics of the ATFD demonstrate nothing less than a callous disregard for the probable and predictable consequences.

Americans quite properly regard their homes as their castles, and they are guaranteed by our Constitution security from unreasonable searches and seizures. The mere fact that officers enter under authority of a warrant does not, by itself, make that search reasonable—something these agents appear to have forgotten. In my opinion, the manner in which this search was conducted was not only unreasonable, it was high-handed and incredibly stupid, if not criminal.

I can think of no valid reason whatsoever for a policeman out of uniform to participate in the execution of a search warrant in a private dwelling. It is claimed that the officers were wearing their badges pinned on their costumes, and it was even asserted—I presume seriously—that their identity was "obvious," because some of these officers-in-mufti were bearing black armbands with police insignia—whatever that might look like.

Such patently silly excuses do not obviate the fact that when a man's front door is smashed in, and what appear to be bearded bums in sweatshirts, sneakers, and weird stripes came charging inside with guns, it is totally unrealistic to expect the homeowner to take notice of a tiny badge pinned on a shirt, before he attempts to defend himself and his family.

Nor can there be any excuse for the haste in which the agents resorted to smashing down the door with a battering ram. The agents claimed that they were "denied admittance."

Newspaper reports indicate the raiders earlier had pounded on the door of another apartment, and when the occupant did not answer fast enough, dented the steel door with a gun butt.

In each instance, it appears that the occupants did not immediately open their doors, because everyone outside was shouting and pounding so loudly that nothing could be understood, and the occupants were not about to open the door to what sounded like an angry mob.

The commonly accepted—and a very effective—way to induce someone to open a door is to knock and wait for that person to answer. A paper boy collecting at the end of the month has no difficulty doing this—why does the ATFD? If there is reasonable ground to fear that an occupant may be dangerous, it is simple enough to wait until he comes out, as he must sooner or later.

There was no necessity for haste in this case. The warrant alleged hand grenades, and there was hardly any danger of them being flushed down the toilet, as might have been true if the agents had been looking for drugs. Likewise, there appears to have been no necessity to carry out this raid in the evening. In fact, the search warrant was valid only for a search to be conducted in the daytime. The agents did not even enter the Ballew's apartment until 8:30 in the evening—when it was dark, or almost dark—and there was no way the search could have been completed before nightfall.

The reason for that law is to prevent the kind of abuses that occurred in this case—to avoid mistaken identity, and to minimize the imposition and dislocation upon the homedweller by the intrusion. We have a long tradition in this country of the sanctity of a man's home, particularly at night when it becomes his safe refuge against darkness and the outside world of "a rifle butt against the door in the dead of night." The Stalinist tradition has no place in this country. For many years, we have had on the Federal statute books a law that makes it a crime to execute a search warrant with unnecessary severity, title 18, section 2234, United States Code. It seems to me that this superheated enthusiasm for cheap theatrics might be curtailed by making some of these agents uncomfortably aware of that law.

It appears, furthermore, that the warrant which the agents secured was based, in part at least, on an affidavit containing information which was flimsy and irrelevant either to Mr. Ballew or to any wrongdoing. It was soberly alleged, for example, that "a confidential source" had seen some firearms in Mr. Ballew's apartment, as if that were evidence of some crime, which it most certainly is not.

It was also alleged that "a confidential source" had told the police 6 months ago that they might get a false criminal report from someone in that neighborhood, and that when police responded, they would "be shot." In addition, Montgomery County police averred that they had received complaints that someone—they had no idea who—had reportedly been firing guns in the neighborhood. There was no allegation that Mr. Ballew had any connection whatsoever with such matters, or that any such false alarm had ever been made. And, it appears, the officer who swore to the affidavit was not the officer who had talked to these "confidential sources." It was, at best hearsay based on more hearsay.

The Federal agent who made the sworn statement, under oath, gave no corroborating facts known personally to him that tended to establish the reliability of the information he had received. In fact, all he swore to was that he had been given information from another person, who in amazing turn had heard it from someone else. It is utterly incredible to me that a U.S. magistrate would actually issue a search warrant on that basis.

The warrant served in the apartment upstairs was even flimsier. The affidavit by which the warrant was secured alleged that a "confidential source" told an agent that one James Russell Thomas, who allegedly lived in that apartment, had tried to sell the source three sawed-off shotguns a month before. The affidavit did not state where the alleged offer was made, and it is not clear what that had to do with hand grenades, which were specified in the warrant. In any event, the agents found no James Russell Thomas, no sawed-off shotguns, no hand grenades, or anything else, except a terrified 10-year-old child. There apparently is no James Russell Thomas listed at that address.

If Federal agents are able to obtain warrants from magistrates based on this kind of claptrap, and execute such warrants in this deplorable fashion, I think the Congress ought to take a hard look at the advisability of tightening up these procedures to provide more safeguards for innocent citizens.

The sad result of this week's fiasco is that a man is critically, perhaps fatally, wounded, his wife has been living a nightmare, and all of it—from every indication—was quite unnecessary. As Mrs. Ballew put it:

> It would never have happened if they had been in uniform.

I think the public deserves a full, thorough, and far-reaching investigation of this incident by the Treasury Department and other agencies involved. I have written to Secretary Connally, expressing my indignation at this sordid episode, and urging him to do everything necessary to get to the roots of the matter and insure that it does not happen again, as I fear it will if we allow this incident to go unchallenged. I have also urged him to bring to account those persons responsible.

I sincerely hope that this matter will not be whitewashed or swept under the rug; it does not deserve to be dignified as "law enforcement."

Mr. Speaker, I insert at this point in the RECORD four newspaper accounts of this incident which appeared in the June 8 and 9 editions of the Washington Evening Star and the June 9 and 10 editions of the Washington Post, as well as the text of an editorial entitled "The Raid on Quebec Terrace" which appeared in the Washington Post:

THE RAID ON QUEBEC TERRACE

Anyone who collects pistols, rifles, knives, hatchets and spears in his home must assume all sorts of risks, including the strong possibility that such a collection may raise suspicions and fears on the part of visitors or neighbors. Once this happens, there is the further likelihood that someone will turn in a nervous report to the authorities, who react pretty vigorously these days to any tips about alleged caches of weapons.

That may have been what prompted a raid last Monday evening on the two-bedroom apartment of Mr. and Mrs. Kenyon F. Ballew, at 1014 Quebec Terrace, Silver Spring; but it certainly does not fully explain the bizarre set of incidents that resulted in an exchange of gunfire and the shooting in the head of Mr. Ballew. In fact, the story as far as we have been able to make it out suggests strongly that the authorities owe the public a complete explanation of their policies and procedures in conducting raids of this sort.

To review what has been learned about the case, it seems to have started with information from a "confidential reliable source," as reported to a Prince George's County detective. According to Internal Revenue Service agent Marcus J. Davis, the source alleged to the detective that Mr. Ballew had been seen "playing with several hand grenades" in the rear of the apartment building. In addition, said Mr. Davis, a Montgomery County policeman told him that another unidentified source had seen "a quantity of firearms" in the Ballew apartment. Police also reported having received one telephone call a week reporting that guns were being fired in the vicinity of the building—though the authorities had never caught anyone.

A third unidentified source living in the vicinity also had told police that "one day the police would receive a false criminal report" from Quebec Terrace and that if and when they responded, they would "be shot"

according to an affidavit filed with U.S. Magistrate F. Archie Meatyard. However, this affidavit contained no information linking Ballew to the reported discharging of weapons nor to any alleged ambush plan.

Then there was a second affidavit involving an apartment one floor above the Ballew apartment. Mr. Davis stated a belief that unregistered hand grenades were also "being concealed" there, and that a "confidential reliable source" had told the same Prince George's detective that a James Russell Thomas, allegedly living there, had tried to sell the source three sawed-off shotguns.

These tips, reports and allegations apparently were enough to satisfy Mr. Meatyard, who issued search warrants. In the case of the upstairs apartment, IRS has said that it was searched—and that nothing was found and no arrests were made.

But in the Ballew case, a raid was ordered, with two policemen at the front of the raiding party, dressed in casual clothes and sporting mustaches and beards. The authorities' story is that they broke into the apartment because Mr. Ballew refused to grant them entry and that they fired only after he shot at them.

The story told by Mrs. Ballew is that her husband was in the bathtub when she heard a "violent beating" at the door. She says that she was clad only in underpants as she asked, "Who is it?" rather than immediately opening the door. The response was "unintelligible" shouts and banging, with demands to "open up," Mrs. Ballew says, adding that she then ran to the bedroom and grabbed a pistol from a collection hanging on the walls.

Mr. Ballew grabbed an antique "cap and ball" pistol, his wife says, and at the sight of the bearded men in the living room, one with a gun, she concluded that they were "racketeers" or "hippies." The exchange of gunfire ensued.

Did it have to come to all this?

Legitimate fears on the part of other people about a large collection of firearms are one thing; but the apparent fears of a couple confronted by invaders in scruffy clothing are just as understandable. Police claim that the raiders identified themselves, and that the two officers in question were dressed that way because of the nature of their assignments. Besides, they say, the men wore black armbands with the insignia of the county police. This fails to explain why plainclothesmen were used in a raid—an extremely dangerous policy.

Much more needs to be known about the reliability and specificity of the information on which the warrants were issued and the raids conducted. In one apartment, a search produced nothing, and in the other, an admittedly offbeat and potentially dangerous collection of weapons, and a totally ransacked apartment. What are the charges—if any—that required such vigorous actions? What did police recover? Is it true that there were no "live" grenades found? What about this "Mr. Thomas"?

From a strictly legal standpoint, this raid may have been faultless. Given the go-get-em atmosphere encouraged by top national authorities recently, it may even have seemed an effective, not to say vital, enterprise, under the circumstances. But one needs to know a lot more about those circumstances. As things stand, the impression is that of an amateurish and tragic response to a set of vague and insubstantial allegations by irresponsible tipsters.

[From the Evening Star, June 8, 1971]

MAN SHOT IN RAID ON HOME

(By Woody West and William Basham)

A 27-year-old Silver Spring man was in critical condition today after he exchanged gunfire last night in his home with federal agents and Montgomery County police looking for illegal hand grenades. The wounded man's wife said she and her husband thought intruders were breaking into their home when the raid occurred.

According to a spokesman for the alcohol, tax and firearms division of the Internal Revenue Service, the raid was carried out at 8:31 p.m. after a lengthy investigation by Montgomery police. He said after shouting several times, "Police," and "Federal officers, open up," the police gave the word to break in the door.

At the Washington Sanitarium and Hospital is Kenyon F. Ballew of 1014 Quebec Terrace. He works as a plate carrier at The Star and The Washington Post and is waiting to become an apprentice pressman.

Earlier last night agents raided another apartment in the building. A copy of the search warrant they left behind said "No items seized."

Living in that apartment are Mrs. Josephine R. Murphy, her 10-year-old daughter, Miriam, and a baby. Miriam said she was alone at home when the agents began knocking on the door and shouting. She said she wasn't sure what they were saying.

She said her mother had told her never to open the door when alone unless she knew the person or unless it was the police. After a bit, Miriam said, it sounded like they were saying "police," and she finally opened the door.

The girl said the agents told her to sit on the couch and they searched the apartment, leaving clothing on the floor. Her mother, who was not there today returned just before the agents and police left.

ACKNOWLEDGES RAID

A federal spokesman acknowledged the raid there, but said it was based "apparently on bad information."

Ballew's wife, Sara, said that at the time of the raid she shouted through the door several times to find out who was on the other side, but was unable to make out what they were saying because of the beating on the door.

Mrs. Ballew said she then ran to a bathroom where her husband was in the tub and told him someone was trying to break in. She said their neighborhood is "kind of rough."

Mrs. Ballew said she told her husband, "Kenny, Kenny, they're breaking in, where's the gun?" He told her to get a .36-caliber cap and ball revolver from their bed, a weapon he had been repairing.

At that moment, Mrs. Ballew said, her husband ran to a bedroom wall and grabbed one of the guns from his antique reproduction gun collection—a loaded cap-and-ball Colt .44. As the couple started into the living room, she said, they saw two men—one wearing a yellow sweatershirt and with a beard, and the second in blue jeans, sneakers and also bearded.

SIMULTANEOUS SHOTS

Mrs. Ballew said the second man brandished a gun and that she heard "both guns go off at the same time." Her husband then slumped to the floor. A federal spokesman said Ballew fired first and agents and police fired three shots in return.

"I started screaming, "Get the police—murder," Mrs. Ballew said.

"We are the police," she quoted one of the men as saying.

Mrs. Ballew, who was wearing only underpants, said she then was pushed against a wall. She said she did not see uniformed men entering the room at the time of the shooting.

An IRS spokesman said their warnings before the door was broken in "could be heard clearly on the street." He added that the men who entered the room had their badges pinned on the outside of their clothing.

Mrs. Ballew said she was allowed to dress, told she would have to go to the police station, and handcuffed. She said that on their way to a station, a man in a blue suit identifying himself as an agent, intimated that the raid might have been an error, when he said, "These things do happen." This was strongly denied by the IRS spokesman.

DISAGREE ON CLOTHING

Mrs. Ballew said, "If they'd come in in uniforms, there wouldn't have been any shooting. I was sure someone was breaking in when I saw how these two men were dressed—like Yippies." The IRS spokesman said the agents were dressed in civilian clothes, but not in the bizarre outfits described by Mrs. Ballew.

Mrs. Ballew said her husband bought three pounds of black powder three weeks ago from a gun shop. She said they went target shooting with the muzzle loaders about once a month.

The inventory on the back of the search warrant that was left at the apartment noted that agents had seized "1 baseball type plastic body hand grenade; 1 canaster (sic) grenade; 1 hand grenade canaster grenade; 1 military hand grenade fragmentation type."

Mrs. Ballew said all were empty casings. The baseball-type plastic container had been used to store oil at one time, she said, adding that her 7-year-old boy used to play with the heavy, serrated fragmentation shell. She said that is a practice grenade her husband had brought home from the service.

The IRS spokesman said most of the weapons were loaded.

Mrs. Ballew said the 13 reproductions of muzzle loaders and flintlocks were kept loaded in wall racks to save time when they went shooting. She said it takes considerable time to load them.

She said 13 muzzle-loaders or flintlocks were taken by the agents. These, however, were not listed on the inventory space on the back of the search warrant. She said a small electric clock also was confiscated, in addition to her accordion and, a neighbor told her, her new portable sewing machine.

The IRS said agents seized hundreds of shotgun shells of various gauges, 152 rounds of .357-caliber ammunition, 90 rounds of M-1 tracer bullets, 75 boxes of ball ammunition, two pounds of black gunpowder and two pounds of smokeless gunpowder.

Mrs. Ballew said her husband reloads empty cartridge cases and shotgun shells as a hobby, adding that he used to reload and sell cartridges to District policemen.

AQUARIUM SHATTERED

The basement apartment in the older garden-type development was a shambles. At least 2 of 10 large aquariums in which Mrs. Ballew raised tropical fish were shattered by gunfire. Chair and couch cushions were heaped on floors. In the bedroom, all the clothing had been taken from closets and bureaus and heaped on the floor and bed.

There was still water in the bathtub.

Mrs. Ballew said her husband has been in trouble once before. She said he was arrested near their home and charged with carrying a concealed weapon—a .38-caliber pistol—that he carried with him when working late-night shifts at The Star. She said the charge was not prosecuted because there was a ruling of an illegal search.

The wounded man's step-children—the 7-year-old boy, and a 20-month old daughter—have been staying with Mrs. Ballew's mother in Hyattsville for the last month because Mrs. Ballew has been working part-time, often until late at night.

[From the Washington Post, June 9, 1971]

RAIDERS' LOOKS BLAMED IN GUN BATTLE

(By LaBarbara Bowman)

A Silver Spring gun collector opened fire on Montgomery County police and U.S. Treasury agents when they entered his apartment in a raid Monday night because they were out of uniform and bearded, his wife said yesterday.

Kenyon F. Ballew, 27, of 1014 Quebec Ter., was shot once in the head during the gun

battle with the raiding party and was reported to be in critical condition yesterday at Washington Sanitarium and Hospital.

Montgomery County police confirmed that the two policemen who fired at Ballew were dressed in casual clothes and had moustaches and beards. They said the officers were members of the tactical squad and customarily work in civilian clothes.

County police said they were helping Internal Revenue Service agents execute a search warrant that alleged there were unregistered firearms and hand grenades in the apartment, and that police fired only after they had been fired at. Ballew's wife, Saralouise, said police fired first.

Mrs. Ballew, interviewed as she waited outside the hospital's intensive care unit yesterday, said her husband was in the bathtub in their two-bedroom apartment Monday night about 8 p.m. when she heard "a violent beating" at the door. She said she was clad only in her underpants and asked, "Who is it?" rather than immediately opening the door. The response, she said, was "unintelligible" shouts and banging, and demands to "open up."

"Then I yelled, 'Where is the gun Kenny? They are breaking in here,'" she said. She said her husband has a large collection of pistols and rifles, in addition to various knives, hatchets and spears kept in the apartment.

Mrs. Ballew said she ran into the bedroom and grabbed a .36-caliber pistol from among the collection of weapons hanging on the walls. Her husband, she said, jumped out of the bathtub and seized an antique "cap and ball" pistol.

She said she looked out the bedroom door and saw that the men who had entered the apartment were dressed in sweatshirts—one lemon yellow and one striped—and had beards. She said she thought they were "racketeers" or "hippies."

"I screamed, 'He's got a gun' and I heard two shots," she said. Her husband began to slump and "his gun went off with a flash of light." There was blood on his head.

"I started yelling 'Help, murder, police,' and this man screamed from the living room, 'We are the police.' 'Then what in the hell are you shooting for?'" she said she asked them.

About 20 men then swarmed into the apartment, she said. Some were uniformed Montgomery County policemen and others identified themselves as Treasury agents, she said.

Mrs. Ballew said that a Treasury agent, whose name she did not recall advised her that she had a right to remain silent and told her they were "looking for grenades."

Mrs. Ballew said her husband, a "flyman" or plate carrier in the pressrooms of The Washington Post and The Evening Star, has an arms collection that includes five .44-caliber pistols, four .36-caliber pistols, nine shotguns and rifles, and assorted other guns. She called her husband "a gun buff."

He also has five "dummy" grenades that he has had since he was 15 years old, she said.

To a visitor yesterday, the Ballews' basement apartment, consisting of two bedrooms, a kitchen and a living room, testified to his hobbies. The walls of one room were lined with spears, tomahawks, hatchets, swords, powder horns and a single bayonet. The stars and bars of the Confederacy hung from the far wall, the carpet was stained with blood.

In the living room, animal horns hung from the walls. Nine aquariums stood around the walls with tropical fish swimmng placidly within them. At least one aquarium lay smashed on the floor.

Furniture and clothing lay scattered over all the rooms except in the kitchen. In the bedroom, only a corner of the bed peeked out from beneath layers of clothing, furniture and books.

The entire apartment appeared as if it had been lifted, shaken and placed on its side. Only the National Rifle Association and Boy Scouts decals on the front door seemed to be in their proper places. Mrs. Ballew said her husband was a life member of the NRA and had been active in Boy Scout work in Prince George's County, where he previously lived.

A spokesman for the police said the officers broke into the apartment to execute a search warrant that Special Investigator Marcus J. Davis, of the Alcohol, Tobacco and Firearms division of the Internal Revenue Service had obtained earlier Monday from F. Archie Meatyard, U.S. Magistrate for Montgomery County.

A copy of the warrant was shown to reporters yesterday by Elizabeth Allen, Mrs. Ballew's mother, at the apartment. Under the heading "United States of America vs. Apartment No. 2, located in the building at 1014 Quebec Terr.," it stated:

"There is now being concealed certain property, namely hand grenades which are not registered," as required by the National Firearms Registration Act.

The officers serving the warrant, the police spokesman said, identified themselves and "received no response from within." Once inside, "they were fired upon by the occupant," the police statement said, and three officers—two county policemen and an IRS agent "returned the fire." They fired eight times, the statement said.

None of the officers was hit.

The police spokesman confirmed that the officers were out of uniform. The two Montgomery policemen, Louis Ciamillo and Royce Hibbs, were dressed in "scruffy" clothing because of the nature of their assignments, the statement said.

The statement added that the officers were wearing black armbands with the insignia of the county police to identify themselves.

Mrs. Ballew said she did not know the men in sweatshirts were police officers until she saw them at the police station and noticed their arm bands for the first time. "It would never have happened if they'd been in uniform," she said.

The police refused to say how many firearms they had confiscated. They said that other items besides firearms were taken, but would not elaborate.

Mrs. Ballew said she saw an accordion and a battery-operated radio that belonged to her and her husband at the police station. Mrs. Allen showed reporters a sheet of paper, purportedly signed by agent Davis, that listed only four grenades as having been seized.

Meatyard said he had also issued a search warrant Monday for the apartment upstairs from the Ballew's and that violations of the firearms act were also alleged in that case. He said he could not remember what division of the government the agents requesting the warrant represented.

Jacqueline Moore, who lives upstairs in Apartment 102 with her mother, sister and child, said a uniformed Montgomery County police officer came to their door, minutes before going to the Ballew apartment, to ask where "the Buchanans" lived.

Mrs. Moore said her sister, who answered the door, told the officer the couple lived below them. Mrs. Moore said she was standing behind her sister and saw other men, some in uniform and others in suits, coming down the steps from the second floor. They did not enter the Moore apartment, she said.

Before her sister could reach the door, she said, the officer hit it, apparently with the butt of his gun, and left a dent in the light green metal door, she said, pointing to the mark.

No charges have been placed against Ballew, police said. Whether any will be placed later "depends on his recovery," they said.

[From the Washington Post, June 10, 1971]

TWO COUNTY OFFICIALS DISCUSS SHOOTING IN POLICE ARMS RAID

(By LaBarbara Bowman)

Montgomery County Executive James P. Gleason and County Police Chief Kenneth W. Watkins met twice yesterday to discuss what happened Monday night when county police and federal agents raided a Silver Spring apartment searching for unregistered weapons.

During the raid, Kenyon F. Ballew, 28, was shot in the head by two casually dressed county policemen and a treasury agent who burst into his apartment at 1014 Queen Ter. Ballew remained in critical condition at Washington Sanitarium and Hospital yesterday.

Neither Watkins nor Gleason would comment on the meeting, which lasted a total of 25 minutes, but Watkins said the police would release a statement about Monday's events when their investigation is completed early next week.

A statement released by the police on Tuesday said the officers, who had a search warrant, broke into the apartment because Ballew refused to grant them entry, and that they fired only after Ballew shot at them.

Mrs. Ballew, wife of the wounded man, said she did not know that the men—who were clad in sweatshirts and had beards and moustaches—were policemen. She also said her husband's gun was fired only after he had been wounded. Ballew, she said, is a gun collector who has an extensive personal collection of pistols and long guns.

The raiding party was executing a warrant for alleged unregistered weapons, including hand grenades. The warrant had been issued earlier Monday by U.S. Magistrate F. Archie Meatyard.

In affidavits filed with Meatyard to obtain the warrant, a federal agent said he "believed" that grenades were in the apartment on the basis of reports from "confidential reliable sources" relayed to him by Montgomery County police, and of reports from two county police officers.

The agent, Marcus J. Davis, a special investigator with the Internal Revenue Service, stated that on Monday he received information from a Prince George's County detective, W. F. Seminuk, who had obtained his information from a "confidential reliable source," that the source had seen Ballew "playing with several hand grenades" in the rear of 1014 Quebec Ter.

The day before, Davis stated, Boyce B. Hibbs, one of the Montgomery County policemen involved in the shooting, told him that another unidentified source had seen "a quantity of firearms, mainly a carbine, a .44-caliber pistol, a .45-caliber pistol and other firearms in Ballew's apartment.

Pvt. Hibbs also told Davis that the Montgomery police department was receiving one call a week reporting guns being fired "in the vicinity of 1014 Quebec Ter." but that police had never apprehended any suspects, according to the affidavit.

In January, a third unidentified source "who resides in the vicinity of 1014 Quebec Ter." told county policeman Louis Camillo the second officer involved in the Monday night shooting, that "one day the police would receive a false criminal report" from Quebec Terrace, and when they responded they would "be shot" according to the affidavit.

Camillo relayed this information to Davis, the affidavit stated. The affidavit contains no information linking Ballew to the reported discharging of weapons in the neighborhood or to any alleged ambush plan. No charges have been filed against Ballew.

Internal Revenue officials would answer no questions yesterday about the information in the affidavits.

They also refused to answer questions about a second affidavit that Meatyard issued to Davis, that same Monday afternoon for Apt. 102, at 1014 Quebec Ter., one floor above the Ballew apartment.

Davis stated in the affidavit a belief that unregistered hand grenades were also "being concealed" in that apartment. IRS officials would only confirm that Apt. 102 was searched and that nothing was found and no arrests made there.

The affidavit filed for the second warrant is similar in content to the one filed for the warrant for the Ballew apartment. It states that Seminuk was told by a "confidential reliable source" that a James Russell Thomas, who allegedly lives in Apt. 102, tried to sell the source three sawed-off shotguns on May 7. The affidavit does not state where the alleged sale offer was made.

No James Russell Thomas is listed in the telephone director in that area, and reporters who visited Apt. 102 on Tuesday found no male occupants. Police refused to answer any questions about Thomas' whereabouts.

U.S. ATTORNEY FINDS NO FAULT IN RAID

(By Lance Gay)

Maryland's top U.S. prosecutor has found no fault in the actions of plain-clothes Treasury agents who broke into the apartment of a Silver Spring gun collector looking for a cache of arms and critically injured the man in an exchange of gunfire.

The wife of Kenyon F. Ballew said that her husband thought the agents and Montgomery County police officers—who were bearded and in sports clothes—were intruders who were breaking into their home.

"We're satisfied they (the Treasury agents) conducted themselves within both the spirit and letter of the regulations" on carrying out search warants, U.S. Atty. George Beall said last night. "Legally, they're on very solid ground. From our point of view, they did nothing extraordinary, nothing reckless, nothing culpable, nothing wrong."

* * * * *

"These men literally conducted a letter-perfect execution of their search warrants—legally speaking," Beall said, "—with the exception of the unfortunate incident that occurred."

Ballew of 1014 Quebec Ter., Silver Spring, remained in critical condition in the intensive care section of Washington Sanitarium and Hospital this morning, with a bullet wound in his head.

The agents, accompanied by county police, went to two apartments in the building with search warrants issued in Baltimore. The warrants were granted on "information from a number of sources that there was a large cache or stock of guns and ammunition at this location. . . . Based on the information the agents felt it was imperative to go forward with the request for a warrant, which was duly issued," a deputy U.S. Attorney said yesterday.

Beall said that five men—two Treasury agents, two plainclothes county officers and one uniformed county officer—arrived at the basement apartment at the Quebec Terrace address shortly after 8:30 p.m. They found it had a steel door and one Treasury agent knocked on the door, Beall said.

BATTERING RAM

He then knocked on the door harder and announced that he was an agent from the Alcohol, Tobacco and Firearms Division of the U.S. Treasury Department and that this was a raid. Beall said the agent "put his ear to the door," and heard "scuffling" inside, but no one came to the door.

The three county policemen, armed with an 85-pound battering ram, then gave the door six blows, which forced it open 12 to 16 inches, allowing one treasury agent to squeeze through into the apartment, he said.

Beall said that the agent was in plain clothes, but had a badge in his left shirt pocket and a search warrant in his hand. His gun remained in his holster, Beall said.

The agent reported that the first thing he saw upon entering the apartment was a man standing at the end of a corridor with a pistol. The agent then "hit the deck and pulled his own gun."

However, Beall said that he did not know how many shots were fired, who fired first or whether the federal agents or the county police officers fired the shot which critically wounded Ballew.

Mrs. Ballew contradicted this version. Her husband, she said, was armed with a cap and ball reproduction of an antique Colt .44.

As the couple—alarmed by the sounds of the battering ram—started up the corridor to the living room, they saw two men—both bearded, one wearing a yellow sweatshirt and the second in blue jeans and sneakers.

Mrs. Ballew said that the second man brandished a gun and that she heard "both guns go off at the same time." Her husband then slumped to the floor. A federal spokesman said yesterday that Ballew fired first, but Mrs. Ballew recalled seeing the muzzle flash from the cap-and-ball weapon as he slumped, indicating that he pulled the trigger after being hit.

However, she added, it is possible to get a "multiple flash" from such a weapon.

"I started screaming, "Get the police—murder," Mrs. Ballew said.

'We are the police," she quoted one of the men as saying.

THE HIGH COST OF POLITICAL CAMPAIGN FINANCING

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Washington (Mr. FOLEY) is recognized for 10 minutes.

Mr. FOLEY. Mr. Speaker, the problems associated with financing political campaigns are among this country's most serious issues. While the costs of campaigns are rapidly escalating, the ability to raise the necessary money is becoming increasingly difficult. We run the risk of having to depend on large single donations from interested contributors in order to meet the required expenditures. Because of this situation the public is losing faith in its elected officials.

This loss of faith by the public threatens our democratic process. They may believe that their elected officials vote against the best interests of the majority of the electorate in favor of the interests of the large contributors. They see where the lavish spending might have been the decisive factor in an election, and they see qualified individuals who are prevented from seeking office because of the prohibitively high cost of a campaign.

If we are going to restore public faith in the free election process, we must seek a solution which will broaden the base of participation in our political system and free elected officials from possible embarrassing situations. One solution which we should consider is public financing of political campaigns.

I have recently introduced a bill to provide direct financial assistance to candidates for Federal office in the general elections. It is estimated that the cost of this proposal per citizen 18 years and over would be only 29.5 cents. In addition, title II of this bill proposes new strict disclosure provisions based on the principle of automatic monitoring of spending reports by political adversaries.

I am grateful to Mr. Philip Stern for his help in developing this bill, which has come to be known as "the Federal Campaign Assistance and Disclosure Act." Mr. Stern, who is president of the Stern Family Foundation, is a former congressional aide and author of three books including "The Great Treasury Raid," about tax loopholes. In an editorial by Mr. Stern which appeared in the New York Times on June 11, 1971, he presents a case for financing political campaigns through a drawing account in the Federal Treasury and discusses the elements of such authorizing legislation, many of which have been incorporated into the bill I have introduced (H.R. 8380).

Proposals now under consideration in the Senate which place a ceiling on expenditures but do not limit individual donations are only partial solutions. As Mr. Stern points out:

It's not the spending that's publicly harmful; it's how and from whom the money is raised, and in the disproportionate influence that large contributors are bound to wield.

At this time I would like to place Mr. Stern's editorial, "The Politics of Money," into the RECORD. It proposes a solution which merits our serious consideration. The article follows:

THE POLITICS OF MONEY

(By Philip M. Stern)

WASHINGTON.—Almost every major domestic problem in America has its roots, in my view, in a deeper, more basic malady: the manner in which we finance political campaigns, with candidates heavily dependent on "interested" givers who expect a return on their investment, usually in the form of some governmental favor or largesse.

For example, the skewing of national priorities is largely traceable to political financing. With candidates so reliant on large contributors, mostly from industry, it is not surprising that the political system produces billions for an oil depletion allowance or corporate tax write-offs and pittances to combat hunger, pollution, housing shortages, etc.—problems mainly of concern to political non-contributors.

The anachronistic Congressional attitudes that flow from long tenure, old age and the seniority system stem largely from current fund-raising practices, which are heavily biased in favor of the power-dispensing incumbent office-holder and against the newcomer (last year 359 out of 379 incumbent House candidates were re-elected). Many would-be challengers, in fact, are frozen out before they begin, sheerly for lack of financing.

With a constricted political system, and with the makeup of Congress largely static, no wonder the pace of change is so maddeningly slow.

The only effective way to open up politics, give newcomers and new ideas a chance and dilute the power of the big giver, is through public financing of election campaigns. That would not really be a radical change. The public already pays—and pays dearly—for the manner in which we now finance campaigns.

To take one dramatic example, the public now must lay out $5 billion a year in added oil and gas prices because the President declined to abolish oil import quotas as recommended, in the national interest, by his own Cabinet committee. When a President rejects a $5-billion saving for tens of millions of consumers in favor of higher prices and profits for a few oil companies, just four of whose executives contributed $300,000 to the 1968 Republican cause, the concept of "one-man, one-vote" is a joke.

The remedy does not lie in curbing political spending (via expenditure ceilings or free TV time). It's not the spending that's publicly harmful; it's how and from whom the money is raised, and in the disproportionate influence that large contributors (unions as well as corporations) are bound to wield.

Public financing of campaigns would be the best investment the American taxpayers could make. Even a generous program of Federal assistance, covering all primary as well as general elections for House, Senate and President, would only cost about $93 million a year (or just 69 cents per citizen of voting age)—just one-fiftieth of what the public is now paying for oil import quotas alone. Thus, if public financing could reverse that one Government policy, the taxpayers would have a 5,000 per cent return on their investment!

Use of the public subsidies for candidates' personal enrichment could be avoided by having the U.S. Treasury make payments directly to the purveyors of political services (i.e, to the broadcasters, newspapers, printers, etc.) so that the candidates themselves would not receive or handle any of the Federal money.

To encourage small-scale private gifts, there should also be tax-credit incentives but, to assure that no citizen wields undue influence, no gift of more than, say, $25 should be allowed.

The conventional wisdom insists that public financing of campaigns is inherently unpalatable to the voters. Yet TV viewers of "The Advocates," after hearings the pros and cons last October, voted 76 per cent in favor of Federal campaign assistance with just 21 per cent against—one of the most one-sided votes in the program's history.

Moreover, public funding of campaigns, already successfully in effect in Puerto Rico and Quebec, has just been officially embraced by the Democratic National Committee and is embodied in at least two Senate bills (by Senators McGovern and Gravel).

So this is far from a blue-sky political idea. It is gaining acceptability, perhaps because members of the nonaffluent, noncontributing public are catching on to the fact that they are already picking up the tab for a political system that answers much more to the big givers than it does to them.

GENERAL ACCOUNTING OFFICE CELEBRATES ITS 50TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House the gentleman from California (Mr. HOLIFIELD) is recognized for 25 minutes.

Mr. HOLIFIELD. Mr. Speaker, the General Accounting Office was created by the Budget and Accounting Act of 1921, which also established the Bureau of the Budget. The Honorable Elmer B. Staats, Comptroller General of the United States, has fittingly arranged for a commemorative celebration of GAO's 50th anniversary.

Last Friday, under the GAO auspices, lectures were given on the general theme, "Improving Management for More Effective Government" by such distinguished public figures as George P. Shultz, Director of the Office of Management and Budget; Russell E. Train, Chairman of the Council on Environmental Quality; and Robert C. Weaver, professor of economics, City University of New York, and formerly Secretary of the Department of Housing and Urban Development.

In the afternoon of the same day, there was an honor awards program at the auditorium of the GAO building. The Comptroller General presented awards for distinguished service, career development, and other designated achievements Comptroller General Staats graciously invited me to make an address on the occasion of the awards program. I ask unanimous consent that it be printed at the conclusion of these remarks.

Continuing the general theme, "Improving Management for More Effective Government," the Comptroller General has arranged for additional lectures during this anniversary year. At the conclusion of my remarks, I will present for the RECORD the complete list of lecturers and subject matter.

Mr. Speaker, in order that the Congress may take formal recognition of the GAO's 50th anniversary, I have introduced a resolution—House Concurrent Resolution 309—which would extend congratulations to the former and present officers and employees of the General Accounting Office on this historic occasion and designate the month of June 1971 for ceremonies appropriate to the commemoration. The resolution has been referred to the Judiciary Committee which has jurisdiction over measures affecting holidays and celebrations. I trust that the committee will give timely approval and recommend the enactment of the resolution.

Through the years the Committee on Government Operations, of which I have the honor to be chairman, has worked very closely with the GAO in legislative and investigative matters of great importance. By law and rule of the House, our committee has jurisdiction over budget and accounting procedures—other than appropriations. Predecessors of this committee have handled such landmark legislation as the Government Corporation Control Act of 1945 and the Budget and Accounting Act of 1950, both of which govern important segments of GAO operations.

When I came to the Congress in 1943, Lindsay C. Warren was the Comptroller General. Upon assuming office on November 1, 1940, Mr. Warren, a former member of the House of Representatives from North Carolina, devoted much effort to making the GAO an effective agency of the Congress. He guided the office through the critical period of World War II; successfully urged the Congress to bring Government Corporations under GAO annual audit; established the joint accounting improvement program for better accounting in the Federal Government; extended auditing at the site of operations under the comprehensive audit program; and initiated broadscale audits of procurement and contracting in the military departments.

Joseph Campbell succeeded Mr. Warren in 1954 and expanded the defense contract auditing of the GAO. He served for more than 10 years, to be succeeded by Comptroller General Staats.

Before Mr. Staats appointment, Frank H. Weitzel served as Acting Comptroller General. Until his recent retirement, Frank Weitzel served in the GAO for 45 years, almost through the entire period of its existence. As the Assistant Comptroller General, he was the good right arm of the Comptroller General, a position now held by Robert F. Keller. These men have made enduring contributions to the development of the GAO as an institution and an effective agency of the Congress.

In its legislative oversight responsibilities, the Committee on Government Operations from time to time examines the operations of the GAO as a whole or the administration of a particular activity. As Lindsay Warren once said, our committee is the GAO's friendly guide as well as its proper critic.

Shortly after the duty was placed on this committee to receive and examine the reports of the Comptroller General, hearings were held by the Government Operations Subcommittee, and a report was issued in October 1949—House Report 81–1441—which described the work of the GAO and the services available to the Congress.

Five years after enactment of the Budget and Accounting Procedures Act of 1950, GAO's overall operations were reevaluated. The committee's report—House Report—84–2264—issued in 1956 made recommendations for the improvement of GAO operations. An organizational realinement, during this time, sought the integration of the GAO's accounting, auditing, and investigative activities in the executive agencies and the application of a greater proportion of its resources to reviewing activities and expenditures of the military departments.

Because a sizable portion of the national budget was being expended in Europe, North Africa, and the Near East, our Executive and Legislative Reorganization Subcommittee conducted hearings in 1957 to obtain information on U.S. overseas operations and to review the related activities of GAO's European branch, which had been activated in August 1952. The committee's report—House Report 85–1281—noted the accomplishments of the branch during its first 5 years of operation and helped to effect a change in Department of Defense regulations broadening GAO's access to information.

In a 1966 report on the investigation of U.S. economic and military assistance programs in Vietnam—House report 89–2257—the committee recommended that the GAO establish a continuous presence in Southeast Asia and that it concentrate more of its efforts on reviewing audit and inspection activities of responsible executive agencies. Subsequently, GAO established an office of its Far East branch in Saigon and another in Manila. Followup investigations by this committee showed substantial improvement in the audits being conducted by the U.S. agencies in Vietnam and improved effort on GAO's part in examining the effectiveness of these audits, not only in Vietnam but worldwide.

Another study of GAO's operations was made in 1965 by the Military Operations Subcommittee under my direction. In reviewing 80 GAO reports submitted to the Congress on audits of defense contracts, the subcommittee made a constructively critical evaluation of GAO's procedures, practices, agency relationships, and contract auditing policies, as evidenced in these reports. Following the issuance of our report in March 1966—

House report 89–1344—Comptroller General Staats reorganized the defense accounting and auditing division on a functional basis. The details on this reorganization were described in another committee report—House report 89–1796.

Our committee requested that the GAO study the operations of the Defense Contract Audit Agency in the interest of establishing effective liaison, minimizing duplication of effort, and improving the audit of military expenditures. The Comptroller General reported that with the increased responsibility and effectiveness of the Defense Contract Audit Agency, GAO has been able to give greater attention to important aspects of procurement—House report 90–1132.

In fulfilling our responsibility to receive and examine the reports of the Comptroller General and to submit such recommendations as are deemed necessary and desirable, we have assigned responsibility to our staff to study and analyze all such reports. These reports are referred to the subcommittee having general jurisdiction over the subject matter involved. In most cases, additional information concerning the findings and recommendations in these reports is requested and received from the administrative agency involved.

When Comptroller General Warren suggested in 1945 that a committee of the Congress be designated to receive and examine GAO reports to the Congress, GAO was submitting few reports to the Congress as a whole. Most reports at that time were submitted informally to selected committees. In 1945, for example, only one report was submitted to the Congress as a whole. Following enactment of the Government Corporation Control Act and expansion of audits at the site of operations, the number began to rise. A total of 330 reports to the Congress was received during the 91st Congress. Thus the work of the committee has increased concomitantly with the increase in GAO's capability for serving the Congress.

The responsibility of the GAO under section 312(a) of the Budget and Accounting Act of 1921 to investigate all matters relating to the receipt, disbursement, and application of public funds and to make recommendations looking to greater economy and efficiency in public expenditures is similar to the responsibility of our committee to study the operation of Government activities at all levels with a view to determining its economy and efficiency. Consequently many of GAO's reports are used by the committee and its subcommittees in carrying out their investigative responsibilities.

In addition to using reports on audits or investigations initiated by the GAO, the committee uses many GAO reports on audits or investigations made at the specific request of the committee. The committee has called upon the GAO to make more than 100 such reports during the past 10 years.

The study of the Commodity Credit Corporation's grain storage activities, made by our Intergovernmental Relations Subcommittee under Representative FOUNTAIN in 1959–60, is an example of a study initiated by our committee in which assistance was rendered by GAO. The subcommittee's study—House Report 86–2220—was undoubtedly a contributing factor in a reduction made by the Department of Agriculture in the rates it paid for storing grain. Savings of from $85 to $100 million were realized in the first year of the reduction and additional millions have been saved in succeeding years. GAO's report on its examination of the operating costs at 57 selected commercial warehouses was considered in the subcommittee's study.

The investigation by our Intergovernmental Relations Subcommittee of the enforcement by the Department of Agriculture of the Federal Insecticide, Fungicide, and Rodenticide Act is an example of an investigation initiated as a result of a GAO report. The act is intended to protect the public against hazardous and ineffective pesticides, but GAO found that the actions taken by the Department may not have removed potentially harmful products from the market. As a result of GAO's report and hearings by the subcommittee, the Department agreed to establish and implement more effective regulatory procedures. In February 1970, the first case referred to the Department of Justice in more than 15 years for a violation of law was successfully prosecuted. This case arose from one of the examples in GAO's reports.

Public Law 89–306, approved October 30, 1965, which established a Government-wide coordinated program for the management of the Government's automatic data-processing equipment, is an example of legislation arising from GAO reports and committee action. More than 100 GAO reports pointed to deficiencies in the previous management approach. This legislation, which incorporated most of GAO's recommendations, was introduced by Representative BROOKS, chairman of our Government Activities Subcommittee. It has resulted in cost reductions of about $450 million annually and cumulative cost reductions of $1.2 to $1.7 billion.

Many other examples could be cited of contributions made by GAO audit reports to studies conducted by our committee. I will merely name the subjects of some of these studies which included studies by our Military Operations Subcommittee of the Air Force's ballistic missile management, the Defense materiel utilization program, operations of the Defense Supply Agency, and military supply management; studies by our Government Activities Subcommittee of the method of compensating consultant engineers under the Federal-aid highway program, and a continuing review of internal audit systems in Federal departments and agencies; studies by our Foreign Operations and Government Information Subcommittee of the utilization of excess U.S.-owned foreign currencies, U.S. participation in the NATO common infrastructure program, and the U.S. economic and military assistance programs in Vietnam; a study by our Legal and Monetary Affairs Subcommittee of the debt collection operations of the Department of Justice; and a Governmentwide review of support service contracts by our Special Studies Subcommittee.

These studies frequently involved the use of numerous GAO reports for background information and documentation of committee findings. More than 20 GAO reports were used, for example, in the study of military supply management.

In 1958, the Honorable William L. Dawson, my predecessor as chairman of the House Committee on Government Operations, stated that the close working relationship between the committee and the General Accounting Office was a source of mutual satisfaction and that the committee looked forward to the continuance of that relationship and to even more useful cooperation in the future. I believe the information I have cited today bears testimony to the ever-increasing usefulness of the General Accounting Office as an agent of the Congress. I, too, look forward to a continuance of the excellent relationship of the GAO with our committee and to even more useful cooperation in the future.

YEARS 1921–71—GAO 50TH ANNIVERSARY LECTURE SERIES: "IMPROVING MANAGEMENT FOR MORE EFFECTIVE GOVERNMENT"

March 22: John W. Kendrick, Professor of Economics, The George Washington University. The Construction and Use of Productivity Measures for Federal Government Agencies.

May 21: Hugh Sidey, Chief, Time-Life News Bureau, Washington. Improving Public Understanding of Public Affairs.

June 11: West Auditorium, State Department:

9:00 a.m.: George P. Shultz, Director, Office of Management and Budget. Views on General Theme: Improving Management for more Effective Government.

10:15 a.m.: Russell E. Train, Chairman, Council on Environmental Quality. Views on General Theme.

11:30 a.m.: Robert C. Weaver, Professor of Economics, City University of New York, Former Secretary, Department of Housing and Urban Development. Views on General Theme.

GAO Auditorium, 2:30 p.m.: Chet Holifield, Chairman, Committee on Government Operations, House of Representatives. Views on General Theme.

July 15: Leonard P. Spacek, Chairman, Arthur Andersen & Company. Utilizing What Is New in Accounting.

August 16: William Gorham, President, The Urban Institute. Uses and Limitations of Quantitative Analysis in Public Decision-Making.

September 17: James E. Webb, Former Administrator, National Aeronautics and Space Administration. What Is New in Management.

September 24: Alexander B. Trowbridge, President, The Conference Board. Building Business Understanding and Support of Governmental Programs.

October 7: H. M. Boettinger, Director of Management Science, American Telephone and Telegraph Co. What Is New in Management Sciences.

October 15: Judge Harold Leventhal, District of Columbia Circuit Court, U.S. Court of Appeals. The Lawyer in Government.

November 16: John J. Corson, Chairman of the Board, Fry Consultants, Inc. Uses and Limitations of Experts.

Alan L. Dean, Staff Coordinator, President's Departmental Reorganization Program, Office of Management and Budget. Uses and Limitations of Experts.

December 6: Dr. Harlan Cleveland, President, University of Hawaii. Universities as a Resource for the Public Service.

December 15: David E. Bell, Executive Vice President, The Ford Foundation. Assessment of Efforts To Assist Underdeveloped Areas.

(NOTE.—Except as otherwise indicated, all lectures will take place in the GAO Audi-

torium, 7th Floor, GAO Building, commencing at 10:30 a.m.)

THE GENERAL ACCOUNTING OFFICE AND THE CONGRESS

(Address by Representative CHET HOLIFIELD)

I was pleased to receive the invitation from Comptroller General Staats to participate in the Fifth Annual Honor Awards Ceremony of the General Accounting Office. The House Committee on Government Operations, of which I am Chairman, has a very close relationship with your Office.

Before examining this relationship in some detail, I would like to express my high regard for Comptroller General Staats and my appreciation for his many contributions to the public service.

I knew him first in the Bureau of the Budget, and then I was greatly pleased when President Johnson appointed him in 1966 to the high office of Comptroller General. I have always regarded Mr. Staats as a dedicated public servant as a man of keen intellect, broad experience, and deep understanding of the complex processes of Government.

Considering that Mr. Staats served so many years in the executive branch and the presidential orbit, I find it interesting that he has committed himself so firmly to shaping the GAO as a service agency to the Congress. And, more than his predecessors, he has refashioned the GAO as an institution to keep it abreast of the times, to expand its horizons, to diversify its skills.

In paying this tribute to Comptroller General Staats, I do not want to detract from the important work of his predecessors. Earlier Comptrollers General, including J.R. McCarl and Lindsay C. Warren, were congressionally oriented. Preceding his appointment, McCarl was a private secretary to Senator George Norris of Nebraska, and Lindsay Warren was a Member of Congress from North Carolina for many years.

When I came to the Congress in 1943, Warren was in his third year as Comptroller General. He guided the GAO through the critical period of World War II, helped to establish the joint accounting improvement program, developed the concept of the comprehensive audit, extended the practice of auditing at the site of operations, and did much to make the GAO an increasingly effective force to serve the Congress.

In 1954, Joseph Campbell succeeded Mr. Warren as Comptroller General and served for ten years. During his tenure the GAO became increasingly involved in defense contract audits and played an important role in the enactment of such landmark legislation as the Truth in Negotiations Act.

Each Comptroller General has an Assistant Comptroller General who is his good right arm. Frank H. Weitzel served in that position, culminating a long and distinguished career with the GAO over a period of 45 years, almost for the length of its existence. Robert F. Keller, the present Assistant Comptroller General, also has served with distinction in the GAO for many years. Both Weitzel and Keller have made outstanding contributions to the evolutionary development of the office.

There are many other career men and women in the GAO—I cannot begin to name them all—who deserve our thanks and appreciation for selfless and dedicated work in the public interest. They have helped to build the GAO as an institution. They have built their careers around this institution. The GAO is as good as its people, and judging by the reputation it has, I would say that the people are very good.

The half-century of GAO's existence spans the period of America's emergence as a world power and an urban society, with a big governmental apparatus and farflung responsibilities. Depression and war and social turmoil have expanded greatly the responsibilities of the Federal Government and have made its operations infinitely more complex. The GAO as Government auditor for the Congress has had to deal with these complexities.

Comparing the Comptroller General's first annual report of 16 pages (FY 1922) with his latest annual report of 150 pages (FY 1970), one sees the vast change in functions and perspectives of your Office. When the GAO was created, the Federal budget was $5 billion, compared to $200 billion today.

Fifty years ago, the Office gave dry statistics on how many different types of accounts it received, checked, and settled in various Government departments. Today the GAO still settles accounts, but it is concerned more with the adequacy of agency accounting procedures than with checking individual transactions.

Although the dictionary definition of audit refers to the examination and verification of financial accounts, modern usage has broadened the term to encompass the evaluation of management or administration. The stereotype of the auditor with the green eyeshade gives way to that of the professional analyst with computer support. The accounting and auditing staff is being broadened to include engineers, economists, mathematicians, even an expert in cybernetics!

Today the GAO, by planned audit and by Congressional request, tracks a multitude of Government operations. GAO regional offices are manned throughout the country and around the world, wherever American Government holds sway. The work of the GAO today is more sophisticated, more diversified, more attuned to Congressional needs and interests.

Under the Rules of the House and the Legislative Reorganization Act of 1946, it is the duty of the Committee on Government Operations to oversee the work of the General Accounting Office. Our committee has legislative jurisdiction over budget and accounting matters (other than appropriations). For example, the Government Corporation Control Act of 1945 and the Budget and Accounting Act of 1950, both of which govern important segments of GAO operations, were handled by predecessors of our committee in the House of Representatives.

The Committee on Government Operations regularly receives the reports of the Comptroller General for review and follow-up action if necessary, and we draw upon GAO personnel for assistance in specific studies and investigations. Government annals contain records of many investigations through the years conducted jointly by our committee and the GAO. We have worked together in a constructive way for more effective Government.

These relations are by no means exclusive. The GAO works closely with the Committees on Appropriations, Armed Services, and others as the need and occasion arise. The Comptroller General details personnel to the committees on request. In fiscal year 1970, I am told, some 115 GAO employees were assigned to Congressional committees. Also the GAO is prepared to respond to appropriate requests of individual Members as resources permit.

Our committee's relationship with the GAO has historical roots. The Committee on Government Operations is the modern-day successor to various committees throughout our Nation's history which dealt with expenditures in the executive branch. There was a committee, for example, on Expenditures in the State Department, another on Expenditures in the War Department, and so on.

A few reports come down to us of significant investigations by these committees, but the historical judgment seems to be that the expenditure committees of former times were not very effective, often politically motivated, and more often in a state of suspended animation.

In 1927, 11 committees on expenditures in the House were merged into a single committee on Expenditures in the Executive Departments. In 1952, the name was changed to the Committee on Government Operations. This name change signified that the Committee wanted to go beyond the narrower historical identification with fiscal matters.

Just as the GAO may be said to have developed from a voucher audit agency to a management audit agency, so the Committee on Government Operations has taken a broadened view of its role and become, in a sense, the Congressional auditor of executive management.

Our Committee also has important legislative responsibilities in connection with Government reorganization, procurement and property management, administrative expenses, freedom of information, and other matters which have a Government-wide or multi-agency impact. However, the Committee on Government Operations is the across-the-board investigating committee of the Congress and, therefore, our investigative mandate—at least in the House of Representatives—is broader than that of other committees.

We are charged by the Legislative Reorganization Act and the Rules of the House with examining the efficiency and economy of the Federal Government at all levels. For this purpose we have some specific tools, such as:

A continuing subpoena power;

A special statute giving access to Government records;

The privilege of sitting when the House is in session; and

A sizeable investigative staff.

Presently the Committee is divided into 7 subcommittees, which among them cover all the departments and agencies of the Federal Government and certain functional areas of interest; such as intergovernmental relations, freedom of information, and foreign operations. The Committee employs approximately 60 staff persons in total, including professional, administrative, and secretarial employees.

The Committee on Government Operations, as I said, receives and studies the reports of the Comptroller General and works closely with the GAO in many years. We have the responsibility of supervising GAO operations as part of our legislative oversight function. Frequently, we praise the GAO for work well done, but from time to time we criticize the GAO in the interest of getting work done even better.

No institution is perfect, not even the GAO, and not even the Congress. If the GAO, as commonly said, is the watchdog of the Treasury, there are those who want to know who watches the watchers.

The Congress and particularly the Committees on Government Operations watch the GAO. We are the source of its basic authority. We are concerned about the quality of its performance. The Congress has delegated to the GAO enormous power and responsibility. The Comptroller General passes upon the legality of Government expenditures, and, therefore, his writ runs far and wide and touches everything that Government does.

The GAO declares itself on many matters in Government beyond the legality of expenditures. It reviews agency performance and makes numerous recommendations for improvement. For the most part, these are sound and well-considered, and the GAO has a high score in agency responsiveness.

However, honest men differ frequently about the best way to manage affairs, and no single agency, including the GAO has a

monopoly on managerial wisdom. The Congress itself does not always agree with GAO recommendations and reserves the right, through its committee system and membership, to take issue with the GAO and express its differences.

Who watches the Congress, you may ask. The press and public watch the Congress, which also has its internal checks and balances. Above all, the voters watch their Senators and Representatives. It is the voters who hire and fire the Members of Congress.

The special relationship between the GAO and the Congress creates sensitive issues with respect to the Congress itself and the executive branch. I will devote the remainder of my remarks to a brief but candid discussion of some of these issues. My comments are not conclusive because the answers in a few instances are not easy to perceive and are still to be considered in pending legislation. Hopefully these comments will help you to identify some of the issues which must be thought through.

1. Since the Congress does not always speak with one voice, the GAO has to serve many masters. There is always the danger of being hurt in the crossfires of political conflict. The GAO practice has been to stick to the facts and stay neutral in politics. Despite occasional carping and criticism, which every public agency is exposed to, and Congressmen are used to, the GAO has built a reputation for objectivity. This reputation should be jealously guarded.

2. The Congress in its quest for information has unbounded appetites. There is no end to what can be investigated and never enough staff to do everything which is requested. There are definite limits to GAO expansibility as an agency and, therefore, a need for care and selectivity in honoring and executing Congressional requests.

3. The work of Congress is based upon a highly refined division of labor in the committee system. The GAO must give priority attention to the committees with important legislative and investigative tasks. On the other hand, much of the drive for expanded GAO authority and resources comes from less-senior members of Congress who believe the committee system is not developing enough information for the Congress as a whole.

The GAO must keep in perspective these divergent trends and the subleties of legislative maneuvering for position and influence.

4. There are those in Congress who will try to put upon GAO, not only more than it *can* do, but not more than it *should* do. The issue may be evaluation of a complex weapon system, or defense strategy for the next decade, or some other demanding task of a high policy nature. The GAO is brought in because it is ready at hand and anxious to serve. The Comptroller General takes the view that the GAO should respond in the fullest extent possible to all reasonable requests.

The GAO is right to be responsive, but it cannot hope to be expert in all things. What the Congress needs from the GAO, in the final analysis, are auditors and investigators who are well trained and perceptive and can dig up the facts. The Congress cannot hope to develop a whole array of technical experts to match those in the executive branch.

5. The GAO holds itself out as the agent of the Congress, but it must be mindful of, and perhaps resistant to, developments which would tend to reverse in many particulars the agent-principal relationship. There are demands for legislation which would make the Comptroller General responsible for policing lobbies, political campaign contributions, financial holdings of Members (the Comptroller General already is custodian for Senators' financial declarations) and other matters affecting Congressional conduct.

Since the Congress itself is not well-constituted for administrative operations, the tendency to look to the GAO for such assistance is understandable and, in any given case, possibly merited. If this tendency is encouraged, however, and too many congressional policing and custodial functions are thrust upon the Comptroller General, the GAO may change into a quite different kind of agency—one which begins to acquire powers over the Congress itself.

6. There are differences, not only within the Congress itself, but between the legislative and executive branches about many aspects of public policies and Government operations. As the agency which passes upon the legality of Government expenditures, the Comptroller General finds himself occasionally at loggerheads with the Attorney General as to what is legal and proper. Such conflicts are difficult to resolve.

The Congress has legislative options to clarify policy and prescribe proper courses of agency conduct. Nevertheless, the Congress is not that flexible in legislative response because consensus may be difficult to attain, or the matter is left in limbo through inattention or deliberate choice.

The proposition has been put forth that the Comptroller General should have statutory authority to bring such conflict issues to the courts for resolution. I believe that if the Comptroller General is to acquire such authority, it should be exercisable in specific instances only with the full knowledge and consent of the Congress.

7. The Comptroller General believes that his office should have subpoena power, a privilege possessed by certain committees and accorded by statute to designated agencies of the Government. Since this power practicably cannot be exercised against departments and agencies in the executive branch, it is sought mainly in connection with access to records of Government contractors.

Does the Comptroller General need the subpoena power for effective work in contract audits? Some committee chairmen believe that when a difficult situation arises, committees can exercise their own subpoena power in support of the GAO. Perhaps the access-to-records statute needs clarification.

8. Finally, I should mention without necessarily exhausting the list of sensitive issues, the age-old problem of the auditor's lag. Audit reports look backward in time to past performance. They take a long time to prepare because auditing is an arduous task, and the audit agency understandably wants to be correct in its facts.

A frequent Congressional complaint is that GAO reports are not timely enough. I know that many efforts are being made to overcome this time lag and to make the reporting process more responsive to the needs of the Congress.

There are no book formulas to resolve such issues, and I raise them to provoke thought and discussion in a time of change. The Congress is changing, and so is the GAO. We enter the decade of the 1970's and grope for answers to national problems of staggering dimensions and great urgency. I take an optimistic view, however, believing that this Nation has the resiliency, the imagination, the resources, and the basic inner strength to solve these problems while keeping a steady course.

It would be fun to speculate how GAO would look on its 100th anniversary. This I will not do now, but to those of you who make your careers at the General Accounting Office, and to those who are receiving awards today, let me wish you well and say that you are engaged in a highly satisfying form of public endeavor. You search for the imperfections in Government in order to make Government more efficient and effective. You help to shore up the foundations of Government, to strengthen its bearing walls, to repair its cracks and crevices, to smooth its rough edges, to make it habitable and enduring.

Your work is important above all for the assurance it gives to the citizens of this democracy that the Congress has created and works with an institution that keeps an eye on the executive branch and worries about the taxpayer's dollar.

PRESIDENT ORTIZ-MENA AND THE INTER-AMERICAN DEVELOPMENT BANK

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, a few days ago, my home city of San Antonio had the distinct honor, privilege, and pleasure to host the Honorable Antonio Ortiz-Mena, President of the Inter-American Development Bank. President Mena is a most able and distinguished economist with vast experience as a former leader, in the Mexican Government.

The Inter-American Development Bank is an institution of vast importance to this hemisphere. Few of our citizens realize the importance of the region lending institutions, but in truth, they are critical to the progress of virtually every region. In these institutions are bound up the best hopes of many nations for orderly development and progress. These quiet institutions are among the best and most effective instruments available to men of good will today who want to help those who need help. But these multilateral institutions are not mere conduits of aid; they are in fact the catalytic agents of solid progress. They deal in realities, and they finance development through both hard and soft loans—always with a view to the most effective means of employing scarce capital resources.

The Inter-American Development Bank is a young institution, but its record of progress is most impressive. I think that we need a fuller appreciation of this institution, its capabilities and its achievements. I am happy therefore to include in today's RECORD Mr. Ortiz-Mena's comments at San Antonio—comments which constitute an excellent short sketch of the background, accomplishments and hopes of the Inter-American Development Bank:

REMARKS OF ANTONIO ORTIZ MENA

It is only fitting and proper that one of my first official appearances in the United States, outside of Washington, as President of the Inter-American Development Bank should be in San Antonio, Texas. As a Mexican, and as a Latin American, I can appreciate the significance of this fact. Here in San Antonio which has for so long been the bridge between the Anglos and the Latins—a city of such great culture and historical heritage, which so gently carries the two cultures on its shoulders—and where the best of both worlds have learned to be at peace with one another, is the proper place for me to begin my task of persuading the citizenry on both sides of the Rio Grande about the value and worthwhileness of the Inter-American Development Bank.

As Chief Executive Officer of this International Institution it is my principal task

to obtain the support, not only among the member governments but also among the people, for this truly cooperative inter-American effort.

I have assumed this task as President of the Inter-American Development Bank after having completed 12 years as Secretary of Finance and Public Credit of my own country. I had hoped after those arduous years of public service in Mexico that I could devote my time to my own personal endeavors and, more importantly, to my children and now 18 grandchildren. And yet, when the call came for me to take on this responsibility I could not deny this higher calling as an international civil servant. The experience of the Mexican economy over the last 12 years also has given me an appropriate perspective by which I can view and perhaps draw upon all our experience in connection with an attempt to solve some of these problems in other countries of Latin America. I would also hope that my long connection with all sectors of the Mexican economy, with all its ties with its larger neighbor to the north, would also be a good and appropriate background which could be beneficial in the administration of an international financial institution whose funds are in large part contributed by the United States. It is that experience and that hope that emboldened me to take on these new tasks at a time when otherwise I would have much preferred to seek the quiet of private life.

I would be less than frank if I did not tell you that indeed the Bank is today sailing on rough seas. The fact is that the waves that buffet our institution are in large measure, if not totally, a reflection of the larger problems which arise out of the development process of the less developed countries and their relationship to their well-to-do neighbors and the trials and tribulations of the inter-American system itself. It is, nevertheless, a rough sea and a rough time.

Let me briefly tell you about our institution, and give you a part of its history so that you might place what I have to say in a proper perspective.

The Bank was founded in 1960, after nearly six decades of recommendations and suggestions by the Latin American countries, and appeared to be the fulfillment of a long-held dream that the chain of inter-American institutions be completed by the creation of this financial mechanism. It was to be a modest institution, capitalized at about $1 billion of which half represented callable assets in the form of a guaranty fund against which the Bank could enter the capital markets and borrow. Hardly had the organizational phase of the Bank been completed when President Kennedy launched his famous "Alliance for Progress" and there was channeled to the Bank a half-billion-dollar fund totally contributed by the United States, devoted to social progress in the fields of housing, health, water and education. Since then there have been a number of increases in capital so that presently the Bank's ordinary capital stock stands at $2.7 billion and its soft loan window, that is, the Fund for Special Operations at $2.3 billion. In these ten years the Bank has lent a total of nearly $4 billion which in turn have generated projects in Latin America of more than $11 billion.

Where has the money gone? Where have these commitments been made? Well, they have gone principally to make the agricultural and industrial sectors of the economies of our Latin American members viable in both economic and social efforts, with pure water and proper sanitation facilities, with decent housing and other urban and rural community facilities, and with the improved educational facilities required in today's technological world. More specifically, improving or bringing into production 6.5 million acres of land, making 730,000 credits through Latin American development institutions to improve output and productivity on small- and medium-scale farms and ranches; building or expanding more than 4,000 industrial enterprises, constructing or improving 4,500 miles of main highways and building 17,000 miles of farm-to-market roads; modernization of 14 ports and grain elevator facilities, installing 6.7 million kilowatts of electric power generating facilities; stringing 4,000 miles of transmission lines; building or expanding 3,700 city and rural water systems; building 330,000 housing units for low-income families, and modernizing or expanding 560 learning centers, composed of 95 universities and 465 technical institutes.

We have done, of course, much more in technical assistance by training qualified people for the preparation of projects, and in the field of preinvestment and in particular in providing specialized help to the relatively lesser developed countries.

All this has been done with a staff which is largely Latin American and which has been recruited from our membership. The majority of the votes are held by Latin America, although the United States holds 42 per cent of the stock. I cite this only because we are a unique institution: an institution which the Latin Americans call their own and at the same time one which has achieved a high acceptance not only in the United States but all over the world. We have borrowed more than $1 billion in the capital markets of the United States, Europe and Japan. Our bonds are rated triple-A and are prime investments for pension funds, trustees and institutional investors, such as insurance companies, all over the world. Indeed only a few weeks ago your own State again approved legislation by which all State-regulated investors including the school and university funds can purchase the Bank's bonds. We have borrowed or otherwise raised funds in Austria, Belgium, Canada, Finland, France, Germany, Israel, Italy, Japan, the Netherlands, Norway, South Africa, Spain, Sweden, Switzerland, United Kingdom and the Vatican, wherever capital can be obtained. I say we are a unique institution for we have achieved something unique. We are a borrower's Bank which has won the confidence of the capital market. This has not been easy and indeed it is becoming ever more difficult. Particularly in Washington the Bank is sometimes viewed with "narrow eyes." We do not clearly and neatly fit into existing patterns. We speak Spanish. We try to innovate in the nature of credits and there are some in Congress and in the press who view us with alarm. This is why I wanted to come to San Antonio to accept a gracious invitation of your own Congressman Henry B. González to explain a bit about the Bank. Congressman González has been a long-time supporter and friend of our institution and now as Chairman of the Subcommittee of International Finance of the Banking and Currency Committee he becomes even more vitally involved with the present and future of the Bank. We do look to him for leadership and we are glad, truly glad, that it is a man of his background and heritage who is a principal party of the legislation processes in the United States involving our Bank.

It must be clear to all that the process of development is not an easy one. It was not easy in the United States. It is even more difficult when one tends to compress economic development into a short span of years. The progress is uneven and the strain on the social fabric of the countries undergoing such change is very great and yet it must be done for all the reasons which I need not repeat here but let me point one out for example:

Mexico has been a neighbor of the United States for all of its history. Today, both countries are better trading partners, better financial partners, and better friends now that Mexico has achieved a greater degree of industrial development, than at the time when it was almost completely underdeveloped. To me it is obvious: the relationship is a mature and healthy one; profitable to both sides. This is not so true for the rest of Latin America and we must expect that there will continue to be strains in the relationships between some of the Latin American countries and the United States, but these strains should not blind us, and I hope do not blind some in the United States, to the great need for and the overriding essential fact of a continuing inter-American cooperative effort. The inter-American cooperation which we have painfully achieved over many difficult years should not be sacrificed—should not be diminished. Short-sighted men may make nationalistic and jingoistic approaches but I do hope that the example that has been set here in San Antonio—this great city of the two cultures—can overcome these short-range difficulties to which I have alluded.

I would not wish to end my remarks without paying tribute to a great Texan who is with us today. He is a former Executive Director of our Bank and he contributed much to our success and to our acceptance in the financial markets. He is Ambassador Edward Clark, who brought to his work in our Bank that unique combination of Texas charm and astuteness which has been the hallmark of certain Texans who have in recent times come to Washington. We miss him sorely.

TRIBUTE TO SENATOR THOMAS J. DODD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, when the 83d Congress convened, there were among their number many outstanding, newly elected Representatives. One of the most promising of the new Congressmen was Thomas J. Dodd of Hartford, Conn. Mr. Dodd's varied public service career gave him a wealth of experience in meeting the legislative challenges of the early fifties.

After receiving his law degree from Yale University in 1933, Thomas Dodd took the advice of the late Homer S. Cummings, then Attorney General, and joined the Federal Bureau of Investigation. During his 2 years of service with the FBI, he was assigned the task of pursuing the notorious John Dillinger, and it was Agent Dodd who tracked down and arrested "Doc" May, the gangster physician who treated Dillinger for wounds sustained in a gunfight with Federal agents.

But the thirties were a time of grave economic crisis, and Mr. Dodd soon sought to be of more direct assistance to the jobless. Consequently, he resigned from the FBI and returned to Connecticut in 1935 to set up the National Youth Administration in that State. He served as the organization's first director.

After several years in that capacity, Mr. Dodd returned to Washington where he served under several attorneys general in the Justice Department. His years in the Justice Department were marked by many outstanding contribu-

tions to the cause of equal enforcement of the law. He helped establish the Department's Civil Rights Section. Mr. Dodd was particularly zealous in fighting the Ku Klux Klan in the Deep South, where he also championed labor's right to organize and to bargain collectively.

During World War II, he was active in investigating espionage and sabotage, and he was credited with helping crush the Nazi fifth column which was operating in this country. Following that terrible conflict, he was chosen by Supreme Court Justice Robert H. Jackson to be the executive trial council for the prosecution at the Nuremberg trials of Nazi war criminals. For his work at the trial, Mr. Dodd received a Presidential citation and the Medal of Freedom.

It was also at the Nuremberg trials that Mr. Dodd developed a deep and abiding mistrust of communism. During the course of the trial, Soviet prosecutors attempted to blame the Nazis for the massacre of 15,000 captured Polish officers at Katyn forest, a massacre which Mr. Dodd and many authorities attributed to the Russians themselves. Although Mr. Dodd had been appalled by what he called "history's most horrible catalog of human crime," his sense of justice, even in these circumstances, would not allow him to add one more outrage to the growing list of Nazi atrocities.

Years later, as Mr. Dodd served both in the House and the Senate, he was to remain an outspoken critic of Communist aggression and an advocate of American strength in foreign affairs. Although he was greatly interested in the American position abroad, Mr. Dodd showed equal concern for domestic matters. He consistently supported civil rights and welfare legislation, including housing for the poor, medicare, unemployment compensation, increased social security benefits, and relaxation of immigration laws. He was particularly noted for his sponsorship of gun control legislation, and his efforts were a decided factor in obtaining the present law in that field.

For years, he also sponsored drug control legislation, and he was the principal Senate sponsor of the Drug-Abuse Prevention Act which went into effect this last year. Senator Dodd's long and varied career of public service will be remembered for many years. The outstanding contributions which he made to this country will always be admired and respected. Today I would like to take this opportunity to extend my sincere condolences to Mrs. Dodd and the family in the loss which they have sustained. My hope is that they will find comfort in the fact that he was admired by many and that his achievements remain as a lasting tribute to a man who spent most of his life in generous service to the Nation he loved.

IMPACT OF NEW SECOND-CLASS POSTAL RATES ON RURAL NEWSPAPERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. ABOUREZK) is recognized for 10 minutes.

Mr. ABOUREZK. Mr. Speaker, I would like to recommend to my colleagues the perceptive testimony delivered before the Postal Rate Commission by my good friend ART LINK of North Dakota. In his testimony, Congressman LINK points out the devastating effect that proposed increases in second-class postal rates would have on rural newspapers.

Since I have come to Congress I have repeatedly seen instances like this one where proposals which make good sense in urban areas, spell disaster for rural areas. The simple fact of the matter is that high second-class postal rates will put scores of small weekly and daily newspapers throughout rural America out of business. By doing this they will hasten the breakdown of our rural communities, and add just one more burden to the many burdens which have contributed to driving rural families off the land and into our exploding metropolitan areas.

I feel very strongly that if my urban colleagues will examine the implications of the second-class postal rate increases, they will come to agree that a modest subsidy of second-class mailers in rural areas is a highly desirable social investment.

I commend to my urban colleagues, and to all of you, the fine testimony presented by Congressman LINK, and I include it in the RECORD at this point:

STATEMENT OF POSITION BY CONGRESSMAN ARTHUR A. LINK

Chairman Crowley and members of the Postal Rate Commission, I am Arthur A. Link, a member of the 92nd Congress representing the Second Congressional District of North Dakota.

Mr. Chairman, today you commence hearings on the postal rate increases proposed by the Post Office Department. While rate adjustments may be necessary in some cases, I am deeply concerned that the proposed increase in second class rates could threaten the stability of the small towns and communities in rural America.

Historically, the postal system was designed to provide a quick and inexpensive distribution of information. Our nation grew dependent upon the postal system to provide a reliable means of communication.

I realize that times have changed; but in some respects they have changed faster for metropolitan than for rural areas. What was a necessary service years ago, is no longer necessary in large, urban centers; but in rural America, communities still rely heavily on the Postal Department to maintain this service. In my opinion, the proposed second class increase will drastically impair this traditional and essential communications system.

In 1933, Congress in an attempt to economize, tried to adopt a "pay as you go" postal system. When it was realized what effect the change would have on the distribution of newspapers and magazines in small towns and rural areas, the plan was abandoned.

The effect that concerned Congress at that time should still be a concern today. To document this effect, I have attached to this statement correspondence from 6 daily and 18 weekly newspapers in North Dakota.

In their own terms they express the true implications this increase will have on their businesses and their communities. By reading their letters you will sense the frustrations they will encounter if these rates are permitted to go into effect.

People in the communities in North Dakota rely heavily upon daily newspapers for state and national news and they depend upon weekly newspapers for county and local news, legal notices, and advertisements. North Dakota is a sparsely populated agricultural state and as such, door-to-door newspaper delivery is impractical. The Postal Department, therefore, provides a service critical to the needs of these citizens. By increasing the postal rate, publishers will be obliged to increase their subscription rates. Many citizens, confronted with increased daily and weekly subscription rates will, in all probability, stop subscribing to one of them.

Should they stop their weekly paper subscription, as I believe many will, serious repercussions will result.

Advertisers will respond to a reduction in subscriptions by discontinuing their advertisements and eventually many weekly newspapers will grind to a halt because they can no longer afford to operate. The loss of revenue and jobs, coupled with a local news blackout, will have a very significant effect on the viability of the communities.

Mr. Chairman, let me put the significance of this into national perspective. For years, there has been a shift in our national population from rural to urban centers. For the most part this exodus of people has been encouraged by our national preoccupation with the problems of our metropolitan communities.

A current example of this lack of concern for rural problems is extremely apparent in the emphasis our country places on transportation development. National attention has been focused on mass transit systems and supersonic transportation. Yet, recently a concerted effort by rural congressional members was necessary to convince Amtrak officials that rail passenger service was critical to the needs of citizens in our midwestern states. Without that effort, the entire northern tier of our nation would have been left without this means of transportation.

This attitude of disregard for rural communities only fuels the fire of the urban crisis. Urban centers will continue to choke in their growing population until the exodus from rural areas is stopped. Congress and the administration must become sensitive to the population imbalance in our country.

The effect of the second class postal rate increase on rural America is symptomatic of this disregard. I call on this commission to be sensitive to all of the implications of its decision.

The communication of news and printed educational material, like public education, must not be required to pay its own way. By requesting these services be managed and controlled like other commodities, we place a premium on them and could very easily price news and education beyond the grasp of our citizens.

By way of a solution, as a member of Congress, I would be very receptive to an amendment to the 1970 Postal Reorganization Act that would provide a subsidy for educational and news communicative media.

Chairman Crowley, members of the Commission, thank you for this opportunity to share my concerns with you.

The following newspapers contacted my office concerning the proposed increases:

DAILIES

Bismarck Tribune.
Devils Lake Daily Journal.
The Forum, Fargo.
Grand Forks Herald.
Jamestown Sun.
Minot Daily News.

WEEKLIES

Benson County Farmers Press, Minnewaukan.
Dickey County Leader, Ellendale.
Enderlin Independent.
Farmer-Globe, Wahpeton.
Grant County News, Elgin.

Griggs County Sentinel-Courier, Cooperstown.
Harvey Herald.
Kenmare News.
Killdeer Herald.
The Kulm Messenger.
The Litchville Bulletin.
The McClusky Gazette.
Pierce County Tribune, Rugby.
Ransom County Gazette, Lisbon.
The Steele-Ozone—Press.
Turtle Mountain Star, Rolla.
West Fargo Pioneer.
Wishek Star.

REFUSAL OF NIXON ADMINISTRATION TO SPEND APPROPRIATED FUNDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PURCELL) is recognized for 10 minutes.

Mr. PURCELL. Mr. Speaker, increasing attention is being brought to the fact that the Nixon administration has refused to spend nearly $12 billion of congressionally appropriated funds. Rather than subject these sums to the true test of a budget veto, the money has been quietly ratholed.

In addition to simply not spending appropriated funds, the administration has also rearranged some of the appropriations. A telling example is the treatment of the Hill-Burton hospital construction funds. Texas is one of the hardest hit States in the country to suffer from an HEW directive that Hill-Burton assistance be all but eliminated for new construction. All of them have suffered.

Since 1946, Hill-Burton financing has made it possible for 3,700 communities in every part of the Nation to build hospitals and nursing homes with more than 400,000 beds, 7,200 public health centers, more than 900 diagnostic and treatment centers, and over 400 rehabilitation facilities. For each dollar Congress has approved, private and local public sources have added an additional $2. The aggregate expenditures have reached some $10 billion.

In October 1968, President Nixon said:

> As demand for hospital facilities increases, additional funds under the Hill-Burton Act for construction and modernization of such facilities will be required to supplement State and local efforts.

However, in his original budget request for fiscal 1971, President Nixon did not recommend any new funding at all for new general hospital construction.

In June 1970, the President vetoed the Hill-Burton Hospital Construction Extension Act, which we had passed 377 to 0, calling it a "long step down the road of fiscal irresponsibility." Overriding a Presidential veto for the first time in 10 years, the 91st Congress placed mandatory language in the law requiring the Hill-Burton funds to be spent.

Thinking these funds were safe from the current practice of impoundment, I was surprised to learn earlier this year that no less than seven community hospital facilities in my district had been told no money would be available. Last year Texas received approximately $4 million for new hospital construction. This year, with the same national appropriation of $172 million, HEW officials gave Texas $300,000.

The money has been shifted to other areas of health-related facilities where it will be impossible to spend. The money will not be spent on construction. Thus, HEW has done indirectly what we refused to permit the President to do directly.

The need for Hill-Burton construction funds is unquestionable. The people of my district have certainly decided as much. In the city of Graham, for example, the citizens raised almost a half million dollars last summer to qualify for Hill-Burton assistance. Graham is not alone; the community of Decatur has raised over a quarter of a million dollars in an effort to provide matching funds for a hospital project. There are five other hospital projects dying on the vine in the 13th District.

Even without considering the unmistakable public demand for more hospitals, the picture of our present system of health-care facilities is a trenchant portrayal of the need. The current shortage of long-term care beds is estimated at over 165,000. From $4.5 to $6 billion is needed just to meet this current shortage. There are an additional 455,000 hospital beds in need of modernization. The cost of modernizing old hospitals is estimated at $10 billion.

Earlier this spring, I formally requested a complete explanation of this situation from the Secretary of Health, Education, and Welfare. The response which I received read as follows:

> It is my pleasure to inform you that all Hill-Burton funds appropriated by Congress have been appropriated and allocated to the States. Each of the five categories authorized by Public Law 91-296 has been funded, thus insuring that every State will receive a Hill-Burton allocation of at least $1.2 million.

He did not tell me, though, that only $300,000 could be spent in Texas on construction. Yet, that is the full extent of the funds given the State department of health. In still another response I was informed that—

> Transfer provisions under the law will make it possible for Texas to transfer additional funds into the hospital category should they find greater need.

This letter was from the Public Health Service.

Again, however, I was misled. They failed to tell me there was a strict limit on how much can be transferred from one category to another. Transferring every allowable cent to the hospital construction category, the Texas State Department of Health was still not able to provide even 40 percent of the previous year's level of assistance.

Frankly, the administration has misread the desires of the American people. There is no finer indication of public spirit than a community getting together to match dollars with the Government to build a hospital. The communities have done their part. For the Federal Government to spend $172 million for a $15-billion problem is hardly extravagant. It should be the very least that can be done.

Mr. Speaker, I want to know where the health facilities priorities of this administration lie. Thousands of Americans like the ones in Bowie, Decatur, Graham, Henrietta, Olney, and Wichita Falls, Tex., also want to know. In 1968 President Nixon, then candidate Nixon, pledged additional funds for construction. Is it wrong to hold the President of this Nation to his word? I think not.

DEFENSE AUTHORIZATION BILL—PART VI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, this is the last of a series of articles which I have submitted to the RECORD on the defense authorization bill. In presenting the 1972 defense budget, the administration placed heavy emphasis on the need for modernization "to offset prior year deferrals because of Southeast Asia requirements." If this were so, there might be a case for increasing procurement—and probably R. & D. However, the facts do not support the administration's argument.

If there was a backlog in modernization requirements during the Vietnam war, there should be a decrease in procurement for non-Vietnam general-purpose forces during the war from the prewar level after allowing for price and pay increases. Strategic forces should be treated separately since they were subject to factors independent of the war. The following table shows obligations for procurement for fiscal year 1964–1972. Rather than a decrease, as the administration's position would suggest, procurement for non-Vietnam general-purpose forces as a whole actually increased on the average over the 6-year period 1965–71.

Procurement use	In billions of constant 1972 dollars		
	1964	1965–71	1972
Total	19.3	23.7	19.7
Strategic nuclear forces	6.1	3.3	3.3
Vietnam		5.6	2.3
Non-Vietnam general-purpose forces	13.2	14.8	14.1

Source: Data for fiscal years 1964–71 from Charles L. Schultze, et alia., Setting National Priorities: The 1972 Budget, The Brookings Institution, Washington, D.C., 1971, p. 105. The fiscal year 1972 budget request has been broken out on a similar basis for comparison.

It should be noted, however, that not all of these funds have been expended. A similar breakout of outlays during the fiscal year 1965–71 period shows that about $10 billion has yet to be obligated and expended for non-Vietnam—or "baseline"—general-purpose forces. These funds should be expended in the near future. This leadtime delay in spending the funds authorized to date could largely explain the delays in modernization observed in many of the forces.

Aside from the funds specifically earmarked for non-Vietnam forces, the war itself will leave the general-purpose forces with new weapon systems and equipment. As older equipment attrited during the war, it was replaced. This has permitted the services to replace billions of dollars worth of older equipment in their inventories.

In other cases, the services have obtained new weapons and equipment to cope with the conditions which prevail in Vietnam. For example, the Army has obtained the M–16 rifle and become heavily dependent on helicopters.

In addition to being newer than what they replaced, these weapons and equipment are more effective. Aircraft replacements, for example, have incorporated qualitative improvements in firepower, navigation and avionics. The intratheater mobility of land forces has been significantly increased with the greater reliance of helicopters in lieu of ground systems. Current communications systems are more reliable. And the overall firepower available to combat units has increased greatly.

Even if modernization of general-purpose forces during the war had not kept pace with the pre-Vietnam level of spending, we would expect some drop in total procurement in fiscal year 1972 in constant dollars. Force levels for all general purpose forces have declined from the pre-Vietnam level. The fiscal year 1972 budget calls for three less Army divisions, five less Air Force and Navy tactical air wings, eight less attack and antisubmarine carriers, and 74 fewer major warships. Hence, modernization at the pre-Vietnam rate would result in a reduction in total annual procurement after allowing for price and pay increases. But, the administration's fiscal year 1972 budget includes about $1 billion more in procurement for non-Vietnam general purpose forces than the fiscal year 1964 budget, adjusted to reflect equivalent purchasing power.

Mr. Speaker, my amendment to hold the fiscal year 1972 authorization to the amount authorized last year does not cut particular programs or even single out procurement or R. & D. Rather, my amendment would permit the Defense Department to make the determination where the cuts should be made. But, the facts clearly show that a significant portion of that reduction could come from procurement for modernization of the post-Vietnam general-purpose forces.

PROGRESS ON DRUG CONTROLS

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. MONAGAN. Mr. Speaker, it is encouraging to know that my proposal to retain servicemen-addicts in the military until they are determined to be free from habitual dependence on drugs is gaining such widespread support.

Since I introduced H.R. 8216, the Armed Forces Drug Abuse Control Act of 1971 on May 10, over 50 Members from both parties have joined me in cosponsoring this measure, and the bill has received favorable comment in the media and from veterans and other concerned citizens. Legislation containing variations of my original proposal has been introduced by several of my colleagues, and new proposals which parallel part or all of my original bill are introduced almost daily.

On June 1, approximately 3 weeks after I introduced my bill, I was pleased to hear President Nixon state that—

> A corrective program insofar as the military is concerned means treating them where they are addicted to heroin or hard drugs before releasing them.

I wrote to President Nixon on June 2, commending him for these comments on a corrective drug treatment program and I offered him my full support in his efforts in this field. In the June 12 issue of the New Republic, Senator HAROLD E. HUGHES, chairman of the Senate Subcommittee on Alcoholism and Narcotics also adopted an approach to treating drug abuse in the military which closely parallels the provisions of my bill.

Action by the other body in unanimously adopting an amendment to the selective service bill which directs the Armed Forces to identify and treat addicts in the military, and prohibits the discharge of servicemen addicts unless cured, found incurable, or refusing treatment, is a significant step toward adopting my proposal in toto. While I support the Senate amendment so far as it goes, it should be recognized that the amendment is only the first step toward establishing a comprehensive program to deal with drug abuse in the military. Even if the amendment were adopted here, there would be a continuing need for in-service rehabilitation and treatment facilities, drug education and drug abuse prevention programs as provided for in my bill. Adoption of the amendment should in no way suspend or terminate additional action on the extension of programs to deal with drug abuse in the military. Indeed, it would be unfortunate if adoption of the amendment in any way impeded scheduling of hearings on this subject in the House Armed Services Committee which Chairman HÉBERT has assured me will take place upon obtaining the necessary reports by the Department of Defense. I am confident the Armed Services Committee will hold hearings on legislation similar to my own H.R. 8216 which is fitted to the task of completely halting drug addiction in the services and returning rehabilitated servicemen to healthy and productive lives.

The other body also adopted an amendment requiring President Nixon to report to Congress within 30 days on what the United States, in conjunction with other governments, is doing to eliminate the illegal production, processing, or traffic in heroin and other narcotic drugs, and in that connection, I call attention to my resolution calling for international cooperation in controlling the cultivation and production of dangerous drugs which was unanimously adopted by 53 member nations of the Inter-Parliamentary Union at the April meeting in Caracas, Venezuela. This subject has been deemed so important that it will appear again on the agenda for the September meeting of the Union in Paris. Another encouraging development was the adoption last month by the 24th World Health Assembly, meeting in Geneva, of a similar resolution calling for international cooperation in fighting drug abuse through support of existing research, educational, and rehabilitation programs, the U.N. Fund for Drug Abuse Control and the Convention on Psychotropic Substances.

Of course, we cannot be satisfied with resolutions and we must require action—immediate and resolute action, but we can take some encouragement from the foregoing evidence that the conscience of the world community has been stirred and that there are grounds for believing that active cooperation will soon be forthcoming.

I include the complete text of the World Health Assembly Resolution in the CONGRESSIONAL RECORD at this time for the benefit of my colleagues

DRUG DEPENDENCE

The Twenty-fourth World Health Assembly,

Observing that the phenomenon of abuse and addiction to narcotic and non-narcotic dependence producing drugs is rapidly becoming a major world health problem, adversely affecting the social, cultural, political, economic and educational fabric of the world community;

Recognizing that effective solutions require the co-ordinated efforts of international organizations and agencies, the Member States, regional and local authorities, and the world citizenry;

Declaring that the World Health Organization has a responsibility to provide leadership, guidance, and technical assistance to the world community and the Member States in the fields of treatment, rehabilitation, education, prevention and research;

Urging that the Member States respond and co-operate by promoting new and improved treatment, rehabilitation, education and prevention programmes at the local and national level;

Recalling resolution WHA23.42;

Recalling further resolution A/RES/2719 (XXV) of the United Nations General Assembly and welcoming the establishment of the United Nations Fund for Drug Abuse Control;

Welcoming the adoption in Vienna of a new international Convention on Psychotropic Substances; [1] and

Having reviewed the report by the Director-General on drug dependence and the activities of the Organization in this area; [2]

1. Congratulates the Director-General for this report and approves the programme expansion proposed therein especially the collection and exchange of data, the analysis of all medical, social, cultural and economic factors contributing to drug dependence, the conduct of research and training programmes, and the evaluation of existing programmes and the recommendation of new programmes;

2. Affirms that because of the serious public health aspects and implications of drug dependence the World Health Organization

[1] United Nations document E/CONF.58/6, 19 February 1971.

[2] Document A24/A/7.

has an important role to play in any concerted international action against drug abuse;

3. Recommends continued World Health Organization co-operation and collaboration with other organizations and agencies within the United Nations system in planning and implementing international programmes, in particular with UNESCO in regard to the most effective methods of informing and educating the public and especially the young, and FAO in regard to a study in crop substitution and the economic aspects, among others, of marketing;

4. Recommends that WHO assist Member governments upon their request, in developing procedures for co-ordination of their national drug abuse control programmes;

5. Requests that the Director-General submit as soon as possible projects and programmes consistent with the programmes and policies as approved by the World Health Assembly to the United Nations Fund for Drug Abuse Control, seeking financial assistance for programme expansion both at headquarters and in the regions;

6. Requests the Director-General to report on these matters to the forty-ninth session of the Executive Board and to the Twenty-fifth World Health Assembly.

7. Urges Member States that have not already done so to accede to the Convention on Psychotropic Substances; and

8. Invites Member States, to the extent that they are able to do so, to apply provisionally the measures of control provided in the Convention on Psychotropic Substances pending its entry into force.

SEMPER FIDELIS

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, in this morning's mail I received another tragic account of a soldier's losing battle with heroin.

It is heartbreaking to realize that there is widespread and growing heroin addiction among members of the Armed Forces and each serviceman's tragedy presents a further mandate to Congress to act promptly to enact a realistic and effective program to rehabilitate drug users and to cut off the traffic in heroin and other hard drugs.

Existing drug treatment and rehabilitation programs in the military and in the Veterans' Administration hospitals are simply not adequate to deal with the widespread drug addiction which now exists. Until very recently, the armed services would not acknowledge the existence of a drug problem in their midst. This ill-advised attitude on the part of the services only compounded the problem and contributed materially to creating the situation which exists today.

My approach to dealing with drug abuse in the military is embodied in H.R. 8216, the Armed Forces Drug Abuse Control Act of 1971, which I introduced on May 10. My bill, in addition to setting up a Drug Abuse Control Corps in each of the armed services, to administer comprehensive treatment and rehabilitation programs, and providing a uniform, amnesty-treatment provision, forces the military to take care of their own by prohibiting the discharge of any member of the Armed Forces who is addicted to narcotics until such time as he is determined to be free from habitual dependence on drugs. My bill presently has over 50 cosponsors from both sides of the aisle, and if enacted, will prevent a repetition of the tragedies suffered by the United States Marine whose account is contained in a letter which I insert here for the information and consideration of my colleagues. I have deleted the name of the Marine to prevent any embarrassment to him or to his family. The letter follows:

JUNE 7, 1971.

Hon. JOHN S. MONAGAN,
U.S. House of Representatives,
House Office Building, Washington, D.C.

DEAR CONGRESSMAN MONAGAN: I plead you pause a moment and let me tell you about my friend Victor. Victor is 22 years of age, married and has a young daughter. He is the youngest of a family of 10 children.

In 1968, Victor enlisted in the U.S. Marine Corps. Several months later he was assigned to military duty in Vietnam, where he intended to distinguish himself as a soldier and bring pride and joy to his family.

Unfortunately, during this tour of duty, something went stray in Victor's life. The glories of his dreams began to fall apart and his life was shattered. The pains of war began to have its toll upon Victor. He began to experiment with various drugs. According to Victor, "In 'Nam drugs were very plentiful and easy to get. Using them was the "in" thing. Regrettably, he was unable to resist this environment. Consequently, he found himself trapped in this strange world of the "living dead." After climbing the drug chain, he eventually became addicted to heroin usage.

As Victor relates his experiences to me. "I knew that what I was doing was wrong but for some reason I just couldn't help myself. I was aware that I had become 'hooked' on 'Mr. Jones' (heroin) and needed help. I tried kicking the habit on my own. It just didn't work. I loved my family too much to return home this way. I knew they were proud of me and I couldn't let them down.

"I joined the Marines because they made men. I was a man. I was proud to be a Marine. Now, I don't know what I am?

"I knew my discharge would be coming up and I wanted to return home 'clean.' I decided the best thing for me to do was to inform my commanders of my situation and ask them to help me. This was not an easy decision to make because I had no way of knowing how they would react to the things that were happening to me. I couldn't allow this thing to go on. I couldn't bring dishonor to the Marines and my family. I had to gamble this chance.

"When I informed my commanders of my situation, they told me this was the best move I could make and they would help me. It looked like the gamble had paid off. However, things again didn't work out as I had hoped. Instead of helping me, they destroyed my life. You see, first they had me admitted to the base hospital for 3 days to undergo a detoxification program and then I was thrown in the "brig" for several weeks. Next thing I knew I was walking the streets with an undesirable discharge in my pocket.

"My family was shocked when I returned home and told them what had happened. They tried to be understanding but I could feel their concern. My whole life began to change for the worst.

"I stayed clean for a while. I tried getting a good job to support my family. Each time the employers asked about my discharge they would refuse to hire me. I even tried several times, in desperation, to lie about my discharge, but they always found out. Soon I couldn't even get a job washing dishes. Nobody wanted me to work. If I couldn't even get a job washing dishes, how could I support my family? My family had needs and I couldn't provide for them without work. God knows I tried. I really tried. When a man cannot provide for his family, he is no longer a man. I know I am still a man, but everything is going against me. My wife just couldn't take it anymore. Finally, she left me. My whole life fell apart. "Mr. Jones" again became my only relief. When "Mr. Jones" raced through my veins, nothing else mattered. Nothing. I knew also that "Mr. Jones" could provide the "final" escape for me. I just couldn't go on this way. Oh my God, how long must I pay the price? I AM A MAN. When this is taken away from me, what else do I have to live for?"

Congressman Monagan, Victor is my friend and I care for him. Now, my concern is even greater. Several days ago, Victor tried to kill himself by injecting an overdose of heroin. He died. He was clinically dead. Yet, with the Grace of God he survived. The doctors, his family, no one knows how he recovered. It was indeed a miracle. Unless there is hope for him, he will try again. We are all trying to give him hope. He needs the will to live.

We don't question the prerogatives of the U.S. Marine Corps. However, in light of the fact that Victor voluntarily revealed himself and sought help, he deserves a better chance than what he has.

We believe that if Victor is allowed to gather the fragments of his young life together, he can make it. If he can clear his military record and get a decent job, he can provide for his family and regain his self-respect. He can become a useful and functional citizen in our society.

Congressman Monagan, we know you are very busy and maybe one life is insignificant in the whole scheme of life. Yet, we feel that Victor has a right to live—to live a useful life. He is so young and has so much to live for.

Connecticut has many fine programs and facilities to help rehabilitate Victor. However, with the dark shadow of his military discharge hovering over him, I doubt seriously whether or not he can ever realize complete rehabilitation.

Please Congressman, do whatever you can to help Victor before it is too late. Time is now his worst enemy. We all know he cannot go on this way. Will you help us give Victor hope? God gave him another chance. Will you?

NATIONWIDE WORK STOPPAGES DAMAGES THE ECONOMY OF OUR NATION

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, when, oh when, will the Congress face up to the growing impact of nationwide work stoppages on the economy and safety of our country? Is this a responsibility that we shall always shirk?

Shirk is a harsh word, but what else can we call it? Just last month the Congress stepped into the rail strike problem in order to get the trains moving again, but only after the strike had already begun. This has happened before. It may happen again in October.

A steel strike may be just around the

corner. Last fall the Nation experienced a serious and costly automobile workers' strike. Truckers are telling us they may walk out.

The strike syndrome has descended on all manner of workers from teachers to policemen, firemen, hospital workers, and garbage collectors. The paralyzing effect of these strikes by public employees has been many times worse than the effects of the publicized and organized effort on the part of demonstrators in recent weeks to bring the Nation's Capital to its knees.

On an average, there are 4,000 strikes a year in this country involving more than 3 million workers directly and millions more indirectly. In an average year there are 30 million man-days of involuntary idleness caused by strikes.

The economic impact is staggering. Some lost production is made up following a strike, but one must also take into account the perishable losses. Heat, power, and transportation needed today cannot be recovered following a strike. Fruits and vegetables withering on a rail siding or on a truck loading dock cannot be rejuvenated. Vacation money spent to see a striking family through the lean period is money which will never be spent for hotels and restaurants and vacation goods.

Losses in Federal, State, and local tax revenue will never be recovered.

It is indeed time for the Congress to face up to the problem of strikes. New legislation must be enacted which will cope with this very serious situation. The President has repeatedly proposed action. In fact, there have been many proposals put forth from many sources to deal with the problem. Whether any of them provides a proper answer is uncertain. We do not know because Congress has ignored the challenge. It is time we considered what steps can properly be taken to enact one or more of these proposals. At least, let us try to produce a proper answer.

These are times when a handful of men can shut down an entire industry. In the recent rail strike, for example, a mere 2 percent of the 600,000 man rail force brought on the stoppage. A few men can throw a few switches and plunge a city into darkness.

To keep men at work and goods flowing is a matter of utmost importance to us all. It is the duty of this Congress to take steps now to make certain that proper legislation is passed which will take into account the delicate balance between the interests of labor and management and the interests of the Nation as a whole.

I urge speedy consideration of appropriate legislation to cope with this problem. The administration should always be able to move immediately into the problems which are brought on by serious work stoppages. Congress should not continually be required to react to pass emergency strike-ending legislation. There is nothing sound or satisfactory about the present situation. This is one of the Nation's major problems. It can not be solved with stop-gap legislation.

UNEMPLOYED VETERANS NEED HELP NOW

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, today there are many thousands of young men who are walking the streets in search of work.

I refer specifically to those of the estimated 370,000 Vietnam veterans who have returned to civilian life only to find there is no place for them in working society. The Nation has concern for all who are unemployed, but in particular do we have an interest in these young men whose careers were interrupted by the requirement for military service. It is very important that we officially do all in our power to help these men to get jobs. It must be done now and our help must be effective.

As we all know, there are forces at work in this country dedicated to destroying the Nation's faith in the armed services. One important way we can offset this kind of propaganda is to demonstrate that the United States takes care of those who wear the uniform and is concerned about them when their military service is completed.

The administration now has set a goal of assisting returning veterans in adjusting to civilian life. Educational programs are available. Other veterans' benefits are designed to help. Yet the key to successful reentry into civilian life is finding a meaningful job. I fully support the most recent move to find work for veterans. The administration's program is commendable, but only to the extent that it produces results in useful employment being found for those who seek it.

I believe the services have a responsibility to help train men for civilian jobs. A great many of our servicemen receive months of technical training at taxpayers' expense. Hopefully, these men will remain in the service. But those who choose to return to civilian life should be given special training as their enlistment end, to show them how to convert their military skills to civilian uses.

The business community should be made aware of military training convertible to their needs.

It is imperative every veteran be reached and helped in his efforts to find work.

It is tragic that the unemployment rate has soared to near record levels. The thousands thrown out of work by this trend need also to be helped.

But returning veterans need special attention. They have been taken out of the job market by their Nation, and their Nation should now go to special lengths to recycle these valuable young men back into the competitive labor market.

INTERIOR'S PUBLIC SERVICE AWARD GOES TO YOUNG APOLLO, PA., ANIMAL EXPERT

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, we are too often bombarded with commentary about how the youth of today has gone to pot; we are reminded daily that a certain segment of the younger population has renounced sanity, cooperation, and positive action in favor of violent radicalism. I remind you of these unpleasant facts in order to highlight the opposite situation and bring to your attention a truer representative of America's "young power."

I represent the community of Apollo, Pa., and it was a distinct pleasure to attend recent ceremonies at the Department of the Interior where Bernard L. Teeple was honored for his innovative work while at the Pittsburgh Zoological Society.

I wish all our colleagues could meet Bernard for I do not think one could find a better representative for the young people of this great Nation than in this 19-year-old animal expert.

Mr. Teeple, the youngest recipient of an award at the departmentalwide honors convocation, was granted the Public Service Award for his work in demonstrating the interrelationships of man with his surroundings. In short, Bernard conceived the idea of taking zoo animals directly to children who, otherwise, might never have an opportunity to see such animals. This summer Bernard will join the U.S. National Park Service's animal and environment caravan, stationed at the Oxon Hill, Md., Children's Farm, which is designed to bring nature studies to inner-city schools and playgrounds.

One must be impressed with the accomplishments of this young man, but I also want to pay a special tribute to his parents, Mr. and Mrs. Aaron M. Teeple, who came to Washington for the ceremony. I was proud of my young constituent, but the pride that shone in the parental faces as Secretary Morton read the citation was beyond adequate description. To have witnessed that much love and devotion expressed between parent and child was a moment to behold. One is tempted to reach for superlatives, but it is not necessary. We can reflect and know that young people such as Bernard Teeple make up the bulk of the coming generation and because there are such capable hands, his parents and I, and all parents, can rest assured that the future is bright with hope.

I have appended to my remarks a copy of the citation as given by Secretary of the Interior Morton on June 7, 1971:

U.S. DEPARTMENT OF THE INTERIOR 39TH HONOR AWARDS CONVOCATION

(Citation as given by Secretary of the Interior Rogers C. B. Morton on June 7, 1971)

While employed by the Pittsburgh Zoological Society, nineteen-year-old Bernard Teeple implemented his idea to bring live zoo animals to children in their classrooms. For many youngsters, it was their first exposure to certain species of wildlife. Bernard's innate ability with animals, coupled with his talent for reaching young folk, generated enthusiasm and interest in all wildlife. Per-

haps these are the children whose future decisions will benefit the wildlife resources of our Nation. In appreciation for the time, energy, and talent expended in behalf of wildlife education, I present to you the Public Service Award of the Department of the Interior.

LOWEST VIETNAM TOLL IN 5 YEARS 19 AMERICANS DIED IN VIETNAM DURING WEEK ENDING JUNE 5

(Mr. McCLORY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McCLORY. Mr. Speaker, on Friday, June 11, the Washington Post reported the following: "19 GI's killed; lowest toll in five years."

The report went on to state that during the week ending June 5, 1971, American forces suffered fewer casualties than at any time since the third week of October 1965, when the United States was just starting to build its forces toward the 1969 peak of more than half a million men.

Mr. Speaker, again I take this opportunity to draw attention to the fact that President Nixon is keeping his word. The war in Vietnam is finally coming to a long overdue end—there can be no mistake about that.

Mr. Speaker, while we may all take heart from the fact that only 19 Americans died in combat during the week ending June 5, let us reflect for a moment on the grief which has been experienced by the families of these 19 American boys. For them, the tragic death of a loved one comes at a time when hope was the strongest—when they could reasonably expect that their son, brother, husband, or father would soon come home—to stay. It is no consolation to a young widow to know that her dearly loved husband was one of a very few Americans to die in combat during the week ending June 5, 1971.

Mr. Speaker, I have no doubt that all of the Members of this body share this view—a view which recognizes that the war in Indochina has persisted beyond the tolerance of a peace-loving people.

Accordingly, Mr. Speaker, several Members of this body will join with me tomorrow in reintroducing House Concurrent Resolution 321—expressing the sense of Congress that all American forces be withdrawn from Vietnam no later than November 30, 1971.

In taking this position, we who represent a war-weary Nation have an obligation to offer suggestions as to how best we can cooperate with the President in this most pressing dilemma. We have, therefore, specified in our resolution that the withdrawal of all Americans forces should be contingent upon three things: First, we have specified that there must be a cease-fire no later than August 15, 1971; second, our resolution calls for the return of all American prisoners of war no later than September 1, 1971; and finally, Mr. Speaker, we are asserting that all governments with foreign forces in South Vietnam—North Vietnam included—likewise commit themselves to a total withdrawal of their forces by November 30 of this year.

Mr. Speaker, we who will be reintroducing House Concurrent Resolution 321 also recognize that there must be some way to assure that once a cease-fire has been established and prisoners have been returned there will be no chance of rekindling the flames of war. Accordingly, we have specified that upon the return of all American prisoners, all American forces should withdraw to the perimeters of certain cities or military installations to be designated by the President—not to engage in any ground action or ground reconnaissance thereafter.

Mr. Speaker, there is only one way to respond to the families of those 19 American boys who died in combat during the week ending June 5, 1971, and that is to resolve that their deaths have made enough of an impact on those of us who represent them in Congress to move us to further action. To this end, Mr. Speaker, I invite the attention of the membership of this body to House Concurrent Resolution 321.

RESULTS OF QUESTIONNAIRES IN 14TH CONGRESSIONAL DISTRICT OF OHIO

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, last April I mailed to each postal patron in the 14th Congressional District of Ohio a questionnaire asking his or her opinion on some of the major issues facing our Nation.

This questionnaire was scientifically designed by the same professional pollsters who conducted surveys of the district during my campaign. It was designed to bring about as unbiased and objective results as possible. The response to this questionnaire was tremendous. I have received nearly 16,000 completed questionnaires, most of them filled out by both husbands and wives with the result that we have approximately 28,000 total replies.

One of the surprising results of the survey is that 77.5 percent of those who replied said that they did not think that Congress is meeting the basic needs of the country in areas such as housing, health care, education, jobs, and stable prices.

Only 12.2 percent said they thought Congress was meeting those needs.

Surely this dramatizes the crisis of confidence that exists between the Federal Government and the American people. It is also a clear indication that a very large majority of people desire to see Congress change our national priorities.

The results show that a vast majority—81.6 percent—favor withdrawal from Vietnam, and a sizable majority of these favor a declaration that all U.S. troops be withdrawn by the end of 1971. Fifty percent favor that policy while only 31.6 percent favor the Nixon policy of gradual withdrawal without a deadline.

Only 8.3 percent favor a policy of military victory.

From a choice of twelve issues, residents were asked to check the three issues they considered to be the most urgent national priorities. Ending the war in Vietnam was the top priority for more residents than any other issue.

At this time, then, I include the complete results of this questionnaire in the RECORD:

Question	Total yes	Total no
1. Do you think Congress is meeting the basic needs of the contry in areas such as housing, health care, education, jobs and stable prices?	[1] 12.2	77.5
2. Do you favor the Federal Government relieving states and local governments of responsibility for welfare payments?	39.9	45.6
3. Do you favor a plan to reform welfare by providing a minimum income for every American family, with incentives to encourage work?	59.7	29.3
4. Do you favor abolishing the draft and establishing an all volunteer army?	[2] 55.8	33.2
5. Do you favor continuing the Federal subsidy for the SST?	[3] 17.4	74.0
6. Do you favor the Federal Government establishing temporary wage and price controls to combat inflation?	70.1	20.0
7. Eighteen year olds can now vote in Federal elections. Do you favor an Amendment to the U.S. Constitution permitting them to vote in State and local elections?	55.7	38.0
8. Do you favor stricter Federal laws to control pollution even if it means higher prices for some products?	80.8	11.5
9. Should Congress pass stricter laws for the control of civil disturbances?	71.2	21.0
10. Do you favor a Federal law requiring registration of all guns and strict penalties for possession of unregistered guns?	[4] 57.8	35.0
11. Do you favor increased use of the U.N. by the United States in solving international probelms?	70.2	17.9
12. Do you favor increasing Social Security benefits, including an automatic cost-of-living increase, even if it means an increase in the Social Security tax?	70.0	19.9
13. Should Congress pass laws restricting stripmining?	80.3	8.3
14. Should members of Congress be required to retire when they reach a certain age?	80.2	13.2

15. Which of the following atements is closest to your views on the need for a national health insurance program? (Check only one):

A program should be established:

	Percent
Covering all expenses	38.3
Covering only major expenses	40.5
No program should be established	14.8
No answer or undecided	7.4

16. What policy do you support on the Vietnam War? (Check only one):

Announce that all U.S. troops will be withdrawn by the end of 1971[5]	50.0
Continue Nixon policy of gradual withdrawal (but no deadline)	31.6
Escalate as much as necessary for a military victory	8.3
Undecided or no answer	10.1

17. What is your position on the present level of military spending?

To much	71.6
About right	11.8
Too little	3.5
Undecided or no answer	13.1

18. What do you think our nation's priorities should be? Please check the 3 that you believe are the most urgent.

1. End the Vietnam War	50.0
2. Control pollution	35.3
3. Control inflation	33.1
4. Control crime	30.0
5. Reduce unemployment	28.0
6. Eliminate poverty and slums	20.6
7. Control drug abuse	15.7
8. Reduce military spending	14.5
9. Reduce cost of health care	13.2
10. Halt nuclear arms race	10.6
11. Improve consumer protection	7.2
12. Explore outer space	3.0

[1] Breakdown by sex: Men, 14.1 percent; women, 10.2 percent.
[2] Breakdown by sex: Men, 54.6 percent; women 57.1 percent.
[3] Breakdown by sex: Men, 20 percent; women 14.7 percent.
[4] Breakdown by sex: Men, 52.7 percent; women 63 percent.
[5] Breakdown by sex: Men, 47.1 percent; women 53.2 percent.

Note: For questions 1 through 14, when total yes and total no are added to percentage of undecided and no response answers, the sum total is 100 percent for each question.

For question 18, the sum total is 300 percent when one accounts for those surveyed who did not answer or answered less than 3 items.

CHILDHOOD LEAD POISONING—ADMINISTRATION TO CUT STAFF OF HEW DIVISION DESIGNATED TO RUN LEAD POISONING PROGRAM

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, the Lead-Based Paint Poisoning Prevention Act, Public Law 91–695, authorizes the Department of Health, Education, and Welfare to make grants to States and local communities to conduct screening, treatment, and eradication programs. The authorization for fiscal year 1972 for these grant programs is $25 million.

Within the Department of Health, Education, and Welfare, the Assistant Secretary of Health, Education, and Welfare has delegated responsibility for implementation of the act to the Bureau of Community Environmental Management. On March 18, the Bureau submitted an implementation plan for the act. This contemplated the addition of 47 people to fullfill these responsibilities.

In light of the prime importance of the Federal assault on childhood lead poisoning, and in light of the clear need for the Bureau for personnel to conduct this assault, I am particularly distressed that, rather than contemplating the addition of employees, the Department is planning a reduction in force, necessitated by the inadequate budget requests for fiscal year 1972 by the Department.

By memorandum of May 25, 1971, the Director of the Bureau informed all employees of this decision. I concur wholeheartedly in his statement that:

> It is most unfortunate that this decision has been reached because it means that staff associated with BCEM program operations must be cut severely.

Before the Lead-Based Paint Poisoning Prevention Act has even been satisfactorily implemented, it is in danger of a disastrous gutting. And this dire eventuality applies as well to the other programs conducted by the Bureau, such as the rat control program.

I have written to Secretary Richardson, strongly urging that he "take the necessary steps to avert the contemplated reduction in force." Surely, such a reduction would be a very adverse development.

A copy of the May 25 memorandum form the Director of the Bureau of Community Environmental Management, and a copy of my letter to Secretary Richardson follow.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE.
May 25, 1971.

Subject: Program Modification.
To: All Employees of Bureau of Community Environmental Management.

1. The DHEW budget submitted for F.Y. 1972 provided for significant reductions in the budget of the Bureau of Community Environmental Management. Accordingly, it will be impossible to continue all of the programs now being supported by these funds and the Department has determined that it will be necessary to initiate formal reduction-in-force procedures.

2. It is most unfortunate that this decision has been reached because it means that staff associated with BCEM program operations must be cut severely. However, please be assured that every effort will be made to retain with the Bureau as many positions as possible and to find reassignments for as many more as might be interested. Nevertheless, it is still probable that some official reduction-in-force actions may be necessary. It is planned that all employees will be kept abreast of future developments so that each might be informed of impending actions at the earliest possible date.

3. I would like to extend to each of you my sincere appreciation for the commendable manner in which you have executed your responsibilities for the Bureau's programs.

ROBERT E. NOVICK,
Director, Bureau of Community Environmental Management.

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 14, 1971.

Hon. ELLIOT L. RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: I am very much concerned regarding the budget requests for fiscal year 1972 for the Bureau of Community Environmental Management. This division of the Department of Health, Education, and Welfare was delegated responsibility on March 5, 1971, by the Assistant Secretary of Health, Education, and Welfare for implementation of the Lead-Based Paint Poisoning Prevention Act, P.L. 91–695.

Inasmuch as the Lead-Based Paint Poisoning Prevention Act authorizes $25 million of funds to be expended by the Department of Health, Education, and Welfare in fiscal year 1972, it is essential that the Bureau have sufficient staff to man the programs authorized by the Act. In fact, the implementation plan prepared by the Department, and dated March 18, 1971, requests 47 additional staff members for the lead poisoning prevention programs.

However, the budget requests of your department for fiscal year 1972 in fact reduce the budget of the Bureau of Community Environmental Management. Consequently, the Director of the Bureau has, by memorandum of May 25, informed all employees of the Bureau that "it will be necessary to initiate formal reduction-in-force procedures."

As the Director states in his memorandum, "It is most unfortunate that staff associated with BCEM program operations must be cut severely."

I most strongly urge that you take the necessary steps to avert the contemplated reduction in force. I particularly stress the need for such measures in light of the moneys which hopefully will be forthcoming from the Congress for implementation of the Lead-Based Paint Poisoning Prevention Act. It is not a reduction of employee numbers which should be contemplated, but rather an increase, so that that Act, and the other programs conducted by the Bureau, may be efficiently and adequately begun, maintained or expanded, as the case may be.

With best regards,
Sincerely,

WILLIAM F. RYAN,
Member of Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GETTYS (at the request of Mr. BOGGS), for Monday, June 14, through Thursday, June 17, on account of official business.

Mr. JONES of North Carolina (at the request of Mr. BOGGS), for today on account of official business.

Mr. HELSTOSKI (at the request of Mr. BOGGS), for today through June 22, on account of official business.

Mrs. GRASSO (at the request of Mr. BOGGS), for the week of June 14, on account of death in the family.

Mr. CORMAN, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HECHLER of West Virginia, for 30 minutes, today, to revise and extend his remarks and include extraneous material.

Mr. ROONEY of New York, today, for 30 minutes.

(The following Members (at the request of Mr. YOUNG of Florida) to revise and extend their remarks and include extraneous material:)

Mr. MCCLOSKEY, for 1 hour, today.

Mr. PRICE of Texas, for 30 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. HOSMER, for 10 minutes, Tuesday, June 15.

Mr. CHAMBERLAIN, for 15 minutes, Tuesday, June 15.

(The following Members (at the request of Mr. LINK) to revise and extend their remarks and include extraneous material:

Mr. ROSENTHAL, for 10 minutes, today.

Mr. RARICK, for 15 minutes, today.

Mr. BOLAND, for 10 minutes, today.

Mr. FOLEY, for 10 minutes, today.

Mr. HOLIFIELD, for 25 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. VAN DEERLIN, for 60 minutes, June 16.

Mr. MITCHELL, for 60 minutes, June 17.

Mr. VANIK, for 20 minutes, June 15.

(The following Member (at the request of Mr. SEBELIUS), to revise and extend his remarks and include extraneous matter:)

Mr. HALPERN, for 5 minutes, today.

(The following Members (at the request of Mr. LINK) to revise and extend their remarks and include extraneous material:)

Mr. RANDALL, for 30 minutes, today.

Mr. ABOUREZK, for 10 minutes, today.

Mr. PURCELL, for 10 minutes, today.

Mr. ASPIN, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SAYLOR.

Mr. EDMONDSON in two instances.

Mrs. GREEN of Oregon in three instances, and to include extraneous material.

(The following Members (at the request of Mr. YOUNG of Florida) and to include extraneous material:)

Mr. BROOMFIELD in 10 instances.

Mr. MCKINNEY.

Mr. BROWN of Ohio.

Mr. MILLS of Maryland.

Mr. SCHERLE in 10 instances.

Mr. DERWINSKI.

Mr. PRICE of Texas.

Mr. BAKER.

Mr. SCHWENGEL in three instances.

Mr. HORTON.

Mr. DUNCAN in two instances.

Mr. MCCLORY.

Mr. THONE.
Mr. NELSEN in two instances.
Mr. PETTIS.
Mr. MYERS.
Mr. HUNT in two instances.
Mr. MILLER of Ohio.
Mr. BURKE of Florida.
Mr. VANDER JAGT.
Mr. BRAY in two instances.
Mr. REID of New York.
Mr. CHAMBERLAIN.
Mr. GERALD R. FORD in three instances.
Mr. FULTON of Pennsylvania in five instances.

(The following Members (at the request of Mr. LINK) and to include extraneous material:)

Mr. JACOBS.
Mr. STUCKEY in two instances.
Mr. PUCINSKI in six instances.
Mr. MURPHY of New York.
Mr. LONG of Maryland.
Mr. BEGICH in four instances.
Mr. HAMILTON.
Mr. CONYERS.
Mr. FOLEY in two instances.
Mr. HARRINGTON in four instances.
Mr. CORMAN.
Mr. BOGGS.
Mr. RARICK in three instances.
Mr. CHARLES H. WILSON.
Mr. EVINS of Tennessee.
Mr. HATHAWAY in two instances.
Mr. SATTERFIELD in three instances.
Mr. MINISH in two instances.
Mr. MONAGAN in two instances.
Mrs. ABZUG.
Mr. DINGELL in two instances.
Mr. HAGAN in two instances.
Mr. UDALL in 10 instances.
Mr. RYAN in three instances.
Mr. RANGEL.
Mr. HOLIFIELD.
Mr. GONZALEZ in two instances.
Mr. ANNUNZIO in two instances.
Mr. COTTER in five instances.
Mr. ASPIN in two instances.
Mr. WALDIE in three instances.

(The following Member (at the request of Mr. SEBELIUS) and to include extraneous matter:)

Mr. SCHMITZ.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on June 11, 1971 present to the President, for his approval, bills of the House of the following titles:

H.R. 4353. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Iowa Tribe of Oklahoma and of Kansas and Nebraska in Indian Claims Commission dockets numbered 79–A, 153, 158, 209, and 231, and for other purposes; and

H.R. 1444. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Snohomish Tribe in Indian Claims Commission docket numbered 125, the Upper Skagit Tribe in Indian Claims Commission docket numbered 92, and the Snoqualmie and Skykomish Tribes in Indian Claims Commission docket numbered 93, and for other purposes.

ADJOURNMENT

Mr. LINK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 31 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 15, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

837. A letter from the Chief Justice of the United States, transmitting the proceedings of the meeting of the Judicial Conference, March 15–16, 1971 (H. Doc. No. 92–124); to the Committee on the Judiciary and ordered to be printed.

838. A letter from the Secretary of Health, Education, and Welfare, transmitting the third report on the medicare program, pursuant to section 1875(b) of the Social Security Act (H. Doc. No. 92–125); to the Committee on Ways and Means and ordered to be printed with illustrations.

839. A letter from the Assistant Secretary of Defense (Comptroller), transmitting reports for the third quarter of fiscal year 1971 of receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, and materiel, pursuant to section 812 of Public Law 91–668, and of expenses involved in the production of lumber and timber products, pursuant to 10 U.S.C. 2665; to the Committee on Appropriations.

840. A letter from the Assistant Secretary of the Army (Installations and Logistics), transmitting a report on progress in the disposal of certain chemical munitions and bulk agents stored at several Army installations; to the Committee on Armed Services.

841. A letter from the Secretary of Transportation, the Commissioner of the District of Columbia, and the Chairman of the Board of Directors of the Washington Metropolitan Area Transit Authority, transmitting a draft of proposed legislation to amend the National Capital Transportation Act of 1969 (83 Stat. 320) to provide for Federal guarantees of obligations issued by the Washington Area Transit Authority, to authorize an increased contribution by the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

842. A letter from the Deputy Secretary of Defense, transmitting the annual report and the annual audit for fiscal year 1970 of the American National Red Cross, pursuant to the act of incorporation, as amended; to the Committee on Foreign Affairs.

843. A letter from the Director of the Peace Corps, transmitting a draft of proposed legislation to further amend the Peace Corps Act (75 Stat. 612), as amended; to the Committee on Foreign Affairs.

844. A letter from the Assistant Secretary of the Interior, transmitting a copy of a proposed amendment to the concession contract for the provision and operation of certain concession facilities and services within the Mount Rainer National Park, Wash.; for the year ending December 31, 1971, pursuant at 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

845. A letter from the Chairman, Indian Claims Commission, transmitting a report of the final determination of the Commission in docket No. 270, *The Chickasaw Nation, Plaintiff* v. *The United States of America, Defendant*, pursuant to 25 U.S.C. 70t; to the Committee Interior and Insular Affairs.

846. A letter from the Chairman, Indian Claims Commission, transmitting a report of the final determination of the Commission in docket No. 297, *The Cherokee Nation, Plaintiff*, v. *The United States of America, Defendant*, pursuant to 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

847. A letter from the Secretary of Transportation, requesting the authorization of appropriations for the design, construction, and equipping of a compliance test facility, to test manufacturers' compliance with Federal motor vehicle safety standards, together with a prospectus for the proposed facility, pursuant to Public Law 91–265; to the Committee on Interstate and Foreign Commerce.

848. A letter from the Attorney General, transmitting a draft of proposed legislation to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty; to the Committee on the Judiciary.

849. A letter from the Secretary of Health, Education, and Welfare, transmitting a report concerning grants approved by his Office which are financed wholly with Federal funds and subject to the reporting requirements of section 1120(b) of the Social Security Act, covering the 3 months ended March 31, 1971; to the Committee on Ways and Means.

850. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting an amended draft of proposed legislation 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; to the Joint Committee on Atomic Energy.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHLEY:

H.R. 9080. A bill to prohibit flight in interstate or foreign commerce to avoid prosecution for the killing of a policeman or fireman; to the Committee on the Judiciary.

By Mr. BADILLO:

H.R. 9081. A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

By Mr. BROYHILL of Virginia:

H.R. 9082. A bill to revise the pay structure of the police forces of the Washington National Airport and Dulles International Airport, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BURLISON of Missouri:

H.R. 9083. A bill to reduce pollution which is caused by litter composed of soft drink and beer containers, and to eliminate the threat to the Nation's health, safety, and welfare which is caused by such litter by banning such containers when they are sold in interstate commerce on a no-deposit, no-return basis; to the Committee on Interstate and Foreign Commerce.

By Mr. DELLENBACK:

H.R. 9084. A bill to authorize the Secretary of the Interior to engage in a feasibility investigation of a plan to rehabilitate the Savage Rapids Dam and appurtenant facilities on the Rogue River in Jackson County, Oreg.; to the Committee on Interior and Insular Affairs.

By Mr. DICKINSON:

H.R. 9085. A bill to amend title 10 of the United States Code to provide that members of the Armed Forces captured by hostile forces may accumulate leave without limitation during the period of their capture, and for other purposes; to the Committee on Armed Services.

H.R. 9086. A bill to amend the Livestock Transportation Act to include common carriers by motor vehicle, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GARMATZ:

H.R. 9087. A bill to prohibit assaults on State law enforcement officers, firemen, and judicial officers; to the Committee on the Judiciary.

By Mr. HARVEY (for himself, Mr. ANDERSON of Illinois, Mr. BROYHILL of North Carolina, Mr. CEDERBERG,

Mr. CHAMBERLAIN, Mr. CONABLE, Mr. DELLENBACK, Mr. DERWINSKI, Mr. DEVINE, Mr. ERLENBORN, Mr. FRELINGHUYSEN, Mr. FRENZEL, Mr. FREY, Mr. GETTYS, Mr. HALPERN, Mr. HARRINGTON, Mr. HOSMER, Mr. HUTCHINSON, Mr. KEATING, Mr. KEITH, Mr. LLOYD, Mr. MCCLORY, Mr. MCCLOSKEY, Mr. MCDONALD of Michigan, and Mr. MORSE):

H.R. 9088. A bill to amend the Railway Labor Act to provide more effective means for protecting the public interest in national emergency disputes involving the railroad and airline transportation industries, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HARVEY (for himself, Mr. MOSHER, Mr. REES, Mr. ROBISON of New York, Mr. ROYBAL, Mr. SCHWENGEL, Mr. SHRIVER, Mr. STAFFORD, Mr. J. WILLIAM STANTON, Mr. VANDER JAGT, Mr. WHITEHURST, Mr. BOB WILSON, and Mr. ZABLOCKI):

H.R. 9089. A bill to amend the Railway Labor Act to provide more effective means for protecting the public interest in national emergency disputes involving the railroad and airline transportation industries, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HELSTOSKI:

H.R. 9090. A bill to provide for the expansion of the Antietam National Battlefield in the State of Maryland, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 9091. A bill to amend the Internal Revenue Code of 1954 to provide that pensions paid to retired policemen or firemen or their dependents, or to the widows or other survivors of deceased policemen or firemen, shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. HENDERSON (for himself, Mr. DULSKI, Mr. UDALL, Mr. DANIELS of New Jersey, Mr. NIX, Mr. HANLEY, Mr. CHARLES H. WILSON, Mr. WALDIE, Mr. WHITE, Mr. WILLIAM D. FORD, Mr. HAMILTON, Mr. BRASCO, Mr. PURCELL, Mr. BEVILL, and Mr. CHAPPELL):

H.R. 9092. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing-rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. JOHNSON of California (for himself, Mr. ASPINALL, Mr. SAYLOR, Mr. HOSMER, Mr. HALEY, Mr. EDMONDSON, Mr. BARING, Mr. TAYLOR, Mr. UDALL, Mr. KYL, Mr. SKUBITZ, Mr. DON H. CLAUSEN, Mr. FOLEY, Mr. MEEDS, Mr. VIGORITO, Mr. LLOYD, Mr. DELLENBACK, Mr. KAZEN, Mr. MCCLURE, Mr. CAMP, Mr. RONCALIO, Mr. BEGICH, Mr. MCKEVITT, Mr. ABOUREZK, and Mr. CÓRDOVA):

H.R. 9093. A bill to expand and extend the desalting program being conducted by the Secretary of the Interior, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MACDONALD of Massachusetts:

H.R. 9094. A bill to amend title 10 of the United States Code to prohibit the discharge or release from active duty from the Armed Forces of persons who are addicted to narcotics or dangerous drugs; to the Committee on Armed Services.

H.R. 9095. A bill to expand eligibility for the treatment of addiction to narcotics by the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. MONTGOMERY (for himself, Mrs. HICKS of Massachusetts, Mrs. GRASSO, Mr. WOLFF, Mr. SAYLOR, Mr. ZWACH and Mr. WYLIE):

H.R. 9096. A bill to amend chapter 19 of title 38 of the United States Code, to extend coverage under servicemen's group life insurance to cadets and midshipmen at the service academies of the Armed Forces; to the Committee on Veterans' Affairs.

H.R. 9097. A bill to define the terms, "widow," "widower," "child," and "parent," for servicemen's group life insurance purposes; to the Committee on Veterans Affairs.

By Mr. PERKINS (for himself and Mr. PUCINSKI):

H.R. 9098. A bill to extend and amend certain provisions of the Child Nutrition Act and of the National School Lunch Act; to the Committee on Education and Labor.

By Mr. PETTIS:

H.R. 9099. A bill to authorize the Secretary of the Interior to protect, manage, and control free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. PRICE of Texas:

H.R. 9100. A bill to allow a 20-percent credit against the Federal individual income tax for State and local income taxes, and to increase substantially the credit against the Federal estate tax for State death taxes; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 9101. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. RARICK (for himself, Mr. HALEY, Mr. GROSS, Mr. WAGGONNER, Mr. SATTERFIELD, and Mr. SCHMITZ):

H.R. 9102. A bill to provide for paper money of the United States to carry a designation in braille indicating the denomination; to the Committee on Banking and Currency.

By Mr. REID of New York:

H.R. 9103. A bill to modify the restrictions contained in section 170(e) of the Internal Revenue Code in the case of certain contributions of literary, musical, or artistic composition, or similar property; to the Committee on Ways and Means.

By Mr. RIEGLE (for himself, Mr. EDWARDS of Louisiana, Mr. EILBERG, Mr. HARRINGTON, Mr. HALPERN, Mr. ROSENTHAL, Mr. GONZALEZ, Mr. PODELL, Mrs. CHISHOLM, Mr. REES, Mr. ROE, Mr. WALDIE, Mr. MORSE, Mr. MITCHELL, Mr. BADILLO, Mr. DENHOLM, Mr. DELLUMS, and Mrs. ABZUG):

H.R. 9104. A bill to amend title 38 of the United States Code to provide public service employment for Vietnam era veterans; to the Committee on Veterans' Affairs.

By Mr. ROSENTHAL (for himself, Mr. ADDABBO, Mr. BURTON, Mrs. CHISHOLM, Mr. DENT, Mr. DELLUMS, Mr. DONOHUE, Mr. EDWARDS of California, Mr. EILBERG, Mr. ESCH, Mrs. GRASSO, Mr. HALPERN, Mr. HANSEN of Idaho, Mr. HARRINGTON, and Mr. HAWKINS):

H.R. 9105. A bill to amend the Federal Aviation Act of 1958 in order to authorize free or reduced-rate transportation to handicapped persons and persons who are 65 years of age or older, and to amend the Interstate Commerce Act to authorize free or reduced-rate transportation for persons who are 65 years of age or older; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. KOCH, Mr. MADDEN, Mr. MCKEVITT, Mr. MIKVA, Mrs. MINK, Mr. MITCHELL, Mr. NIX, Mr. PEPPER, Mr. PIKE, Mr. PODELL, Mr. SEIBERLING, Mr. TIERNAN, Mr. WALDIE, and Mr. YATRON):

H.R. 9106. A bill to amend the Federal Aviation Act of 1958 in order to authorize free or reduced-rate transportation to handicapped persons and persons who are 65 years of age or older, and to amend the Interstate Commerce Act to authorize free or reduced-rate transportation for persons who are 65 years of age or older; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHMITZ:

H.R. 9107. A bill to permit deductions in certain cases for child-support payments to be made from the retired pay of former members of the Armed Forces; to the Committee on Armed Services.

By Mr. SIKES:

H.R. 9108. A bill to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. UDALL (for himself, Mr. WYATT, Mr. ADAMS, Mr. BEGICH, Mr. PIKE, and Mrs. REID of Illinois):

H.R. 9109. A bill to amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. UDALL (for himself and Mr. WALDIE):

H.R. 9110. A bill to equalize the retirement and life insurance benefits of certain Members of the 92d Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WAGGONNER:

H.R. 9111. A bill relating to the conservation of natural resources upon lands of the United States and amending certain provisions of the Outer Continental Shelf Lands Act and the Mineral Leasing Act; to the Committee on the Judiciary.

H.R. 9112. A bill to amend the act of December 22, 1944, relating to the sale of electric power from reservoir projects under the jurisdiction of the Secretary of the Army; to the Committee on Public Works.

By Mr. WATTS:

H.R. 9113. A bill to amend the Internal Revenue Code of 1954 to provide for reasonable additions to bad-debt reserves for qualifying real property loans by banks comparable to such additions by certain other financial institutions; to the Committee on Ways and Means.

By Mr. FISHER:

H.J. Res. 703. Joint resolution: Stable Purchasing Power Resolution of 1971; to the Committee on Government Operations.

By Mr. RHODES (for himself, Mr. UDALL and Mr. STEIGER of Arizona):

H.J. Res. 704. Joint resolution directing the Secretary of State and the Secretary of the Interior, through the Bureau of Reclamation, to study the economic and engineering feasibility of acquiring riparian rights from the Republic of Mexico to water in the Gulf of California for the piping and pumping of water from the Gulf of California to Arizona for irrigation purposes; to the Committee on Foreign Affairs.

By. Mr. STEELE (for himself, Mr. ARCHER, Mr. BAKER, Mr. CONTE, and Mr. WINN):

H.J. Res. 705. Joint resolution designation of the month of October of each year as "Drug Awareness Month"; to the Committee on the Judiciary.

By Mr. FRASER (for himself, Mr. ABOUREZK, Mr. EVANS of Colorado, Mr. GREEN of Pennsylvania, Mr. KARTH, Mr. MEEDS, Mr. REUSS, and Mr. TIERNAN):

H. Res. 477. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

213. By the SPEAKER: Memorial of the Legislature of the State of Louisiana, requesting Congress to call a convention for the purpose of amending the Constitution to provide for intergovernmental sharing of Federal income tax revenues; to the Committee on the Judiciary.

214. Also memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to the designation of August 15, 1971, as a "World Prayer for Peace Day"; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FRENZEL:

H.R. 9114. A bill for the relief of Edward C. Harley; to the Committee on the Judiciary.

By Mr. HANNA:

H.R. 9115. A bill for the relief of Hector Enrique Gonzales; to the Committee on the Judiciary.

By Mr. JACOBS:

H.R. 9116. A bill for the relief of Maria Justina Soto-Castillo; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 9117. A bill for the relief of Nicola Femia; to the Committee on the Judiciary.

By Mr. SIKES:

H.R. 9118. A bill to authorize Lt. Comdr. Dallas E. Cassel, U.S. Navy, to accept employment with the Government of New Zealand; to the Committee on Armed Services.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

82. By the SPEAKER: Petition of the Board of Commissioners, Ramsey County, Minn., relative to appropriations for the war in Southeast Asia; to the Committee on Appropriations.

83. Also, petition of the City Council, Solon, Ohio, relative to restoring a bulk mail handling station to the Greater Cleveland area; to the Committee on Post Office and Civil Service.

84. Also, petition of the City Council, Redlands, Calif., realtive to Federal-State revenue sharing; to the Committee on Ways and Means.

SENATE—*Monday, June 14, 1971*

The Senate met at 12 o'clock noon and was called to order by Hon. HARRY F. BYRD, JR., a Senator from the State of Virginia.

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

O Lord, our God, who hast established sovereignty by the people's will, we thank Thee for those in every age whom Thou hast raised up to defend our liberty, preserve our union, guide our decisionmaking, and maintain law and order. Give us wise and fearless leaders and commanders in every time of need. Enlighten by Thy spirit all whom we have set in authority over the Nation that they may lead with wisdom and strength and the Republic be preserved in peace, unity, strength, and honor. Take under Thy guidance and protection the President, the Governors, the lawmakers, the judges, the law enforcers, and all those in the diplomatic and military services, defending them from all evil and enriching them with all good so that the people may prosper in freedom beneath an equal law and this Nation may magnify Thy name in all the earth. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 14, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. HARRY F. BYRD, JR., a Senator from the State of Virginia, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. BYRD of Virginia thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, June 11, 1971, be dispensed with.

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

WAIVER OF THE CALL OF THE CALENDAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rules VII and VIII, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

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

ORDER FOR ADJOURNMENT

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

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

(Subsequently, this order was changed to provide for the Senate to convene at 11:30 a.m. tomorrow.)

ORDER FOR RECOGNITION OF SENATOR SYMINGTON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, upon completion of the recognition of the two leaders under the standing order tomorrow, that the distinguished Senator from Missouri (Mr. SYMINGTON) be recognized for not to exceed 15 minutes.

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

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, following the remarks of the distinguished Senator from Missouri (Mr. SYMINGTON), and any other Senators for whom orders may subsequently be granted, there be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

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

ORDER FOR CONSIDERATION OF UNFINISHED BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, upon completion of the routine morning business on tomorrow, the unfinished business be laid before the Senate.

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

LOBBYING IN LUXURY

Mr. SCOTT. Mr. President, last week we enjoyed the ministrations of the National Convocation of Lawyers To End the War. They were, of course, exercising their right to express their views on a public question to the Members of Congress.

An interesting and candid appraisal of this effort by Ernest B. Furgurson appeared in a recent issue of the Baltimore Sun.

Writes Mr. Furgurson:

Ah, the luxury of being out of office. That is what the who's who of American bar is enjoying to the fullest as it tries this week to pressure Congress and the President to quit Vietnam, willy-nilly by New Year's Eve.

Mr. Furgurson makes the point that the convocation, although different in its choice of dress and verbiage, is asking just what the mass marchers and the bearded veterans and the Mayday tire-slashers were asking—get the war over with today or by a certain date in the near future, and don't give us any excuses about having to do it gradually and responsibly.

He notes this "slice of the Nation's legal establishment is heavily loaded with Democrats," and that there is a tinge of party politics in the effort.

The one difference between them and the administration is that—

Mr. Nixon has the responsibility of seeing that withdrawal does not turn into panic, and that the effort to which we have devoted so much blood and money in Indochina does not collapse while our troopships are barely weighing anchor. As for the lobbying lawyers, they have the luxury of being out of office—and responsibility.