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.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. President, I ask unanimous consent to have the article printed in the RECORD.

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

[From the Baltimore Sun, June 8, 1971]

LOBBYING IN LUXURY

(By Ernest B. Furgurson)

WASHINGTON.—Ah, the luxury of being out of office.

That is what the who's who of the American bar is enjoying to the fullest as it tries this week to pressure Congress and the President into action to quit Vietnam willy-nilly by New Year's Eve. Their conception is that a carefully coiffed, custom-tailored collection of lawyers speaking legalese may get results where a mallful of other protesters with long dirty locks, surplus-store wardrobes and foul vocabularies had no luck a few weeks ago.

Logically, they might. They are, after all, addressing their peers. There are more lawyers than anything else in Congress. There are more lawyers than anything else in the administration, too, unless perhaps they are outnumbered by public relations and advertising men. Such men are impressed by exhaustively documented briefs and LL.B. degrees and the kind of confidence exuded by colleagues who long ago banked their first million in clients' fees. And they might even be lulled into a false sense of comradeship by the negative facts that the current petitioners do not come bearing Viet Cong flags and hurling garbage.

But in truth the National Convocation of Lawyers to End the War is asking just what the mass marchers and the bearded veterans and the Mayday tireslashers were asking—get the war over with, either 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.

And in additional truth, this slice of the nation's legal establishment is heavily loaded with prominent Democrats—former officeholders, dependable party contributors, selfless servers on boards and commissions—plus a few Republicans, mainly those publicly disillusioned with the present President.

The lawyers are, of course, only part of the week-long effort calling itself the Lobby of Americans, which includes businessmen, religious groups, civil rights and environmental groups, women's organizations, teachers, professionals and "senior citizens."

But the lawyers are the ones with the biggest names, and the ones most out of place in the context of earlier, less restrained antiwar campaigns.

Clark Clifford, for example. Adviser to Democratic presidents since Harry Truman in World War II. Chairman of the President's Foreign Intelligence Advisory Board during the years of the great Vietnam buildup. Secretary of Defense in the closing months of the Johnson administration.

It was in 1968 that Clifford was described as "the most influential advocate within the President's inner circle of a hard-line, hawk policy in Vietnam." He opposed Mr. Johnson's bombing pauses, and argued that only unremitting military pressure would convince Hanoi that the war was not worth its cost, and thus bring the fighting to an end.

Since then, he has described the change of heart he underwent while examining the military requests for more troops after the Tet campaign, and perhaps rightly he takes credit for influencing Mr. Johnson to do what he finally did.

But it was not until he and Mr. Johnson were six months out of office that he published his widely quoted *Foreign Affairs* article concluding that the United States should get out of the war by a "specified end point."

This is not to quarrel with his reappraisal, or its genuineness. Nor is it to say that men like him should not lobby for the cause of withdrawal; it is a welcome change to hear reason and experience substituted for clamor and arrogance.

Those listening, however, should put the lobbying effort, particularly what is said by this group of lobbying lawyers, into the perspective of party politics. That kind of perspective already makes clear Mr. Nixon's intentions as he continues gradual withdrawal of troops leading up to next year's presidential election.

If these prominent Democrats and their few Republican friends like the purged Senator Charles Goodell of New York allow the President to time the homeward movement of our forces as he would have it, then Mr. Nixon is indeed likely to run for re-election as a "peace President" in 1972. But if they lay down an emphatic record of having urged a total pullout months before the election, and the record shows that Mr. Nixon refused to meet that deadline, then they can maintain that he is the President who let the war drag on and on.

The difference between them 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.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair now recognizes the distinguished Senator from Alaska (Mr. GRAVEL) for not to exceed 15 minutes.

DECISIONMAKING PROCESSES IN GOVERNMENT

Mr. GRAVEL. Mr. President, the weekend was a boon with respect to new information that came to light. Former Secretary of Defense McNamara will go down in the history of this Nation for the reason that he initiated a study that has brought to light the decisionmaking processes of this Government. I shall not have very much to say on it this morning, but I give notice to the Senate that I shall be giving my opinions on this study and its impact. It will be most salutary, in a system of representative government, for the American people to begin to find out how the decisions were made which led to our involvement in Vietnam, and how many people around the world knew what was going on, and that the last to know were the American people. A great service was rendered. I shall be asking unanimous consent to have printed in the RECORD a complete text of that study, and my comments on it, but first I wish to go to another interesting subject.

I noted in the Washington Post for June 12, 1971, an article entitled "Navy Fears United States Couldn't Counter Attacks on Israel, Korea Next Year." That was on the first page. On the runner-up page is, "Navy Sees Threat in Soviet Sea Power."

It is interesting that here we have an article which I am sure was circulated around the entire United States but does not have anyone's name attached to it. It just says, "The Navy's Top Leadership," and then continues in the article to talk about the "Navy's top leadership."

The first paragraph I will read:

The Navy's top leadership says that the balance of power in the Mediterranean is tipping so rapidly in Russia's favor that in another year the U.S. would be unable to stop a joint Soviet-United Arab Republic thrust into Israel.

The whole import of the article is simple, if one understands the process of how this is done in this country. The idea is to show that we have a problem, that the Navy needs money, that we have a threat since Soviet power is growing in the Mediterranean and the Indian Ocean, and that if Congress does not hurry up and appropriate the money to the U.S. Navy bad things will happen to our posture in the world.

Mr. President, I ask unanimous consent to have the entire article printed in the RECORD.

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

[From the Washington Post, June 12, 1971]

NAVY FEARS UNITED STATES COULDN'T COUNTER ATTACKS ON ISRAEL, KOREA NEXT YEAR

(By Michael Getler)

The Navy's top leadership says that the balance of power in the Mediterranean is tipping so rapidly in Russia's favor that in another year the U.S. would be unable to stop a joint Soviet-United Arab Republic thrust into Israel.

These high-ranking officials say that if such a situation developed after mid-1972, their recommendation to the President, based purely on military grounds, would be to let Israel be overrun.

While the President might overrule such advice, the Navy's view is that the time is fast approaching when the United States will not be able to stop such an attack across the Suez Canal and the Berai Desert.

These military leaders back their assessment by citing the build-up of new Russian ships, submarines and bases in the Mediterranean in contrast to the smaller and older U.S. Sixth Fleet and the loss of all U.S. air and naval bases in the Middle East.

They say the situation is further complicated because overt U.S. defense of Israel in a severe crisis would not involve NATO. Thus, U.S. allies in central and southern Europe might be reluctant to get involved by giving permission for American troops transports and fighter-bombers based in Europe to overfly their countries.

In last summer's Jordanian crisis, Navy leaders say U.S. plans to move troops from Germany and elsewhere involved long overwater detours around the centrol European land mass.

With the possible exception of Greece, there were indications, according to the Navy, that requests for flyovers would probably have been turned down by those NATO countries, including France, whose territory would have been crossed.

In an interview yesterday, Navy leaders expressed none of the optimism which has been apparent lately regarding the prospects for reduced military tensions between the U.S. and U.S.S.R.

On the recently announced attempt by Washington and Moscow to break the deadlock at the Strategic Arms Limitations Talks, the Navy view is that the United States seized on such an agreement "because it was the best one we could get."

The Navy believes that the Soviets already have clear superiority in a number of strategic areas—such as submarines, missile launchers and total warhead megatonnage—

and will eventually overcome the U.S. lead in multiple warheads.

The view from the Navy high command is that Soviet strategy over the next few years will seek to take advantage of what the Navy sees a steadily weakening U.S. military posture, especially at sea.

Officials say Israel is not the only possible flash point.

They say that a Soviet-backed move by North Korea against South Korea would also be extremely hard for the United States to counter with conventional weapons as the fleet and U.S. overseas bases continue to decline.

The Soviet strategy, as the Navy sees it, will be to focus on those areas—the Middle East, Indian Ocean and Asia—which do not involve NATO in order to keep the United States reasonably isolated from any additional support.

The Navy says that attacks against Israel and renewed action in Korea is not inevitable, but they cite these two examples as the type of thing likely to occur if the United States drops its defenses any lower.

Congressional sources confirm that the Navy's top military brass have expressed similar views in closed congressional hearings over the Navy's $21.3 billion fiscal 1972 budget.

Navy officials also believe that the Soviets will engage in a continuing series of actions in much less volatile areas to test U.S. resolve believe attempting anything on a larger scale.

High-ranking officers say they are convinced that the Russians want to keep the Middle East unstable as a way to insure their continued presence in Egypt.

Top Navy leaders say they were confident last summer in recommending that the United States not back away from a possible confrontation with Russia when Soviet-built tanks entered Jordan from Syria. But they say by next summer they could no longer make such a recommendation to face down the Russians over Israel.

The Navy's top-ranking leaders say such episodes as having to back down over Israel and Korea might well provide enough of a jolt to Americans to "get the country to rearm."

In their view, the current attitude of military retrenchment which the Navy sees as gripping much of America will last perhaps another four or five years and then it will end in some kind of a shock such as one involving Korea or Israel.

As to the comparative naval strengths in the Mediterranean, the Navy says it has about 46 ships, including submarines, in the Sixth Fleet compared to about 60 Soviet vessels, also including subs. The United States is said to have slightly more surface combatant ships in the Mediterranean than the Soviets, but the Russians have "more than twice as many submarines," according to the Navy.

The Soviets, however, have nothing to compare in firepower with the two U.S. attack aircraft carriers, and the fleet also has been strengthened recently by addition of a helicopter carrier whose choppers could take Marines inland. The Navy says that the growing Soviet ability to use airfields and seaports in the U.A.R. is the biggest counter to the U.S. carriers.

Worldwide, the Soviet fleet outnumbers the U.S. Navy. But there are big differences in the type of navy each superpower possesses, and a number of defense analysts, while conceding that Russian seapower is growing, do not share the Navy's alarm over the United States being outgunned.

The Soviets have about three times as many submarines as the United States, but the United States holds a substantial lead in the number and quality of ballistic-missile firing subs. Both countries have a total of about 92 nuclear-powered submarines of all types, though the Soviets are building them more rapidly.

The Russians have nothing to match the 16 U.S. aircraft carriers nor do they have any nuclear-powered surface ships to match the three all-nuclear task forces of the U.S. Navy which could operate at sea indefinitely.

The Russians have a big lead, however, in the number of missile-equipped of smaller surface vessels and submarines which could knock out U.S. carriers.

Mr. GRAVEL. Mr. President, this is not a new device which is being employed. It is just an unfortunate one. I can well understand how the one who made that statement, would not wish to have his name attached to it, and would rather stand under the anonymity of "the Navy's top leadership." Certainly no admiral in the United States today would put his career on the line, or have anything placed in the record saying that within a year the Soviet Union will have this kind of power in the Mediterranean.

The Soviets do not even have a carrier. Of course, since the Second World War, we have all recognized what it means to have airpower and how effective it can be as a balance in any kind of conflict.

To begin to talk of the equity or the parity of the Soviet navy in the Mediterranean because of sheer numbers, and in light of the fact that they do not have an attack aircraft carrier force when we have three attack aircraft carriers, really begs the question. But more importantly, there has been planted a new notion which will come to fruition in this country; it is an attempt to play upon the deep emotions that a large segment of the political community has, and a large segment the American community has, with respect to our commitment to Israel.

They use this emotional commitment. They take the logical commitment and then distort it with the emotional commitment in order to use this as a device to gain larger appropriations with which to feed the continuing paranoia we have with respect to the Soviet Union.

I think it will do great harm to our clear understanding of our commitment with Israel. I want to make it known at this particular point in time that in conversations I have had with other Senators—and I was not a Member of the Senate during the 6-day war—I have asked what would have happened had the balance tipped the other way. Every Senator whom I have asked said that we would have committed troops in an all-out effort to save Israel.

It is interesting that this is what people are being led to believe would have occurred if the balance had tipped in the struggle between Israel and the Arab States—that we would have sent American troops to defend Israel.

This also reveals the lack of knowledge concerning tactical questions involved, because a termination of a conflict in that area would have been so rapid that I doubt that we would have the capability to react within the necessary period of time. I have maintained that the safety of Israel lies within Israel itself, that we should provide her with the necessary wherewithal to meet any fundamental attack. Of course, it is within the realm of possibility, but I doubt that the Soviet Union would be so foolish as to be the cutting edge in such a situation. The events in 1967 got out of hand. It was obvious that it was no part of their plan. However, for those who seek appropriations for the U.S. Navy to raise the specter of total U.S. involvement in Israel, I think, is a devious way to approach the problem.

I would hope that we could analyze the needs of our Navy without recourse to this type of action and without our telling the American people how the Soviet Union is ahead of us.

Mr. President, just as an aside, it reveals our ability to thwart the Soviet Navy in the Pacific Ocean. The Soviet Union made an effort to move into the Indian Ocean, because we had done so.

I ask the simple question why we must have a base in the Indian Ocean. What interest do we have—as we did in Guantanamo Bay—that we should spend hundreds of millions of dollars on land that was acquired by the British Government so that we could build a base there. The Soviet Union, with foolhardiness equal to ours—and in order to match us in our race—feels that it also has to have presence in the Indian Ocean.

This is not in the Soviet Union's best interest, because anyone trapped in the Indian Ocean could be pinched off. There would be no way in which the ships could get back to a safe area. They are making a tactical mistake in trying to keep up with the Joneses, so to speak. It seems to indicate that if we do foolish things, they also do foolish things, and if they do foolish things, we do also.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "Brezhnev Asks Talk on Navies," written by Dusko Doder, and published in the Washington Post of June 12, 1971.

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

BREZHNEV ASKS TALK ON NAVIES; INDIAN OCEAN, MEDITERRANEAN LIMITS URGED

(By Dusko Doder)

Soviet leader Leonid Brezhnev offered yesterday to negotiate a mutual limitation of naval forces with the United States, specifically mentioning the Indian Ocean and the Mediterranean.

It was the first time that the issue of naval fleets was introduced in the complex web of current Soviet-American disarmament negotiations.

In a sweeping foreign policy statement, Brezhnev expressed readiness "to make an equal bargain" with the U.S. on limiting mutual naval forces, and blamed the West for failure to give "a clear-cut reply" to his proposal on troop and armaments reductions in Europe.

Brezhnev spoke at the Kremlin Palace of Congresses in Moscow, where he is running for election to the Soviet of the Russian Republic. Excerpts of the address were distributed in English by the official Soviet news agency Tass.

He took his vaguely worded proposal on Europe a step further by suggesting that Moscow was willing to negotiate cutbacks in both Soviet and satellite armed forces in Europe.

The presence of Soviet ships in the Mediterranean and the Indian Ocean has caused growing concern in Washington. Although the Soviet naval force is relatively, small, its objective seems to be essentially political—to impress unstable African and Asian re-

gimes and to counteract U.S. and British influence.

"We have never thought and do not think now that it is an ideal situation when the navies of great powers are sailing for a long time at the other end of the world, away from their native coasts," Brezhnev said. "We are ready to solve this problem, but to make an equal bargain."

The burden of Brezhnev's speech was that the kremlin is sincerely interested in peace and that parity with the United States must be the basis for negotiations.

Claiming the Nixon administration "recognized in words" the principle of equal security, Brezhnev said:

"In the United States, for example, hue and cry are raised time and again about Soviet defense programs, particularly on the eve of adopting a new military budget in Washington.

"The measure we take to strengthen our defenses are depicted at the same time as something well nigh treachery, a direct threat to the success of the talks.

"But what grounds, we are entitled to ask, has Washington to expect from us renunciation of the already adopted programs if the American administration itself, during the period of the talks, has taken several very big decisions of building up its strategic forces?

"It is high time to discard this double standard," Brezhnev said.

Brezhnev was more conciliatory toward the United States than were Premier Alexei Kosygin and President Nikolai Podgorny, who made foreign policy speeches Wednesday and Thursday.

However, Brezhnev's address yesterday was the most authoritative Soviet foreign policy statement since his speech at the 24th party congress March 30.

Both Kosygin and Podgorny blamed the United States for its "resistance" to reducing tensions in Europe, expressing Kremlin disappointment over Western responses to Brezhnev's earlier proposals. At a meeting in Lisbon last week, NATO foreign ministers proposed country-to-country talks with Moscow "to determine whether common ground exists" for European land force cuts.

Brezhnev yesterday indicated he was still waiting for an answer, saying that "it is true (that) without large spending on defense we would have advanced our economy at a still faster rate."

His troops reduction proposal, Brezhnev said, had "great importance for a detente and lasting peace in Europe.

"But we do not yet have a clear-cut reply," he continued. "We confirm every time that we are ready to devote the proper attention to this entire important complex question. It is quite understandable that we will act in close contact with our allies."

In the excerpts published by Tass, Brezhnev made no mention of Indochina, Berlin and the Middle East, the principal points of international tension. Also absent from the Tass text were routine denunciations of Israel.

There has been unofficial discussion in this country of some of the issues raised by Brezhnev's naval proposal. Two months ago Prof. Howard Wriggins, director of Columbia University's Institute on Southeast Asian Studies and a member of the National Security Council staff in 1967–68, urged Moscow and Washington to agree on mutual naval forces limitations in the Indian Ocean.

Such an agreement, Wriggins argued, would eliminate the possibility of the two super-powers reaching the point of "likely risks" while competing for influence in the Indian Ocean area.

U.S. officials suggested yesterday that assessments of Soviet naval strength in the Mediterranean and the Indian Ocean have been somewhat exaggerated; simply because there were no Soviet, ships in these areas 15 years ago.

The Soviets still can't match the powerful U.S. 6th Fleet in the Mediterranean. Naval sources placed Soviet strength in the Indian Ocean at one submarine, one submarine tender, one large tank-landing ship, one tanker, several missile destroyers, four frigates and several surveillance trawlers.

For the past several years, however, the Russians have been engaged in a rapid and sustained naval buildup.

Mr. GRAVEL. Mr. President, the article quotes Brezhnev—I have not read the speech of Chairman Brezhnev—as offering to negotiate a mutual limitation of naval forces, not only military forces of NATO, but also naval forces in the Mediterranean and Indian Oceans.

I can understand his desire to negotiate an agreement in the Indian Ocean, because I think they have made a serious tactical blunder. However, I think that blunder is no greater than the blunder we have made in spending hundreds of million of dollars, and have plans to spend additional hundreds of millions of dollars, for a base in the Indian Ocean.

It is interesting to note that the Soviet Union, through Chairman Brezhnev, has taken the leadership in this role and has offered to negotiate the matter. We made the first offer, but nothing came of it. I think it could be said that the Soviets have us psychologically on the run.

That could be for two reasons. First, they do sincerely want to have lower force levels around the world. I am prepared to accept that at face value. However, a more cynical interpretation would be that they are doing it, because they may have noticed that there is no great desire on the part of the leadership of this great Nation to negotiate reductions; and since they detect that lack of desire, they have come out more flagrantly and with greater risk, knowing that these offers will not be accepted, and that equal offers will not be made.

I take the former position, that they simply want peace, as we do. I think there is room for the latter or more cynical interpretation, because of what happened in Lisbon and the position this country took, rather than coming out straightforwardly and expressing a desire to negotiate eyeball to eyeball and man to man. We used delaying tactics and fractionalized the effort.

We told the various NATO members that the Soviets wanted to negotiate force reduction, but that we were not sure they meant it. We told each of them to check with the Soviets and then to tell us if the Soviets really meant it.

This is a very obvious way of saying that we do not really want to negotiate, but that we want to delay negotiations for a long period of time.

I think there may have been some desire on the part of Mr. Brezhnev to tweet us again with additional offers to negotiate.

I think the leadership leaves us in a very insecure position with respect to world opinion in this matter.

I would have hoped that this Nation, which I consider to be a peace-loving nation, would have taken greater leadership and a more direct leadership in all forms of negotiations.

ORDER OF BUSINESS

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

The ACTING PRESIDENT pro tempore. The Senator from Alaska has 3 minutes remaining.

NUCLEAR TESTS ON AMCHITKA ISLAND

Mr. GRAVEL. Mr. President, very briefly I would like to give notice that I will be appealing repeatedly on the floor of the Senate between now and October. A 5-megaton bomb blast is supposed to take place on Amchitka Island. We have had several reports of this, particularly over the last weekend.

Mr. President, it strikes me as odd that the Government would choose to pursue experimentation with a nuclear device that is already considered obsolete by members of the scientific community.

We had hearings in Alaska. These were called for by the Governor of Alaska and by 15 other Senators and myself.

At these hearings, there was testimony by people from Alaska and by scientists from around the world. Most of the people who testified spoke against this particular undertaking, because of the risks.

No one knows the degree of risks involved. However, we do know that there are some risks. It would be most unfortunate for the United States to go ahead and have a blast of a 5-megaton bomb in the face of this risk when the scientific gain from the defense picture will not be worth it. The tests involved relate to the tests of a warhead that will be obsolete and will not be used. I hope the President will realize the risks faced by Alaska and those countries which border the Pacific rim.

What ill effect it could have upon our posture in the world and our foreign policy should an accident occur that caused damage to Japan, or Canada, or California, or caused damage to China or the Soviet Union. How ridiculous a situation we would find ourselves in if something occurred, even though as a remote accident, that would cause us to fall into such disrepute in the world community as the result of indirectly causing some destruction of the Soviet mainland. This bombing test could trigger this eventuality.

I hope the President reconsiders, and I will be speaking in this Chamber repeatedly imploring him to reconsider the present course of action which his administration has chosen to undertake in this regard. I hope he changes his mind, because of what could happen to the people of Alaska in this area.

Mr. President, I yield the floor.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. BYRD of Virginia) laid before the Senate messages from the President of the United

States submitting sundry nominations, which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of Senate proceedings.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the transaction of routine morning business with statements therein limited to 3 minutes.

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

The PRESIDING OFFICER (Mr. GRAVEL). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

PROPOSED AMENDMENT TO PRESERVE THE NEIGHBORHOOD SCHOOL CONCEPT

Mr. BYRD of Virginia. Mr. President, the distinguished Senator from Tennessee (Mr. BROCK) has submitted a proposed constitutional amendment to preserve the neighborhood school concept. His amendment would prohibit the assignment to public schools on the basis of race, creed, or color. The Senator from Virginia is a cosponsor of that measure. I think it would be a step in the right direction.

The Senator from Tennessee (Mr. BROCK) in an interview published in the Nashville Banner in Tennessee stated that—

> The current actions of the Health, Education, and Welfare Department and Federal courts regarding school busing "are making the people mad at the Government, period."

I concur in that assertion by the distinguished Senator from Tennessee. I think the people are getting deeply concerned with the extremism of the Federal courts and the extremism of the Department of Health, Education, and Welfare in regard to the question of busing to achieve an artificial racial balance.

I say the busing of schoolchildren hither and yon for the purpose of achieving an artificial racial balance is unjust, unfair, and not in the public interest.

Mr. President, I ask unanimous consent to have printed in the RECORD the interview which the Senator from Tennessee (Mr. BROCK) had with the Nashville Banner on Thursday, June 10, 1971, and an editorial from the Nashville Banner of June 10, 1971, entitled "A Pattern of Reason for School Assignment." Prior to the printing of those articles in the RECORD, I wish to note that the Nashville Banner is, in my judgment, doing an excellent job for the people of Nashville, the people of Tennessee, and the people of the United States for its forthright editorials discussing matters of public and national interest.

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

HEW, COURTS ARE MAKING PEOPLE MAD: BROCK

(By Lee Bandy)

WASHINGTON.—Sen. Bill Brock, R-Tenn., today said the current actions of the Health, Education, and Welfare department and federal courts regarding school busing "are making the people mad at government, period."

Brock's comments were made during a wide-ranging press conference with Tennessee newsmen in his Washington office. He discussed among other things revenue sharing, proposals to end the Vietnam war, ways of providing food and nutritional programs for the poor and legislation providing a federal guarantee for a bank loan to bail out Lockheed Aircraft Corp.

In discussing the changes of his school amendment providing equal treatment of students regardless of race, the Tennessee lawmaker declined to discuss its chances of approval.

"I don't know how to predict what this Congress is going to do," he said. "Almost any bill, good or bad, is in jeopardy. This is the political season. I think it should pass."

Brock expressed the opinion, "that men of reason can support an amendment of this tone that doesn't have racial overtones."

Asked if HEW's massive busing plan for Nashville and the federal court's involvement would hurt President Nixon's re-election chances in Tennessee next year, the senator replied:

"Situations like this have to create some difficulty for those who hold public office today. People tend to assume too much power under the President. He gets blamed for everything. But Mr. Nixon cannot tell the court in Nashville what to do."

HEW's plan would require crosstown busing of an extra 14,500 students in Davidson County. Sens. Brock and Howard H. Baker, R-Tenn., have criticized the proposal.

Brock said people in the country don't like their children being bused across town to achieve some sociological balance.

Instead of transporting students in an effort to improve the quality of education, the junior senator suggested that more funds be spent to improve inner city schools. He voiced the opinion that improving the quality of schools was better than transporting students across town to destroy a good educational system.

BROCK AMENDMENT TIMELY: A PATTERN OF REASON FOR SCHOOL ASSIGNMENTS

Sen. Bill Brock's proposed amendment to preserve the neighborhood school concept, for an enrollment pattern of reasoned convenience to the children—and forbidding assignment on the basis of race, creed or color—comes squarely to grips with, and would resolve equitably, a challenge and question deeply concerning the public school constituency, it involves far more than those of Tennessee, or of the South.

It addresses itself directly to the issue of busing—or transportation of students for a distance for the purpose of achieving racial balance. The step of redress proposed puts the responsibility of decision in the hands of the people, where it belongs.

It is not an oversimplification to say, as millions of citizens have said, and numerous public officials including President Nixon—that the neighborhood concept is best. It is the logical one, and relates the child to the immediate environs of his home community. It also avoids the multiplication of costs which would be increased by a needlessly enlarged bus program; the more unthinkable in a period when taxpayers are pleading for a reasonable reduction of costs. As has been pointed out, the money such needless busing would require would have to come out of a budget already strained, and at the expense of some essential educational service.

This newspaper has said that the vast majority of the American people oppose the busing proposal—whether it is inflicted as an idea, or an alternative, on the South exclusively, or on the North as well. And the opposition is not identified with a color line; the objection to it is irrespective of race.

The Brock amendment is joined by Tennessee Sen. Howard Baker, Virginia's Sen. Harry F. Byrd; James B. Allen, of Alabama; Strom Thurmond of South Carolina, John Tower of Texas; William B. Spong Jr., of Virginia; James O. Eastland of Mississippi, and Wallace F. Bennett of Utah. Unquestionably the Senate backing will grow—representative of the states which share a conviction both of sense and of justice.

No one has pointed out more clearly the logic of such a basic correction—and point of law within the obvious meaning of the Constitution. The fact underscored is that the busing idea would unmistakably reverse the basic premise of the 1954 Supreme Court ruling against segregation. In Sen. Brock's language:

"Seventeen years ago, in its landmark decision of 1954, the court prohibited pupil assignment to schools on the basis of race. Now it has chosen to reverse itself."

He interprets that fact alright. He has offered a timely and effective correction.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

SPAIN SHOULD BE INVITED TO BE NATO MEMBER

Mr. BYRD of Virginia. Mr. President, on May 6, I spoke in the Senate expressing my view that the time has come to invite Spain to become a member of the North Atlantic Treaty Organization.

Spain always has been of great importance in European defense plans. The United States recognized this as early as 1951, when diplomatic relations between this country and Spain were renewed after the interlude of World War II and the immediate postwar period.

In overall military power, only two of our NATO partners—West Germany and Turkey—clearly are stronger than Spain. Spanish membership in NATO clearly would represent a desirable strengthening of the alliance.

I think it would be a step in the direction of realism if Spain were to be admitted to NATO.

I was pleased to read in the New York Times of June 12, 1971, a dispatch from Madrid by Richard Eder entitled "United States Stepping Up Efforts for Spanish Link to NATO." I think that is a realistic and desirable thing to do.

Mr. President, I ask unanimous consent to have printed in the RECORD the speech which I made in the Senate on May 6, 1971, and the article entitled "United States Stepping Up Efforts for Spanish Link to NATO," published in the New York Times of June 12, 1971.

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

SPEECH BY SENATOR HARRY F. BYRD, JR.

It is my view that the time has come to invite Spain to become a member of the North Atlantic Treaty Organization.

During the Easter recess of the Congress, I visited Spain, North Africa and NATO headquarters at Brussels in an effort to assess two things:

The extent and significance of Soviet penetration of the Mediterranean region, particularly North Africa;

And the situation concerning the commitments of the United States and our partners in the North Atlantic Treaty Organization in Europe.

I came away deeply impressed with the strategic importance of Spain in the defense of Europe and the Mediterranean.

Spain always has been of great importance in European defense plans. The United States recognized this as early as 1951, when diplomatic relations between this country and Spain were renewed after the interlude of World War II and the immediate postwar period.

In 1953 the United States negotiated its first base agreement with the Spanish government, which has been twice extended, with modifications.

Today the Spanish bases have greater importance than ever before.

One reason why this is so is the extensive penetration of the Middle East, the Mediterranean and North Africa by the Soviet Union. During my visit to that region, it was driven home to me that the Russians are seeking to become the dominant power in the entire Mediterranean area.

Not only do the Soviets maintain a sizable fleet in the Mediterranean waters, but they have become the major force supporting the Arab nations in their continuing struggle against Israel.

Today Egypt has become virtually a dependency of the Soviet Union. And just this month an Arab federation including Egypt, Libya and Syria was formed.

Actually, of the five nations on the African shore of the Mediterranean, only Tunisia and Morocco are friendly to the West. Algeria, while not yet in the Soviet orbit, is unfriendly to the Western allies and represents a fertile field for Russian penetration.

After a revolution deposed the former government of Libya, the United States was forced to close down the operations at Wheelus Air Base located in that country. These operations were moved to Zaragoza, one of two modern U.S. air bases in Spain. (A third air base is on a stand-by basis in Spain.)

The United States naval base at Rota, on the Spanish Atlantic coast near Gibraltar, is extremely important to the operations of the U.S. 6th Fleet in the Mediterranean Sea.

Given the present political and strategic situation in the Mediterranean region, it is clear that Spain is of critical importance to the South flank of the NATO alliance.

The exclusion of Spain from NATO results primarily from the opposition of powerful socialist parties in several European nations, notably Norway, Denmark, the Netherlands and Belgium.

Much of the opposition to Spanish entry into NATO can be traced to the role of Spain in the early years of World War II.

It seems to me that it is time for such matters to be forgotten. We should bear in mind that two of this nation's strongest allies are Japan and Germany, the nations who were the chief opponents of the Allies in World War II.

Portugal is already a member of NATO. Inclusion of Spain in the Alliance would extend NATO coverage across the Iberian peninsula. This in turn would greatly strengthen the position of NATO both in Europe and in the Mediterranean.

The peacetime army of Spain consists of five divisions and sixteen brigades. The mobilization potential of this army is considered to be 40 divisions.

Spain also has a navy of 80 ships and an air force of nearly 200 modern aircraft. Both the navy and the air force could be more than doubled in time of war.

In over-all military power, only two of our NATO partners—West Germany and Turkey—clearly are stronger than Spain. Spanish membership in NATO certainly would represent a desirable strengthening of the Alliance.

I think it would be a step in the direction of realism if Spain were to be admitted to NATO. Differences of political ideology within member countries of the Alliance have not destroyed it in the past, and there is no reason to suppose that the addition of Spain to the ranks of the allies would in any way weaken it.

We should bear in mind that the Soviet Union is never reluctant to cooperate with other nations whose governments are ideologically opposed to communism.

Realism suggests that the members of NATO should not attempt to insist that all members of the Alliance be models of democracy.

Addition of Spain to NATO could help reduce the burden on the United States of maintaining a huge contingent of forces in Europe. Today the United States has 300,000 servicemen and 200,000 dependents in the European area.

There has been a great deal of discussion in this country as to whether the United States should maintain its present level of troop commitments in Europe. In the Senate itself, Senator Mansfield has sponsored a resolution calling for a reduction in the U.S. troop level in Europe.

Addition of Spanish forces to NATO would help to make feasible a reduction in the American burden and would make a solid contribution to the strength of the Alliance.

Spain is a member of the West European family of nations. She belongs in the ranks of the Alliance which is the principal instrument of West European security.

[From the New York Times, June 12, 1971]

U.S. STEPPING UP EFFORTS FOR SPANISH LINK TO NATO

(By Richard Eder)

MADRID.—The United States has stepped up its efforts to establish formal links between Spain and the North Atlantic Treaty Organization.

When NATO's Defense planning committee met two weeks ago in Brussels, Secretary of Defense Melvin R. Laird submitted a paper that asserted that the protection of the Atlantic alliance's southern flank was seriously hampered by the lack of Spanish participation.

According to informed diplomats here, the paper stated emphatically that an arrangement to link Spain to the alliance must be worked out. No public mention of it has been made because of the sensitivity among some NATO members on the subject of Spain.

Spanish membership in NATO was first proposed by the Eisenhower Administration, but for many years the United States refrained from pushing the proposal. Opposition to the regime of Generalissimo Franco is a major tenet of many of Europe's democratic parties, and at various times it would have been politically impossible for Britain, West Germany, Belgium and Denmark to accept Spain.

FORMAL ARRANGEMENTS SOUGHT

The current American initiative, described by American and other sources as the most vigorous to date, does not call for full Spanish membership but rather for less public though formal arrangements between Spanish military commands and NATO's.

One such proposed arrangement would be the stationing of Spanish military representatives at NATO commands in Brussels and Lisbon. Another would be the integration into NATO's aircraft control and warning system of Spain's own network.

At present Spain's aircraft warning system is linked with United States commands in Europe through an arrangement provided by the agreement on military bases between the two countries. There is thus an indirect linkage to the NATO system, but the Americans argue that a direct hookup would be more effective.

American military authorities also want Spanish participation in naval patrolling by NATO forces in the western Mediterranean.

The renewed American interest in a Spanish tie to NATO dates from early in the Nixon Administration. It rests, at least in part, on a wide-ranging review of United States strategy made by David Packard, the Deputy Secretary of Defense.

SOVIET POWER CITED

The American argument cites the growth of Soviet power in the Mediterranean; the loss of United States bases in the area; doubts about the future of nonalignment of Morocco, Algeria and Tunisia, and the withdrawal of France from NATO's military commands, which took place in 1966.

To United States military planners, any doubts about the future of Spain after Franco are outweighed by the regime's present ideological firmness and by Spain's important geographical position—she is protected by distance and the Pyrenees from the Soviet Army, and dominates entry into the western Mediterranean.

American military planners, in some of their contingency plans, have regarded Spain as a possible last-ditch stronghold, where an American build-up could take place, should there be a Soviet offensive in Europe.

At last year's NATO meeting in Italy, United States officials informally urged the other NATO members to consider these questions. There was no strong argument advanced against the American position, according to European diplomats here, but no great enthusiasm either.

Mr. Laird's effort this year at Brussels, according to American and European sources, amounted to stepping up the pressure.

Spanish official opinion on creating ties with NATO is ambiguous. In the past, Spain has been eager to join, but more recently the Foreign Minister, Gregorio López Bravo, has voiced doubts about the future of the alliance and the usefulness to Spain of joining it.

COOLNESS VIEW AS TACTICAL

On the other hand, there is no sign that the earlier interest of Spain's armed forces—and probably of General Franco—in NATO has ebbed significantly. Mr. López Bravo's coolness is taken by American diplomats—his view is only partly shared by others—as mainly tactical, aimed at getting better terms in any arrangement falling short of full membership.

In any event, there is no current discussion of full Spanish membership. Aside from other members objections, it woud be difficult for Spain to accept this until her dispute with Britain over Gibraltor is settled. Spain lays claim to Gilbrator, but in 1967 an overwhelming majority in Gilbratar voted to retain the link with Britain rather than pass under Spanish sovereignty

At present, the United States is proceeding as though confident that if it can get its NATO allies to agree to an arrangement, General Franco and his generals will also agree, overruling any purely diplomatic doubts harbored by the Spanish Foreign Ministry.

In line with this policy, the Nixon Administration has made a point recently of publicly affirming its admiration for Spain's

armed forces. The visit this week of Adm. Thomas H. Moorer, Chairman of the Joint Chiefs of Staff, was the most pointed of these gestures.

Admiral Moorer was the Spanish Government's guest at the military parade Sunday marking the 32d anniversary of General Franco's victory in the Spanish Civil War.

QUORUM CALL

The PRESIDING OFFICER. Is there further morning business?

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. BYRD of Virginia) laid before the Senate the following letters, which were referred as indicated:

REPORT ON DISPOSAL OF CERTAIN SURPLUS MILITARY SUPPLIES

A letter from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, a report of receipts and disbursements pertaining to the disposal or surplus military supplies, equipment, and materiel, for the third quarter of fiscal year 1971 (with an accompanying report); to the Committee on Appropriations.

REPORT OF THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare transmitting, pursuant to law, a report on the medicare program (with accompanying report); to the Committee on Finance.

PROPOSED AMENDMENT OF SECTION 466 OF TARIFF ACT OF 1930

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend section 466 of the Tariff Act of 1930 and the act of January 5, 1971, and for other purposes (with accompanying papers); to the Committee on Finance.

PROPOSED AMENDMENT TO CONCESSION CONTRACT AT MOUNT RAINIER NATIONAL PARK, WASHINGTON

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed amendment of a concession contract at Mount Rainier National Park, Wash. (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROPOSED LEGISLATION PROVIDED BENEFITS TO SURVIVORS OF POLICE OFFICERS

A letter from the Attorney General submitting proposed legislation to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide benefits to survivors of police officers killed in the line of duty (with accompanying papers); to the Committee on the Judiciary.

PROPOSED EXTENSION OF COVERAGE UNDER SERVICEMEN'S GROUP LIFE INSURANCE

A letter from the Administrator of Veterans' Affairs submitting proposed legislation 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 (with accompanying papers); to the Committee on Veterans' Affairs.

PROPOSED AMENDMENT TO ATOMIC ENERGY COMMISSION AUTHORIZATION BILL

A letter from the Chairman of the Atomic Energy Commission submitting a proposed amendment providing an increase for the liquid metal fast breeder reactor program (with accompanying papers); to the Joint Committee on Atomic Energy.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. BYRD of Virginia):

A concurrent resolution of the Legislature of the State of Louisiana; to the Committee on Finance:

"SENATE CONCURRENT RESOLUTION No. 263

"A concurrent resolution memorializing the Congress of the United States of America to delete from the pending Social Security bill (H.R. 1) any provision therein that would prohibit the collection of usual and customary fees for medical services rendered by teaching physicians under the provisions of the Medicare program

"Whereas, the Ways and Means Committee of the United States House of Representatives has recently approved the Social Security bill (H.R. 1) containing a provision or provisions that would prohibit the collection of usual and customary fees for medical services rendered by teaching physicians; and

"Whereas, the Louisiana medical schools have significantly benefited from the collection of these fees; and

"Whereas, the monies collected from such fees have been used for paying the salaries of teaching personnel and other expenses of the Louisiana medical schools; and

"Whereas, the loss of the monies so collected from such fees would adversely affect the high quality of medical education provided by the Louisiana medical schools.

"Therefore be it resolved by the House of Representatives of the Legislature of the State of Louisiana, the Senate thereof concurring therein, that this Legislature respectfully petitions the Congress of the United States of America to delete from the pending Social Security bill (H.R. 1) any provision therein that would prohibit the collection of usual and customary fees for medical services rendered by teaching physicians under the Medicare program.

"Be it further resolved that a duly attested copy of this Resolution be immediately transmitted to the Speaker and Clerk of the House of Representatives of the Congress of the United States and to each member of the Congress from the State of Louisiana."

A concurrent resolution of the Legislature of the State of Louisiana; to the Committee on the Judiciary:

"SENATE CONCURRENT RESOLUTION No. 138

"A concurrent resolution requesting the Congress of the United States to call a convention for the purpose of amending the United States Constitution to provide for intergovernmental sharing of federal income tax revenues

"Whereas, a resolution of our nation's myriad and diverse problems is contingent upon a viable partnership between the federal government and strengthened state governments; and

"Whereas, the federal government, by its extensive reliance on the graduated income tax as a revenue source, has virtually preempted the use of this source from state and local governments, thereby creating a disabling fiscal imbalance between the federal government and the state and local governments; and

"Whereas, increasing demands upon state and local governments for essential public services have compelled the states to rely heavily on highly regressive and inelastic consumer taxes and property taxes; and

"Whereas, federal revenues based predominantly on income taxes increase significantly faster than economic growth, while state and local revenues based heavily on sales and property taxes do not keep pace with economic growth, and

"Whereas, the fiscal crisis at state and local levels has become the overriding problem of intergovernmental relations and of continuing a viable federal system; and

"Whereas, the evident solution to this problem is a meaningful sharing of federal income tax resources; and

"Whereas, the United States Congress, despite the immediate and imperative need therefor, has failed to enact acceptable revenue sharing legislation; and

"Whereas, in the event of such Congressional inaction, Article V of the Constitution of the United States grants to the states the right to initiate constitutional change by applications from the legislatures of two-thirds of the several states to the Congress, calling for a constitutional convention; and

"Whereas, the Congress of the United States is required by the Constitution to call such a convention upon receipt of applications from the legislatures of two-thirds of the several states.

"Now, therefore, be it resolved by the Senate of the Legislature of Louisiana, the House of Representatives thereof concurring, that pursuant to Article V of the United States Constitution the Legislature of the State of Louisiana does hereby make application to the Congress of the United States to call a convention for the sole and exclusive purpose of proposing to the several states a constitutional amendment which shall provide that a portion of the taxes on income levied by Congress pursuant to the sixteenth amendment of the United States Constitution shall be made available each year to state governments and political subdivisions thereof, by means of direct allocation, tax credits, or both, without limiting directly or indirectly the use of such monies for any purpose not inconsistent with any other provision of the Constitution of the United States.

"Be it further resolved that this application shall constitute a continuing application for such convention pursuant to Article V until the Legislatures of two-thirds of the states shall have made like applications and such United States, unless previously rescinded by the Legislature of Louisiana.

"Be it further resolved that certified copies of this resolution shall be transmitted forthwith to the President of the Senate and the Speaker of the House of Representatives of the United States and to the Legislatures of each of the several states attesting the adoption of this resolution by the Legislature of the State of Louisiana and to each member of the Congress from the State of Louisiana."

A resolution adopted by the Airport Land Use Commission, of Hayward, Calif., praying for the appropriation of certain funds as provided for in the Airport and Airway Development Act of 1970; to the Committee on Appropriations.

A resolution adopted by the town of Herndon, Va., praying for the enactment of legislation relating to revenue-sharing proposals; to the Committee on Finance.

A resolution adopted by the City Council of Philadelphia, Pa., praying for the enactment of legislation relating to a national shrine to Thaddeus Kosciusko; to the Committee on Interior and Insular Affairs.

A petition for a writ of information in the nature of quo-warranto by Moscow Minor 88928, State Farm, Virginia; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HUGHES (for himself and Mr. HUMPHREY):

S. 2058. A bill to assist in community development, with particular reference to small communities. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CASE:

S. 2059. A bill for the relief of Lt. Col. Robert L. King, retired. Referred to the Committee on the Judiciary.

By Mr. DOMINICK:

S. 2060. A bill to amend the Railway Labor Act and the Railroad Unemployment Insurance Act so as to provide more effective means for protecting the public interest in labor disputes involving the transportation industry, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. ROTH:

S. 2061. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for elderly people on a space-available basis. Referred to the Committee on Commerce.

By Mr. CURTIS:

S. 2062. A bill to change the name of the Nebraska National Forest to the Samuel R. McKelvie National Forest. Referred to the Committee on Agriculture and Forestry.

By Mr. MILLER (for himself and Mr. BROCK):

S.J. Res. 113. A joint resolution proposing an amendment to the Constitution of the United States with respect to the maximum age at which an individual may serve as a Senator, Representative, or judge of the United States. Referred to the Committee on the Judiciary.

By Mr. CURTIS:

S.J. Res. 114. A joint resolution—Stable Purchasing Power Resolution of 1971. Referred to the Committee on Banking, Housing and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUGHES (for himself and Mr. HUMPHREY):

S. 2058. A bill to assist in community development, with particular reference to small communities. Referred to the Committee on Banking, Housing and Urban Affairs.

SMALL COMMUNITY DEVELOPMENT ACT OF 1971

Mr. HUGHES. Mr. President, today I am introducing a bill which was introduced by my colleague in the House, JOHN CULVER, which would assist small communities in construction and rehabilitation of multipurpose community centers and in renovation of small community business district. I am very pleased that Senator HUMPHREY, chairman of the Subcommittee on Rural Development of the Committee on Agriculture and Forestry, is cosponsoring this legislation with me.

The population of the United States continues to migrate toward the cities and large metropolitan areas. Rural areas have experienced a great decline in population in recent decades and we have seen it accelerate in the decade of the sixties. In my home State of Iowa, a majority of counties had a reduction in population between 1960 and 1970. The small town suffers the most from the rural migration.

The loss of people also means the loss of tax revenue for local governments. Many of these small communities are attempting to maintain their economic vitality, and they must provide governmental services to the inhabitants. These governmental services include police and fire protection, library facilities, city halls, health facilities, and recreational halls for use by both the elderly and the young people of the community. There is little chance that these communities will have the resources to build such facilities on their own. This proposed legislation would authorize the Secretary of Housing and Urban Development to make grants, pay interest rate subsidies, and undertake guarantees to small communities—towns would be those communities under 15,000 population and not part of a metropolitan area—and regional units—any grouping of governmental units which want to consolidate their public service functions—to assist in the construction or rehabilitation of multipurpose community facilities for health, recreation, library, public safety, and local government use.

The economic vitality of these small communities is dependent upon the appearance of the downtown business districts. Unattractive, older buildings are not an inviting place in which to work or shop. The buildings are old, and have been allowed to deteriorate, but are of basically sound structure. This legislation would also authorize the Secretary of Housing and Urban Development to make loans and grants to local, nonprofit development companies in order to assist them in the exterior rehabilitation, restoration, and beautification of small community business districts.

Mr. President, small communities are the backbone of our Nation and in many instances provide a certain quality of life that large cities cannot offer. At a time when we are concerned about the pollution of our environment and the congestion of humanity in large metropolitan areas, it seems to me it would be a wise investment for the future of the Nation and future generations to help make our small communities a more inviting place to live.

Mr. President, I ask unanimous consent that the section-by-section analysis and the bill be printed in the RECORD at this point.

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

S. 2058

A bill to assist in community development, with particular reference to small communities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Small Community Development Act of 1971".

FINDINGS AND DECLARATION OF PURPOSE

The Congress hereby finds that many of the problems of the Nation's large metropolitan centers have their roots in and are directly related to the lack of full development opportunity in the small communities of the Nation which have development potential.

The Congress further finds that the critical lack of community facilities and services as well as the absence of potential revenue sources to provide for such facilities and services in small communities and regional units contributes to the lack of full opportunity for the citizens of such communities.

The Congress further finds that there is an urgent need for the exterior rehabilitation, restoration, and beautification of business districts in small communities to facilitate the overall development of small communities which have development potential.

The Congress further declares that this is a matter of serious national concern, and that there exists in the public and private sectors of the economy the resources and capabilities necessary to meet the community development needs of all the Nation's communities.

It is the purpose of this Act to provide, with a minimum of administrative burden on small communities, for the sound and orderly development of small communities by more effectively assisting small communities in meeting their needs for essential community facilities and services, and an attractive business district, in order to create an atmosphere which makes a community a pleasant and stimulating place to live and work in.

TITLE I—MULTIPURPOSE COMMUNITY FACILITIES

SEC. 101. It is the purpose of this title to assist small communities, and regional units created for the purpose of consolidating their services, in construction or rehabilitation of multipurpose community facilities which serve a variety of essential public service functions, including health, recreation, library, public safety, and local government.

SEC. 102. The Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary") is authorized to provide assistance as specified in section 104 to any small community or regional arrangement in the United States to aid it in the construction or rehabilitation of a multipurpose community facility.

SEC. 103. As used in this title—

(1) The term "small community" means any community, municipality, town, or village which has a population of less than fifteen thousand according to the most recent decennial census, and is not part of a metropolitan area.

(2) The term "regional unit" means any grouping of counties, communities, municipalities, towns, or villages for the purpose of consolidating their public service functions.

(3) The term "metropolitan area" means a standard metropolitan statistical area, as established by the Office of Management and Budget, subject, however, to such modifications or extensions as the Secretary deems to be appropriate for the purpose of this title.

(4) The term "community facility", with respect to any small community or regional arrangement, means a structure or related group of structures which is designed to provide and includes accommodations and facilities for all or substantially all of the officers, employees, and agencies, or the government, and which may also include either or both of the following:

(A) Accommodations for a central police station or fire station, or both.

(B) Accommodations for health, recreational, or library uses, or any combination thereof.

SEC. 104. (a) In providing assistance to any small community or regional arrangement to aid in the construction or rehabilitation of a multipurpose community facility as described in section 103 of this title, the Secretary (subject to subsection (b)) shall—

(1) guarantee the repayment in full by such small community or regional arrangement of any sums borrowed from any source to finance the cost of such construction; and

(2) make an annual grant to such small community or regional arrangement (under a contract entered into at the time of the guaranty) in the full amount of the interest due each year on the sums so borrowed.

(b) If the multipurpose community center to be constructed or rehabilitated by any small community or regional arrangement with assistance under this title includes accommodations described in paragraph (4) (B) of section 103, the Secretary shall—

(1) determine the excess of—

(A) the cost of the facility as so constructed or rehabilitated, over

(B) the estimated cost of the facility as it would be constructed without such accommodations;

(2) make a grant to such small community or regional arrangement in an amount equal to two-thirds of such excess; and

(3) guarantee the repayment in full by such small community or regional arrangement of any sums borrowed from any source to finance the remainder of the cost of construction with annual grants in the full amount of the interest due each year on the sums so borrowed as provided in subsection (a)(2).

SEC. 105. (a) Guarantees under this title, and any payments pursuant thereto, shall be made upon such terms and conditions, in such manner and form, and in accordance with such procedures as the Secretary may determine to be reasonable and prescribe in regulations. No fee or other charge shall be imposed for any guarantee under this title.

(b) The Secretary may set such further terms and conditions for assistance under this title as he determines to be desirable.

SEC. 106. In the performance of, and with respect to, the functions, powers, and duties vested in him by this title, the Secretary shall (in addition to any authority otherwise vested in him) have the functions, powers, and duties set forth in section 402 (except subsections (a) and (c)(2)) of the Housing Act of 1950.

TITLE II—BUSINESS DISTRICT RENEWAL

SEC. 201. It is the purpose of this title to assist local nonprofit development companies in the exterior rehabilitation, restoration, and beautification of small community business districts in order to encourage community development.

SEC. 202. The Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary") is authorized to provide assistance as specified in section 204 to any local nonprofit development company in any small community in the United States to aid in the exterior rehabilitation, restoration, and beautification of small community business districts.

SEC. 203. As used in this title—

(1) The term "small community" means any community, municipality, town, or village, which has a population of less than fifteen thousand according to the most recent decennial census, and is not part of a metropolitan area.

(2) The term "metropolitan area" means a standard metropolitan statistical area, as established by the Office of Management and Budget, subject however, to such modifications or extensions as the Secretary deems to be appropriate for the purpose of this title.

(3) The term "appropriate governmental unit" means the governmental unit which the Secretary determines to have continuous exercise of primary authority over the performance of public functions for the community, municipality, town, or village.

(4) The term "business district" means any area offering a diversity of commercial facilities not under single ownership.

SEC. 204. (a) In providing assistance to any local non-profit development company to aid in the exterior rehabilitation, restoration, and beautification of a community business district, the Secretary is authorized to make planning grants to local nonprofit development companies to help finance the planning and design of the exterior rehabilitation, restoration, and beautification of the community business district.

A planning grant under subsection (a) of this section shall not exceed two-thirds of the estimated cost of the planning work for which the grant is made.

SEC. 205. In providing assistance to any local nonprofit development company to aid in carrying out the plan for exterior rehabilitation, restoration, and beautification of the business district, the Secretary shall—

(1) loan to such local nonprofit development company an amount equal to two-thirds of the cost of rehabilitating, restoring, and beautifying the facade of the business district; and

(2) make grants to such local nonprofit development company in an amount equal to two-thirds the cost of rehabilitating, restoring, and beautifying the public areas of the district if the plan has been approved by the appropriate governmental unit.

SEC. 206. (a) Loans under this title, and any payments thereto, shall be made upon such terms and conditions, in such manner and form, and in accordance with such procedures as the Secretary may determine to be reasonable and proscribe in regulations.

(b) The Secretary may set such further terms and conditions for assistance under this title as he determines to be desirable.

SEC. 207. The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors in the performance of construction work assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. The Secretary shall not approve any such assistance without first obtaining adequate assurance that these labor standards will be maintained upon the construction work. The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950, and section 276c of title 40.

ANALYSIS OF THE SMALL COMMUNITY DEVELOPMENT ACT OF 1971

TITLE I—CONSTRUCTION OR REHABILITATION OF MULTI-PURPOSE COMMUNITY CENTERS

Authorize the Secretary of Housing and Urban Development to make grants, pay interest rate subsidies and undertake guarantees to small communities (towns under 15,000 and not part of a metropolitan area) and regional units (any grouping of governmental units which want to consolidate their public service functions) to assist in the construction or rehabilitation of multi-purpose community facilities for health, recreation, library, public safety, and local government use.

(1) A facility combining local government uses with public safety uses will be eligible for (a) a federal guarantee of the sums borrowed; and (b) an annual grant in the full amount of the interest due on the sums borrowed, e.g. a facility which houses local government offices and the central police and fire stations.

(2) A facility combining health, recreational, or library uses with local government uses or with local government and public safety uses will be eligible for (a) a federal guarantee of the sum borrowed; (b) an annual grant in the full amount of the interest due on the sums borrowed, and (c) a grant equal to two-thirds of the cost of the health, recreational and library accommodations, e.g., a facility which includes a library, health clinic, and recreational area which can be used by both the elderly and young members of the community.

TITLE II—BUSINESS DISTRICT RENEWAL

Authorize the Secretary of Housing and Urban Development to make loans and grants to local non-profit development companies in order to assist them in the exterior rehabilitation, restoration, and beautification of small community business districts.

(1) A local non-profit development company will be eligible for a federal grant to help finance the planning and design of the exterior rehabilitation, restoration and beautification of the community business district.

(2) A local non-profit development company will be eligible for a loan equal to two-thirds the cost of rehabilitating, restoring and beautifying the facade of the business district.

(3) A local non-profit development company will be eligible for a grant equal to two-thirds the cost of rehabilitating, restoring and beautifying the public areas of the business district, provided the plan has the approval of the communities governing unit.

By Mr. DOMINICK:

S. 2060. A bill to amend the Railway Labor Act and the Railroad Unemployment Insurance Act so as to provide more effective means for protecting the public interest in labor disputes involving the transportation industry, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. DOMINICK. Mr. President, several weeks ago, in a national emergency situation, the Congress was forced to pass special legislation to prevent a strike in the railroad industry. Six times in the last 7 years Congress has had to act to prevent or end strikes in similar national emergency situations. On each occasion, there have been cries that Congress should not be in the strike settling business and that the Railway Labor Act should be overhauled. In response to this need, President Nixon, in February 1970, submitted a plan to the Congress which included the so-called final offer selection technique for resolving strike situations. Unfortunately, no action was taken on this proposal or any of the others before the 91st Congress.

The resolution of this complex issue is not one that can be achieved with any simple or quick answers. It is a difficult task to devise a mechanism which will provide the proper balance between the interests of employees, employers, and the American public.

As hard and as unpleasant as this task may be, we must find a solution soon. The President has again sent us his recommendations and a number of other proposals have been advanced in both Houses of Congress. All of the bills represent honest efforts to achieve finality in bargaining in the various transportation industries, without subjecting the public to a crippling strike.

Tomorrow the Labor and Public Welfare Committee will begin hearings on the various approaches to the problem. I am today introducing yet another alternative for consideration by the Congress. This approach will give the President the choice of four options for dealing with a railroad or airline strike. He can choose one of the following procedures: a neutral board to make nonbinding settlement recommendations; final and binding arbitration; a final offer selection mechanism—similar to the administration bill; do nothing and leave the parties to self-help.

Mr. President, I recognize that the final solution to this problem will probably be a combination of features from all of the bills before us. For that reason, I am not irrevocably wed to any of the provisions of the bill I am introducing. I think that this proposal should be given full study and consideration along with the other proposals. The fate of any bill is not important. The critical thing is to get the Congress out of the strike settling business and put it into the hands of the parties where it properly belongs. The achievement of this goal will be of great benefit to all of the American people.

I ask unanimous consent that the bill be printed in the RECORD along with a brief analysis of its provisions.

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

S. 2060

A bill to amend the Railway Labor Act and the Railroad Employment Insurance Act so as to provide more effective means for protecting the public interest in labor disputes involving the transportation industry and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Transportation Labor Act of 1971."

TITLE I.—AMENDMENTS TO THE RAILWAY LABOR ACT

SEC. 101(a). Section 1, Second, of Title I of the Railway Labor Act is repealed and Section 1, Third and Fourth are redesignated as Section 1, Second and Third, respectively.

SEC. 101(b). Section 1, Fifth, of Title I of the Railway Labor Act is redesignated as Section 1, Fourth, and is amended by deleting the words, "or subordinate official" and *"Provided, however,* That," substituting a period for the colon after the words "existing orders"; and inserting "(1)" after the word "include" and the words, "employed as a supervisor or (2) any individual" before the words, "while such."

SEC. 101(c). Section 1, Sixth, of Title I of the Railway Labor Act is redesignated as Section 1, Fifth, and is amended by eliminating the period at the end thereof and adding the words, "with full authority to make agreements without ratification by those whom they represent."

SEC. 101(d). Section 1, Seventh, of Title I of the Railway Labor Act is redesignated as Section 1, Sixth, and is amended by using the words "United States District Court for" in lieu of the words "Supreme Court of" and deleting the word "circuit."

SEC. 101. (e) Section 1 of title I of the Railway Labor Act is further amended by adding section 1, seventh, to read as follows:

"Seventh. The term 'supervisor' means any individual having authority, in the interest of a carrier or carriers, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment."

SEC. 102. (a) Section 2, second, of title I of the Railway Labor Act is amended by deleting at the end thereof the words, "respectively, by the carrier or carriers and by the employees thereof interested in the dispute" and adding in lieu thereof the words, "and to make agreements settling matters in dispute. All such representatives shall be vested with full authority to effect final settlement of disputes and all agreements entered into by such representatives shall be binding whether or not ratified or approved prior to or subsequent to execution."

SEC. 102. (b) Section 2, third, of title I of the Railway Labor Act is amended by adding as the ending of the first sentence the words, "except that any involved carrier will, upon request to the Mediation Board, be made a party to any representation dispute among its employees, and shall be permitted to participate as such in all proceedings, including but not limited to determination of the appropriate class or craft for representation purposes.".

SEC. 102. (c) Section 2, fourth, of title I of the Railway Labor Act is amended by adding to the end of the second sentence thereof the words "or to determine that no representative shall be chosen."; deleting the words *"Provided,* That," and the preceding colon; inserting in lieu of the colon, the words, "except as provided in section 2, eleventh, of this Act."; and capitalizing the word "Nothing" which would follow thereafter.

SEC. 102(d). Section 2, Ninth, of Title I of the Railway Labor Act is amended by inserting "(a)" after the word "Ninth."; inserting after the first word "employees" the words, "or between a carrier and its employees"; substituting the word "any" for the word "either" preceding the word "party" and adding after the word "party," the words, "including the carrier on which the dispute arises,"; substituting the word "the" for the word "both" preceding the word "parties"; adding the words, "or that no representative has been selected," preceding the words "and certify"; adding the words ", if any," following the words, "so certified"; redesignating the last sentence as paragraph "(d)" to follow new paragraph to be designed "(c)"; adding to the sentence following the words "records of the" the words "labor organization and" and substituting the word "sections" for the word "paragraph" as the last word of new paragraph "(d)"; adding as the last sentence of paragraph "(a)" the words, "In each election conducted under this paragraph, employees shall be entitled to vote for representation by any labor organization or labor representative, or for no representation. "; and adding after paragraph "(a)" new paragraph "(b)" and "(c)" to read as follows:

"(b) If any dispute shall arise between a labor organization representing a craft or class of employees on a carrier and one or more other labor organizations representing a craft or class of employees on the carrier as to whether certain employees or prospective employees of the carrier come within the one craft or class or the other for purposes of this Act, it shall be the duty of the Mediation Board or of a committee of three neutral persons appointed by the Board to act in its behalf, upon request of any labor organization party to the dispute or of the carrier involved, to investigate such dispute and certify to the labor organizations and to the carrier involved, in writing within thirty days after the receipt by the Board of the invocation of its services, the craft or class within which the employees or prospective employees are included for purposes of representation under this Act. Upon receipt of a certification under this paragraph of the craft or class within which the employees or prospective employees are included, the carrier shall treat with the representative of the craft or class so certified as the representative of such employees or prospective employees for the purposes of this Act.

"(c) If a dispute arises that may be resolved under either paragraph (a) or paragraph (b) of this section, the carrier involved need not treat with anyone as the representative of the employees or prospective employees involved in the dispute prior to receipt of the certification provided for in paragraph (a) or paragraph (b), whichever is applicable."

SEC. 102(e). Section 2, Eleventh (c), of title I of the Railway Labor Act is amended by deleting from the first sentence thereof the words, "that is, an employee engaged in any of the services or capacities covered in section 3. First (h) of this Act defining the jurisdictional scope of the First Division of the National Railroad Adjustment Board," and by deleting the words "national in scope" wherever they appear in Section 2, Eleventh (c).

SEC. 103. Section 3 of title I of the Railway Labor Act is repealed in its entirety and substituted therefor is a new section 3 to read as follows:

"Section 3. (a) Any dispute or disputes between an employee or group of employees and a carrier or carriers growing out of grievances or out of the interpretation or application of agreements concerning rates of pay, rules, or working conditions shall be handled in the usual manner up to and including the highest officer of the carrier designated to handle such disputes; but, if no adjustment is reached in this manner, the dispute or disputes may be referred by petition of the parties or by a party to a special board of adjustment established as hereinafter provided.

"(b) A special board of adjustment to resolve a dispute or disputes shall be established by a written request made upon an individual carrier by the representative of any craft or class of employees of such carrier, or by the carrier upon any such representative. The carrier or the representative upon whom such request is made shall join in any agreement establishing such board within thirty days from the date such request is made. The dispute or disputes which may be considered by such board shall be specified in the agreement establishing it. Such board shall consist of one person designated by the carrier and one person designated by the representative of the employees. If such carrier or representative fails to agree upon the establishment of such a board as provided herein, or to designate a member of the board, either the carrier or the representative may request the Mediation Board to designate a member of the board on behalf of the carrier or representative. Upon receipt of such request, the Mediation Board shall promptly designate and select an individual associated in interest with the carrier or the representative he is to represent. The members of the board so designated shall determine all matters not agreed upon by the carrier and the representative of the employees with respect to procedure and jurisdiction of the special board of adjustment, including the question as to whether an additional party or parties may have an interest in any of the unadjusted disputes to be considered by such board and the manner in which the expenses of the board and compensation of any neutral appointed will be shared by the parties. If they are unable to agree, such matters shall be determined by a neutral member of the special board of adjustment selected or appointed and compensated in the same manner hereinafter provided for the appointment of a neutral member when the board is unable to agree upon an award. Such neutral member shall cease to be a member of the board when he has determined such matters except as provided in paragraph (f).

"(c) If the members of the special board of adjustment are unable to agree upon an award disposing of a dispute or disputes they shall forthwith agree upon and select a neutral person, to be known as 'referee,' to be a member of the board for the consideration and disposition of such dispute or disputes. In the event the members of such board are unable, within ten days after their failure to agree upon an award, to agree upon the selection of such neutral person, either

member of the board may request the Mediation Board to appoint such neutral person and upon receipt of such request, the Mediation Board shall promptly make such appointment. The Mediation Board shall be bound by the same provisions in the appointment of these neutral referees as are provided elsewhere in this Act for the appointment of arbitrators.

"(d) The special board of adjustment shall hold hearings on each dispute submitted to it. The parties may be heard either in person, by counsel, or by other representatives, as they may respectively elect. The parties may present, either orally or in writing, or both, statements of fact, supporting witnesses and other evidence, and argument of their respective positions with respect to each case. The board shall have authority to require the production of such additional evidence, either oral or written as it may desire from the parties.

"(e) If the special board of adjustment determines that an additional party or parties may have an interest in any unadjusted dispute submitted to it, such party shall be given due and reasonable notice of the time and place such dispute is to be heard by the board and an opportunity shall be afforded said third party to appear before the board and be heard and present evidence consistent with the rules and procedures adopted by the board, including the right to be present at any executive session of the board convened for the purpose of considering and adopting any proposed award. In a dispute where notice has been given to additional parties, the neutral member of the special board of adjustment shall be one of the two members of the board rendering an award.

"(f) The awards of the special board of adjustment shall be in writing. No award shall be rendered in a dispute involving additional parties unless it is resolved as to all parties involved. A copy of the awards shall be furnished to all parties including any additional parties and the awards shall be final and binding upon all parties to the dispute including such additional party or parties. In case a dispute arises involving an interpretation of the award, the special board of adjustment upon request of any party shall interpret the award in the light of the dispute. If in a judicial proceeding, an award is held not binding on one or more of the parties to the dispute, including additional parties, the award shall be deemed not binding on any of the parties.

"(g) Except as provided in paragraph (e) of this section, a majority vote of all members of the board shall be competent to make an award with respect to any unadjusted dispute submitted to it.

"(h) In case of an award in favor of the petitioner, the board shall make an order, to make the award effective and, if the award includes a requirement for the payment of money, to pay the said sum on or before a day named. In the event the board determines that an award favorable to the petitioner should not be made, the board shall make an order stating such determination.

"(i) If a party does not comply with an order of a board within the time limit specified by the board in its order, the petitioner, or any person for whose benefit such order was made, may file in the District Court of the United States for the district in which he resides or in which is located the principal operating office of a carrier, or through which the carrier operates, a petition setting forth briefly the case for which he claims relief, and the order of the board. Such suit shall proceed in all respects as other civil suits, except that on the trial of such suit, the findings of the board shall be conclusive on the parties. The district courts are empowered to make such order and enter such judgment as may be appropriate to enforce or set aside in whole or in part the order of the board or remand the proceedings to the board for such further action as it may direct; however, such order may not be set aside except for failure of the board to comply with the requirements of this Act, for failure of the order to conform, or confine itself to matters within the scope of its jurisdiction, or for fraud, or corruption by the neutral member of the board.

"(j) If any employee or group of employees, or any carrier, is aggrieved by any of the terms of an award, or by the failure of the special board of adjustment to include certain terms in such an award, such employee or group of employees or carrier may file in any United States District Court in which a petition under paragraph (i) of this section could be filed, a petition for review of the board's order. The petitioner shall file in the court the record of the board proceedings on which it bases its action. The court shall have jurisdiction to affirm the order of the board or to set it aside, in whole or in part, or it may remind the proceedings to the board for further action as it may direct. On such review, the findings of the board shall be conclusive on the parties, except that the order of the board may be set aside, in whole or in part or remanded to the board for failure of the board to comply with the requirements of this Act, for failure of the order to conform, or confine itself, to matters within the scope of the board's jurisdiction, or for fraud or corruption by the neutral member of the board making the order. The judgment of the court shall be subject to review as provided in section 1291 and 1254 of Title 28, United States Code.

"(k) All actions under (i) and (j) of this section shall be commenced within two years from the date of the board's award.

"(l) Each member of any special board of adjustment representing a carrier or its employees shall be compensated by the party he represents. All expenses incurred in connection with a board, including the compensation and incurred expenses of any neutral person, shall be paid for by the parties except that any additional party or parties shall not be required to share in such expenses.

"(m) The National Railroad Adjustment Board shall be dissolved within two years from the date of this Act or after it has processed to completion all of the disputes before it, whichever occurs first. Any party to a dispute now pending before the National Railroad Adjustment Board may, upon written notice to the other that he wishes to submit it to a special board of adjustment established as provided in this section, withdraw such a dispute from the National Railroad Adjustment Board. No dispute shall be referred to the National Railroad Adjustment Board commencing 60 days after the effective date of this Act.

"(n) Nothing in this section shall be construed to prevent any carrier, system, or group of carriers and any of its or their employees, all acting through their representatives, selected in accordance with the provisions of this Act, from mutually agreeing to the establishment of special boards of adjustment on a system, group or regional basis for the purpose of adjusting and deciding disputes of the character specified in this section. In the event that a party to such a special board of adjustment is dissatisfied with such arrangement, it may, upon ninety days' notice to the other party, terminate such arrangement and have its unadjusted disputes disposed of as otherwise provided in this section."

SEC. 104(a). Section 4, First, of Title I of the Railway Labor Act is amended by deleting the first and third sentence in the first paragraph; substituting the word "five" for the word "three" in the fourth sentence of the first paragraph; and deleting the second paragraph.

SEC. 104(b). Section 4, Third, of Title I of the Railway Labor Act is amended by deleting from the words in parentheses under "(3)" the words "Adjustment Board, Regional Adjustment Boards established under paragraph (x) of Section 3, and the boards of arbitration, in accordance with the provisions of this section and Sections 3 and 7, respectively," and deleting thereafter in the same sentence the words "in the Adjustment Board and in the boards of arbitration,".

SEC. 104(c). Section 4, Fifth, of Title I of the Railway Labor Act is repeated in its entirety.

SEC. 105. Section 5, First (b), of Title I of the Railway Labor Act is amended by deleting from the first sentence the words "referable to the National Railroad Adjustment Board" and substituting in lieu thereof the words "subject to resolution pursuant to Section 3 of this Act"; adding the word "an" preceding the last word of the first sentence of the third paragraph, and adding the words "which will settle the controversy or provide a means of reaching settlement" at the end of the sentence; and deleting the remainder of Section 5, First (b), following the word "once" in the second sentence of the third paragraph, substituting in lieu thereof the words "notify both parties in writing that its mediatory efforts have failed and shall notify the Secretaries of Labor, Commerce, and Transportation as required by Section 10 of this Act."

SEC. 106 (a). Section 7, Third (e), of Title I of the Railway Labor Act is amended by deleting the second sentence and substituting in lieu thereof the sentence, "All other expenses incurred in connection with a board of arbitration, including the compensation and expenses of any neutral person or arbitrator, shall be paid for by the parties."

SEC. 106 (b). Section 7, Third (g), of Title I of the Railway Labor Act is deleted and Section 7, Third (h) is redesignated Section 7, Third (g).

SEC. 107. Section 5, Third (b), Section 8(d), and Section 9, Fifth and Sixth, of Title I of the Railway Labor Act, are amended by deleting the word "circuit" from the phrase "circuit court of appeals."

SEC. 108. Section 10, of Title I of the Railway Labor Act is repealed in its entirety and substituted therefor is a new Section 10 to read as follows:

"Section 10, First. If a dispute between a carrier or carriers and its or their employees is not adjusted under the foregoing provisions of this Act, the Board shall at once notify the Secretaries of Labor, Commerce, and Transportation who shall, within ten days, jointly appoint a Transportation Labor Panel to investigate such dispute. The Panel shall be composed of such number of persons as the Secretaries may deem desirable, one of whom shall be designated as chairman. Such Panel shall be created separately in each instance.

"Second. The Panel shall not attempt to adjust the dispute through mediation or conciliation and shall not make any recommendations regarding the terms and conditions for settlement of the dispute, except as may otherwise be provided in this Act.

"Third. Following the Board's notification to the Secretaries of Labor, Commerce, and Transportation and for thirty days after exhaustion of the last procedure possible under this section, including the procedure under Sixth A, no change, except by agreement, shall be made by the parties to the controversy in the conditions out of which the dispute arose.

"Fourth. Within fifteen days of the date of appointment of the Transportation Labor Panel, it shall, if the dispute has not been resolved, make a specific recommendation to the Secretaries of Labor, Commerce, and Transportation as to which of the procedures specified in paragraph Sixth of this section it believes to be most appropriate for the further handling of the dispute. The Panel shall, in determining its recommendation, give due consideration to the general purposes of this Act as stated in Section 2.

"Fifth. The three Secretaries shall accept and implement forthwith or reject the recommendation of the Transportation Labor Panel within five days. If the three Secretaries reject the Panel's recommendation, they shall, concurrently with such rejection, select and implement forthwith any one of the three remaining alternative procedures provided in paragraph Sixth of this section.

"Sixth. The Transportation Labor Panel shall, pursuant to paragraph Fourth of this section, recommend to the Secretaries of Labor, Commerce, and Transportation one of the procedures specified in the following subparagraphs for the further handling of the unadjusted dispute.

"A. Take no further action in the unadjusted dispute;

"B. Appoint a fact-finding board composed of three neutral members to further investigate the merits and facts of the dispute with a hearing in which the parties may participate and make within thirty days its recommendations as to the terms of settlement of the dispute;

"C. Direct the parties to the dispute to make an agreement to arbitrate the dispute in accordance with Sections 7 and 8 of this Act to the extent not inconsistent herewith.

"(1) If the parties are unable to agree upon the terms of an arbitration agreement within ten days after the date of such direction, the Transportation Labor Panel shall determine within ten days thereafter the terms under which the arbitration is to be conducted and such determination shall have the same effect, including the preclusion of resort to either strike or lockout, as an agreement to arbitrate arrived at by the parties to the dispute in accordance with Sections 7 and 8 of this Act.

"(2) The arbitration board shall consist of an odd number of members, not less than five, a majority of whom shall be public members appointed by the Secretaries of Labor, Commerce, and Transportation (one of whom shall be designated chairman), with the remaining members divided equally between and appointed by the carrier or carriers involved and the repersentative or representatives of the employees involved. If the parties so agree, the arbitration board shall consist of three members and the carrier or carriers, and the representatives of the employees shall each name one arbitrator; a third arbitrator, who shall be the chairman, shall be appointed by the three Secretaries. The number of members, including the number of public members, shall be designated in the arbitration agreement or in the determination of the Transportation Labor Panel.

"(3) The arbitration board shall make a just and reasonable award which, in its judgment, constitutes a fair and equitable settlement of the dispute.

"(4) An arbitration award made pursuant to this subsection shall be filed as provided in Section 8(k) of this Act, except that the United States District Court for the District of Columbia is hereby designated as the court in which the award is to be filed, and shall be subject to Section 9 of this Act. The award shall continue in force for such time as the arbitration board shall designate in its award, not to exceed two years from its effective date; unless the parties agree otherwise, and thereafter until changed in accordance with the provisions of this Act.

"D. Direct each party to submit its final offer with respect to the matters in dispute to the National Mediation Board within three days and transmit its offer or offers to the party or parties at the same time. Within three days after their initial submission and exchange of final offers, either party may submit an additional final offer.

"(1) If a party refuses to submit a final offer, the last offer made by such party during previous bargaining or mediation as determined by the National Mediation Board shall be deemed that party's final offer.

"(2) Each offer or additional offer submitted by a party pursuant to this section must constitute a complete resolution of all the issues involved in the dispute.

"(3) The parties shall continue to bargain collectively for a period of seven days after they receive the other parties' offer or offers. The National Mediation Board may act as mediator during such period.

"(4) If the parties reach an unconditional agreement on any part of the matters in dispute during such seven-day period, they may jointly advise the National Mediation Board that the final offer of offers submitted by them are to be revised to remove such matters therefrom.

"(5) If no settlement has been reached before the end of the period prescribed in subsection (3) of this subparagraph, the parties shall, within two days thereafter, select a three-member Final Offer Board, one member to be the chairman, to act as final offer selectors. If the parties are unable to agree on the composition of the board, the three Secretaries shall appoint such members, designating one member the chairman thereof.

"(6) The Final Offer Board shall conduct hearings in which the parties may participate. Such hearings shall be completed and the board shall make its determination as hereinafter provided within thirty days after the date on which the board was appointed.

"(7) The board shall at no time engage in an effort to mediate or otherwise settle the dispute in any manner other than that prescribed by this section.

"(8) From the time of appointment of the board until it makes its determination, there shall be no communication by the members of the board with third parties concerning recommendations for settlement of the dispute.

"(9) The board shall select the final offer which it determines upon the basis of the record before it to be the most reasonable of the final offers submitted by the parties. The board shall not compromise or alter the final offer it selects.

"(10) The final offer selected by the board shall be deemed to represent the contract between the parties as to the matters in dispute and shall have the same effect, including the preclusion of resort to either strike or lockout, as though arrived at by the agreement of the parties under this Act.

"(11) The final offer selected by the board pursuant to this subsection shall be filed as provided in Section 8(k) of this Act, except that the United States District Court for the District of Columbia is hereby designated as the court in which the final offer selected is to be filed, and to the extent not inconsistent herewith, shall be subject to Section 9 of this Act.

"Seventh. Any panel or board established hereunder may act by majority vote. A vacancy on any board or panel established hereunder shall not impair the right of the remaining members to exercise all of the powers of the board or panel. In the event any member is unable or unwilling to serve or a vacancy occurs, his successor shall be selected in the same manner as in the original selection. Public or neutral members appointed to serve on any board or panel provided for by this section shall be paid reasonable compensation for their services in an amount to be fixed by the three Secretaries and shall be reimbursed for necessary traveling expenses and expenses actually incurred for subsistence while serving as such members. Members appointed by the three Secretaries shall be wholly disinterested in the controversy, impartial, without bias as between the parties, and shall not be financially or otherwise interested in any carrier or organization of employees. All expenditures of such board or panel shall be allowed and paid on the presentation of itemized vouchers approved by the chairman.

"Eighth. For the purpose of carrying out its functions under this Act, any panel or board which may be created under this section is authorized to employ experts and consultants or organizations thereof as authorized by Section 3109 of Title 5, U.S.C., and allow them, while away from their home or regular place of business, travel expenses (including per diem in lieu of subsistence) as authorized by Section 5703(b) of Title 5, U.S.C., for persons in the Government service employed intermittently while so employed.

"Ninth. Any panel or board which may be created under this section may, if the parties consent or agree thereto, extend any time limits contained in this Section."

SEC. 109. Title I of the Railway Labor Act is further amended by adding Section 15 to read as follows:

"Section 15 (a). It shall be unlawful for any person or labor organization or for any agent or member of such organization, to engage in, or to induce, encourage, or coerce any employee of any carrier to engage in a strike or refusal, in the course of his employment, to perform his regularly assigned duties, where an object thereof is to force, require, or induce any carrier or employee of any carrier to cease handling or transporting the property of, or to cease doing business with any person, or to cease its normal and regular interchange or other common carrier relations with any other carrier. Nothing contained in this section shall be construed to make unlawful, where not otherwise unlawful, any primary strike or primary picketing.

"(b). Any United States District Court within the territorial jurisdiction of which any violation of this section shall have been committed or shall be threatened shall have jurisdiction, at the instance of any aggrieved carrier or person, to grant the remedy of injunction, prohibitive or mandatory, which may be appropriate in the premises; and in any such action or proceeding the provisions of Sections 6 and 20 of the Act of October 15, 1914, as amended (15 U.S.C. § 17, and 29 U.S.C., § 52), and the provisions of the Act entitled 'An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes,' approved March 23, 1932 (29 U.S.C. §§ 101–115), shall not be deemed to apply."

SEC. 110. Amend Section 201 of Title II of the Railway Labor Act by deleting the words "or subordinate official" and adding at the end thereof the following:

"The term 'employee' shall not include any individual employed as a supervisor. The term 'supervisor' means any individual having authority, in the interest of a carrier or carriers, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. The term 'employee' shall include any person employed as a pilot, copilot, or other flight crew member, or as a purser, who works in such capacity in commercial operations more than twenty per cent (20%) of his working time."

SEC. 111. Amend Section 204 of Title II of the Railway Labor Act by adding the word "special" following the words "lawfully exercised by" in the second paragraph thereof.

SEC. 112. Amend Section 204 of Title II of the Railway Labor Act by deleting all language following the first semicolon in the third paragraph and substitute a period therefor.

SEC. 113. Sections 205 and 206 are repealed in their entirety.

SEC. 114. Sections 207 and 208 are redesignated Sections 205 and 206.

TITLE II. AMENDMENTS TO THE RAILROAD UNEMPLOYMENT INSURANCE ACT

SEC. 201 (a). Section 4(a–2)(iii) of the Railroad Unemployment Act is amended by

deleting the words, "subject to the provisions of subsection (b) of this section," at the beginning of the paragraph; deleting the remainder of the paragraph after the word "employed"; and substituting a semicolon for the comma after the word "employed."

SEC. 201 (b). Section 4(a-2) of the Act is further amended by adding the following subsection:

"(iv) any day with respect to which the Board finds that, though not subject to the disqualification provided in paragraph (iii) he failed to report for work and perform his assigned duties during a stoppage of work because of a strike in the establishment, premises, or enterprise at which he was last employed."

SEC. 201 (c). Section 4(b) of the Act is repealed in its entirety, and sections 4(c), 4(d), and 4(e) are redesignated as sections 4(b), 4(c), and 4(d), respectively.

SUMMARY ANALYSIS—EMERGENCY TRANSPORTATION LABOR ACT OF 1971

I. Amend the Railway Labor Act to provide a new procedure for the handling of unresolved negotiating disputes. The amendments would:

A. Eliminate proffer of arbitration from current NMB procedures for processing major disputes.

B. Amend Section 10 of the Act to eliminate Presidential Emergency Boards and, in lieu thereof, to provide that the National Mediation Board would be required to notify the Secretaries of Labor, Commerce, and Transportation that a dispute has not been settled under the regular provisions of the Act and that it threatens to interrupt commerce or the operation of a carrier engaged therein.

1. The three Secretaries would then be required to name a three-member panel for the purpose of making a recommendation within 30 days to the Secretaries as to which of the following procedures should be used for further processing of the dispute:

a. A neutral board to make non-binding settlement recommendations;

b. Final and binding arbitration;

c. A final offer selection procedure (similar to Administration bill); or

d. Do nothing and leave the parties to self-help.

The panel would have no mediatory functions. The three Secretaries could, at their discretion, reject the panel's recommendation and select any of the available alternatives.

If final and binding arbitration or a final offer selection procedure is selected the three Secretaries could submit the dispute to the same panel or a new panel.

II. Amend Section 1, Sixth, and Section 2, Second, to prohibit any use of a ratification procedure as a condition precedent to a valid collective bargaining agreement.

III. Amend Section 1, Fifth, and Section 201, to eliminate supervisors from coverage of the Act. Add new Section 1, Seventh, to define the term supervisor.

IV. Amend Section 2, Third, and Section 2, Ninth, to make an involved carrier a party to representation proceedings.

V. Amend Section 2, Fourth, and Section 2, Ninth, to provide that it is not necessary that employees choose a representative.

VI. Amend Section 2, Ninth, to provide (a) that an involved carrier can raise the question of representation of its employees; (b) that the NMB resolve jurisdictional representation disputes even where an election is not required or held, insulating the NMB by giving it authority to appoint ad hoc neutrals to determine this type of dispute; (c) that, in any election, the ballot shall provide that the employees can vote for "no union."

VII. Amend the Act to prohibit *secondary boycotts* by adding Section 15.

VIII. Amend Section 4 of the Railroad Unemployment Insurance Act to prohibit unemployment insurance for employees (1) who are on strike; or (2) who fail to work because of a strike. Amend state laws in New York, Rhode Island, and any other states having similar laws.

IX. Amend Section 3 to abolish the National Railroad Adjustment Board and provide for the settlement of railroad "minor disputes" by non-government boards of adjustment.

X. Amend Section 4, First, to change the terms of office for National Mediation Board Members from three to five years.

XI. Amend Section 204 and 205 to eliminate provision for the creation of a National Air Transport Adjustment Board and references thereto.

XII. Miscellaneous technical amendments deleting obsolete language.

By Mr. ROTH:

S. 2061. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for elderly people on a space-available basis. Referred to the Committee on Commerce.

REDUCED AIR FARES FOR THE ELDERLY

Mr. ROTH. Mr. President, in the past several years, we have heard a great deal about the economic crisis involving many of our elderly citizens in this country. Most of our elderly are on fixed incomes, and, quite naturally, they are the ones most affected by increases in prices. In May of this year, the airlines, by authorization of the Civil Aeronautics Board, increased the prices of passenger fares by approximately 6 percent. This jump probably did not seem particularly substantial to most of the flying public, but, to the elderly who must keep a close eye on their budgets, even a 6-percent increase can register an impact on limited funds.

Last year, on the floor of the House of Representatives, I introduced an amendment to the Federal Aviation Act of 1958 which would authorize reduced-rate transportation for elderly people on a space-available basis. This legislation was of special importance to our more than 19 million citizens over 65 years of age in 1970, and, in light of the recent fare increases, it is of even more concern in 1971.

Although the airlines extend a special fare to youths between the ages of 12 and 21, there is no provision for their counterparts at the other end of the age spectrum. A young person wishing to take advantage of this special rate need only show proof of his age and purchase a youth-fare card for a nominal fee from most of the major airlines. Then he checks with the airline to determine when there will be an extra seat available on the flight he wishes to take. The savings for the youth on a round trip from Washington to San Francisco will be approximately $104.

While I am firmly in favor of extending special air fare rates to youth, I can also understand what an enormous benefit this type of reduction could be to our elderly. Although many elderly Americans will still not be able to afford air fares even at these reduced rates, many others, with the advantage of reduced rates, would be able to afford the convenience of flying.

Furthermore, the airlines would stand to gain by this action. It is very unlikely that there would be any considerable transfer of present passengers from a higher to a lower fare category, since older people, with limited means, generally cannot afford air travel at standard-fare levels. Any such shift which might occur would be more than offset by the increased numbers of older people who would subsequently decide to fly.

With the larger aircraft or the jumbo jets which the airlines are now using and which they hope to use even more frequently in the future, the elderly person flying on a space-available basis would help to offset the cost of unused seats. If a plane is taking off and has 20 empty seats, those seats are earning nothing to cover the overall expense of the flight. A reduced fare, on a space-available basis, means utilization of some of these unused seats, and a contribution toward overall costs.

The Civil Aeronautics Board has recognized the validity of this reasoning and, in consequence, the Board, in 1964, established certain criteria to be followed in its review of discount fares. The fundamental points have been described by the Board, as follows:

> Discount fares are generally offered for a basic service to improve a carrier's net income by filling seats that would not otherwise be occupied. Their economic justification is that when they are not fully self-supporting, they can improve net earnings by reducing costs through a more even distribution of traffic, and/or generating traffic, provided the diversion of revenues from existing basic-fare traffic is more than offset by the cost savings and additional revenues. Thus discount fares should meet direct costs and make some contribution to overhead expenses, maximize revenues, enhance the carriers' profit position and ultimately afford a basis for reductions in the general fare level.

In my opinion, a reduced air fare for the elderly on a standby basis would more than satisfy the Board's requirements. But, to my mind, there is even a more compelling reason for extending this coverage to our senior citizens. They have worked for many years and are finally enjoying an abundance of leisure time, perhaps the only leisure they have had in their lives. Their children and friends are often located in distant places. What more fitting recompense could be made for their lifetimes of toil than aiding our elderly in meeting the cost of a visit to a friend or a loved one?

Mr. President, this bill, permitting the Board to allow reduced rates to the older segment of our population, has a special appropriateness, in my judgment. I introduce it in the hope that my colleagues will give it their earnest consideration.

By Mr. MILLER (for himself and Mr. BROCK):

Senate Joint Resolution 113. A joint resolution proposing an amendment to the Constitution of the United States with respect to the maximum age at which an individual may serve as a Senator, Representative, or judge of the United States. Referred to the Committee on the Judiciary.

Mr. MILLER. Mr. President, I introduce for myself and the Senator from Tennessee (Mr. BROCK) a proposed constitutional amendment to establish a

mandatory retirement age for Members of Congress and Federal judges.

We hear a great deal these days about the subject of congressional and judicial reform. One of the simplest but most effective reforms we could make would be to set a mandatory retirement age for Members of Congress and members of the Federal judiciary. Because Federal judges can retire at full pay, a mandatory retirement age for them would seem to be even more compelling.

No Member of Congress needs to be told that the work and business of Congress are expanding. Our sessions have become yearlong ones; the number of record votes in the Senate has increased from 207 in 1961 to 315 in 1967 and 422 last year. All would attest to increases in caseloads and the volume of mail and other communications from constituents. The workload of most Federal judges has also been increasing. Unfortunately, old age does not bring with it increased capacity for work. Clogged legislative and court calendars are a deterrent to the best functioning of our system of government. Also, younger voices need to be heard in this system as the proportion of young voters grows larger in our country.

Under the present law a Federal judge who holds a life-tenure appointment can retire on full salary at the age of 70 after serving 10 years or at the age of 65 after serving 15 years. Moreover, unlike Members of Congress, a Federal judge does not have to pay into his retirement system. Undoubtedly, these provisions have encouraged some early retirements, but they clearly are not enough.

Modern-day private industry has set the pace when it comes to retirement. The great majority of industrial organizations makes retirement mandatory, generally at age 65. The reason is that greater efficiency means better profits. Why should not Government adopt a similar policy—recognizing that greater efficiency means better service for the people? Of course, a balance should be struck between "efficiency" and experience, both of which are needed for the best results. But a balance does not now prevail.

The traditional argument against a mandatory retirement age for members of Congress is that if the electorate of a State or congressional district wishes to elect an older person, that is their right. Of course such an argument has no relevance to judges. But there is an answer to the argument as far as members of Congress are concerned, namely that the right of the electorate within a State or congressional district should not take precedence over the general welfare of the Nation which depends in considerable degree on the efficiency of the Congress. A balance between such competing interests needs to be struck, because there is no balance now. My proposed constitutional amendment would strike a reasonable balance.

This constitutional amendment would not affect very many individuals. There are presently only 15 of the 435 Representatives who are 70 or over. In the Senate, only 14 Members are 70 or over. Of the 372 Federal district court judges, 24 are 70 or over. In the Federal circuit courts of appeal, six of 90 are 70 or over. Three Supreme Court justices are over 70. My proposal would require retirement at age 72.

Because of the sacrifices that many Members of Congress have made to enter public life, without knowledge of this proposal, I believe it would be equitable to allow present Members to complete the term for which they are elected. If over 72 at the end of their term, they could not be reelected.

Furthermore, sitting Federal judges who have not served the minimum number of years required by law to become eligible for their pension benefits, which is their salary for life, would be allowed to remain on the bench until the minimum time has been served.

I am hopeful that the committee to which this resolution is referred will hold hearings on the subject and act favorably on it.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD at this point.

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

S.J. RES. 113

Joint resolution proposing an amendment to the Constitution of the United States with respect to the maximum age at which an individual may serve as a Senator, Representative, or judge of the United States

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE —

"SECTION 1. No person shall serve as a Representative or Senator during any year after the year in which he attains the age of seventy-two years. Notwithstanding the preceding sentence, any person may serve for the remainder of any term as Senator or Representative to which he was elected prior to the date on which this article is ratified.

"SEC. 2. No person shall serve as a judge of the United States in regular active service during any year after the year in which he attains the age of seventy-two years. Any judge of the United States who is serving in regular active service on the date this article is ratified may continue in such service until the later of the following: the year after the year in which he attains such age; or the year after the year in which he has served the minimum number of years required by law, in effect on such date of ratification, as a condition of continuing to receive, during his lifetime, the salary of the office upon resignation or retirement from regular active service."

ADDITIONAL COSPONSORS OF A BILL

S. 1964

At the request of Mr. ROTH, the Senator from Florida (Mr. GURNEY) and the Senator from Minnesota (Mr. HUMPHREY) were added as cosponsors of S. 1964, a bill to authorize the Office of Management and Budget to establish a system governing the creation and operation of advisory committees throughout the Federal Government which are created to advise officers and agencies of the Federal Government.

NOTICE OF HEARINGS ON LAND-USE, PLANNING, AND MANAGEMENT PROGRAMS

Mr. SPARKMAN. Mr. President, I should like to announce that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs, will hold 3 days of hearings—June 28, 29, and 30, on the following:

First. Senate Joint Resolution 52—To increase the authorization for section 701 planning grants and open-space land grants;

Second. Title II of S. 1618—State and local planning and management programs;

Third. Progress of the President's Domestic Council in developing a national urban growth policy as required by title VII of the Housing Act of 1970; and

Fourth. Other legislative proposals involving land-use planning.

The hearings will be held in room 5302, New Senate Office Building, and will begin at 10 a.m. each day.

ADDITIONAL STATEMENTS

THE PRESS AND DEMOCRACY

Mr. GRIFFIN. Mr. President, recently the Detroit News carried a thought provoking article on the relationship of the press to our American democracy. I ask unanimous consent that the article written by Wilbur Elston, editorial page director of the Detroit News, be printed in the RECORD.

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

PRESS ACCUSED OF DAMAGING OF DEMOCRACY

(By Wilbur Elston)

In a provacative and challenging article in the current issue of Commentary, former presidential adviser Daniel Moynihan contends that the American press, instead of being a bulwark of American democracy, is having a damaging impact upon it.

Such a charge runs counter to the newspaperman's concept of the workings of a free press, of course. The newsman regards the press as a major support of democracy by serving as the transmission belt between officialdom and the people and as the principal means by which the public is kept informed of what its officials, elected and appointed, are up to.

But the flap over the CBS documentary, "The Selling of the Pentagon," has renewed criticism of the press—especially TV—and has given new support to Moynihan's charge that "the culture of disparagement" has exerted an increasing influence on the tone of the national press in its dealings with the national government.

Moynihan contends that five basic circumstances have been working to reverse the old balance of power between the president and the press and that "if this balance should tip too far in the direction of the press, our capacity for effective democratic government will be seriously and dangerously weakened.

What are these five basic circumstances which seem to be tipping the balance of power in favor of the press?

1. An Ivy League elitism in the press which is more and more influenced by attitudes genuinely hostile to American society and American government.

2. A growing acceptance by the press of the simplistic notion of the near-omnipotence of the president and the feeling that he has only himself to blame if things go wrong.

3. An increasing reliance by the press on information from dissidents in the civil service bureaucracy who often take up the cudgel against the president in their own interests.

4. A tendency to report nonevents and spurious charges against the government in the name of objective coverage of the news:

5. The absence in the press "of a professional tradition of self-correction."

Moynihan is not the first to observe an elitism in the press that increasingly is separating it from support for middle class values and opening up a credibility gap between it and the general public.

Nor is he the first to note that the press, in its questioning of the President and his executive department heads, often seems to be more interested in a scalp than a scoop, more concerned about showing up the White House than in getting facts to report about it.

While the earliest criticism of the Vietnam war came from the uncensored Saigon press corps, some of the critics lacked the credentials to do more than surface reporting since since they knew little about the background of the country, the people or even U.S. participation in the war.

Moynihan agrees the relationship between the presidency has grown more troubled as a result of the war in Vietnam. But he contends it has been a matter of concern ever since the cold war began.

"At the close of World War II official press censorship was removed but the kinds of circumstances in which any responsible government might feel that events have to be concealed from the public did not go away," Moynihan writes

"The result was a contradiction impossible to resolve. The public interest was at once served and disserved by secrecy; at once served and disserved by openness. Whatever the case, distrust of government grew."

At any rate, Moynihan feels that as a result of these conditions, it is hard for the government to succeed and just as hard for government to appear to have succeeded when it has done so.

More important, he feels that this consistently negative picture of government is not good for democracy and that it is becoming a matter of national morale, or what Nathan Glazer has called a "loss of confidence and nerve."

Moynihan has little to prescribe in the way of correction but he does suggest the need for improved reporting, more thought by owners and editors and reporters as to what is good and bad about the country and what might be done to make things better, and also more concern by the press as to just how much elitist criticism is good for democracy.

On a more specific level, he recommends that the press do a better job of correcting its own errors and of keeping a critical eye on itself. He also urges that the government respond in specific terms to what it believes to be errors or mistaken emphasis in press coverage of its activities.

If these comments reflected only the fears of one former public official, even a highly intelligent one who has served three presidents, two Democratic and one Republican, newsmen and the public could dismiss them as stemming from the annoyance of a frustrated bureaucrat. But, unfortunately, criticism of this kind has become more common not only among the intelligentsia but among average readers.

Some of the criticism no doubt stems from the traditional antagonism toward the bearer of bad tidings and the feeling among large segments of the public that the press stresses bad news rather than good.

Some of it arises from mistakes by the press and the fact that a better educated, more literate public now is more aware of the errors made by the press.

But some of it also is prompted by the fact that the press exercises a great deal more freedom these days in reporting news about such controversial matters as pornography, abortion, church reforms, sexual issues and other matters that once were swept under the rug insofar as press coverage was concerned.

To some extent, critics who complain about the openness of the press in reporting such controversial matters are raising the same objections Moynihan does. They see the press as a negative force in society and one which often is out of touch with the average reader.

Many newspapermen, including this one, agree there is substance to these criticisms, especially the sneering at American institutions and accomplishments. This attitude of disparagement stems, in part, at least from a tendency to measure American institutions and accomplishments against the ideal of a perfect world rather than against the realities of an imperfect world.

But will the press in this country have to mute its criticism of democracy in order to save it, as Moynihan seems to be asking? Is there some solution other than the self-discipline that Moynihan and others suggest?

If a free press is curbed, in the name of protecting democracy, who then will serve as the public's eyes and ears in reporting the activities of the government's elected and appointed officials? And who, indeed, then will become the bulwark of our democratic system which requires an informed electorate if it is to function properly?

Unfortunately, Moynihan doesn't really try to answer those questions.

ERVIN HEARINGS ON PRIVACY—V: TESTIMONY OF ALEXANDER POLIKOFF

Mr. ERVIN. Mr. President, in continuation of my plan to put the more important and frequently requested statements from our hearings in the CONGRESSIONAL RECORD, I would like to enter today the statement of Mr. Alexander Polikoff.

Mr. Polikoff appeared before the Subcommittee on Constitutional Rights primarily to discuss the trial in Chicago of the lawsuit brought as a result of John M. O'Brien's December disclosures of Army intelligence activities in Illinois. Mr. Polikoff acted as counsel for the plaintiffs in American Civil Liberties Union against Laird. This case was dismissed after 5 days of evidentiary hearings and is presently on appeal.

At our hearings on Federal Data Banks, Computers, and the Bill of Rights Mr. Polikoff first summarized the testimony given by the witnesses in the Chicago trial. Then he analyzed for the subcommittee the legal principles applicable to the issues raised by military surveillance.

Mr. President, I think that in both aspects of his testimony Mr. Polikoff made valuable contributions to our understanding of the problem involved in Government data collection. I ask unanimous consent that his statement be printed in the RECORD at this point.

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

STATEMENT OF ALEXANDER POLIKOFF BEFORE THE SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS OF THE SENATE COMMITTEE ON THF JUDICIARY, FEBRUARY 24, 1971

Mr. Chairman, it is a privilege to appear before the Subcommittee on Constitutional Rights, and I thank you for the opportunity to do so.

My name is Alexander Polikoff. Since April, 1970, I have been the full-time Executive Director of Businessmen for the Public Interest, a not-for-profit corporation in Chicago. For 17 years before that I was an associate and then a general partner with a large Chicago law firm.

On a volunteer basis I am one of the general counsel of the Illinois Division of the American Civil Liberties Union. In that capacity I acted as counsel for plaintiffs in the law suit entitled *American Civil Liberties Union, et al.*, v. *Laird, et al.*, in the Federal District Court in Chicago (No. 70 C 3191). That law suit, as you may know, concerned the Army's domestic civil disturbance intelligence activities. After five days of evidentiary hearings, from December 28, 1970 to January 5, 1971, Judge Richard B. Austin dismissed the suit. The dismissal order is now on appeal.

My principal purpose in being here today is to summarize for you some of the sworn testimony in the Chicago trial. Among the Army witnesses were Thomas Filkins, a civilian employee of the Army, who was the immediate superior of John O'Brien, the former Army military intelligence agent from whom you will also hear this morning. In addition, Ralph Stein and Richard Stahl, former Army military intelligence agents, testified for the plaintiffs. There were other witnesses, of course, but these are the principal ones whose testimony I will summarize, although I will be happy to answer questions about others.

I am going to refer hardly at all to John O'Brien's testimony. Partly, of course, the reason is that he is here to testify himself. More importantly, however, it is to give you an understanding of the Army's own testimony and of the uncontradicted testimony of some of its former agents other than O'Brien. Some effort has been made, at least in the press, to make it appear that there is a significant issue of credibility between Mr. Filkins and Mr. O'Brien. Indeed, some stories have suggested that there is a serious factual controversy about whether the Army carried on at all intelligence activities of the sort O'Brien described.

I hope, by telling you this morning of the testimony of the Army's own witness, to make it plain that this is not the case. The fact is that through Mr. Filkins the Army has substantially admitted practically everything Mr. O'Brien ever said about the nature of the Army's civil disturbance intelligence activities. The widely publicized differences over Senator Stevenson and Congressman Mikva are only partial differences, and in any event are differences of detail. The fundamental nature and extent of the Army's civil disturbance intelligence activities in the Chicago area was agreed to by witnesses from both sides.

I wish to make one preliminary observation. Much of the Army's intelligence activity consists of background investigations of civilian or military personnel for security clearance purposes. In the Chicago area these investigative activities were conducted by separate branches of the intelligence command called "PSI", Personnel Security Investigations, and, in certain specially sensitive cases, "SIB", Special Investigations Branch. Such investigative activities were separate and distinct from the civil disturbance intelligence activities and were carried out by different personnel. The trial in Chicago did not con-

cern PSI or SIB at all. No question was raised about the propriety of those investigative activities, and the testimony I am going to summarize for you relates exclusively to the civil disturbance area, and not at all to background personnel investigations.

I will divide my statement this morning into two parts, first a summary of the evidence given in Chicago, and second a brief statement of what I believe to be the law applicable to that evidence. With the Chairman's permission, Mr. O'Brien will testify at the end of the factual portion, after which we will both be happy to answer questions on the facts before I turn to my brief remarks on the law. In the written statement I have submitted to the Subcommittee Counsel, the numbers in parenthesis are page references to the transcript of the Chicago trial.

ORGANIZATION OF REGION I OF THE 113TH MILITARY INTELLIGENCE GROUP

The 113th Military Intelligence Group, headquartered at Fort Sheridan, Illinois, covers a sizeable portion of the midwest and plains states. It is divided organizationally into Regions. One of these, Region I, to which both Mr. Filkins and Mr. O'Brien were assigned, covers the entire state of Illinois, except the East St. Louis area, and is headquartered in Evanston, Illinois, which immediately adjoins Chicago on the North.

Region I is divided into a number of branches or sections. Two of these I have already mentioned, Personnel Security Investigations and the Special Investigations Branch. Two other branches or sections were called, respectively, Special Operations and CONUS/Liaison, and they were the sections which carried on the civil disturbance intelligence activities at Region I. Special Operations engaged primarily in covert or undercover operations; CONUS/Liaison's intelligence gathering activities were primarily overt. Mr. Filkins was in charge of the Special Operations Section, to which Mr. O'Brien was also assigned, and a Mr. Richard Norusis was in charge of CONUS/Liaison. The two sections worked closely together and were physically located in immediately adjoining portions of the Region I Headquarters building.

Mr. Filkins was assigned to Region I in September, 1968 and had been there continuously since that time. He was a highly trained intelligence operations specialist. (517.) He had served for three years with the Army Security Agency (683), then attended the Area Studies Course at the Army's Intelligence Command Center at Fort Holabird, Maryland. (518.) Mr. Filkins then served for approximately 6 years (689) with military intelligence in Korea (518), after which he returned to Fort Holabird where he took the Military Intelligence Counter-Intelligence Specialist Course. (518). Mr. Filkins said that without permission from the National Security Agency he could not describe the activities of the Army Security Agency, or his own duties with it (684), that he could not divulge the nature of the Area Studies Course without trenching upon classified material (687), and that he could not divulge the nature of his work in Korea, although he did acknowledge it was intelligence activity. (689.) Nonetheless, it seems clear that Mr. Filkins was a highly trained and experienced intelligence specialist.

Mr. O'Brien, incidentally, was assigned to the Special Operations Section in June, 1969, and served directly under Mr. Filkins for about six months. He too, as you will hear from him directly, was a well trained, experienced intelligence agent.

I now propose to summarize the testimony, principally from Mr. Filkins, concerning the quantity of civil disturbance intelligence information collected by the Special Operations and CONUS Sections of Region I, the nature of the material collected, the manner in which it was collected and, finally, what was done with it.

QUANTITY OF CIVIL DISTURBANCE INTELLIGENCE COLLECTED BY REGION I

First, in the files maintained by the CONUS section at Region I there were approximately 800 dossiers, so-called, on individuals and organizations. (849.) The figure of approximately 800 was first mentioned by Mr. O'Brien and then confirmed by Mr. Filkins in a written report he wrote to the commanding officer of the 113th Military Intelligence Group. (Ex. 1, ¶M.) A dossier was described by Mr. Filkins as "a large voluminous file that contained all details on a person's life, background and history." (620.)

These files included, according to Mr. Filkins, reports on virtually every organization in the Chicago area. (845–46.) This was so, he went on, because under the Intelligence Collection Plan, the document pursuant to which Mr. Filkins said Special Operations and CONUS civil disturbance intelligence activities were conducted, CONUS was obliged to maintain coverage of and keep files on any organizations "intertwined either officially or unofficially" with groups which had engaged in violence and "related activities." (847.) To illustrate what this meant, Mr. Filkins said that if a "perfectly legitimate and peaceful organization like the American Friends Service Committee" co-sponsored a demonstration or other activity with another organization which had engaged in violence and "related activities," a file would be maintained on the American Friends Service Committee. (847–48.) Mr. Filkins also said that if an organization made a public statement in defense of a person who had engaged in violent activities or defended such a person legally, a file was established on such organization. (758.)

As to individuals, Mr. Filkins said that "any person who we had reason to believe was in a leadership position in a group that was or could be or reasonably expected to be involved in civil disturbance, he was then put in a file." (619.)

These various files, which were housed in roughly nine file cabinets (870), were exclusively CONUS files. In addition to and separate from the CONUS files materials were generated by the Special Operations Section. These were in the form of so-called agent reports, which were written reports of operations conducted by military intelligence undercover agents. (639–40.) A Special Operations Section file was prepared for each such individual undercover operation (639) consisting of one or more agent reports (640), and the file terminated with the termination of the specific operation. (640.)

The Special Operations Section at Region I had about seven persons engaged in undercover operations. (810.) Mr. Filkins was asked about the volume of reports generated by these undercover persons and he said that for the 6 month period during which Mr. O'Brien was assigned to Special Operations, that is, from June to December, 1969, an average of 15 such reports per month was generated. (883.) He said, incidentally, that although he could not remember, the volume of agent reports generated by the CONUS Section was "certainly more" than that. (885.)

Mr. Filkins said that when an undercover operation was completed the file was sealed and sent to Group Headquarters and that this was done within three to six months, "depending on the situation," after completion of the operation. (883–84.) Accordingly, at any point in time the Special Operations files at Region I represented only current or recently concluded operations. (884.) Mr. Filkins said that at June, 1970, there were about 175 Special Operations files at Region I. (642.)

NATURE OF CIVIL DISTURBANCE INTELLIGENCE COLLECTED BY REGION I

Let me turn to the nature of the material included in these Special Operations and CONUS files. I have already referred to Mr. Filkins' testimony that the CONUS dossiers contained "all details of a person's life, background and history." (620.) Ralph Stein, from whom you will hear a little later, and to whom this civil disturbance intelligence was forwarded, said that the details included such personal matters as financial condition and sexual conduct. (446–47.)

The sources of this information were various. One was the undercover operations of the Special Operations Section. Reports of these operations made up the Special Operations files, as already noted, but in addition the reports were sent to Group Headquarters (654–55) where extracts were prepared which were then placed in the CONUS files. (657.) Secondly, reports were received from other investigative agencies, including the FBI, the Secret Service, the Illinois State Police, the so-called Red Squad or subversives investigations unit of the Chicago Police Department, the Gang Intelligence Unit of the Chicago Police Department, suburban police departments, and, as Mr. Filkins put it, "almost any law enforcement agency in this area." (650–51.) Where such reports were of interest to the Army, copies were made for the CONUS files. (651.) Where the report was not of interest it was sent "forward" (presumably to Group Headquarters) with the recommendation either for retention or dispatching to Fort Holabird. (651.)

A third source of the information contained in CONUS files was the newspapers. The newspaper article, or a xerox copy, was normally mounted and attached to an exhibit cover sheet, which was in turn attached to an agent report written about the article on an official agent report form. (673–74.) The agent report included a brief synopsis of the information in the article and, if an individual on whom CONUS was reporting was mentioned in the article, identifying data on the individual, including the date and place of birth, social security number, and any previous involvement in civil disorders or disruptions. (675.)

These were the three basic sources of information contained in the Special Operations and CONUS files. Special Operations reports were all classified "confidential," and some but not all of the CONUS files were so classified. (670.)

NATURE OF CIVIL DISTURBANCE INTELLIGENCE COLLECTION ACTIVITIES AT REGION I

Next, mention should be made of the nature of the intelligence collection activities in the Special Operations Section at Region I. The newspaper clipping activity and receipt of investigative reports from other agencies speak for themselves; "special operations" perhaps does not.

Mr. Filkins defined an undercover operation at Region I as an operation "where a person is assuming an identity or a background or a raison d'etre, a reason for existence, other than the truth for the purpose of obtaining information" (646)—where "he misrepresents who he is" (646) and has "artificial, contrived or bogus" credentials. (646–48.) Undercover agents were utilized who were assigned to other branches of the military service (648–49), though Mr. Filkins could not say what other branches because that was classified. (648.) The agents, including Mr. O'Brien, used "cover" names. (694.) Both Mr. Filkins and Mr. O'Brien engaged in undercover operations, separately and together. (771.) Filkins and O'Brien went out on undercover operations together perhaps once each week. (771.) They also met undercover agents acting under supervision at pre-arranged meeting places (692–93), kept records of all such meetings (693), and prepared written re-

ports of the information imparted by the agent. (656–57.)

Although both Mr. Filkins and the commanding officer of the 113th Military Intelligence Group, Colonel Joseph Walker, declined to disclose the nature of special operations activities at Region I because they said such information was classified (118, 589), Mr. Filkins did testify to coverage of demonstrations (891) and, so far as his own personal activities were concerned, of a peaceful debate on a college campus (892), surveillance of a meeting in a private home (560), following cars and taking down license numbers. (893.) Persons assigned to other sections in the Region I Headquarters were aware of the existence of Special Operations, Mr. Filkins said, but they were not authorized to know the details of Special Operations activities. (614.)

PERSONS AS TO WHOM CIVIL DISTURBANCE FILES WERE MAINTAINED AT REGION I

Since, as previously noted, Mr. Filkins acknowledged that CONUS files were maintained on virtually every organization in the Chicago area, no effort was made in the trial to have Mr. Filkins recall their names. Neither was Mr. Filkins asked for his recollection of all the individuals as to whom files were maintained. He did say that files were maintained on each of the individual plaintiffs, who were Jay Miller, the Executive Director of the Illinois Division of the American Civil Liberties Union (531), Jesse Jackson, the national director of the Operation Breadbasket arm of the Southern Christian Leadership Conference (538), two Chicago Aldermen, A. A. Rayner and William Cousins (537, 540), Gordon Sherman, a member and former chairman of Business Executives Move for Vietnam Peace (535), and Henry de Zutter, a Chicago newspaperman. (533–34).

During his testimony Mr. O'Brien was asked by the United States Attorney to recall names of persons in various occupational categories, such as clergymen, business leaders, university professors and newsmen, as to whom files were maintained. (258 et seq.) He did so, and his recollection was confirmed in the great majority of instances by Mr. Filkins. (531–68.) (Mr. Filkins also acknowledged (821–22) that CONUS files might have existed on a particular individual without his knowing it.) Two celebrated exceptions are Senator Adlai Stevenson III and Representative Abner Mikva. As to Senator Stevenson, Mr. Filkins said that no file was established (669) but he did testify that on an occasion when Senator Stevenson addressed a rally in Chicago "a notation was made of that fact in a spot report that was sent out to the Army Intelligence Commander at Fort Holabird." (667.) He also said that it was "feasible" that additional information on Senator Stevenson may have been collected by CONUS/Liaison without it coming to his attention. (668.) Similarly, although Mr. Filkins said that to his knowledge there was no file on Representative Mikva (821–22), he said that a CONUS spot report "may well have" noted that Representative Mikva had addressed a Chicago rally (822–23), and that there could have been a file on Representative Mikva without his knowing it. (822).

DISTRIBUTION OF CIVIL DISTURBANCE INTELLIGENCE

This completes my summary of the civil disturbance intelligence activities at Region I as testified to at the trial. I wish to emphasize that it is taken exclusively, except where I have explicitly noted otherwise, from Mr. Filkins' testimony. I have not summarized for you the testimony of John O'Brien or of other former military intelligence agents. I might note, however, that Richard Stahl, another former Region I agent, testified that he too engaged in civil disturbance intelligence gathering activities, including personal surveillance of such notables as Ralph Abernathy (1059) and Governor Lester Maddox (1060), as well as the entire Georgia Delegation at the 1968 Democratic National Convention. (1060.)

I wish now to turn briefly to what was done with the information thus collected in Special Operations and CONUS files. Here I leave Mr. Filkins, and turn principally to Mr. Ralph Stein, a military intelligence specialist who served for over a year from late 1967 to late 1968 in the counter-intelligence analysis branch of the office of the Assistant Chief of Staff for Intelligence. (434.) Prior to his service with CIAB, as it was called, Mr. Stein had graduated from the Military Intelligence Specialist Course at Fort Holabird (433) and then served for 13 months with military intelligence in Korea. (434.) Upon his discharge from the Army Mr. Stein was awarded a certificate stating that he "displayed exceptional ability as a counter-intelligence analyst while assigned to the domestic section of the Counter-Intelligence Analysis Branch," as well as many other nice things it would be immodest to repeat. (431.) Following Mr. Stein's direct testimony at the Chicago trial the United States Attorney chose not to cross examine, so Mr. Stein's testimony stands uncontradicted and unimpeached.

Mr. Stein testified that CIAB served as the analytical arm of the Assistant Chief of Staff for Intelligence, that it provided him with reports, briefed members of his staff and himself, and was responsible for receiving and analyzing incoming intelligence information. (435.) He said that CIAB was divided into sections, each of which was responsible for a particular area, and that he was assigned to the domestic intelligence section whose area of responsibility was the entire United States. (435.) The other sections were Latin America, Afro-Asian, International and Administrative. (436.)

Mr. Stein said his particular responsibility was left-wing activities (436) and that he was placed in charge of a so-called "left-wing desk" (438) with the responsibility for becoming thoroughly conversant with left-wing activity in the United States (438) and particularly with the information coming to CIAB from both its covert and overt sources. (439.) One of these sources was the military intelligence groups of the United States Army. (422.)

The information which flowed across his desk, Mr. Stein said, fell roughly into three categories. (444.) The first was information on individuals, including leaders of left-wing and anti-war groups but also individuals of no prominence who had attended meetings of such groups. (444–45.) Most of this information was in the form of Army agent reports on form number DA341 (446), the same form number Mr. Filkins testified was used at Region I. (673.) The reports contained information relating to political activities, thoughts, associations, travels, finances and other background data (444), and sometimes included information relating to extremely personal areas, such as sexual conduct and checking account balances. (446–47.)

The second category of information was data on organizations (448), and the third category was "incident" reports, that is, reports of particular events, "anything ranging from a massive nationally covered demonstration to a number of elderly people lighting candles in a vigil for peace in New England." (449.)

Mr. Stein said that, discounting newspaper articles, there were never fewer than one hundred reports per day crossing his desk and on some days the total was substantially higher. (451.) The material was screened, coded, placed in a microfilmed data bank, and, with particularly important material, maintained in a "hard copy" file at CIAB. (452.) Material not so retained was sent to Fort Holabird. (453.)

Mr. Stein said that CIAB prepared a book called the "Compendium"—the official name was Counter-Intelligence Research Project on Persons and Organizations of Civil Disturbance Interest (455)—which was an encyclopedic reference work of civil disturbance information for the use of units in the field. (456.) About 375 copies were sent to military intelligence groups for distribution to the regional level, as well as to other federal investigative agencies. (457.)

Mr. Stein said that a computerized index to the microfilm data bank was revised and updated every month. (457.) He said that the vast majority of the files maintained at CIAB consisted of reports from Army Intelligence Command agencies containing information not generally available to the public, which he illustrated by referring to the CIAB file on Jesse Jackson. (514–15.) This file, Mr. Stein said, contained a great deal of specific information on the conversations between Jackson and other members of the Southern Christian Leadership Conference. (515.) He said that the wording of the report made it obvious that the information was obtained by someone who was in the confidence of Mr. Jackson or other members of the SCLC.

AUTHORITY FOR CIVIL DISTURBANCE INTELLIGENCE ACTIVITIES

Let me now turn briefly to a last subject about which Mr. Filkins testified—the authority pursuant to which the Special Operations and CONUS activities were carried on.

Mr. Filkins said that the basic authority for opening, maintaining and distributing information from the CONUS files was the Intelligence Collection Plan I have referred to earlier. (622–23, 626.) This Plan did not, however, apply to Special Operations (626), and Special Operations files were opened only pursuant to directions from Fort Holabird. (626–27.)

Mr. Filkins said that in early 1969 Special Operations personnel were ordered not to go on the street to observe legal peaceful demonstrations. (889–90.) He said that a similar order was given with respect to CONUS approximately a year later, in about March, 1970. (890) Then, in mid-spring, 1970, Mr. Filkins said, CONUS was ordered to limit its reporting of civil disturbance information to incidents which might be beyond the capability of local and state authorities to control. (893–94.) Special Operations was not so ordered and was still authorized to report civil disturbance incidents which were within the control capability of local and State authorities. (895). Mr. Filkins said he recalled no order prior to June, 1970, to end the covert infiltration of civilian protest groups. (885–86.)

Mr. Filkins said that in June 1970 the Intelligence Collection Plan was rescinded and a directive was issued to destroy all files that did not have a "direct and clear bearing on the mission of the United States Army." (568.) He said that such files were destroyed (848–49) except that three or four files were sent to Fort Holabird to determine whether the destruction order applied to them (849), and that the file on Students for a Democratic Society was turned over to the Chicago Police Department. (850.) Under the new order, Mr. Filkins said, files continued to be maintained on the two Chicago aldermen who are plaintiffs in the Chicago case (537, 540) and on Gordon Sherman. (536.)

It may be relevant, as a final point, to note briefly the testimony of a newspaperman, Jared Stout, about a personal, on-the-record interview with Army General Counsel Robert Jordan, III, on December 4, 1970. (389.) According to Mr. Stout, Mr. Jordan said that he had inquired of the Commanding General of Intelligence as to the existence of computer data banks with respect to civil disturbance activities and had been

told that such data banks did not exist. (396.) Mr. Jordan said he then went to Fort Holabird himself where he discovered that two such data banks in fact existed. (397.) Of the Commanding General of whom he had made the initial inquiry, Mr. Jordan said, "But I don't think he lied to me. I don't think he knew." (396.) Mr. Jordan also said that material relating to some aspects of the computer banks was not authorized by any Army regulations or directives of which he was aware (397), and that he later found two additional unauthorized data banks. (397–98.)

Finally, according to Mr. Stout, Mr. Jordan said he thought that information on individuals or groups associated with disorders was beyond the need of the Army (400–01), and that in February, 1969, then Undersecretary of the Army David E. McGiffert had issued a memorandum which, had it been followed, would have ended the surveillance of civilians. (401). He said that Mr. McGiffert had never imagined that the Army would collect the kind of data it was discovered to be collecting (401–02), and that the McGiffert memorandum of February, 1969, had ordered an end to all covert infiltration of civilian protest groups and to all direct observations of lawful demonstrations. (404–05.)

You may recall that Mr. Filkins said no such order as to covert infiltration was received prior to June, 1970, well over a year after the McGiffert memorandum, and that although Special Operations had been ordered to cease its observations of lawful demonstrations in early 1969, shortly after the date of the McGiffert memorandum, CONUS was not so ordered until a year later.

The final documentary item of evidence introduced in the case was a copy of the letter, dated February 25, 1970, from Mr. Jordan to the Chairman, Senator Ervin, with which I am sure the members of the Subcommittee are familiar. The letter is printed in the Congressional Record for March 2, 1970, and says, among other things,

"The Army's present policy is that reporting of civil disturbance information is limited to incidents which may be beyond the capability of local and state authorities to control and may require the deployment of Federal troops."

This completes my summary of some of the evidence given in the Chicago trial, exclusive as I indicated earlier of John O'Brien's testimony. I have a brief statement on the law to submit as well, but perhaps Mr. Chairman, before I turn to that, you would prefer to hear from Mr. O'Brien and then have any interrogation there may be on the factual aspects of the trial.

A VIEW OF THE APPLICABLE LAW

I turn to the subject of the law with some trepidation. Any discussion of First Amendment questions by a witness before a subcommittee chaired by Senator Ervin smacks of carrying coals to Newcastle. Nonetheless, since I have been asked to do so, I will briefly discuss what I think are the applicable legal principles.

It will be helpful to begin by posing the issue in a slightly hypothetical way. You know, of course, that the intelligence activities I have been discussing are rested on a statutory base—10 U.S.C. §§ 331, 332 and 333. These statutes say in effect that in stated circumstances the President shall use the Army to suppress domestic violence. Suppose the intelligence activities carried on by the Army, as disclosed by the Chicago testmony, were expressly authorized by those statutes. Suppose, in other words, that the statutes said that to prepare itself to respond to the President's call the Army should acquire all the information it could about possible domestic violence, such as where it was likely to occur, who was likely to foment it, and the like, and that in aid of that task the Army should collect and maintain extensive dossiers on individuals and organizations containing all sort of information, including as to individuals information relating to political activities, thoughts, associations, travels, finances and sexual conduct. Suppose also that the statutes authorized the collection of this information by "coverage" of lawful demonstrations and other public gatherings, surveillance of individuals attending such gatherings, infiltration of civilian protest groups, and the like. In short, suppose the statutes we are talking about expressly authorized the entire range of CONUS and Special Operations actvities which Mr. Filkins described. Would such statutes be constitutional?

I think the principles applicable to such a hypothetical law are set forth in a Supreme Court case decided in 1967, *United States* v. *Robel*, 389 U.S. 258. The *Robel* case dealt with a statute (§ 5(a)(1)(D) of the Subversive Activities Control Act of 1950) that prohibited a member of a so-called Communist-action organization from working in a "defense facility." Robel was a member of such an organization and worked in such a facility, but he argued that mere membership couldn't constitutionally be made a reason for prohibiting him from retaining his job. He said that he might be a mere passive or inactive member, not an active, knowing, member possessing the specific intent of furthering the unlawful goals of his organization, and that therefore there was no showing of possible harm to the country if he were to retain his defense facility job. Absent such a showing, the argument went, the statute would be unconstitutional because it indirectly affected Robel's First Amendment right of freedom of association, and a statute which trenches upon First Amendment rights must be very narrowly drawn to achieve only its legitimate objective. The *Robel* statute, it was argued, was too broad because it covered any type of membership.

The Supreme Court agreed and held the statute unconstitutional. "[P]recision of regulation must be the touchstone in an area so closely touching our most precious freedoms," it said. And it added, "It is precisely because that statute sweeps indiscriminately across all types of association with Communist-action groups, without regard to the quality and degree of membership, that it runs afoul of the First Amendment." (389 U.S. at 265, 262.)

The Government argued that the legitimate interest it had in protecting defense facilities was very great, that there was a risk of internal subversion in plants on which the national defense depended, and that the statute was therefore based on the important and pervasive war power.

The Court responded that these considerations were insufficient to save the statute.

"[T]he phrase 'war power' cannot be invoked as a talismanic incantation to support any exercise of congressional power which can be brought within its ambit. '[E]ven the war power does not remove constitutional limitations safeguarding essential liberties.'" (389 U.S. at 263–64.)

"[T]his concept of 'national defense' cannot be deemed an end in itself, justifying any exercise of legislative power designed to promote such a goal. Implicit in the term 'national defense' is the notion of defending those values and ideals which set this Nation apart . . . It would indeed be ironic if, in the name of national defense, we would sanction the subversion of one of those liberties—the freedom of association—which makes the defense of the Nation worthwhile." (389 U.S. 264.)

The *Robel* statute, which the Court said "cut deeply into the right of association" (389 U.S. at 264), was a very narrow statute. It singled out a limited category of persons, members of Communist-action organizations, and it imposed a limited disability on them, namely, they they couldn't be employed in certain kinds of defense plants.

Here we are talking about a hypothetical statute that does not define narrowly the category of persons to whom it relates and does not impose a limited disability. Rather it covers very nearly all of the activities of an open-ended group of persons.

And so I think, in principle, our hypothetical statute should fare no better than the statute in *Robel*. Indeed, ours would be what the lawyers call an *a fortiori* case.

There are some differences, of course. *Robel* involved a criminal statute, and if we come back to the real world, we are not in the Army case talking about a statute at all, let alone a criminal statute—only about what I will call administrative activity. Nonetheless, I think the deterrent effect on the exercise of the freedom of association is clear, and the fact that the government activity takes the form of administrative activity rather than a criminal statute would not, I think, save the activity from being viewed as running afoul of the First Amendment.

I am reminded of a 1965 case, *Lamont* v. *Postmaster General of the United States*, 381 U.S. 301, in which the Supreme Court held that a statute unconstitutionally abridged the First Amendment right of free speech because it required recipients of a certain kind of mail—so called "communist political propaganda"—to request in writing that it be delivered. The abridgment of a First Amendment freedom there took the form, as it does here in the Army situation, of an administrative activity which had only an indirect impact on the right of free speech.

Lamont is an interesting and relevant case on the issue of impact as well. There it was argued that since an addressee taking the trouble to return a card would receive the publication named in it, only inconvenience and not an abridgment of First Amendment rights was involved, and that the Post Office procedure did not control the content of speech but only incidentally limited its unfettered exercise. (This view is analogous to Judge Austin's view in the Chicago trial that the Army's surveillance activities did not bear directly on the plaintiffs' first amendment rights and that they had no reason to be fearful or deterred in their exercise.) The *Lamont* court said:

"This requirement is almost certain to have a deterrent effect, especially as respects those who have sensitive positions. Their livelihood may be dependent on a security clearance. Public officials, like school teachers who have no tenure, might think they would invite disaster if they read what the Federal Government says contains the seeds of treason. Apart from them, any addressee is likely to feel some inhibition in sending for literature which federal officials have condemned as 'communist political propaganda.'" (381 U.S. at 307.)

Since his view that the Army's activities were no real threat to any First Amendment right was one of the two principal threads in Judge Austin's decision in the Chicago case, perhaps an additional word on the subject of threat or impact would be appropriate. One commentator has put very succinctly and well a common theme of some recent Supreme Court cases, namely, that a regulation "may run afoul of the Constitution not because it is aimed directly at free speech, but because in operation it may trigger a set of behavioral consequences which amount in effect to people censoring themselves in order to avoid trouble with the law." (Kalven, A Note on Free Speech and the Warren Court, 67 Mich. L.R. 289, 297.) Three illustrations were given. In *Speiser* v. *Randall*, 357 U.S. 513, the Court invalidated a state statute requiring affi-

davits on non-Communist affiliation as a condition for tax exemption because, fearful that he might otherwise prejudice his ability to bear his burden of persuasion, the taxpayer would restrict his own utterances. The Court said, "[T]his procedural device . . . can only result in a deterrence of speech which the Constitution makes free." (357 U.S. at 526.)

In *Smith* v. *California*, 361 U.S. 147, the Court struck down a statute which imposed strict criminal liability on sellers of obscene books, because "if the bookseller is criminally liable without knowledge of the contents . . . he will tend to restrict the books he sells to those he has inspected; and thus the State will have imposed a restriction upon the distribution of constitutionally protected as well as obscene literature." (361 U.S. at 153.) The Court concluded,

"The bookseller's self-censorship, compelled by the State, would be a censorship affecting the whole public, hardly less virulent for being privately administered." (361 U.S. at 154.)

Finally, in *Time, Inc.*, v. *Hill*, 385 U.S. 374, the Court held that Life Magazine could not be required to pay a libel judgment for a false story on a matter of public interest absent proof that it had knowledge of the falsity or published in reckless disregard of the truth. The reason was again the self-censorship concern—

"Fear of large verdicts in damage suits for innocent or merely negligent misstatement, even the fear of expense involved in their defense, must inevitably cause publishers 'to steer . . . wider of the unlawful zone . . .'"

The principle at work in *Speiser, Smith* and *Time, Inc.* seems to me equally applicable in the Army situation. Paraphrasing *Lamont*, anyone is likely to feel some inhibition in attending certain meetings or joining certain organizations if as a result the military arm of the government will compile and maintain an extensive dossier concerning his activities. The full and free exercise of the First Amendment right of freedom of association is likely to be the loser.

This is not to say, of course, that no surveillance of anyone under any circumstances is permissible. It is only to say that since surveillance is likely to have a restrictive effect upon First Amendment freedoms, the government's legitimate interests must be pursued by means which are not needlessly wasteful, as Professor Kalven has put it, of First Amendment values. In *Shelton* v. *Tucker*, 364 U.S. 479, a statute was voided which required each schoolteacher, as a condition of employment, to file annually an affidavit listing every organization to which he had belonged or contributed in the preceding five years. The Court said that although the state had a legitimate interest in the organizational commitments of its teachers, the statute overshot its target.

"[E]ven though the governmental purpose be legitimate and substantial, that purpose cannot be pursued by means that broadly stifle fundamental personal liberties when the end can more narrowly be achieved." (364 U.S. at 488.)

And in the concurring opinion in *Lamont*, Justice Brennan said, "In the area of First Amendment freedoms, government has the duty to confine itself to the least intrusive regulations which are adequate for the purpose." (381 U.S. at 310.)

Given Mr. Jordan's admission that the Army has no need of much of the information which it has been collecting, it seems to me almost beyond argument that these principles are applicable to the facts as disclosed by the testimony in the Chicago trial.

Once again, Mr. Chairman, I thank you for the opportunity to appear here today.

CONSUMER PRODUCT WARRANTY AND FEDERAL TRADE COMMISSION IMPROVEMENTS

Mr. COOK. Mr. President, currently before the Consumer Subcommittee is S. 986, the Consumer Product Warranty and Federal Trade Commission Improvements Act of 1971. As the ranking minority member of the subcommittee, I have been very much involved both in the hearings held on the bill, and in the recent executive sessions.

Basically, the bill would accomplish two things. Title I would establish Federal standards regarding the presentation, offer and fulfillment of warranties and warranty obligations. Title II would greatly expand the FTC's authority granting it legislative rulemaking authority which would give it unprecedented power.

As expected, the bill has aroused considerable controversy among consumer groups and industry representatives, as well as Members of Congress.

Recently, there appeared in the May 30 Louisville Courier Journal a story reportedly covering my alleged activities and feelings in regard to this legislation. To portray this article as merely misleading or an oversimplification of the proposed bill, and the facts surrounding it, would be a compliment that it unjustly deserves.

Because such inaccuracies should not go unanswered, I am taking the liberty of pointing out the most obvious errors.

Just as vehemently . . . he [Cook] opposes . . . fines, for any unfair or deceptive practices.

Those who have been seriously following this legislation must know that I support an increase in the maximum civil penalty from $5,000 to $10,000 per violation.

With one of the sweeping legalistic judgments . . . Cook declares the provision is unconstitutional and that it represents another abdication by Congress of its legislative role.

I do not apologize for being a lawyer. Title II of S. 986 gives to the FTC more authority than any executive agency has ever possessed. It would give this five-man appointed Commission the power to issue legislative rules. Article I of the Constitution clearly states that—

All legislative powers herein granted shall be vested in a Congress of the United States . . . (emphasis added).

It is bewildering in this era of congressional reassertion of authority that there should be a clamor for the Congress to delegate any more of its constitutional functions.

Furthermore, these industrywide rules would be issued after an informal procedure that does not even guarantee the right of cross-examination.

Title II would also permit the FTC, when it deems necessary, to order specific consumer redress in the form of ancillary remedial orders entered in the Federal district courts. I have very serious reservations as to whether there are sufficient checks on the Commission's authority in this area.

Cook's delaying tactics—seeking time for more witnesses, asking for postponements, failing to show up for meetings—have helped stall subcommittee action on the bill.

Of the several misrepresentations and erroneous allegations, this is the easiest to refute. Anyone who did not have sufficient interest to follow the hearings may have solicited the committee records to ascertain the correct facts.

I have never asked for a delay or a postponement of any meeting or hearing, except for a 1 day delay of an executive session scheduled for May 20, at 9:30 a.m., which request was prompted due to the fact that the Senate was in session until 11:29 p.m. on May 19. No objection was heard to this suggestion; it was readily accepted by the chairman.

I have never missed any meetings and thus delayed action because of a lack of a quorum. In fact, the Commerce record will show that I have not missed a single hearing day or executive session in regard to this legislation. Furthermore, I have chaired the hearings on one occasion when the chairman could not be present. This is certainly not the track record of an obstructionist.

The actual reason for the delay has been the heavy schedule of the Commerce Committee, which has considered S. 986, consumer class action legislation, "no fault" insurance legislation and campaign reform legislation, and several other matters all within the past 3 months.

I ask unanimous consent to insert in the RECORD at this point a letter from Fred Lordan, staff director of the Senate Commerce Committee, certifying my attendance in regard to meetings and hearings on S. 986. I also ask that a letter, disputing the Courier Journal article and signed by every member of the subcommittee, be inserted at this point.

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

JUNE 4, 1971.

Hon. MARLOW W. COOK,
U.S. Senate,
Washington, D.C.

S. 986: March 9—hearing—you did attend.
March 15—hearing—you did attend.
March 16—hearing—you did attend and preside.
March 22—hearing—you did attend.
May 21—executive session—you did attend.
June 2—executive session—you did attend.

Sincerely,

FREDERICK J. LORDAN,
Staff Director.

Enclosures: Front pages of all hearings on said bills.

U.S. SENATE,
COMMITTEE ON COMMERCE,
Washington, D.C., June 7, 1971.

Hon. MARLOW W. COOK,
Old Senate Office Building,
Washington, D.C.

DEAR MARLOWE: We, as members of the Consumer Subcommittee of the Committee on Commerce, have become aware of the Sunday, May 30, article in the Louisville Courier Journal entitled, "Marlow Cook draws the Fire of Consumer Groups."

This article makes several misrepresentations concerning your activities in your capacity as ranking minority member of this Subcommittee.

In particular, the article alleges that you have, by involving parliamentary and procedural rules, delayed and forestalled action on S. 986, "The Consumer Product Warranty and Federal Trade Commission Improvements Acts of 1971." As your colleagues we disapprove of and disagree with the erroneous allegations set forth in the article.

We are writing this letter to clarify the misimpressions created by this story. For the record:

(1) The article claims that you have been responsible for numerous and prolonged delays in the consideration of S. 986. To our knowledge you have never asked for a delay or a postponement of any meeting or hearing except for a one day delay of an executive session scheduled for May 20, at 9:30 a.m., which request was prompted due to the fact that the Senate was in session until midnight on May 19.

(2) The article alleges that you have intentionally missed meetings and thus delayed action because you created the lack of a quorum. In fact we know you have not missed a single hearing day or executive session in regard to this legislation; and that you chaired the hearing on one occasion when the Chairman could not be present.

(3) The article attributes the delays in action on S. 986 (over two months) to your activities, when the actual reason for the delay has been the heavy schedule of the Commerce Committee, which has considered S. 986, consumer class action legislation, "no fault" insurance legislation and campaign reform legislation, and several other matters all within the past three months.

(4) The article claims that several members of the Subcommittee are displeased with your supposed delay tactics. None of us have ever made such a statement or such a suggestion.

With best wishes.

Sincerely,

Frank E. Moss, Chairman, John O. Pastore, Daniel K. Inouye, William B. Spong, Philip A. Hart, Vice Chairman, Vance Hartke, James B. Pearson, Mark O. Hatfield, Ted Stevens, Norris Cotton.

Mr. COOK. Mr. President:

Knowledgeable sources report that Pearson—a close personal friend of the Kentuckian—lectured Cook that he was making a "bad mistake" by attempting to stymie consumer legislation, and that such tactics could cost Republican politicians votes.

Again, by an unknown "source," a very serious allegation concerning my activities on consumer legislation was stated in the article. Once again, I can merely say that I have never attempted to "stymie" any consumer legislation. The so-called lecture by my good friend and distinguished colleague from Kansas was merely a talk in which he expressed concern that I might be unjustly labeled anticonsumer by various groups. How prophetic he turned out to be. Once again, I ask unanimous consent to insert at this point a letter of reply from Senator PEARSON.

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

U.S. SENATE,
COMMITTEE ON COMMERCE,
Washington, D.C., June 8, 1971.

Hon. MARLOW W. COOK,
Senate Office Building,
Washington, D.C.

DEAR MARLOW: I have read with great interest the May 30 article in the Louisville *Courier Journal* concerning my alleged remarks about your views on many pending consumer proposals. To set the record straight, I must state that I never had any concern that you would "stymie" consumer legislation.

However, I was worried then, as I am now, that your interest in obtaining more effective consumer laws and your tendency to ask the hard question, would put you in the position of being labeled unjustly as anti-consumer by some groups.

As a matter of fact, your active and knowledgeable participation in shaping S. 986 reveals your great interest in the problems of the consuming public.

Sincerely yours,

JAMES B. PEARSON,
U.S. Senator.

Mr. COOK. Mr. President:

This bill has been heard now for 2 years . . . Any conscientious Congressman can vote on it today—all the consumer wants is for the Members of Congress to stand up and be counted.

This last quote is neither particularly important nor relevant. I merely quote it as an excellent example of journalistic innuendo designed to characterize one as "anti."

The period of time that a bill is before the Congress has, in fact, very little to do with its merits. In my brief 2½ years in the Senate, I have seen poor legislation become law quickly; likewise, many good measures have been pending for years without any committee consideration.

Title II of S. 986 which grants sweeping legislative rulemaking authority to the FTC is similar to title II of S. 3201 of a year ago. This proposal has been around for only 1 year as it was added by the Commerce Committee to S. 3201 in a closed and secret executive session after public hearings were closed. Actually, legislative rulemaking was substantially different in S. 3201 of the 91st Congress than S. 986 of this year. Every witness, including the bill's sponsor, at the hearings on S. 986 have testified to this material difference in the rulemaking proposal.

Thus, the demand that Congress stand up and be counted is one that in effect asks that Congress act hastily on new and far-reaching legislation.

Mr. President, as the only member of the subcommittee who has attended every hearing and every executive session in regard to this legislation; and as a member of the two committees, Commerce and Judiciary, which considered similar legislation in the last Congress, I feel I have a good understanding of the intent and the potential effects of this legislation.

Unfortunately, many consumer advocates have created the impression that any opposition to any provision of S. 986 is sufficient grounds to accuse the objector as anticonsumer.

However, I should like to point out that unlike many I do support a change in the present law increasing the FTC's authority to matters "affecting" commerce as well as "in commerce." I also firmly support the proposal allowing the Federal Trade Commission to seek a preliminary injunction or a temporary restraining order against an unfair or deceptive practice. I believe these changes are absolutely necessary to correct consumer abuses. I have always supported these proposals; I will continue to support them regardless of the position of any industry group.

I have been relatively outspoken, both in the hearings and executive session, in criticizing certain provisions of the bill. I have not attempted to hide behind closed doors the views that I hold. These criticisms have not been intended to deny needed protection to the consumer. Rather, I feel strongly that S. 986, as introduced, did not provide adequate protection to the consumer, and in some cases could actually work to his detriment. For example, certain provisions of title I would have placed requirements on industry that would probably have forced some small businesses to forgo the offering of warranties on their products. This was not the intent of the legislation. The intent was to allow the Federal Trade Commission to establish standards for warranties, not to force manufacturers to warrant. As a matter of fact, by forcing many companies out of business, the consumer will have his freedom of choice in the marketplace restricted. Monopolization will not benefit the consumers.

Recognizing these faults, I suggested several changes which have been accepted by the members of the subcommittee, and also by the bill's sponsor, Senator Moss, the chairman of the subcommittee.

As a matter of fact, every change that I have proposed in title I has been accepted. I believe this is ample evidence that all members of the subcommittee are vitally interested in producing a significant and effective bill in this area. I feel that title I of S. 986, now represents such a piece of legislation.

Mr. President, in spite of such ill-founded attacks, such as appeared in this article, I pledge to continue my efforts to enact truly effective consumer legislation.

ANSWER TO THE MAJOR OBJECTIONS TO THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, Arthur Goldberg is an ardent supporter of the International Convention on the Prevention and Punishment of the Crime of Genocide. He has served this Nation in many capacities. His terms on the Supreme Court and as Ambassador to the United Nations qualify him as an expert on both constitutional and international law.

The Senate ought to consider the arguments made by Arthur Goldberg in testimony before the ad hoc subcommittee on the Genocide Treaty. The Senate ought to ratify the Convention so stanchly supported by Mr. Goldberg.

I ask unanimous consent to have an excerpt of Mr. Goldberg's testimony printed at this point in the RECORD.

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

Let me comment on the arguments that have been given particular prominence by the opponents of ratification:

1. The contention that the Constitution

prevents ratification of the Genocide Convention because Genocide is a "domestic" matter is without foundation.

It would be a curious result if the United States were constitutionally barred from ratifying a Convention already ratified by 75 other countries, including such friends and democracies as the United Kingdom, Canada, France, Mexico, the Scandinavian Countries and Israel. Fortunately, there is nothing in our Constitution that imposes such a unique disability upon us.

By any objective standard, Genocide is a matter of international concern and is, therefore, an appropriate subject for the exercise of the treaty-making power. In our shrinking world the massive destruction of a racial, religious or national group in one county has its impact on members of this group in other countries, stimulates demands for intervention, and inevitably troubles international relations. The fact that the United Nations General Assembly unanimously declared Genocide to be a crime under international law in 1949 and that 75 members of the United Nations are parties to the Genocide Convention is further evidence that Genocide can no longer be considered a matter wholly within domestic jurisdiction.

The protection of human rights is a matter of international concern. The United States has shown that it agrees with this view by ratifying the World War II peace treaties, the United Nations Charter, the Slavery Convention of 1926, and more recently the Supplementary Convention on Slavery (1967) and the Supplementary Convention on Refugees (1968). In the words of the Special Committee of Lawyers of the President's Commission for the Observance of Human Rights Year, chaired by retired Supreme Court Justice Tom C. Clark: "Treaties which deal with the rights of individuals within their own countries as a matter of international concern may be a proper exercise of the treaty making power of the United States . . . It may seem almost anachronistic that this question continues to be raised." I agree with my former colleague, Justice Clark, that there is no real basis for challenging the authority of our country under our Constitution to enter into the Genocide Convention. The constitutional arguments against the Convention are indeed, as the Committee said, anachronistic and without foundation in law.

2. The contention that the Genocide Convention would alter the balance of authority between the States and the Federal Government is unfounded.

The Constitution specifically gives Congress the power to "define and punish . . . offenses against the law of Nations." Genocide is an offense against the law of nations and is thus within the power of Congress to outlaw. Moreover, as the ABA's Section on Individual Rights and Responsibilities said in its report:

"Ratification of the Convention will add no powers to those the Federal Government already possesses."

3. The contention that ratification of the Genocide Convention would subject American citizens to trial in foreign countries like North Viet Nam on trumped-up charges of Genocide is wholly false.

There is nothing in the Genocide Convention that would provide warrant for charges by North Viet Nam that our prisoners of war, being held under conditions in violation of the Geneva Convention, are guilty of Genocide. As the Foreign Relations Committee pointed out in its report, Hanoi can make trumped-up charges of Genocide against our servicemen, with or without reference to the Genocide Convention. In the words of the Committee:

"Their peril will not be increased by approval of this convention while peril may be avoided for tens of millions by ratification of the convention."

Moreover, under the Genocide Convention, extradition would only take place in accordance wtih laws and treaties in force, and we have no extradition treaties with North Viet Nam. Nor do we make such treaties with countries whose legal systems do not afford basic procedural safeguards. Moreover, we do not grant extradition in any event unless a *prima facie* case is established against the accused and unless the accused will be afforded by the requesting state the due process provided by our own law.

In reading the testimony of the prior hearings I have noted the discussion of concurrent jurisdiction under the Convention—jurisdiction of the state of which the offender is a national as well as the state in which the offense of Genocide occurs. I noted the concern expressed on this matter by the senior Senator from Kentucky, Senator Cooper. Any expression from Senator Cooper deserves serious attention, and I have given it the serious attention that it warrants. I found in my own review of the legislative history that there was an agreed interpretation by the Legal Committee of the United Nations General Assembly that nothing in article VI shall affect the right of any state to bring to trial before its own tribunals any of its nationals for acts committed outside the state. The Foreign Relations Committee reached the same conclusion in its report. Nevertheless, I commend the Committee for meeting this concern by recommending an appropriate understanding on this point. I note further from the testimony of Administration witnesses that the Government could refuse to extradite where an accused American was standing trial in the United States or where the U.S. Government elected to try him here.

4. The argument that ratification of the Genocide Convention would subject the United States Government to irresponsible charges of Genocide arising out of Viet Nam or our treatment of American Negroes is without foundation.

Here again, ratification of the Genocide Convention does not alter the present situation to our disadvantage. Even without ratification, there is nothing to prevent a country from making baseless charges of genocide against this country in the U.N. If anything, ratification would improve our position, because the Convention requires an "intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such." The tragic events in Viet Nam and the terrible loss of life, both military and civilian, that has occurred there do not meet the treaty definition. Charges of Genocide in relation to the treatment of the Negro community in the United States, which admitedly has suffered widespread discrimination for many years, also are not within the scope of the Treaty. Ratification of the Convention would, if anything, help us rebut such charges by subjecting our behavior to a precise legal definition of Genocide.

5. The argument that provision for the settlement of disputes by the International Court of Justice would override the Connally Amendment and unreasonably limit our sovereignty is without substance.

This charge also lacks substance. The Connally Amendment applies only to our acceptance of Article 36 (2) of the Court's Statute, the so-called "optional clause" providing for compulsory jurisdiction across-the-board. Cases arising as a result of our adherence to the Genocide Convention would come under Article 36(1) of the Court's Statute, which covers the Court's jurisdiction as provided for in specific treaties. The United States has ratified many treaties containing the same type of provision for the settlement of disputes by the International Court as is contained in the Genocide Convention. Among such treaties are the Supplementary Convention on Slavery, the Antarctic Treaty, the Statute of the International Atomic Energy, and the Convention on the Privileges and Immunities of the United Nations ratified just last year. A list of these treaties is contained on page 215 of this Subcommittee's 1970 hearings. Indeed, our country in the ratification of many treaties has proposed that the International Court have jurisdiction over disputes. Interestingly enough, our efforts in this direction have frequently been frustrated by the Soviet Union, not Congress, whose members on numerous occasions have advocated increasing resort to the International Court.

This provision for the settlement of disputes over the interpretation of the Genocide Convention does not unreasonably limit our sovereignty. Our interests are better served by having any charges of Genocide against us considered in a judicial forum like the International Court, rather than more politically-motivated forums. Of course, by this provision we do undertake a commitment limiting our freedom of action in a limited sphere, as do the other parties to the Convention. This exchange of commitment is inherent in any treaty to which we become a party. Where the exchange of commitments serves our national interest, as it does here, it provides no valid basis for objecting to the treaty.

6. The argument that various provisions in the Convention—"in whole or in part", "mental harm," "direct and public incitement to commit genocide"—are loosely drafted and potentially harmful to our interests is without foundation.

Words in a statute or treaty are not self-interpreting. They must be read in the context of other provisions and in the light of the legislative or drafting history. The hypothetical interpretations of the Genocide Convention advanced by the critics are invalidated by the language of the Convention itself and by the records of the negotiation.

Thus "in whole or in part" does not mean that the killing of a single individual becomes Genocide. As the negotiating history makes clear, substantial numbers must be involved, and the acts of homicide must be joined by a common intent to destroy the group, for the definition of Genocide to be satisfied. The understanding recommended by the Foreign Relations Committee to confirm this point is wholly consistent with the drafting history.

"Mental harm," in turn, would not support propaganda charges of harrassment of minority groups, as charged by some critics, because mental harm becomes an element of Genocide only when done with an intent to destroy a group. Moreover, as the negotiating history shows, it was inserted for the narrow purpose of prohibiting the permanent impairment of mental facilities, as from the forcible application of narcotic drugs.

"Direct and public incitement to commit Genocide" does not cover constitutionally-protected speech. It covers speech which calls for the commission of mass murder, which is actionable under our Constitution as in other countries. As the Supreme Court declared in *Brandenburg* v. *Ohio,* 395 U.S. 444, "the constitutional guarantees of free speech and free press do not permit a State to forbid or proscribe advocacy of the use of force or of law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action." (emphasis added). In any case, no treaty can override a provision of the Constitution, and there is no doubt that the legislation passed in implementing the Genocide Convention will be interpreted in accordance with the First Amendment.

In conclusion, I find the objections to ratification of the Genocide Convention without substance. The reasons for ratification, as I suggested earlier, seem to me compelling. Some cynics doubt that the Genocide Convention really "matters". Some say it ranks

at the bottom of our foreign policy priorities. Some even say it is "an exercise in futility."

I do not agree. We have heard this argument now for over twenty years. I believe the time has come to devote more of our energies and resources to the long-term task of constructing some kind of decent world order. Ratification of a convention outlawing the most blatant crime against humanity will not by itself provide the answer. But it is surely a good place to begin. It should be one of the foundations of the rule of law among nations—a rule of law which, in the long run, is the only assurance of lasting peace.

POSTAL RATES

Mr. YOUNG. Mr. President, every American is affected by the postal rate increases which went into effect several weeks ago. The most visible impact, of course, is the increase in first-class and airmail rates. Another part of the rate increase that will have a greater long-range impact of the American public is that for second-class mail.

This rate change has a direct and adverse impact on newspapers and newspaper subscribers throughout the Nation. In a rural area such as North Dakota, the impact is particularly severe. I know that many of our small weekly newspaper publishers have expressed concern over their ability to stay in business and all of our newspaper people are deeply concerned over the effect this will have on their business—both financially and their continued ability to present news and information to their readers at a cost that they can afford.

A recent editorial in the Grand Forks Herald, published at Grand Forks, N.D., details these difficulties very clearly and precisely. Since it is a matter of grave concern to each Member of the Senate, I ask unanimous consent to have it printed in the RECORD at the conclusion of my remarks.

The Postal Rate Commission is now in the process of analyzing these rate increases to determine whether they should be permitted to remain in effect or reduced. I am hopeful that they will consider carefully the very strong evidence being presented about the adverse effect these increases will have, not only on the newspaper industry, but on the general public.

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

THE NEW MAIL RATES

Beginning today, new postal rate schedules are in effect. The new charges are called "temporary," since the Postal Rate Commission has not yet had time to take and consider testimony on the recommendation of the new quasi-public corporation, the U.S. Postal Service.

It now will cost eight cents instead of six to send a letter by regular mail, 11 cents instead of 10 to send it airmail, and six cents instead of five to send a postcard. Second and third class rates are increased by approximately 30 per cent.

One aspect of the new rates, not generally realized by the public, is the effect of the new rates upon smaller newspapers in this country, particularly in sparsely-settled areas such as North Dakota and northern Minnesota.

Especially important is the fact that the new second class rate schedules include an entirely new principle—a per-piece surcharge. Newspapers sent in bulk form, in bundles, have traditionally paid postage on the basis of weight, with a substantially higher charge for the advertising content than for the news content. This method of payment, including a minimum charge to insure adequate revenue from the smaller paper, is retained. In addition, however, the temporary increase adds a per-paper charge for each newspaper handled in the mail. The Grand Forks Herald mails more than 12,000 newspapers each day.

For years Congress has refused to support such a surcharge, which adds a second type of minimum charge to the existing minimum charge. Now that the USPS no longer is under the congressional wing, it has wasted no time in installing it. Newspapers feel this is particularly unfair, since they are being given no chance to testify against it before it is imposed. They will have an opportunity to testify before the rate commission, but not until after the surcharge is in effect. Those familiar with governmental bodies know the difficulty in eliminating an established practice, even if it is called temporary.

The entire effect of the proposal does not appear immediately. Because second class rates are increased so drastically, the Postal Service proposes to phase in the new rates over a five-year period. The proposal calls for an increase of 142 per cent over five years, which in itself sounds bad enough. However, with the per-piece surcharge, the smaller newspaper in a sparsely settled area will pay substantially more than this.

In our area, the second class postal increases will average 193 per cent for the Minot Daily News, 175 per cent for the Forum published at Fargo, and 188 per cent for the Grand Forks Herald. Many weekly newspapers will have even higher percentage increases.

The Postal Service says that second class mailers have been subsidized for years. Under the new corporate form, all classes of mail are required to become self-sustaining. However, the studies which established attributable costs were done on a sampling basis and do not reflect the situation which exists in this area, where much of the post office work is done by newspaper personnel in the newspaper plant.

Of the more than 12,000 papers mailed each day by the Grand Forks Herald, less than 500 ever enter the Grand Forks Post Office. Bundled, labeled and sacked in the Herald's mailroom, they are loaded on star route vehicles for delivery for outlying post offices. Most are for rural delivery, so they are given to the rural route driver for distribution. They are alphabetized for his convenience.

Other classes of mail are increased rather modestly compared to the proposed increases for second class.

The net effect may be to drive mailing costs, and thus mail subscription rates, beyond the reach of the average rural subsciber. Many rural families will be deprived of their main source of news.

Newspapers and other second class mail users are attempting to have the proposed increases scaled to more modest proportions. If they are unsuccessful, the day of the mailed subscription to the newspaper may be nearing the end.

DR. JAMES R. WASON'S OUTSTANDING SERVICES TO THE CONGRESS

Mr. ERVIN. Mr. President, I desire to pay tribute to a distinguished and dedicated public servant for his outstanding services to the Congress. I refer to Dr. James R. Wason, who, before his recent retirement, served as a specialist in labor economics and relations and industrial development with the Congressional Research Service of the Library of Congress.

I am personally acquainted with Dr. Wason's work, because of the valuable assistance he rendered to the Subcommittee on Separation of Powers in its study of the independent Government agencies and their impact on the doctrine of separation of powers. I should like to mention particularly Dr. Wason's work in preparing an important and scholarly document for the subcommittee—through the good offices of the Legislative Reference Service of the Library of Congress—entitled, "Separation of Powers and the Independent Agencies: Cases and Selected Readings." This compilation of cases and readings on separation of powers and the administrative process, comprising more than 1,700 pages, with an introduction by Dr. Wason, was carefully assembled and edited by Dr. Wason. The manuscript's 47 essays, articles, reports, and opinions trace the development of administrative law and theory since World War 1, and bring together valuable materials which are not collected in any other volume. It was printed as a Senate document on December 12, 1969, and it has been widely acclaimed as a significant study of governmental independent agencies. This fine and useful collection is one that will continue to be a valuable source of information for the Congress and for students and historians. During the time that Dr. Wason was engaged in the preparation of this manuscript, I and the subcommittee staff had many opportunities to confer with Dr. Wason, and we were invariably impressed with his ability and scholarship.

Dr. Wason was graduated with high honors from American International College, where he was a member of Alpha Chi Honor Society. He received his Ph. D. degree from American University. Prior to joining the Library of Congress in 1962, Dr. Wason served for a number of years with the Department of Labor. He also taught courses in economics and history in the evening division of the College of General Studies of George Washington University. Included in his professional affiliations are memberships in the American Economic Association, the Industrial Relations Research Association, the American Historical Society, and the Economic History Association.

In the fall of 1970, Dr. Wason was granted a leave of absence to accept a contract with the University of Maryland as lecturer in economics, and in that capacity conducted classes at military bases throughout the Pacific area.

It gives me much pleasure to express my admiration and regard for Dr. Wason and to wish him well in his retirement.

THE GENERAL ACCOUNTING OFFICE—ITS GOLDEN ANNIVERSARY

Mr. SYMINGTON. Mr. President, it is with pride that I join my colleagues in well-deserved commendation of the U.S. General Accounting Office. At the time of this, the 50th anniversary of the founding of that outstanding organization, it is fitting that we congratulate

GAO, a group of Americans who have done so much for their country.

While millions of Americans have heard of the GAO, their knowledge of the organization often scarcely goes beyond the name.

In a democracy the GAO could be compared to the press, serving as a balance against unlimited government, an independent auditor of power.

As Justice Sutherland once wrote about the press, the GAO, too, serves "as one of the greatest interpreters between men and government and the people." Its function is to hold for congressional examination and scrutiny the operations of government. Our Government attempts to solve the problems of today by means of programs administered by its various agencies. Due to the scope of those problems—urban rehabilitation, economic stability, military preparedness, and social betterment, to name but a few—this Government has become the largest and most diversified business in the world; and so as to cope with such vast size and span of operations, management improvement is a never-ending process.

The job of carrying out programs effectively, with a minimum of waste, takes many forms and calls for the foresight, efforts, and skills of everyone who is interested in the success of our system.

Through its review of Federal operations GAO contributes significantly to the solutions of these national problems. Its independent reviews and evaluations encompass the planning, implementation, and results of agency programs. Its reports provide needed information to our Congress for decisionmaking and give the President and all levels of management in the executive branch important feedback on program effectiveness and efficiency. Its recommendations often lead to improved management practices and restructured programs.

The GAO occupies a unique position within the Federal Government. It is an independent agency in our legislative branch, headed by the Comptroller General of the United States, Mr. Elmer B. Staats. The latter is responsible only to the Congress. It has numerous duties and responsibilities under various laws pertaining to accounting, and the making of audits and investigations of other Government agencies and Government contractors.

The responsibilities assigned to GAO represent one of the ways by which the Congress has made provision for exercising control over the activities of the executive departments and agencies.

Information reported to the Congress, acting as a third party representing, collectively, the people of the United States, is often used directly in congressional operations, such as considerations of appropriation requests, development of new legislation, and review of executive branch operations. On the other hand, reports rendered, based on audit work performed, may require no positive attention by the Congress, because no adverse conditions are reported. This type of activity also involves reliance on the work of the GAO in its role as part of the Government's overall system of checks and balances.

The Comptroller General allocates the manpower of the General Accounting Office primarily to those areas known or considered to be, of direct interest to the Congress; also, to areas which, in the Comptroller General's judgment, involve the greatest apparent need or potential benefit to the Government.

GAO assists effectively the discharge of two major congressional responsibilities; namely, exercising the legislative oversight and considering authorization and appropriation requests of the executive branch.

Its special audits, surveys, and investigations are frequently undertaken as a result of information obtained through its own operations, or volunteered by other organizations, employees, or private individuals; or as a result of interest expressed by Members or committees of Congress.

The specific factors bearing upon the decision of GAO to make an audit include statutory requirements, or congressional requests and indications of congressional interest, potential areas of Government operations in need of improvement, areas which have been identified as involving weaknesses in management controls and operations, deviation of agency policies from congressional intent, and programs with large sums to spend, assets, or revenues.

For five decades, the GAO has performed its responsibilities and pursued its prescribed objectives with determination and enthusiasm.

It is a pleasure to recall the rewarding relationship which I have enjoyed with GAO since I came into the Federal Government in 1945.

GAO efforts to locate needed information for the Congress have often been hampered by the agencies of the executive branch providing less than accurate, or incomplete information. Despite such backstage string-pulling and overly liberal use of security classification stamps in some cases, one can recall when GAO provided conclusive proof of funds being expended while at the time it was alleged no such expenditures had been made.

No doubt GAO's auditors do turn up in unlikely places, and agencies which wish to fool them need to do more than a little spring housecleaning. Sometimes also it is forgotten by other agencies that the GAO is capable in its determination as to what documents are relevant to its purposes; also that it is just as concerned with the protection of national interest as are various agencies and departments which sometimes are reluctant to provide access to their documents.

In summary, the General Accounting Office is a dedicated organization, dedicated to serving the United States. It is with a great deal of pride, therefore, that I congratulate its members on reaching this milestone. May it give many more years of useful service to a grateful Nation.

SUBSONIC CRUISE ARMED DECOY

Mr. GOLDWATER. Mr. President, on Monday, May 24, the Senator from Wisconsin (Mr. PROXMIRE) spoke to this body on the subject of the subsonic cruise armed decoy and the reengining of B–52 bombers. As has been and will be my custom, in debate on weapons, I am going to answer any inaccuracies as soon as I can on the floor of the Senate, because we are now entering a field that is understood by very few Members of this body. I do not say that in a derogatory way, it is just that outside of the Armed Services Committee there are very few Members of this body who are versed on the weapons systems in our military. Because of this, I want the RECORD to be abundantly clear and I continue my efforts in this field by pointing out just what the Air Force's position is relative to the subsonic cruise armed decoy which we call SCAD.

First of all, let me add my complete support to one of his main points:

> It is time we stopped stalling and move out on SCAD program.

Now, why am I sold on moving forward with the SCAD? Well, put simply, it is because this particular program offers as much potential for enhancing our deterrent posture as any other proposed development program we have before us—and it is one of the least expensive of the whole lot.

The reasons for SCAD's potential value were amply outlined by the Senator from Wisconsin, but a momentary reminder might, nevertheless, be in order.

First, the basic vehicle can function in three modes: First, as a decoy with electronics to make it look like a bomber to enemy radars; second, as an attack missile with good guidance and a warhead in a lightly defended area; and, third, as an armed decoy with both decoy electronics and warhead. As I understand it, these alternate payloads can be constructed in a modular fashion so that the fleet of SCAD's can be easily reconfigured to meet the mission and defense threat at hand. Now, I have heard a fair amount of the technical arguments as to when each of the three, or some specific combination, is appropriate. The arguments are, to say the least, involved and I do not pretend to have followed them in detail. However, the basic source of SCAD's value, in all three cases, is in presenting the defense with a large number of objects, be they decoys or missiles, to try to find and shoot down. Now that clearly puts the defense at a big disadvantage. I can understand that, you can understand that, and most importantly, the Soviets can understand that. And deterrence is, after all, based on insuring a Soviet perception that our retaliatory forces could get through to their targets.

Second, when there are so many worthwhile and important programs, both in the defense area and in the domestic area, which are in urgent need of funding, it is a source of satisfaction to know that one development and production program will provide three options in a simple building block approach. This means we will not have to buy a new set of penetration aids every time we get an inkling of some potential shift in the threat.

Third, SCAD can serve its role on both the B–52 and the future B–1. That means the dollars we spend today will continue to pay dividends for years to come.

Fourth, SCAD, either as an aid to bomber penetration or as a missile in its own right, preserves the aerodynamic cruise threat. As the Senator from Wisconsin put it:

> It (SCAD) would not be subject to a possible Soviet ABM system, and it would preserve the role of the bombers as the only one of our deterrents which is not.

These four points summarize, in general terms, what has convinced me that we ought to quit stalling and get on with SCAD forthwith. That there has been an undue delay is evident from the fact that it is now almost 4 years since the SCAD concept was first proposed, and we still do not have a full-scale development underway. However, I cannot in good conscience go along with the Senator from Wisconsin in laying the blame for this delay solely on the Air Force. The Congress, too, must share the blame. Let me explain why I say this.

Of the $50 million requested by the Air Force in fiscal years 1970 and 1971, the Congress finally approved only $10 million—that is only $5 million a year, hardly a way to build a moving program.

So right now, the ball is squarely on our side of the net and the Air Force cannot move out with a solid development program until we act on the fiscal year 1972 program.

The budget request of $10 million appears low at first glance in light of prior year requests for larger sums. However, there are several points that tend to support this figure.

I am advised that there is still approximately $3.2 million in prior year funds available which can be used upon the resolution of congressional intent to pursue SCAD. In addition, the Air Force proposes to perform a substantial part of the systems engineering effort with Government personnel thus reducing the R. & D. dollar requirement. Also, during the past year the Air Force has experienced considerable success in advanced development work in engine and decoy electronics as a result of which the amount of required first year effort in less than was provided for in earlier program plans. Moreover, several of the potential contractors for airframe, engine and electronics have pursued advanced design and development efforts in recent years, thus requiring less first year funding. And the program is structured according to the fly-before-buy concept which generally lowers expenditures prior to a production decision.

I believe we have covered the SCAD in fairly full fashion here. Now we can move on to what appears to be the underlying issue—the B–1 penetrating bomber. Notice I said penetrating bomber—because that is the real point of discussion. "Why can't the B–52 with SCAD act as a standoff bomber and negate the requirement for a B–1?" There is no doubt but that SCAD has a definite and valuable place in the manned strategic force. However, it does not have, and will never have, a really capability to replace the penetrating bomber. For one thing, it is too slow and too big to be expected to fly over Soviet terminal defenses unaided. Now the SRAM can do this, but that is because the SRAM is pencil thin, hugs the nap of the earth, and flies at supersonic speed. Before an enemy could pick it up on radar and shoot, the missile would have hit its target. To build a SRAM type missile which would have the range expected of a standoff weapon would mean a monstrosity 10 times the size of the SRAM—so big that the huge C–5 could only haul about five of them. Needless to say, the cost would also be prohibitive, 10 times the cost of a SRAM. And that is assuming no technological difficulties in developing such a complicated weapon.

Since the B–1 is the real issue here, let us look for a moment at what this airplane offers. Imagine yourself as an enemy planner trying to devise a foolproof defense against an aircraft which is barely detectable on radar, flies below your antiaircraft gun and missile radar or blinds the radar with its electronic gear, flies so fast that only your most modern interceptors can possibly overtake it and even these have only a marginal possibility of getting a successful shot at it. It can also release decoys which may be armed with nuclear warheads, thus saturating your defensive system, and once it gets close to the targets you want to defend, it fires a missile which your radar cannot even see. There you sit with what may be the most impenetrable ABM system imaginable—yet you still have to find a sure way to beat the B–1. This is true deterrence—forcing that planner to recognize that there is no way for him to escape the retaliatory power of the United States from any one of the TRIAD of weapon systems deployed against him.

Returning to the issue of SCAD, I am firmly convinced now, as I have been for some years, that the SCAD program is a must. I have taken time to recount what has happened in the past, since it seemed of interest to some. But for my money such retrospection has limited value except to understand clearly where we are today. Today the fact is that if the Nation is to have SCAD it is up to the Congress to make the next move.

The Air Force has made steady and substantial progress in reducing the technical risk in the program. They have testified that they are ready, indeed anxious, to get on with full-scale development of the armed and unarmed decoy versions in a form suitable for the B–52 and the B–1. That is what we want, too. Let us now join in giving them the support they need for the common cause.

Now turning to his suggestion that the B–52 can be refurbished and, therefore, destroy the requirements of the B–1, I will first point out that there is nothing new about this; it was suggested years ago and turned down by the Air Force, because of many factors the Senator did not get into. Metal fatigue today would be the biggest argument against this reengining and metal fatigue is going to happen a lot sooner than the Senator from Wisconsin believes. These airplanes are not designed for low level bombing. Consequently, the design is not comfortable with turbulence found at lower altitudes and undue strain and stress has been placed on these aged bombers.

The Air Force testified before the Senate and House Armed Services Committees this year on the possibility of reengining the B–52 G. & H. fleet. At the request of the Senate Armed Services staff, the Air Force has secured from Boeing a copy of their preliminary proposal and have provided it to the staff.

The Boeing Co.'s idea for reengining was originally briefed to the Air Force in January 1969, and represented the results of preliminary analyses which they had performed to increase the B–52's range/payload capability. Boeing's approach was to modify an Air Force B–52 with four TF–39 engines. Boeing, in 1969, estimated the prototype program would take 2 years and cost $6 to $10 million. Now, Boeing estimates the cost at approximately $40 million. Since no formal proposal was submitted, an official response was not made, however, the Air Force did consider the merits of the Boeing idea.

The B–52's are the mainstay of our bomber forces today. They were delivered to SAC during the 1955–62 period. The earlier models have already been phased out. Thus, by 1980, the remaining G. & H. models will be about 20 years old. The B–52's were not designed for sustained low altitude operations. Some $3 billion has already been spent over the years for structural modifications, capability improvements, and depot maintenance to keep them safe and effective. Since there are limitations to what can and should be done to an aging aircraft, the Air Force has carefully selected those modifications most urgently needed to maintain the B–52's combat capability in the face of a growing Soviet threat. Another decade of flight might well require more extensive and expensive modifications than in the past.

Boeing's idea would not preserve the B–52. Reengining the B–52 would not significantly enhance prelaunch survivability since the B–52 nuclear effects hardness and maximum allowable escape speed are unchanged. Additionally, the large engines would require much greater start time. It is not presently, possible to provide quick-starting capability on the TF–39 type engines. Boeing's data on reengining the B–52 included some structure modifications designed to support the engine installation and, therefore, would increase the airplane's maximum takeoff gross weight. A configuration change of this magnitude would not increase the B–52 flying hour service life, but would decrease the service life remaining.

Re-engining would not improve the B–52's survival during penetration of Soviet air defenses. Since the present aircraft are programed to carry all the payload of which it is capable, it was determined that the greatest enhancement to penetration could be achieved by other means. Therefore, the Air Force is planning to equip the B–52's with the short range attack missile—SRAM—the subsonic cruise armed decoy—SCAD—electro-optical visual sensors—EVS—and continuing improvements in electronics countermeasures—ECM.

For some time now, the Air Force has looked for a system that would perform

the mission of the B–52, but without the deficiencies. The Air Force used its experience with the B–52 to design an airplane that would react faster to reach a safe escape distance, would take off at a closer interval on each runway, could be dispersed to more runways, and have a designed inventory life of 25 years. The B–1 bomber proposal was the result.

Through a combination of subsystems design and hardness to nuclear effects, the B–1 would reach a safe escape distance from a nuclear detonation over the base much faster than a B–52. The smaller dimensions of the B–1 would permit it to take off with a spacing interval between aircraft of one-half of that of the B–52. The shorter takeoff distance of the B–1 would make available about 150 more existing runways than are available to the B–52, thereby permitting greater dispersal and faster reaction by the alert force. Additionally, the B–1 would have a significant range-payload advantage over the B–52. The B–1 would be able to carry twice the bomb load capacity of the older B–52.

The B–1 would have a faster penetration speed, lower penetration altitude, reduced radar cross section and smaller infrared signature than the B–52. These factors combine to preclude a tail-chase intercept by the current Soviet manned interceptors—eliminating a major portion of the Soviet interceptors as a threat.

Finally, with respect to weapon delivery accuracies, the B–1—by virtue of better avionics—would be able to deliver its payload more accurately than the B–52.

Taking all factors into consideration, the Boeing idea to re-engine the B–52 will not improve the combat effectiveness or extend the life of the Boeing B–52 aircraft.

FREDERICK ARNOLD MIDDLEBUSH

Mr. SYMINGTON. Mr. President, on June 8, 1971, Dr. Frederick Arnold Middlebush, distinguished university educator and administrator, student of political science and international law, died at his home in Columbia, Mo., at the age of 80. He is survived by his gracious wife, Mrs. Catherine Middlebush.

Dr. Middlebush was for 20 years president of the University of Missouri during a time of great expansion and changes for that institution. Following his retirement from the presidency in July 1954, he continued to serve the community to which he was so devoted as president emeritus and director of the university's development fund. Dr. Middlebush's career included numerous posts as adviser to the Federal Government on educational affairs and as a member of leading national educational associations.

Born in Grand Rapids, Mich., Dr. Middlebush received his A.B., M.A., and Ph. D. degrees from the University of Michigan. He taught in country and public schools until 1912; was a member of the department of history and political science at Knox College, 1915–17; engaged in research work in London, Paris, and The Hague, 1920–21; joined the faculty of the University of Missouri in 1922 as associate professor of political science and public law. He later became acting dean, and then dean—1926—of the university's school of business and public administration, and president of the university—1935.

As an adviser to the U.S. Government, Dr. Middlebush was a member of the National Commission on Liberal Arts Colleges, 1942; the Navy Civilian Advisory Committee, 1946; the Board of Visitors, Naval Academy, 1946–48; the Citizens Committee on Reorganization of the Executive Branch of the Government, 1948–49; the Commission on Financing of Higher Education, and Research Service Academy Board, 1949–50; the Advisory Committee on Educational Opportunities in the Armed Forces, beginning 1952; the National Science Board, 1950–62.

Dr. Middlebush was a trustee of the Carnegie Foundation and the Midwest Research Institute; a member of the executive councils of the American Political Science Association, the American Society for International Law, the National Association of Land-Grant Colleges and State Universities; a past president of both the National Association of State Universities and the Association of American Universities.

When bills to establish the National Science Foundation as an independent Government agency were under consideration by the Congress in 1945–50, Dr. Middlebush, through his close personal friendship with President Truman and U.S. Representative from Missouri Clarence Cannon, was a valued advisor to groups in both the executive and legislative branches on the development of the National Science Foundation legislation, which was enacted into law in 1950. There followed the same year Dr. Middlebush's appointment by President Truman as a charter member of the National Science Board, the 24-member governing body of the National Science Foundation, and his reappointment by President Eisenhower to a second 6-year term. As a member of the National Science Board, Dr. Middlebush was instrumental in developing plans for the Foundation's support of the social sciences; in advising on the relationships between the Federal Government and educational institutions during a critical period for the Nation's colleges and universities; and in guiding the Foundation in its formative years.

Dr. Middlebush was highly respected by all those who were privileged to be associated with him during his long career. Our State has lost a distinguished leader and I have lost a friend. His influence in the university community will continue to live, however, through his devoted efforts toward excellence and creativity in American education.

HELIUM AND THE CLEAN ENERGY DEMAND

Mr. PEARSON. Mr. President, I rise to commend the message on energy delivered to the Congress by the President of the United States.

There is no single factor more important to the continued well-being of our people and our economic progress than sufficient supplies of energy in all forms.

One statistic illustrates the point. With only 6 percent of the world's population, we consume 40 percent of the energy used in the world. The fact that we have been, in the past, able to produce and use practically unlimited amounts of power is the base on which the standard of living of our people rests and is the source of our productive capacity.

We are inclined in this country to take a great deal for granted. One of the things we have always taken for granted is all the power we need at the turn of a knob or flip of a switch. The energy industry of our Nation has performed admirably in the past to provide this service for the Nation.

This situation is rapidly changing, however. We have had blackouts and brownouts and we face a dilemma today in which many natural gas distributors are unable to provide service to new customers for lack of the product.

The problem has been discussed eloquently by Members of this body. The Senate has taken, I believe, a strong and constructive forward step by authorizing a study by the Interior Committee of the total energy picture.

It is increasingly obvious that coordination of all efforts is essential if we are to produce the power required by our people and at the same time prevent degradation of the environment in which we all live. Very serious questions of energy production and environmental impact have been raised in many quarters. Newspaper articles about the impact of power generation in the Four Corners area of the Southwest show the public concern about our land, water, and air as we seek to meet the spiraling need for electricity to keep our industries operating and our homes lighted and comfortable.

The President pointed out that this is not the single responsibility of anyone or any group. It is a collective responsibility which will require the cooperation of the Congress, State and local governments, private industry, and of the consuming public.

It will require as well, I believe, a major research effort on new technology, which bears on the generation and transmission of power without harm to the environment.

I was pleased at the emphasis placed by the President on research and development of means to produce clean energy. Indeed, other nations are already moving in this direction.

In Germany, for example, research and development is proceeding on a high temperature, high efficiency nuclear reactor which will be cooled by helium gas and in which the helium gas will spin a turbine to produce electricity, hence eliminating thermal pollution. The Germans are working on a helium-cooled, fast-breeder reactor.

The President mentioned as well, research in such fields as fusion power, magnetohydrodynamic power generation, and the development of new and less expensive techniques for burying high voltage electric transmission lines underground.

In all of these areas, the science of cryogenics based on liquid helium has an important role to play. The magnetic fields necessary to contain the hot plasma produced in the fusion process will be created by superconducting magnets, made possible by liquid helium. Magnetic fields necessary for MHD generation also will depend on these superconducting magnets.

It is in the area of underground transmission that the helium-based science of cryogenics can play a decisive role. Certain metals lose all resistance to the movement of electricity if they are cooled to the super low temperatures, within a few degrees of absolute zero, produced by liquid helium. In other words, if a powerplant puts 600 megawatts of electricity into a superconducting underground transmission line, 600 megawatts of electricity come out the other end regardless of the distance involved. Scientists say that all the power needs of the city of New York can be supplied by one superconducting cable less than 20 inches in diameter buried underground. These cables can carry power from conventional plants producing electricity at the mine mouth to consuming centers without all the overhead transmission facilities currently necessary.

Mr. President, I predict the day will come when huge nuclear powerplants situated far from consuming centers will be cooled by helium, the heated helium will spin turbines to generate electricity, and the electricity will be sent underground through superconducting lines cooled by liquid helium to our cities. And all without impairing the quality of our air, our water, or our land.

It would seem clear that the Federal Government could, with the cooperation of private enterprise, provide the means to promote further research and exploration into the potential uses of helium. It would also seem clear that the refining and preservation of helium would be an essential step toward realization of this potential. Yet, the Department of Interior is now preparing to cancel its helium conservation program, and I submit that this decision deserves reconsideration and reevaluation, particularly in view of the President's actions.

It is true that we have approximately 28 billion cubic feet of helium in storage now. It is also true that Government witnesses at a hearing held before the Subcommittee on Minerals, Materials, and Fuels of the Senate Interior and Insular Affairs Committee stated that no evaluation of the potential civilian use of and need for helium was made before the program was canceled. And it is true that when the program was conceived, the Government set a goal of accumulating 58 billion cubic feet of helium. Helium is a wasting natural resource found in some—not all—natural gas, and the United States is blessed with the free world's only known large supply. Upward of 90 percent of our known reserves are in one area—the Hugoton-Anadarko field on which the conservation program was based, but 20 years from now, all this helium will be gone, vented to the atmosphere, unless it is conserved now.

Mr. President, while the Government may have run into difficulties with the program which led to its termination, I submit that the potential of helium in the production and transmission of clean energy is so great, a fact which has been detailed by scientists from all over the country, including men working at the Los Alamos Scientific Laboratory and the Argonne National Laboratory, that some means of saving this resource should be achieved while the research and development work progresses. If not, we might some day discover that we have the technology to meet the energy problem but lack a supply of the essential natural resources to make the technology work. I believe that research and development in the cryogenics field can pay rich dividends to the Nation and that we should be able to effectively and economically conserve the element critical to cryogenics while it is readily available. Alternatives to conservation—such as extracting helium from the atmosphere—would not only be tremendously expensive but would also require huge amounts of power and contribute to pollution. That is precisely what we are attempting to avoid to solve our energy problem, and it is a strong and compelling argument in favor of a rescinding of the Department of the Interior's decision.

ESSAYS ON RURAL ELECTRIFICATION

Mr. CURTIS. Mr. President, the Nebraska Rural Electric Association has sponsored a youth tour to Washington for a number of years. The group is made up of those boys and girls who have been the winners of essay contests sponsored by their individual Nebraska rural power systems in cooperation with the Nebraska Rural Electric Association.

I ask unanimous consent to have three of these winning essays printed in the RECORD.

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

RURAL ELECTRIFICATION AND THE VALUE OF ELECTRICITY IN THE HOME AND ON THE FARM

(By Harl Dixon)

Time represents a continuous pace of life, which must be kept up with today, as it has been in the past. The past decade formulated a progressive atmosphere for itself—looking into the future toward greater horizons. Comparably, rural electrification has certainly shown its sign in society for keeping up with the changing times.

Rural living today has nearly all of the conveniences and advantages of city living; electricity has helped close the gap between the differing modes of living that existed in past generations. To speak of only a few of the useful ways in which rural electrification can be used around the farm would include the use for lighting, shopwork, milking machines, farm pumps, small motors, and the increasing importance for energizing irrigation systems. While the farm home also greatly relies on the electricity today, the range of uses varies from electric heating installations to a handful of appliances, even the latest "trash smasher." Electric living has not only contributed in improving rural life, but it has made farm living more mechanized in all aspects.

Birth came to the Rural Electrification Administration in 1935, which marked the transition of a dark America into a lighted, thriving America. Electric power then replaced many old conventional sources of power, including much of the hand labor and the energy of the domesticated animal. Since that humble beginning, the R.E.A. has shown seemingly limitless ability in serving the farm and home in their role and purpose in our mechanized society of today. The extent of rural electric coverage is constantly increasing, but the significance lies in the fact that agricultural production is sharply increasing, while overall operating expenses diminish.

Since its beginning, electricity has brought new aids to the American farmer. Many power lines have been built, covering rural America with an intricate maze of wires, cables, and poles. Within only one year after REA had its beginning, over 25,000 miles of rural power lines had been put up, serving over 11,000 farms. Evidence shows that rapid growth in the very beginning has kept continuous pace through its developing years.

Nebraskans, as well as Americans, have a great asset to compliment in rural electrification. In Nebraska alone, the number of electrified farms has increased from 9,544 to over 74,000 in the span of years from 1935 to the present. But on the national level, it is even more promising; in 1935, the number was 717,347 compared to over 3,000,000 farms today.

From the beginning of time, man has depended upon agricultural practices to support his existence. Yet, today in our computerized, industrialized culture, the world still relies heavily upon agriculture to support the abundance of population. But where would agriculture be today without the aid and rapid growth of rural electrification? Everyday chores can now be performed on a large scale by the flick of a switch, the pushing of a button.

Electric living today is an accepted way of life on the farm. Its versatility and use had been applied to almost every time-saving, labor-saving device available to farm dwellers today, and the outlook is even more optimistic for tomorrow. Rural electrification in the 70's must meet the ever-growing and changing demands of an ever-growing and changing country. It will, no doubt, greatly influence the "shape of things to come."

THE DEVELOPMENT OF RURAL ELECTRIFICATION IN MY AREA

(By Kathryn Gaye Birt)

The idea of rural electrification was established in Senator George W. Norris' mind in August of the year 1888. His idea was not realistic until May 20, 1936, which was forty-five years later. Those who were very much in favor of the project had anticipated its birth more than fifteen months before its enactment. They started then to make applications for loan funds and M. E. Cadwallader circulated petitions that made Furnas County a part of the Southern Nebraska Public Power District. But in the June meeting of this organization, the men from Furnas, Harlan, Franklin, and Webster Counties were told that their counties had been dropped from the project because of the flood of that year. In 1936, the Dawson County Public Power District was asked of their interest in serving our area and none was shown. Finally, the McCook Public Power District displayed an interest in our counties, and this interest was followed by a survey and meter deposits. But after these actions were taken, the residents of this area were once again disappointed; nothing else happened.

When World War II began, the military realized how much food and manpower were needed to win the war. Electricity was needed for these war-winning sources; and therefore, the Rural Electric Administration was authorized to make loans. In January of

1944, representatives of Harlan, Furnas, Frontier, Red Willow, and Gosper Counties were invited to the office of Frank Butler in Franklin to discuss the beginning of an REA project. Before this meeting came to a close, a temporary organization was formed, with Frank Morrison as the members' attorney.

To receive membership in this area's REA, men went to the Coffey School on February 13, 1944, and thirty-two applications were signed. In a month, 750 men had signed. St. Louis, the REA headquarters in wartime, received these applications and now had to consider this location for a loan. On the same date as the successful invasion of France, June 6, 1944, a telegram arrived for approval of the applications from Danbury, Ragan, Lebanon, Wilsonville, and other rural areas. This "A" loan amounted to approximately $740,000 and would serve about 760 applicants. This was the biggest loan ever received from REA up to that time.

The Twin Valleys Public Power District came into existence on September 1, 1944. The project was small in its beginning stages, but it has increased in its power, miles of lines, and most of all, the number of consumers. It now serves all of Furnas and Harlan Counties, and parts of Gosper, Red Willow, and Frontier Counties. More than five million dollars have been spent toward this area's electrification, but it has not been wasted. It has gone for two worthy causes—the preservation and modernization of rural life. The development of rural electrification in my area has not come to an end, nor will it ever come to an end, because perfection is never accomplished.

THE DEVELOPMENT OF REA IN MY AREA

(By Kirk Fox)

"The trouble with the younger folks today is that they don't have to work like we had to." This phrase is commonly heard in America today. Many people believe that the youth have too many conveniences and luxuries. The truth is, however, that due to modernization and advancements in living, nearly all of the United States, not only the youth, have become accustomed to an easy style of living.

Electricity is one advancement that has helped to make life more comfortable and enjoyable for everyone. The extension of electricity into rural areas has greatly eased the strenuous labor once required for the farmer to maintain a substantial income. The Rural Electrification Administration is the organization that brought the farm communities out of seclusion. The REA was created on May 11, 1935, as a relief measure to supply work for non-military men during World War II. Then on May 20, 1936, the relief measure became a law, and memberships were quickly issued to awaiting applicants.

The REA, however, started slowly, and didn't reach southcentral Nebraska until January 10, 1944. On that day, Senator Hugh Butler and several guests met with Elmer Johnson, an REA representative, in Frank Butler's law office at Cambridge. From this meeting came the creation of the Twin-Valleys Electric Membership Associates, which was later re-organized into the Twin Valleys Public Power District. Eight months later, on September 2, 1944, the first Twin Valleys electrical pole was placed near Lebanon, Nebraska.

So, with the REA gaining roots in the Republican Valley area of Nebraska, modernization seemed destined to reach this region. Instantly, 1000 residents applied for memberships to the Twin Valleys organization. The government granted an "A" loan of $740,000 to Twin Valleys for the construction of 760 miles of line; but because of so many applications, the power district had to apply for "B" and "C" loans also.

Since its beginning twenty-seven years ago, Twin Valleys has greatly advanced its facilities. Nearly five million dollars have been borrowed from the government to aid in the building and improving of the REA. These loans have been used economically to extend energized lines to approximately 3200 consumers. Larger sub-stations, heavier conductors, higher voltages, greater transformers, and larger meters have all been installed constantly since the beginning of REA to meet the farmers' demends for electricity.

Advancement and development is a never-ending process. Since its beginning, there have been very few days that the Twin Valleys District hasn't improved its lines to produce more power. The "father" of REA, United States Senator George W. Norris, stated that "of all the laws that have ever been enacted in the history of the United States, I doubt if there has even been a law written that will bring to rural America the satisfaction, the pleasure, the comforts and all around benefits that the Rural Electrification Administration has brought and will bring." Those momentous words truthfully depict the satisfaction that the Rural Electrification Administration renders to each and every one of its consumers.

THE McCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM

Mr. ALLEN. Mr. President, on June 5, 1971, the McClellan-Kerr Arkansas River Navigation System was formally dedicated by President Nixon. More than 25,000 persons from Arkansas, Oklahoma, and other States attended the opening of the Tulsa Port of Catoosa.

This 440-mile waterway, born and nurtured by our distinguished colleague, the senior Senator from Arkansas, Senator JOHN L. MCCLELLAN, is truly one of the great engineering accomplishments of all time. The project received the invaluable assistance of the late Senator Robert S. Kerr. Certainly without his perseverance it would never have been completed.

One of the amazing facets of this river system is the foresight demonstrated by those whose energies were directed toward fulfilling their dream. Senator MCCLELLAN introduced the first bill to authorize the project back in 1943. Finally authorized by the Rivers and Harbors Act of 1946. Senator MCCLELLAN then spent 10 years seeking funds for its construction. Now, some 25 years after its authorization, Senator MCCLELLAN'S dream has become a reality.

Once dismissed by some as a fantasy, the total tonnage presently being carried is far surpassing all original estimates. In 1969, the first year the river became navigable, it carried two and one-half times the million tons predicted. The corps presently estimates that 13.2 million tons of cargo will move over the water each year—an annual saving to shippers of $40 million.

Mr. President, this waterway was described by the President as a "monument in action"—it certainly is a tribute to the monumental and tireless effort made on the part of Senators MCCLELLAN and Kerr. The beneficial effects of this greatest civil works project ever undertaken will enure to countless generations.

Although Arkansas and Oklahoma will be the principal benefactors of this system, the entire South will for years to come share in the anticipated economic growth. Truly, one of the great advantages of this project will be to allow the Southern region to become more economically competitive with the rest of the Nation.

Mr. President, I again congratulate the senior Senator from Arkansas and in order that all of the Members may be aware of President Nixon's remarks, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows.

REMARKS OF THE PRESIDENT AT THE DEDICATION OF THE MCMILLAN-KERR ARKANSAS NAVIGATION SYSTEM, TULSA (PORT CATOOSA), OKLA.

Mr. Speaker, Governor Hall, Governor Bumpers, Members of the United States Senate, Members of the Congress, all of the distinguished guests who are here on this platform, and all of the distinguished members of this great audience:

May I express first my appreciation for your wonderfully warm welcome. I am not speaking of the weather; I am speaking of the way you applauded a moment ago. And may I pass on a message to you that I bring directly from the White House. Mrs. Nixon said that of her many travels around this country, she has never had a warmer welcome than she had in Tulsa a few weeks ago.

And she would like to have come today, but, as you know, she is working on a White House wedding. I think she and Tricia will get through it, but I don't know whether I will make it.

I can assure you, too, that on this occasion, I only wish I could have been present for the earlier parts of the program. I read the scenario and I saw some of the wonderful numbers that were planned. I want to express appreciation to all of them, and I know that all of you will want to join in a round of applause for that, for everybody who has performed up to this point.

I particularly want to pay my respects to the Tulsa University Choir, and also to Mr. "Sugar Bowl" Al Hirt; and to the one that all of us know for her great work for all patriotic causes is really Miss America, Anita Bryant.

While you can well understand that on such an occasion like this it is a pleasure for me to be here on the Oklahoma seacoast. I remember when I visited Oklahoma in the campaign of 1968, being lobbied a bit on this project. I flew over all of this area. I remember on that occasion Louis Bartlett, Senator Bellmon, Bud Wilkinson, Page Belcher, talked to me about the enormous promise and, of course, the fact that this project was to be completed—and I must return to participate in this dedication. I promised to be back on the day when the Gulf of Mexico came up to Catoosa. I am delighted to make good on that promise. Here I am.

The friendliness of the people here, which you have demonstrated so eloquently today, the beauty of the lands that I have seen around us as we flew in on the helicopter, always makes me glad to return to what is Will Rogers country. But this is the first time I have had a chance to go one up on that great Cowboy Philosopher. You know, with him, and all of us will remember reading him—out in Los Angeles he had a little column, as he did all over the country and it was "must" reading for everyone, even in those days—the joke was usually, for Will Rogers, on the Government. One time in 1923 he was spoofing the Congress about its public works spending, and he made his point by saying that with all that money being passed out, he could probably even get himself a harbor built on the Verdigris River at Oologah. I think that is the way you pronounce it. I practiced it on the way out on the airplane.

Well, this magnificent new port is still a few miles downstream from Oologah, but it is close enough that this time the Corps of Engineers and the people of the supposedly landlocked Sooner State can have the last laugh. For years, there were many who dismissed the idea of an Arkansas River waterway as a foolish dream. But there were others, men like Senator Bob Kerr and John McClellan, who held it as a bold and achievable vision—and the completed project that we dedicate today has proved that they were right.

With the opening of this great navigation system, the new "Maritime States" of Oklahoma and Arkansas can look forward to a whole new era of growth and development. So too, can Kansas, which may one day have ports of its own on the Arkansas, and Colorado and all of the other States of this heartland region that will be sharing in the benefits of this waterway.

At the same time, speaking and representing all of the people of the United States as President of the United States, I can say that all the American people join you in celebrating this achievement, because it belongs to all of us and helps all the Nation. Because, you see, in a very real sense, the progress and prosperity it will bring you will mean added progress and prosperity to all of America.

We think, for instance, of the two-way savings water transportation is already beginning to bring the farm industry in this region. Lower shipping costs coming in mean that the farmer pays less for his fertilizer, machinery, and other supplies, and lower shipping costs going out mean that the farmer can pocket more of the market price of his crops and livestock.

In that way, farm income is boosted twice, and the benefits extend across America and around the world to everyone who depends on the beef, the wheat, the cotton, the soybeans, and all the other products of mid-America's agriculture.

I believe that what is good for the farmer is good for his customers and good for America, and this project proves it.

That is one big reason we are grateful to see this waterway go into operation.

As we assess the significance, we think, too, about the tremendously important oil and natural gas resources that have meant so much to the growth of Oklahoma and the industrial development of this country. We think about the major coal fields that will now become much more accessible along the Arkansas River in these two states. I realize there is legitimate concern about some of the serious environmental and pollution problems surrounding the production and use of coal and oil. But we must also remember that the energy they produce is indispensable to the economic strength of the United States and to the good life which the American people enjoy.

As this new waterway encourages growth and development, regional energy needs will increase even faster than the rapidly growing national needs. This will mean new opportunities and new challenges for petroleum and for coal, which are produced in this region. I can assure you, as I indicated in the Special Message on Energy Policy which I sent to the Congress yesterday, that the Federal Government will continue to recognize and support the vital role which these industries play.

But beyond agriculture, beyond oil, we are already seeing the first stages of a broad-based economic boom in the Arkansas River Basin. All sorts of new industries are on the way, bringing with them new jobs, new income, new vitality for communities throughout this region. Private investment planned along the waterway has passed the $800 million mark and should soon exceed the $1.2 billion in public funds spent in construction of this project.

Here again the beneficial impact will be felt not just in Tulsa, not just in the States of Oklahoma, Arkansas and others in the area, but it will be felt across America. For this great region, so ready for development, can provide part of the answer to the increasingly acute growth of congestion and uncontrolled growth in America's largest metropolitan areas. Let's look at America over the next 30 years, down to the year 2000, when some of the younger people in the year 2000 will be celebrating that millenium, a new year that comes once in a thousand years. What is America going to be like? One of the things that we know is that it is going to be a lot larger in terms of its people.

How are we going to provide for them? How will we assure to them and to the rest of us the abundance and the quality of life which we all deserve? And even more essential, where are they going to live? Are they going to pour into the cities of America? Are they going to add to the crime and congestion and pollution that are choking our cities to death?

Did you know that two-thirds of all the counties in this part of the country—and I do not refer to individual counties, but looking at them as a group—two-thirds of them have lost population over the past ten years, and they poured into the cities? And now the question is what of the future of growth of America? I think there is an answer.

I was talking to a young couple on a trip to North Dakota a few months ago. I found that they had left North Dakota to go to a major city in the East and then they had returned. I asked them why. They said, "The reason we left was that there wasn't adequate opportunity here, not good jobs, not adequate opportunity in business, so we went East. But then some opportunities opened and we came back because we really wanted to live here. We like this country. It is a beautiful country. It is a country where we want to raise our children. And that is why we came back."

So I say let people who want to live in the heartland of America have the opportunities, have the jobs that will let them stay here and not be drawn away. That is what this project means to America and to the world.

Let me tell you what it is going to look like here. You realize that over this next 30 years this region in which we are now standing could absorb as much as ten percent of that growth? In other words, 7 million more people. This region can become a new magnet for people seeking the good life, so that we begin to see a reversal of the decades-long migration trend from rural America to urban America—a trend which has too often acted to deplete the countryside and overburden the cities, to weaken the heart of America and to add to the fat which saps our strength.

There is virtually unlimited promise in the future of the Arkansas Basin—provided we take charge of the development process and guide it wisely. We know all too well that heedless and unplanned growth can become a bane rather than a blessing. That is why there is so much interest, particularly among our younger people, about the environment.

What will happen to our river, our countryside, if we simply have growth without planning? Questions are even being raised going to an extreme. They say why should we have growth at all. I understand the feelings that raise those questions. And yet, I think that they come sometimes, and perhaps most often, from people in regions that already have had their share, or more than their share, of American prosperity.

In this region, where you are really starting to come into your own, we cannot simply shrug off the benefits of economic growth and expanded prosperity. We need them—and we are going to continue to have them. Yet, it is still legitimate, and it is essential, to insist that quality keep pace with quantity as the Nation grows.

Looking at this project from an environmental standpoint, we can be grateful and proud that this river system today remains largely unpolluted when we look at it in comparison to others. Right now, as we dedicate this project, with industrial development along the waterway really beginning to take off, let us determine to hold the line on a clean and healthy river.

If we act now, we can make the Arkansas not only a continuing asset to this region but also an example of pollution prevention for the entire United States.

The dedication of this McClellan-Kerr Arkansas River Navigation System is an exceptional monument—a monument in action. It honors many things—it honors the leadership of the two Senators whose names it bears; it honors the leadership of the Congressmen like Page Belcher; Senators like Henry Bellmon and others who have also worked for this project. It honors the vision of many leaders of this region who are not in the Congress, the Senate or the House—the constructive partnership of economic development with environmental protection. This is a monument to American engineering and technological skill.

I think it is particularly fitting that this waterway has been dedicated to the youth of America for it is they who will benefit most from it. The surge of growth and prosperity which this region is certain to experience in decades ahead means a brighter future for the young people of these United States. And to the extent that you are able to set an example for the Nation in things like environmental planning and balanced growth, you will be doing a service to the next generation, not just regionally but throughout the United States.

But the most important consequence of this great achievement for American youth is, I believe, something that really cannot be measured in material terms. By undertaking a vast project that some called impossible and others called worthless, and making it a success, you have demonstrated once again the vitality of the American tradition of daring great things and achieving great things.

I have many memories of France's great leader, General deGaulle. He was a man with a rare understanding of what it takes to make a nation's spirit live and soar. And I remember that he often used to say that France is never her true self unless she is engaged in a great enterprise. Precisely the same is true of the United States.

The spirit that has tamed the Arkansas is the same spirit that forged the Union in 1776, that bought Louisiana in 1803, that bridged the continent with the rails in 1869, that settled the Oklahoma Territory in 1889, that developed the Tennessee Valley in the 1930's, and put men on the moon in 1969.

In an era when some voices urge Americans not to aim so high, to turn from the pursuit of greatness to the cultivation of comfort only, it is valuable for our young people, our future leaders, to have before them this dramatic example of the young spirit still at work in America. Without this spirit, all the wealth, all the ease, all the privilege, would be ashes for Americans. But with this spirit, all the future is ours, for what we want to make it.

It was the summer of 1946, 25 years ago, that Congress first authorized this project. I remember that summer well. Another man on this platform remembers it very well, too. That was the year I was lucky enough to win when I ran for Congress. He ran, too. He was elected from Oklahoma, I from California. And when I think of all the events

that have taken place in the world in the quarter century since Speaker Albert and I were first elected to that 80th Congress, I realize what a momentous time in history this has been. And that doubles my pride in sharing with him and all the others on this platform, and all of those in this great audience, the dedication of this magnificent project—a project which was only a bold dream when we came to Congress 25 years ago, but now is a grand reality, and for generations to come it will be a living monument to what man and nature together can accomplish.

As I conclude today, I would like to conclude on a personal note of appreciation to all of those who have made this for me, personally and in my capacity as President of the United States, one of the most memorable days of my service in that office. Sometimes those of us who see the Nation only from Washington tend to get a distorted view. The reason is obvious. It is inevitable that bad news will drive out good news, not by deliberation but simply because bad news seems to make more news than good news.

Consequently, if you sit in Washington without getting out into the country, you get the impression in the country that everything is wrong, that America is an ugly country, ugly physically, ugly morally, ugly spiritually.

I want to thank all of you today, the people of Oklahoma, Arkansas, and all the others from the heartland States, for reminding us of some fundamental truths. America is a beautiful country, and the American people are a good people; they are a strong people with faith in God and faith in themselves.

The spirit that built America, the spirit of 1776, still lives. It is a spirit of hope, it is a spirit of idealism, it is a spirit of dare and achieve great things. And look at America's role in the world, we see a Nation, the strongest and the richest Nation in the world. But a Nation, I can tell you, that throughout the world is not feared by any who have freedom because we will never use our strength except to defend freedom; and it is not feared by any who love peace, because America will always use its strength to serve the cause of peace and not to break the peace.

And I say to you today, I thank you for reminding all of us on this day where we came from, of all of our great traditions, and some of the good things about America.

On this day let us all stand just a little taller, let us all stand taller and say we are proud to be Americans.

Ladies and gentlemen, you can see by this picture here that where the interests of the United States are really concerned, building a better America, we are not Democrats, we are not Republicans, we put this Nation first. We are all Americans, we really are.

GREEK ORTHODOX PRAYER FOR THE RELEASE OF PRISONERS OF WAR

Mr. PERCY. Mr. President, Archbishop Iakovos, primate of the Greek Orthodox Church in the Americas and one of this Nation's most distinguished clergymen, recently promulgated an encyclical letter to priests on the question of prisoners of war. He specifically mentioned the men of the American Armed Forces who have become prisoners of war in Vietnam and have suffered the most severe hardships.

Archbishop Iakovos asked priests to read the following prayer in all Greek Orthodox churches. I commend it to the attention of my colleagues and to all the American people, and ask unanimous consent that it be printed at this point in the RECORD.

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

GREEK ORTHODOX PRAYER FOR THE RELEASE OF PRISONERS OF WAR

Lord of reconciliation, slow to anger and quick to show mercy, you are the sovereign of all life. You have given to all things the gift of being; but in wisdom and love you have also graced us with the gift of well-being. So when we bow before your infinite goodness with hymns of praise and thanksgiving songs, do not turn away from us, nor reject our petitions for mercy; but from your holy dwelling place look on this vineyard, which your right hand planted, and sustain it; and deliver our brothers who are captives of war.

We pray and beseech you: hear the pleas of your people for the deliverance of our captive brothers. And Lord, spare us your wrath; do not remain in righteous indignation with us; for no man can stand before you, or make defense; no living person can ever justify himself in your sight. Ease then your anger against us, and return our brothers from wrongful bondage; and free us as well from the spiritual bondage of temptation. Be mindful, O Lord, of them and of us. Send them an angel to keep faithful watch, and put their lives in his hands, so that he may deliver them from the terror of violent death. And in the release of our imprisoned brothers we will glorify you: Father, Son and Holy Spirit, one God, one Kingdom, giving you glory and honor and worship forever. Amen.

RURAL ELECTRIFICATION PROGRAM—ANNUAL ESSAY CONTEST

Mr. CURTIS. Mr. President, on behalf of my colleague, Mr. HRUSKA, I ask unanimous consent to have printed in the RECORD a statement and some insertions.

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

STATEMENT BY SENATOR HRUSKA

Mr. President, one of the programs in which Nebraskans take a special pride is the Rural Electrification program.

The program has been a boon to Nebraska as it has to other rural states. But of equal importance to Nebraskans is the fact that the program was initiated largely through the efforts of the late Senator George Norris of Nebraska.

It is one of the greatest tributes to his long service in the Congress. It has made life in rural areas more livable and much more appealing.

It may be difficult for my colleagues from largely urban states to recognize the importance of such a program as Rural Electrification to states which are largely rural. It must be realized that this program has probably more than any other single thing brought comfort, convenience and pleasure to rural living.

Rural electrification and similar programs assume increased importance today in view of the emphasis which the Administration is placing upon rural revitalization and a restoration of the population balance between urban and rural areas.

Urbanologists are increasingly realizing, in my opinion, that one of the most effective means at their disposal for solving the problems of the cities is to disperse the population and get a reasonable share of the people back to rural areas. Naturally people will not be content to remain in rural areas without the conveniences which are found elsewhere.

Rural Electrification and similar programs therefore are essential to the efforts.

Since the program was inaugurated 36 years ago, REA loans to rural electric systems have provided service to an estimated 120,019 customers in Nebraska.

Loans which have been made to 36 REA electric borrowers, including 36 public power districts and four cooperatives, total $215,482,610.

As of January 1, REA had advanced $200,650,901 to the borrowers. Those funds have been invested in 64,740 miles of line.

The history of REA in Nebraska is a record of great pride for Nebraskans. As a means of emphasizing Nebraska's interest in and concern with the REA program, the Nebraska Rural Electrification Association sponsors an annual essay writing contest on rural electrification.

The subject this year was "Development of Rural Electrification in My Area." Hundreds of essays were submitted and the 16 judged to be superior have been selected to compete for the top prize of a $50 U.S. Savings Bond.

Authors of the 16 essays are in Washington at this time on an annual Nebraska Rural Electric Youth Tour.

Mr. President, I submit some of the winning entries from this year's competition.

DEVELOPMENT OF RURAL ELECTRIFICATION IN MY AREA

(By Colleen Babcock)

What does Rural Electrification mean in my area? It means an era of new living and comforts. Electrification benefits, though different, are one thing that all generations share.

Awakened by the ring of an alarm or soft music flowing from the clock radio you reluctantly crawl from beneath your electric blanket into the comfort of an electric home. At the flip of a switch—light. At the turn of a knob—warm water from which we all take for granted. Thus, a day of electrical living begins.

Students start the school day at the sound of a bell. Attending a rural, but ultimately modern school, I can experience the benefits of electricity. Delightful music sounds over the intercom during study hall. Light and sound facilities serve the Drama Society well. The home economics department could not exist without its fine electrical household appliances. Buffers, sanders, kilns and a variety of saws are among the essentials of the arts department. Reading machines and a large supply of slide, movie, and overhead projectors aid in the education of many students. The foreign language room is totally dependent on electrical equipment. The science classes also utilize electricity: incubators, microscopes and burners are among the benefits. Business courses and the administrative office depend on electricity for typewriters, adding machines, and various mimeographing mechanisms. A video tape player makes possible the taping of classes or other events. Students enjoy the amplified music of electric organs and guitars at school dances.

The housewife already seems to be quite liberated with all of her modern appliances: washers, dryers, dishwashers, refrigerator-freezers, ranges, mixers, knives, toasters can-openers steam irons, vacuum cleaners, etc. Electric scissors and sewing machines enable a new outfit to be a quick and simple production.

In addition to this, farming is quite dependent on electricity. It provides irrigation for crops, milking machines, and machines that help the farmer with his bookwork. Furthermore, it can provide a relaxing evening of color television or listening to the stereo in air-conditioned or heated comfort.

For these reasons, I can justifiably say that electricity means just about everything to everybody. How many times do we push a button, flip a switch, turn a knob or pull a cord? In contrast, how many times do we

stop to realize and appreciate what is happening and who is responsible for such a magnificent occurance?

We should have sincere gratitude for men like Franklin, Edison, Franklin D. Roosevelt, who initiated the Rural Electrification Administration and former Nebraska Senator Norris who was co-author of the Rural Electrification Act. Also deserving appreciation are the Public Power Districts and the people who serve them.

Rural Electrification means that my generation has a greater opportunity for learning and living that those before us. By being aware of our electrical "powers" and utilizing them to our fullest capability we will improve life for future generations as Rural Electrification has improved it for us.

DEVELOPMENT OF RURAL ELECTRIFICATION IN MY AREA

(By Michael E. Goding)

"Sarah, I see that the Mexican government has a program for electrification of their rural areas," said the grey-haired farmer as he lowered his newspaper. "Remember how we got electricity?"

"I certainly do, Art. That was one of the most important things to happen to this country. In 1923 only 2.3% of the farms had electricity, and now over 98% of the farms are electrified. It all started as a part of President Roosevelt's New Deal," she stated.

Art interrupted, "Yes, the New Deal created the Tennessee Valley Authority, which set the example for the rest of the United States. The TVA authorized construction of transmission lines to farms and small villages in the Tennessee Valley so that everyone could have electricity. The Tennessee Valley Act, which was passed in 1933, was the government's first step to bring electricity to rural America."

"Remember the men who played major roles in rural electrification?" he continued. "There was Franklin D. Roosevelt, who created the TVA and set aside $100 million in the Emergency Appropriation Act for rural electrification. His executive order in 1935 created the Rural Electrification Administration, commonly known as the REA."

His wife broke in, "Then there was Morris L. Cooke, first administrator of the REA. He hastened rural electrification by contracting private utilities to begin the work, since they had the necessary equipment to start immediately."

"Yes, Mr. Cooke did much to speed up electrification, but to me George Norris, a Nebraskan, was more important. In 1936, he co-authored and introduced in the Senate a bill to make the REA a lending agency of the Federal Government. This act enabled the REA to lend money to finance, construct, and operate generating plants, transmission lines, and distribution lines. Loans were also made to finance home wiring and to purchase electrical appliances," Art added.

"I wonder if electricity will change the lives of the Mexicans as much as it did ours," pondered Sarah. "It does more work in the house than I do. The electric clothes washer and dryer work wonders with the new permanent-press clothes. All I have to do is put the dirty clothes in and then after a short time, hang them up. In the kitchen, electricity has changed what used to be a boring chore into an enjoyable task. The electric range, refrigerator, and dishwasher have taken all the work out of cooking. The house has been more comfortable and cleaner since we installed the electric furnace and air-conditioner. We also are more aware of the world around us with our radio and television."

Art nooded and added, "Electricity is the best hired man I've ever had. It is always at work keeping the livestock in, pumping water, lighting work areas, irrigating the corn, moving grain, or drying it.

Yes, the REA has given us a standard of living comparable to that of our city cousins. We in turn have been the source of a tremendous market for electrical goods and services which sparks the economy of the whole nation.

RURAL ELECTRIFICATION AND THE VALUE OF ELECTRICITY IN THE HOME AND ON THE FARM

(By Leah Riggs)

Electricity—the key to the huge doors of modern farms and homes. Without this key, we would not be able to open the doors to the progress that one sees on every hand. As the key turns in each lock, electricity speeds forward on its long journey into the future.

Statistics show that in Nebraska alone there are 107,324 consumers for 62,968 miles of electrical line; 74,700 of these consumers live on farms. An interesting comparison made to this shows that in the year 1935, only 9,544 farms were electrified. This is an increase from 7.1 per cent to 98.3 per cent or a little over 90 per cent of our farms have advanced to a modern age. Here is one of the largest doors electricity has started to unlock before continuing on its journey.

Look at modern homes from this point of view. Dairy and livestock producing farms have many uses for electricity, milking machines and coolers with hot water in abundance to clean these, light for the barns, and automatic waterers not only at the farmsteads but in pasture are just a few. The grain farmer depends on electricity to pump water for the irrigation of his crops and for the huge dryers to assure keeping his crops upon harvesting them. Modern pork-producing farms find electricity a must in the pig farrowing houses consisting of pig brooders, automatic waterers and feeders. Even the farms producing eggs and broilers need electricity for heat, running water and feeding. The Nebraska farms, all 74,700, use electricity with the amount being an average of 725 kwh monthly.

In reorganizing my thoughts, I observe another large door electricity has started to unlock in this new world—the door to a modern home for a modern family. But first, whom do we have to thank for this great key which opens these numerous doors? We find names, some everyone knows, some we should know, behind electricity: Franklin D. Roosevelt, George Norris, Morris Cooke and John Rankin to name just a few.

The new door represents many changes for the housewife, husband and children, individually and as a family. The housewife enjoys modern conveniences with electrical ranges, dishwashers, vacuums, and washing machines. The husband uses modern electrical typewriters, adding machines, and workshop tools such as drills and welders. The children use modern lighting for studying. As a family, electricity can give them many happy hours of entertainment through television, radio and stereo, and the conveniences of heat, light and air conditioning. The home is one door electricity should not forget.

There is an enormous future for the key, electricity, behind every door large or small. Scientists with new inventions, just as Benjamin Franklin used the insignificant key to bring electricity into being, are pushing forward opening many doors which will advance electricity. All who use this key for progress will find the value of electricity in the home and on the farm.

THE MILITARY SELECTIVE SERVICE ACT

The ACTING PRESIDENT pro tempore. Pursuant to the previous order, the Chair lays before the Senate the unfinished business, which the clerk will read.

The assistant legislative clerk read the bill by title, as follows:

H.R. 6531, a bill to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The Senate proceeded to consider the bill.

The ACTING PRESIDENT pro tempore. The pending question is on amendment No. 143 offered by the Senator from South Dakota (Mr. McGOVERN) and other Senators.

The Senator from South Dakota is recognized.

Mr. McGOVERN. Mr. President, I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged to either side.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. McGOVERN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. McGOVERN. Mr. President, after some 10 years of bloody conflict in Indochina, the fighting still goes on today, supposedly to give the South Vietnamese what has been described as a reasonable chance to defend themselves. That is the administration formulation. Under this present official posture. we do not guarantee the survival to the Thieu-Ky government, and it may very well collapse after our departure no matter when that departure date is set.

The combined military forces of the South Vietnamese, nevertheless, number over 1 million men. They outnumber the forces fielded by the enemy by a ratio of about 5 to 1. And even if the North Vietnamese entire reserve forces were committed to the South, the forces under the command of the Saigon government would still have at least a 2-to-1 advantage even after all American troops were withdrawn.

The Army of the South Vietnamese Government, beyond its superior numbers—it has a 5-to-1 advantage—is equipped with the most advanced American technology and with all the ammunition they can use in confrontations with a meagerly equipped enemy force that has been fighting all along without any air support, no airplanes, no helicopters, no other sophisticated weapons carriers and mechanical equipment of the kind that the South Vietnamese Army has in such great abundance.

And yet American men are still sent to Indochina supposedly to bolster the South Vietnamese Government's capacity for self-defense. The presumption is that if we were to withdraw now, that Government would inevitably collapse. Conversely, the theory is that if we

stayed longer, they may—not necessarily will, but they may—survive, and that is the assumption, put bluntly, under which younger Americans are still dying in Vietnam. That is the assumption under which we continue to bomb not only in South Vietnam, but across the Indochina peninsula—on the possibility that if we continue those military operations indefinitely, the day may come when the South Vietnamese military force will be able to stand on its own feet.

I stress this description of our official objectives in Indochina, because I think it should be understood that no Member of Congress is insensitive to the cost and the carnage of this war. It surely cannot be that any one of us would calmly accept the weekly casualty reports from the Pentagon or that we see any reason to rejoice in the fact that "only" x number of American soldiers died in the preceding given week.

Before the vote on next Wednesday, I am sure that every single Senator will want to satisfy himself that the goal is worth the sacrifice of life, both the lives of Americans and the people in Indochina.

I would like to suggest today what the price will be simply in terms of what we are asking of the young men that we send to Indochina, and I wish for the next few minutes that we would focus on that issue alone. Tomorrow, I want to talk about the prisoner issue, but for this afternoon let us look primarily at the question of what the cost is to young Americans who are now in Vietnam, others who are on airplanes and ships en route to Vietnam, and to still others who will be sent as long as military operations continue.

We have just begun to perceive, for example, the enormity of the drug problem in Southeast Asia. I am not going to belabor that point, because it was discussed so well and so thoroughly by Senator HUGHES last week, but we do know that as many as 50,000 Americans currently serving in Vietnam are either already hopelessly addicted to heroin or are in the process of becoming addicted.

Columnist Stewart Alsop, in commenting on this problem, said that these young men, ranging in age from 18 to 21, who have become addicted to this terrible drug, are really worse off than the 50,000 young Americans who have been killed in Vietnam. The chances of recovery from this kind of hard drug addiction are so remote that these young men are condemned to come back to the United States to live a life of crime and early and premature death.

As Mr. Stewart Alsop put it, we ought to get our Army out of Vietnam with the same degree of urgency, in view of this fast spreading drug addiction, that we would bring to rescuing people from a burning building.

That is the way I have felt about this war for a long time—that it is all well and good for us to stand on the floor and debate day after day what the date ought to be, and to score these points about the viability of the South Vietnamese Government, but what we do know is that tens of thousands of young Americans are now caught up in a conflict where their own commitment to it is so shaky that they apparently turn to drugs as the only means of surviving.

For all of our research and all our attempts in this country in recent years, we have not discovered a reliable means of curing heroin addiction or rehabilitating those individuals who became dependent on this vicious drug. And so that problem alone, as Senator HUGHES put it so well last week, is one that I think calls for a new sense of urgency in removing our forces from South Vietnam.

More likely than not, today's addict is condemned to a lifetime of physical destruction and crime, and to an early death.

I should like to read into the RECORD a letter on this problem that has been called to my attention from a physician in Vietnam who is currently assigned to the amnesty program for drug addicts. This is what he writes:

> It is certainly disheartening to see 18–21-year-old troops "strung out" on deadly drugs (the vast majority of our addicts fall within this age group). What's more disconcerting is the fact that we can salvage only about one in 10 of these individuals—even in the most sophisticated facilities and regardless of whether these people snort (sniffing into the upper respiratory tract), smoke, or "mainline" their heroin. * * *
>
> In view of the latter, then, I am appalled at the "cure rate" statistics (40–60 percent) quoted by the Honorable Stanley Resor (Army Times, June 2, 1971). I can't imagine where Mr. Resor obtained his figures.
>
> In the past several months, heroin has become cheaper and easier to obtain. In the meantime, our drug problem has "snowballed" accordingly. Further, we're getting very little help from the Nationals in this country.
>
> Meaning the Vietnamese—
>
> On curbing the current flow of heroin. Therefore, I cannot understand why we do not pull out before it's too late.

The author of that letter expressed the judgment that some 20 percent of all American forces in Vietnam have now become hard core addicts. His final plea in this letter is:

> If we don't get out soon, God help us.

And that, I think, is the concern that prompted Mr. Alsop to call upon Congress and the administration to remove our forces with the same urgency that we would rescue people from a burning building.

This, then, is one portion of the cost we must be willing to accept if we are to stay in Indochina.

And our willingness to bear it must be especially strong, since it is inflicted not by enemy soldiers, but by the very people on whose behalf our young men are committed to battle. Every study which has been made of this problem, including those by Members of Congress, by expert officials of the executive branch, and even by pro-government newspapers in South Vietnam, have agreed that involvement in the drug traffic which preys upon American youth extends into the high echelons of the South Vietnamese army and the South Vietnamese Government.

This is a sickening, sordid business. I find it incredible that the United States, after all of our sacrifice on behalf of that government, must now press and plead and cajole the Thieu-Ky regime into addressing this problem, after it has already consigned tens of thousands of young Americans to death or to lives of perpetual misery.

One of the things that I find so hard to understand about this sordid drug business is the difficulty we have had in getting the cooperation of the Thieu-Ky regime in coping with the problem, even to save the lives of American troops.

But, Mr. President, today I do not speak primarily of the failures of the Thieu-Ky regime.

The pending amendment calls on the Senate of the United States for its judgment on what is in our national interest. It does not call on us to predict the future of the Thieu-Ky regime. It does not call upon us to forecast the politics of South Vietnam, but to answer the question of whether it is in our national interest to continue an indefinite military operation in Indochina, or whether we should agree with the overwhelming majority of the American people, some 73 percent, who have said in recent polls that they want the Congress of the United States to stand up to its constitutional responsibilities and set a date for the termination of this war.

The goals described by President Nixon, even if they can be achieved, raise the question of whether it is worth the continued exposure of young Americans to the deadly dangers that they confront as long as this war continues, including the deadly menace of Southeast Asian drugs. How many twisted, broken lives must there be before we will conclude, at last, that the cost is too high?

This is a consequence of the war we have just recently come to understand. We have been counting all along the number of young Americans killed and wounded by the war itself. I think that we ought to consider, as this amendment moves toward a vote on Wednesday, that since last September 1, last year, when we voted on essentially the same proposal, 2,811 more Americans have died in that war. Another 11,250 have been wounded.

Mr. President, I do not want to be morbid about this matter, but I would hope that every Senator who voted against this amendment last September would ask himself whether he is really doing everything that he can to stop this continued destruction and wounding of American soldiers, which now involves some 14,000 more who have been either killed or wounded since we called the roll on this matter last September 1. Are we a more honorable and respected country today, because of those 14,000 young Americans who have either died or been wounded since September 1, when we last voted on this proposition? Are we in less danger of becoming what has been described as a "pitiful, helpless giant," because we continue this slaughter? Does the world now feel more secure about American leadership, because the war continues?

My own view is that the answer to all those questions is no. It is, of course, too late to do anything about the several thousand young Americans who have

died and the other thousands who have been killed since we last voted on the pending proposal. We cannot change their fate. We cannot replace the limbs that have been lost. We cannot recover those who have died. We cannot even do very much about those forty or fifty thousand hopelessly addicted to heroin.

But there are lives we can save and there is suffering we can prevent. We can change the fate of those who still live in Indochina, and all other young Americans who may be sent there over the next year.

Mr. President, it is my view that the administration's Vietnamization formula puts American troops in greater danger than any other strategy we might pursue in withdrawing from Indochina. If we are committed to ultimate withdrawal, as administration spokesmen insist, then we should recognize it seems to me, that what is now needed is the safest possible withdrawal strategy. In my judgment, the one we are now following is the worst possible strategy and the most dangerous in terms of the security and the well being of American troops. If we are committed to ultimate withdrawal, we should recognize that this is the worst possible way to do it from the standpoint of our Armed Forces in Indochina.

I do not say this lightly. During the course of the past year several expert studies have been undertaken to determine how U.S. forces would fare under various alternative strategies for bringing them home. This is the conclusion of those studies.

While the actual meaning of "Vietnamization" remains unclear—and I want to say quite frankly, Mr. President, I have never really been sure just what Vietnamization does involve; I do not really see how you Vietnamize people who are already Vietnamese—it appears likely now that it contemplates withdrawal of all combat troops within a year or two, perhaps before the November 1972 election, leaving between 50,000 and 150,000 men to supply South Vietnam with such essential services as close air support, artillery support, and airlift.

A study by two authorities at the Center for Naval Analysis last year, Arthur L. Karp and retired Comdr. C. E. Everly, noted that it was difficult to judge at that time the size of the residual force planned by the administration. We keep hearing about this phrase, "the residual force" that is going to stay on even after our major combat role is terminated. But these two military experts noted that in any event, "the possibilities for disaster are quite high."

They noted that under the scenario described above—in other words, one that would reduce American forces over the next year or two to some 50,000 to 150,000 troops—under those circumstances—

> The remaining U.S. troops must depend on ARVN combat units for protection again NVA/VC harassment or assaults. Moreover, they will have to stay in South Vietnam, in a state of precarious dependence, for however many years the ARVN took to develop the required skills and experience.

Finally, Karp and Everly concluded:

> At worst, if ARVN fails, the U.S. forces will be in a very precarious situation. The vulnerability of the remaining U.S. support and protective troops should be clear when one realizes that in order to perform the previously stated services, they must be distributed among a number of locations, in relatively small units. It is not too difficult to envision a situation in which the President would be faced with an unhappy choice between a crash evacuation (and a large number of casualties), reintroducing large numbers of U.S. combat units, or employing advanced weapons.

Meaning nuclear weapons.

Another military expert, Arnold Kuzmack, formerly on the staff of the Office of the Assistant Secretary of Defense for Systems Analysis, calculated last year that under the lower residual force level of 50,000 men, the United States could expect the certain death of some additional 17,400 men, along with some 65,000 nonfatal casualties, by fiscal 1975.

In other words, under these calculations, let us assume that Vietnamization works, in the sense that the President is able to get all Americans out of there over the next year or two, except 50,000 who would stay on as residual forces to support the South Vietnamese effort. Even under those conditions, if that kind of withdrawal scenario were followed, we would lose, in killed in action, another 7,400 men and some 65,000 maimed or wounded. Those are the expert opinions of men who have studied this possibility, the consequences of the Vietnamization strategy.

I am not going to quarrel today with the fact that, since troops are being withdrawn, we have created a temporary incentive, apparently, against large-scale operations by the enemy against U.S. troops. No doubt that accounts in large measure for the relative decline in casualty figures.

It is interesting that, at least to date, in spite of all the forecasts of the dangers that might confront us if we stop the bombing of the north or reduce American troops, each reduction in our own military activity has been accompanied by a fall off in military activity on the other side.

So, to the credit of the administration, they have reduced American casualties during the last couple of years. At least, one is to think, with some logic, that if we could only commit ourselves to total withdrawal and give up the notion that we have to maintain a residual force there to sustain the Saigon regime, the probability is that our casualties would decline to zero, once that kind of commitment to total withdrawal were made, and we could save the 7,500 young men who are going to be killed and the 65,000 who are going to lose their arms or legs or faces over the next few years, under the Vietnamization formula we now pursue.

But once the withdrawals that are now taking place have stopped, at whatever level that takes place, whether it is 50,000 or 75,000 or 100,000, or whatever the administration has in mind, once that leveling off process takes place, and it becomes clear that we are staying there with a residual force to back up the Thieu-Ky regime, then it seems to me that the incentive on the part of the enemy to harrass and to attack the remaining forces will reappear in the strongest possible way. At that point, our forces will be in a state of extreme vulnerability, or what these two experts refer to as extreme danger. They will be almost totally dependent upon the South Vietnamese military forces for their protection. Their capacity for self-defense will be at its lowest ebb. Yet, there will be no commitment for withdrawal of those forces, no incentive on the part of the other side not to attack, provided we continue the posture of maintaining our troops there in support of the Thieu-Ky regime.

So I think it is fair to say that we can expect that they will become, as soon as the withdrawals have tapered off, top priority targets for an adversary bent on forcing the issue of our presence and bent on forcing the issue on who was going to control the government of Saigon.

Throughout this war we have heard complaints about the fact that civilian decisionmakers have been "tying the hands" of the military. We have been told that we would fare much better and might even achieve victory if we would just unleash our commanders in the field. To those who have expressed such concerns, I suggest that we can foresee today a much more dangerous sort of restriction. Whereas yesterday we limited the ability of the military to pursue the enemy, tomorrow we will have a small force deployed some 8,000 miles away, with virtually no capacity for self-defense.

So, again, I would pose this question to the Members of the Senate: Are the goals described by the President—not guaranteeing, but simply giving the hope of a "reasonable chance" for the survival of the Thieu-Ky regime—worth sending young men into such circumstances? Are they worth the 40,000 young Americans who are over there now addicted to heroin? Are they worth the 7,400 who are going to die in the next 2 years, if these projections are right? Are they worth the 64,000 who are going to be disfigured or maimed or wounded by this war, if we continue with the present Vietnamization formula?

Those numbers tell the size of the tragedy upon which we will cast our judgments on Wednesday, when the roll is called. But they do not really describe the full dimension of the tragedy. In fact, I suspect that no one of us is capable of doing that adequately. Perhaps the war has become such a distant matter and we have become so tired of it that we are almost numbed by the statistics that are repeated in the press day after day.

It might be helpful once in a while to look at this war in personal terms. Listen, for example, to the description of the father of a young Texas serviceman, written last year to a Member of Congress who had been discussing laws on obscenity. This is what this aggrieved Texas father said:

> I read the report about the struggle you are having about obscenity. I wish to report to you that I have seen the most obscene

tragic spectacle imaginable: the shattered remains of our 20-year-old son.

He left from Oakland, Calif., for duty in Vietnam on March 9. He was returned to Beaumont on April 9, too broken to be clothed. A uniform was laid out on top of the sack.

He was not old enough to vote.

He was not old enough to enjoy a beer.

He was not old enough to decide, according to your standards, to see or not to see what you dscribe as obscene.

But he was old enough, apparently, to be sent halfway around the world to be blown to bits. The buddies who gathered up what was left of our son were no older than he was.

I submit to you this is obscenity.

Who among us can dismiss that father's letter by a simple expression of regrets or by a statement that war is a dreadful thing, but we have always had it?

I wish we would try to think of the 7,400 young men who may come back in the same fashion as this young man from Beaumont, Tex., who are going to die in this war if we do not act in accordance with the amendment pending before the Senate. I wonder which one of us really believes that a father's sorrow or a mother's sorrow will be any less if they know that other young men have since died in the same cause—to give the Thieu-Ky regime not a guarantee that it will survive, but simply one more chance to stay in power.

Who among us can feel any comfort in knowing that we must decide whether thousands more fathers and mothers and wives and sweethearts will feel the same sense of despair, the same sense of outrage, over young lives needlessly snuffed out?

Mr. President, Congress has the power to prevent this from happening. We have the power to take that Army out of there before more of them are addicted to heroin. We have the power to stop the killing of additional thousands who will lose their lives.

I quote again from the Karp-Everly study mentioned earlier:

The systematic military withdrawal called for by the McGovern-Hatfield amendment is by all odds the safest method. In fact, in the absence of a ceasefire agreement, a conventional military withdrawal, in which combat and support echelons are withdrawn in the normal sequence as the forces conduct an orderly fallback centered on the final point of embarkation, is the only sound military method. Such a maneuver is a standard military operation and would be facilitated by favorable conditions present in South Vietnam.

Among the favorable conditions they cited were:

(1) The war in South Vietnam is not such that large numbers of opposing forces are locked in fixed positions. Therefore, the initial breakoff of contact will not be difficult. . . . In Vietnam the U.S. force has a degree of mobility unsurpassed in military history. This mobility makes the initial breakoff of contact a routine matter.

(2) The fall-back and withdrawal could take place with full tactical air support and complete air superiority. . . . Air power would be overwhelming to the end. Hence, there is no realistic danger of large scale attacks during withdrawal.

(3) The rate of disengagement would be under the full control of the U.S. and could be adjusted to allow for orderly re-embarking of whatever equipment and supplies we wanted to remove. . . .

(4) The amendment permits a coordinated fall-back on a final reembarkation port while maintaining the proper ratio between combat and support forces at all stages of the withdrawal. The success of the operation—

And this is crucial—

would not be dependent upon the performance of the South Vietnamese forces. . . .

That, it seems to me, is the crucial difference. The Vietnamization formula, to succeed, places the American residual force in whatever size it is, solely in the hands of the South Vietnamese army; that is, the safety of our remaining forces would depend on how well the South Vietnamese forces perform under combat conditions, whereas the pending amendment would permit us a withdrawal schedule where we are in complete control of that withdrawal, where we sever any further commitment for military support to the government in Saigon involving American troops and American military operations, and where we could execute that withdrawal in an orderly and systematic fashion.

Continuing to quote:

(5) The normal crucial stage of the withdrawal would be the removal of the final echelon of combat troops. In this case, with complete air superiority and floating helicopter platforms, the final stage should present no problem. A 3 brigade covering force of 16,000 men with its artillery could be lifted out by helicopter in only 9 hours. Thus, in this specific situation, there is no crucial final stage.

This is what our amendment proposes—a conventional military withdrawal operation, to be completed by December 31 of this year—not a pellmell race for the boats but a conventional military withdrawal operation. Even in the absence of a cease-fire—and I am convinced we could get a cease-fire if we agree to this total withdrawal—but even in the absence of that, it is the safest method available for bringing our forces home from Indochina.

But we must also recognize that under the formula we propose, the adversary has made the following pledge—and they have made this pledge publicly and privately—contained in the Provisional Revolutionary Government's position announced last September 18:

In case the United States declares it will withdraw from South Vietnam all its troops and those of other foreign countries in the United States camp by June 30, 1971, the people's liberation army will refrain from attacking the withdrawing troops of the United States and those of the other foreign countries in the United States camp. . . .

They have subsequently indicated flexibility on the date, giving every indication that it must merely be within a reasonable time. They have said that if we do not like the June 30 date, to come up with an alternative date and they would consider it. I do not have the slightest doubt that former Secretary of Defense Clifford was absolutely right when he expressed the view last week that if we would set this deadline, we could quickly negotiate and arrange with the other side for the safety of our troops during withdrawals. They would have to be total idiots to attack American troops and harass them at a time when they were trying to get out of the country. But what puts our troops in danger is the continuance of the commitment to keep our forces in South Vietnam in a military posture in order to sustain the Thieu-Ky regime—a regime that I personally believe is not worth the life of a single American soldier.

There have been a great many attempts to misinterpret the position of the enemy, of North Vietnam and the Vietcong, and yet they have stated that position, it seems to me, with reasonable precision.

They have said they would negotiate the release of our prisoners without waiting for the total withdrawal of our forces if we will agree to a definite withdrawal date. They have said they will negotiate arrangement for the safety of our troops' direct withdrawal once that commitment, total withdrawal, is made.

I ask what more, at this stage of the war, can we hope to accomplish in negotiations other than the release of our prisoners and the safety of our forces during the withdrawal period? If the other side is willing to accept that, once we have set a definite terminal date for the withdrawal of our forces. I do not under stand why this body will not exercise its constitutional responsibility to set such a date and stop this senseless slaughter and destruction that has been going on for far too long a time.

They have not said that the assurance of safety for our forces is conditional upon the fall of the Thieu-Ky government.

They have not said the assurances may grow out of discussions.

They have not called for the elimination of all U.S. assistance to South Vietnam.

They have simply declared unequivocally that they will refrain from attacking our men once the date for withdrawal has been set.

We have every reason to believe, therefore, that the killing of Americans can end within hours of our decision to require withdrawal of U.S. forces by the end of this year. We have the clear opportunity to choose, instead of at least 7,400 deaths and over 64,000 injuries, an immediate shrinkage to zero in these most painful measurements of American sacrifice.

It would be exceedingly foolish for the adversary to behave in any other way. Once the date has been set they will certainly lose any incentive for attacking withdrawing forces. In doing so they would invite added, needless casualties for themselves and they would risk reconsideration of our decision and a longer American presence. On that point, in fact, our amendment reaffirms the President's authority to provide full protection to our Armed Forces.

I recognize that there does exist some concern about the amount of time required for withdrawing all of our forces from Vietnam. The sponsors of this amendment have always remained open to suggestions on that point. We would

be particularly interested in taking into account the recommendations of the administration on how long it will take to withdraw our troops and equipment.

In the absence of those recommendations let me make several observations.

First, last year we contemplated approximately 12 months for the withdrawal of a force totaling approximately half a million men. The Selective Service bill is expected to become law by July 1, when the old law expires, thereby leaving 6 months for the withdrawal of the some 250,000 men who will remain in Indochina on that date. Thus, we are talking about the same orderly rate of withdrawal which was under discussion last year.

Second, it is useful to recall some military history. For example, from VE Day on the 8th of May in 1945 and VJ Day on September 2 of that year, to the end of 1946, a period of approximately 18 months overall, we withdrew no less than 6,376,000 Army personnel from Europe and the Pacific—more than 25 times the number of Americans who will be in Vietnam by July 1.

In the peak month, December of 1945, some 834,470 men were returned to the United States. Over three times the number of forces to be withdrawn from Vietnam in 6 months' time under our amendment were brought home in a single month in 1945. Nearly all of those men were brought home in ships, since we had nowhere near the airlift capacity available today. Certainly there is no need to cite the vast growth since then in our capacity to move large numbers of troops in a short period of time.

Third, it is worth noting that the former commandant of the Marine Corps and one of this country's most respected and experienced military leaders, Gen. Earl Shoup, testified before the Senate Foreign Relations Committee a few weeks ago that the forces we have in Vietnam now could be withdrawn in as little as 15 days, given just a few weeks' notice.

We are, therefore, discussing an orderly, systematic and safe withdrawal from Indochina, with ample time for its completion. The term "precipitous" which has been used in recent weeks is simply out of place, because it cannot be applied to any proposal pending in the Senate.

Mr. President, the question of the safety of the young Americans who remain in Indochina today should be an overriding concern as we consider the two alternative methods of ending our involvement in Indochina.

Vietnamization carries other costs. It promises to continue the distortion of our economy and the theft of the resources from urgent domestic priorities. It offers the continued pounding of the tiny countries of Indochina, already ravaged by a total bombload of more than 280 times the Hiroshima and Nagasaki blasts. It guarantees still more death, destruction, and squalorous refugee camps for civilians in Vietnam, Laos, and Cambodia.

But there is nothing about this war that is more real than the tragic spectacle of young men coming home in green plastic body bags, encased in military coffins. And there is nothing more real than other young men returning with disfiguring scars, with missing arms or legs, with hearing or vision impaired, or with bodies which suffer constant torture unless a supply of heroin can be found.

Nothing can be gained through attempts to assess blame for suffering already incurred. I pray that from that suffering we can gain enough wisdom to assure that this monstrous mistake in Indochina will not be repeated.

But my plea today is for the Indochina war dead who are still alive.

We have the power to choose their future.

QUORUM CALL

Mr. McGOVERN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUGHES). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGOVERN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

WORSE THAN MYLAI

Mr. McGOVERN. Mr. President in my earlier remarks I referred to the article by Mr. Stewart Alsop in the Newsweek magazine of May 24 of this year, under the title, "Worse Than Mylai."

This is an article dealing with the heroin addiction problem in South Vietnam. I should like to read two or three pertinent paragraphs from this article.

The article opens with these words:

In addition to the 55,000 Americans who have died in Vietnam, there are now many thousands more who might almost as well be dead. For according to a new and authoritative estimate—vividly supported by NEWSWEEK reporters (page 26)—there are between 30,000 and 40,000 servicemen in Vietnam who are heroin users. Most of these men, on return to civilian life, are condemned to a life of crime and an early death.

Mr. Alsop then goes on to say—

The Americans forces in Vietnam no longer have a genuine combat mission, and in an army without a combat mission is an army without a real purpose. Of the more than 260,000 American troops now in Vietnam, only about a fifth are combat troops, and their principal mission now is to avoid combat. If you ask at the Pentagon what in heaven's name the other 200,000 are doing, you hear generalities about an "orderly withdrawal," or you are told the answer is secret.

In fact, what most of the 200,000 are doing is virtually nothing, other than going mad with boredom. Under the President's withdrawal program, there will still be around 150,000 noncombat troops in Vietnam next November, still going mad with boredom. Soldiers will choose almost any escape from an army that has lost discipline, morale and purpose, and this has a lot to do with the heroin epidemic.

Mr. Alsop concludes—

The United States has no obligation to continue to field a big non-fighting army in which tens of thousands of young men are becoming heroin addicts. The bulk of that non-fighting army must be withdrawn from Vietnam quickly and urgently, for the same reason that people in a burning house have to be gotten out quickly and urgently.

I hope that all Members of the Senate will read this article thoughtfully together with the supporting documents in this same issue of Newsweek that was compiled by Newsweek reporters in Vietnam on the basis of firsthand study and analysis of this situation.

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

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

[From Newsweek magazine, May 24, 1971]

WORSE THAN MYLAI

(By Stewart Alsop)

WASHINGTON.—In addition to the 55,000 Americans who have died in Vietnam, there are now many thousands more who might almost as well be dead. For according to a new and authoritative estimate—vividly supported by Newsweek reports (page 26)—there are between 30,000 and 40,000 servicemen in Vietnam who are heroin users. Most of these men, on return to civilian life, are condemned to a life of crime and an early death.

The horrifying new estimate was provided by the Provost Marshal's office in Saigon to an emissary of the House Foreign Affairs Committee, Rep. Robert Steele of Connecticut. If you think about its real meaning, it is the worst horror to emerge from the war—worse ever than My Lai.

According to the estimate, between 10 per cent and 15 per cent of the American troops in Vietnam are on hard drugs—meaning heroin in almost every case. This can only be an estimate, since where heroin is easily available, as it is in Vietnam, it is not hard to conceal an addiction. But the Provost Marshal's estimate is borne out by other evidence, including a study, based on anonymous polling techniques, of addiction in the Americal Division.

SKYROCKETING USE

In this study, 6.4 per cent of those polled admitted taking "heroin or opium," and 5.5 per cent said they took "cocaine." There is virtually no cocaine in Vietnam, and the word is undoubtedly a misnomer for heroin, which the GI's call "skag." This indicates a total of almost 12 per cent on heroin. The figure is very probably low, for two reasons. First, the poll was taken last September, and since then the use of heroin in Vietnam has skyrocketed. Second, even when promised anonymity, a good many GI drug takers undoubtedly play safe and deny that they take drugs.

Moreover, a considerable proportion of the GI addicts are unaware that they are addicts, and some do not even know that they are taking heroin. Among the young draftees in Vietnam, who are the chief victims of the heroin epidemic, there is a widespread belief that the Vietnamese skag is not addictive if it is smoked or "snorted."

In a study of servicemen addicts undergoing voluntary treatment it was found that 51 per cent of those who used heroin smoked it, mixed with tobacco in ordinary cigarettes, 43 per cent snorted (sniffed the powder out of the cupped hand), and only 6 per cent "mainlined," injecting the stuff directly into the veins. The notion that smoking or snorting is not addictive is tragically untrue.

It is especially untrue of "Number Four White," the brand of heroin produced for "the American market" in Burma, Laos and Northern Thailand. (Number Three Smoking Heroin, produced for the Asian market, is purplish in color.) Number Four White is 94 per cent to 97 per cent pure heroin, compared with 4 per cent to 6 per cent in heroin sold in the U.S.

EASY TO GET

The price in Vietnam varies widely, but it is very much lower than the New York

price. Getting the stuff is no trouble at all. Representative Steele let it be known that he might be interested in buying a bag of skag, and in a twenty-minute walk in Saigon he was approached nine times.

Because the stuff is strong, cheap and easy to get, and also because of the myth that smoking or snorting does not cause addiction, there have been cases of young GI's taking leaves where heroin is not easily available—and suddenly suffering, to their own amazement, the horrors of withdrawal. According to the study of servicemen-addicts, their average age is a pathetic 20.5, and their average "length of habit" is only five months.

Secretary of the Army Stanley Resor and Narcotics Bureau director John Ingersoll both flew to Saigon recently to press the Thieu government to curb the heroin traffic. There is no doubt that highly placed Laotians and Vietnamese profit from the traffic, and some disciplinary gestures will doubtless be made. But the gestures can only be palliative—President Thieu can no more effectively control the drug traffic in Saigon than Mayor Lindsay can in New York.

More than gestures are needed. The first thing that has to be done is to deal with the problem of the servicemen who are already addicted, or are in danger of becoming so. Consider the situation of these men. With plenty of strong, cheap heroin available, they have no trouble supporting their habit in Vietnam. When they return to the United States, to support their addiction they will have to mainline, and they will have to find at least $40 a day. For most of them, the only way to get that kind of money is to steal.

Heroin addiction can be detected by urinalysis. It is the clear responsibility of the services to give urine tests to all Vietnam servicemen before returning them to civilian life, and to establish compulsory hospitalization centers to cure those who are still curable. But the cure rate is very low, and thousands of young men who have served in Vietnam are already, in effect, sentenced to a life of crime in the urban jungles.

Something else must also be done. Those young draftees who are the chief victims of the Vietnam heroin traffic must be gotten out of Vietnam as fast as possible. The heroin epidemic, which is a new phenomenon, reflects the erosion of discipline and morale in our forces in Vietnam.

NOTHING TO DO

The American forces in Vietnam no longer have a genuine combat mission, and an army without a combat mission is an army without a real purpose. Of the more than 260,000 American troops now in Vietnam, only about a fifth are combat troops, and their principal mission now is to avoid combat. If you ask at the Pentagon what in heaven's name the other 200,000 are doing, you hear generalities about an "orderly withdrawal," or you are told the answer is secret.

In fact, what most of the 200,000 are doing is virtually nothing, other than going mad with boredom. Under the President's withdrawal program, there will still be around 150,000 noncombat troops in Vietnam next November, still going mad with boredom. Soldiers will choose almost any escape from an army that has lost discipline, morale and purpose, and this has a lot to do with the heroin epidemic.

This country has a profound moral obligation to provide logistic support for the million-man South Vietnamese forces, which have been made pathetically dependent on American support for the defense of their country. But the United States has no obligation to continue to field a big non-fighting army must be withdrawn from Vietnam quickly and urgently, for the same reason that people in a burning house have to be gotten out quickly and urgently.

Mr. McGOVERN. Mr. President, I also ask unanimous consent that an article entitled, "GI Heroin Sales in Vietnam: Cheap, Fast, Ignored by the Police," written by Peter Osnos, and published in the Washington Post on June 13, 1971, be printed in the RECORD.

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

GI HEROIN SALES IN VIETNAM: CHEAP, FAST, IGNORED BY POLICE

(By Peter Osnos)

CANTHO, SOUTH VIETNAM.—The 10-year-old Vietnamese boy looked up at the three Americans sweating in the midday heat. He was a ragamuffin. In another war, he might have been asking for a chocolate bar.

"You want skag?" he asked. Skag is the most common name for heroin in South Vietnam.

The first price was 1,000 piasters (about $3.70 at the official exchange rate) for a large vial neatly encased in a plastic container. Too high. The boy came down to 600 piasters for a slightly smaller quantity.

The Americans said no. This time there was no deal.

The boy cursed at them in Vietnamese and walked a few feet away to his mother quatting on a stool beside a soup stand gossiping with her friends. It was still early and there would be many other customers.

The exchange, in full view of idling South Vietnamese police, took place on a crowded corner just off Hung Vuong Street in downtown Cantho, the neighborhood of bars and massage parlors catering to the 15,000 U.S. servicemen in this part of the Mekong Delta.

A reporter had asked two soldiers, junior enlisted men, to show him how to get heroin in Cantho these days, what with the oft-expressed official U.S. concern and the South Vietnamese government's crackdown on smuggling and drug dealing.

The soldiers laughed. "You can go anywhere, ask anyone, they'll get it for you. It won't take but a few seconds." It didn't. The boy, his mother, the bar girls, the cyclo drivers, even the police are potential pushers. All you have to do, the older of the GIs said, is ask.

It is no more difficult to get heroin now, say the young addicts here and the officers who work with them, than it was a few months ago, after the "skag" epidemic had begun but before the heat was on. And there has been no noticeable increase in price.

Some of the heroin may be a little less pure than it was, but the GI's think that the Vietnamese have discovered they can stretch out their supplies by doctoring the fine white powder ever so slightly. When its difference is between 95 per cent purity and 85 per cent, few soldiers will complain.

"Fat Mama's" and "Shabazz," the servicemen's names for two of the most notorious drug establishments in Cantho, have been raided several times and last week, American MPs were patrolling the area behind the local U.S.O., where the two homes are located.

But the proprietors have not been detained (the husband of one is reputed to be a police captain) and according to a number of GIs, they have simply adapted to the new circumstances, moving around, closing briefly and then reopening, but above all, staying in business.

A directive from the U.S. Military Command last month placed Vietnamese drug stores off limits and threatened to do the same for all bars and other hangouts where drugs were found. Enforcement so far, officers concede, has been a failure.

"It's nothing but a farce," said an officer here who spends nearly all of his time dealing with addicts.

The soldiers rarely relied on the drug stores for much of anything, except for the few stocking up on barbiturates and amphetamines. And as for the bars, the tawdry dank and dark rooms with names like "The New Yorker" and "007" seen as numerous as ever. Most have little signs out front signifying they are on limits.

"You go into most of these places and you'll see skag freaks," said one addict. "Mostly on the first floor its juicers (the drinkers, generally older noncommissioned officers) and on the second floor it's the heads (the dope users)."

With so much heroin around, ever larger quantities are said to be making their way onto military installations themselves, notwithstanding the frequent shakedowns of the GIs and the Vietnamese workers suspected of willingly supplying them. Even some of the MPs are not to be trusted.

Capt. Richard Callentine, a Protestant chaplain who works closely with Project Rebuild, the local rehabilitation center, told of one addict released from the center who was picked up an MP for carrying dope.

"But you and I hit up (smoked heroin) together last night," Callentine reported the soldier as saying. "That's okay," the MP replied, "you've had your amnesty. You're supposed to be off skag."

There are no U.S. ground combat troops in the Mekong Delta, so there are none in Cantho. But there are helicopter combat units, plus signal and engineer battalions as well as Air Force and Navy advisory teams. Estimates of how many of these soldiers use or have tried heroin vary so widely as to be inconclusive.

A random survey taken of junior enlisted men (far and away the most vulnerable to heroin) in one combat aviation battalion showed only 6.6 per cent admitting usage. On the other hand addicts claim the percentages in their units to be as high as 75 per cent.

Probably the most reliable guess is the one of between 15 and 25 per cent, made by officers who work with the drug users. This figure corresponds roughly to the numbers being reported throughout South Vietnam for a countrywide total of perhaps 50,000 men.

Similarly, the difficulties of dealing with the spread of heroin here correspond to those elsewhere. Curbing the flow of drugs is a complex process that begins far from Cantho on the ancient opium fields of Burma, Laos and Thailand.

But locally, among the greatest problems is clearly the undeniably poor work of the national police who should bear the largest responsibility for stopping the sellers. There could hardly be more flagrant negligence than the policemen who calmly watch the transactions on Hung Vuong Street.

American MPs can arrest GIs caught purchasing drugs, but their powers over the Vietnamese are strictly limited.

At a recent meeting of U.S. and Vietnamese officials called to discuss the drug situation, a senior national policeman startled the Americans when he confessed he could not recognize heroin. "Either he's a liar or a fool," said one U.S. participant.

Another major problem is the continuing confusion and lack of coordination in the U.S. command on how drug users are to be treated: courtmartialed and jailed, thrown out of the service, or rehabilitated. Whatever course is decided upon for each case takes time—time for the soldier to harden his habit.

The most thoughtful officers are quick to point out that the floundering of the military merely reflects the inability of American society at large to cope with the ever-expanding use of drugs.

The situation in South Vietnam is made even more difficult by the low cost and high quality of heroin (which usually eliminates the need for unpleasant injections) plus the human factors: the presence of a large number of bored, lonely, depressed young men at the lowest rungs of the military ladder.

"They are," said one Army psychiatrist,

"like people in ghettos, the scapegoats of society, hassled and harassed by everyone around them. The way to forget is to take drugs and drugs are everywhere." The services are under growing pressure to treat the addicts rather than jettison them or lock them up, if only to minimize the number of drug users returning to the United States. There are now nine rehabilitation centers in South Vietnam (a few weeks ago there were 10, but one in Danang closed. The centers near here at BinhThuy is said to be very shaky).

The centers operate independently and Project Rebuild, the one at Cantho, is said to be one of the best organized. Its purpose is to withdraw the addict and at the same time provide him with counselling and vocational therapy.

Ideally, a man would spend a week in the isolation ward, a second week in the "rebuild platoon" and would return to his unit the third week, continuing his therapy session at night. Sometimes it works, according to the officers who run the program; more often it does not.

The senior staff of Project Rebuild are well qualified: Chaplain Callentine; Capt. Brian Joseph, a doctor with a year of residence in psychiatry; and Capt. Herman Martin, a full-time social worker. They seem determined to do what they can, but the obstacles appear overwhelming.

The center is equipped to handle 11 men. Last week none began the program largely because a rumor has taken hold that records from the center are being turned over to the FBI. This week there are eight soldiers going through detoxification. At least five are technically ineligible for amnesty because they are pending court martials. A sixth has already been through the program once.

In the early days, said Dr. Joseph, the detoxification ward was badly hampered by the fact that soldiers were continuing to buy drugs from medics or to bring them in themselves (reportedly a critical problem at centers elsewhere in the country). Now the windows are nailed shut, and the ward is relatively free of heroin.

Two of the men in detoxification last week said they had previously worked as counselors in the program while they were using drugs.

All eight have been using heroin for more than six months; most said they started within two or three days of their arrival in Vietnam. Medical experts say motivation is an important factor in getting an addict to stay off drugs. To a man these soldiers said they expected to use drugs again.

Theoretically, marijuana is as illegal as heroin. But at Project Rebuild there appears to be a recognition that pot smoking has become so pervasive there is no point in trying to stop it.

"We've got to compromise," said Dr. Joseph, "We want them off all drugs for the two weeks and they know that marijuana is illegal. But really, its heroin were trying to get them off, not marijuana."

In the Rebuild Platoon barracks recently, officers found a cheap porcelain Buddha. In the hollowed-out shell was stashed the platoon's marijuana. "I suppose we'd be a lot better off," one officer confided, "if we could just get these guys to go back to pot—just pot."

The situation in Cantho is bad, but there is no reason to believe it is better elsewhere in South Vietnam. "I don't see any indication things are improving," said one military drug expert in Saigon," and if they're not improving then they are getting worse."

Mr. McGOVERN. Mr. President, one of the most moving descriptions of one aspect of the war that I have yet to read was written by Maj. Robert J. Glasser, who was a major in the U.S. Medical Corps from 1968 to 1970. He now practices medicine in Minneapolis.

This article is excerpted from his book "365 Days" to be published this summer. The article is entitled "The Burn Ward." It appears in the April 1971 issue of Washington Monthly. It describes these horribly wounded and burned soldiers who were flown out of Vietnam for treatment in Japan. This young major was in charge of the so-called burn unit for some years. He has vividly related the experience of watching young men 18, 19, and 20 years of age die in the hospital in Tokyo where he was stationed.

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

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

[From the Washington Monthly, April 1971]

THE BURN WARD

(By Ronald J. Glasser)

(EDITOR'S NOTE.—Ronald J. Glasser was a major in the U.S. Army Medical Corps, 1968–1970. He now practices medicine in Minneapolis. This article is excerpted from his book, "365 Days," to be published this summer by George Braziller. The story is true, but the names and dates have been changed.)

Edwards picked up his stethoscope from his desk. "Look," he said, "You can say what you want about the Army and its problems, but I learned this much from going home: the Army treats you better dead than alive. I know," he added quickly to keep the captain from talking. "I know, it was my fault. I shouldn't have got involved with taking the body back. But I did."

"It's coming," the corpsman said, stepping away from the window.

Edwards stuffed the stethoscope into his back pocket. "OK. Tell the ward master. Better fill the whirlpools. I'll be down at the landing pad." He pushed open the double doors to the burn unit.

The huge overhead lights were off, leaving only the night lights to flicker feebly across the shiny, tiled floor. He walked quietly down the center aisle of the ward, his footsteps echoing lightly ahead of him. The beds lining the wall were barely visible, the patients no more than lumps against the frames. From the far end of the ward came the faint mechanical hissing of a respirator. He stopped a moment near one of the steel-arched Stryker frames to listen. The machine's slow regular rhythm was almost soothing. How many times he'd heard it before. Someone had once said he'd signed more death certificates than any other doctor in Japan. Probably right, he thought, continuing on his way. At Kishine, the respirator was the sound of death, not life; in all his time there, he could not think of one patient who had got off the thing.

"Hi, Doc."

"Oh, Crowley," Edwards said, coming to a halt near the little cubicle at the back of the ward. "Sorry, I didn't see you in the dark."

The side curtain had been partially pulled. Stretched out on the bed, barely lit by the dials of the respirator, was a shadowy form.

"How's he doing, Sergeant," Edwards asked the ward master who was standing at attention by the machine that was slowly, insistently hissing air into and out of the charred body.

"Not too good, sir."

"What's his temperature?"

"105. It was 107 before we put him on the cooling blanket."

"Blood cultures growing out anything?"

"Yes, sir, the lab called back tonight—Pseudomonas pseudomallei. Major Johnson put him on IV [intravenous] chloromycetin and tetracycline."

Edwards bent over to look more closely at the restrained body spread-eagled across the frame. The air smelled sweet, like a dying orchard. "When did he come in?" he asked, peering at the grotesquely crusted body. Even the tips of his toes and fingers were charred and oozing, nothing had been spared.

"Four days after you left. Seventy per cent second degree and 15 per cent third. At least Major Johnson thought it was second degree, but it's beginning to look like it's all third."

Edwards examined the crust about the boy's swollen neck and chest. It had a sick metallic green cast to it. "When did he go sour?"

"He was doing fine until this morning. We had to give him demerol every time he went into the whirlpool, but he's very hard core. Nice kid. Then yesterday, he became confused and agitated. On the night shift his temp spiked and he became unconscious. The surgeons trached him today, and Dr. Johnson put him on the respirator this evening. The evacs should be in soon, Major."

"Yeah, that's where I'm going. I'll check on him later."

"No need, sir, you'll have your hands full. I'll have you called if anything changes."

As he walked away, Edwards could hear Crowley drawing the curtains closed behind him. The stairwell was empty and he walked slowly down to the first floor and out onto the concrete walkway.

It was summer outside and the night was as warm as indoors. He cut across the empty silent field separating the hospital's squat buildings from the helipad, where the red lights of the landing strip flickered softly in the misty dark. Far away he heard the muffled dull thudding of the chopper whopping its way through the heavy air, and suddenly he felt alone and desperately tired.

"Gentlemen: You have been assembled here at Yokota Air Base to escort these bodies home to the continental United States. Each body in its casket is to have, at all times, a body escort. Those caskets on the plane that do not at the present time have an escort will have them assigned at Oakland. Whatever the case, no casket will be allowed to leave the Oakland area without a proper escort. Escort duty is a privilege as well as an honor. An effort has been made to find an escort whose personal involvement with the deceased or presence with the family of the deceased will be of comfort and aid. Your mission as a body escort is as follows: to make sure that the body is afforded, at all times, the respect due a fallen soldier of the United States Army. Specifically it is as follows: 1) to check the tags on the caskets at every point of departure; 2) to insist if the tags indicate the remains as non-viewable that the relatives not view the body. Remember that non-viewable means exactly that—non-viewable. . . ."

Grimly, with the chopper coming nearer—louder—Edwards walked up a slight rise, past a small, dimly lit sign:

Kishine Barracks, 109th United States Army Hospital, United States Army, Japan, Burn Unit.

"Coastal Airlines loads the bodies on an angle. Be sure that if the body you are escorting is being carried by Coastal Airlines that the caskets are loaded head down—this will keep the embalming fluid in the upper body. If the body is loaded incorrectly, namely, feet down, the embalming fluid will accumulate in the feet, and the body may under appropriate atmospheric conditions begin to decompose."

By the time he reached the evac area, the floodlights were on and the chopper had landed. Coming in from the dark around the back of the evac building Edwards was dazzled by the sudden lights. The Huey, low

and glistening, its rotors still whirling, sat like a toy exactly in the middle of the arc lights. Its crew chief and co-pilot were already in the open hatchway unstrapping the litters from their carrying hooks. Edwards watched unseen while the corpsmen hurried out to the chopper to off-load the patients. The choppers usually came in about 10 in the morning, but when a bad burn was evac'd to Japan, they were flown in the same night. Burns are a very special kind of wound, and no physician anywhere wants the responsibility of caring for them, not even for a little while. For openers, burns look bad and the patients die.

"Each of the next of kin listed in the deceased 201 file has already been visited by a survivor assistance officer. This was done in person by an officer in uniform from the nearest army unit. Every effort is made to pick an officer from a similar racial and economic background. These families have already been convinced of the death by either the presentation of personal effects or the relating of an eyewitness report from a member of the deceased's unit. You need not convince the deceased's relatives. The point to remember is that the survivor assistance officer has been there before you and the next of kin have already accepted the death."

He was standing in the reflected glare of the landing lights, with the windy noise of the chopper rushing past him.

"Sir. Sir?" one of the corpsmen was shouting above the whining of the motor. "One of 'em's got a head wound, the other is just burned."

"Call the neurosurgeon," Edwards shouted back. He gave the empty chopper one more look and then followed the medic into the air evac area. By the time he reached the building, the medics had placed the two litters on the movable stretcher racks and one of them, working on the patient nearest the door, was already setting up an IV.

"He's OK, Major," the air evac sergeant said. "The head injury's over there."

"One hundred and seventy," the corpsman said as Edwards approached the litter. The wounded soldier, his head wrapped, was lying unconscious on his back, with the blood pressure cuff still wrapped around his arm. "I figured I'd leave the cuff on, sir. He don't look too good."

"I'll give you that," Edwards said. He began to unwrap the gauze from around the patients head. The boy was breathing; other than that he looked dead. Edwards pinched his neck, but there was no response. As he unwound the gauze it became wet and then blood-soaked. Now he was down to the four-by-four surgical pads, and finally to the wound itself. Carefully he lifted up the last pack. Despite himself, he closed his eyes.

"He's 47 per cent burned," the sergeant said, reading the cover sheet of the soldier's medical record. "Took an AK round a little in front of the right eye. Removed the right eye, traversed the left orbit, removing the left eye and came out near the left temple, apparently blowing out the left side of his head."

"Don't worry. I'll be careful, Bob. Honest, I'll be careful. . . ."

"Send him to neurosurgery," Edwards said. "We'll treat his burns up there."

"An IV?"

"No, just send him up."

He walked across to the other wounded trooper. The corpsman had just got the IV started.

"Sorry it took so long, sir," he said. "Hard to find a vein."

The boy was awake, nervously looking at the needle the corpsman had stuck into the back of his hand.

"Hi," Edwards said. "How do you feel?"

The soldier looked up at him apprehensively. The skin on his face had been seared red and all his hair and eyebrows and lashes had been burnt away.

"I know you're nervous," Edwards said soothingly. "Just try to relax. I'm the chief of the burn unit. I'll be your doctor for a while until you get better." As he pulled back the blanket the soldier grimaced. "Sorry," he said, lifting the cover more carefully.

The burns, red and raw, ran the whole charred length of the boy's body. Unconsciously Edwards began adding up the percentages of burned area, tallying them in his mind. He suddenly realized what he was doing, and for a moment, as he stood there staring at the burns, he looked stricken. "How did it happen?" he asked gently, carefully dropping back the covers.

"I . . . I was carrying detonators. . . ."

"Dear Bob: We are fighting very hard now. I haven't written Mom and Dad about it. I don't want to worry them. But we are getting hit and badly. I'm the only first lieutenant in the company who hasn't been hit yet. And last week I lost two RTO's. They were standing right next to me. It gets a bit spooky. I know what you said about my flack vest, but you haven't been here and you just don't know how hot it can get. On the move, it's just too damn heavy. You can't carry a 60-pound rucksack in 110 degree heat and an 11-pound flack vest. I make the point wear his, but then someone else carries his gear. It's like your complaint about patients demanding penicillin—sometimes you just can't use it. It's the same with a flack vest. Besides, it wouldn't stop a round and that's what we've been getting lately. But I'll wear it when I can. By the way, you're beginning to sound like Mom. About what's been happening lately. I'm not complaining, don't get the wrong idea. There is honestly, something very positive about being over here. I can see it in myself and my men. Not the war itself, God knows that's hopeless enough, but what happens to you because of it. I'll never be the same again. I can feel myself growing. Unfortunately you only see one end of it. That's a bit sad, because there are other endings and even middles. A lot of guys get out of here OK, and despite what they say, they're better for it. I can see it in myself. I'm getting older over here in a way that I could never do at home or maybe anywhere. For the first time in my life, everything seems to count. All the fuzziness is gone, all the foolishness. I can't believe the things that used to bother me, or even that I thought were important. You really see yourself over here. It works on you, grinds you down, makes you better. Got to go. Thanks for the R & R. Say Hi to all the guys in the burn unit."

"What?" Edwards said.

"Detonators. I must have taken a round in my rucksack. They just blew up and then I was on fire. Tried to tear my gear off, but my hands. . . ."

"It's all right," Edwards said. The evac sergeant handed him the patient's medical jacket. Quickly turning the pages, he read: "Eighty per cent second degree and third degree. Debrided under general anesthesia at the 60 evac, Chu Ci. Six liters plasmonate . . . catheterized . . . furacin and sterile dressings. . . . Demerol . . . 64 mg q three hours." He looked on the cover sheet. David Jensen, MOS B11; 1/30 E–2, Fourth Division, 20 years old.

"Twenty years old," he thought, handing back the chart. Grant's age.

"David," he said wearily.

"Yes, sir."

"The first thing we're going to do is put you in a whirlpool bath to soak off your bandages and remove what dead skin we can. It's going to hurt."

"Yes, sir," David said, his voice wavering.

"If it hurts, just let us know. Is that understood?"

"Yes, sir."

"You don't have to call me sir."

"Yes, sir, thank you, sir."

"Take him to C-4," Edwards said to the corpsman. "Tell Sergeant Dorsey I'll be right there. and David. . . ."

"Yes, sir."

"Burns look and feel a lot worse than they are. You're going to get better."

"Yes, sir."

Edwards watched the corpsman wheel the boy out of the evac area, and then left the area himself to go to the neurosurgery ward. It was a long walk. Like all army hospitals, Kishine is fantastically spread out, its buildings and wards acres apart so that no one shell or bomb can get it all. By the time he got to the ward, the neurosurgeon was already in the treatment room. The patient, partially hidden by the nurse and doctor, was lying naked on the treatment table. There were blood-soaked clothes and bandages all over the floor. Cramer turned his head for a moment, looked at Edwards, and went back to work.

"His frontal lobe is torn up," Cramer said. "Im going to have to take him up to the operating room and save what I can. What do you think about his burns?"

Looking over Cramer's shoulder Edwards saw that the surgeon's fingers were deep inside the half shell of the boy's skull. "Don't worry about the burns," he said, turning to leave.

"Oh, Edwards," Cramer said as he reached the door. "I know how close you two'd become. I'm sorry."

"Regardless of the branch of service: The emblem of the Infantry, crossed rifles, will be carried on every coffin. The deceased, where the remains are viewable, will be buried in full military uniform. The emblems on his uniform will be that of the service to which he was attached at the time of his death."

He walked down the corridor to the elevator. Leaning wearily against the wall, he pressed the button, and without looking stepped in even as the door was opening, almost colliding with one of the patients. "Sorry," he said, moving over to the other side of the elevator. The patient, his bathrobe slung over his good shoulder—the other was wrapped in a plaster cast—smiled politely, and was about to look away when he saw the doctor's name plate on his uniform.

"Excuse me, sir."

"Yes?"

"Do you have any relatives in Nam?"

"Yes," Edwards said, "I do."

"First Air Cav?"

"Yes."

"Is his name Grant?"

Edwards nodded as the elevator suddenly slowed to a stop.

"Your brother?" The door opened. "I thought so," the trooper said, obviously pleased. "You sort of look like him."

"Come on," Edwards said pleasantly, holding the door.

"I saw him about three weeks ago. There isn't a better platoon leader in the whole cav. But I can tell you this, they were handing him some — to do, when I saw him. His unit was on their way to getting their — whipped."

"Are you sure, Grant? Why don't you go into Tokyo? You only have a few days for your R & R. You might as well have a good time."

"But I want to see what you're doing."

"It's not nice."

"And where do you think I've been?"

He had been suprised at how well Grant had handled himself in the burn unit. He had seen more than one visitor walking through the ward trying desperately to be natural, moving stiffly from bed to bed, smiling and talking as if the boys weren't burnt at all. When Grant visited, there were

two ghastly 90 per cent burns stretched out, blistered and dying on their Stryker frames. Grant had stopped to talk to them and stayed with each much longer than he had to. He was very much at ease. He didn't ignore their wounds, or pretend not to see that they were so obviously dying. He simply talked to them, interestedly and honestly with a concern so palpable that no one could doubt his sincerity. He was one of them and, for a moment, watching his brother sitting by their frames, Edwards felt suddenly very much outside it all. He was very proud of his younger brother.

"I've seen worse, Bob. Really . . . a lot worse."

"Sir?"

"Yes, I know," Edwards said gently. "They did get whipped."

When he got back to the burn unit, he found David in the treatment area, already floating full length in one of the whirlpool baths, his head supported on a padded board to keep it above the waterline, the water gently churning about his burnt body. His IV bottle was still working, hanging down from a ceiling hook. A few of the dressings had already soaked off and the medic was picking them out of the water. Taking an admissions chart off the wall rack, Edwards sat down on a chair next to the huge tub.

"OK?" he asked.

David, clenching his teeth, nodded.

"David," he said, "we're going to debride you a bit—take off the dead skin. We are going to have to do it every day, a little bit at a time. That way it won't be as painful." David was looking anxiously at him. "Once you know what's going on, it won't be so bad. We're going to put you into the whirlpool every day and all the skin that is loose, or loosening, is going to be removed. It has to be done." He hesitated a moment and then went on matter-of-factly. "If we don't take it off, it just stays and decays, forming a place for bacteria to grow and divide, and you'll just get infected. That's what we want to avoid, because if the burns get infected no new skin will form. It's going to hurt, and I'll give you something for the pain when I think you need it."

"Yes, sir."

"I've been doing this a long time, David, and I know when it really hurts and when it doesn't. We're going to have to be doing this for some time and we don't want to make an addict out of you, so we're only going to use the pain medicine when we have to. I know you can do it. There have been a lot of troopers, just like you, through here, and I know you're as fine as they are."

David had been staring up at him the whole time. What was left of his lips were clamped tight against the pain of the water churning against his blistered skin. "Yes, sir," he said, his voice trembling.

"OK, John," Edwards said. David looked nervously from him to the corpsmen. Pieces of dead skin were already floating free. The corpsman, kneeling down beside the tub, began picking off those pieces that were still attached but had been loosened. "How long have you been in Nam, David?"

"Five . . . five months," David said, watching the corpsman pick a chunk of skin off his chest. He had to tug to get it off. David grimaced, barely suppressing a groan.

"How do you like the Vietnamese women?" the medic asked.

"Don't know," David said, painfully engrossed in watching the corpsman go after another piece of his skin. "Didn't meet any gooks."

"How come?" the medic asked, scooping a piece of skin out of the water.

"We killed em all."

Suddenly David let out a scream and the scream, echoing off the spotless tile walls, pierced Edwards to his heart. His eyes clenched tight, the boy was fighting valiantly for control. Blood began oozing from the new patch of raw skin on his chest, and Edwards could see the tears rolling down his burnt cheeks.

"Where you from, Doc?" the cab driver asked.

"Japan."

"Oh," the cabbie said, pulling away from the curb, "thought so, saw the Fuji patch on your sleeve. Nice place, huh?"

"No," Edwards said.

"I heard that Japan was paradise."

"I work in a burn unit."

"Oh, get many burns over there?"

"There's a war on. Remember?"

"You mean, you get those guys in Japan?"

"Yeah," Edwards said, "We get those guys. . . ."

"Major, Major?"

Edwards opened his eyes. It was the ward master. David was still there, sobbing.

"Excuse me, sir. Those flights back from the States are tough. I'm sure you haven't caught up with the time change. Why don't you take a sleeping pill and get some rest."

"Think I'll take your advice," Edwards said, closing his clipboard. He wrote a Demerol order for David and then went to his room. As tired as he was, though, he couldn't sleep. Every time he drifted off, he'd see Grant's tag: "Remains, non-viewable." And all that time in the States, he thought he could handle it. . . .

He woke up in the morning exhausted, put on his wrinkled uniform and went to the ward.

Johnson was already in the office. "Hi," he said, turning around from his desk. "You know you didn't have to work today—or yesterday, for that matter."

"I know," Edwards hung up his jacket. "There's really not much else to do."

Both he and Johnson had shared the same office for almost a year now. Johnson had been the plastic surgeon working with the burn unit at Duke University. He had been drafted and assigned to Kishine.

"You want to go on rounds?" Edwards asked.

Johnson pressed the button on the intercom. "Julian, we're gonna start rounds." He pushed himself away from the desk. "Let's go."

"How's the fellow on the respirator?"

"He died this morning," Johnson said, picking up his notes. "I told the corpsman to leave you alone."

After rounds, Edwards went down to the bacteriology lab and then to his office, Johnson had gone to X-ray to check on a few films. He sat down at his desk and looked at the two weeks of correspondence that had been piled neatly at the corner of his desk. He was reaching for the first letter when the intercom buzzed. "Major, Jensen's in the whirlpool."

"OK, be right there, thanks."

David was already in the tub, being debrided. Edwards knelt down by the side of the tub and checked the burns. At some places, on the thighs and chest, he could see down to the muscle fibers criss-crossing under the burnt fat. "David, I'm going to stop your IV," he said, straightening up. "You're going to have to start eating. The ward master told me you didn't touch your breakfast. Hurt?"

Chewing on what remained of his lips, David winced.

"Jessie, why don't you give him 25 of Demerol."

"Yes, sir," the corpsman said.

"Why didn't you eat?"

"No one was there to feed me," David said, watching the corpsman open the medicine cabinet and fill the syringe.

"We don't feed you here," Edwards said. "You feed yourself. You've got to start using your hands sometime." He waited while the medic searched for a place to give the injection. "In his arm," he said.

The corpsman found a small, unburnt area near the elbow and plunged the needle into the skin. David, watching him, visibly relaxed. He turned his head on the board and looked at Edwards.

"We can help you grow new skin, stop your infections, graft you—if it comes to that. But it will all be for nothing if you leave here with all your joints tied down by scar tissue. If you don't exercise and keep the scar tissue and new skin over your joints loose and flexible it will tie 'em down like iron. All that new skin and scar that will be forming has a tendency to contract with time. If you don't keep it loose, you'll leave here as much a cripple as if someone had shot off your arms and legs. Your hands aren't that bad, David. We'll start today with them."

"But I can't hold a fork."

"We'll put wooden blocks on them, and as you get used to handling one size, we'll make the blocks smaller. Understand?"

"Yes, sir."

"You married, David?" Edwards asked.

"No."

"Engaged?"

"Yes, sir."

"Would you like me to write her for you?"

David closed his eyes. "No, sir, I don't think so."

"All right. I'll check on you later."

That evening, despite the fact that Johnson was on call, he went back to the ward. All the patients had been settled in for the night. The ward master was in the treatment room, cutting adhesive tape into 12-inch strips.

"What's new, White?"

"Nothing, Doc, really. Same old thing."

"How's Jensen doing?"

White put his scissors back into his pocket. "He's doing all right. We drew two blood cultures on him this evening and sent a titer off for moniliasis. He had some difficulty using the blocks, but he got a few bites down; seems as if the sulfamyelon is bothering him. Stinging him. You never know who it's going to bother."

Edwards walked out into the unit. David was on a Stryker frame halfway down the ward, lying on his stomach. White sulfamyelon cream was smeared all over his burnt back, buttocks, and legs.

"How's it going?"

"Fine, sir."

"The ward master told me that you did all right at supper."

"Yes, sir."

Later that evening, one of David's blood cultures began to grow out Pseudomonas arinosa, a bacillus resistant to most antibiotics. The bacteriology lab called the ward and the ward master called Edwards. He told the ward master to restart "David's IV and put him on 200 mg of polymyxin every four hours.

The next morning, after rounds, Johnson got him alone. "About Jensen's polymyxin," he said. "Do you think his kidneys are good enough to handle that big dose?"

"What would you suggest?" Edwards said.

"You could destroy his kidneys with that much polymyxin."

"I could save him, too."

"If he's going to die," Johnson said, "he's going to die."

"You sure?"

"Well, he's 80 per cent burned and his blood culture is already growing out Pseudomonas."

When he came back to the ward, he found David lying on his back, and the corpsman was smearing on the last of the sulfamyelon, spreading it over David's charred stomach as if it were butter.

"This stuff stings, honest, Doc," David said. "It just keeps stinging."

"I know," Edwards said. "It does that sometimes, but it will get better with time. You sort of build up a tolerance to it. The

point is that you need it now. It keeps your skin from getting infected and gives the new skin a chance to grow. Believe it or not sulfamyelon is one of the major breakthroughs in the treatment of burns."

"Can't I have something for the stinging?"

"No, David, I'm sorry."

That evening, down in the hospital bacteriology lab, his second blood culture started growing out another patch of pure Pseudomonas. When Edwards came to work up the new admissions, he stopped by to see David and found him on his stomach again.

"How does the skin grow back?" David asked, speaking to the floor. The day before he had mentioned there were 16 different colors in the floor tiles. "I mean, where's it gonna come from?"

"From you."

"Yeah," David said. "How?"

Edwards pulled up a chair. "You have enough, you don't really need very much," he explained. "The skin grows back from the areas around the hair follicles; the follicles go down pretty deep, down into the area below the skin. Below the burns the new skin grows out from the lining of these follicles, like grass out of a valley. These linings are like nature's reserves. The new skin just keeps growing out from them, creeping over the burned area, until all these little growing areas come together."

"Why am I going to have to be grafted then?" David said sullenly.

Edwards sensed the despair in his question. "Sometimes," he said, trying to sound reasonable, "if the burns are too deep, deep enough to destroy the follicles, then there is no skin to grow back, so we have to graft."

"Where are you going to get the skin for that?"

"From your friends, David," Edwards said gently, "from your friends."

The morning culture again grew out Pseudomonas. That afternoon they took David to the operating room and covered his legs and part of his stomach with cadaver skin. When Edwards visited him again that evening, he complained that his head hurt and sulfamyelon was stinging even more.

"What will you do when you get home?" Edwards asked.

David was sullen. "School, I guess."

"You've got to be more positive than that," Edwards said coaxingly.

"I was positive before I got burned."

"I'm telling you, you're going to be OK."

"I didn't see it," David said reproachfully. "I was just walking. I wasn't even point. I swear to God, I didn't even hear it. Can you believe that?" he said loudly. "I couldn't even goddamn hear it."

Within three days, the cadaver grafts failed, refused to take, and Edwards had to order it pulled off, like the rest of the dying skin. David, lying in the water, saw him as soon as he walked into the treatment room.

"I'm handling it, dammit," he said belligerently. "Just leave me alone, will you? Just goddam leave me alone."

That evening David ignored his presence.

"I saw you with some letters this afternoon," Edwards said, noting how the whitish scar tissue under David's chin had a pale greenish cast to it. "Nice handwriting. Your girl?"

"No, my family."

"What did they say?"

"It's in the drawer."

Edwards opened the drawer of the nightstand next to the frame. It was a rather bright letter, careful, measuredly written, filled with support and concern. There was a section about Carol, how much she loved David and how happy she was that he was finally out of the fighting.

"Did you answer?" Edwards asked.

"I didn't know how."

"They know you're burned." Edwards refolded the letter. "It seems to me they're holding up quite well. The least you could do is help them out."

David slowly turned his head. His eyes, hollow holes, stared coldly and defiantly at Edwards. "I've been throwing up all day. I can't keep anything down."

"Yes," Edwards said calmly, putting the letter back in the drawer. "I know."

"I'm not going to make it, am I? No, no, don't interrupt. I know I'm not. That stuff you keep putting into my IV bottle—the only other guys who get it are the ones on respirators. I know," he said, almost triumphantly. "I've checked on the way to the whirlpool. I know." It was all there in his eyes—the pain, the suffering, the loss of belief. It caught Edwards off guard.

"I told you about the pain, didn't I?" he said angrily. "Have I bullshitted you yet? Look, if you were going to die, I'd let you know. Right? I'd give you the chance to tie things up, understand?" A certain distance entered David's stare, a vague confusion that was more pathetic than his glaring hopelessness.

Edwards got up. "Now, dammit," he said, "I want you to think of an answer to that letter. I'll be back in the morning and I want an answer. Is that clear?"

Depressed and angry, he left the ward. Outside he passed groups of patients from the other wards, some standing around talking, others doing nothing, or being pushed around in wheelchairs by their buddies. Johnson was right, he thought. David would die. He was probably, all things considered, dead the moment the round hit the rucksack.

The phone woke him a little past three the next morning.

"Major!"

"Yeah." Edwards fumbled across the night table for the lamp switch.

"This is Sergeant Cramer. Jensen's temperature just spiked to 105."

"OK," Edwards said, switching on the light and sitting up. He cleared his throat. "I'll be right over." Even as he was hanging up, he was reaching under the bed for his shoes.

The ward master met him at the entrance to the unit and followed him hurriedly down the ward.

"He's becoming disoriented."

"What about the cultures?" Edwards asked quickly. "Still Pseudomonas?"

"No, this morning's grew out Klebsiella."

David was lying on the frame. All the covers were off and he was trembling.

"106," the medic said, reading the stool-smeared thermometer.

"Better add some kanamycin and Keflin to the chloromycetin. How's the blood pressure?"

"Stable."

"How much kanamycin and Keflin?" Cramer asked.

"A lot, a lot. Just get it!"

Cramer looked at him and quickly left to get the antibiotics.

"David, David," Edwards leaned over the frame. "David!"

Slowly he opened his eyes, but there was no light in them, no gleam.

"Listen," Edwards said, lowering his voice. "I'm going to have to put you on a cooling blanket. It's not going to be comfortable, but your temperature. . ."

"I can't think of anything," David said, closing his eyes again.

"He's been confused for the last hour," the medic said.

A moment later, the ward master came back with the antibiotics already drawn up into two syringes. While he shot the drugs directly into the IV bottle, Edwards said, "We'd better put in a central venous pressure. How's his urine output?"

"Down 60 cc in the last two hours."

"Does he have any blood cross-matched?"

"Four units."

"Respirator?"

"There's one down in central supply. We can get it any time."

"What about his moniliasis titers?"

"Still normal."

"White count?"

"The lab technicians are doing it now."

"Let's see his electrolytes."

"Doc."

Surprised, Edwards turned around. David had stopped shivering.

"Doc!"

Edwards hurriedly bent over the frame.

David stared up at him, his eyes strangely clear and deep. "You didn't have to come, not all the time."

"I wanted to," Edwards said.

"They told me about your brother and your taking him home." David was about to go on when, gasping, he suddenly bolted upright and, struggling against the restraints, vomited up a great flood of bright red blood.

Dying in the burn unit is not normally that dramatic. There is usually very little blood; burns die inside out, down at the cellular level, where the billions of struggling cells just simply give up. It is for the most part a kind of gentle going; breathing becomes labored and distant, circulation falls apart, hearts dilate, livers and spleens grow to twice their size, lungs gradually fill with fluid, and there is always a certain period of confusion. But after it, a comfortable time of unconsciousness, where nothing is done and everything—even the last breath—is rather a leisurely giving up.

Suddenly, with the blood still welling out of his lipless mouth, David went rigid and, arching backwards, collapsed against the frame. Edwards grabbed the suction off the wall and, pulling open David's jaw, began sucking out his mouth, trying to clear the blood and vomit out of his airway. The gasping stopped and there was the more comfortable sound of air moving in and out.

"Get the blood," Edwards ordered, reaching for the oxygen mask. He was turning up the oxygen flow, just as Cramer came running back with the blood.

"Call Johnson. Set up a cut-down tray, and get a tracheotomy set."

The ward master unhooked the IV from its bottles. "The blood is still ice cold," he said.

"Just hang it," Edwards ordered, holding open David's jaw, trying to get out more of the blood. "Just goddam hang it. And call the general surgeon. . . . David! David!" He pressed the oxygen mask over the boy's mouth and he could feel the new skin slipping away under the pressure of the mask's rubber edges. "David! David! Can you hear me? OK, listen, you have an ulcer. We might have to operate tonight. You have a lot of blood and stuff in your lungs. I'm going to have to put you on a respirator. It will help you breathe, so I'll have to make a little hole in your windpipe. It won't hurt." He looked up, checking the blood running down into the IV tubing. "It's just to help you breathe. Honest. Just to breathe."

The corpsman had set up the tracheotomy, and Edwards held the oxygen mask in place while the ward master quickly cleaned David's neck as best he could. The noise coming from inside the lungs was getting louder again. Even with the oxygen David was having to fight to breathe.

"I'm going to make the hole now," Edwards said, removing the mask. Little bits of skin came away with it.

"Doc," David gasped. "Take me home, too. . . . Please, Doc, I don't want to go alone. . . ."

Mr. GRAVEL. Mr. President, I wish to underscore what the Senator has said with respect to the article which has been printed in the RECORD. If the American people and the people of the world could read that article I doubt that any

man would ever raise his arm to wage war again.

The major himself lost his boy, and he goes through a description that is difficult to read because of the emotional impact, what happens to these men, and how we are all participants.

I commend the Senator for placing the article in the RECORD.

The PRESIDING OFFICER. Who yields time?

Mr. McGOVERN. I yield 15 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 15 minutes.

Mr. CRANSTON. Mr. President, it is now clear that the President's program of Vietnamization has not worked.

This policy of gradual withdrawal of American ground combat troops over an unspecified period of time offers no certain assurance of bringing our involvement in the war to an absolute end.

Last July I made the following remarks which are still sadly true today:

I believe this policy, if pursued, will be a disaster—politically and militarily.

First, because in essence Vietnamization means the military struggle will continue unabated as it has for the last five years.

More American lives will be lost, more Vietnamese will die. And for no real purpose.

Our opponents have repeatedly demonstrated that they will not be forced militarily into making political concessions.

The struggle in Vietnam cannot and will not be won militarily—as Presidents Johnson and Nixon have both acknowledged.

And yet we are still trying to use military force to win.

Secondly, Vietnamization exposes our troops to grave dangers and raises the spectre of escalation and even nuclear war.

As many of our combat forces leave and the war continues to rage, the time will come when our still remaining men will have to rely primarily on South Vietnamese troops for protection.

These troops are poorly led and owe little allegiance either to us or the Thieu-Ky government.

We can take no satisfaction that these phrases are still valid. We can take no satisfaction in that fact that as of June 3, 1971, we still had 250,900 troops in Indochina. This represents, at the most, 150,540 combat and combat-support troops and about 100,360 non-combat-service troops.

Since last year, over 7,480 Americans have died and 36,635 Americans have been wounded. Billions of dollars have been drained from our economy. Division and dissension continue at home. And for no real purpose.

In October of 1969 Senator Goodell first introduced legislation to terminate funds for the war.

The date set at that time was December 1, 1970.

This legislation later became the basis for the "amendment to end the war" of which I was a principal sponsor.

The date set in this measure for the end of our involvement in Indochina was December 31, 1970.

Although 40 Senators supported this legislation, the Senate considered and defeated the bill last September.

In the interim many thousands of our men have died and have been wounded.

Now, again, we are considering a measure with another deadline.

Again the sponsors have been forced to extend the original deadline for another year.

The date set for the "Vietnam Disengagement Act" is now December 31, 1971, and there is some discussion that this date may have to be further extended to secure passage.

How many years are we to debate this war? How many more times will we be confronted with the decision of setting a deadline? The administration says it is winding down the war, but there is no definite end in sight.

Although we can assume that some day, possibly 20 years from now, we will have ended our involvement in Indochina, that time is not clear.

Are we to perpetuate an annual debate on the war as more of our men die and more return home wounded in body and spirit?

Next year at this time, are we again going to consider legislation to provide still another cutoff date for the war? The Congress finally must act to end our tragic involvement in this war on our own terms. The Vietnam Disengagement Act is the vehicle.

The present policy of continual but slow troop withdrawal from the war endangers our remaining troops. As the number of our men decreases, the chances of a sudden attack by the North Vietnamese or Vietcong increases.

Without setting a firm deadline for the end of our involvement, the North Vietnamese and Vietcong have no reason to trust us and no reason to bargain with us.

Recently the President stated:

Our eventual goal is a total withdrawal of all outside forces. But as long as North Vietnam continues to hold a single American prisoner, we shall have forces in South Vietnam. The American prisoners of war will not be forgotten by their Government.

These remarks are directed at Hanoi.

With this as the official policy of the United States, Hanoi has no assurances of our future intentions. It may be to their advantage at some point when our troop strength is dangerously low to mount a surprise attack on our remaining forces. If they do attack, we would be unable to rush in reinforcements fast enough to stop them and we might have to rely on the ARVN troops for support.

These troops have not proven totally reliable in the past. Besides seriously endangering the safety of our men, the present policy perpetuates a general feeling of uncertainty and insecurity in our men—which can, in turn affect their fighting ability.

The administration has often raised the specter of a bloodbath if we set a date certain for an end to our involvement and withdraw our troops on a firm and fixed timetable.

Yet it has been estimated that since 1954, over 1 million Vietnamese have died in the war.

According to the Department of Defense, civilian casualties have risen to 33,000 as a result of terrorism alone.

Yet, a major portion of casualties comes from the indiscriminate bombing we have inflicted on Vietnam for so many years.

No figures are available on the countless thousands who have died in this manner.

Such figures contrast with approximately 650,000 American dead in the Civil War and 300,000 in World War II.

A bloodbath, I submit, has already occurred. It is just that the administration refuses to acknowledge it.

Furthermore, we risk a continual bloodbath if the North Vietnamese do attack our men when their numbers are vulnerable. One million South Vietnamese troops should be able to defend their own country by now.

I for one, do not want our men to be totally dependent upon the South Vietnamese for their safety.

Uncertainty thus exists in South Vietnam, in North Vietnam, in Paris, and at home. We must take immediate and significant steps to end this uncertainty.

Let us set a date certain for the end of our involvement in this tragic war. By so doing we will help to end the insecurity that our troops are experiencing and help them return safely; and we will pave the way for the release of our prisoners of war which the President continues to use as pawns for our continued involvement.

By setting a date certain, we will restore a sense of sanity to our foreign policy and end some of the deep divisions at home.

Again last year I said:

A fixed timetable would leave the safety of our troops in our hands rather than in the hands of the South Vietnamese.

A fixed timetable will remove the uncertainty about our intentions from the minds of our enemies and tell the Vietcong and the North Vietnamese that we are absolutely committed to withdrawal by a specific date. It would reduce the uncertainty on this side which otherwise might lead to more attacks and more American deaths and it would enable us to complete that withdrawal in a safe, orderly and systematic manner.

Last week Xuan Thuy stated that if the United States withdraws its troops on a fixed timetable, the North Vietnamese would negotiate the release of our prisoners.

Xuan Thuy said that the question of American prisoners could be "rapidly and easily" settled if President Nixon set a date for total U.S. withdrawal.

In addition Thuy said—

If he does, and the date is reasonable, then there will be an appropriate response from our side.

Let us call their bluff—if it is indeed a bluff. Let us unequivocably state that we will withdraw our troops as provided by the McGovern-Hatfield amendment. There is little or no risk involved.

Rather if our troop strength decreases without taking this step, we will heighten the risk. We must take firm and immediate steps to insure the safety of our men and we must do so by passage of this legislation.

Furthermore, as the amendment provides:

"(c) If, after 60 days after the date of enactment of this Act, North Vietnam and other adversary forces in Indochina holding

American prisoners of war have not made arrangements for the release and repatriation, by December 31, 1971, of all such prisoners:

"(1) the date in subsection (a) shall be extended for a period not to exceed 60 days, and

"(2) the Congress may by joint resolution authorize such further action as is recommended by the President to secure the release and repatriation of American prisoners of war."

Let us put the burden of proof on North Vietnam. Let us confront them with concrete proposals by setting a date certain.

I do not believe that our prisoners of war will be released until such a date has been established or effected.

If we are seriously concerned about the plight of our prisoners—and of course we are—then we must set a deadline for our involvement in the war to end.

The Congress must finally respond to the wishes of the majority of the American people. The Congress must help assure the safety of our men remaining in Vietnam—and the Congress must meet its responsibility under the Constitution: end our involvement in this tragic and immoral war by setting December 31, 1971, as the deadline.

The overwhelming tragedy in Indochina continues and will continue—unless we pass this amendment. It is truly our responsibility.

Let us not find ourselves in June of 1972 once again debating endless tragedy.

[Applause in the public galleries.]

The PRESIDING OFFICER (Mr. HUGHES). There will be no demonstrations in the galleries.

Who yields time?

Mr. LONG. Mr. President, the Senator from Mississippi, who is necessarily absent from the floor at this time, has asked me to manage his time in his absence.

I yield myself 12 minutes.

The PRESIDING OFFICER. The Senator from Louisiana.

RETIREMENT OF MISS HELEN LIVINGSTON

Mr. LONG. Mr. President, over the years, the Committee on Finance, the Senate, and the Nation have greatly benefited from the distinguished and dedicated efforts of Miss Helen Livingston, Assistant Chief of the Education and Public Welfare Division of the Congressional Research Service.

Helen is retiring after 25 years of patriotic and professional service to the Congress. She should not be an "unsung heroine," so I propose to "sing" just a little bit of the praise and gratitude she deserves from us all.

Helen Livingston's career and accomplishments stand as a model for present and future Congressional Research Service personnel. For many years she has served as a sensitive and knowledgeable source of reliable information and counsel. The social security laws and programs enacted over the past 20 years reflect her efforts and active participation in their formulation.

Helen fervently believed—and believes—that rational lawmaking requires that Congress be presented with all pertinent information relevant to a policy decision. And, furthermore, that the information should be unbiased, analytical—and, above all—understandable. Helen has never had much use for gobbledygook and "axe-grinders"—and has always sought to spare and save us from those impediments.

Helen Livingston joined the Legislative Reference Service in 1946 as a social welfare analyst. In 1948, she served as a professional staff member to the Committee on Finance's Advisory Council on Social Security. She actively assisted Finance Committee staff efforts in connection with the important social security bills in 1950 and 1954 and in the establishment of the disability insurance program as part of the 1956 Social Security Amendments.

During the following decade, Helen, along with Mr. Fred Arner, served as supplemental staff for the Finance Committee during an intense period of activity with respect to social security, medicare, and welfare legislation.

In 1957, Helen Livingston pioneered in the establishment of the Education and Public Welfare Division of the Legislative Reference Service. Her efforts were directed at combining the talents of lawyers, economists, and other social scientists in order to deal more effectively with complex and interrelated problems in health, education, welfare, crime, and associated areas. Since 1957 the Education and Public Welfare Division has grown in size, scope, and capacity to assist the Congress.

In Helen's first annual report on the then-new division, she anticipated needs and outlined objectives which have, in large part, been fulfilled by the Education and Public Welfare Division. In her report she said:

I believe that the most important job for the future is to build up a staff of the most competent people we can find. Ours is necessarily a small staff dealing with very broad fields of interest to the Congress. If we serve the Members and Committees of Congress as they should be served, I anticipate a greatly increased demand for the kind of unbiased, imaginative, and dependable work which only highly competent people of unquestioned integrity can provide.

Those qualities which she described in her report are those which we of the Finance Committee have found in Helen Livingston. She is "highly competent," of "unquestioned integrity" and has provided us with "unbiased, imaginative, and dependable work."

Mr. President, Helen Livingston's career in public service exemplifies the best in American Government. We thank her for that service and wish her many years of pleasant life.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER FOR RECOGNITION OF SENATOR BYRD OF VIRGINIA TOMORROW AND WEDNESDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, following the conclusion of the remarks by the distinguished Senator from Missouri (Mr. SYMINGTON), the distinguished Senator from Virginia (Mr. BYRD) be recognized for not to exceed 10 minutes.

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

Mr. BYRD of West Virginia. I ask unanimous consent that on Wednesday, following the remarks by the distinguished majority and minority leaders under the standing order, the distinguished Senator from Virginia (Mr. BYRD) be recognized for not to exceed 10 minutes.

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

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time for the quorum call not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MILLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Who yields time?

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Iowa.

Mr. MILLER. I thank the Senator.

(The remarks of Mr. Miller when he introduced Senate Joint Resolution 113, proposing a constitutional amendment, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

Mr. LONG. Mr. President, will the Senator yield me 1 minute?

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

AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN MARITIME PROGRAMS

Mr. LONG. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 4724.

The PRESIDING OFFICER (Mr. HUGHES) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 4724) to authorize appropriations for certain maritime programs of the Department of Commerce, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. LONG. I move that the Senate insist upon its amendments and agree to the request of the House for a confer-

ence on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. LONG, Mr. PASTORE, Mr. HOLLINGS, Mr. GRIFFIN, and Mr. PROUTY conferees on the part of the Senate.

CHANGE OF REFERENCE

Mr. STENNIS. Mr. President, I ask unanimous consent that the Committee on Armed Services be discharged from consideration of the letter from the Commissioner, government of the District of Columbia, transmitting, pursuant to law, a report of the District of Columbia Office of Civil Defense, for the fiscal year 1970—with an accompanying report—and that the communication be referred to the Committee on the District of Columbia.

The PRESIDING OFFICER (Mr. HATFIELD). Without objection, it is so ordered.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967, to increase military pay, to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. STENNIS. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER (Mr. HATFIELD). The Senator from Mississippi is recognized for 15 minutes.

Mr. STENNIS. Mr. President, I believe it is time in this debate to indicate specifically what progress has been made in ending American participation in the war in Vietnam. As long as any Americans must fight and die in that country we should not relax our efforts to bring an end to the war. But in our frustration with the sacrifices that these 6 years of conflict have brought we should not lose sight of the fact that American participation in the war in South Vietnam is steadily being brought to a close.

By almost any measure, American participation in the war has been sharply reduced. Let me turn first for a few moments to the redeployment of American troops.

During 1970, about 135,000 U.S. troops were redeployed. U.S. troop strength at the close of the year was 335,000 compared to the 543,000 peak strength in April 1969. As of June 5 there were about 251,000 troops in the country, an 84,000-man reduction since the beginning of the year, and 33,000 below the end-May strength target. In accordance with the President's April 7, 1971 announcement, by December 1, U.S. strength will be at or below 184,000 men—the lowest level since December 1965 and about one-third the peak strength of 2 years ago.

A careful look at the kinds of units that have been redeployed is revealing. By the end of this month—June 30, 1971—71 percent of the U.S. maneuver battalions and 70 percent of the tactical fighter squadrons in Vietnam will have redeployed. On the other hand, only a third of the helicopter units, 48 percent of the separate Army artillery battalions, and 46 percent of the Army engineer battalions will have left Vietnam by that date.

The reason for the imbalance becomes clear when we look at the Vietnamization strategy, which provides for the improvement and modernization of the Vietnamese armed forces. This program has three phases:

Phase I has concentrated on developing as much Vietnamese ground combat capability—riflemen and maneuver units—as possible in the shortest time possible. At the same time, work began on improving the Vietnamese Navy, Air Force, logistics and other complex elements of the forces as fast as the longer lead times in these areas would permit.

Phase II will concentrate on developing the Vietnamese capability to provide their own combat support in terms of helicopter and tactical Air sorties, artillery, logistics and other specialized areas.

Phase III calls for the reduction of U.S. advisers as the Vietnamese units become self-sufficient.

The program is proceeding in accordance with these phases. It is on schedule and producing notable results. U.S. redeployments as shown by the imbalances noted above, have been carefully keyed to complement and support the development of the Vietnamese forces.

Say what you will, Mr. President, this winding down of the war and the Vietnamization of the war is no small thing. It is not an easy matter. It is amazing, I think, everything considered, that Vietnamization has made as much progress as it has. It is ahead of schedule, a schedule to my way of thinking that I thought could not be maintained. I have to say that, so far as considering the program is concerned, and granted we are going to undertake the plan of winding down the war and terminating it, if we accept that plan, it is a remarkable success so far.

And this is how the program is actually working out. This summer, the Vietnamese will take over complete responsibility for offensive ground combat operations, and U.S. advisers will begin a gradual process of withdrawing from Vietnamese ground combat units—Phase III. As we have already seen, most of the U.S. maneuver battalions will be gone by that time.

The United States and Vietnamese programs were specifically designed to interact in this way—and to continue to do so until both are completed. For example, it takes longer to train and equip the Vietnamese Air Force to run helicopter operations than it does to train and equip a Vietnamese infantryman. So the plan calls for keeping enough U.S. helicopters in Vietnam to cover the Vietnamese Army's needs until the Vietnamese Air Force can take over helicopter operations.

That is just commonsense. If we are going to grant the system as being wise and sound then, I say again, it is making extraordinary progress and it is coming along in a splendid way.

The abrupt withdrawal of U.S. forces required by the McGovern amendment would completely disrupt the carefully worked out plan for reducing U.S. involvement. It would jeopardize our objective of giving the South Vietnamese a fair chance at determining their own future. It comes down to that. They have a problem and we have one. We have spent a lot of money and a great deal of blood. And things have not been going well. We all look forward to the day when we can get out, but we went into this plan of withdrawal and Vietnamization, as it is called, and they are holding up their end of the stick.

They are making definite progress, as I have already outlined. Now, just to turn and cut loose and pull out and withdraw our forces would completely disrupt the carefully worked out plans for our involvement there. One can take it as he pleases, it would just be running out on our promise.

It has been argued that even though participation of U.S. ground forces is declining the air war in Vietnam has been stepped up. The facts do not support such a contention.

So far this year, U.S. forces have flown about 10 percent of the sortie level expended during the peak first half of the 1968 period; 1971 sortie rates in South Vietnam are 12 percent of what was flown in the same period last year. And, despite a great deal of air support to Vietnamese forces in Laos this year, the Southeast Asian attack sortie rates are down almost 50 percent from the first half of last year. These sortie rates declined 36 percent in 1970, and almost 20 percent in 1969.

A third measure of the decline of U.S. participation in the war is the decline in the number of U.S. combat deaths.

As we said the other day, just one is more than anyone wishes, even one loss.

We are very happy that the U.S. combat deaths in 1971 are almost 90 percent below the peak levels reached in the first half of 1968; they are nearly 60 percent below the first half of 1970. Since the first of this year, U.S. combat deaths have averaged 48 per week, dropping as low as 19 in the week of May 30–June 5. They are expected to decline even further as activity takes its normal seasonal decline in the last half of the year. The lowered rate so far this year is even more important when one considers that it was experienced during the period when the enemy generally steps up the war. Noncombat deaths have declined at about the same rate as U.S. troops have redeployed.

Mr. President, I believe these figures indicate that by any reasonable measure we are making significant progress toward a full withdrawal from Vietnam. The question is not whether we are to withdraw. It is how. The question is, really, are we to withdraw from Vietnam in a steady, systematic manner—a manner which gives us the best opportunity to preserve the safety of our own men and some hope of a stable South Vietnamese society, or whether we are to

withdraw so quickly and precipitately that these objectives are in danger.

There is another question involved here as I pointed out last week. Are we now in a precipitate way in our haste, although we want to get out as soon as possible, going to turn our backs upon the good we have done there? We have done some good there. We have given hope to the people of other countries. What we have done will be a continuing inspiration, a continuing encouragement, and a continuing pattern of hope for other people to try to get their freedom and try to govern themselves, in a way different from ours it is true, but at the same time to have a government in which there will be some measure of freedom and some independence and some self respect which are conditions that mean a chance for constructive growth and development.

Do we want to turn our backs on what we have done in this field—we have done something—and precipitately run? Do we want to turn our backs on the supreme sacrifice made by these thousands of men, each of which we sincerely mourn? Do we sincerely want to hurry and say that we will throw in the towel and throw it all back?

I do not think we really want to do that. Our first thought may be to get out in a hurry. But our judgment thought, our second thought, will be that we will not liquidate all that we have contributed in blood and money. We will not liquidate what they have done. We will keep the door open.

In that vein, in that spirit, I do not believe the majority of the Senate will agree to the amendment.

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

Mr. STENNIS. Mr. President, I yield myself an additional 3 minutes.

Mr. President, that will not detract one bit from the sincerity, the earnestness of those who sponsored the amendment or even those who may vote for it.

Mr. President, there is a point that looms very large in my mind. That concerns the future of this Nation, apart from this war and down the road in the decades ahead for us which are by no means rosy paths to peace.

I do not believe it well for the President of the United States to be forced by our branch of the Government, another branch, to fully disclose his hand, so to speak, as to what he is planning to do in this war that we all want to bring to an end. I am sure that he does, also.

Are we going to try to force his hand? I do not think we can make him tell what he has in his mind fully concerning his plans or what his ultimate action may be. We could certainly ruin his chance as the Chief Executive, and I am not talking about the gentleman named Richard Nixon. I am talking about the Chief Executive of this Nation. The same principle applies no matter who may be in office. If we ruin the chance of the Chief Executive to play the role of Chief Executive of our Nation, the man chosen by the people in times of stress and strain and war and try to show our hand and therefore make him disclose his plans, we take away from him his prerogatives.

I do not believe we want to set a precedent like that.

I believe it would plague us in after years.

I am going to stand on that. I have been standing on that principle and will continue to stand on it. I close with the thought that we should keep the responsibility right where it belongs, on the Chief Executive.

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

Mr. STENNIS. I yield.

Mr. LONG. Mr. President, what distresses me most is the fact that this Nation would make commitments to our allies in Vietnam. And if we think our policy requires that this Nation should withdraw its troops and leave South Vietnam to fight alone, it seems to me that in honor we have the right to expect that we not withdraw in a fashion that would deny our friends and allies a reasonable opportunity to defend themselves.

The President apparently is trying to withdraw in a fashion that would give Vietnam a chance to defend itself and survive.

Mr. STENNIS. The Senator is correct.

Mr. LONG. Mr. President, it seems to me that to ask the United States to do other than what we believe would be to our advantage would not be proper. That particular point impresses me more than anything else about this argument.

If we are going to withdraw and leave an ally in arms to defend himself alone, how do we do it? Do we do it in a fashion in which he can successfully defend himself or in a fashion in which he would have no chance to defend himself?

Mr. STENNIS. The Senator is eminently correct, as he is so frequently. Many of these questions we debate are matters of judgment, but the point the Senator brought up is a matter of principle. We have given our word.

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

Mr. STENNIS. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. STENNIS. Mr. President, we have given our word and I think our second thought is we want to live up to it and we want the President to lose no time in hastening this day as much as he can when this will be fulfilled.

I appreciate the sentiments of the Senator from Louisiana. I think he has aptly and conclusively put the proper question.

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

The PRESIDING OFFICER (Mr. HATFIELD). The Senator from Mississippi will state it.

Mr. STENNIS. Have the yeas and nays been ordered on the pending amendment?

The PRESIDING OFFICER. No, they have not.

Mr. STENNIS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STENNIS. I thank the Chair.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for 30 seconds?

Mr. STENNIS. I yield to the Senator from West Virginia.

ORDER FOR ADJOURNMENT TO 11:30 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 11:30 a.m. tomorrow.

The PRESIDING OFFICER (Mr. GRIFFIN). Without objection, it is so ordered.

AMENDMENT OF ORDER RECOGNIZING SENATOR BYRD OF VIRGINIA TOMORROW AND WEDNESDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the previous order recognizing the distinguished senior Senator from Virginia (Mr. BYRD) tomorrow and on Wednesday for a period not to exceed 10 minutes on each occasion be amended to provide for recognition for not to exceed 15 minutes on each occasion.

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

ORDER FOR RECOGNITION OF SENATOR GRAVEL TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow at the conclusion of the remarks of the distinguished Senator from Virginia (Mr. BYRD), the able Senator from Alaska (Mr. GRAVEL) be recognized for not to exceed 15 minutes.

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

APPLICATION OF GERMANENESS RULE TOMORROW

Mr. BYRD of West Virginia. Mr. President, in view of the fact that a time agreement has been reached on Amendment 143, and that debate will continue during tomorrow, I ask unanimous consent that the Pastore rule of germaneness be waived throughout the day tomorrow.

The PRESIDING OFFICER. Without objection it is so ordered.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. HATFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATFIELD. Mr. President, the unanimous-consent agreement that was reached on this amendment now under consideration provided that the time would be equally divided between the manager of the bill and the authors of the amendment.

I would like to ask whether or not the time that has elapsed so far, as it relates to the days ahead until the vote is taken, is cumulative in nature or does each day stand on its own?

The PRESIDING OFFICER. Under the agreement entered into the time is to be equally divided on the amendment before the Senate. The time used so far is 304 minutes by the proponents of the amendment and 194 minutes by the opponents.

Mr. HATFIELD. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATFIELD. Would we have to have a unanimous-consent agreement at this point to make certain that on the last day, Wednesday, when this amendment will come to a vote, that the time be equally divided between the two opposing sides?

The PRESIDING OFFICER. The Chair will state that it would take unanimous consent to have that situation prevail on the last day, if at the beginning of the session on that day the time was not equal.

Mr. HATFIELD. I have no concern about the arrangement for that day, because we have worked very amicably with the manager of the bill, and I am sure that with his sense of fair play and equity, and in view of my personal discussions with him, I do not know if this should be a matter to be established and made firm or whether we should depend on informal agreements.

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

Mr. HATFIELD. I yield.

Mr. STENNIS. Even though I can see that conditions could arise with respect to some amendments that we would need to tabulate and add time for day to day, my concept of this amendment all along has been that each day would stand on its own, and that each day was a new start. I would be glad to formally concede that tomorrow, Tuesday, the time be equally divided but that it not be carried over to the next day, and Wednesday, the time to be equally divided.

Mr. HATFIELD. I appreciate the Senator's proposals. I feel that they are fair and equitable.

Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator is recognized for 15 minutes.

Mr. HATFIELD. Mr. President, now let me make it clear. We all want this war to end. Our differences are over the means for doing so. The position taken by those who have opposed a date certain to cut off funds for the war is that it is not the best means, the best strategy for ending the war. In fact, it has been asserted that such a move would actually prohibit chances for ending the war sooner than that date.

Perhaps we should allow the President to speak for himself on this point. On September 26, 1969, the President was asked: How do you feel about the various proposals to propose an arbitrary cut-off time on our military presence in Vietnam? He replied:

> I have considered a number of those proposals within the administration and, of course, have noted some of the references that have been made recently in the Senate in that regard. I know they were made with the best of intentions. However, it is my conclusion that if the administration were to impose an arbitrary cutoff time, say the end of 1970, or the middle of 1971, for the complete withdrawal of American forces in Vietnam, that inevitably leads to perpetuating and continuing the war until that time and destroys any chance to reach the objective that I am trying to achieve, of ending the war before the end of 1970 or before the middle of 1971.

Later in the press conference the President was asked about Vietnam again, and he said:

> Once the enemy recognizes that it is not going to win its objective by waiting us out, then the enemy will negotiate and we will end this war before the end of 1970. That is the objective we have.

Finally, the President said later in that same press conference, in reference to Senator Goodell's proposal to cut off funds for the war by the end of 1970:

> I, of course, can't control the course of Senate hearings. . . . as far as those hearings are concerned, I believe that a discussion in the Senate of this matter, an open discussion, in which all the consequences of this very well-intentioned statement by Senator Goodell, all the consequences of it, the fact that it inevitably leads to the conclusion that the United States is going to be stuck in Vietnam until the end of 1970, that there is no hope of ending the war before then, that when that comes home, I think the Senate will overwhelmingly reject the Goodell proposition."

I know that the President was sincere when he made those statements. I know that he really believed that he could have the war ended by the end of 1970, or by the middle of 1971. But let us look at the record of history. The President's policy has faced the test of time, and it has failed in what he himself has stated as its objective. It has failed to end the war—by the end of last year, or by today.

The time has come to adopt an alternative. This is why the amendment has been brought before the Senate again. And why it is imperative that the real issues involved be understood by those in this body and the American people.

Mr. President, much of the debate over the amendment now before us has been characterized by slogans, phrasemaking, and misleading rhetoric which obscures, rather than clarifies, the real issues.

Yesterday the Nation had another example of this when the Secretary of Defense appeared on "Face the Nation." He was asked why the administration was against fixing a date for our total withdrawal from Indochina, and he replied that such a step would completely destroy any chance for the Paris negotiations to succeed.

So once again, the American people were told that the approach of this amendment was wrong—not just because it would end our involvement in the war, but because it would jeopardize negotiations which are ready to bear fruit.

Mr. President, it is time to explode the myth that this amendment will destroy negotiations that are on the verge of success. The truth is that this amendment is the one course of action likely to give any meaning and relevance to the talks in Paris.

When the amendment similar to this was considered last year, the most frequently mentioned argument against it was the concern that it could jeopardize the Paris negotiations. This was a reasonable judgment to make. At that time Ambassador David Bruce had just been appointed as our chief negotiator, and many had genuine hopes that there might be some real breakthrough at Paris. But the 9 months that have transpired since that time should make it clear to all that our adversaries are not going to suddenly give up the political goals they have been struggling for for the past 26 years and graciously accept the terms we have offered at Paris.

Now it is worth asking just what kind of progress, if any, ever could come out of Paris, and why the negotiations there have proven so fruitless.

When the administration says that our negotiations have not been successful, or that a date for withdrawal would destroy the chance for a negotiated settlement, what they really mean is that our adversary would not accept the terms we have currently offered, or ones close to it. For all practical purposes, we propose that our adversaries simply give up their objectives. But since they are not about to completely forfeit their political goals, we have remained steadfast in our military support of the Thieu-Ky regime, and continued the war against the foes of that regime.

As long as we persist in our military involvement to shore up that government, our adversaries will continue to fight, and there will be no negotiated settlement at Paris. It is really that simple. Our military efforts in support of the Thieu-Ky regime preclude a negotiated settlement of the war.

The only way our present policy would yield a negotiated settlement on terms acceptable to us would be if our adversaries yielded to our military pressure and succumbed. Now if there ever was any likelihood of that, it was during the Johnson administration, when we had over half a million troops in Vietnam and were incessantly bombing North Vietnam. Since our adversary did not buckle under that pressure, I can see no realistic grounds for believing or hoping that he will suddenly give in to our terms when we are in the midst of gradually withdrawing our troops from Vietnam. The chief lesson of the Johnson years of the war, perhaps, was that we simply could not bring the adversary to terms by relentlessly applying our military power. I would have hoped that this administration had learned that lesson. Yet, when its spokesmen talk of "destroying chances for a negotiated settlement," one can only assume they hold out the hope that the military pressure will still bring them around to our terms of a settlement.

The administration has suggested that our withdrawals do not undermine negotiations, because we are also building up the strength of the South Vietnamese. Administration officials are fond of pointing out that although we are leaving, the South Vietnamese will be there after our departure and will be more difficult for the North to deal with than we are. Thus, the administration reasons, the incentive is on the North Vietnamese to strike some deal with us while we are still there in force.

I find this all implausible and unconvincing. First, this suggests that we are actually headed for a complete withdrawal—including air power—and that if and when we finally achieve that, the South Vietnamese will be so formidable a force that their adversaries could not even consider the prospect of having to continue their struggle against them. Now, simple evidence refutes that possibility. The questionable performance of the South Vietnamese in the Laotian operation—where they had the benefit of over 150,000 U.S. air sorties in their support—the morale and desertion problems within the South Vietnamese army, and the continuing internal instability of that government all dampen any hope of the South Vietnamese, independent from our military pressure, presenting an unshakable and threatening force to the North Vietnamese. Hanoi is not about to come pleading to us for grace because of our supposed success in building an impregnable regime in the South.

Further, even if this were true, I find it difficult to believe that chances for negotiation would be enhanced. Actually, if we ever were successful in building a completely self-reliant government in the South, we would be the ones without any incentive to negotiate. To negotiate some lesser deal with the North Vietnamese in such a case, would be to sell the South Vietnamese down the river.

Therefore, I find no basis for believing that our present positions and intentions hold any hope for a negotiated settlement of the war.

Certainly these are questions of judgment. But look at the record of history; look at 116 futile negotiations sessions; look at our former chief negotiator, Mr. Harriman, now in favor of setting a public date for withdrawal; and look at the consistency of our adversary's position throughout the entire course of the war. It is illusionary to believe that any negotiated settlement to the conflict, under present conditions, will come about. Those who promise otherwise misread history and mislead the American people.

Let us consider what is likely to happen at Paris if the Congress passes the amendment under consideration.

First and foremost is that meaningful conversations would take place. The primary matter would be the prisoner issue, since our withdrawal would not be carried through without the arrangements being made for their release. So this would be the initial item for discussion. Next our adversaries have said that if we set a reasonable date for withdrawal, they will "refrain from attacking the withdrawing troops of the United States." Further, they have declared that "the question of insuring safety for the total withdrawal from South Vietnam of U.S. troops" would be immediately discussed. Thus, the other item to be worked out at Paris is the cease-fire between our forces and theirs.

Then, discussions would likely take place between the opposing Vietnamese forces themselves, first, regarding the possibilities for political accommodation between the factions. These are not matters which we could completely predetermine. Even the administration has said that it will not "impose" any kind of a settlement on the Vietnamese. However, setting a date for withdrawal will create the political environment in which all this can take place. Further, the option of giving military and economic aid to the South Vietnamese Government would remain as a means for the administration to exercise a degree of influence on these issues if they chose to do so and the Congress concurred by authorizing such aid.

My point in discussing the probable scenarios once this amendment is passed is this: The most immediate consequences, as far as the Paris talks are concerned, is that substantive matters would be placed on the table for discussion and negotiation. Suddenly, there would be issues, such as the prisoners, that had to be resolved at Paris and that would come under serious discussion.

Under present policy, the stalemate at Paris will persist, without any breakthrough. Once this amendment becomes law, there will be a new relevance and urgency to resolving issues at the Paris talks.

So it is not our amendment which jeopardizes chances for successful negotiations at Paris. Our amendment is the one reasonable way for those negotiations to take on meaning.

I am distressed by the spurious reasons which have been given to justify our Vietnam policy, and by the groundless arguments which have been advanced against this amendment.

Securing the release of our prisoners of war is not a reason for supporting present policy—it is a reason for voting for this amendment.

Likewise, it is not our amendment which jeopardizes a negotiated settlement to the war; it is our military support of the Thieu-Ky regime.

Let us frame the question correctly. Either we have given enough, fought enough, and sacrificed enough for the South Vietnamese Government, or we have not. Either we have given them every conceivable "chance" or we have not. Either enough Americans have died in Vietnam for whatever goals we have, or not.

And either our Constitution's principles designed to prevent patriarchal rule in matters of war and peace are valid, or they are not.

Those who oppose this amendment must do better than hide behind easy slogans; they must do better than assert that setting a date will destroy negotiations—when in truth, those negotiations are and will continue to be nothing more than a diversionary pantomime until our policy is altered.

Those who oppose this amendment must explain to the American people why more of our boys must die in Indochina.

We owe it to those whose lives are at stake to consider and debate the real issues involved. I am confident that when all understand the truth about the issues before us, the choice we as Members of this body must make will become clear and compelling.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business tomorrow not extend beyond 12:30 p.m.

The PRESIDING OFFICER (Mr. HATFIELD). Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the final quorum call for the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. McGOVERN. Mr. President, I yield myself 10 minutes.

Documents are now coming to light, as reported in the New York Times yesterday and again today, which reveal perhaps better than anything else that we have seen to date the way in which our country became so deeply involved in the Indochina war. What those documents tell is a story of almost incredible deception—deception of the U.S. Congress and the American people by the highest officials in this Government, including even the President of the United States.

My own personal reaction to this, as one who has long been critical of our involvement, is nevertheless a reaction

almost of disbelief. That this Government of what we have thought was the greatest country in the world would engage in that kind of cynical deception of its own people and of the Congress is almost beyond belief.

I think we should clearly understand that whatever the causes of our involvement as revealed by these documents, and whatever deception has been practiced aside from that, the reasons for setting a date for the withdrawal of all our forces and for ending U.S. military operations on and over Indochina remain absolutely valid. The best way to secure the return of our prisoners, to insure the safety of our forces during the withdrawal period, to end the menace of drug addiction for American men in Indochina and to bring about a political settlement is to set the date now.

But if these documents were to have any impact at all on the congressional consideration of the pending amendment, they certainly ought to underscore the need for this amendment—in other words, the need for Congress to assume a greater measure of responsibility and control over American foreign policy.

I think we can learn from the documents that have been released much about our own failures as Members of Congress. We must understand, at long last, that we cannot give to the executive branch the unlimited power to decide on all questions of war and peace.

I really do not see how any Senator reviewing the documents can ever again believe that it is safe, in terms of the national interest, to assume that the executive branch can conduct foreign policy and can make these crucial decisions about war and peace without full participation by Congress, as intended by the Constitution of the United States. The system of checks and balances was placed in the Constitution for a good reason, and if we have to learn that lesson the hard way, we need only read these documents for the proof.

What they show, for example, is that the United States deliberately planned to attack North Vietnam long before the Gulf of Tonkin incident and the ensuing resolution. They show that, as a matter of fact, the language of the Gulf of Tonkin resolution itself was drafted by Mr. Bundy, not in August or July, but the previous May, and then efforts were made to provoke the kind of sequence of events that led Congress to pass this resolution and, indeed, to the bombing attacks against North Vietnam. These documents show that as early as September 1964, plans had been made to bomb North Vietnam at precisely the same time when top administration officials were ridiculing Senator GOLDWATER for advocating that course. They show that a contingency plan was actually drawn up for finding an incident which could be made into a provocation for American bombing of the North, and for passage of such a document as the Gulf of Tonkin resolution.

One official, the late Mr. McNaughton, former Secretary of Defense McNamara's assistant, made the observation in one of these documents that many people in the United States thought the establishment—that is, the foreign policy establishment—had gone mad; and one wonders, after reading this document, if that was not a legitimate concern. Such a provocation brings to mind all too easily the plan for a simulated Polish attack on German forces which enabled the Nazis to invade Poland and launch World War II. I would have believed that this kind of cynical manipulation was completely unknown in American history. But now we see that it was not.

The leaders of Congress who had every right to know what was happening in Vietnam, who had every right to know exactly what policy they were called upon to support on this floor were clearly duped and misled.

It has been said that the continuing appropriation of funds for the war has represented congressional approval of that war. But now we learn, from a reading of these documents, that our congressional leadership has had to recommend support for the war without knowing the facts and, indeed, while being told things that were not true.

To cite just one example with which I am familiar, when I asked Senator FULBRIGHT, on this floor, on July 30, 1964, whether American ships were involved in military operations off the coast of North Vietnam, just prior to the alleged North Vietnamese PT boat attack on our destroyers, Senator FULBRIGHT said, in all good faith, acting as chairman of the Foreign Relations Committee, that he had been assured by the administration that American vessels were not involved in those harassment operations. The truth is that Senator FULBRIGHT had been told a lie, and that is revealed in these documents.

The executive branch, it seems to me, has no right to deceive the Members of Congress, to say nothing of the American public, in such a shameful fashion.

These documents, Mr. President, reaffirm what I have long believed and asserted about our involvement in Indochina. While they do not in any way reflect on the policy of the present administration—I am not making a partisan statement here today; quite the contrary, I am criticizing a previous administration of my own party—I believe that they stand as a warning to those of us now in Congress; and this foreign policy establishment and the Pentagon operation are not all that partisan. It functions with pretty much the same people, from administration to administration; and we would make a serious mistake to assume that the kind of deception revealed in these documents began and ended with a single administration. This whole war has been a misconceived operation from the very beginning, involving some four administrations.

If we do not now act to insure that Congress plays its full constitutional role relating to the war in Indochina, it seems to me that we are making ourselves the accomplices of any who would seek to deceive us again.

Both the President and many in Congress say they want to bring the war to an end. By adopting the McGovern-Hatfield amendment, we in the Senate will be acting in the one way we can act to make further deception and further delay impossible.

I urgently hope that all Senators who have not read these documents will take the time to do so. While admittedly an incomplete record, it is the most revealing record we yet have of the decisions that got us so hopelessly involved in this war.

Mr. President, I ask unanimous consent to have printed in the RECORD the article and the documents published in yesterday's and today's New York Times.

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

VIETNAM ARCHIVE: PENTAGON STUDY TRACES THREE DECADES OF GROWING U.S. INVOLVEMENTS

(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 May, 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:

That 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 course 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, transferred 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 began 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 through 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 accommodations 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 STUDY 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 spring 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 bureaucratic 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 advisors 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 allout 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 elections 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 MCNAMARA'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 history 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 history 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 historians comment, 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 in this," one Pentagon historian 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 historian'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 historians 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 build-up 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 government 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 over-all effect of the study, nonetheless, is to provide a vast storehouse of new information—the most complete and informative cental archive available thus far on the Vietnam era. (See text.)

TEXTS OF DOCUMENTS

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.

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 re-shape 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 over-

extended 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 1000–1500 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 from 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.

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 base or as a member of 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 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), accommodate to Communism so as to remove effective U.S. and anti-Communist influence (Burma), or fall under the domination of forces not only 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 and fulfilling his threat of reaching an accommodation with Hanoi and Peking. As a consequence of these policies, we and the GVN have had to condone the extensive use of Cambodian and Laotian territory by the Viet Cong, both as a sanctuary and as infiltration routes.

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 plain 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 Vietnamese 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 Vietnamese 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 militarily 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.

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 functions 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 Nghja; 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 ARVN 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 Action. For example:

a. Overt high and/or low-level reconnaissance 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

*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 NVN through Laos.

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 incountry 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 [word 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 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" ** 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.

U.S. PREPARATION FOR RETALIATION AND REJECTION OF OTHER ACTIONS

(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 italics 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), 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 of liberation."

Thus, purely in terms of foreign policy, the stakes are high. . . .

**Authority should be granted immediately for covert Vietnamese operations into Laos, for the purposes of border control and of "hot pursuit" into Laos. Decision "hot pursuit" into Cambodia should await further study of our relations with that country.

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 our 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 19[illegible] 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 for 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 to 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 US 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 with 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 re-affirming 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 U.S. 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 U.S. 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.* 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 com-

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Footnotes at end of article.

municate 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 fore-shadow 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 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 on 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 embarass 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 terrorist 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 for 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 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 the present time. . . .

FOOTNOTES

*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.

**This is in Phase One also.*

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 Defence 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 country-wide canvass of responsible U.S. 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 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.

Kanh 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

US 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. As 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 assesssment 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.

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 degraduation of the counterinsurgency 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.S. (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 Assistant 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+19 Bombard Cap Mui Ron and Tiger Island.

L+25 Bombard Yen Phu and Sam Son radar.

L+28 Blow up Bridge Route 1 and bombard Cap Mui Dao.

L+30 Return any captives from L+1 15.

L+31 Bombard Hon Ne and Hon Me.

L+36 Blow up pier at Phuc Loi and bombard Hon Ngu.

L+38 Cut Hanoi-Vinh rail line.

L+41 Bombard Dong Hoi and Tiger Island.

L+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 leaflet and deception operations.

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 Yankee Team 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 suppressive 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 operation in southern Laos.

4. Strikes on targets of opportunity, including in support of FAR defensive actions such as at Ban 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 Tehepone area), plus restriking some of the original 13 targets. Ambassador Unger has submitted for approval under this program 6 additional targets.

6. 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 week 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 NVM 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. DE SOTO 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 U.S. 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".

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.

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 PT 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.

Morever, 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 and the Pathet Lao 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]

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.

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.

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 also 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.

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 government 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 central 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'etat 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 dried 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.

FOCUS TURNS TO BOMBING

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 unquestionably 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 routes 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 beyond 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 "proceeds 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 Khan 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 Charles 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 action 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, [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 decline 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 Pathlet 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 denouement 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 piece-meal 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 programed 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 as-

sociated 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 'Jordan 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) Recome 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 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 June 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 of a 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 counter-offensive by the Laotian Army to protect the key position of Muong Soui.

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 for bombing in North drawn up by Joint Chiefs.

MAY, 1964

General Khanh 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 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."

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 of 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, "it 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 Communists 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 closet civilian advisers—Mr. Rusk, Mr. McNamara and 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 means to the South Vietnamese people 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 then 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' ambitions 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 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 included: (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 solution 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.

POSTPONED FOR THE PRESENT

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.

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. The planning envisioned eventual battalion-size attacks by Saigon's army and air strikes by the South Vietnamese against Communist infiltration routes along the Ho Chi Minh Trail network.

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 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."

To restrain the South Vietnamese military, the Ambassador was also authorized to undertake joint planning for an air campaign.

The Pentagon narrative skims 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 transport 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–28s 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 hour 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.

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, which 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 Frank 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 our 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 in the infiltration of men and materiel 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 vessels afford no cover whatsoever. Our naval personnel do not participate in the junk operations.

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.

TWO KEY ELEMENTS IN PLACE

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 historian 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 banche 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 resolution 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." [See text.]

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 comments 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.

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 Times'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.

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 same time, we believe time has come to view 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 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 comment, 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. Limit 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 our yielding Triangle gains, and our judgement 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 tripartie 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 judgement 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 development: 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 response 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 rpt 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—North Vietnam itself. This fact shines clearly through his recent brief letter to Pres. Johnson. Moreover, it would be folly to assume that Khanh, 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 pressures for Geneva-type conf 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 in-country 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 reigns (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 phase 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 of 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 to 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 capability 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 [words 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 US reconnaissance planes, VNAF/Farmgate aircraft against those targets which could be attacked safely in spite of the presence of the MIG's and additional US 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 US policy in South Viet Nam. I will press the Khanh 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 US 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 avoid 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 memoranudm, "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 actions 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. Recently 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 Hop 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 action:

(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 (US U-2 recce of DRV, US 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 US, 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 US recce or US 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 US aircraft are deployed (likely).

f. Some barbaric act of terrorism which inflames US 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 US 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 US public (which must support our risk-taking with US 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 US 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 restraints of our political season, and to the US public that we are behaving with good purpose and restraint.

TOP AIDES' PROPOSAL TO JOHNSON ON MILITARY STEPS 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. US 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 US units or any special DRV/VC action against SVN. The response for an attack on US 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 US 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 US 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 US 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 resumed 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 Laos 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 decision 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 cablegrams 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 attacks by T–28s and listed Para. 8 Vientiane's 581, excluding Mu Gia pass and any target which Lao 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. Bolton, 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 U.S. reputation as a counter-subversion guarantor.

(b) To avoid domino effect especially in Southeast Asia.

(c) To keep South Vietnam's 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 DVR/VC "spectaculars" against GVN as well as US assets in South Vietnam.)

Option A. Continue present policies. Maximum assistance within 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-associated 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 "crescendo," 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 as 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 counter-productive 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 tasks 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 phoenix, 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 Vietnam, 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 adquate 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 began 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 morale 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 vis-a-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 fall-back 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 Viet-

nam, 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 US 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 overall 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 referenced 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 diregard 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.

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 accompanied by 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 U.S. 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 U.S. 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 U.S. 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 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. The U.S. 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 meeting will be convened for this purpose).

3. The Ambassadors of key allied nations will be given special briefings.

4. 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)) reconnaissance 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 sup-

port, 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 MIGs 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 with 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 into 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 US dependents, might be the occasion. Such a statement or speech would re-state 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 public 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 program:

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 US 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 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 available 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 psychological, 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 participation 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 US 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 US 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 US advisors because of difficulty with current SAR operations in Laos and political importance of US maintaining credible stance of adhering to provisions 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/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 Knanh 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 CANO: 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 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. Wo do not want to force General Khanh; we advise him. We will do what he orders . . .

Ambassador TAYLOR: Would your 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 US 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.

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 form 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:

"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, north-

west), No. 4 (Tchepone military area), No. 19 (Banthay 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–52'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.

"(d) 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 similarly 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 decide 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 inter-agency Vietnam coordinating committee, and Robert Johnson of 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."

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 foreseeable future" in any case because the South Vietnamese Army was so tied down fighting the guerrillas 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 Bienhoa 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 attack 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):

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 Taylor'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 representatives 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.]

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 coastal 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 analyst 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.

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."

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 operation," but the destroyers "would have air cover from carriers."

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. public 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 North, with or without a provocation 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."

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."

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.

Option A—Conduct U.S. reprisal air strikes on North Vietnam "not only against any recurrence of VC 'spctaculars' 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 Phucyen 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 adovcated working through the U.K. [United Kingdom, or Britain] who would in turn seek cooperation from the U.S.S.R., in arranging an internation 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 campaign 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 other 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 actions." 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.]

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 Communist 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 plant 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' compound 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.

DOUBTS AT TWO POLES

The two dissenters from the view that "calculated doses of forces" 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 myraid 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 anti-aircraft 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 for 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 analyses 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 surrended 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 Marshal 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 1—Operation Barrell 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. This analyst, remarks that the White House press statement release 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' 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 Barrel 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 didn't 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 action," 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 Barrell 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 antiwar 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 sellout" 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 memorandum 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 widespread 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 fairly 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 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 penciled 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 guerrillas 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."

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 aid 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 Sciences, 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, Metropolitan 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. Duong Van Minh Jan. 30, 1964 . . . in August, assumed dictatorial powers 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, goateed . . . 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 Ashville, 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 Chief of Staff, 1962–64; United States Ambassador to South Vietnam, 1964–65; special consultant to the President, 1965–69; 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 advisor by President Kennedy, 1961 . . . was influential in both Kennedy, Johnson administrations . . . scholarly, much-decorated . . . now living in Chevy Chase, Md.

GLOSSARY TERMS USED IN TEXT

ARVN—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.

CINCPAC—Commander In Chief, Pacific. Position held by Adm. Harry D. Felt, 1958–64; 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.

NVR—North Vietnam.

OPLAN—Operation Plan.

PDJ—Plaine 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 Operation 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 bomb action.

ORDER OF BUSINESS

Mr. PERCY addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Mississippi (Mr. STENNIS) I yield 10 minutes to the Senator from Illinois.

Mr. PERCY. I thank the Senator.

GOV. RICHARD OGILVIE, OF ILLINOIS

Mr. PERCY. Mr. President, the Governor of Illinois, Richard Ogilvie, has been the subject of recent newspaper commentary; and I think the case is accurately summed up in a recent article in the Chicago Tribune of May 24, which I will ask to have printed in the RECORD at the conclusion of my remarks.

The article begins by saying:

Dick Ogilvie may turn out to be the best one-term governor Illinois ever had.

The article closes by saying:

As far as the income tax is concerned, those who are sure that Ogilvie cannot win next year are basing that judgment on the cynical view that most voters cannot, or will not, look beneath the surface of that issue.

That, of course, is up to the electorate itself.

I seriously object to the cynical attitude of sometime writers and politicians, that the electorate will not return to public office a man who has had the courage to do that which is not only right, but which is also absolutely essential as in this particular case, merely because he has done what was considered at the time to be the unpopular thing. I think it underestimates the intelligence of the American electorate. It underestimates the ability of the average citizen to comprehend the problems we are facing as a nation, particularly those problems we face in our municipal and State governments, and that the services which are being demanded by the people have to be paid for.

As every public official knows who has served in the office of Governor or mayor, these are very difficult and sometimes thankless jobs. But there have been Governors who have done the right thing. I am happy to note that the present Presiding Officer of the Senate, the Senator from Oregon (Mr. HATFIELD), was a distinguished Governor who served his State well, who was elected with very large pluralities in what was considered to be a Democratic State, and who did many things that were not considered popular at the time. But the electorate chose to return him to office and to the Senate when they recognized, in retrospect, that he had done the things that were in the best interest of his State.

So, too, has the Governor of New York, Governor Rockefeller, been returned to office a record number of times. He has had to do many courageous and necessary things, for the State of New York to provide the services that people wanted and at the same time, to keep the State solvent.

I recall, also, that, in Michigan when Governor Romney was elected, he took over a State that was in a condition of bankruptcy. He did the things that were necessary and proper to make the State solvent once again, and his popularity remained undiminished.

So, too, I feel that in the State of Illinois, when we had to have an income tax, a tax on individuals as well as on corporations, this became an unpopular issue, and remains so today with some. But that tax never would have been possible without the assistance and cooperation and votes of the Democrats in the legislature. It was not an Ogilvie tax. It was a bipartisan tax, uniformally supported by virtually every civic organization in the State.

I believe that Governor Ogilvie can be rated today as one of the finest Governors our State has ever had. People will admit this even though they say today, "I do not know if I will vote for him because I do not like that income tax." I think that when the State sees the benefits that are going to come from providing those services which are crucial and necessary—raising the level of support for education; maintaining our mental institutions in a condition that is befitting a great State; funding penal reform and juvenile delinquency programs; building roads and reconstructing narrow highways; replacing dangerous bridges with safe structures—the voters of the State are going to realize that they have a man of courage, a man of vision, a man of determination—a man whose program is universally supported despite the fact that he had to raise the revenue necessary to carry out these programs.

I, therefore, ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, the excellent article published in the Chicago Tribune and an editorial published in the Chicago Daily News, the Saturday-Sunday edition of May 22 and May 23, indicating that, once again, a courageous program on welfare reform has been instituted by Governor Ogilvie which is very much along the lines of the welfare reforms proposed by President Nixon.

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

(See exhibit 1.)

Mr. PERCY. If we are ever to find a way out of the morass of the ever-increasing welfare rolls, which deprive people of their integrity and self-respect it will be these kinds of decisions that must be made, both at the State and National level, which offer people an opportunity of dignity. Governor Ogilvie has had the foresight and courage to do just that.

EXHIBIT 1

[From the Chicago Tribune, May 24, 1971]

GOVERNOR OGILVIE'S SUCCESSES BLAME FOR INCOME TAX OFFSETS

(By John Elmer)

(NOTE.—John Elmer, our Springfield correspondent, is writing about major Illinois state officials, their backgrounds and their influence over the daily lives of millions. This is another of his articles.)

SPRINGFIELD, ILL., May 23.—"Dick Ogilvie may turn out to be the best one-term governor Illinois ever had."

You hear it often now that the outcry over the state income tax has subsided to grudging acceptance and the pundits around the Capitol—those who live and breathe state politics—begin to take a second look at the overall record that Richard Buell Ogilvie has

established during his first two years in the executive mansion.

They are convinced that Ogilvie's support of the new tax combined with some political mistakes, makes him a cinch to lose in 1972—if he decides to seek a second term—no matter who the Democrats choose to run against him.

SOME DISAGREE

A few observers—a very few—think the pundits could be premature, and absolutely wrong.

Almost to a man, however, they believe that the former World War II tank commander has done a good job for the people of Illinois.

When Ogilvie took office in January, 1969, the state was facing bankruptcy.

DEMANDS EXCEED CASH

Demands for more money for welfare, education and scores of other vital programs far exceeded anticipated revenue from existing state tax sources. In the previous biennium, spending exceeded income by more than $150 million. That deficit, along with new needs, meant the state could be short of funds by nearly $1 billion.

The options were few.

The sales tax, already high at 5 per cent, could not bring in enough revenue unless it was increased at least 3 cents on the dollar, a prospect both socially and politically abhorrent.

Most other tax sources were low-yield ones which could not possibly produce the necessary money.

INCOME TAX ONLY OPTION

An income tax was the only option. The alternative was fiscal irresponsibility—in everyday terms, closed schools and hungry children of welfare recipients.

So the Ogilvie administration proposed Illinois' first income tax. As adopted in July, 1969, it is a flat rate tax levied at 2½ per cent on individuals and 4 per cent on corporations.

Democrats in the Legislature helped pass the measure, but it was Ogilvie's income tax, an albatross he would have to carry for the rest of his political life, regardless of the circumstances of its birth.

PRODUCES $1.1 BILLION

The new tax produced $1.1 billion a year, and pulled the state out of the fiscal hole.

It enabled Ogilvie to upgrade several state programs, including a 30 per cent increase in state aid to public schools.

One-twelfth of the income tax revenue, or about $90 million a year, went to cities and counties under Ogilvie's new revenue sharing plan.

ADDS BUSINESS PROCEDURES

Meanwhile, Ogilvie was moving to cut costs by bringing businessmen and business procedures to state government.

According to John W. McCarter Jr., Ogilvie's budget director, more than $500 million worth of waste, inefficiency and duplication has been eliminated in the last two years.

Major new steps which the governor has taken include:

1. Establishing a three-pronged attack on air and water pollution thru new agencies under the Environmental Protection Act, under which the $750 million antipollution bond referendum of 1970 is being handled.

2. Setting up a new department to combat crime, a part of which is the Illinois Bureau of Investigation—Ogilvie's little FBI.

3. Creating a new agency to help solve local problems and administer the revenue sharing plan.

TRANSPORTATION PLAN

Currently, Ogilvie has legislation pending which would move on the problems of transportation—including highways and mass transit facilities, thru a $900 million bond issue.

The transportation package is important because it includes $600 million for interstate highways in downstate Illinois, where political observers say Ogilvie's fortunes are faring the worst.

One of his major political miscalculations has been taking a too-hard line with county chairman and other Republican leaders in the 101 counties outside Cook, observers contend.

SLOW ON DOWNSTATE AID

If Ogilvie had been freer with patronage and quicker to consult leaders in downstate Illinois, a Republican citadel, his political stock would be better now, they add.

Heightening that problem is that Ogilvie has surrounded himself with administrative aides whose origin is Cook County or outside Illinois, drawing very slightly from downstate.

A recent move which Ogilvie made to help assuage downstate dissatisfaction was appointment of John W. Lewis, a longtime Republican lawmaker from Marshall, as secretary of state upon the death of Paul Powell, the state's top downstate Democrat.

LEWIS SHOWS INTEREST

Tho at the time Lewis said he would not run for the office in 1972, leading to suggestions that Ogilvie wanted to pick the candidate himself, the former House speaker has since indicated an interest in the race.

In a recent interview, Ogilvie said he would welcome Lewis on the 1972 ticket.

Ogilvie is aware that the G.O.P. slate next year needs strength downstate, especially if all the present incumbents—himself, Sen. Percy and Atty. Gen. William J. Scott—seek reelection at the top of the ticket. All are from Cook County.

FROM COOK COUNTY

Ogilvie, 48, grew up politically with both Scott and Percy in Cook County Republican Party circles.

Born in Kansas City, Mo., he moved to Illinois with his parents in 1930. Ogilvie attended school in Evanston, but in 1939 the family moved east and he finished high school in Port Chester, N.Y.

After two years at Yale University, Ogilvie went to war.

World War II ended for him about two years later, when a high explosive shell sent shrapnel smashing into his mouth and jaw. Plastic surgery helped, but he still bears a scar on the left side of his face which makes smiling difficult.

GOT LAW DEGREE

Ogilvie then finished up at Yale, getting his bachelor's degree in 1947. He returned to Illinois and obtained his law degree from Kent College of Law in Chicago in 1949.

He married the former Dorothy Shriver of Oak Park in 1950. They have a daughter, Elizabeth, now 16.

After practicing law privately and working precinct politics in Evanston and Northfield, Ogilvie became a special assistant United States attorney in 1958. His work in that job led to the indictment and conviction of Anthony [Tony] Accardo, then Chicago crime syndicate boss.

ELECTED SHERIFF

In 1962, Ogilvie accomplished his first political miracle by beating the Democratic organization and being elected Cook County sheriff. He duplicated that feat in 1966 by winning the office of Cook County board president.

Those twin victories over Mayor Daley's machine made Ogilvie the logical G.O.P. choice for governor in 1968.

Ogilvie's tough-minded image was a winning formula in past elections. But the law and order issue wore thin in 1970, and the man Ogilvie named to succeed the late Sen. Dirksen—former House Speaker Ralph Tyler Smith of Alton—couldn't win with it last year.

INCOME TAX BLAMED

Many Republican legislators also lost last year, a development many politicians blamed on Ogilvie and "his" income tax and the choice of Smith to lead the ticket.

To add to Ogilvie's woes, there are even rumbles from Washington that President Nixon is not pelased with the idea of running in 1972 on an all-important Illinois ticket with someone whose political stock is as low as his own.

Smelling blood, several Democratic leaders have zeroed in on their party's nomination for governor—including Lt. Gov. Paul Simon and State Auditor Michael J. Howlett.

NOT READY TO QUIT

However, sources close to Ogilvie say he is far from ready to throw in the towel—not even for a federal appointment, a recurring rumor.

And, more and more, his sharpest critics are beginning to talk about the successes of Ogilvie's administration, rather than his political mistakes.

His ability to keep his vow to hold the line on taxes this year, despite a record $5.6 billion state budget, is of major importance for 1972.

As far as the income tax is concerned, those who are sure that Ogilvie cannot win next year are basing that judgment on the cynical view that most voters cannot, or will not, look beneath the surface of that issue.

That, of course, is up to the electorate itself.

[From the Chicago Daily News, May 22–23, 1971]

EVERYBODY'S WELFARE

Many of Gov. Ogilvie's proposed welfare reforms make sense. The program does not warrant the "Reaganesque" label. Though the long-range objective of the Ogilvie program is to reduce welfare rolls and expenditures, it differs sharply from the California governor's call for drastic measures to cut rolls and spending immediately. Ogilvie recognizes that costs cannot be realistically reduced at a time when unemployment has swelled the number of those eligible for help.

He is attentive to the plight of the jobless forced on relief, but he is also justified in proposing tighter surveillance against chiselers and cheats. His proposal to hire 900 more aid workers has raised eyebrows, but there can be no discipline or efficiency in the operation without adequate supervision.

Many of the new workers will be used to speed up the transfer of eligible recipients from the present state-financed general assistance program to federally funded rolls. Others will be used to enforce the present requirement that all able-bodied recipients accept such jobs as may be available.

Because private jobs are scarce, the governor, like Mayor Daley, proposes to employ the able-bodied in essential public projects as was done during Depression days. The governor believes that as many as 60,000 of the state's 827,000 recipients might be put to work in environmental projects, trash removal and park-policing jobs at the state and local levels. Many now on the general assistance rolls would doubtless welcome the opportunity to work rather than take a handout, and the Legislature ought to be able to evolve a wage formula that would be dignified and equitable. The success of such a program might well hinge on the enactment of related manpower legislation by Congress to free federal funds to help the states and cities meet their payrolls. One such measure was passed last year but vetoed by President Nixon, but with Ogilvie and other governors favoring such a program, its chances this year would be much better.

The governor's program would require various changes in federal welfare regulations, particularly in regard to Aid for Dependent Children benefits and medicaid—the latter being the fastest-growing of welfare expenditures. The outlook for such action at this time is far from good. But other welfare

reforms now pending in Congress, including Rep. Wilbur Mills' bill, could help take up the slack in other ways.

The need is urgent. As Ogilvie pointed out, the new welfare budget of $1.12 billion is double the amount appropriated only three years ago, and spending for the following year could top $1.5 billion. Spiraling welfare costs will absorb 85 per cent of the growth in state revenues during the fiscal year starting July 1.

Like the welfare reforms proposed by President Nixon and those now incorporated in the Mills bill, Ogilvie's would initially involve more spending rather than less. But if it will finally lead to savings and give welfare recipients the opportunity many of them want to earn a decent livelihood, it will have been worthwhile. The governor's program deserves close study by the Legislature on its merits, for the containment of rampaging welfare costs is everybody's important business.

SENATOR BYRD OF VIRGINIA

Mr. PERCY. Mr. President, I ask unanimous consent to have printed in the RECORD an article which was published in the Washington Sunday Star magazine section, on our distinguished and beloved colleague, the Senator from Virginia (Mr. BYRD).

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

HARRY STILL MAKES HIS LIVING THERE IN THE CONGRESS, AND THE ROADS ARE GETTING BETTER ALL THE TIME

(By Josephine Franklin Caplan),

The old man in the Berryville diner said, sure, he knew the Byrds. Everyone did. They live right over there—he pointed to the Rosemont mansion—and the senator's family was over in Winchester. "Real nice people, real natural." He nodded his head toward Rosemont. "You ought to go by the Byrds' place in the spring. . . . it's real pretty and they like people to stop by." Did the Byrds still run Virginia? He poured some cream into his coffee. "Yes, Ma'am. Harry still makes his living there in the Congress, and the roads are getting better all the time."

To some people, the Byrds seem anything but "real nice," and the fact that the Byrd-Virginia phenomenon continues as the rest of the world seems to change is a mystery. The latest in 300 years of Virginia Byrds is the recently re-elected Sen. Harry F. Byrd, Jr., who managed to ignore liberals (to whom his very name is anathema) and the general structure of party politics in the United States in winning his seat in the Senate this last time around. He has a last name that tends to summon to mind volatile issues and stances, such as massive resistance to desegregation, tight-fisted economic policies, and in general a tradition so conservative as to strike his foes as an absolute anachronism. On top of that, his way of life is aristocratic in the mode of another century. The family history itself looms larger than life, interspersed with characters worthy of Faulkner.

The Byrds have managed to amass fortunes, lose fortunes, and amass them again. They founded cities, explored the Antarctic, scattered mansions across the face of Virginia. They created an apple empire from a few trees and started with one newspaper and wound up with four. All the while they ran the state from the governor's mansion or the senate or elsewhere. Eventually, people were repeating the adage, "Byrd is Virginia."

In fact, to many, the Byrds are what Virginians ought to be. They are a "good family," aristocrats in the Virginia style. One of them married a descendant of Charlemagne, and the rest have continually married into the other "good" Virginia families—the Armisteads, the Beverleys, the Booths, the Floods, etc. They've always lived the good life, riding with the hounds, playing polo, welcoming the visitors when the azaleas and the dogwoods bloom around the Rosemont mansion.

The whole style goes back to 1670, when William Byrd established himself in the correct manner of the times as a landowner, slave trader and fur, tobacco and spice dealer. He was followed by William II, who established himself in a correct enough manner as a wencher and a scholar and the founder of Richmond. Then the mantle fell on William III, who gambled and drank the whole fortune away. The history of the Byrds winds its way in and out and up and down from there, like the Harry Flood Byrd Highway, with the latest turn in the nexus being Harry Byrd Jr.'s improbable Senate victory.

"You know where he stands" was the campaign slogan. Judging by the vote, it seems that the greater majority of Virginians did, and that it coincided well enough with where they stood. Quipping that too much was spent on campaigning, Byrd Jr. dispensed with the greater part of that formality and just went around the state talking about things like cutting back the federal spending that's a drain on the wage earner's pocket. Saying that Congress ought to be checked up on to ascertain that welfare wasn't siphoned off by "able-bodied persons who refuse to work." Explaining that the ABM was "not a war-making machine" but a "prudent" safety measure. After condemning busing with the explanation that it not only took children away from their mothers and community, but also resulted in an "artificial racial balance." When confronted, upon election, with a hostile group of liberal Democratic colleagues who wished to renegotiate his five years worth of seniority on the Finance and the Armed Services Committees, the Senator fired back a retort that explained a little of the philosophy that drew his Virginia voters to him.

"Independence! That's the fundamental!" White hair, florid complexion, and little blue eyes, he leaned forward in his office chair, adjusting the cuff of his navy blue blazer. He was irritated.

"Sen. Harris (Fred R., D.-Okla.) called this meeting to . . . to chastise me, I suppose. Well, I certainly am not going to worry about that!" He sat back, looking piqued.

"I told them before—I'll support the Democrats when I think they are right and oppose them when they're wrong. And I'll do the same for the Republicans. That's the view the people of Virginia want me to take. Independence. Excuse me a minute." The senator answered his telephone. "Gerry Ford! Well, how you doing?" he boomed, beaming. "I'm calling as president of the Alfalfa Club, and we need a speaker!" As he spoke, he looked a great deal like his late father, Sen. Harry Byrd Sr., pictures of whom dotted the walls.

He returned adjusting his wide red tie, saying that he kept up with the mail, liked to keep in touch with the people. He knew what Virginians wanted. "Yes, sir. Independence. Virginia may just be doing a little pioneering in that respect—as a matter of fact, people all over the country are doing a little pioneering. The days of blind partisanship are over. This is individual liberty."

At that point, he seemed to decide it was in bad taste to talk on so about politics in front of a feminine interviewer. He decided to turn on his Virginia charm and tell a little story. He pointed to a wall. "See that clock up there? Now, isn't that a clever thing? These little buttons light up, and each means something different. They tell you whether the Senate is in session, whether there's a quorum. Quite a little device." And next, "How do you like the newspaper business, anyway? I've been in newspapers all my life, and government is like business—you've got to be alert to changing conditions but retain the fundamentals." He was silent for a moment. Then he looked up to one of the numerous pictures of his father. "My father was the greatest man in the history of the Senate. I think after him the other great men of the Twentieth Century would be Winston Churchill, Senator Taft and Al Smith—you know I always thought he'd make a good president."

If everyone, as the old man in the diner said, knows the Byrds, and if Harry Jr.'s preoccupation with independence doesn't strike too many Virginians as unusual, it is probably because of his father, whose politics and personality stirred up as much controversy as fame.

Independence being his trademark, too, Harry Sr. left school and put the family newspaper back in the black. (The Byrd fortune was in a slump at that time.) At the same time, he also bought up a few apple orchards. By 1962 he was the largest individual apple orchard owner in the world. In the course of years in politics he also managed to pull the state of Virginia out of the red—it being in nearly the same state of financial disrepair as his family's fortune. He also managed to put the state pretty much under his thumb. Starting as the youngest governor since Thomas Jefferson, at 38 years old, in 1925, he revamped the state constitution to modernize it, tighten it administratively, and also cut down on elected offices by allowing the governor to appoint most state officials. With this Harry Sr. began an era of "courthouse" politics, in which the state was run by Byrd-appointed officials in the courthouses around the state, and by Byrd at the top. Some called it the Byrd machine, and in any case it allowed, as a one-time Byrd tax commissioner put it, "like-minded" people to take control of Virginia. In 1933, Byrd Sr. went to the U.S. Senate, where he stayed for the next 32 years, leaving his brother Tom to run the apple business and another brother, Adm. Richard E., to explore Antarctica.

"Harry Byrd is the most gracious person you'd want to meet, but he does give us fits," noted President John F. Kennedy. Dressed in his famed white suit and red tie, Harry Sr. guarded his state's rights jealously and stood for what he viewed as individual liberty by opposing court orders to desegregate schools, and by asserting his distaste for the liberal candidates in the Democratic Party with a "golden silence." When the Democratic candidate for president was too liberal for Harry Sr., Harry Sr. would be too busy "picking apples" to endorse them.

His style seemed to delight the people of Virginia, too. Referring to another senator as a "skunk." Bringing his dog onto the Senate floor. Throwing spring parties as the azaleas bloomed at Rosemont, with Smithfield ham, fried chicken and strawberry shortcake for everyone. With his taste for the people, all sort of summed up in the "Visitors Welcome" sign in front of his mansion. Byrd Sr., the "country gentleman," became synonymous with Virginia politics, and with the lifestyle of the Virginia gentry, until he stepped down in 1965 and his son, Harry Jr., was appointed to fill the remainder of his term.

And the appeal of the "country gentleman" somehow has survived Virginia's slow change from the rural state it was in Harry Sr.'s time to the urban state it is today, along with the change in the voting structure to include youth and blacks. Neither the voters' penchant for Byrds nor the Byrds themselves have changed.

Driving on the Harry Flood Byrd Highway toward Winchester takes you past the Washington suburbs, past the Civil War battle markers, the stone cabins, the Goose Creek Country Club and the antique shops, down into the lush green and roll of the mountains and the Shenandoah Valley. And there is a young Harry Byrd III, this one apparently not interested in politics, living the life of the country gentry, growing apples, all hos-

pitality and ready to drive you around in his green Chevy truck to see how the Byrds of the Valley live, which is indeed "real natural"—sometimes quite colorful as they pursue their own brand of "individual liberty."

An easy-smiling fellow of 28, he explained that he went to the University of Virginia and Woodbury Forest, where he majored in "fun" and came back and got "mixed up in apples." Took a trip to most of the apple places of the world—the state of Washington, Africa, Australia, New Zealand, Rhodesia. Now he was back doing some experimenting. He pointed out the large orchards as he approached. "Those are the Rosemont orchards, and that's Rosemont." He pointed toward a tremendous white mansion looming up from the trees. "It belonged to grandfather. Now Uncle Tom lives there." He says he spends his time "out here most of the time in the orchards. More or less, just see the men and the apples." He turned and patted Barbara on the knee. She is his fiance. "And I spend a little time with Barbara. Politics? No, I don't have any interest in politics. It conflicts with apple-picking time."

Harry wound along, and on the corner of the trees a log cabin began to appear, with little cubicles fenced off by chicken wire. As the truck pulled closer, a great, brown, dust-matted buffalo could be found dozing while a couple of other unusual-looking animals wandered around some of the apple trees.

"This is something that very few people know about. Uncle Beverley made a zoo on the premises here." He motioned his hand toward the buffalo.

"He thought that if you could take everything young enough and mix them all up together and treat them kindly it would work. They could live together, and you could cross-breed some of them." The buffalo rolled a mournful eye. "So he collected animals from Africa and other places, Lamas, yaks, camels, buffalo, and a lot of others." He enumerated some of the other species that he had brought to the zoo. "I don't know exactly what happened, but he tried to cross-breed them, and a lot of them sort of died off. And then the larger animals started taking advantage of the smaller animals, and I don't know what all. But anyway he decided to segregate what was left of his field." Harry looked at the buffalo for a minute. "You know, he's amazing. Winter or summer, hot or cold, he just sits right there." Harry got back into the truck. The time to come was in the springtime when the azaleas and dogwoods were in bloom, he said, which is exactly what Mrs. Byrd, who has no interest herself in politics either and feels it's the men's business, had said.

"Me? No, I'm not interested in all of that. I really don't know why they stay involved. That's just what they do. I guess the men are just interested in working in politics." She shooed off some of the hounds and led the way through the wide hallway, replete with chandeliers, mirrors, spiraling staircase and oriental rugs. "I used to be a reporter myself, she announced. Real hotshot." Her son started laughing at her, and she began to laugh herself. "I did the society column for my husband's newspaper—and sometimes even an obit would come along." Upon request, Mrs. Byrd, a slim woman with ash blonde hair, gave a casual tour of the old Georgian mansion. "Let me see, I guess you would say the house has 14 rooms. Or, I don't know—do you count the hallways or the closets, too? Anyway, it was built in 1898. Belonged to my sister-in-law. Not very old as Virginia standards go.

"This is where we have the spring luncheons. When it's nice out, we open it on to the porch." She pointed to a magnificent paneled dining room with a massive mahogany table and silver tea service. "Who's invited?" Oh, I don't know. Harry invites them. Mostly senators and congressmen, newspaper people, I guess. You know, Harry's friends from Washington."

She led the way to a sitting room with a large fireplace, overstuffed furniture and needle-point cushions, and said that she had to spend most of her time in Washington, and used up her time by doing things like Red Cross volunteer work and visiting with her friends, Norma, Sen. John T. McClellan's wife, and Martha Mitchell. Harry III laughed at her mention of Martha Mitchell. Mrs. Byrd replied, "You needn't make fun of Martha, because she's a great friend of mine. Has a good sense of humor."

She laughed at the story that she and Harry Jr. had met when she was Apple Blossom Queen. "A lot of nonsense. I've known Harry since I was 15. Married him when I was 23. And, anyway, our families have known each other for years." She thought back to her school years at the National Cathedral School in Washington. "Biology was the only course I was ever interested in at all. I was mainly interested in boys."

She introduced her son Tom, a pleasant looking fellow, who was going to uphold the newspaper interests of the family. "He's going to work at our paper, the *Winchester Star*." Tom, 25 years old, recently returned from Vietnam, nodded and added with a smile, "It's not at its peak." He was on his way to discuss his position there. "I've been working there since I was 10 years old. I started delivering papers, then got into the press room stuff, advertising. Right now I'm tending bar in Lynchburg after school. I'll graduate from Lynchburg College in May—I'm tending bar to earn a little money. It's just beer though—not mixed beverages."

They chattered on about family get-togethers. Grandmother dropped by. Tom's baby crawled over the floor. Servants puttered around. In general, they seemed to be somewhat amused at being asked to view themselves as a politically, or otherwise, famous family.

Would Tom carry on the family's political name? Mrs. Byrd thought about it and answered, "The old man just started another six years. That's all I can think about now." That seemed about all the senator back in Washington was busy witn too, although he had said that he "doubted" if any of his kids would go into politics.

To some, that will probably come as a hopeful sign that the overdue end of a Virginia era is in sight. But to others, it will be a shame, it's conceivable. Virginians like their Byrds. They feel comfortable with the Byrd lifestyle, the graciousness and the easy pace, where they might not be with some pushy northern type who was always worrying about getting legislation through. They like Harry Byrd Jr., who may spend most of his time in Washington, but who still belongs to Winchester.

To the Virginians who voted for him, and most of all to Harry Jr. himself, there is no mystery whatsoever. As a matter of fact, there wasn't even anything very peculiar about his chucking the Democratic party. The *Virginia Beach Sun* said he was merely being "what a Virginia Democrat has been for years—an independent conservative." Byrd explained his course of action by saying that the Virginia Democratic loyalty oath to support unpicked candidates for the presidency and the vice presidency imposed on his freedom too much. Some contended that it was simply a clever way to avoid a primary that would have been tough. But Byrd said no, that the people of Virginia would understand, because they felt imposed upon too—by Supreme Court decisions on desegregation and by the federal government meddling in their affairs through "a group of people who sit in Washington and say what ought to be done."

Mr. PERCY. Mr. President, many of my colleagues may have been out of town this weekend but I know that a great many people in Illinois, as well as many libraries and other institutions that get the CONGRESSIONAL RECORD, will find this article of great interest.

HARRY BYRD of Virginia is not just a well-known figure in Washington or in his great State of Virginia. He is a much beloved man throughout the country who is highly respected for his integrity, his sense of decency and fair play, and for the way he fights for his convictions.

I have not always agreed with him, but I have always admired and respected his dedication to public service, his dedication to public life.

I believe the country would like to know more of the way that HARRY BYRD and his family conduct their personal and private lives in Winchester, Va.

Mr. President, I yield the floor.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 11:30 a.m. Immediately following the recognition of the two leaders under the standing order, the following Senators will be recognized for not to exceed 15 minutes each, and in the order stated: Mr. SYMINGTON, Mr. BYRD of Virginia, and Mr. GRAVEL.

At the conclusion of the remarks of these Senators, under the orders previously entered, there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to extend beyond 12:30 p.m.

Upon conclusion of the period for the transaction of routine morning business, the Chair will lay before the Senate the unfinished business, H.R. 6531. The pending business will be the so-called McGovern-Hatfield amendment, No. 143, on which the yeas and nays have been ordered.

The vote will occur on amendment No. 143 not later than 5 p.m. on Wednesday next. Agreement has been entered into by which time on any amendment to the amendment will be limited to 1 hour.

In view of the fact that a time agreement has been entered into with respect to amendment No. 143, the Pastore rule of germaneness has been waived for the entire day on tomorrow.

ADJOURNMENT TO 11:30 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11:30 a.m. tomorrow.

The motion was agreed to; and (at 3 o'clock and 2 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, June 15, 1971, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 14, 1971:

U.S. DISTRICT COURTS

Edward R. Neaher, of New York, to be a U.S. district judge for the eastern district of New York, vice Joseph C. Zavatt, retired.

Robert E. DeMascio, of Michigan, to be a U.S. district judge for the eastern district of Michigan, vice Theodore Levin, deceased.