SENATE—*Tuesday, June 15, 1971*

The Senate met at 11:30 a.m. and was called to order by Hon. MIKE GRAVEL, a Senator from the State of Alaska.

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

O God, our Father, whose glory transcends all that is human, yet abidest with man, make this day luminous with Thy presence. Spare us from being little souls wrapped in the narrow confinement of our own selfish ways. But make us big enough for our age, wise enough to solve our problems, great enough for our times.

Open to us, O Lord, the vision of the world that is yet to be when strife, contention, and injustice are no more, when life for all is full and free, and all people live in the peace and joy of Thy kingdom. Fit us for our place in Thy service. Equip us for our duties and use us for Thy holy purposes.

When the shadows flee away and the new day dawns, grant us grateful hearts to render to Thee all the praise and the glory, for it is in Thee we trust and in Thy strength we labor. 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 15, 1971.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. MIKE GRAVEL, a Senator from the State of Alaska, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, June 14, 1971, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. 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.

HIGH-SPEED GROUND TRANSPORTATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 144, S. 979.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read the bill by title, as follows:

A bill (S. 979) to extend the act of September 30, 1965, as amended by the act of July 24, 1968, and October 13, 1970, relating to high-speed ground transportation by removing the termination date thereof and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, with amendments, on page 1, in line 3, after "(a)" insert the words "the first sentence in";

And after line 8, insert the following new language:

(c) Section 8(a) of such Act is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting before such paragraphs the following:

"(2) In considering proposals or applications for research and development and demonstration projects under this Act the Secretary shall give highest priority to those proposals or applications which will substantially increase employment in labor areas (as those areas are described by the Secretary of Labor in title 41 of the Code of Federal Regulations).

"(A) which are experiencing a rate of unemployment of 9 per centum or more of the area's work force, or a rate of unemployment of 150 per centum or more of the federally determined unemployment rate for the entire United States; or

"(B) which have experienced a 1 per centum increase in unemployment as determined by the Secretary of Labor of the available work force as a result of the termination of a federally financed or supported program and such increase in unemployment continues to exist.

In the event that two or more entities from the same labor area are in competition for assistance under this Act, priority shall be given to the proposal or application deemed by the Secretary to have the greatest potential impact in reducing the amount of unemployment in such labor area"; and

(2) by striking out "To" in such redesignated paragraph (3) and inserting in lieu thereof "Except as provided in paragraph (2) and to".

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence in section 11 of the Act of September 30, 1965, as amended (49 U.S.C. 1641), is further amended by striking all after the word "Act" and inserting in lieu thereof a period.

(b) Section 12 of such Act (49 U.S.C. 1642) is repealed.

(c) Section 8(a) of such Act is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting before such paragraphs the following:

"(2) In considering proposals or applications for research and development and demonstration projects under this Act the Secretary shall give highest priority to those proposals or applications which will substantially increase employment in labor areas (as those areas are described by the Secretary of Labor in title 41 of the Code of Federal Regulations).

"(A) which are experiencing a rate of unemployment of 9 per centum or more of the area's work force, or a rate of unemployment of 150 per centum or more of the federally determined unemployment rate for the entire United States; or

"(B) which have experienced a 1 per centum increase in unemployment as determined by the Secretary of Labor of the available work force as a result of the termination of a federally financed or supported program and such increase in unemployment continues to exist.

In the event that two or more entities from the same labor area are in competition for assistance under this Act, priority shall be given to the proposal or application deemed by the Secretary to have the greatest potential impact in reducing the amount of unemployment in such labor area"; and

(2) by striking out "To" in such redesignated paragraph (3) and inserting in lieu thereof "Except as provided in paragraph (2) and to".

The amendments were agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–147), explaining the purposes of the measure.

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

BACKGROUND AND NEED

The bill reported favorably herewith has as its purpose the elimination of the limit on authorization and the elimination of the termination date now contained in the High Speed Ground Transportation Act of 1965, as amended. A committee amendment to the bill will require the Secretary of Transportation to give highest priority to areas experiencing unusually high rates of unemployment in the awarding of contracts for research and development and demonstration projects.

Removal of the termination provisions will enable the Department to engage in more comprehensive long-range planning of its research and development and demonstration projects undertaken pursuant to the act.

The Committee report on legislation extending the High Speed Ground Transportation Act in the 91st Congress (S. Rept. No. 91–1036) summarized the programs under this act as follows:

The programs instituted under this act have been threefold. First, the research and development program has begun investigations of linear induction propulsion, tracked air cushion vehicles, vertical and short takeoff landing aircraft (VTOL and STOL), tube vehicle systems, tunneling techniques, and the like.

Second and perhaps the most visible program has been the northeast corridor demonstration project which includes the Metroliner service between Washington, D.C., and New York, N.Y. Another part of this same project has been the Turbo-Train, operating one round trip daily between New York and Boston. The Metroliner service has been widely heralded as the answer to improving transportation services, especially in densely populated corridors where neither the air-

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plane nor the automobile provide suitable transportation for millions of people. The apparent success of these demonstration projects has revitalized interest in rail passenger service and in the potential for moving large numbers of persons on the ground at high speeds.

Despite the acclaim, the Metroliner and TurboTrain have had problems. But much has already been learned from the experiments. People will use fast and efficient train service even with little effort at marketing.

The third undertaking pursuant to the act was the northeast corridor transportation project report which was released by the Department of Transportation in April of 1970. The report took 5 years to complete and contains some very valuable information. From it should come some analytical tools which, if properly used, should produce better understanding of transportation problems and, hence, better planning for a balanced system—not only in the northeast corridor, but throughout the country.

For the most part the above comments on implementation of the act are still accurate, but there have been some changes worth noting. Last year when the committee favorably reported the extension of the act, the Metroliner experiment had not yet officially begun. On October 1, 1970, demonstration services between Washington and New York, under contract with the Penn Central Transportation Co., finally got underway. A substantial amount of information had been gathered even before the formal demonstration began, but the demonstration is still necessary and the committee urges the Secretary to pursue the original goals of this project. During this same period the Turbo Train demonstration project providing service between New York and Boston, which had commenced April 8, 1969, under an agreement expiring October 22, 1970, was extended for an additional period of 2 years.

The committee is aware that the new National Railway Passenger Corporation under contract with the Penn Central has recently assumed some measure of operational responsibility for the Metroliner and Turbo-Train. However, this development in no way alters the Secretary's duty to carry out the purposes of the act with respect to these projects.

A new high-speed ground test facility is now being constructed in Pueblo, Colo. Provisions are reportedly being made for testing the tracked air cushion research vehicle, the linear induction motor research vehicle, tube vehicle systems, network controls, suspended vehicle systems, both high-speed and conventional railroading technology, and other subsystems and components. The Secretary reports that, in addition, "research will continue in the fields of systems engineering and cost analysis, communication tunneling and guideways, wayside distribution and collection of electric power, obstacle detection, and power-conditioning."[1]

The committee reiterates the comments set forth in the report of the last Congress on S. 3730 (see. S. Rept. No. 91–1036 "Committee Views" beginning at p. 2) in which the committee stated that greater attention should be paid toward bringing to bear additional resources to meet the needs of today's traveler.

The committee determined that it would be in the best interests of the country and could greatly assist in achieving the goals of the act to provide, insofar as possible, for the improved utilization of available talent. In recent months the aerospace industry in particular has been hard hit by reduced demand for new aircraft and a reduced emphasis on space exploration. The result has been a vast number of highly skilled engineers, scientists, systems analysts, and the like who, incredibly, find themselves without work. There has been much discussion about transferring those unused talents to the task of solving the everyday transportation problems on the ground.

The act contemplates the expenditure of substantial sums of money for research and development and demonstration projects. If the Secretary heeds the desires of this committee, a large proportion of the available money will go toward transportation improvements which will serve people now; this could mean the undertaking of demonstration projects in areas where there is both a transportation need and where there is at the same time a surplus of highly skilled talent. In addition, there is, of course, considerable amount of research and development work which can be done wherever the surplus talent can be found.

With these goals in mind the committee added an amendment to the original bill which would require the Secretary of Transportation to give highest priority to those proposals or applications which would substantially increase employment in areas experiencing unusually high rates of unemployment. Such areas are described in the bill as areas experiencing unemployment at 9 percent or at 150 per centum of the national unemployment rate or areas which have experienced a 1 per centum increase in unemployment as a result of the termination of a federally financed or supported program.

The committee amendment is not intended to suggest that use of the Pueblo, Colo., facility for research should be curtailed. The committee did intend, however, by the amendment to provide for the location of actual development and demonstration projects in economically depressed areas. The committee's intent is simply to accomplish the goals of the High Speed Ground Transportation Act using excess capacity in the labor force where available.

While passage of this legislation would eliminate the need for the Secretary or his designee to come before the committee each year and request an authorization, the committee in no way intends to diminish its interest. Section 10 of the act requires the Secretary to report to Congress no less frequently than annually with respect to his actions thereunder. Moreover, section 136(a) of the Legislative Reorganization Act of 1946, as amended by section 18(a)(1) of the Legislative Reorganization Act of 1970 (Public Law 91–510), requires each standing committee of the Senate to review and study on a continuing basis the application, administration and execution of laws the subject matter of which is within the jurisdiction of that committee. Thus, it will be the policy of the committee to review continuously progress under the High Speed Ground Transportation Act and to recommend to the Senate any changes in the law which from time to time may seem appropriate.

SUMMARY OF LEGISLATION

The legislation does three things—it amends the High Speed Ground Act of 1965 by:

1. Eliminating the specific dollar limitation in the authorization and eliminating the periodic authorization. As in the past appropriated funds will remain available until expended.

2. Eliminating the termination date.

3. Requiring that highest priority be given to proposals and applications that would reduce unemployment in areas with a high unemployment rate.

The bill as amended.

"A bill To extend the Act of September 30, 1965, as amended by the Acts of July 24, 1968, and October 13, 1970, relating to high-speed ground transportation, by removing the termination date thereof, and for other purposes."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence in section 11 of the Act of September 30, 1965 as amended (49 U.S.C. 1641), is further amended by striking all after the word "Act" and inserting in lieu thereof a period.

(b) Section 12 of such Act (49 U.S.C. 1642) is repealed.

(c) Section 8(a) of such Act is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting before such paragraphs the following:

"(2) In considering proposals or applications for research and development and demonstration projects under this Act the Secretary shall give highest priority to those proposals or applications which will substantially increase employment in labor areas (as those areas are described by the Secretary of Labor in Title 41 of the Code of Federal Regulations).

"(A) which are experiencing a rate of unemployment of 9 percent or more of the area's work force, or a rate of unemployment of 150 per centum or more of the Federally determined unemployment rate for the entire United States; or

"(B) which have experienced a one per centum increase in unemployment as determined by the Secretary of Labor of the available work force as a result of the termination of a Federally financed or supported program and such increase in unemployment continues to exist.

In the event that two or more entities from the same labor area are in competition for assistance under this Act, priority shall be given to the proposal or application deemed by the Secretary to have the greatest potential impact in reducing the amount of unemployment in such labor area"; and

(2) by striking out "To" in such redesignated paragraph (3) and inserting in lieu thereof "Except as provided in paragraph (2) and to".

COST

Since S. 979 would simply amend the High Speed Ground Transportation Act of 1965 to eliminate its authorization limit and termination date, S. 979 would not, of itself, have any implication for the Federal budget. S. 979 would not change the existing budgetary impact of the High Speed Ground Transportation Act.

COMMENCEMENT ADDRESS BY SENATOR MANSFIELD AT BOSTON COLLEGE

Mr. MANSFIELD. Mr. President, on yesterday I had the distinct honor and privilege to give the commencement address at Boston College and, at the same time with 10 other recipients, to receive an honorary degree. Among those with whom I was honored on this occasion was our former, beloved colleague, the Honorable Leverett Saltonstall. I am happy to report to the Senate that he is in excellent health and that he and Mrs. Saltonstall wished to be remembered to all their friends in the Senate.

[1] See "Fourth Report on the High Speed Ground Transportation Act of 1965," a portion of which is included herewith as appendix A.

I ask unanimous consent that a list of those who received honorary degrees from Boston College on yesterday and the commencement address which I made at that time be incorporated in the RECORD at this point.

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

HONORARY DEGREES

Walter Jackson Bate, *Doctor of Humanities,* Abbott Lawrence Lowell Professor of the Humanities, Harvard University: Oft has he travelled in the realms of gold! Abbott Lawrence Lowell Professor of the Humanities at Harvard, Pulitzer Prize winning biographer, Walter Jackson Bate is that rare example of the contemporary man for whom scholarship is teaching and teaching is scholarship. His life has been truly an allegory: the example of what he professes.

Andrew Felton Brimmer, *Doctor of Social Science,* Member, Board of Governors, Federal Reserve System: Distinguished economist, champion of human rights, and an outstanding public servant who has shot like the star that he is, high in the skies of our government, Andrew Felton Brimmer has brought clarity, vigor and scholarship to public policy debate and, in this rejection of separatism as a path to economic development, has given courage to controversy.

Reverend Monsignor George William Casey, *Doctor of Letters,* Pastor, St. Brigid's Parish, Lexington, Massachusetts: For more than half a century of priesthood, George William Casey has embraced the people of God in a unique ministry of wisdom and charity. As curate, chaplain, pioneer ecumenist, pastor and journalist, he has taught tough truth to three generations of his fellow men, commanding their respect, and winning their love. The God who gave joy to his youth has given youth to his age.

Mircea Eliade, *Doctor of Religion,* Sewell L. Avery Distinguised Service Professor and Professor of History of Religion, University of Chicago: Bridge-builder between the religious histories of the East and the West, translator of the myths of ancient covenants, Mircea Eliade has shown us the chain of being and belief that links Chartres, Stonehenge and Ur of the Chaldees. We gratefully acknowledge his affirmation of the unity of worship, the unity of love, and, in a dark hour, the unity of hope.

Eli Goldston, *Doctor of Laws,* President, Eastern Gas and Fuel Associates, Boston: Brilliant lawyer and industrialist in the national and international marketplace, this fourfold son of Harvard has set the pace for his fellow businessmen in community affairs, and in constant challenge to the social problems of our age. Fast friend of the Far East, and protector of us all from the rigors of the Montreal Express, his imaginative ideas and irrepressible spirit leave breathless competitors and colleagues alike.

Elma Lewis, *Doctor of Fine Arts,* Director, Elma Lewis School of Fine Arts, Boston: Performer, teacher and inspiration for nearly thirty years, she has put the children of Roxbury on dancing feet and Boston's businessmen on their toes. In a school where a kindness is spoken she has taught thousands the language of pride and the beauty of black. Not by might, not by power but by her spirit she has captured the park, the synagog and the nation.

The Honorable Michael Joseph Mansfield, *Doctor of Laws,* Majority Leader, United States Senate: As a university founded and fostered by immigrant sons, Boston College today welcomes an immigrant son from the rugged West. Working always for peace, this silent, stoic and steadfast Senator has given votes to the young and security to the old in a catholic concern for every citizen of the United States. With his strength, simplicity and integrity, he leads by example not only his colleagues in the Capitol, but all Americans.

William James McGill, *Doctor of Social Science,* President, Columbia University: Foe of cynicism and apathy, friend of scholarly tradition and the humane society, this new man at an old ivy stand is uniquely sensitive to the wide range of people, politics and problems which make a university. He has fostered fresh hope in the future with his firm belief that intellectual and professional skills achieve their true purpose not for profit or power, but where they are needed most, for the benefit of all mankind.

Most Reverend Humberto Sousa Medeiros, *Doctor of Sacred Theology,* Archbishop of Boston: Hospitable, gentle, reserved, just, holy and faithful: these Pauline ideals, set forth for Bishops in the church twenty centuries ago, are happily fulfilled in the person of Boston's fourth Archbishop and seventh Ordinary. A champion of his brothers whether in high station or low, Humberto Sousa Medeiros graces this State and See by his exemplary quest for the Kingdom of God in our midst.

Walter George Muelder, *Doctor of the Science of Theology,* Dean, School of Theology, Boston University: A civil defender of liberty, a dean among theologians, a member of that first friendly cabal that grew into the Boston Theological Institute, a man of whom Ignatius of Antioch would say (as he did of himself): *one bent on unity,* Walter George Muelder is a neighbor whom we greet today with the familiar words which he knows and lives: "If we cannot as yet think alike in all things, at least we may love alike."

The Honorable Leverett Saltonstall, *Doctor of Laws,* Former United States Senator: This distinguished citizen of Massachusetts has served his community, state and nation as Alderman, Assistant District Attorney, Legislator, Speaker of the Massachusetts House of Representatives, Governor, and United States Senator during a large part of this century. For his high ideals, his selfless efforts, and his dedication to the common weal, the people of Massachusetts have given him their unswerving support and permanent affection.

BEFORE THE BOOK IS CLOSED ON VIETNAM

(By Senator MIKE MANSFIELD)

It is a good place to be, today, here in this city and at this University. Boston is out of a chapter of liberty written a long time ago. Boston College is from a transcendent experience of love almost 2,000 years old. These two streams of human enlightenment flow together in today's commencement.

There are young people here and old. Whatever the differences in our years, we are brought face-to-face by these graduates. While chronological gaps between the generations are inevitable, credibility gaps are not pre-ordained. I shall try my best to avoid one in what I have to say to the class of 1971.

My remarks will be directed to what we have in common. Whatever we may not have, we have the United States in common and at a most difficult moment in history. Clearly, we are not passing through the best of times. Clearly, this is not freedom's finest hour.

Do not look to me, however, to condemn an older generation for the present state of affairs. Do not look for me, either, to blame the nation's plight on the young. Young people did not make the situation in which, together, we find ourselves; they have not yet had that opportunity. As for older generations, it is to be noted only that they have had time to add to the mistakes which they inherited when they were younger.

So, I will not lead this commencement in a search for scapegoats. Let me try, instead, to set forth where I think we are, how we have arrived at this point, and where we may hope to go from here. These questions cannot be considered except in the context of Viet Nam. Viet Nam is a book not yet closed. It is, this unfinished war, the roadblock to the future. It remains a funnel into which is drawn a great segment of the nation's ideals, energies and expectations.

What has transpired in Viet Nam is a tragic story told again and again. My own views have been placed before three Presidents. They have been stated in public on many occasions during the past five years—and before. For these remarks today, it is sufficient to note that fifty-five thousand Americans are dead in Viet Nam, cut out of life at an age not much different from that of this graduating class. The wounded are three hundred thousand. Well over $100 billion of public funds have been spent to support the war. Before the final reckoning (all the bills will not be paid until into the next century), the cost undoubtedly will have doubled and doubled again.

A large part of the national economy has been diverted to support this venture in Southeast Asia. What has needed doing at home by government has not been done or not done very well. In the name of security against threats from Viet Nam, the inner security of the nation has been neglected.

We find ourselves, now with an economy that spurts and sputters but seems not able to hold a reliable momentum. Heavy unemployment is notable, especially among young people and returning veterans. A persistent inflation plagues us even as it erodes confidence in our currency abroad.

We find ourselves, too, living uneasily in a badly abused environment, with some scientists even dubious of the capacity of air, water and earth to continue to sustain us. Not only in pollution-control but in all public services—safety, transportation, education, sanitation, drug-regulation and whatever—shortcomings have been tolerated to the point of breakdown. The deterioration is especially serious in the urban complexes where, together, with the unabated tensions of race and poverty, it casts a profound uncertainty over the inner stability of the nation.

These problems cry out for concentrated public attention. They call for an input of young energy, new leadership and fresh resources. It has not been forthcoming in adequate supply. That it has not is due in no small part to the diversions abroad.

Whatever may have led us into the conflict in Southeast Asia, it is now clear that the involvement has hit us where it hurts most—in the nation's inner unity. The war opened with a Presidential call for support of the Commander-in-Chief; it was met by a patriotic affirmation of national unity. Before the war is over, however, we will have gone through deeper divisions than any since the Civil War. In the end, the restoration of the nation's unity may well come again only in the common revulsion with the war.

For the present, the involvement goes on. Even as the President has sharply cut back the U.S. troop levels in Viet Nam—and he is to be commended for doing so—the actual involvement has spread from Viet Nam into Cambodia and Laos into an all Indochina war. We remain deeply enmeshed. We have yet to extricate ourselves.

It is now apparent that even though we may have thought to enter the war as wel-

comed liberators, circumstances are otherwise. We find, instead, that our policies have cast us in the role of military arbitrator of a brutal conflict which concerns other peoples. We find, too, that the conflict is not subject to resolution by the military intervention unless, indeed, Indochina is to be "saved" by being "destroyed" utterly.

We know now what we did not know at the outset. The involvement does not serve the interests of this nation or the Vietnamese people.

That is the bitter reality of this frustrating experience. We have pursued a well-intentioned but impossible dream. In its pursuit, the lands and peoples of Indochina have been torn and battered almost beyond recognition. Young Americans have died in the tens of thousands. Vietnamese, Laotians and Cambodians—men, women and children—have died in the hundreds of thousands. Three simple rice cultures—Viet Nam, Cambodia and Laos—have been overwhelmed by the technology of modern warfare. Millions have fled the paddy fields, villages and hill-towns to escape the bombs and crossfire. They huddle in the cities, there to live in one way or another—including the widespread trafficking in heroin—off the troops. The swollen urban populations are fed, in part, by imported rice paid for by U.S. aid programs—ironically, in what is one of the richest rice surplus areas of the world.

Why? To what end? What impelled us into this illfated enterprise? What keeps us in it? How can we continue to order young men to war in Indochina?

These are questions which cannot be put aside. We have an obligation to clarify what we have been about in Viet Nam. That is an obligation which is owed to the living generations as well as to the future. It is a way of keeping faith with the men whom we sent to Viet Nam and who have not come back. Unless the questions are resolved in all honesty, this nation's historic purpose will emerge under the permanent cloud of the war. On the other hand, if an understanding of the tragic experience assures that this is, indeed, the last Viet Nam, then the sacrifices which have been asked will not be without meaning.

It is pointless, in this connection, to try to put the finger of responsibility on one President or another, on one party or the other, on the Defense Department, the State Department or some other. We are all involved. There is no evading a national responsibility.

If the war is pursued, today, under a Republican Administration, it is not to be forgotten that the military escalation begun under a Democratic Administration. If there are, now, Democratic Senators and Congressmen who seek to bring the war to a close forthwith, there are also Republicans whose dedication is to the same purpose. There are many who today are disenchanted with the conflict; there were very few at the outset, either Republicans or Democrats, who opposed the ever deepening involvement. Indeed, who did not support or acquiesce in it?

In short, Viet Nam did not spring suddenly out of partisan politics. Nor did it begin just a few years ago, in 1969, 1966, 1964 or even 1961. In my judgment, the present involvement is a culmination of a foreign policy which was born before this graduating class was born.

Parents here, today, will remember a great war and its aftermath a quarter of a century ago. They will remember a tremendous military power assembled by a united people, a power which overwhelmed a tyranny in Europe and another in Asia.

This nation moved into the post-World War II era, intact and dynamic in contrast with vast areas of the world which lay in ruins around us, hungry, exhausted and bankrupt. In the circumstances, the international leadership of the United States was sought by friend and former enemy even as it was opposed by the Soviet Union. As we saw it, then, this nation's economic strength was the only hope for the recovery of what came to be called the "free world." As we saw it, too, this nation's military supremacy, including an atomic monopoly, was the principal bulwark against the aggressive spread of what was termed "monolithic Communism."

There began an era of foreign policy based on those premises. Tens of billions of dollars of materials, services and credits poured out of the United States into other countries. Aid went to Western Europe, to Asia, to Latin America and eventually, to Africa. In the name of the United Nations, a war was fought and financed by this country to hold back Communism in Korea. We led the United Nations into a boycott of the revolutionary Chinese People's Republic and worked to exclude the Peking government from the World community. Multiple alliances were built which wove us into a common NATO defense of Western Europe and linked us in some sort of defense arrangements with about fifty nations. Hundreds of thousands of Americans in uniform went abroad, into military garrisons and bases in Europe and Japan and elsewhere. Tens of billions of dollars worth of construction, equipment and weapons and nuclear warheads went with them.

These policies were devised in the name of national security and world peace. They were called accurately bipartisan and were described less accurately as a mutual security program. The fact is that the policies were and to this day remain largely a one-sided effort of the United States. They rest now as they have long rested on the readiness of this nation to carry the preponderant burdens of cost.

For years, there was little reason to question these policies. Congress was predisposed to accept the leadership of the President during a period of cold war. By the same token, allied nations were predisposed to accept the leadership of the United States which alone had the capacity to sustain this postwar system.

To be sure, there were flaws in the structure but they were not readily visible in the exuberance of the times. In the first place, the security system relied so heavily on military power to maintain peace that an undue burden of responsibility was consigned to the Armed Services and an excessive drain was attached to the national economy. A zeal for a new-found internationalism, moreover, led us, beyond essential national needs and humanitarian considerations, into an incautious involvement in almost every area of the world either in the name of "fighting Communism" or "promoting progress." This worldwide projection involved heavy expenditures for all kinds of aid-programs and the creation of elaborate U.S. official establishments abroad. Moreover, it prompted us to take on, as allies, a number of governments who were dependents in all but name. The great vitality of the postwar economy also created an erroneous belief in its inexhaustibility. Even as late as the onset of Viet Nam, we proceeded as though the nation could have not only guns and butter but also pay for fat and trimmings.

We pursued these policies, flaws and all, with little change for many years. We pursued, them, however, in a world which was changing greatly. The nation's atomic monopoly came to an end. The myth of "monolithic Communism" disappeared in the political shifts of Eastern Europe and in the upheaval in the Chinese-Soviet relationship. Numerous new states appeared in the underdeveloped areas, as colonialism was being reduced to an historic relic. Europe recovered and went far beyond recovery to new heights of well-being. New economic dynamisms emerged, notably in Germany and Japan, even as our own economy showed signs of overwork if not exhaustion.

It was in these changed circumstances that we became involved in Viet Nam. We became involved for what had long been accepted as highly worthwhile ends. We became involved in the name of resisting "aggressive Communism," in the name of "safeguarding international peace," and in the name of "honoring commitments" to a weak and dependent government.

We went into Viet Nam, in short, on the wheels of the same policy and for many of the same reasons that we had gone into Korea a decade and a half earlier. We did so, however, almost as an habituated response, with far less understanding of the actual situation in Indochina, unmindful of the changes in this nation, in Asia and in the world.

Viet Nam was a mistake, a tragic mistake.

To persist in it now is to add outrage to the sacrifices of those who have suffered and who have died in this conflict.

To persist in it now is to do violence to the welfare of the nation.

The need is to terminate the mistake not to prolong it. No national commitments of this nation remain to be discharged to the governments in Indochina. We have done our share—far more than our share—to inject them with the elements of survival. What last ditch effort, as we are withdrawing, is likely to do anything more? Can the dragging out of the withdrawal do other than add to the tragedy?

What is needed forthwith is a redoubled effort to terminate the military involvement. What is needed is an end to the further accumulation of casualties, costs and prisoners of war. What is needed is to bring about the safe return of U.S. forces and all prisoners of war. And when the guns fall still, what will be needed is to help restore the devastation of the war.

So far as I can see, initiatives which might serve these purposes have yet to be taken in the negotiations at Paris. It would be my hope, therefore, that the President with the cooperation of the Senate would seek in some appropriate negotiating forum an immediate cease-fire throughout Indochina on the basis of:

(1) providing for a series of phased and more rapid U.S. withdrawals in return for a series of phased releases of prisoners of war; and

(2) a coupling of the final release of all U.S. prisoners with the final withdrawl of all U.S. forces by a specific date in the near future.

An agreement on this basis, it seems to me, could act to close out this ill-fated involvement. It would also bring about, I believe, the end of an era in the nation's international relations. Mistakes have been made during the past quarter of a century in the conduct of these relations. Do not think for a moment, however, that it has all been a mistake. Much that has been done had to be done, in the enduring interests of this nation. Much that is being done now needs still to be done.

A vast web of trade and cultural relationships, for example, has been woven with the rest of the world. It serves for the mutual enrichment and contentment of hundreds of millions of people. By the same token, a sudden rupture of the web could bring upheavals and conflicts of a most disastrous kind. We have also begun to perceive in these twenty-five years, I believe, the dimensions

of the problem of maintaining permanent peace. We have come, too, to a greater awareness of the significance of human interdependency and mutual concern if the world is ever to know stability. Moreover, rudimentary machinery which can give expression to that awareness is now in existence.

It would compound the tragedy if, in the bitter aftermath of Viet Nam, we were to turn our backs on this advance. It would be a step backward if we were to veer from what has been an excess of international involvement to an extreme of disinvolvement.

I hope it will be recognized, therefore, that it is possible to withdraw from Viet Nam without seceding from the world. If we make that distinction—and I believe the people of this nation will make it—then it should be possible to withdraw militarily not only from Indochina but from the Southeast Asian peninsula without abandoning our vital national interest in what transpires on the periphery and I emphasize the word "periphery"—of the Asian mainland.

Similarly, we should be able to reduce sharply the United States deployment of over half a million armed forces and dependents in Western Europe a quarter of a century after World War II without forsaking the essential mutual pledges of the North Atlantic Treaty Alliance. We should be able, too, to exercise a firm and discriminating control over the enormous expenditures which are made in the name of national defense and, at the same time, still provide adequately for the defense of the nation. We should find it feasible to curb the corruption and carelessness which have filtered into the Armed Forces without demeaning and discouraging the millions of dedicated men and women who wear the uniform. We should be capable of shutting down obsolescent and over-extended aid programs without losing a human compassion for the other people with whom we share the earth.

These adjustments involve, in the words of President Nixon, "lowering the profile" of the nation abroad. If they are to be made effectively, it seems to me that they must be accompanied by a new and vigorous effort of American diplomacy. That effort should be aimed at securing agreements with other nations which make international stability more dependent on mutual understandings and undertakings and less on the unilateral commitment of the military power of this or any other nation. Such agreements in the Far Pacific, for example, would have to involve not only the United States and Japan, but also the People's Republic of China, the Soviet Union, the Philippines and other nations.

In Europe, a new and updated approach would presuppose, a substantial shift of the burden of NATO from this nation to Western Europe—a step which, incidentally, is long overdue and will be pressed, and pressed hard and continuously, in the Senate until it is taken.

It will also call for agreements embracing both East and West Europe and the anomalous situation at Berlin. Indeed, in a new approach to the security of Europe it might be helpful if the Soviet Union and this nation were to stand to the side for a time and let the lead pass to the smaller European states on both sides of the divide. The efforts of the two super-powers might well be concentrated, instead, on ending the game of musical chairs with regard to disarmament, mutual reductions of their forces in Europe, and the control of nuclear weapons which has been pursued for so many years. In this connection, some risks for peace are clearly indicated if we are to reduce the ever-present and immediate risk of the collapse of human civilization that is inherent in international nuclear anarchy. In matters of aid and assistance we will accept our share of responsibility for the well-being of the world but it will be a proportionately lower share than in the past and it will be discharged in cooperation with others.

In short, in the era ahead, we will get away from the excess of unilateral internationalism which has characterized our policies for the past two decades and try to recast our relations with others to the end that they are multilateral in substance as well as in name, to the end that the common burdens of the world are more equitably shared.

This transition will derive from Presidential leadership but not Executive fiat. It will depend, rather, on a concerted effort in which the President is joined by the Senate and the Congress, with each respectful of the Constitutional sensibilities and responsibilities of the other. Most of all, it will depend on a government which can be trusted by an informed people because it is credible in what it says and does and because it is alert and responsive to their needs.

You who graduate, today, and your counterparts throughout the nation, loom large in what may be anticipated during the decades ahead. You have the vote, thanks to the determined effort of the distinguished senior Senator from Massachusetts, Mr. Kennedy and his amendment and, therefore, are in a position to make your weight felt in the conduct of the government. That is a highly important aspect of your role in shaping the nation's future. Beyond it, however, there is the part which young people will have played in ending the tragedy of the involvement in Indochina.

That tragedy will be terminated; I would hope that it will be terminated very soon. The responsibility for bringing it to an end rests heavily on those of us who are the "old hands" of another generation. To move beyond Viet Nam into a future of peace will devolve just as heavily on you. To open a new era of constructive cooperation with the rest of the human race, to act with compassion and with high purpose, that is your opportunity, you who are the "new hands" of tomorrow. It is your life which lies ahead. It is your nation. It is your world. May you make the most of them all.

Mr. SCOTT. Mr. President, I congratulate the distinguished doctor majority leader on one additional honor. As we know, he has many prescriptions for the health of the Nation, and I hope he will continue to offer more prescriptions, whether we swallow them or not.

Mr. MANSFIELD. Mr. President, may I express my deep personal thanks to the distinguished minority leader and to express the hope that not only will both of us together be able to find prescriptions for the ills which confront the Nation, but, hopefully, some cures as well.

FORTHCOMING MESSAGE FROM THE PRESIDENT ON DRUG ADDICTION

Mr. SCOTT. Mr. President, the President will, on Thursday, send to Congress a message on drug addiction which will include the establishment of a White House office to coordinate all activities concerning treatment, research, education, law enforcement, and attempts to cut off the source of dangerous drugs from Americans, whether in civilian or military life. This will be a very important and innovative proposal, which I sincerely believe meets with the approval of the vast majority, if not all, of the Members of Congress. I, therefore, express my personal satisfaction in the fact that such an important message is shortly to be sent to us.

ORDER FOR ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, on behalf of the distinguished minority leader and myself, we ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9 o'clock tomorrow morning.

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

ORDER FOR ADJOURNMENT UNTIL 10 A.M. THURSDAY, JUNE 17, 1971, AND 10 A.M. FRIDAY, JUNE 18, 1971

Mr. MANSFIELD. I ask unanimous consent that when the Senate completes its business on Wednesday and Thursday it stand in adjournment until the hour of 10 o'clock on Thursday and Friday of this week.

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

Mr. SCOTT. Mr. President, I yield back my time.

ORDER OF BUSINESS

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

MILITARY PROCUREMENT AUTHORIZATIONS, 1972—AMENDMENT

AMENDMENT NO. 160

(Ordered to be printed and referred to the Committee on Armed Services.)

THAILAND AND LAOS—THE SECRET WAR

Mr. SYMINGTON. Mr. President, I intend to talk briefly this morning on a subject entitled "Thailand and Laos—The Secret War." Prior to reading the text of my remarks, I would note the degree of general lack of knowledge of just what has actually been going on in Laos over recent years is further illustrated in an article by Neil Sheehan in the New York Times last Monday, June 14, in connection with the publication of documents drawn from a study of the Vietnam war. I ask unanimous consent that a part of this story having to do with covert air operations in Laos as long ago as 1964 be inserted at this point in the RECORD.

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

[From the New York Times, June 14, 1971]

THAILAND AND LAOS—THE SECRET WAR

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.

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.]

Ambassadors Unger and Taylor both warned that the Laotian Government, without some participation by the American jets, would not persevere in attacking targets on the Communist infiltration routes. Accordingly, the day before the T-28 strikes began on Oct. 14 with Premier Souvanna Phouma's approval, Washington authorized the Yankee Team jets to fly combat air patrol over the T-28's to raise morale and protect them from any interference by North Vietnamese MIG's.

"MINOR EXTENSION" ONLY

Ambassador Taylor said in his cable that the combat air patrol missions could be achieved by "a relatively minor extension" of the current rules of engagement for American aircraft in Indochina.

The President also postponed for the present the planned ground forays into Laos by the South Vietnamese. Ambassador Taylor pointed out in a cable on Oct. 9 that these would not be possible "in forseeable future" in any case because the South Vietnamese Army was so tied down fighting the 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. . . .

Mr. SYMINGTON. Mr. President, in recent days the Senate has learned far more about the precise details of the extent and the costs of U.S. activities in Laos than we in the Congress have ever been told by the executive branch.

What we have learned demonstrates the apparent futility of previous legislative efforts to limit the scope of the cost of the American commitment in Laos.

During the past 2 years, despite all these promises to end the war and despite the growing demand of the American people that this ending be accomplished, the executive branch has assumed the new burden of supporting the Cambodian Government and has assumed ever greater expenses on behalf of the Government of Laos.

Both of these governments today are totally dependent upon the United States.

The actual cost to the United States of the wars in Cambodia and Laos, exclusive of the cost of bombing in the Ho Chi Minh trail area, would now appear to exceed $1 billion a year. Military and economic assistance programs in Cambodia alone will amount to over $300 million in the coming year, a figure which does not include any of the cost of continuous American combat air support for Cambodian forces, or for South Vietnamese air and ground forces in Cambodia.

In the case of Laos one is unable to cite a figure for the total cost of this war to the United States. First, because what the United States is doing, and the cost of what we are doing, continues to be cloaked with official secrecy by the executive branch. Second, one cannot cite a figure for the total cost to us of the war in Laos because, it must be said in all frankness, neither you, nor I, nor any other Member of Congress is in position to know what those costs actually are.

Two years ago the Senate placed an overall ceiling on Defense Department expenditures in support of Vietnamese and free world forces in Vietnam and in support of local forces in Laos and Thailand. Last year, we sought to tighten that provision by making it unlawful—we thought—for the United States to hire troops of other nations to defend the governments of Laos or Cambodia.

Many of us honestly believed that these restrictions would make it impossible for the United States to become more deeply involved in Laos and Cambodia.

That was the clear intent of these restrictions.

Nothing, however, demonstrates with more clarity the difficulty of devising adequate legislative controls of the clandestine military undertakings of the executive branch, or the executive's utter disregard of the will of the legislative branch, than the presence today of U.S. financed Thai troops in Laos.

If there should be any lingering doubt on either of these points one need only consider the dubious rationale recently put forward by the State Department in an attempt to justify the legality of paying for the Thai troops in Laos. In a statement issued on the day of the secret session in which the Senate was told the facts regarding the Thai troops in Laos, the State Department acknowledged for the first time that the United States was providing Thai "volunteers" with financial and material support.

The deceptive nature of this characterization of the recruitment and payment of Thai soldiers to fight in Laos

will be all too evident to any Member of the Senate who reads the report on U.S. activities in Laos that was prepared by the staff of the Subcommittee on United States Security Agreements and Commitments Abroad; and it is with such thoughts in mind that we earnestly hope this report will be promptly declassified so the information now presented to the Senate will also be made available to the public. The distinguished minority leader has joined me in urging this be done at the earliest possible date.

At the same State Department briefing preceding the closed Senate session, the Department's spokesman maintained that the payment of Thai troops was legal because it antedated the enactment of the amendments which had been designed to prohibit it.

Now let us examine this question of legality.

If the hiring of Thai troops to fight in Laos is legal, why has the executive branch gone to such lengths to keep it a secret from the Congress?

If the hiring of Thai troops to fight in Laos is legal, why did the State Department feel the need to point out that this practice had begun prior to the passage of laws designed to prohibit it?

If the hiring of Thai troops to fight in Laos is legal, why has it been necessary for administration supporters to argue that this practice is within the law, on the grounds that the law in question applied only to funds expended by the armed services, while the Thais are being paid from other than Defense Department funds?

If the hiring of Thai troops to fight in Laos is legal, because they are volunteers, or because the arrangements antedated the congressional prohibitions, what difference would it make what funds they were paid from?

To us such tortured and contradictory augmentation can mean only one thing: The executive branch clearly understood the intent of Congress in passing the laws in question but was determined to find a way to circumvent the will of the Congress; and under the cover of secrecy, they succeeded.

The result is precisely that which the Senate sought to avoid: The United States is involved more deeply than ever in the defense of the Government of Laos; and the United States has assumed the responsibility for, as well as the costs of, Thailand's military involvement in Laos—an involvement which the Government of Thailand itself refuses to acknowledge.

The executive branch has been misleading the American people in order to spare the Thai Government the necessity of acknowledging to its own citizens, and to its neighbors, the direct participation of that government in the furnishing of Thai troops to fight in Laos.

Having reviewed previous efforts on the part of the Congress to put an end to such practices, we have concluded that there is but one solution to this problem; and that is to place in the law a ceiling on the amount of money that can be spent by any and all departments and agencies for any purpose in Laos, with a single exception limited to the use of U.S. combat air operations in the area of the Ho Chi Minh Trail complex in southern Laos.

Based on the above facts, we are introducing an amendment to the Defense Administration bill which imposes a ceiling of $200 million in the fiscal year 1972 "for the purpose of carrying out directly or indirectly any economic or military assistance, or any operation, project, or program of any kind, or for providing any goods, supplies, materials, services, personnel, or advisers in, to, for, or on behalf of Laos."

This amount is a good deal more than the executive branch has requested for the fiscal year 1972, through the normal appropriations process, for economic and military assistance to that country.

This amendment also provides that if for some reason the executive branch does not consider $200 million to be sufficient to the fund operations which it wishes to undertake in Laos, the executive branch should thereupon come before the Congress and request the additional money on the basis of a specified description of, with the justification for, the uses to which such additional funds will be put.

In order to give the Congress an added degree of assurance that this amendment and previous restrictive provisions of the law will be complied with, my amendment also includes a provision requiring the executive branch to report to the Congress every 90 days, in an appropriate manner, the purposes for which it is spending public funds in Laos. My amendment will further provide that such detailed justifications would henceforth also have to be made each year at the time when funds for the next fiscal year are requested from Congress.

We propose this amendment in the belief that it constitutes the most effective means for the Congress to achieve meaningful knowledge about where, how, and when the funds it has appropriated have been used; and also to insure that the executive branch take account of the advice of the Congress with respect to U.S. activities in Laos.

The purpose of this amendment is to present the position of the Congress; namely, that the administration cannot continue to prosecute the war in Laos as though cost were no object, cannot continue to prosecute this war with the premise that the will of the Congress counts for nothing, cannot continue as if any commitment can be assumed, or risk taken, regardless of the Congress.

Mr. President, I send to the desk, therefore, an amendment to S. 939, a bill to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and for other purposes.

I ask that the amendment be printed.

The ACTING PRESIDENT pro tempore. The amendment will be received and printed, and appropriately referred.

Mr. SYMINGTON. As explained above, this amendment is designed to insure that no funds authorized or appropriated by S. 939 or any other act "may be obligated or expended in any amount in excess of $200 million for the purpose of carrying out directly or indirectly any economic or military assistance, or any operation, project, or program of any kind, or for providing any goods, supplies, materials, services, personnel or advisors in, to, for, or on behalf of Laos during the fiscal year ending June 30, 1972."

Mr. President, I yield back the remainder of my time. Before doing so, however, I also ask unanimous consent that said amendment be printed in the RECORD at this point.

There being no objection, the amendment (No. 160) was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 160

At the end of the bill add a new section as follows:

SEC. 502. (a) Notwithstanding any other provision of law, no funds authorized to be appropriated by this or any other Act may be obligated or expended in any amount in excess of $200 million for the purpose of carrying out directly or indirectly any economic or military assitsance, or any operation, project, or program of any kind, or for providing any goods, supplies, materials, services, personnel, or advisors in, to, for, or on behalf of Laos during the fiscal year ending June 30, 1972.

(b) No funds may be obligated or expended for any of the purposes described in subsection (a) of this section in, to, for, or on behalf of Laos in any fiscal year beginning after June 30, 1972, unless such funds have been specifically authorized by law enacted after the date of enactment of this Act. In no case shall funds in any amount in excess of the amount specifically authorized by law for any fiscal year be obligated or expended for any such purpose during such fiscal year.

(c) The provisions of subsections (a) and (b) of this section shall not apply with respect to the expenditure of funds to carry out combat air operations over the so-called Ho Chi Minh trails in southern Laos, and over areas immediately adjacent to such trails, by U.S. military forces.

(d) After the date of enactment of this Act, whenever any request is made to the Congress for the appropriation of funds for use in, for, or on behalf of Laos for any fiscal year, the President shall furnish a written report to the Congress explaining the purpose for which such funds are to be expended in such fiscal year.

(e) The President shall submit to the Congress within 30 days after the end of each quarter of each fiscal year, beginning with the fiscal year which begins July 1, 1971, a written report showing the total amount of funds expended in, for, or on behalf of Laos during the preceding quarter by the U.S. Government, and shall include in such report a general breakdown of the total amount expended, describing the different purposes for which such funds were expended and the total amount expended for each such purpose.

The ACTING PRESIDENT pro tempore. Under a previous order, the Senator from Virginia (Mr. BYRD) is recognized for not to exceed 15 minutes.

THE PENTAGON'S VIETNAM STUDY

Mr. BYRD of Virginia. Mr. President, for the past 3 days the New York Times has been publishing a series of articles from a secret study, made in the Pentagon, of American participation in the Vietnam war.

The document was labeled "Top Secret."

The Justice Department has asked the New York Times to refrain from further publication on the ground that it will cause "irreparable injury to the defense interest of the United States."

The Times has refused to withhold publication.

Two thoughts come to the mind of the Senator from Virginia:

One, since the material covers a period that ended in 1968—and thus in a sense is a history of the early years of the war—why should it continue to be labeled top secret?

Probably there are good reasons why it should be accorded this high classification, but the reason should be made known clearly by the Department of Defense.

The second thought that comes to mind is drawn from the following telegram from Attorney General John N. Mitchell, addressed to the Times' publisher, Arthur Ochs Sulzberger.

The text of the telegram follows:

ARTHUR OCHS SULZBERGER,
President and Publisher,
The New York Times,
New York, N.Y.

I have been advised by the Secretary of Defense that the material published in The New York Times on June 13, 14, 1971 captioned "Key Texts From Pentagon's Vietnam Study" contains information relating to the national defense of the United States and bears a top secret classification.

As such, publication of this information is directly prohibited by the provisions of the Espionage Law, Title 18, United States Code, Section 793.

Moreover, further publication of information of this character will cause irreparable injury to the defense interest of the United States.

Accordingly, I respectfully request that you publish no further information of this character and advise me that you have made arrangements for the return of these documents to the Department of Defense.

JOHN N. MITCHELL,
Attorney General.

Since the document bears a top secret classification and since publication of this information is directly prohibited by the espionage law, according to the Attorney General, the Defense Department has an obligation to make known to the American people immediately just how this highly classified report became available for publication.

Secretary of Defense Laird stated yesterday that since there are few copies of the report—

It won't be hard to track down who is responsible.

He said the disclosure—

Violated the security regulations of the United States.

Jerry W. Friedheim, a Pentagon briefing officer, stated that it had been determined that there were—

A dozen or so copies of the paper, and half of these at the Defense Department, have remained under extremely tight control.

As a Member of the Senate, I urge the Department of Defense to make a clear and unequivocal statement to the American people as to just why this early history of the Vietnam war should continue to be classified top secret; and, secondly, to name the individual or individuals responsible for violating the espionage law, and those responsible for violating the security regulations of the United States.

If a document such as this, which the Defense Department regards as top secret, can be stolen and disseminated, how do we know what other top secret documents affecting our national security are being taken from the vaults?

The Senator from Virginia has read carefully the series of articles as published by the New York Times, I found little of a surprising nature. From testimony in committee by high officials or in confidential talks with high officials, the broad substance of the information published by the Times was generally known to me.

While I do not want at this time, to pass judgment on the Department of Defense assertion that publication of the Pentagon study of the early years of the Vietnam war will cause "irreparable injury to the defense interest of the United States," I do think that all information possible should be made available to the American people.

I believe, too, that unless the Defense Department makes known promptly just how this document was stolen, and by whom, it will forfeit additional confidence in the effectiveness and forthrightness of the Department of Defense.

Mr. SYMINGTON. Mr. President, will the able Senator yield?

Mr. BYRD of Virginia. I am glad to yield to the distinguished Senator from Missouri.

Mr. SYMINGTON. Yesterday, in a hearing, I reminded the Secretary of Defense that the Foreign Relations Committee had known of this document and had requested the committee be allowed to receive it on a classified basis, but that request had been turned down. Then I asked, inasmuch as it is now being published, would the Secretary have any reservations about supplying it now to the Foreign Relations Committee, inasmuch as much of it obviously deals with foreign policy. The Secretary said no, he did not think even now it should be given to the committee, even on a classified basis.

Would the Senator comment on that development?

Mr. BYRD of Virginia. Yes. It seems to me that the questions put to the Secretary of Defense by the Senator from Missouri were most appropriate.

I see no reason in the world why the Defense Department should not make available to the Foreign Relations Committee of the U.S. Senate and to the Armed Services Committee of the U.S. Senate the full text of this document. Obviously, the text has been stolen and made available to a certain publication of this Nation, the New York Times.

For the Secretary of Defense to say that he will not give a copy of this document to the Foreign Relations Committee, which has responsibility in regard to foreign policy, and to the Armed Services Committee, which has responsibility in regard to foreign and military policy, seems to me to be not at all logical. Of course, it could be given to the committees on a top secret basis, if the Secretary so wishes.

I certainly join with the distinguished senior Senator from Missouri in urging that the Defense Department make available the complete text of this document, which the Senator from Missouri has already requested for the Foreign Relations Committee, and I will now request that it be made available to the Committee on Armed Services.

I think the Senator from Missouri has rendered a service in asking that this document be made available to the committee on which he serves.

Mr. President, it seems to me that the Defense Department needs to present to Congress and to the American people a detailed statement as to just why this document, reviewing the early history—not the current history, but the early history—of the Vietnam war, should now have the classification of "Top Secret." I do not say it should not have such classification. I think the Defense Department owes it to Congress and the American people to say why the document should have such classification.

The Defense Department owes it to the American people, too, to make known promptly just how that document was stolen, by whom it was stolen, and what action will be taken in prosecuting those who steal top secret documents from the files of the U.S. Government.

Mr. SYMINGTON. I thank the able senior Senator from Virginia for his comments, and respectively congratulate him on the constructive statement he has made this morning.

Mr. BYRD of Virginia. I thank the Senator from Missouri.

Mr. GRAVEL. I would like to congratulate the distinguished Senator from Virginia for his comments relative to the official disclosures of the documents which are the source for the New York Times series. It demonstrates the disparity between the knowledge that officials are giving not only to the American people but also, of course, to Congress.

TRIBUTE TO SENATOR HUGHES

Mr. BYRD of Virginia. Mr. President, Parade, the nationally syndicated newspaper supplement, contained an interesting and well-written article in its June 13 issue on our distinguished colleague from Iowa, Mr. HUGHES.

The article was written by Lloyd Shearer.

Prior to coming to the Senate 2 years ago, HAROLD HUGHES compiled an outstanding record as Governor of his State, to which position he was elected three times. In the Senate, he already has rendered effective and valuable service, especially concerning the grave problem of drug abuse.

One does not need to agree with all the political positions taken by the Senator from Iowa to recognize him as a man with the highest integrity and dedication.

The Senator from Virginia being somewhat more conservative, differs a bit on many matters from the Senator from Iowa.

But never have I had cause to doubt the fairness and the deep conviction of my friend and deskmate, HAROLD HUGHES.

I ask unanimous consent to have printed in the RECORD Mr. Shearer's biographical sketch of the Senator from Iowa and his family.

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

SENATOR HAROLD HUGHES—DARK HORSE FROM IOWA

(By Harold Shearer)

U.S. Senator Harold Hughes of Iowa, 49, darkest of the dark horses seeking the 1972 Democratic Presidential nomination, suffers from three major handicaps:

(1) He has little campaign money.

(2) He is relatively unknown.

(3) He is invariably mistaken for the hermit-billionaire, Howard Hughes, with whom, name aside, he has nothing in common except gender. "Even my best friends," he wanly admits, "frequently call me Howard."

Hughes, however, has several assets actively working for him.

He is a tall, rugged, Gibraltar of a man, 6 feet 3, 240 pounds, with a handsome craggy face, deep-set understanding eyes, and a leonine, wavy-haired head. He is luckily and naturally photogenic without having been coached in television techniques. He not only looks solid, secure, and reliable, he is.

One of the best speakers in the Senate, he communicates to audiences of every stripe a spirit of honesty, independence, and deep inner strength.

Women find themselves particularly susceptible to his physique and manner. "He's as friendly as a big wet pup . . . I knew him back in Iowa and I can tell you he's the kind of man you want behind you in a crisis."

'WHAT NATION NEEDS—'

With five salaried professionals and a handful of volunteers, Hughes is campaigning for the nomination—"I'm not actually campaigning. I'm just trying to find out if I can strike a responsive chord in people"—on one simple platform: "What this nation needs more than anything else is a new era of forgiveness and reconciliation—hope, not helplessness."

He believes strongly that the war in Vietnam has shredded the fabric of U.S. society and he advocates the withdrawal of all U.S. troops from Vietnam by the end of the year. He feels that Nixon is not leveling with a war-weary public entitled to the full truth. "How long," he asks, "are American residual troops going to be kept in Vietnam? Are we going to let it become another Thirty Years War? How much longer can we continue to brutalize and divide the spirit of the nation?"

Hughes knows it sounds corny, Lincolnesque, and even melodramatic, but he proposes to people who will listen to him, a community of all Americans determined to work out together the problems of their time. "Our mission is not merely to defeat Richard Nixon. Our mission is to save this nation."

A recovered alcoholic who has not touched a drop since 1954, a Methodist lay preacher who can generate a quasi-evangelistic fervor as he warms up to his message, Hughes feels sincerely that he can provide the glue to bind the nation. With an inexplicable mystique and an impassioned sincerity, he views himself as a man with a mission. "He is the Abe Lincoln of 1972," declares one woman reporter who's traveled with him. "He has the common touch. He crosses ideological boundaries. Everyone says I'm an idiot. But I've seen the way people identify with Hughes. He's one of them. Nobody but I mean nobody comes from a more impoverished background. This guy was dirt poor, had to trap his own food. He started out in life as a truck driver. He's come the whole way by himself, and I am not fooling, given a few breaks, this guy can make it to the White House."

Harold Hughes is accustomed to long odds.

SCHOOL ATHLETE

The day he was born, Feb. 10, 1922, his family's farmhouse burned down. Hughes was reared in Ida County, Iowa, and in the hill country of eastern Kentucky. His father, Lewis, was a construction worker and farmer. There was never enough money to go around, and Hughes got his first complete suit of clothes only when he was graduated from Ida Grove High School where he played football, basketball, won the scholastic discus-throwing title and was runner-up in the statewide tuba competition.

Following graduation, at the ripe age of 19 he fell in love, left the State University of Iowa, got married to Eva Mae Mercer, and was shortly after drafted into the Army.

CONFLICTING VALUES

Trained as a Browning automatic rifleman, he saw 14 months of combat in Tunisia, Sicily, and on the Anzio beachhead where he contracted malaria and was shipped back to Africa.

"As a child," he explains, "I was taught it was wrong to kill. But in the Army I was taught it was right, the more killed the better. It was extremely difficult for me to reconcile killing with my religious beliefs, and that confused me for a long while. It may possibly have had something to do with my subsequent drinking. I don't really know. I do know, however, that by 1954 I'd drunk enough liquor to last me a lifetime."

Hughes joined Alcoholics Anonymous in the early 1950's and has abstained from alcohol ever since. He believes that few people will hold his intemperance as a young man against him.

Following World War II, Hughes supported his family by driving a creamery truck, and organizing the Iowa Better Trucking Bureau. His entrance into politics was accidental.

When the Iowa Commerce Commission refused to investigate his complaints about laxity in enforcing the state's trucking laws, he changed his party affiliation from Republican to Democratic, ran for and was elected to the commission. Two years later he ran unsuccessfully for Governor, but in 1962 he was elected to the first of his three gubernatorial terms, a Democratic Governor in traditionally Republican Iowa.

In 1968 he became Iowa's first Democratic Senator in 20 years.

On the campaign issues Hughes generally agrees with the other Democratic candidates: Senators George McGovern, Edward Kennedy, Hubert Humphrey, Birch Bayh, and Edmund Muskie. They are all against the war, pollution, inflation, and unemployment, all in favor of restructing national priorities.

Prospecting for the nation's No. 1 job, Harold Hughes understandably prefers to occupy a centrist position. "I have never really viewed myself," he says, "from the standpoint of liberal or conservative."

"DYED-IN-WOOL LIBERAL"

Others have, however, especially his colleagues on the Banking and Labor committees who describe him as "a dyed-in-the-wool liberal," pointing out that he voted against the nomination of Judge Harrold Carswell to the Supreme Court, opposed the safeguard antimissile system, supported a viable school desegregation policy.

With little money, a small campaign staff in a nondescript building at 41 Ivy St., S.E., near the Capitol, with no power base to speak of (Iowa has eight electoral votes), Hughes at the moment is testing the political waters.

If Senator McGovern, his ideological twin and to date the Democratic Party's only announced candidate, should falter in the polls or early primaries, along with front-runner Ed Muskie, then the junior Senator from Iowa will probably make his move. A long shot, on the outside, closing fast.

Mr. MANSFIELD. Mr. President, will the Senator from Virginia yield?

Mr. BYRD of Virginia. I yield.

Mr. MANSFIELD. I join in the remarks just made by the distinguished Senator from Virginia relative to our colleague the distinguished Senator from Iowa (Mr. HUGHES).

May I say briefly that his heart is as big as his body.

Mr. BYRD of Virginia. I concur in the statement just made by the distinguished majority leader.

Mr. President, I yield the floor.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. BENTSEN). Under the previous order, the distinguished Senator from Alaska (Mr. GRAVEL) is now recognized for 15 minutes.

OUR FOUR-STAR MILITARY MESS

Mr. GRAVEL. Mr. President, published in yesterday's Life magazine is an article entitled "Our Four-Star Military Mess." The subtitle is "The Blunt Fact Is That We Are About To Become No. 2."

Mr. President, I ask unanimous consent to have this article printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. GRAVEL. Mr. President, I do not agree with all the facets of the article, but I think it is a fine one. The area of my disagreement is with the fact that we could become No. 2.

But more to the point of today's occurrences and the occurrences of the past month, the description of the mess we are in with respect to our defense posture is most interesting as handled by this very distinguished gentleman, the author, George P. Hunt, who not only as a publicist and an editorial writer, but also as a military man himself, has a great deal of direct and personal experience.

The mess is, of course, not simply the number of troops but, as he so cogently lays out in his article, the simple fact that we have too many troops under arms, and that, in itself, causes waste.

He does not simply make the case that we are not spending enough money, although he does make that case in some respects, while in other respects he demonstrates that we are spending too much money. In fact, the net effect of his thesis is that we can save about $3.5 billion on our defense expenditures of today, over and above the expenditures of about $10 billion a year which we spend in Indochina.

He refers to a comment I had addressed myself to earlier after the briefing we had with Admiral Zumwalt. Namely, as a result of the Vietnam war, we have cannibalized the capital improvements that should have been tak-

ing place in our Navy, and since the improvements have not been made, we are threatened with having our Navy not as efficient and not up to its total world capability, and yet doing the best job that could be done for the American people.

I disagree that this means we are in a dire emergency and in danger of becoming a second-rate power. I think that is not the case. If we become a second-rate power, it will be because we have lost our economic fiber through long-term erosion.

There is not sufficient emphasis given to the fact that we have superiority in missiles, not in the count of missiles themselves, but in the number of warheads that we can deliver upon the Soviet Union or any other enemy. The lead we have is a pronounced one. If the figures do not escape me, I think we have the ability to destroy the Soviet Union, prior to MIRV'ing, 15 times while they have the capability to destroy us eight times. With MIRV'ing, that capability moves up to 41 times by the United States, and by the Soviet Union, to 20 times against us. Even after MIRV'ing, we will have an almost 2-to-1 ratio of capability over the Soviet Union. That, I think, should be borne in mind when we talk about the fact of our falling behind.

It is interesting that in the logic pursued here, which I think has a broader aspect than just the missiles themselves, one of the suggestions to improve the capability of our Armed Forces is to cut down the size of the Army from—I believe his proposal is from 1,300,000—what it was a year ago—to 900,000, which is the recommendation of the Armed Services Committee, or thereabouts.

Also, he talks in terms of cutting the number of forces and personnel by 40,000 in the Air Force.

Thus, it is interesting that a military man who makes a compelling argument to improve the defense posture of this Nation recommends that we actually cut the number of people in the armed services, while we stand here quibbling, as part of debate on H.R. 6531, whether it is 30,000 or 50,000 that will cause difficulties in going from a conscripted military force to a volunteer military force.

I note a paragraph in one of his other recommendations for improving the capability of this country, which I would like to quote, because I think it is accurate. He talks in terms of doing away with the ABM, which obviously Mr. Hunt feels is a waste of money at this particular point.

Safeguard is a limited ABM system to protect Minuteman and a few other prime targets. It should be canceled. The U.S. figures Minuteman can penetrate the Soviet ABM network with adequate megatonnage, and it is logical that the reverse would be just as true. The key to deterrence is the threat of annihilating offense—not a defense against it.

Mr. President, this is an interesting case, because whereas he can conclude we save about $3.5 billion—I have not read behind the figures, I do not know what the exact arithmetic is—if the ABM figure which is in excess of $1 billion this year is added on to the $3.5 billion, then we have a total saving of not $3.5 billion, but $4.5 billion, or more. That is, of course, if he has not already computed that into the savings—and I have no way of knowing that from this particular article.

The conclusion he draws is that we need a total reevaluation of what we are doing in this regard; and in the absence of that we go merrily on our way thinking that we are purchasing an impenetrable defense when, in fact, we are not. This is in fact what many opponents of the draft have been attempting to do in the dialog of the past few weeks.

This is what I would hope we could do after consideration of this legislation. Because if we do develop a sense of poor security and a not very creditable defense, this could lead us to make some very serious misjudgments that could impair the security of the Nation.

I hope that the Senate in its wisdom would give consideration to the article. I emphasize again that it is a fine article, but is one which I do not agree with in its entirety. However, it is one that is worthy of consideration.

Mr. President, I yield back the remainder of my time.

EXHIBIT 1

OUR FOUR-STAR MILITARY MESS: THE BLUNT FACT IS THAT WE ARE ABOUT TO BECOME NO. 2

(By George P. Hunt)

In past weeks, several developments have freshened hopes for international disarmament. After months of deadlock, the U.S. and Russia agreed in Vienna on an agenda for future Strategic Arms Limitation Talks (SALT). Then, quite unexpectedly, Soviet party chief Leonid Brezhnev opened up the possibility that mutual troop and weapons reductions might be negotiated between NATO and the Warsaw Pact nations. Against this background, we should take a hard look at the present state and future prospects of our armed forces.

The truth is that the U.S. military establishment is in ragged shape—lagging in technology, undermined by inflation, by worn-out strategies, by entrenched old ways of top direction and allocating budget money. The Vietnam war has ravaged it—gnawing at morale and discipline. The war has bred a disturbing dislike for the politician in the career officer, who believes the politician let him down over there and kept him from a victory. Into the civilian world has seeped the poison of suspicion—even scorn—for military men, who in turn resent the attitude bitterly; and in the wake of public revulsion to PX scandals and atrocities, there has lately surged the turmoil over the Calley trial.

The world saw the outcome of the Cuban missile crisis in 1962 as a victory for John F. Kennedy; and Nikita Khrushchev never forgot it. The Soviet leader was confronted by two-to-one superiority in nuclear missiles and by an overwhelming naval majority on the high seas. Indeed, the fantastic spurt in growth of both Russia's missilery and her fleet dates from that humiliating experience.

Khrushchev probably had no intention of using the missiles in Cuba but rather of waving the threat of them at us—90 miles from our coast; the missile beachhead would have given him a powerful new negotiating stance. But when his challenge was met, Khrushchev could hardly go to war about it, since no major Soviet national interest was at stake; indeed, in retrospect, the political situation was not so nightmarish that a genuine nuclear confrontation was plausible. More, the U.S. could—and did—mass from all directions a convincingly superior force at the strategic spot, Khrushchev had to back down.

Q. Could we still mass a convincingly superior force off Cuba today?

A. No. In some eight years Russia has caught up and is now going ahead of us in many categories of missile strength. She could today concentrate off Cuba a powerful surface fleet, newer, faster than ours and equipped with weapons we do not have and an underwater fleet outnumbering ours by many times. It will surprise most Americans that today, as opposed to 1962, we are the ones who could find ourselves at a military disadvantage.

It will take fast and skillful work to put the military back in shape. The Pentagon's budget for the fiscal year beginning this month calls for $76 billion, of which roughly $10 billion is directly attributable to the Vietnam war. By this time next year, as the war diminishes, our commitment in Southeast Asia should cost one-half as much—$5 billion for the next fiscal stretch. However, the non-Vietnam cost, $66 billion, will inexorably increase by about 10% because of climbing service-pay scales and the effect of inflation on the price of materiel and new technology. Thus, the price of maintaining our defenses as they now stand is bound to balloon, without even taking into account the cost of the sizable amount of modernization they need. Right there, if the Pentagon gets its way, we dash the hopes of Americans that all the money saved by ending the Vietnam war—the "peace dividend" will be available for the troubles of the home front.

What kind of military establishment we have, how strong and how effective it should be and how much it should cost are major problems that concern all of us. The military, of course, is primarily a supporting arm of our foreign policies which, as they shift in purpose or method, naturally affect the shape and posture of our defenses. Perhaps, in the years to come, changes will occur in international affairs—intelligent steps taken, new ground rules established, agreements signed—which will ease or even sharply cut military demands and stresses. But until such things happen, if they ever do, we are faced with some stern realities: a monstrously big, yet apparently inadequate, defense budget, and a military which, in large part, is in a mess.

Obviously, bold and fundamental changes must be made in the military—in its strategies, in its overall structure and in the way it spends its money. This is one reporter's investigative assessment of the condition of each of our military services, of what must be done, and how to do it in such a way as to achieve an efficient modern defense and at the same time save money desperately needed for domestic problems.

NUCLEAR POWER

A review of our military status must begin with a look at our nuclear arsenal—our most powerful and most dangerous weapons. In the intercontinental nuclear competition between the U.S. and the Soviet Union the balance has shifted to Russian superiority in sheer weight of numbers: 1,900 Soviet ICBMs and submarine-launched missiles. Furthermore, while the U.S. is superior in long-range bomber strength (552 to 175 planes), the Russians also have about 1,200 intermediate-range bombers. In the event of a nuclear exchange, it has been assumed, some of them could make one-way bombing runs, landing in Cuba.

The U.S. defines its nuclear force as "second-strike" or "retaliatory," effective enough to deter through the threat of powerful response: 1,710 missiles now being improved. We calculate that if only 200 of our warheads or bombs can penetrate the Soviet defenses and hit the mark, the destruction of major

cities and the deaths of so many Russians would make the Russians hesitate to attack us.

On both sides the competition is in the varieties of ICBM delivery sites—land, sea, air; in the accuracy of guidance; and in two sharply diverging technologies: the defense against missiles (ABM), and a new form of missile attack (MIRV—the Multiple Independently Targetable Reentry Vehicle). MIRV is a missile-launched package which, on approaching the enemy's defenses, aims and fires its many warheads at preselected targets. It not only multiplies firepower and the chances of penetration, but it carries the surprise of unpredictable numbers.

The overall U.S. nuclear force is called "the Triad" since it is composed of three delivery systems, each capable of large-scale thermonuclear destruction: the air force's land-based Minuteman (ICBM) and its manned bombers (Strategic Air Command or SAC), and the navy's underwater Polaris system. The Minuteman II force now in place throughout the U.S. is being augmented by Minuteman III, which fires the MIRV warhead. The Polaris submarines are also being converted to carry a MIRVed missile called the Poseidon.

The concept of the Triad is itself becoming controversial. As the navy perfects its missile systems, it advocates ask: why not move all U.S. ICBM out to sea, on ships and in submarines, where sites are less vulnerable—mobile or hidden or both—and where survivability is more assured? The air force argues that technologies of surveillance, detection and guidance may develop to the point where missiles at sea would become as vulnerable to attack as on land, that concentrating on only one system is dangerous.

For the navy, Rear Adm. George H. Miller: "Instant retaliation is not credible unless weapons can survive relatively intact. If they can't do that, you don't have a deterrent. If most of our missiles are deployed at sea, then we're forcing the enemy to invest in countermeasures other than ICBMs aimed at the U.S.A. What you're doing is trying to preserve your country by keeping it out of the line of fire."

For the air force, Maj. Gen. Leslie W. Bray: "We need land-based as well as sea-based systems. The manned bomber, for instance, can be launched on warning, is subject to recall and can be reused. Our mix of weapons actually beefs up our deterrent threat because it compounds the enemy's defense task. It also complicates his offensive problems. With three systems to cope with, he may catch us with a technological surprise in one of them, but not in all three."

Of course, both countries also have thousands of small nuclear warheads, designed for tactical combat, which might be tempting to an embattled field commander. But the decision to use such weapons is the President's, and he would have to be ready for eye-for-an-eye retaliation; the succeeding exchanges could become hideous. It would take an insanely provocative act to compel a Soviet premier or an American President to pull any nuclear trigger—tactical or strategic—and cause mutual near annihilation.

A nuclear square-off deters both sides. It has created in effect a nuclear umbrella, sometimes described as a shield, under which daily life nonnuclear-style goes on as before. Peace can flourish, yet wars can too—nonnuclear or comparatively "safe" wars fought with conventional arms.

Since 1946 there have been 57 "conventional" armed conflicts on this earth. In the U.S. those charged with conventional fighting are called the "general purpose forces"— the elements of the military services not involved in the Triad.

THE ARMY

Condition: Because of Vietnam, the most criticized, even vilified, of the services; morale reeling but beginning to steady itself as withdrawal from Vietnam proceeds, seeking new definitions and fulfillment. Mission: All-out emphasis on support of NATO and on other troop commitments on foreign soil; military aid to treaty countries; counterinsurgency; defense of the Minuteman system and of selected U.S. targets through the "Safeguard" Anti-Ballistic Missile (ABM) program; continental defense against attack. Budget: $21.5 billion for fiscal 1972 as against $22 billion in 1971, $24 billion in 1970 and the decade high of $25 billion in 1968. Strength: 1.1 million men, but reducing to 900,000 by the end of 1972. Most Urgent Needs: Rebuilding purpose, morale and discipline; faster, heavier tanks, improved aircraft for front-line support of infantry, new battlefield technology, antitank inventions to counter massive numbers of Russian tanks.

Lt. Gen. William E. DePuy is assistant vice chief of staff of the army, a job which involves, among other far-reaching matters, the dilemma of the budget. Slim, articulate, he has the alert, impatient manner of an officer inundated with piles of paper and compelled to get to the point fast.

He swings around in his desk chair and says with brisk gloom: "1970 was a bad year for the army, one of the worst since before World War II. Aside from Vietnam we can't put a full-strength corps in the field. We're so short of money we have hundreds of trucks on blocks because we can't afford to keep them running. In NATO we are supposed to have four and one-third divisions, but some of the rifle squads and tank crews are at zero strength."

Lt. Gen. Richard G. Stilwell, deputy chief of staff for operations, tough, but punctiliously courteous, fixes blue eyes on his guest and says: "Yes sir, NATO is our first mission. The President and Mr. Laird have instructed us to bring those divisions up to strength and modernize them. This is a political decision as much as a military one, but vital either way. We have a lot of work to do."

It is current doctrine that the possibility of conventional war with Russia or its satellites or both on the plains of Europe must be assumed. To prepare for such a war, says the army, is to help prevent it. After the implausible confusions of Vietnam, the army is pointing with a sigh of relief toward the renascence of its NATO role, where its charge is clear. There is blunt disagreement about this role in the other services. Snorts a marine. "The army is streaking out for that big NATO thing like a goosed cavalry horse with blinders on."

The army envisions an "automated battlefield" which would use some of the equipment being employed in Vietnam: combat helicopters and, to detect approaching enemy, hidden radio reconnaissance sensors whose antennas can be disguised to look like hay, weeds or anything indigenous to the countryside. The sensors signal back to mortar, artillery or air headquarters, which quickly calculate the range to the sensors' known locations. Another device recently being used in Vietnam is a laser range finder for artillery; it is unerringly accurate at pinpointing distances to known enemy positions.

What the army imagines ultimately is almost here technologically: a battlefield reconnoitered by hundreds of disguised sensors chattering silently to mobile computers which—in seconds—would calculate ranges, then aim and fire automatically sighted artillery. Front-line troops would be protected by mobile air-defense units firing surface-to-air missiles. Wary of Soviet armor, the army intends to use swarms of little helicopters, unmanned and remote-controlled, firing a new antitank missile.

Close air support is as crucial for the infantry as mortars and artillery. Since 1946 the air force has had this supportive role, but elements within the army are increasingly dissatisfied. An impassioned exchange of memoranda has exploded in the Pentagon. The air force wants to build a new close-supported plane (the A–X); but the army has already built the prototype of an armored 250-mph helicopter, the Cheyenne. Given the classic battlefield confrontation, the army wants to draw a line 300 yards beyond the front and say to the air force, "You interdict the battlefield from that point on, give us air cover. But we'll take care of the action inside that line." The air force flatly refuses such a plan: "close air support" is its assigned job in the formal roles and missions of the services.

Traditionally, it is a "citizens' army," but the citizenry is fed up with the draft; so the President promised an all-volunteer army. But will 900,000 Americans eventually volunteer? General Stilwell says, "It's a long chance, but we're going to do our damnedest to make it work."

The air force and navy are perturbed by the whole idea. Their volunteers mostly sign up to escape being drafted into the army. Since the draft has recently been extended, their fears for the moment have been alleviated, but should it ever be dropped, the temptation to join their services is likely to disappear too.

Comment on the army—by a young lieutenant colonel in charge of a Pentagon group assigned to study army problems, and suggest solutions to the top command. He is a tank officer, veterans of Vietnam, graduate of West Point and a former professor there. He is both loyal and irreverent, and here prefers to remain anonymous.

"As an institution the army is confused," he says. "It doesn't really know where it's going. Bright individuals in the army do, but it's hard to swing the whole thing around. Our basic problem is people. Things have happened outside this building which affect these people, and we have to figure out how to do what's right. The volunteer army is a big question mark and it's not the final answer anyway. Even if we were to have a volunteer force, we would still have many problems concerning how we organize, train and motivate people. It's up to us to seize on new standards of command that will give us the discipline to form up the new divisions. The talk about 'Mickey Mouse' regulations is on the surface. The trouble is deeper and we have to be deeper too."

THE AIR FORCE

Condition: Morale good to lively; firm direction in its missions; seriously weak in certain tactical missiles; key planes obsolescent; badgered by interservice rows with army and navy. Mission: Strategic nuclear deterrence—ICBMs and intercontinental bombers (SAC); continental defense in the air; in tactical combat, interdiction of battlefield, close air support, airlift for the army. Budget: $22.8 billion for fiscal 1972 as against $22.9 billion in 1971, $24 billion in 1970 and $25 billion in 1968. Strength: 757,000 right now, to be reduced to 747,000 by 1973; 54 Titan IIs (liquid-fueled ICBMs, the largest weapon in our nuclear arsenal); 1,000 Minutemen (solid-fueled); 552 strategic bombers; 2,600 fighter and attack planes; 17 cargo and troop-lift squadrons. Most Urgent Needs: New sophisticated tactical bombs and missiles to penetrate Russian antiaircraft defenses from points out of range of Soviet AA projectiles; more airlift capacity for troops (C5As); two new planes: a strategic bomber to replace the aging B–52, and a fighter to replace the old F4E. (The new B–1 bomber, supersonic, operational in 1978, will be smaller, faster than the B–52 with twice the arsenal; the new F–15 fighter, operational in 1973, will be an air-superiority plane, faster, more maneuverable than the F4E, with updated close-in guns and rockets.)

The air force is young, uninstitutionalized, and it does not suffer from great brooding self-examinations. It has relatively few people problems. Its membership has always thought itself special. Rich in budget money over the years, it has provided comfortable living quarters which are the envy of the other services. Conditions are relaxed, discipline nonformat.

The man who presides over this service as chief of staff is a direct-talking, broad-shouldered, 55-year-old officer who grew up in SAC. In the tradition of his office, Gen. John D. Ryan offers his visitor a cigar. Then, committing a heresy that would make his cigar-smoking predecessors wince, he proceeds to light up a cigarette and puff on it as though it were, in fact, a cigar. He responds succinctly to the question: what does the air force need most?

"Modernization."

Down along Pentagon corridor "E" is the office of the director of defense research and engineering, Dr. John S. Foster, physicist, craftsman in nuclear configurations. He is wiry, 48 years old, and a shock of light brown hair is carefully smoothed back from the top of his forehead. In his shirt sleeves he sits down at the head of a conference table, leans back in a straight-back chair and talks, his face wrinkling and contorting as he makes his points.

"It seems to me that we'll have to have strategic bombers in our inventory for the foreseeable future. The B-52s are about 17 years old and they'll be more than 25 years old before we can replace them with the B–1."

The strategic missile picture?

Foster walks to the other end of the table where missile models stand like a forest. He starts pushing them around like chessmen. As he moves each Soviet missile, he places the U.S. equivalent beside it.

"Here is the SS–13. It's their first solid-propulsion ICBM and about the size of our Minuteman. These here are the Russian intermediate missiles—shorter ranges. And this big one [meticulously painted green with thin red stripe and hammer and sickle] is the SS–9, the largest ICBM in existence. It's like our Titan. They have less than 300 of them. If they were to deploy, say, another 125 of them, and the whole force were MIRVed with three warheads apiece, they'd have the capability of taking out almost every one of our Minutemen."

Prowling around the end of the table, Foster reaches to push a black-and-white ICBM model into place. "But now we're putting in Minuteman III, and that's a MIRVed missile."

The tactical picture?

"Do you know that we haven't built a really new fighter plane since 1955? The Russians turn one out every year. They've just shown a family of six new planes that have more maneuverability and acceleration than anything we have. But we're taking action to get two first-class fighters—the F–14 for the navy and the F–15 for the air force."

Foster doodles on a white scratch pad, drawing arrows from one side to the other. "We've got to arm our air force planes with 'smart' bombs and air-to-ground missiles. We have to be able to penetrate the Russians' air defenses. We certainly don't want to have to resort to throwing our aircraft and pilots against all that fire. I think a far better tactic is to stand off at a safe distance and fire missiles which will home in on their defenses and knock them out. We don't have any such missiles in operation now."

A go-ahead for SAC's new B–1 bomber would be controversial: opponents argue that it is redundant with Minuteman. However, a human crew has the initiative and judgment a missile does not have. SAC is an elite command, and normally it keeps a 40% ground alert: within 15 minutes of warning, 200 nuclear-armed bombers and airborne tankers would be off the ground. When real trouble is imminent, SAC goes on a 40% air alert: 200 planes airborne, the remaining 300 ready on the runways.

One cannot be as sure as that about the Minutemen emplaced inland in the U.S. The missile cannot be tested in the silo from which it is meant to be fired, for fear that a down-range mishap would kill people and damage property.

"This is a serious matter," says Dr. Foster. "Let's face it, since we haven't done it yet, we can't be sure the Minuteman will fire from its operational silo. We test it every other way. It should fire. But we haven't proved it." The navy, he adds, "doesn't have the problem because it can test-fire Polaris and Poseidon at sea."

Several years ago the air force tried to test Minuteman publicly. It figured out a way to test-fire a Minuteman in North Dakota so that, only several seconds after launch, it would drop harmlessly into a nearby field. VIPs were invited out to watch, as the event promised to be an occasion. The great silo cover rolled back; the switch was turned on. Flame and smoke spewed from the silo; there was a rumble of noise. The missile didn't budge. Two more times at other sites the air force tried again and, to its embarrassment, the same thing happened. Official explanation: unique conditions; the launching mechanism had to be disconnected from the established nationwide hookup and specially wired for the test. Says a colonel, pained by the memory, "Oh, those seven-second tests! We should never have done the damn things. The system isn't designed for them."

Since the air force cannot test-fire Minutemen from operational sites, it does so from two silos at Vandenberg Air Force Base in California, where they are shot out to sea. The exercise works in lottery style. At any moment, without warning, a Minuteman crew at any silo anywhere in the country receives the order to take its missile to Vandenberg. By truck trailer and cargo plane they fly it to the coast where they themselves do the firing in the Vandenberg silo. There, the firing record has been good.

But the doubt continues that the unused inland silos are precisely the same as the proven ones at Vandenberg. Though it firmly believes they are precisely the same, the air force has a plan to stake out a firing range from the north midland states (where numerous Minutemen are emplaced) into the Rocky Mountains. Carrying it out would entail moving people, cattle and sheep away from the line of fire and would cost $30 million, an expense the air force says it cannot now afford.

The air force is dueling with the army on one flank and tilting with the navy on the other. There are several high-ranking officers in charge of repelling hostile boarders, and one of them is Maj. Gen. Leslie Bray, the enthusiastic and voluble 50-year-old spokesman for air force doctrine. Two of his current worries:

"The army wants its own helicopters for close air support. Okay in a benign environment like Vietnam, where the enemy has no air power, but even there they're losing a hell of a lot of choppers. Against a modern army with artillery and planes, the army's Cheyenne is a duck on the pond. An air force plane can loiter over the battleground and still have the speed and power to fight off air attack.

"As you know, the navy is pushing to take the ICBMs out of the silos and out to sea. I've even heard it suggested that our Minutemen be transferred to freighters roaming forever around the oceans. Certainly the navy, with its underwater missiles, should play a big role in our overall strategy. Submarines are hidden and mobile and, I agree, have good survivability. But a sizable share of our missile strength has to stay on terra firma."

Why?

Bray shrugs. "If we move all or most of our force to sea, we could face a protracted war at sea, a nonnuclear war of slow attrition. One of our subs is suddenly reported missing. How do we react? A week later another mysteriously disappears, and two weeks later a third fails to return home. Stop and dwell on this. It raises all sorts of possibilities, none of them good."

THE NAVY

Condition: Morale fair to very good; vulnerable; without more money and congressional-civilian support, potential disaster ahead; only military service confronting—day by day, ship against ship—the power of the Soviet Union. Mission: Responsible for Polaris system; for attack by sea, for sea-lane control, for world "presence." Budget: $21.5 billion for fiscal 1972 as against $19.6 billion in 1971, $20 billion in 1970, and $18.3 billion in 1968; 1972 figure up from this year's, but not enough to regain strength and decisive superiority. Strength: Challenged by Soviet navy in numbers, technology and fleet profile; outnumbered three-to-one underwater, but in nuclear subs about even; superior in carriers (the Russians have none); seriously weak in missiles to attack enemy ships; many surface ships too old and too slow; 11 aging air wings, but Russians have no shipborne naval air. Most Urgent Needs: Crash development of sophisticated missiles and bombs to attack enemy ships; vastly improved techniques in antisubmarine warfare; electronic interception systems to protect surface ships against Soviet missiles; development of high-speed surface ships; new fighter to replace the Phantom (the F–14, faster with more range and firepower, will be operational in 1973).

Adm. Elmo R. Zumwalt, chief of naval operations, is forward-looking, dynamic, strikingly handsome. He has shaken up naval rigidity about beards and sideburns (his are long and flecked with gray); he is trying to make the navy an inviting place to work.

Sitting in his office, leaning forward with his elbows on his knees, chin slightly jutting, he deals with his implicit constant worry: that on some hideous day in the onrush of history his navy will not be able to concentrate the superiority it needs in a confrontation with Admiral Gorshkov's navy. In the last two years the U.S. fleet has been cut from 900 to 700 ships, and Zumwalt has personally presided over the liquidation of 108 of them—most of them, fortunately, obsolescent.

"Our ship construction has declined. The downward trend was accelerated by Vietnam. Go out and look at our ships, old tin cans and cruisers built in World War II. See for yourself how patched up they are. We should have been spending at least $3 billion a year on new construction just to replace our obsolete ships. Instead, because of Vietnam, we averaged less than two-thirds of that amount from '64 through '71."

He speaks of the navy's role as a four-part assignment: first, "Strategic Force"—putting our missile clout underwater, away from the homeland; second, "Sea Control"—keeping the shipping lanes open and getting the supplies through; third, "Projection"—attacking across the cleared oceans, carrying planes, marines, soldiers, cargo; and fourth, in peace or war. "Presence"—showing the flag.

Presence. Here is the suggestive arm of diplomacy—gesture of friendship, note of assurance, implication of threat, glimpse of power. The Soviet navy has learned about presence. Its fleet already is in the Mediterranean, the Caribbean, the Indian Ocean, the Red Sea, the Persian Gulf, along the coasts of Africa and, in time, probably will be in Chile: stopping at ports, establishing bases, offering its support and friendship. It is moving out into the world in a kind of neocolonialism, with people and equipment following along behind to firm up the arrange-

ments made—to build the bases from which they can operate ships, submarines, planes, and from which the expansion continues.

"The President and Secretary Laird believe in the navy. They're cooperative. But it's up to the Congress. Last year it cut us back $800 million and that was a serious blow. Now we've asked for $1 billion more. Will they give it to us?" Zumwalt shrugs his shoulders, arms spread out. "The Congress represents the people, and when the Congress says no—as happened last year—that must be what the people want. And the people seem to be against what we're trying to do."

The Soviet navy began in World War II as a defensive coastal fleet with a strong emphasis on the submarine. In the late '50s the Russians started their nuclear underwater development, pouring billions into it. They erected huge construction yards which, on a one-shift basis, built at least one nuclear sub a month. (The U.S. production rate is about five a year.) They have now matched the U.S. fleet in two categories: nuclear attack submarines (each about 50) and the even more critical strategic subs (with long-range ballistic missiles). In 1968 they revealed their new Yankee (NATO designation) nuclear-powered sub, which is similar to the latest model of the Polaris and can fire a missile almost as far. At least 17 Yankee-class subs are now prowling the seas, some regularly patrolling both U.S. coasts, and more are being built at the rate of eight a year. These figures do not include some 250 diesel-powered subs of modern design, which were built in the '50s and '60s. Besides converting Polaris to Poseidon, the U.S. Navy is beginning to build 17 nuclear attack submarines, at $170 million apiece, to start coming off the ways in 1974; final delivery in 1977.

Eyeing the U.S. surface fleet right after the 1962 Cuban missile crisis, the Russian admirals noted that its primary striking power lay in the capabilities of the carrier task force. Instead of building carriers and planes to fight carriers and planes, they decided to build the world's most modern system of tactical guided missiles. Their ships now bristle with them.

The Russians, on defense, can fling up around their ships a deep, broad antiaircraft missile screen designed to hit attacking U.S. planes at a distance before they can get close enough to strike. On offense, one dangerous weapon of the Soviet tactical missile system is a stand-off, air-to-ship guided missile fired from big, land-based intermediate-range attack planes. Another more ominous weapon is its ship-to-ship "cruise missile"; there are at least six types with accurate ranges of up to 200 miles. They are launched from surface vessels but, most important, they can also be fired from submerged submarines.

The U.S. carrier, always vulnerable to underwater attacks, is now wide open from this new direction and its power thereby blunted. Worse, our navy has no cruise missile of its own. If it did, it could wield the same offensive threat the Russians now have, plus the thrust of an air arm the Russians do not have.

It will be two to three years before the navy gets its first true cruise missile, to be called the Harpoon. The navy is now testing an interim cruise weapon, the Standard, which is a short-range antiaircraft missile fired from an antisubmarine rocket-launcher. It will be operational by the end of this year.

Vice Adm. Gerald Miller, newly named commander of the Mediterranean's Sixth Fleet, sits in a deep sofa in the living room of his Norfolk home. He wears brown slacks and a tan jacket. At 51, he is one of the youngest and most junior of his rank. Ebullient, impulsive, words alternately flow and burst out of him.

What about the Soviet navy?

"They've become good seamen. They handle their ships well and seem to be pretty nice people, at least from signal distance. They're cooperative about our keeping track of them around Cuba. The other day a new Soviet destroyer appeared there for the first time, and the skipper of one of our destroyers flashed a blinker message in Russian asking him to report his position every day. The Soviet skipper answered back in amiable English, agreeing and congratulating my man on his Russian.

"Gorshkov! I don't know how he did it. He must be a genius. He is a genius. He started 14 years ago and now he's got a first-class fleet. And his ships make us drool—new, beautifully equipped, fast. He's a man I'd certainly like to meet."

Sixty days on patrol, 30 at home, then the cycle repeats—way of life of a Polaris crew. Eugene Parks Wilkinson, vice admiral and commander of the Atlantic submarine fleet, was the first naval officer to skipper a nuclear sub and take her to sea. In the tradition of his service, he tells little of what goes on under the sea. But he says enough to let one know that it is an evolving mutual search for the other side's subs, an eerie game of watch and be watched, of trail and be trailed, of hiding and listening in the valleys of the ocean floor. "Yes, we think we know where the Russian subs are, but can you ever be sure?" The accelerations of a smartly handled nuclear submarine are swift and elusive.

Our Polaris submarines navigate for 60 days without surfacing—by charts of the sea bottom, by inertial guidance, by loran C, by fathometer, by satellite. All calculations pour into computers which, in seconds, tabulate the position. At any given moment a patrol must know where it is within 200 yards. Should it have to fire its missiles, accuracy of aims depends on knowing the position of the firing.

It is reliable scuttlebutt around the Atlantic fleet that on maneuvers Wilkinson's submarines regularly penetrate our own "antisubmarine warfare" defenses. The navy has sub-killer teams of destroyers and helicopters, antisub projectiles, sonar, and detection buoys dropped from planes or helicopters.

But the trouble is, the technology of the submarine has outdistanced the technology of defense. The nuclear submarine is faster than most surface ships; it is more silent, more maneuverable, more accurate with its sonar, more deadly in its armament. New antisubmarine destroyers are being built, but even these have stirred a controversy about whether they are already outdated. At the moment, and probably for some time to come, the best antisubmarine weapon is another submarine. The final answer may be a surface ship so fast that a sub cannot catch it. The hydrofoil is under increased study; so is the hovercraft.

Dr. John Foster gazes at the ceiling of his office overlooking the Potomac, and dreams. His new U.S. fleet would travel on foils and on a cushion of jet-produced air to lift it above the sea, be propelled by equally powerful air jets in its stern. "It is," he says, "what technology is all about—getting ahead uniquely and surely. If we can make this work, it will keep us a jump ahead of the Russians. Imagine a 70-knot navy; 50 knots in heavy seas: big ships. Carriers. A fleet transformed!"

MARINES

Condition: Excellent; roles limited and sharply directed; traditional stress on professionalism; morale high and down-to-business. Mission: Readiness for anything that comes along, planned or unplanned, including full-scale amphibious assault; autonomous yet allied to the navy. Budget: $1.8 billion in fiscal 1972, down from $2.2 billion in 1971, $2.7 billion in 1970; most fighting efficiency for dollars spent. Strength: 220,000, but coming down to 206,000 by the end of 1971—or three divisions and three wings. Most Urgent Needs: A vertical-take-off close air-support jet fighter, a new landing vehicle, a new navy-provided ship to deliver a 2,000-man amphibious force, complete with helicopters and landing craft. All three are in the works.

"General Chaisson's quarters?"

"Please get out, sir, and wait for your escort."

From the darkness emerges a six-foot-six captain with white cap and belt, dress sword, dark-blue heavy coat, gold hilt, buckle and buttons gleaming even in the dim light. The officer of the day, he marches along the concrete walk with such an erect and contagious military swing that anyone next to him, even with civilian coat flopping around below the knees, must fall into step.

Hup, two, three, four . . .

"Like this duty?"

"It's great."

Hup, two, three, four . . .

"Where were you stationed before?"

"Vietnam; been here six months."

Hup, two, three, four . . .

"Here's the general's quarters. Have a good evening, sir."

"Thank you."

Lt. Gen. John R. Chaisson is deputy chief of staff of the Marine Corps. Son of a New England boat builder, graduate of Harvard, he has fought in three wars and is the rising intellect in the corps, a brilliant and blunt man. He feels "good" about the corps. "We're amphibious shock troops, emissaries, police, whatever comes up. We are prepared to move elements of a division from either coast in a matter of hours, with the whole force following within a few days."

Chaisson is wearing gray flannels and a tweed jacket. Highball next to him, feet up on a stoll, he launches forth on today's kids.

"They'll listen if they get facts, not pap. I'm called on a lot to give speeches in colleges. There might be 700 kids in the hall wondering what this jerk from the military is going to say. I start out this way; 'If I were to tell you that the Russians have as many intercontinental missiles as we have, or maybe more, you wouldn't be surprised. If I were to tell you that the Russians have a bigger army than we have, you still wouldn't be surprised. But if I were to tell you that the Russians have a navy which is almost as powerful as our navy in some ways and more powerful in others, you would be damn well surprised. Well, that's what I'm telling you.'

"It grabs them."

Until recently Ray Davis, general USMC, wore three stars on his shoulders and was in command of Marine Corps Schools and the Development Center in Quantico, Va. He has been promoted to the second job in the corps, assistant commandant. A slim man with a gentle southern intonation in his voice, he does not at first reveal the tough fibers within him. The ribbons on his chest reveal some of it: two Silver Stars, the Navy Cross, the Congressional Medal of Honor won in Korea during the retreat from the Chosin Reservoir (Ray Davis, a general said, "brought the 7th Regiment out on his back").

Davis: "I gave a talk the other day to the class of second lieutenants. I told them, 'If you gentlemen are interested in the length of your hair, or your sideburns, beards or mustaches, you're in the wrong service.'"

The corps reflects the personality of its commandant. Gen. Leonard F. Chapman is a 57-year-old southerner, an erect, somewhat aloof officer who demands elegance of detail in performance. Since taking over as commandant in 1968, he has carried the corps through a potentially disruptive time and brought it out ahead. Ugly rivalries between the marines and the army, accusations about diverging tactical choices and different fight-

ing styles in Vietnam boiled, but stopped short of erupting. Chapman publicly ignored them, privately muffled them and kept the corps about its business. While the army and the navy eased their disciplines, Chapman told his marines to toughen up. The military haircut is very much in evidence around his headquarters, and some of his officers are reviving the Sam Browne belt, though he himself is not yet wearing his.

Toughening up reflects Chapman's personal belief. But it is also aimed at recruiting. Chapman is counting on a backlash civilian sentiment against permissiveness in an elite fighting force. So far it is working. The marines need 35,000 enlisted volunteers and 2,000 officers a year, and they are meeting recruiting quotas in every U.S. city except New York.

The commandant: "I'm determined to preserve our manners and bearing. I've just gotten the okay from defense to make our blue uniform regular issue for enlisted men. I want to see a whole division parading in 'blues'. What a sight!"

PROPOSAL

The money we are spending for military defense—$66 billion a year exclusive of Vietnam—is not enough to even maintain parity with the Soviet Union, let alone regain the superiority we are losing or have already lost in critical military categories. That's a lot to spend—to the detriment of domestic problems which demand the same money and more—only to lose out. If we are serious about defense vis-à-vis Russia (and, in a decade or so, China), we must either go on paying more and more, or figure something else out.

The following proposal is an effort to figure something else out.

There is hope that the Strategic Arms Limitations Talks (SALT) between U.S. and Soviet representatives will save the day and cut the costs for everyone. If that happens, everybody will gain. If it doesn't happen, what are we to do?

This proposal is based on new strategies, technologies and strengths, all to be completed and in operation (except for SAC requirements) by June 1974. It is based, too, on a change in the way the military has for years divided up the money. Each of the four services has its own money bin. As strategy is made and money allocated each year, these bins rise and fall proportionately. If an economy drive is on, all bins dwindle proportionately; if spending is in the air, they increase proportionately. Only occasionally does one bin swell above the proportionate allocations to the others. Bin-levelling has become practically institutionalized since its start in the late '40s. We should change the relative sizes of the bins and re-shape the strategy whose demands fill them.

The Triad, for the most part, should be let alone. Its role as a deterrent, a retaliatory system, is essential. But there is danger in relying entirely on the technology of missilery, so it would be a mistake to let SAC and the manned bomber fade away into obsolescence with the B–52. The new B–1 bomber must be built and should begin, as already planned to take over in 1978. With the completion of the MIRVed Minuteman III program, the U.S. will have enough sophisticated land-based ICBMs. After that, any new ICBM weaponry should go to sea. The navy's Undersea Long-Range Missile System (ULMS), future successor to Poseidon, promises to be such a weapon. The decision on whether or not to press ahead with it awaits results of the SALT talks. We should press ahead with research and development anyway. If SALT turns up with good news, we can cancel ULMS.

Safeguard is a limited ABM system to protect Minuteman and a few other prime targets. It should be canceled. The U.S. figures Minuteman can penetrate the Soviet ABM network with adequate megatonnage, and it is logical that the reverse would be just as true. The key to deterrence is the threat of annihilating offense—not a defense against it.

The Army is already reducing from 1.3 million men to 900,000 (13 divisions), but it should reduce further—to 500,000 skilled men, furnishing six superbly equipped reinforced divisions. They would constitute a highly mobile force organized for air or sea lift and have the accouterments of the automated battlefield. Instead of supporting treaty countries with garrisoned troops, this army would provide support, as needed, through swift movement from the U.S.—and thereby preserve its strategic options and eliminate the logistical costs, the human problems and the dangers of unnecessary involvement arising from being scattered permanently around the world. They would become elite divisions summoning up the spirit of the former army. Soon, we may hope, they would be genuine volunteer forces. Equipped with the Cheyenne helicopter, they would pilot and control their own close air support. They would be backed by a knuckled down U.S. Army Reserve and National Guard.

Only one reinforced army division would continue to be deployed overseas—in NATO whose countries exclusive of the U.S. can put into the field a force of more than a million men. The recent U.S. decision to maintain 4⅓ divisions in NATO is largely political and sets a base of troop strength from which to negotiate with the Russians. One division would be as much of a showpiece, underlining U.S. support, as the understrength, underequipped divisions now there.

The Air Force is spread over the world. It has a vast network of 50 bases, and it keeps many tactical squadrons watching for long periods of time when there may be nothing to watch. The air force should cut back its number of tactical wings from 21 to 14, a personnel cut of 40,000, an aircraft cut of 700. Excluding strategic air defense areas, it should shut down 43 bases in favor of the strategy of swift, long-range movement of its squadrons from U.S.-centered pools. The deserted airfields should, by arrangement with the countries involved, be kept ready for potential use.

The air force is already working on long-range tactical movement. Known as the "Bare Base" operation, studies and exercises are going on at Langley Field under the command of Gen. William Momyer. Momyer is preparing to move entire tactical wings by in-flight refueling to any threatened location or combat zone within 48 hours at most. They arrive complete with meshed runways (if needed), water, fuel, food, ammunition and parts for the first two days of fighting, after which more logistics are flown in.

Capacity for troop lift is a key to this proposal because the success of the reduced army will depend on efficient and ready mobility. The air force should be able to lift in 48 hours one light army division to any foreign area, and in theaters as close as Europe in a day or less. It is a crucial demand and, aside from the technology and organization needed, it succeeds or fails on the teamwork—or lack of it—between the two services.

In conjunction with the navy, the air force should develop the critical "smart" missile or bomb needed to cope with the screens the Soviets fling up around their land targets and ships. To provide close air support for treaty-country troops, something like the A–X—with firepower punch and loitering capability—should be built in limited numbers for "bare-base" operations.

So far, under this proposal, the money bins of the army and air force are reduced; but the navy's would be filled higher.

The Navy should proceed with what it is doing now, but faster:

Press a crash program to develop Harpoon and other cruise missiles to match the Soviet cruise weapons.

Press perfection of a compact missile defense system to protect carrier task forces against enemy cruise and air-to-air missiles.

Build a fleet of fast, cheap sub-killers.

Develop hydrofoil and surface-effect ships.

Continue modernization of the carrier force for use in antisubmarine warfare and as a way of deploying ready, ocean-roaming airstrips.

Keep building subs.

The Marines are on the right azimuth. But the corps will be too big, even when it has reduced its strength from 300,000 to 195,000—three divisions and three wings. That size is the legal floor for the Marine Corps, set by act of Congress in 1953—a level the Congress should be willing to lower. Two divisions and two wings of that remarkable corps—about 150,000 men—are sufficient: one division on each coast, providing three seaborne battalions in the Atlantic, three in the Pacific.

Strategically, a defense posture with naval emphasis is sensible for a country which, by geography and history, is a maritime nation, dependent on the seas for much of its protection, for most of its international trade, and in large part for the safety of its alliances and interests abroad. No one can control all the seas; but the power which is able to mass a convincing superiority at the point of confrontation can sway diplomatic decisions, the course of history—and do it without a fight.

Today the U.S. Navy is the service bearing the brunt of Soviet confrontation. It is challenged and vulnerable. The logical approach is not to cut the navy back, which is what has been happening, but to put a fast, sure and serious rebuilding effort into it.

The proposal for military redesign just described will save a total of $9.5 billion a year. However, $6 billion of this, through 1974, will have to be plowed back—mostly into the navy, some into the army and air force. Thus, we achieve a defense which gives us not only an effective strategy and a stronger defense in the critical areas but a net saving of $3.5 billion to start with. Once new costs have been funded and a start made in paying for them, the net savings, which are based on permanent manpower cuts, will begin to increase. And this does not include additional savings that are possible in another area where costs can and should be cut: the Pentagon itself, which is monstrously overstaffed and overorganized.

The treaty countries from whom we withdraw our forces would at first be distressed. But the withdrawals, to be completed by mid-1974, would take place gradually, giving the countries time to adjust to the fact that their own armed forces must bear the initial responsibility if trouble arises. The U.S. would have the strategic option to help: first with its enlarged, faster navy, including carriers and marines, and second, with forces swiftly lifted and "bare-based" in from the U.S. To assure the treaty countries that U.S. support is as implicit in the new system as in the old garrison concept, we would be able to execute timely maneuvers in a given country or alliance, forcefully demonstrating the modern techniques.

For the most of our history, our military stance has been inconsistent. Its size and shape have varied with the peaks and valleys of war and peace. As our involvement in Vietnam subsidies, the temptation, as we look down into another welcoming valley, is to breath another marvelous sigh of relief. That would be a mistake. Until the international realities change, we must keep ourselves militarily fit and progressive. But we should make a serious effort to do it with intelligence, imagination and efficiency. The

old way is obsolete, wasteful and hopelessly expensive. Besides, it isn't working.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. BENTSEN). Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 12:30.

MESSAGE FROM THE HOUSE

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

H.R. 2591. An act to amend section 8 of the act approved March 4, 1913 (37 Stat. 974), as amended, to standardize procedures for the testing of utility meters; to add a penalty provision in order to enable certification under section 5(a) of the Natural Gas Pipeline Safety Act of 1968, and to authorize cooperative action with State and Federal regulatory bodies on matters of joint interest;

H.R. 2592. An act to amend the act entitled "An act to regulate the employment of minors in the District of Columbia," approved May 29, 1928;

H.R. 8589. An act to amend the Healing Arts Practice Act, District of Columbia, 1928, to revise the composition of the Commission on Licensure To Practice the Healing Art, and for other purposes; and

H.R. 8794. An act to provide for the payment of the cost of medical, surgical, hospital, or related health care services provided certain retired, disabled officers and members of the Metropolitan Police Force of the District of Columbia, the Fire Department of the District of Columbia, the U.S. Park Police Force, the Executive Protective Service, and the U.S. Secret Service, and for other purposes.

HOUSE BILLS REFERRED

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

H.R. 2591. An act to amend section 8 of the act approved March 4, 1913 (37 Stat. 974), as amended, to standardize procedures for the testing of utility meters; to add a penalty provision in order to enable certification under section 5(a) of the Natural Gas Pipeline Safety Act of 1968, and to authorize cooperative action with State and Federal regulatory bodies on matters of joint interest;

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QUORUM CALL

Mr. BYRD of West 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 PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

APPROVAL OF LOANS BY THE RURAL ELECTRIFICATION ADMINISTRATION

Two letters from the Administrator of the Rural Electrification Administration furnishing information, pursuant to law, regarding the approval of two loans to the South Mississippi Electric Power Association of Hattiesburg, Miss. (with accompanying papers); to the Committee on Appropriations.

REPORT ON FINAL DETERMINATION WITH RESPECT TO INDIAN CLAIM CASE

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on its final detemination with respect to docket No. 270, the Chickasaw Nation, plaintiff, versus the United States, defendant (with accompanying papers); to the Committee on Appropriations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on examination of financial statements of the Government National Mortgage Association for fiscal year 1970, Department of Housing and Urban Development, dated June 14, 1971 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on opportunities for improving the neighborhood health services program for the poor administered by St. Luke's Hospital Center, New York City, Office of Economic Opportunity, dated June 15, 1971 (with an accompanying report); to the Committee on Government Operations.

PROPOSED CONCESSION CONTRACT AT LEES FERRY SITE, GLEN CANYON NATIONAL RECREATION AREA, ARIZ.

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract at Lees Ferry Site, Glen Canyon National Recreation Area, Ariz. (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT BY THE ADVISORY COUNCIL ON HISTORIC PRESERVATIONS

A letter from the Chairman of the Advisory Council on Historic Preservation submitting, pursuant to law, its report on an action taken during its May 5–6, 1971, meeting with regard to plans affecting Pennsylvania Avenue National Historic Site, Washington, D.C. (with accompanying letter); to the Committee on Interior and Insular Affairs.

PROPOSED CONVEYANCE OF CERTAIN FEDERALLY OWNED LAND

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to convey certain federally owned land to the Twenty-nine Palms Park and Recreation District (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORT OF PROCEEDINGS OF JUDICIAL CONFERENCE

A letter from the Chief Justice of the United States, transmitting, pursuant to law, a report on the proceedings of the meeting of the Judicial Conference held in Washington, D.C., on March 15–16, 1971 (with an accompanying report); to the Committee on the Judiciary.

PROPOSED CORRECTION OF DEFICIENCIES RELATING TO CERTAIN CRIMES

A letter from the Postmaster General, transmitting a draft of proposed legislation to correct deficiencies in the law relating to the crimes of counterfeiting and forgery (with an accompanying paper); to the Committee on Post Office and Civil Service.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. GRAVEL):

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 government; 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 legislature 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."

BILLS AND JOINT RESOLUTIONS INTRODUCED

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. GRIFFIN:

S. 2063. A bill to amend title 38, United States Code, in order to authorize the Administrator of Veterans' Affairs to make advance educational assistance payments to veterans accepted for enrollment at colleges and universities, and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. PERCY:

S. 2064. A bill to authorize the Office of Management and Budget and the Domestic Council to establish standards and procedures governing the operation of existing Government advisory committees and the creation of new ones; to provide consumer representation on certain Federal advisory committees to expand public access to advisory committee deliberations, and for other purposes. Referred to the Committee on Government Operations.

By Mr. McGOVERN:

S. 2065. A bill for the relief of Roger L. Oehler. Referred to the Committee on the Judiciary.

By Mr. CHURCH:

S. 2066. A bill to extend the provisions of the Act of October 23, 1962, relating to relief for occupants of certain unpatented mining claims. Referred to the Committee on Interior and Insular Affairs.

By Mr. BEALL:

S. 2067. A bill to authorize the construction of a low diversion structure or dam on the Potomac River, Md. Referred to the Committee on Public Works.

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 2068. A bill to set aside certain lands in Montana for the Indians of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont. Referred to the Committee on Interior and Insular Affairs.

By Mr. ELLENDER:

S. 2069. A bill for the relief of Ivo Mador; and

S. 2070. A bill for the relief of Mijo Franicevic. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 2071. A bill to provide for the care, housing, education, training, and adoption of certain orphaned children in Vietnam. Referred to the Committee on the Judiciary.

By Mr. SCOTT:

S.J. Res. 115. A joint resolution instructing the Secretary of State to call for an international moratorium of 10 years on the killing of all species of whales. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PERCY:

S. 2064. A bill to authorize the Office of Management and Budget and the Domestic Council to establish standards and procedures governing the operation of existing government advisory committees and the creation of new ones; to provide consumer representation on certain Federal advisory committees to expand public access to advisory committee deliberations, and for other purposes. Referred to the Committee on Government Operations.

FEDERAL ADVISORY COMMITTEE EFFICIENCY ACT

Mr. PERCY. Mr. President, there has been a growing concern about committees created to advise the executive branch. This concern has been of two kinds. First is a belief that standards and procedures for establishing and managing advisory committees have been inadequate, and that as a result there exists a very large number of such committees, many of which have been of marginal usefulness. Several thousand advisory committees of one type or another are estimated to exist, though it actually seems to have proven impossible to make an accurate count. In March 1970, it was estimated by a House subcommittee that at least five Presidential advisory committees had no chairman and were inactive; at least 12 had not met in over 3 years; that the Secretaries of Agriculture and Commerce were in theory members of 43 advisory committees and that on average each Cabinet member served on 30 advisory committees.

Thus, though advisory committees may be useful and desirable in giving Federal officials and agencies the benefit of expert advice and counsel, there seems to be a consensus and a convincing body of evidence that Federal advisory committees—whether formed to advise the agencies of the executive branch or formed to advise the President—are too numerous, too costly, overlapping and often unnecessary and obsolete.

There is another kind of concern about Federal advisory committees—a belief that these committees do not adequately and fairly represent the public interest, that they may be biased toward one point of view or interest, and that their proceedings are unnecessarily closed to the public. This concern has been specifically expressed about the group of 16 committees formed to advise the Office of Management and Budget under the Federal Reports Act of 1942. These committees perform the limited function of advising OMB on the questionnaires Government agencies send to industry. They are organized by type of industry, and are composed exclusively of industry representatives. Industry participation in these committees is organized by the Advisory Committee on Federal Reports which describes itself as OMB's "official business consultant." Though the mandate of these committees might seem insignificant, in fact they have the ability to frustrate and otherwise block a Federal agency from receiving OMB permission to ask questions of industry that might be embarrassing, even though these questions might be entirely legitimate.

PREVIOUS HEARINGS

Hearings were held on Federal advisory committees by the Subcommittee on Special Studies of the House Government Operations Committee in March 1970, and by the Subcommittee on Intergovernmental Relations of the Senate Government Operations Committee in October 1970. The Senate subcommittee opened additional hearings on June 10. The subcommittee is considering mainly two bills. One is S. 1964, a bill introduced by my able colleagues, Senators ROTH and BROCK, which would provide standards and procedures for agency and Presidential advisory committees. The other is S. 1637, introduced by Senator METCALF, to provide for more open public access to the proceedings and reports of advisory committees.

I am today introducing a bill that I hope will address both concerns. It would provide for procedures and standards to govern creation of new, and review of existing, advisory committees, and it would require advisory committees to be more open to public scrutiny, more representative of and more responsive to the broader public interest. I hope that this bill, the Federal Advisory Committee Efficiency Act, will be considered by the subcommittee, but I in no way intend it as a substitute for the other legislative proposals being considered by the subcommittee. While I am acting ranking member of the full Government Operations Committee, I am not a member of the Subcommittee on Intergovernmental Relations. Therefore, I commend this approach to my colleagues, and ask merely that they consider it as one of the proposals before them.

SUMMARY OF THE BILL

The bill declares congressional policy in section 2 that advisory committees are useful devices, but that they should be used more efficiently and responsively.

Section 3 defines two types of advisory committees, a distinction central to understanding this problem and this bill. The two types of advisory committees are "agency advisory committees" and "Presidential advisory committees." Agency advisory committees are committees of citizens and Government officials to advise agencies in the Federal Government apart from the President or Congress. This category includes a special group of

advisory committees set up under the Federal Reports Act to advise the Office of Management and Budget on questionnaires Government agencies can send to business. Presidential advisory committees are committees which include private citizens, which are created to advise the President or Congress, or both.

Section 4 requires congressional committees to make a continuing review of the activities of advisory committees under their jurisdictions, requires that in establishing new advisory committees Congress insure that they are not overlapping with existing advisory committees, and that new advisory committees have a clearly defined mission.

Section 5 gives the OMB jurisdiction over agency advisory committees, and instructs the Director of OMB to evaluate the existing committees and make recommendations to the heads of the agencies that have created them to continue them, revise their mandates, or discontinue them. Agency heads are required to report annually on the operation of advisory committees reporting to them. The Director shall provide management assistance and provide administrative guidelines for agency advisory committees.

Sections 6 and 7 apply to the special group of advisory committees that advise OMB on the administration of the Federal Reports Act. It requires that such committees, established to advise the OMB in this capacity, contain representatives of consumers, labor, and small business, as well as large industry.

Section 8 makes the Domestic Council the watchdog for Presidential advisory committees, and asks it to make annual reports on the status and work product of each of them.

Section 9 creates a depository for the reports and working papers of Presidential advisory committees in the Library of Congress.

Section 10 instructs agency heads to cooperate with the OMB in establishing uniform systems for administering agency advisory committees.

Section 11 directs that each existing advisory committee shall terminate 1 year from passage of the act, unless the appropriate action is taken to continue the committee. It establishes as general practice that each committee shall terminate after 2 years, unless specifically extended.

Section 12 establishes uniform rates of compensation for advisory committee members, requires uniform accounting of funds expended for advisory committees, makes minutes of advisory committee meetings mandatory, and opens them to public inspection. Records of funds expended for advisory committees must be kept.

Section 13 amends the Freedom of Information Act to make verbatim transcripts of agency proceedings more freely available to the public. The private stenographic services that record the hearings now contract for the right to sell them at very high rates, making them, in effect, unavailable to the general public.

Section 14 provides for judicial review; section 15 provides that inconsistent Executive orders and regulations are superseded by the act; and section 16 provides that the act becomes effective 90 days after enactment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD immediately following these remarks.

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

S. 2064

A bill to authorize the Office of Management and Budget and the Domestic Council to establish standards and procedures governing the operation of existing government advisory committees and the creation of new ones; to provide consumer representation on certain Federal advisory committees to expand public access to advisory committee deliberations, 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 "Federal Advisory Committee Efficiency Act."

FINDINGS AND PURPOSES

SEC. 2. The Congress finds and declares that committees of citizens formed to advise the President, Congress, and the agencies of the Executive Branch are frequently a useful and beneficial means of bringing to bear the expert advice, ideas, and diverse opinions existing in the private community on government decision-making. However, Congress also finds and declares:

(1) that a large but undetermined number of such committees, boards, commission, councils, and similar groups exist which were established to advise officers and agencies in the executive branch of the Federal Government or the Congress or both, and that the present need for some of these bodies has not been established;

(2) that standards and procedures are necessary to govern the administration, operation, and termination of advisory committees,

(3) that new committees be established only when they are determined to be necessary to provide needed advisory functions,

(4) that their number be kept to the minimum necessary,

(5) that they be representative of the broad interest of the society including the consumer interest, rather than of a narrow, parochial interest, and

(6) that their meetings and proceedings be open to public scrutiny, and their reports retained in an accessible depository for public reference.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) The term "Director" means the Director of the Office of Management and Budget.

(2) The term "agency advisory committee" means a committee, council, board, commission, task force, or similar group established or organized under a statute, an Executive order, or any other means, to advise and make recommendations to an officer or agency of the executive branch of the Federal Government, but such term excludes standing or special committees of the Congress, any local civic group whose primary function is that of rendering a public service in relation to a Federal program, as well as any State or local committee, council, board, commission, or similar group established to advise or make recommendations to State or local officials or agencies.

(3) The term "Presidential advisory committee" means an advisory committee any members of which are private citizens appointed by the President, and which advise the President or the Congress.

RESPONSIBILITIES OF COMMITTEES OF CONGRESS

SEC. 4. (a) In the exercise of its legislative review function, each standing committee of the Senate and House of Representatives shall make a continuing review of the activities of each advisory committee under its jurisdiction with a view to determining whether the responsibilities assigned it should be revised, whether it should be merged with any other advisory committee or whether it any longer performs a necessary function. The committee shall take appropriate action to obtain the enactment of the legislation necessary to effectuate the results of its reviews under this subsection.

(b) In its consideration of legislation creating, or authorizing the creation of, an advisory committee, each standing committee of the Senate and of the House of Representatives shall have the responsibility of satisfying itself and certifying to the Senate and House of Representatives that the new committee is necessary, and of assuring that no advisory committee will be created if its functions are being or will be performed by an advisory committee already in existence, or could be performed by enlarging the mandate of an existing advisory committee, or by the committee itself, and that any such legislation—

(1) shall contain a clearly defined mission for the advisory committee,

(2) shall require the membership of the advisory committee to be representative of all those who are legitimately interested in the responsibilities and functions of the committee,

(3) shall contain appropriate provisions to assure that the advice and recommendations of the advisory committee will not be inappropriately influenced by the appointing authority, but will instead be the result of its independent judgment,

(4) shall contain provisions dealing with authorization of appropriations, the date for submission of reports (if any), the duration of the advisory committee, the publication of reports and other materials, and the authorization for, and limitation on the use of, subpenas, to the extent that the standing committee determines the provisions of section 12 dealing with such matters to be inadequate,

(5) shall contain provisions which will assure that the advisory committee will have adequate staff (either supplied by an agency or employed by it), will be provided adequate quarters, and will have funds to meet its other necessary expenses.

RESPONSIBILITIES OF THE DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET

SEC. 5. (a) The Director shall establish and maintain within the Office of Management and Budget a Committee Management Secretariat, which shall be the principal agency within such office having responsibility for matters relating to advisory committees both agency and Presidential.

(b) The Director shall, immediately upon the enactment of this Act, institute in cooperation with agency heads a comprehensive review of the activities and responsibilities of each agency advisory committee then in existence with a view to determining what results have been achieved and whether, consistent with the provisions of applicable statutes, the responsibilities assigned to it should be revised; whether it should be merged with other advisory committees; and whether it should be disestablished. Upon the completion of the Director's review he shall make recommendations to the Secretary of the relevant department with respect to action he believes should be taken. Thereafter, the head of each agency shall carry out a

similar review annually under the direction of the Director.

(c) The Director shall (to the extent permitted by statute) prescribe administrative guidelines and management controls to be applicable to agency advisory committees. The Director shall, to the maximum extent feasible, provide advice, assistance, guidance, and leadership to agency advisory committees with a view to improving their performance. In carrying out his functions under this subsection, the Director shall consider the recommendations of each agency head with respect to means of improving the performance of the advisory committees advising him. The Director shall cooperate with the Civil Service Commission in carrying out the Intergovernmental Personnel Act with respect to training members and staffs of agency advisory committees.

(d) The Director shall include in budget recommendations the sums he deems necessary for the expenses of agency and Presidental advisory committees, including the expenses for publication of their reports where appropriate.

SEC. 6. (a) That Section 3506 of title 44 of the United States Code (Federal Reports Act) is amended by inserting "(a)" before the word "Upon" and by adding at the end thereof the following new subsections:

"(b) No advisory committee which includes among its members individuals who represent the interests of business or commercial enterprises may be used by the Director to assist or advise him in or with respect to the administration of this Act unless that advisory committee includes among its members one or more individuals who are chosen from private life to represent the economic interests of consumers, labor, and small business within the United States. Not less than one-third of the membership of any such advisory committee which is comprised of three or more members shall be individuals so chosen to represent the economic interests of consumers.

"(c) All records, minutes, and other information of any advisory committee appointed to carry out the provisions of this chapter shall be available for public inspection and copying in accordance with regulations established by the Director.

"(d) In addition to publication in the Federal Register, the Director shall establish procedures for giving timely, conspicuous public notice, by such means as he deems appropriate, to persons interested in the conduct of the business of advisory committees appointed under this chapter."

SEC. 7. That section 3509 of title 44 of the United States Code is amended by inserting "(a)" before the words "A Federal agency" and by adding the following new subsections:

"(b) A determination of disapproval by the Director shall be accompanied by a statement detailing the reasons therefor."

"(c) Any collection of information, which has been referred to the Director of the Office of Management and Budget pursuant to section 3506 of title 44 or to subsection (a) of this section shall be acted upon within 90 days or approval shall be implied."

RESPONSIBILITIES OF THE PRESIDENT AND THE DOMESTIC COUNCIL

SEC. 8. (a) The President shall assign to the Domestic Council responsibility for evaluating and taking action, where appropriate, with respect to all public recommendations made to him by Presidential advisory committees (except to the extent that they deal with national security matters).

(b) Within one year after a Presidential advisory committee has submitted such a public report to the President, the Domestic Council shall make a public report to the President containing its views on recommendations contained in such advisory committee report and specifying either its proposals for action with respect to the recommendations or its reasons for proposing inaction.

(6) The President shall, not later than March 31 of each calendar year (after the year in which this Act is enacted), make an annual report to the Congress on the activities, status, and changes in the composition of Presidential advisory committees. The report shall contain the name of every such advisory committee, the date of and authority for its creation, its termination date or the date it is to make a report, its functions, a reference to the reports it has submitted, a statement of whether it is an ad hoc or continuing body, the dates of its meetings, the names and affiliations of its current members, and the total estimated annual cost to the United States to fund, service, supply, and maintain such committee. Such report shall include a list of advisory committees established by statute which the President has recommended abolishing, together with his reasons therefor and the recommendations made to the President by the Director of the Office of Management and Budget, together with resultant action.

RESPONSIBILITIES OF LIBRARY OF CONGRESS

SEC. 9. At least one copy of each report made by every Presidential advisory committee and where appropriate papers prepared by consultants and other studies and working papers shall be submitted to the Library of Congress. The Librarian of Congress shall establish a depository for such reports where they shall be available to public inspection and use. When the Librarian of Congress requests such consultant papers, studies, and working papers, the advisory committee will supply them.

RESPONSIBILITIES OF AGENCY HEADS

SEC. 10. Each head of a department or agency of the United States shall, subject to applicable statutes, establish at the direction of the Director of the Office of Management and Budget uniform administrative guidelines and management controls for advisory committees set up to advise him, which shall be consistent with directives of the Director under section 5(c). A uniform informational system relating to agency advisory committees and their operation shall be maintained within each department or agency.

TERMINATION OF EXISTING ADVISORY COMMITTEES

SEC. 11. (a) Each agency and Presidential advisory committee in existence on the date of enactment of this Act is hereby discontinued, effective on the last day of the first calendar year which begins after the date of enactment of this Act, unless prior thereto the creating authority has by appropriate action continued the existence of such committee. The property, funds, and unexpended balance of appropriations of advisory committees discontinued by this section shall be assigned to the use of the Committee Management Secretariat.

(b) Except as otherwise provided by law, an agency advisory committee shall cease to exist not later than two years after the date of its establishment, unless the head of the Federal agency which established that committee determines in writing not more than sixty days prior to the expiration of such two-year period that its continued existence is necessary to the performance of duties imposed on such agency by law.

ADMINISTRATION OF ADVISORY COMMITTEES

SEC. 12 (a) The Director after study and consultation with the Civil Service Commission, shall establish uniform fair rates of pay for comparable services of members, staffs, and consultants of agency and Presidential advisory committees respectively, in a manner which gives appropriate recognition to the responsibilities and qualifications required and other relevant factors. Unless otherwise provided by statute, no member of such advisory committees or of their staffs shall be paid compensation for his services at a rate in excess of the rate specified at the time of such (service for grade GS–18 in section 5332 of title 5, United States Code, including traveltime, and while so serving on the business of such advisory committees away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

(b) Unless otherwise provided by law or by the agency head which creates it, each agency advisory committee shall meet at the call of its chairman but not less than two times each year. Minutes of each meeting of each agency advisory committee shall be kept and shall contain a record of the persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by such advisory committee. The accuracy of all minutes shall be certified to by the chairman of the advisory committee.

(c) Each Federal agency shall keep such records as will fully disclose the disposition of any funds which may be at the disposal of agency advisory committees it creates or which report to it, and the nature and extent of the committee's activities in carrying out its functions.

(d) Each Federal agency shall make available to the public for inspection and copying the records and files, including agenda, transcripts, studies, analyses, reports, and any other data compilations and working papers, which were made available to or prepared for or by each agency advisory committee (except to the extent they deal with national security matter). Such records shall be maintained at a single location in each agency for a period of 2 years after the committee ceases to exist; thereafter the Librarian of Congress may secure them and retain them in the Library of Congress.

(e) The Comptroller General of the United States, or any of his duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of each agency advisory committee.

(f) Each advisory committee is authorized to request from any department, agency, or independent establishment of the Government any information it deems necessary to carry out its functions; and each such department, agency, and instrumentality is authorized to furnish such information to such committee upon an official request therefor.

AMENDMENT TO FREEDOM OF INFORMATION ACT

SEC. 13. Section 552 of title V of the United States Code is amended by adding the following new subsection. (a) Any contract entered into, on or six months after the date of enactment of this Act, for supplying stenographic services for transcribing agency proceedings including the proceedings of advisory committees, shall contain provisions adequate to assure that 15 days after any agency proceeding is completed, for which such services were performed, that agency is not prohibited from furnishing copies of the transcript to any person requesting such copies.

(b) Each agency shall, 15 days after any agency proceeding is completed, furnish a copy, at cost of duplication, of the transcript of such proceeding to any person requesting such a transcript. Notwithstanding any other provision of law, any funds received pursuant to this subsection shall be deposited in the Treasury of the United States to be credited to the agency furnishing such copies.

(c) This section shall not apply to any

matters set forth in section 553 (b) of title 5, United States Code.

(1) "agency means any agency as defined in section 551 (1) of title 5 United States Code; and

(2) "agency proceeding" means any proceeding as defined in section 551 (12) of such title.

JUDICIAL REVIEW

SEC. 14. (a) Any person may bring a suit for injunction against a Federal agency if—

(1) that person is or was adversely affected or aggrieved by an action of a Federal agency; and

(2) that action is or was pursuant to a recommendation of an agency advisory committee subject to the provisions of this Act; and

(3) that agency advisory committee is improperly constituted or was otherwise not operating in accordance with the provisions of this Act.

Any such suit may be brought in the United States district court for the district in which the person bringing such suit resides or has his principal place of business or in the United States District Court for the District of Columbia.

(b) The court having jurisdiction of a suit brought under this section may enter such order as may be appropriate to enforce compliance with the provisions of this Act, and to set aside any agency action in violation of such provisions.

EXECUTIVE ORDERS AND REGULATIONS

SEC. 15. To the extent that any Executive Order or regulation is inconsistent with provisions of this Act, such Executive Order or regulation is superseded.

EFFECTIVE DATE

SEC. 16. This Act shall become effective ninety days after the date of its enactment.

By Mr. CHURCH:

S. 2066. A bill to extend the provisions of the act of October 23, 1962, relating to relief for occupants of certain unpatented mining claims. Referred to the Committee on Interior and Insular Affairs.

EXTENSION OF THE MINING CLAIMS OCCUPANCY ACT

Mr. CHURCH. Mr. President, I introduce for appropriate reference a bill to extend the provisions of the act of October 23, 1962, relating to relief for occupants of certain unpatented mining claims.

Representative HAROLD T. "BIZZ" JOHNSON and I sponsored this legislation in the 87th Congress to provide relief for certain people who have lived for years in homes on some unpatented mining claims.

The period for making application under the act was extended by the 90th Congress from October 30, 1967, until June 30, 1971. This bill provides for a 3-year extension. Representative JOHNSON is sponsoring a similar bill in the House.

In many instances in the West, persons have staked or bought claims and lived for many years on the land without making a discovery of valuable minerals in order to "prove up" on the property. Sometimes such claims have been mined out without patent and are no longer valid. Persons unfamiliar with the mining laws often have purchased quitclaim deeds to unpatented claims mistakenly believing they were obtaining fee title to such property.

Through Public Law 87-851 persons living on such claims, under certain circumstances can acquire an interest in the land.

While the Public Land Law Review Commission has made its report and recommendations regarding the mining laws, it will be some time before the Congress can obtain a permanent solution to such problems. This emphasizes the need to extend this program, Mr. President, and I hope the Congress will agree to do so.

By Mr. MOSS:

S. 2071. A bill to provide for the care, housing, education, training, and adoption of certain orphaned children in Vietnam. Referred to the Committee on the Judiciary.

VIETNAMESE-AMERICAN WAR ORPHANS

Mr. MOSS. Mr. President, there is no more tragic consequence of that most unwanted war in Vietnam than the illegitimate child who is an offspring of an American father and a Vietnamese mother.

The child is not recognized officially by either the U.S. Government or the Vietnamese Government. It is truly a child in limbo—stateless and homeless.

But this little bit of human flotsam bears an even greater burden than that of being a "child without a country." It is both illegitimate and of mixed blood. Illegitimacy carries more of a stigma in Vietnam than it does in most other places. When an illegitimate child is not of pure blood in race-conscious South Vietnam—when it is half white or half black—then it faces a degree of disgrace and ostracism which is insurmountable. The child of an American father and a Vietnamese mother born out of wedlock is an outcast, and it has no hope of ever being fully accepted in Vietnamese society.

I believe that such a child is an American responsibility. It is as much a casualty of war as a soldier who has been killed or wounded, a peasant who has been shot, or a group of villagers whose homes have been burned down.

Even more so, perhaps, because if America had not embarked on its Vietnam venture, this little halfbreed American-Vietnamese child would not have been born.

We cannot—we must not—leave these children to shift for themselves. The Department of Defense has informed me that it has a survey underway to find out how many illegitimate children of American and Vietnamese parentage are now stranded in Vietnam. Results should be available shortly.

It will not be an easy count to make. Parentage will be difficult to prove. Even what kind of mixed heritage a child has will be questionable in some instances. And the children are everywhere—with their Vietnamese mother, or some member of her family, or some friend or neighbor, in orphanages, abandoned in the streets, discarded into garbage cans as mere infants.

More than often their fathers do not even know they exist, although in some instances their American fathers are helping out financially.

As soon as these children can be found and authenticated, especially if they are abandoned or are orphans, or if they have a parent who is unable to provide for them and is willing to give them up, they should be brought to the United States where their heritage will not be despised and where they can be adopted into American families and grow up on an equal basis with other American children.

Purity of race is not an issue in this "melting pot" country of ours. We already have millions of citizens of mixed heritage—citizens of all races, colors, and creeds, and all combinations of them. We have opened our arms to the homeless and the hopeless and oppressed in the past; now we must open our arms again to these war orphans who were born a part of us. They will have a chance for a decent life in America.

We can learn much from France, which faced the same problem America now faces in Vietnam, during French colonial rule and the later French military action. The French met their problem with admirable dispatch and practicality. When a child of French Vietnamese paternity was found to be unwanted, it was repatriated to France through a French children's association which is supported by the Government.

Some 5,000 children were sent to France under this program with the massive evacuation taking place in 1954 and 1955 at the end of French colonial rule. The children were dispersed throughout France in several hundred religious or lay schools in groups of two or three so they could learn to mix with French children. Many are now being given scholarships to universities. The children who remained in Vietnam with their mothers have been sent to French schools there. Thus, the French have accepted the responsibility for this human consequence of French colonialism and war.

We can do no less than accept into our country the children who are half American. They are on our conscience as much as is their war-scarred country, and their burned villages, which we are attempting to rehabilitate. They are one of the hazards of war and they must be treated as such.

I am, therefore, today introducing a bill to authorize the President or his designee to negotiate with the Vietnamese Government to release these children, to admit them to the United States, and to care for them and place them in the hands of private and State agencies for adoption. Those who are not adopted are to be housed and educated until they are 22 years of age. Immigration quotas are relaxed to allow the permanent admission of the children into this country. Later they may choose to become citizens.

Mr. President, I must point out that the desperate situation of the half-breed American-Vietnamese child in South Vietnam was called to my attention by TV broadcasts—first by the National Broadcasting Co., and later by the Columbia Broadcasting System. I commend these two broadcast facilities for this type of coverage of the war; it is a service to the American people.

I ask unanimous consent that the bill I am introducing be printed at this point in the RECORD.

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

S. 2071

A bill to provide for the care, housing, education, training, and adoption of certain orphaned children in Vietnam.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress declares that a child of an American father and a Vietnamese mother, born out of wedlock, is as much a consequence of the United States participation in the war in Vietnam as an American soldier who has been killed or wounded, or a peasant who has been shot, or a group of villagers whose village has been destroyed. The United States has accepted responsibility for these soldiers and for making reparations to these Vietnamese peasants. Therefore, it is a matter of conscience that the United States should likewise accept the responsibility for these orphaned children.

SEC. 2. (a) The President or his designee shall establish and administer a program providing for the care, housing, education, training, and adoption of any child who—

(1) was born in Vietnam on or after August 5, 1964:

(2) is determined, by the President or designee—

(A) to have been born of one alien parent and one United States citizen parent; and

(B) to be an orphan because of the death or disappearance of, abandonment or desertion by, or separation or loss, from both parents, or for whom the sole or surviving parent has in writing irrevocably relinquished all parental rights to the child; and

(3) is in Vietnam at the time the child is brought under the program.

Such children shall be brought to the United States as soon as practicable. In administering the program, every effort shall be made to arrange for the adoption of such children.

(b) A child shall remain in the program only until he is adopted or attains the age of 22 years of age, whichever occurs first.

(c) The President or his designee is authorized to enter into agreements and to make grants, on such terms and conditions as he considers appropriate, to State and local government agencies and private organizations to assist in administering the program and in arranging for the adoption of such children and to provide for the care, housing, education, and training authorized under the program.

(d) The care, housing, education, and training shall be made available only in the United States except to the extent that such care, housing, education, and training is necessary to be made available in Vietnam until such children are brought to the United States.

SEC. 3. The President or his designee should enter into negotiations with the Government of South Vietnam with respect to ascertaining and determining which children are entitled to the benefits of the program and bringing those children within the program, arranging for the immediate care, housing, education, and training of such children, and arranging for the departure of those children to the United States as soon as circumstances permit.

SEC. 4. Without regard to any provision of the Immigration and Nationality Act, any such child is entitled, for purposes of such Act, to be issued an immigrant visa and admitted to the United States as an alien lawfully admitted for permanent residence. Any immigrant visa issued under this section shall not be counted as part of any numerical limitation or allocation under sections 201–203 of such Act.

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. SCOTT:

Senate Joint Resolution 115. A joint resolution instructing the Secretary of State to call for an additional moratorium of 10 years on the killing of all species of whales. Referred to the Committee on Foreign Relations.

WHALING MORATORIUM

Mr. SCOTT. Mr. President, I introduce a joint resolution instructing the Secretary of State to call for an international moratorium of 10 years on the killing of all species of whales. The whales—Cetacea—include 80 species from the mighty blue whale, the largest mammal on earth, to the playful dolphin, called "cousin to man" by the undersea diver, Robert Stenuit, who knows these friendly and helpful creatures intimately.

In the last decade more whales were killed than ever before in the history of the world—so many that species after species have been reduced to a pathetic remnant of once great numbers. With helicopters, radar, mechanized devices to terrorize the whales, explosive harpoons that cause terrible pain, often long drawn out, with 20-knot whale catchers working from factory ships that can dispose of an 80-ton whale in half an hour, the Cetacea stand no chance at all unless a halt is called to the killing to allow the population to recover.

Every year more younger or smaller whales are killed to produce less oil. For example, in 1930–31 some 43,000 whales yielded 3.5 million barrels of oil. In 1966–67, 52,000 whales yielded a mere 1.5 million barrels. Even porpoises are being netted. The factory ships are driving themselves out of business, and in the process they are destroying whole populations of some of the most fascinating creatures the world has ever seen. We know almost nothing about whales except what can be learned from their dead bodies, but such studies as have, at least, been done in observation of live whales at sea hint at the most remarkable potentialities.

For example, the undersea recordings made by Dr. Roger Payne and entitled "The Songs of the Humpback Whale" have an instant appeal for large numbers of people, both young and old. They have inspired serious musical works and and popular ballads alike. It seems incredible that human beings should press forward in a ruthless mechanized destruction of whales for such purposes as cosmetics and mink food, while at the same time a whale voice is being featured by the New York Philharmonic Orchestra in a composition by Alan Hovhaness. It seems appalling that the dolphins who are known to have befriended human beings in distress since the time of the ancient Greeks should now be destroyed for mere commercial products which can and are substituted for without difficulty. By concerted international action, every species of Cetacea can be preserved.

The International Whaling Commission begins its deliberations on June 21 here in Washington. Delegations from Argentina, Australia, Canada, England, France, Iceland, Japan, Norway, Panama, South Africa, the Soviet Union, and the United States will attend the week-long meetings.

Our country has taken world leadership in the past year in protecting whales. Former Secretary of the Interior Walter Hickel placed baleen and sperm whales on the endangered species list thus stopping importation into our country of products made from these whales. Secretary of Commerce Maurice Stans this spring moved to end the last whaling by our own citizens. We can be proud of these important actions, and I urge that these praiseworthy precedents be followed by asking other nations to refrain from the killing of all species of Cetacea for 10 years. Such a moratorium is the only hope, for the attempts to conserve stocks of whales by a quota system has failed to prevent the same precipitous downward trend of population of every species commercially hunted by the highly mechanized modern methods.

No single nation or group of nations can lay sole claim to these majestic creatures of the deep, some of which are now heading for extinction. Their plight is desperate. I urge this body to pass this joint resolution promptly and send it to the Secretary of State for presentation to the International Whaling Commission at its meetings during the week of June 21.

Mr. President, I ask unanimous consent that the text of my joint resolution be printed at this point in the RECORD:

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

S.J. Res. 115

Joint resolution instructing the Secretary of State to call for an international moratorium of ten years on the killing of all species of whales

Whereas, the blue whale, the largest creature on earth, has been reduced by the whaling industry to a point of near extinction, and

Whereas, despite the fact that the International Whaling Commission has placed it in a totally protected category, numbers of these and other endangered species of whales continue to be taken in error by whalers, and

Whereas, the severely endangered gray whale has increased its numbers successfully after years of protection, and

Whereas, whales are mammals with large brains and a complex social life and produce fascinating and complex sounds which have inspired serious musical works, and

Whereas, much remains to be learned about these unique creatures through scientific study of their behavior, and

Whereas, it is the intent of the Endangered Species Act to prevent conditions that could lead to the extinction of animals, and

Whereas, even those species of whales which are not in imminent danger of extinction will become so if present hunting pressures are continued, and

Whereas, whales form a resource which may prove of importance to mankind in the future if their numbers are not decimated now, and

Whereas, the United States of America has led the world in placing the baleen and sperm whales on the endangered species list so that products made from these and other endangered species may not be imported, and has also moved to end the last whaling by its nationals: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that the Secretary of State is instructed to call for an international moratorium of ten years on the killing of all species of whales.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 907

At the request of Mr. McCLELLAN, the Senator from Kentucky (Mr. COOK) was added as a cosponsor of S. 907, a bill to consent to the Interstate Environment Compact.

S. 987

At the request of Mr. HANSEN, the Senator from Oregon (Mr. PACKWOOD), the Senator from Kansas (Mr. PEARSON), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 987, to amend the Social Security Act, to provide for a medical and hospital care system popularly known as "Medicredit."

S. 1188

At the request of Mr. CHURCH, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 1188, a bill to amend the Foreign Aid Assistance Act.

S. 1408

At the request of Mr. MUSKIE, the Senator from Connecticut (Mr. RIBICOFF) was added as a cosponsor to S. 1408, a bill to amend the Internal Revenue Code of 1954 so as to permit certain tax-exempt organizations to engage in communications with legislative bodies.

S. 1580

At the request of Mr. PERCY, the Senator from Wisconsin (Mr. NELSON) was added as a cosponsor of S. 1580, a bill providing increased employment opportunities for middle-aged and older workers, and for other purposes.

S. 1742

At the request of Mr. BROCK, the Senator from South Carolina (Mr. THURMOND), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOPER), the Senator from Kansas (Mr. DOLE), and the Senator from Florida (Mr. GURNEY) were added as cosponsors of S. 1742, a bill to prohibit the use of the name of any of certain deceased servicemen unless consent to so use the name is given by the next of kin.

S. 1846

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Washington (Mr. JACKSON), I ask unanimous consent that at the next printing the names of the senior Senator from Nevada (Mr. BIBLE), the junior Senator from Minnesota (Mr. HUMPHREY), the junior Senator from Maine (Mr. MUSKIE), and the junior Senator from West Virginia (Mr. BYRD) be added as cosponsors of S. 1846, a bill to establish a Coal Gasification Development Corp., and for other purposes.

The PRESIDING OFFICER (Mr. BEALL). Without objection, it is so ordered.

S. 1932

At the request of Mr. MATHIAS, the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 1932, a bill to amend the Federal Meat Inspection Act to provide that State inspected facilities after meeting the inspection requirements shall be eligible for distribution in establishments on the same basis as plants inspected under title 1.

SENATE JOINT RESOLUTION 102

At the request of Mr. BROCK, the Senator from South Carolina (Mr. THURMOND), the Senator from Alaska (Mr. STEVENS), the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. DOMINICK), and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of Senate Joint Resolution 102, to authorize the President to designate the period from October 12 through October 19 of each year as "National Patriotic Education Week."

SENATE JOINT RESOLUTION 112

At the request of Mr. BROCK, the Senator from North Carolina (Mr. ERVIN) and the Senator from Utah (Mr. BIBLE) were added as cosponsors of Senate Joint Resolution 112, an amendment to the Constitution of the United States relating to open admissions to public schools.

SENATE RESOLUTION—SUBMISSION OF A RESOLUTION REQUESTING A NEGOTIATING CONFERENCE RELATING TO THE PRICES OF WHEAT

(Referred to the Committee on Foreign Relations.)

Mr. McGEE. Mr. President, the Senate Foreign Relations Committee has had referred to it by President Nixon a new International Wheat Agreement. The agreement was adopted on February 20, 1971, by the United Nations Wheat Conference in Geneva, Switzerland.

The agreement recommended to the Senate for its approval does not include any provisions relating to the prices at which the signatory nations to the agreement agree to export and import wheat. Moreover, the agreement also fails to include the designation of reference wheat, basing points or definition of importers' and exporters' obligations. As nearly as I can understand it, Mr. President, the agreement as it now stands is a mere statement of the good intentions among the major wheat traders of the world. No doubt this is a sentiment that is appreciated throughout the wheat trade by all but the most churlish, yet I somehow believe it is not of such significance as to merit its being enshrined in a formal agreement. The disturbing aspect of such a toothless agreement is that it does not come to grips with the problems of the trade—problems which inspired the original wheat agreement more than 20 years ago, and which have kept it alive all these years.

Mr. President, the Committee on Foreign Relations has, over the past year, received numerous inquiries from farmers and farm organizations relating to their concern for the operation of the present International Grains Arrangement, which will expire on June 30 of this year. They and the committee have been disappointed that the present agreement has not lived up to the expectations we had for it when the Senate approved its ratification 3 years ago.

I have been concerned over the reported unilateral price-cutting that was going on in violation of the terms of the agreement. I have also been concerned over the seeming reluctance of the United States to adhere to the provisions of the agreement, by failing to insist the violations of the agreement be presented before the Prices Review Committee.

The Secretary of Agriculture's responses have been long on explanation of the reasons for violations of the agreement, but short on langauge which might convince me that the U.S. Department of Agriculture was in earnest in pursuing its obligations under the agreement. I invite Senators to examine correspondence in this connection; it is included in the remarks of the senior Senator from Alabama in the CONGRESSIONAL RECORD for January 20, 1970.

We are told, Mr. President, that several factors combined to prevent the inclusion of provisions for price, basing points, and other vital elements in the agreement. We are told that most of a 3-week period during the February negotiations was spent in trying to reach agreement on a reference wheat and a basing point. Neither the United States nor Canada wanted their wheat or shipping points so designated. Compromises such as an average of the collective reference wheats, or combinations of wheats also failed to find approval among negotiators in large part perhaps, because U.S. representatives were not given proper instructions. There are reports that our negotiators offered such a low-price minimum that it dampened the prospects for success at a very early stage in the proceedings.

Reports from a recent conference of the International Federation of Agriculture Producers where representatives of more than 40 nations attended indicate that broad agreement exists for renewing efforts to negotiate meaningful pricing provisions. They recognize that international commodity agreements without minimum price features are little more than statements of good faith. An agreed range of price movement with an established minimum price would help to stabilize the world market and protect all concerned.

International representatives of producers are increasingly mindful that the world is shrinking, both politically and economically. The need to expand world trade in agriculture commodities has, in a real sense, internationalized farmers' problems. No longer can a nation ignore urgent economic concerns of producers in other countries. Where the same crops are grown under different terms and conditions, it is imperative that accord be reached if trade expansion is to continue.

Western European countries are criticized for high price support levels and

the maintenance of a policy of price support designed to keep 12 to 14 percent of their population engaged in agricultural production. These policies are promulgated out of political and economic considerations. The U.S. Congress also continues to take action to protect primary producers out of political and economic concerns. Such policies will continue.

The proper route to expanding trade is not trade war, but trade negotiation and agreements.

I trust that our Government is not unmindful of the views of other nations.

I trust that our Government has not abandoned the sensible approaches to international trade in wheat that past agreements made possible for over 20 years.

I trust that the Members of this body will recall the dedicated support that former Senator Frank Carlson of the great wheat State of Kansas gave to past agreements. I pay tribute also to our present colleagues from wheat States who understand the importance of supporting international trade in wheat by negotiating sets of rules that protect producers from low and fluctuating prices.

Mr. President, I cannot accept the position that this new wheat agreement is the best that Secretary Hardin or President Nixon can get.

That position could be justified only if the objective is to bring an end to a meaningful and effective wheat agreement. That position could be justified only if there is callous disregard to the economic welfare of wheat growers who have benefitted in the past from higher, firmer and more stable prices, domestically and internationally.

Therefore, I am proposing action that will serve to express the concern of the Senate and to serve to express the sense of the Senate that the President should request through the International Wheat Council further negotiations aimed at getting agreement or pricing provisions which the new wheat agreement now totally lacks. The text of the resolution is as follows:

SENATE RESOLUTION 136

Resolved, That it is the sense of the Senate that the President should request the International Wheat Council, at the earliest possible date, to request the Secretary-General of UNCTAD to convene a negotiating conference as provided in Article 21 of the International Wheat Agreement, concluded at Geneva on February 20, 1971, with a view toward the negotiation of provisions relating to the prices of wheat and to the rights and obligations of members in respect of international trade in wheat.

As the resolution states, such action is in keeping with article 21 of the new wheat agreement which reads as follows:

The Council shall at an appropriate time examine the questions of prices and related rights and obligations. When it is judged that these matters are capable of successful negotiation with the objectives of bringing them into effect within the life of this Convention, the Council shall request the Secretary-General of UNCTAD to convene a negotiating conference.

Mr. President, the resolution is being introduced as a means of inviting a full expression of views leading up to public hearing of a Special Subcommittee of the Senate Foreign Relations Committee of which I am a member. Senate approval of the resolution will be sought subject to approval of the Senate Foreign Relations Committee. It is my hope that the text of the resolution will be made a part of the statement of ratification which will accompany the wheat agreement to the Senate floor.

I offer this course of reasoned, responsible action to the Senate because I believe the wheat agreement as it comes to the Senate from the administration to be a hollow and meaningless document.

The Senate should not blindly proceed to give its advice and consent to it without pointing up the urgent need to correct an obvious deficiency in the agreement.

THE MILITARY SELECTIVE SERVICE ACT—AMENDMENT

AMENDMENT NO. 161

(Ordered to be printed and to lie on the table.)

Mr. CHILES submitted an amendment in the nature of a substitute intended to be proposed by him to amendment No. 143 proposed to H.R. 6531, an act 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.

NOTICE OF HEARINGS ON THE WHEAT AGREEMENT

Mr. SPARKMAN. Mr. President, as Chairman of the Ad Hoc Subcommittee on the International Wheat Agreement I wish to announce that the subcommittee will hold a public hearing on the Wheat Agreement on Thursday, June 17, 1971, at 2 p.m., in room 4221, of the New Senate Office Building.

Interested persons should communicate with the Clerk of the Foreign Relations Committee, Mr. Arthur Kuhl, without delay.

NOTICE OF BRIEFING

Mr. JACKSON. Mr. President, I would like to inform the Senate of a briefing on June 21, 1971, to be conducted by Department of the Interior and Bureau of Indian Affairs officials for the full Committee on Interior and Insular Affairs. The briefing is open to the public and will commence at 10 a.m. in room 3110 New Senate Office Building.

The purpose of the briefing is to apprise the committee of recent developments in the reorganization of the Bureau of Indian Affairs and to report on developments in major program areas administered by the Bureau for the benefit of Indian people.

NOTICE OF HEARINGS OF THE ARMS CONTROL SUBCOMMITTEE OF THE SENATE COMMITTEE ON FOREIGN RELATIONS

Mr. MUSKIE. Mr. President, the American people want to spend less on nuclear forces which can only be used to destroy civilization. The SALT negotiations, if they are successful, will be a step in that direction. But in the meantime, the arms race goes on. We and the Soviets continue to plan and to build additional strategic forces which may reduce the security of both nations, which waste billions of dollars, and which increase the difficulties of negotiating arms limitation agreements.

We cannot afford to go on this way. We must examine our military budget decisions today to see if we can slow down the arms race of tomorrow. Once weapons systems are deployed, it is difficult to dismantle them, causing more problems in obtaining arms limitation agreements.

This means that we must carefully examine our military deployment decisions before they are made. We must know, before we agree to build a weapon, that it is needed to protect our security and that it will not fuel the arms race or preclude the chances of meaningful arms agreements in the future. We cannot wait until a system is tested or deployed before beginning to ask ourselves what its implications are.

We need to approach this task with a fundamental understanding of the fact that buying more arms does not necessarily lead to more security, and that the control of arms can provide us with a more stable peace and more security than the best weapons that money can buy.

In order to explore these questions as they affect our present choices about the strategic weapons systems of tomorrow, the Foreign Relations Subcommittee on Arms Control will open on June 16 the set of hearings which I discussed before the Senate on May 6. The initial 2 days of hearings will focus on the nuclear triad. We will be exploring the questions raised by our decision to maintain three separate strategic systems each capable of destroying the Soviet Union. I approach the hearings with an open mind about what we should do, but with questions about whether our systems should not be altered to emphasize the types of weapons that do not speed up an endless arms race.

We will have testifying before the subcommittee, in addition to Adm. Thomas H. Moorer, Chairman of the Joint Chiefs of Staff, and Dr. John S. Foster, Jr., Director of Defense Research and Engineering, a group of distinguished Americans who have thought long and hard about these questions. The witnesses were selected because of their expertise and their concern with these issues; they represent a wide range of views on the questions we plan to explore.

These witnesses will include Dr. Herbert York, first Director of Defense Research and Engineering under President Eisenhower, and Dr. Carl Kaysen, formerly Deputy Assistant for National Security Affairs to President Kennedy.

On June 17, testimony will be heard on the various components of the nuclear "triad": Dr. Charles M. Herzfeld, former Director of the Advanced Research Projects Agency, Department of Defense—ARP—will analyze overall military requirements. He will be followed by

Dr. John P. Craven, formerly Chief Scientist of the Polaris project, who will testify on sea-based weapons systems. Dr. Marvin Goldberger, Chairman of the Federation of American Scientists, will discuss bombers. Mr. Fred Hoffman, a former Deputy Assistant Secretary of Defense for Systems Analysis, will analyze the land-based ICBM deterrent. Testimony for the 2 days of hearings will be concluded by Senator Joseph Clark.

I am deeply disappointed that the Secretary of Defense, Melvin Laird, and the Deputy Secretary of Defense, David Packard, could not appear before the subcommittee. These hearings will explore decisions that will determine whether the arms race will accelerate during the next decade, wasting billions of dollars and perhaps undermining our security. For this reason, I had hoped the Secretary of Defense could appear to discuss the impact of his Department's budget on the prospect of a continued upward spiral of weapons spending.

We expect the various witnesses to disagree with each other and with members of the subcommittee. Out of this give and take, I hope will emerge clearer answers to some difficult questions:

What is the effect of having these three systems, in their present and planned configurations, on the possibilities for arms control agreements?

Does our desire to have a triple deterrent add greatly to the difficulties of negotiating an agreement with the Soviet Union now and in the long run?

What, from an arms control point of view, should be the priority given to each of the three systems?

How did we get the three systems in the first place, and for what reasons?

Is the present mix in the triad still the best?

How fast should the present system be modernized?

NOTICE OF CONTINUATION OF HEARINGS ON GOVERNMENT ADVISORY COMMITTEES

Mr. METCALF. Mr. President, I wish to announce that the Subcommittee on Intergovernmental Relations will continue its hearings on S. 1637, the Open Advisory Committee Act, and S. 1964, the Federal Advisory Committees Standards Act, on Tuesday, June 22, and Wednesday, June 23.

Those who wish to testify or submit statements should get in touch with Subcommittee Counsel E. Winslow Turner, room 357, Old Senate Office Building, phone 225–4718.

NOTICE OF HEARINGS BY THE COMMITTEE ON GOVERNMENT OPERATIONS ON THE PRESIDENT'S EXECUTIVE REORGANIZATION PROPOSALS

Mr. McCLELLAN. Mr. President, I wish to announce that the Committee on Government Operations will hold a hearing June 22, 1971, at 10 a.m., in room 3302 of the New Senate Office Building on S. 1430, S. 1431, S. 1432, and S. 1433. This is a continuation of the administration's general presentation in support of these four bills. Witnesses scheduled to appear are the Secretary of the Treasury, Mr. John B. Connally, Jr., and Mayor Richard G. Lugar of Indianapolis.

ADDITIONAL STATEMENTS

CARL HAYDEN

Mr. McGEE. Mr. President, there recently appeared in the Los Angeles Times an article entitled "Carl Hayden—Man of History and Few Words." The article gives considerable insight into a former colleague whom most of us were privileged to know and respect.

Carl Hayden, during his tenure as a public servant spanning nearly six decades, was the personification of dedication. He was totally devoted to his State and Nation. His legislative accomplishments were not only impressive but also far reaching in their impact. Carl Hayden's farsightedness will continue to influence the course of American history for decades to come.

This article is indeed a tribute to a very remarkable man. 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:

STILL BUSY AT 93: CARL HAYDEN—MAN OF HISTORY AND FEW WORDS

(By Jerry Cohen)

TEMPE, ARIZ.—When last seen on the floor of the U.S. Senate, he seemed merely hunched and withered. Now, two-and-half years later, he is bent and shriveled.

The agate-bald scalp stretches like a tightly drawn parchment across his skull. Crinkled hands tremble. The eyes often lose focus behind thick spectacles perched uncertainly on a bony nose.

As he strains to catch a question with his hearing aid, the head bobs slackly. When he walks, he wobbles. When he stands, he leans heavily on a walking stick bearing a little metal crest: Stanford University, Junior Class, 1900.

"An old man ought to have a cane," he says, and the smile deepens the hollows of the shrunken cheeks.

But the mind remains as bright as the hot Arizona sun splashing the fairways of the Shalimar Country Club just outside the old man's smart, Spanish-style townhouse here.

CONTRASTING LIFE-STYLE

How odd, it occurs to the visitor, that a politician who spent more years than any other at the center of national power should be content in this setting—so far removed from Capitol Hill where once he exercised majestic influence.

But retired Arizona Democratic Sen. Carl Hayden, who will be 94 next October, finds it not at all remarkable.

"I never liked the climate in Washington," he said in a voice still deep, still firm. "I don't like cold weather. It can't compare with the nice climate we have back here."

A surprising confession from one who served 57 years in the Congress (15 as a representative, the remainder a senator).

But only a slim truth.

The real truth is that Carl Hayden, despite two-thirds of a lifetime in the rarified air of the nation's capital, never did shake the Arizona desert from his hightop shoes.

PIONEER PARENTS

Hayden, son of a prominent Arizona pioneer, was the first white child born in this suburb of Phoenix, and it is here that his heart and thoughts, if not his presence, always remained.

It was here in Maricopa County, too, that his political acuity was shaped. Even before he became Arizona's first (and only, at that time) member of the House of Representatives when the state became the 48th admitted to the union, he had been elected county treasurer ("We paid salaries in gold then") and sheriff ("I never had to shoot anybody").

So when he finally decided not to campaign for an eighth term in the Senate, he was not tempted to linger at the scene of past glories, a weakness common to many retired or defeated federal legislators. To Hayden, the only logical thing to do was to "come home."

When he did quit public life, he left behind an impressive record of legislative accomplishment, particularly in land reclamation and transportation, that changed the face of the nation and will continue to alter it for decades to come. During his long years as a public servant, he influenced the very course of American history.

He also relinquished a seat of enormous power, the extent of which was largely unrecognized by the public. But that was the way Carl Hayden, who had an absolute genius for the unspectacular, wanted it.

"In a temple dedicated to windbaggery," the Associated Press' Arthur Edson wrote in 1966, "he has kept his mouth shut while astutely pushing out invisible tectacles of power."

That power rested in no political charisma. Hayden almost never called a press conference, rarely spoke from the Senate floor. "It's no fun making a speech," he said the other day. "I never made them unless I had to."

Rather Hayden's vast "invisible" power reposed partly in seniority, which is so respected among senators, partly in the web of friendships he wove through the years with other influential politicians.

COMMITTEE CHAIRMAN

But most important of all was his chairmanship for 14 years of the Senate Appropriations Committee (he was a member for 30) whose control of the federal purse makes it all-powerful. He presided over the appropriation of untold billions needed to run the nation, and as the late Times columnist Bill Henry wrote:

". . . He has assisted so many pet projects for so many senators that when old Carl wants something for his beloved Arizona, his fellow senators fall all over themselves giving him a hand. They'd probably vote landlocked Arizona a navy if he asked for it."

Today, Hayden jokes about his decision to retire and give up all that. "It was high time to quit," he says. But he admits that it was a wrenching experience to let go. And on May 6, 1968, at age 90, he quite literally sobbed after he paraphrased the Old Testament in announcing he would not seek reelection:

"There is a time of war and a time of peace, a time of keep and a time to cast away, a time to weep and a time to laugh, a time to stand and a time to step down."

Says a longtime friend: "Carl's greatest goal for all those years had been to retain his membership in the 'club' (the Senate)."

But when Hayden did quit no man ever was more resolved to make his decision stick. Associates say that today the onetime "senators' senator" is "the most retired of retired politicians."

He still reads the daily Senate summary in the Congressional Record and scans the newspapers. Otherwise, he devotes himself to private matters.

His personal wants are attended to by the housekeeper, Miss Frances Doll, who came into his employ as a nurse for his wife in the mid-1940s. His wife, the former Nan Downing of Los Angeles, died in 1961, and Hayden spent his last years in Washington

in an apartment house a block from the Senate Office Building.

He reads a wide assortment of books and articles dealing with Arizona and Western history. Though enfeebled, he takes short walks daily for exercise.

ANSWER MAIL

He keeps a steady flow of correspondence going by "scribbling" notes at home, then three times a week visiting an office provided for him in the Charles Trumbull Hayden Memorial Library (named for his father) on the Arizona State University campus here. There he turns the notes over to a typist.

Most of the correspondence is with nonpolitical friends or former constituents who still seek his help and advice.

"That always was one of Carl's great political assets," said a friend. "He always paid attention to the folks back home. He saw that every letter was answered promptly, and he tried to fill every request. He never was what you would call a great statesman, but he was a dedicated servant of the people."

Today, added the friend, politicians on all levels seek to exploit Hayden's reputation. "They try to get him to make speeches or public appearances in their behalf. But he won't do it. He's retired and he means it."

SELF-DEPRECATING

Hayden said he resists such blandishments, usually by saying good-humoredly, "I'm not reliable any more."

He remains true to his personal creed, that of the taciturn Westerner.

"He never has been a man critical of others. He always has been guarded and cautious in his comment," said a close friend.

"He always conducted himself in a manner to assure reelection by avoiding trouble and controversy. He was always a workhorse, not a showhorse; always followed the Boy Scout practice of holding a wet finger up to find out which way the wind blew.

"He's still as cautious as a man who is going to run for office tomorrow."

Ask 93-year-old Carl Hayden today to evaluate this or that President under whom he worked and he will smile like a schoolboy and reply:

"I wouldn't want to rate them. That's not good business. All were men of ability."

But with more logic than evasiveness, he explains:

"There is no way to compare two Presidents. I served under 10, beginning with Taft. No two are alike. So you can't put a yardstick to them. It's not fair to say one or two Presidents were better than the others. Each had different problems, each came along at a different time in history."

PRESIDENTIAL SCORE

If asked about specific Chief Executives, his replies are equally noncommittal but not unenlightening:

"Roosevelt? I don't know who could have done better in wartime."

"I knew Lyndon (Johnson) when he first came into the House, and later when he came into the Senate we became good friends. I think he was a good President."

"President Nixon? I think he's handicapped by the war. But he is doing his best to get us out. I got well acquainted with him when he was Vice President and presided over the Senate. I think he's a man of ability, and I think he's doing the best he can."

Without judging the man from Missouri's place in history, Hayden admits to a personal favorite. "I liked Harry Truman the best of all the Presidents," he said. "We got to be such good friends in the Senate.

"Harry was a fighter, and you've got to admire a fighter. He took a point and stuck to it, and he had a sense of humor."

ROOSEVELT DEATH

"I remember I was there that day in the Senate when someone came and called him to the telephone because the President had died. Harry got up and he never came back."

Hayden rose slowly from a chair in his office in his library, clutched his cane and walked over to one of the photo-lined walls. The pictures are of him with other political giants of the last five decades.

He tapped one showing him with President Truman and former House Speaker John W. McCormack, all three top-hatted and sitting in an open limousine.

"John and I rode with Harry from the White House to the Capitol that day for his inauguration."

Nearby hung a picture of Hayden and a smiling young man, inscribed: "To Carl Hayden, one of the best I have met along the way. John F. Kennedy."

On Hayden's desk sit busts of both Presidents Kennedy and Johnson, given him by the two former Chief Executives.

There is a frequently told story related originally by the late President himself about an early encounter between Mr. Kennedy and Hayden, who always went out of his way to be friendly to new senators.

When Mr. Kennedy arrived in the Senate, he struck up a conversation with the Arizonan by asking the difference between the modern Senate and that of 30 years earlier.

Hayden, who favors a corn-cob pipe today, chomped on his cigar and replied: "Young men didn't talk so much then."

When the young President was assassinated, Hayden, who never nursed ambitions beyond the Senate, was third in line as president pro tem of that body after Vice President Johnson and House Speaker McCormack.

Asked by an aide what he would do if either Mr. Johnson or McCormack were disabled, Hayden, taking note of his advanced years, replied with typical dryness.

"I'd call Congress together, have the House elect a new speaker, and then I'd resign and let him become President."

RUSSELL FRIEND

As he has a favorite President in Harry Truman, Hayden also had a favorite colleague in the Senate, the late Richard B. Russell of Georgia.

"He was the one I liked best and had the most respect for. If Dick Russell had come from the North, he would have been President of the United States," Hayden said.

"He just had a lot of good common sense and the ability to express himself. He had the courage to take unpopular positions."

Without ever abandoning the celebrated Hayden constraint, the old senator during two days of interviews in his home and office made the following comments on issues of current national interest:

The Vietnam war: "It's very unfortunate that Dulles (John Foster Dulles, secretary of state under President Dwight D. Eisenhower) got us into it. We should never have been there. What was happening there at the time never was a concern of the American people. President Nixon had a job on his hands getting us out."

The state of the nation: "I don't think we're sick. I think this nation is living and growing. I have no complaint about the drift we've taken. I don't think we're more violent than any other."

The state of the world: "I can't see any blowup in sight."

Race: "I think the situation has improved. I think the rights of the colored are respected more than they used to be."

Spending for space exploration: Hayden would not commit himself, but said: "I think it will be done for a long time to come. I think we'll continue to try to get information about space."

The SST program: "I would have voted for it. I think we need a real high-speed plane." His view probably reflects the abiding interest he always had in transportation.

A woman as President: "It's all right with me. It's possible. But I doubt it will happen. I don't know if any lady would want it. It's a terrible responsibility, you know."

MISSED COMBAT

As he looks back, Hayden says he has one major regret. A longtime Arizona National Guardsman, he accepted an Army commission as a major near the end of World War I. "We were a well-trained unit and ready to go. Then the Kaiser quit."

Because of his father's death, Carl Hayden did not complete his education at Stanford, where he played football.

His devotion to family and Arizona cost him a singular distinction, but one which never has caused him regret.

He explained: "I could have played center on the first Rose Bowl team. But I thought it was more important to come home for the Christmas holidays than play some Eastern team."

Besides, he doubts if his presence would have made much difference in the outcome. Michigan beat Stanford, 49–0.

LITHUANIA

Mr. SCOTT. Mr. President, it was 31 years ago that the black cloud of communism shrouded the Baltic State of Lithuania.

In East Europe's continuing struggle to free itself from Russian domination, this country has suffered greatly, struggling for freedom and praying that the determination of its people will prevail.

June 15, 1940, was the beginning of mass deportation of native Lithuanians to settlements far away from their beloved homeland. The reason for Stalin's cruel methods was to quiet the resistance of the large revolutionary population by simply transporting them to "safe" areas inside the Soviet Union.

Today, the scars of broken families combined with continuous terror by the secret police are ever present in Lithuania. However, the spirit to be free is still thriving within this Baltic nation. The plea for assistance is made within Lithuania itself, as well as here in the United States. Their voices must be heard by the U.S. Congress and the American people. Their voices cry for liberty, justice, and an end to oppression.

NEED FOR ADDITIONAL REA LOAN FUNDS

Mr. ALLEN. Mr. President, it is a source of great satisfaction to me that many of my colleagues in the Senate have joined in a recommendation to the Appropriations Committee for a substantial increase in loan funds for rural electrification in fiscal year 1972. Parenthetically, may I say that I am proud to have been one of the early proponents and signers of the letter carrying the recommendation to which I have referred.

Our objective in a budgetary sense is to provide funds to cover the applications which the rural electric systems must submit during the next fiscal year, and to begin whittling down the backlog of loan requirements which have been piling higher each year. The total recommended program for fiscal 1972 is $555 million, representing $530 million for new applications and $25 million to start reducing the backlog. The actual need listed by the rural electric systems is $804 million. However, this figure includes a

backlog built up over several years as a result of our failure to meet needs on an annual basis, and it is not feasible within the confines of a tight budget to make up in 1 year the deficiencies of several years. It is feasible to make a dent in the backlog, and that is what many of us are proposing.

Having described our objective in terms of budget, let me now remind my colleagues of the broader objectives—economic and social goals of our people.

After all, the rural electrification program was created not merely as a banking operation but as a means of meeting urgent needs of individuals and families and communities.

Electricity not only relieves people of some of the burdens of hard labor—it not only enables people to enjoy many of the amenities of modern living—it increases farm productivity, powers the wheels of industry, creates jobs. With an abundant supply of electric power and reliable service at reasonable rates economic progress is possible. Without an abundance of power or without reliability of service, almost nothing is possible.

To me, as one who has long preached the doctrine that rural development is essential to progress on urban problems, it is particularly gratifying that my colleagues and many other leaders of both major political parties are evidencing concern for rural America.

I rejoiced when President Nixon recently offered a "salute to agriculture" by inviting farm leaders and their wives to the White House and the Department of Agriculture for ceremonies recognizing how important it is to the United States and the world that we have a highly productive and efficient agriculture. By this act, the President was responding to his detractors who charged that he and his administration are not interested in agriculture. I commend him for it.

He responded even more effectively in recent weeks by releasing $15 million which the Office of Management and Budget had impounded from the funds appropriated by Congress for rural electrification loans in the current fiscal year. Like other advocates of rural development, I had been greatly distressed by the impounding of those funds. I cheered the President for releasing what had been withheld.

I should like to cheer him for more affirmative action.

By the simple act of supporting our proposed increase in loan funds for rural electrification, the President could demonstrate his understanding of the needs of rural America in the most unmistakable terms. He would need make no speeches, he would need issue no White House invitations, he would need no $75,000 exhibits on the White House lawn to tell rural America that he understands and that he cares.

In Alabama our rural electric cooperatives as the major suppliers are vitally interested in promoting the comprehensive economic and industrial growth of Alabama. By furnishing dependable electric service at lowest possible cost, they have made a gigantic contribution to the economic and industrial growth of Alabama by transforming rural Alabama into an attractive area or business, industry, and residential development. They have become directly involved in industrial development through employee training seminars, State Development office assistance, extensive Alabama promotional campaigns, and membership in the North Alabama Industrial Development Association.

When the first REA loan in Alabama was approved in 1935, only 4 percent of our farms had electric service. Now 98 percent are electrified. Our co-ops have repaid more than $55 million of approximately $158 million in loan funds they have received, and have paid more than $26 million in interest on those loans. They are sound, progressive business institutions.

It would be almost impossible to overestimate the potential contribution they can make to the future of our communities, our State, and the Nation. But they do need much more capital than they are now able to obtain.

The backlog of their applications for REA loans at the end of December 1970, plus the applications to be submitted during the first 6 months of this year amounted to more than $8¼ million. So far, this total has been reduced by a loan of $701,000 to the Coosa Valley Electric Cooperative at Talladega. At the end of last calendar year, Alabama co-ops were planning to submit new applications during fiscal year 1972 totaling about $24½ million, including an application from Alabama Electric Cooperative of Andalusia for $15 million for transmission line and generating plant improvements. As it turns out the $15 million application has been filed this fiscal year rather than waiting for next year. In any event, the amount needed in Alabama between January 1 of this year and June 30, 1972, just a year from now, is more than $32 million out of the national total of $804 million.

Now it is alleged by some that these are fantastic figures dreamed up by extremists. But the fact is that these are totals of capital requirements reported by the managers of utilities operating as a part of our private enterprise system. REA Administrator Hamil, while supporting the administration budget of $345 million, acknowledges that REA expects to consider applications totaling $810 million during fiscal year 1972. This figure, of course, includes a backlog which he recently estimated would reach $360 million at the end of this fiscal year despite the fact that REA has unilaterally decided to reduce many applications and to refuse applications from cooperatives with reserves that REA considers more than adequate.

The prodigious backlog owes its existence to the fact that loan funds have fallen short of the need year after year.

It is time that we started reducing the backlog which is blocking the wheels of progress.

I call upon the President to recognize this fact and to demonstrate his concern for rural America by supporting the substantial, but modest increase in rural electrification loan funds that many of us in the Senate have called for.

I call upon those of my colleagues not yet committed to this objective to join those of us who are already so committed and to support an appropriation of $555 million for fiscal year 1972.

THE LIEUTENANT GOVERNOR OF CALIFORNIA ON THE PROBLEM OF WELFARE

Mr. HANSEN. Mr. President, the Honorable Ed Reinecke, the Lieutenant Governor of the State of California, on May 19 addressed the National Federation of Independent Business in Washington, D.C., on a subject of great concern to all of us and of critical importance to the Nation.

Mr. Reinecke's speech was entitled "Social Welfare and the Work Ethic," and it pointed out some of the dangers to the United States if the present trend toward bigger and costlier welfare programs for those mentally and physically capable of getting jobs is continued.

The Lieutenant Governor, using only a 9-year period, was able to cite some dramatic statistics. He noted that in 1960, with the national population at about 180 million, total expenditures for public assistance were a little more than $4 billion.

By 1969, he said, with the population at around 202 million, the United States spent $12 billion on public assistance programs—or, with a 10-percent increase in people, there was a 300-percent increase in the cost of welfare.

Mr. Reinecke continued that while a part of the cost is attributable to abuse of the program, "Abuse is in most cases legal use," and "Reform must be aimed at the system—not the recipient."

He objected strongly to the creation of a public service corporation to be financed by Federal dollars to provide legal services attorneys a permanent establishment. He said:

> Legal services attorneys would no longer be responsible to the President, and the veto power which Governors presently have over programs active in their States would be eliminated by all of the proposals currently being discussed in Washington.

Mr. Reinecke protested the inclination of many in the Congress and elsewhere to turn over State welfare problems to the U.S. Department of Health, Education and Welfare, and to Congress. He expressed his position that—

> Welfare is not a national problem. Welfare is a local problem that occurs in every one of the 50 States. And unless we think of welfare recipients as individuals who have real problems and personal difficulties which must be overcome, we will end up with a spiritless army of national dependents. We will have a corps of people existing on federal handouts, people who are no longer considered to be local responsibilities. I can think of no more inhuman and callous method of handling the very deep social and personal difficulties which afflict our welfare clients.

Mr. President, I believe the concern expressed here for the future of the individual welfare recipient and the incentives that must be provided so that he can and will become self-sustaining are well worth our consideration. I ask unanimous consent that the address by

the Lieutenant Governor of California be printed in the RECORD.

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

SOCIAL WELFARE AND THE WORK ETHIC: INTRODUCTORY REMARKS—ACKNOWLEDGMENTS

(By Lt. Gov. Ed Reinecke)

We hear a great deal these days about how our society is systematically destroying its environment and it's true. Our air, land, and water have, during recent years, been subjected to unprecedented abuse. It has taken us a long time to come to our senses, but finally, we are starting to do something about pollution. Yet as serious as pollution is, I am not here to talk about it, but about what I consider to be a more potentially disastrous problem.

Our country may be faced with a form of pollution, governmental pollution—more insidious, more destructive, and in many respects, more dangerous to the future of our society than all of the abuses committed on our natural resources. Too many people would just as soon ignore the fact that our society is rapidly becoming a welfare state—a society in which the dole replaces the paycheck: where food stamps substitute for employment: and where those working for a living are supporting an ever increasing governmental burden.

Welfare in this Nation seems to have no goal—no direction—and more important, no foreseeable end—only an expanding future. In my years in Washington, I was very much aware of the tendency to raise the ante on every welfare type program. That tendency is still continuing. I read recently that an investigation by Senator Carl Curtis of Nebraska showed that if all the welfare bills introduced in the present Congress were put in effect, the cost for the new bills alone would far exceed the national budget. It is too easy for organized pressure groups to secure continuing increases in programs which emanate from a single source; that is, from Washington. The best protection for true welfare reform is to see to it that the welfare needs of each State are set by the State legislatures and not by the United States Congress. Let each of the 50 States control their own programs and the way will be open for true reform.

Welfare is, in my opinion, the single most important factor in the destruction of the work ethic in this country, as well as causing the financial crises facing all levels of government. How serious is the welfare problem? I think a few figures will give you an idea.

In 1960 there were about 180 million people in this country. The total expenditures for public assistance were just over $4 billion. A little arithmetic tells us that this equates to roughly $20 per man, woman, and child living in the United States. Now let's take a look at 1969. The population had grown to 202 million. Welfare expenditures had also grown.

In 1969 this country spent $12 billion to support its public assistance programs. The population had increased about 10 percent, but the cost of welfare had increased 300 percent.

We are watching carefully the proposals which are coming out of the House Ways and Means Committee. We do not know all of the full details, but we are concerned by some of the things we hear. According to newspaper accounts, the State of California would "save" $166 million under this proposal. However, the overall Federal program is estimated to cost another $5 billion per year within two years. Since California pays approximately 10 percent of all Federal taxes, it appears that a $166 million saving may cost California taxpayers 10 percent of the $5 billion national increase—or save $166 million to spend $500 million. News accounts also indicate that present eligibility of 15.8 million persons will increase to about 26 million—the naive must assume that these costs will be pulled back from other Federal programs. My experience here in Washington does not indicate that we can realistically find reductions of this magnitude in other programs.

As all of you businessmen know, our society has had a traditional work ethic. I think you will agree that this work ethic has been a key element in this Nation's development and prosperity. The fact that this country is the most highly developed industrial Nation in the world suggests rather strongly to me that we didn't get to this point by looking for handouts from anyone.

The irony of this progress is now before us—it has been through this very development that we have been able to support the growth of welfare. We have taken more and more from those who work so that we could support more and more of those who do not or cannot. We have created a system that not only fails to help people to help themselves, but has damaged their spirit and has removed the incentives to work. Why are so many people apparently willing to accept welfare rather than employment?

Some would have us believe that the dramatic increases in caseload are the result of inflation. Others tell us that unemployment is the cause. Some social scientists tell us that the concept of the family unit has eroded. The acceptability of rising divorce rates, the increase in the number of illegitimate children, and unmarried households suggest that the family as we know it today may not long exist. I am convinced that all of these factors contribute to the welfare problem. I am not convinced, however, that they account for all of the increases in welfare rolls. Abuse is in most cases legal use. Reform must be aimed at the system—not the recipient.

Let me give you my theory. Over the years this Nation has prospered and living standards have risen commensurate with our rapid growth. At the same time that men and women like yourselves have been building this Nation, there has been a less productive element that has nonetheless asked that the system support them. These nonproductive individuals have exerted continuous and increasing pressure on the system in an effort to close the rapidly expanding gap between the working taxpayers' standard of living and their own. As all levels of government yield to the increasing militancy of recipients and their pressure groups, the last vestiges of meaningful standards of eligibility and control of welfare expenditures are being destroyed.

This continued agitation of the so-called "welfare rights organization" and other self-appointed lobbies for the poor have set as their present objective to achieve a $6,500 a year minimum income for a family of four from public funds. As a result of such agitation, the feeling is developing in certain areas of society that welfare is really a permanent form of national income redistribution. Even by their own propaganda, the welfare rights groups calmly expect at least 25 percent of the population nationally to be supported by the government without working. Naturally they don't say how long they expect such a situation to continue before national bankruptcy sets in.

Closely allied to the welfare rights lobby has been the problems created by the legal services program. As a result of suits filed on behalf of their clients, these so-called poverty lawyers have struck down many of the reasonable restrictions and eligibility requirements. The key case was the Supreme Court decision which said that duration of residency in a locality cannot be a welfare requirement—despite the clear intention of Congress to allow a residency requirement to be instituted. It is the height of folly for one agency of government to employ lawyers to attack the policies of another agency, or even of the State governments. In the State of California alone, seven court cases already resolved will cost State, county and Federal Governments $112.2 million. There are four more cases still pending which, if decided adversely, will cost the three levels of government $732.8 million, for a total of $845 million. In other words, this kind of activity against the welfare system will cost the taxpayers nearly a billion dollars alone.

I am deeply disturbed when I see proposals before the Congress which would not only legitimize such activity but would institutionalize it and insulate it from effective control. I am referring particularly to the proposal to set up the legal services program as an independent corporation.

Creating the Public Service Corporation, financed by Federal dollars, of course, gives to these legal services attorneys what they have sought since the beginning of the program, namely, a permanent home.

Legal services attorneys would no longer be responsible to the President, and the veto power which Governors presently have over programs active in their States would be eliminated by all of the proposals currently being discussed in Washington.

Without Congress, the President or State Governors to oversee the work of the Legal Services Corporation, the kind of activity we are presently witnessing in some areas, where taxpayers are in effect helping to finance their own destruction, would become the rule of the day.

Just one example of how "far" the Legal Services Corporation would be protected from scrutiny: even the one element which has been built into the Public Service Corporation proposals supposedly to protect the Government—the audit by the Government Accounting Office (GAO)—will be subject to the so-called attorney-client privilege" of nondisclosure of details even for normal auditing procedures.

This kind of shield for ethical attorneys as well as radicals and revolutionaries of all kinds is what is provided for in the legislation now under consideration.

When a doctor applies for a medicare or medicaid payment, he must supply every detail of the care he provided the patient. He must include, of course, the patient's name, address, etc. But in addition, he must describe at great length the services performed.

Certainly, the doctor-patient relationship is of equal importance with the client-attorney relationship. Yet nobody has suggested that by filling out medicare forms, the doctor is violating his relationship with his patient who must seek Federal assistance to meet his doctor bill. Why then cannot the same rules apply to those who must depend on Federal dollars for their legal assistance, especially when there is good cause for investigation?

We have seen how strongly forged the chain has become, and the difficulties we face in trying to break the cycle.

Many Members of Congress take the same attitude. They feel that the best way they can serve their own States is to help out their friends who are administrators in the State governments by turning the problem over to H.E.W. and to the Congress. They throw up their hands and say that welfare is a national problem and therefore the Federal Government should handle it.

But welfare is not a national problem. Welfare is a local problem that occurs in every one of the 50 States. And unless we think of welfare recipients as individuals who have real problems and personal difficulties which must be overcome, we will end up with a spiritless army of national dependents. We will have a corps of people existing on Federal handouts, people who are no longer con-

sidered to be local responsibilities. I can think of no more inhuman and callous method of handling the very deep social and personal difficulties which afflict our welfare clients.

It is for this reason that the Reagan administration has always been wary of schemes which promote increased federalization of the welfare system. The governor, when he transmitted his welfare reform program to the State Legislature, laid this down as a fundamental principle. He said,

"The idea of simply surrendering our authority and administrative machinery to the same huge Federal system that created the crisis in the first place is simply unacceptable to me."

Very few people fully understand the degree and extent to which the Federal Government is responsible for this mess. There is little comprehension of the problems which Federal regulations have caused us. As you know, for a State to participate in the Federal programs, it must adhere to the regulations handed down by the Secretary of Health, Education and Welfare. Over the years the interpretation of these regulations has become consistently more extreme. To put it bluntly, the State of California and other States have had practically no control over the kind of program which they want to administer in their own States. Under the HEW regulations, the State either does it Washington's way or there will be no money to do it at all. The HEW position has been simply to force the States into ever increasing caseloads and widening eligibility requirements. As a result, the State itself has no control over the level of State funds which must be poured into these programs. The single most important factor in the threatened bankruptcy in many of our State treasuries has been the unreasonable regulations of HEW.

In California, we are attempting to redirect welfare and to give it a purpose of moral as well as financial reform. Our basic reforms are:

Increase assistance to the truly needy.

Require recipients who are able to work to seek employment; train for a job or serve the community if asked as a condition for receiving welfare.

Make medical benefits comparable to the health coverage available to most working men and women.

I think the explanation was very clearly given by the governor when he said:

"The working men and women in California who pay for this program are providing a level of health care for others, that they can't possibly afford for themselves. Most health care plans or industrial and union programs offer no more than eight services with the individual paying part of the cost for each of those. Medi-cal offers 20 totally free services with no restrictions whatsoever on utilization. . . The per capita health cost per year for the average citizen is $312. The average cost per medi-cal recipient was $517 last year."

Strengthen family responsibility as the basic element in our society.

Develop an automated pension type system of paying grants to the aged, totally and permanently disabled and the blind who cannot work.

We are trying to break the welfare cycle by providing a system with the specific goal of employment and job training required for all able-bodied welfare recipients. Untrained recipients will be provided public service jobs to develop their employment skills. This will not be another WPA program, for it will have as its goal the development of skills and eventual employment in the private sector.

California has already identified thousands of temporary jobs in its State government that need being done and that will provide job training for recipients. In addition, we are asking local governments to inventory their needs so that we may provide even more opportunities for recipient training. It should be understood at this juncture that we will not be requiring recipients to "work off their grants"—this, the Federal Government says, is against the law—rather we are going to provide temporary on-the-job work-training.

California does not intend to be swallowed up by the welfare monster. We are, in spite of the promised coming of the federal family assistance plan, moving ahead with a number of welfare reforms in an attempt to slow the growth of the welfare rolls and to provide increased assistance to the truly needy. Left unchecked, the welfare bill for California for fiscal year 1971–72 will reach nearly $3 billion. Where will these billions come from? I know you have the answer—the working taxpayers and businessmen. Whether it is tax from local property, retail sales, business inventories, withholding, or income tax, it is the same people who pay. Let me make one more point concerning taxes—It doesn't make one iota of difference as to who distributes this money—Federal-State or local governments—it still remains tax monies paid in by you. I am convinced that no amount of reform will solve all of the problems of welfare, but I do believe we can make a significant impact on many of the more glaring problems confronting us. We are moving ahead in California: New York has a similar program and other states are watching to see how we fare. We have a massive job—no, a massive opportunity ahead of us not only in California, but in the nation as a whole. We must give welfare a meaningful goal and we must resist the easy answer of raising taxes. I call on each of you to join with me in seeking a meaningless and lasting solution in the welfare problem. I ask each of you to express your opinions and concerns to your state and federal legislators—finally, I ask you to help rebuild the attitudes toward the dignity of work that has been the corner stone of our country. Thank you.

COMING CLEAN ON THE AD CLAIMS

Mr. McGOVERN. Mr. President, the Federal Trade Commission has recently announced that it will proceed on an industry-by-industry basis to require that advertising claims be substantiated. I am pleased that it has taken this action at the urging of Ralph Nader.

But the FTC will only be able to handle part of the task. Literally thousands of claims are made each day by all variety of advertisers. A single Government regulatory agency will not be able to cope with all of these claims. The FTC has implicitly recognized that fact in adopting the industry-by-industry approach.

For this reason and because we believe that the consumer should be able to take direct action, without the intervention of the Federal bureaucracy, to protect himself against false claims, I have introduced with Senator Moss the Truth in Advertising Act. It is now cosponsored by Senators HARRIS, GRAVEL, HUMPHREY, HART, CRANSTON, PELL and MONTOYA.

I was pleased to read in the Washington Post of June 14 that the editors of that paper support the McGovern-Moss bill. Because of the clear case that the editorial makes for such legislation in addition to FTC action, I ask unanimous consent that the editorial "Coming Clean on the Ad Claims" be printed at this point in the RECORD.

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

COMING CLEAN ON THE AD CLAIMS

How many times have unsuspecting consumers bought a product because they read an advertisement touting it as "longer lasting" than another brand, or having "more flavor to the ounce," or "a leading study says . . ." or because it "cuts the grime twice as fast"? A safe guess is that large numbers have been lured by the claims. In many cases, though, the advertising has proven false, deliberately misleading or confusing. The consumer, getting far less than what he paid for, is stuck with the product. Moreover, burned once, he has no way of knowing whether the next ad he comes on is the genuine article or a curve ball. In a positive and much-needed move, the Federal Trade Commission announced it will begin making advertisers submit evidence to back up claims made about their products.

Specifically, advertisers will be asked to submit to the agency any tests, studies or other data to support claims on safety, performance, efficacy, quality or comparative prices of the product. In turn, the information will be available to the public. Presumably, the latter will then have the facts to choose wisely among products, knowing that when, say, an ad for a tire says that it "stops three times as fast," it actually does stop three times as fast. (That would be some tire.) Putting a bridle on all the wild-horse claims in ads will take time, so the FTC plans to work its way toward the truth industry-by-industry. The automobile makers will be first.

The FTC decision showers little credit on either the corporate world or the advertising community. Many members of both—though by no means all—have treated the public rudely and unfairly in its advertising efforts to make a sale. It is hardly surprising that alienation and resentment are predominant moods among large numbers of consumers regarding business. Although complaints from advertisers are now bound to be heard against "Big Brother in Washington," the FTC regulations come largely because the industry refused to regulate itself effectively in the first place.

Because the FTC is a small agency with limited manpower, there is merit to the legislation now before the Senate Subcommittee for Consumers of the Commerce Committee that would require the advertiser to fully substantiate his claims directly to an inquiring consumer without waiting for FTC action. This is only fair. The toothpaste maker who claims, for example, his brand "strengthens your gums while it brightens your teeth," ought to be willing to back up that statement with proof.

The decision of the FTC and the McGovern-Moss bill in the Commerce Committee may strike some as mean-minded ways to harass business. Yet, the opposite is closer to the truth: it is the consumer who has been harassed, by too many shoddy or unsafe products and by ads that gull or dupe him into wasting his money.

THE BALTIC NATIONS

Mr. PERCY. Mr. President, in mid-June 1940, the Soviet Union overran and seized the nations of Lithuania, Latvia and Estonia. Proud peoples fell under the control of the Soviet Union. Today, 31 years later, this deplorable occupation continues. The peoples of Lithuania, Latvia, and Estonia have not regained their freedom.

No rational man would suggest that the Baltic States should be part of the Soviet Union. Theirs are independent

peoples with important cultures and rich religious heritages. For 31 years, against all odds, they have struggled to maintain their customs and traditions. They have been held by force, but their spirit has not been conquered.

On this occasion I would remind my colleagues of the concurrent resolution—House Concurrent Resolution 416—which was agreed to by this body on October 22, 1966. In that resolution, which was also adopted by the House, the Senate urged that the United States should direct the attention of world opinion to the denial of the rights of self-determination for the Baltic peoples and to bring the force of world opinion to bear for the restoration of those rights.

Today we recall and reemphasize the provisions of that resolution so that all may know where the American people stand on this issue.

FAILURE TO STOP ILLEGAL DRUGS

Mr. CHURCH. Mr. President, on March 11, 1971, I introduced S. 1188, a bill to ban economic aid to those countries that fail to take appropriate steps to stop the flow of illegal narcotics to the United States.

Since I first introduced this bill, I have been joined in cosponsorship by the following colleagues: Senators BAYH, BENTSEN, BIBLE, CANNON, DOLE, ERVIN, HOLLINGS, HUMPHREY, INOUYE, JORDAN of Idaho, KENNEDY, MCCLELLAN, MCINTYRE, MONDALE, MOSS, MUSKIE, PELL, PROXMIRE, and RANDOLPH. A companion bill has been introduced in the House of Representatives by Congressman LEE HAMILTON of Indiana, and cosponsored by more than 60 others. Other bills aimed at drying up the sources of illegal narcotics have also been introduced by Senators FANNIN, MONDALE, MUSKIE, and PACKWOOD. Widespread Congressional concern about the need to cut off the flow of illegal narcotics—namely, opium and its derivatives—has led to these proposals for corrective legislation.

The bill that I have introduced, S. 1188, would amend the Foreign Aid Assistance Act to ban the provision of economic aid to those countries that fail to take appropriate steps to stop the flow of illegal narcotics to the United States. The determination as to whether these countries were taking appropriate steps would be made by the Comptroller General of the United States, an agent of the Congress. It is in this particular that my bill differs from other legislation introduced in the Congress. Many other bills suggest that the determination as to whether a country was taking appropriate steps should be made by the executive branch. I doubt that such an approach will work.

If the Congress passes legislation leaving the decision with the executive branch as to whether economic aid should be continued to countries that fail to stop the flow of illegal narcotics to the United States, I very much fear that economic aid will continue to flow. The executive branch does not see the drug problem in our communities as being serious enough to warrant cutting off aid to those countries that fail to cooperate with us in this task. But those of us who are in direct contact with the situation cannot fail to appreciate its seriousness. We are told continually by the executive branch, for example, about the progress they are making in stopping the flow of narcotics to the United States. Yet, the flow of drugs is increasing, not decreasing, for all the talk about the good job that is being done.

Earlier this week, I received a letter from Mr. C. E. Barnett, executive secretary of the Idaho Board of Pharmacy and Director of the Bureau of Drug Control, concerning the importation of illegal narcotics into the State of Idaho. As he says:

> Within the last few years we have seen more and more heroin imported from France, Mexico and Southeast Asia. We are also starting to see the evidence of the importation in Idaho of cocaine.

He goes on to offer his support for S. 1188. I ask that his letter be inserted at this point in the RECORD as evidence of the seriousness of the drug problem even in my State of Idaho.

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

IDAHO STATE BOARD OF PHARMACY,
Boise, Idaho, June 9, 1971.

Hon. FRANK CHURCH,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CHURCH: Thank you for your letter of June 2 and the enclosed Senate Bill 1188. As director of the Idaho Bureau of Drug Control, I am vitally concerned with the importation of illicit drugs into the United States and subsequently into the State of Idaho.

Within the last few years we have seen more and more heroin being imported from France, Mexico, and Southeast Asia. We are also starting to see the evidence of the importation in Idaho of cocaine. During my many years in drug law enforcement and prior to that as a practicing pharmacist, I had never seen illicit cocaine in the State of Idaho. Many old-time Bureau of Narcotic agents had never seen cocaine until just recently, imported into the United States in quantity.

You may certainly count on my support of S. 1188 and that of the Board of Pharmacy and the Idaho State Pharmaceutical Association. I hope that you will keep us informed on the current progress of this bill so that we may confer with our congressional delegation at the right time to give it full support.

Sincerely yours,

C. E. BARNETT, R. Ph.,
Executive Secretary, Idaho Board of Pharmacy, Director, Bureau of Drug Control.

Mr. CHURCH. Mr. President, hearings on my bill, S. 1188, and related measures have been tentatively scheduled for June 23, 1971, before the Senate Foreign Relations Committee. If the necessary arrangements can be completed, we will hear testimony from a number of witnesses concerning the need to cut off the flow of illegal narcotics at the source. I am hopeful that we can complete hearings on the alternative proposals and that my amendment will be reported favorably by the Foreign Relations Committee.

THE CROWN OF ST. STEPHEN

Mr. DOLE. Mr. President, it has recently been brought to my attention by the American Hungarian Federation that a question has been raised regarding the custody of the crown of St. Stephen of Hungary.

In order to clarify the matter, I requested the Department of State to provide me the U.S. position on the crown of St. Stephen. I ask unanimous consent that this letter be printed in the RECORD.

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

DEPARTMENT OF STATE,
Washington, D.C., June 2, 1971.

Hon. ROBERT DOLE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOLE: I have your letter of May 10 referring to the interest of the Right Reverend Dr. Zoltan Beky and Dr. Z. Michael Szaz of the American Hungarian Federation in the Crown of St. Stephen of Hungary and inquiring about present United States policy in this matter.

The Crown is the property of the Hungarian nation and a Hungarian national treasure. It came into United States custody toward the end of World War II. Unsettled conditions within Hungary and chronic strains in United States-Hungarian relations made consideration of the Crown's return to Hungary inappropriate and inopportune over a long period of years. It has therefore remained in United States trust and safekeeping.

We are fully aware that our prolonged custody of the Crown and the question of its ultimate return to Hungary have many delicate aspects. We are mindful not only of the unique character of the Crown as an historic relic of great symbolic and constitutional significance to the Hungarian people but also of the political and emotional sensibilities with which Hungarian emigres and many Hungarian Americans regard the Crown. Clearly, these and other sensitive factors must be taken into careful consideration.

The United States Government recognizes and has full diplomatic relations with the Government of Hungary. The Hungarian Government has raised the matter of the Crown's return in recent years as relations have gradually improved between the United States and Hungary. Discussions are continuing on a broad range of bilateral problems which remain outstanding in United States-Hungarian relations. Although we have no present plans for the return of the Crown, we understand the Hungarian Government's interest in this question. We are properly concerned that any eventual action with regard to the Crown should serve the objective of general goodwill rather than discord and should take place in circumstances and at a time appropriately marked by some further substantial improvement in the atmosphere and course of our relations with Hungary.

In view of the sensitive nature of the problem, however, we do not believe that it would usefully serve our foreign policy interests for us to comment directly on the views expressed by particular individuals or organizations on the subject or to speculate at this time on the explicit circumstances under which the Crown's return might be opportune and appropriate.

I hope that you will find the foregoing information and comments responsive to your inquiry and helpful in replying to Dr. Beky and Dr. Szaz. Please continue to call on us whenever you believe we might be of assistance.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

WEAPONS SYSTEMS IN THE PROPOSED 1972 DEFENSE BUDGET

Mr. MUSKIE. Mr. President, on June 10, Dr. Morton H. Halperin testified before the Defense Subcommittee of the House Appropriations Committee concerning a variety of weapons systems in the proposed 1972 Defense budget. Dr. Halperin is the author of a variety of books and articles on strategic subjects, and he has had practical experience in the higher councils of Government as a Deputy Assistant Secretary for Arms Control and Policy Planning under President Johnson, and on the National Security Council Staff in the present administration.

In his recent testimony, Dr. Halperin raised questions concerning such systems as ABM, AWACS, ULMS, aircraft carriers, B–1 bombers, Minuteman III, Poseidon, and the F–14, and urged Congress to provide the executive branch with better guidelines for future Defense Department budgets. His thoughtful analysis of a recurring dilemma—how to determine how much defense spending is enough—can usefully be studied by all students of national security.

Mr. President, I ask unanimous consent that Dr. Halperin's testimony of June 10 be printed in the RECORD.

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

TESTIMONY OF MORTON H. HALPERIN ON THE FY 1972 DEFENSE BUDGET BEFORE THE DEFENSE SUBCOMMITTEE OF THE U.S. HOUSE OF REPRESENTATIVES APPROPRIATIONS COMMITTEE, JUNE 10, 1971

Mr. Chairman, it is a great privilege for me to appear before this distinguished committee.

I propose to discuss the question of how to approach the problem of the size and shape of the defense budget. I do so with considerable deference. I fully recognize that you and other members of this committee have been concerned with the problem of keeping defense expenditures under control long before it became publicly fashionable to do so, and that the members of this committee have had considerable experience in dealing with defense programs. Nevertheless, I thought there might be some use in stepping back and trying to look at the problem of deciding on the size and shape of the defense budget in a systematic way. I will emphasize throughout the difficulties in making sensible calculations and the need, in the end, for political judgments based on simple insights. During the course of this presentation I will make a number of specific suggestions for reducing defense expenditures; these recommendations have been approved by the Executive Committee of the Federation of American Scientists and in the case of strategic programs by its Strategic Weapons Committee. In most cases, the Federation has already presented to various Congressional Committees, analyses of those systems, and I will attempt only to summarize such discussions.

As the Committee is well aware, there has been much discussion of late about national priorities and about the need to reduce defense spending. In many cases discussion has focused on whether a particular weapons system was or was not needed. Those desiring to control defense spending frequently assume that by cutting out particular weapons systems they can control the size of the defense budget. Others have sought to set a ceiling on total defense spending without any concern for how the money appropriated might be spent.

It is important for understanding the problem to keep separate the two questions of (1) how much we should spend on defense and (2) what we should spend it on. We must be concerned both with the size and the shape of the defense program but the efforts to influence each must proceed in parallel.

We cannot assume that by canceling or reducing particular programs we can control the overall size of the budget. Nor is it sufficient to set an overall ceiling if we wish to have a military force which contributes effectively to our security. Let me first consider the question of the size of the defense budget.

HOW MUCH FOR DEFENSE?

There is, in my view, no clear way to determine how much is enough to spend on defense. Conceptually the question is one of marginal utility. How much value do we get on the last defense dollar we spend as compared to the value we might get by other governmental or private expenditures? Even at the present relatively high level of defense expenditures, there is no doubt that additional money spent wisely would increase security. At the same time, there is no question that if we cut wisely and carefully we can make even reasonably substantial reductions in defense expenditures and have little or no detrimental impact on our security. On the other hand, some increases in expenditures could detract from our security by increasing risks and some reductions might actually increase our security.

There is no methodology that I am aware of that enables us to compare the payoff from expenditures on, for example, strategic programs with those for general purpose forces; nor is there any way that we can compare the payoffs of either of these programs with the payoff on domestic programs or from returning the money to the taxpayers to permit additional private consumption. Thus the question of the size of the defense budget is—within wide limits—essentially arbitrary.

There have been a number of attempts to come to grips with the problem of the size of the defense budget by proposing changes in our foreign or defense policy. However, alterations of American policy within conceivable limits will not necessarily bring about reductions in defense spending. One cannot translate a decision to change general foreign or defense policy into a clear directive as to how to cut defense expenditures.

For example, the Nixon Administration with some fanfare announced a change in our general purpose forces requirements from the so-called two and a half war strategy to the so-called one and a half war strategy. While to some this meant a substantial reduction in defense expenditures would be possible, the view of many military men was quite different. A number of military planners concluded that the gap between the forces required to meet our stated objectives and the forces we had available was now substantially reduced. They nevertheless argued that we still needed a substantial increase rather than a reduction in general purpose forces. The uncertainty surrounding the forces required to meet any contingency are, in fact, far greater than the difference between planning for two and a half wars and planning for one and a half wars. Thus a change of doctrine unless accompanied by an arbitrary ceiling on general purpose force expenditures need not lead to any change to the overall defense budget.

To take another example, there has been considerable discussion of the so-called triad, that is, the three separate strategic systems—land-based missiles, sea-based missiles and bombers—designed to deter a Soviet nuclear attack on the United States. Many have advocated that we go from a triad to a diad or even to a single strategic system usually in the form of a sea-based deterrent. However, again, a change of this kind will not translate directly into a change into the budget. For example, if we decided to go to two systems, and chose to maintain the bombers along with the sea-based missiles, there would be substantially increased pressures to go forward with accelerated production of the B–1 bomber and perhaps for an ABM system to protect bomber bases. These steps could more than wipe out the saving from phasing out the land-based missiles. Similarly if we went to a single sea-based system the pressure to proceed immediately with ULMS would be very great and there would undoubtedly be a substantial increase in ASW Research and Development.

The alternative method of cutting particular programs would be no more successful in leading automatically to reductions in the defense budget. Of course, in any given year the overall budget can be cut by cutting particular programs but the reductions will not be permanent. The Navy budget for tactical air well illustrates this point. The cancellation of the F–111B in 1968 might have been expected to lead to substantial savings but in fact it led to an accelerated F–14 program which over a five-year period will not yield any net reduction in Navy expenditures. Even when the trade-off is not that direct, there are numerous programs within the defense budget which military planners believe are under-financed and which would sop up any funds saved from any particular program unless there is at the same time an overall ceiling.

Thus, I believe that one is forced to the conclusion that an arbitrary ceiling on defense budget authorizations and annual expenditures is necessary to control the size of defense spending.

It is interesting to note that all of our post-war Presidents and Secretaries of Defense have concluded that the only way they could control the size of the defense budget was to provide the military services with an arbitrary ceiling based on Presidential calculations of revenue and domestic needs. Presidents Truman, Eisenhower and Nixon have explicitly provided the services with budget ceilings. During the 1960's there was an attempt to deny that ceilings existed; however, I believe that a close look at how the defense budget was developed reveals that there was an explicit ceiling provided to the Secretary of Defense by Presidents Kennedy and Johnson. If Secretaries of Defense and Presidents, with their substantially greater access to information, have concluded that the only way to get a handle on the total size of the defense budget is to provide an arbitrary ceiling, then I believe the case for the same approach is much stronger for Congressional committees and for the general public.

Relying on an evaluation of expected government revenues and expected required expenditures for domestic programs it is possible to come up with an estimate of revenues that might be available for defense and to relate these to possible defense programs taking into account the likely waste in the defense budget. On this basis, *I believe it would be useful if the relevant committees of Congress, particularly this committee and its counterpart in the Senate would provide each year an estimate of the trends it foresees in defense spending perhaps including an indication of the ceilings which it believes Congress should impose on defense funds.*

FOR WHAT FORCES?

I wish now to turn to the question of the shape of the defense program. Setting a ceiling is not, in my view, sufficient. We must be concerned about how the money is spent. Here our problems are no simpler. *There is no known way to determine the impact on our security, the probability of war, or the outcome if war occurs, of different force structures. Nor should we leave these decisions to the military, or to bar-*

gaining between civilian and military leaders in the executive branch.

The experience of the post-World War II period, and in particular the last two or three years, suggests that giving authority to the military services to determine how the defense budget will be spent will produe three or four separate military strategies and force structures rather than an overall structure based on a unified view. The services will tend to divide the funds available by arbitrary percentages. Each service will emphasize programs related to what it sees as the essence of its activity. Each will tend to emphasize sophisticated hardware for combat operations at the cost of cutting manpower. They will tend to ignore the capabilities of other services and interservice programs such as air and sealift for the Army. For example, in determining requirements for carrier-based air the Navy will tend to ignore Air Force tactical air and the reverse will be true for the Air Force. These problems, which were well understood in the 1950's, seem to be emerging again with the tendency to delegate authority for the shape of the defense budget to the military services. Such a delegation will not produce the most effective military capability within any given budget ceiling.

Allowing the shape of the defense budget to be determined by bargaining between senior officials of the executive branch and the military is also unsatisfactory. Certainly this is true when, as at present, the civilian leadership has explicitly abdicated to the Services the primary responsibility for determining the allocation of resources within a fixed ceiling. But even if civilian leaders in the Pentagon and the White House are reviewing particular programs, Congress and the public can and should make their own evaluations. The experience of the military and the analytic techniques of the civilians are not, separately or even together, an adequate substitute for political judgment. Congress and the public must make their own assessments of the great uncertainties involved, and determine which risks the American people should run.

In thinking about the shaping of the defense budget I believe it is useful to identify in one's own mind three categories of weapons which, at the risk of sounding frivolous, I will label the "good," "bad," and the "just wasteful."

By "good" I mean those programs which have a high marginal return, and enhance stability, and which should be maintained even if defense budgets are cut. Such programs must be protected as changes are made in the size of the defense budget. The military services may attach less importance to them than someone with a broader perspective would. They also must be protected against the danger that Congress will cut them because they are visible. It is my own personal view, for example, that substantially reducing military forces in Europe would be cutting out the part of the defense budget which has perhaps the highest return to our security objective.

The "bad" refers to those programs which one believes make a negative contribution to our security. For example, many believe that the MIRV and ABM programs by stimulating the strategic arms race, in fact increase the danger of nuclear war rather than reducing it.

The "wasteful" refers to those programs which, at current levels, appear to be excessive to our needs and hence could be cut; however, they are not programs which seem to reduce our security by increasing the probability of war or by stimulating an arms race.

In seeking to cut the overall size of the defense budget, it is important to be sure that cuts in overall spending do not lead the services or the Congress to cut out programs which are good. It is also important to note that reductions in defense spending may not lead to the elimination of programs that one considers "bad." For example, President Nixon, in 1969, substantially reduced spending on strategic programs and nevertheless continued the MIRV and ABM programs which, as I have said, many people think in fact reduce our security. Some weapons programs may be relatively inexpensive and yet threaten stability. For example, programs to improve the accuracy of our missiles are not costly but by threatening the Soviet deterrent they could stimulate a further arms race. Thus, in considering the shape of the defense program one needs to focus particularly on (1) those "good" programs which need to be protected as the budget is cut; (2) those "bad" programs which need to be eliminated even if their cost is small; and (3) "wasteful" programs.

In turning to a discussion of the criteria by which one can evaluate specific programs I would like to emphasize the very limited nature of the insights available to use. We can ask which programs are good, which bad, and which just wasteful, but we are not in a position to say with any precision how changes in defense policy, or in the design of our forces, will affect our security. In some cases we can make a decision by comparing two weapons systems. For example, if we first decide that we wish to have a manned bomber force through the 1970's then we can compare the B–52 with the B–1. Such analyses are important but concentration on them can lead to ignoring the more fundamental questions which can affect the probability of war or the results if war occurs. In considering our requirements for general purpose and strategic forces we need to keep in mind these two objectives and our limited understanding of what affects them.

Deterrence depends on influencing the decisions of other governments. We have a very poor understanding of how our force structure is perceived by potential adversaries and affects their decisions.

War outcome calculations are exceedingly difficult to make and fraught with uncertainties. In the case of strategic forces, the calculations of war outcome used to test their adequacy arise from the unlikely scenario in which the Soviets fire all of their weapons at American forces and we respond by firing all of our weapons at their cities. In the case of general purpose forces, there is no agreed methodology for doing any calculations. We simply do not know how war outcomes are affected by alternative force structures.

These general points regarding the shape of our forces will be illustrated by considering first general purpose forces and then strategic forces. Where changes in force structure are recommended, possible budgetary savings will be indicated. However, these should be taken as only general estimates keeping in mind that force structure decisions cannot determine the level of defense spending. Sensible decisions on specific matters, coupled with a ceiling on overall spending, would increase the probability that money is spent where it has a high marginal return, that bad programs are avoided, and that waste is held to a minimum.

I will consider first the general purpose force programs and then the strategic programs.

GENERAL PURPOSE FORCES

General purpose forces, excluding expenditures for Vietnam, account for approximately 65% of the current defense budget. Since these forces are designed to protect countries other than the United States, the requirement for these forces depends basically on political decisions about which nations we wish to be in a position to defend against what threats. Fundamental changes in our perspective on those questions could lead to very substantial changes in the defense budget. For example, if the United States made a firm decision that it would never fight again on the Asian mainland (or would fight only in Korea) this could lead to substantial reduction in force requirements. However, short of such fundamental change, alterations in foreign policy have very little impact on the required size of the defense budget.

At a slightly less general level of what one might call defense policy, there are a number of key issues requiring judgment which can have substantial impact on the requirements for general purpose forces. Some of these are: [1]

1. *Tactical nuclear weapons.*—During the 1950's American defense policy was derived from a decision to rely on the use of tactical nuclear weapons in the event of any combat which involved a substantial number of American forces. If the U.S. were to return to such a position, and if we were to conclude that tactical nuclear weapons could be used effectively against enemy attacks in likely contingencies, then it would be possible to substantially reduce the size of general purpose forces and spending for general purpose forces could be reduced from its current level of $50 billion.

The major uncertainties here concern both the political implications of using tactical nuclear weapons and the likely effect of their use particularly in circumstances in which the potential opponent also has nuclear weapons available. The evidence of the past two decades is that there may be military pressure to use nuclear weapons but there will also be enormous political pressures against the use of nuclear weapons in any limited war situation; thus it would appear reckless to rely on a Presidential decision that such weapons would be used. Moreover, continuing analysis of the problem suggests that even "tactical" nuclear weapons could cause enormous damage to friendly territory, that they are less effective than some may have believed, and that there is no particular advantage to the U.S. in using them in a situation in which the potential opponent also has access to nuclear weapons.

2. *Simultaneity of Requirements.*—The decision to go from a two-and-a-half-war to a one-and-a-half-war strategy did not reflect a determination to prepare for war only in Europe. Rather it was a decision not to prepare for war in Europe and Asia at the same time. The judgment was apparently made that wars in Europe and Asia were not likely to begin simultaneously in view of the substantially reduced possibility that there be a coordinated Chinese and Soviet attack. Decisions about simultaneity are by themselves significantly less important than other factors being discussed here in determining the size of the general purpose force budget. They are also essentially arbitrary.

3. *Length of War.*—The Department of Defense does not appear to have made a firm and clear decision about how long a war it is preparing for in either Europe or Asia. On the central front in Europe most of our allies seem to assume that a conventional war would be over in a very few days. American planning, particularly for the procurement of ammunitions, seems to be based on the assumption that a war in Europe might last as long as 90 days but no longer. However, other components of our forces are procured as if a war in Europe might go on indefinitely. For example, an Army division of 16,000 fighting men requires an additional 16,000 men for initial support for a period of up to 90 days but requires a second increment of 16,000 men for sustained support over an extended period of time. Both increments are maintained for all of our NATO-oriented divisions. Our requirements for naval forces

[1] I am indebted to an unpublished paper of Mr. Arnold Kuzmack for many of the points made in this section.

are also based on an assumption that a war in Europe might go on indefinitely. A serious decision to act on the assumption that a conventional war in Europe could not possibly last more than 90 days would permit substantial savings. On the other hand, if we took seriously the need to be able to fight indefinitely in Europe, and sought to get our allies to agree, there would be requirements for substantially increased expenditures. The costs involved in not preparing to fight for more than 90 days must be weighed against the effect, if any, on deterrance and possible outcomes if war occurs.

4. *Mobilization Lead Time.*—Our emphasis in post-World War II period has, by and large, been on forces available on the day that a war begins. In the past, of course, the United States relied very substantially on mobilization to develop needed capabilities in war time. If the political judgment was reached that a war in Europe or Asia, in which the U.S. would wish to be involved, would develop only slowly with a period of considerable political warning, the United States could reduce its number of active divisions and rely on mobilization of reserve divisions for combat. Here again, the decision involves a broad political judgment: Will our leaders be able to determine in advance that the probability of war has substantially increased and will they be prepared to act on the basis of such a warning.

5. *Forward Defense.*—Another critical criteria which affects the required size of general purpose forces is where we wish to hold ground. For example if, in the event of a Soviet attack in Europe, we want to hold at the Eastern German border—or in the case of a Chinese attack on Thailand on the Thai-Chinese border—requirements for general purpose forces, particularly forces in being, are substantially larger than if we are willing to plan on holding an alternative line which involves some substantial retreat. We would, in the latter case, plan to mobilize and counterattack. Would such a posture increase the risk of war? How do we weigh peacetime costs of preparing to hold a forward line against the increased wartime costs of capturing lost territory?

6. *Confidence Levels.*—Military planning to develop requirements for any particular contingency is generally based on very conservative assumptions about the limited capability of allied forces and the substantial capability of enemy forces. The "requirements" also assume that one's objective is to have high confidence that one could defeat the enemy and defend the territory under attack. An alternate possible criteria is to view the problem as one of deterrence. If we need sufficient forces to deter the enemy from launching an attack, it is possible that we need only to deny the enemy any substantial confidence that his attack would be successful. Such a change in requirement would focus on forces large enough so that the enemy could not calculate that victory was at all likely in any finite period. Such an approach could lead to significantly reduced requirements for general purpose forces.

Judgments about simultaniety, length of war, mobilization lead time, forward defense, and confidence levels can lead to specific decisions in some limited areas such as ammunition requirements. However, they can have only a limited impact on determining overall force requirements because of a lack of any agreed method for determining the relationship between opposing force structures and war outcomes. For example, the question of the relative balance of forces on the Central Front in Europe has been studied more often, more intensively, and by more groups, than any other defense question. Yet the differences of opinion remain enormous—ranging from the view that NATO forces are in all important respects equal to those of the Warsaw Pact to the view that the Soviets could sweep across Western Europe in a matter of a few days. To take another example, we have recently been warned of the dangerous growth in Soviet naval power. Comparing the two navies, we find that the United States continues to spend the bulk of its naval funds to procure, maintain, and defend aircraft carriers while the Soviets have only two small helicopter carriers. Would likely war outcomes be improved by switching to a force which imitated that of the Soviet Navy? Few Naval officers would favor such a move and yet they remain concerned about the Soviet forces.

Even more uncertain is the relationship between force structures and deterrence of attack. We do not know what the Soviet evaluation of forces on the Central Front is, nor how it would be affected by possible changes in force structure. In Asia where we have several potential opponents the relation is even less clear. Certainly the substantial American build-up of our capability to intervene in conventional and insurgency warfare in the early 1960's did not deter enemy moves in Vietnam.

These uncertainties do not mean that meaningful choice is impossible. It does mean that choice is a matter of broad judgment based on a combination of simple decision rules and careful computations when relevant.

In the general purpose area the key choices concern: (1) the size and deployment of Army ground forces, (2) the size and shape of tactical air forces, and (3) naval force design.

Army ground forces

The tendency of the military to seek to maintain an authorized force structure at the expense of ready forces tends to be particularly acute in the area of ground combat units. Experience has shown that political leaders wish to have forces available quickly in a crisis. Thus both executive branch and legislative oversight will be needed to ensure that some ready combat capability is maintained as forces decline.

An illustration, I believe, of the tendency to ignore the "good" in efforts to cut the defense budget is the high interest in cutting troops in Europe. Indeed, if one wanted to cut manpower one could, with smaller impact on military effectiveness, reduce the forces maintained in the United States that are earmarked for European defense or the central reserve. My own personal judgement is that the keeping of one American division in Korea, and the maintaining of the current number of American divisions in Europe, would yield high payoff in terms of reducing the likelihood of war and permitting a political evolution favorable to the United States.

Tactical air

Most analysts believe that the evidence of the Korean war and the Vietnam war indicates that deep interdiction does not produce any substantial payoff for the large sums invested in it. In Asian theatres the ability to move goods by using large amounts of manpower over primitive trails means that interdiction cannot put an effective limit on the size of military operations. In the European theatre, the redundancy of supply systems suggests the great difficulty of having deep interdiction play a decisive role. Thus despite the difficulty of calculating likely war outcomes it is possible to conclude that we have overemphasized interdiction capabilities. If these observations are correct the F–15 is poorly designed and too sophisticated assuming it is needed at all.

Naval forces

If the United States proceeds according to current plans for the size of its Naval forces there will need to be a major increase in spending for construction because of the age of the current fleet. Budgets for ship construction could vary from $600 million to over $5 billion per year for the next five years depending on the choices we make. These largely turn on whether we decide to maintain aircraft carriers for bombing operations against the Soviet Union, and whether we decide to maintain substantial capability to protect shipping, using sea-based systems in the event of prolonged war with the Soviet Union.

The key issue of affecting carriers centers around whether or not we can count on carriers to operate off the shores of Europe in the event of a Soviet-American conventional war. Most analysts, except those in the Navy, have concluded that the vulnerability of aircraft carriers to Soviet land-based and sea-based missile systems is so great that carriers are likely to be put out of operation rather quickly in the event of an all out Soviet-American war. If this is true, then buying the F–14, which will increase the carrier's ability to defend itself against Soviet airplanes, is a totally wasteful step since the carriers will remain vulnerable to Soviet sea-based and land-based missile systems. If we are going to confine carriers to limited war situations outside of Europe, and to crisis diplomacy, it would appear that the number of carriers can be reduced to nine.

The United States would operate one carrier on station in Europe with two back-ups, and two carriers on station in the Far East with four back-up carriers. This would mean that we should build no additional carriers, and as the current carriers wear out, phase down to a fleet of nine carriers. It would also mean that we would not need to procure the F–14 since it is not needed to protect carriers against countries other than the Soviet Union.

The role of carriers in ASW operations has also come increasingly under question. Two issues arise here. The first concerns whether or not we should maintain large expensive forces on the assumption that a war at sea is conceivable and needs to be deterred again. The second question concerns whether sea-based systems make a significant contribution to ASW activities. In virtually all areas in which we want to conduct ASW operations, land-based airplanes can operate fully. A decision to phase down the ASW role of the Navy would permit the cancellation of the S–3A aircraft.

STRATEGIC FORCES

While general purpose force issues mainly raise questions of waste, strategic forces raise crucial questions of good and bad consequences. The amount of money which can be saved by likely and reasonable alterations in strategic programs is not very large in the context of the total defense budget. Moreover, more than half of the cost of strategic forces are indirect costs for intelligence and communications, R&D, and support, and it is difficult to relate reductions in these expenses to changes in the direct costs which involve only 7.6 billion of the total of 19.7 billion in the FY–72 budget for strategic forces. The range of plausible strategic budgets would appear to go from 13 billion for a single weapons system with limited modernization to perhaps 22 or 23 billion for a triad with extensive modernization and a new bomber and a nation-wide ABM system.

Our major objective in designing strategic forces is to reduce the probability of a Soviet nuclear attack on the United States. In order to do calculations we make two major simplifying assumptions. We assume that the Soviet leaders' decision to launch nuclear war will depend on the amount of damage the United States can inflict on the Soviet Union after a Soviet first strike. We also assume that the Soviets calculate war outcomes in the same way that we do. Although the SALT discussions have to some extent clarified Soviet views, we still have no real basis for determining how our strategic force decisions affect the probability of nuclear war. For example, our calculations do not take into account at all the damage which

our airplanes based in Europe, or on carriers, could inflict on the Soviet Union. Yet the Soviet leaders are sufficiently concerned about these forces to insist that they be included in any comprehensive arms control agreement. Nor do we really know how to calculate war outcomes, if indeed such calculations have any meaning in a war in which more than 40 million Americans would be killed.

Despite the changes made by the Nixon Administration in developing the concept of sufficiency, the cornerstone of strategic policy remains the notion of Assured Destruction—confidence in our ability to kill many Russians after a Soviet first strike. We maintain three separate strategic systems—the land-based ICBM base, ballistic missiles and intercontinental bombers, each separately capable of inflicting massive damage on the Soviet Union amounting to at least 25% of the population and 50% of Soviet industry. Each of the three forces is now invulnerable to a Soviet attack. The Soviets have no way of locating and destroying American Polaris submarines. Their intercontinental missile force is neither large enough nor accurate enough to destroy our fixed land-based missiles. Our bombers are capable of getting up in the air in less than 15 minutes and hence they can be airborne upon receiving warning of Soviet ICBM attack. As the Soviet fleet of submarines carrying ballistic missiles increases, a large part of our bomber force will be subject to destruction on the ground since they would get less than 15 minutes warning. In the long run if the Soviets develop accurate MIRVs for their SS–9 missiles the Minuteman force could become vulnerable to destruction.

These threats to the bomber and land-based missile forces have raised the question of whether or not the United States needs to continue to maintain a triad. The argument for the triad is that it adds to our confidence that we can deter Soviet attack and prevents the Soviets from concentrating their R&D in a single area in order to achieve a breakthrough which would make the single force vulnerable. On the other side it is argued that there is no prospect of the submarine force becoming vulnerable and that destruction that can be done by even a small number of surviving submarines is sufficient to deter a Soviet attack.

One way to proceed would be to rely primarily on the Polaris missile force as the backbone of the American deterrent to maintain the other two systems without spending substantial sums on their modernization or improvement. The specific force issues in the strategic field concern: (1) MIRV; (2) ULMS; (3) Bombers; (4) ABM; and (5) Air Defense.

MIRV

Our MIRV decisions illustrate the importance of focusing on those elements of our force posture which may actually reduce our security. Many now believe that an effort should have been made to ban MIRVs before the United States began to test them (in the summer of 1968) and to deploy them (beginning in the summer of 1970). MIRVs are destabilizing in that they pose a threat that the side deploying them can develop the capability to destroy the other side's fixed land based missiles in a first strike. The threat of Soviet MIRVs has led to the U.S. Safeguard ABM program and to R&D for a system to replace Minuteman. The Soviets must be equally concerned with our testing and deployment of MIRV. The Administration has argued that the Soviets need not be concerned because our MIRVs are not accurate or large enough to pose a threat to their missiles. However, the calculations which affect the arms race in this case are those made by the Soviets and they almost certainly are as conservative as we are. If so, they must assume that our MIRVs will be made accurate enough to destroy their missiles.

At the present time there is no justification for proceeding further with the deployment of MIRVs. The Soviets are not now deploying an area ABM system which the MIRVs are designed to penetrate. If they do begin to deploy such a system we could deploy MIRVs much more quickly. Moreover if the SALT negotiations do lead to an agreement holding ABM to very low levels, MIRV will, at best, be "wasteful" and, at worst, be "bad" insofar as it makes more difficult the negotiations of an offensive arms limitation agreement. While halting the deployment of MIRV, we should also review our R&D programs to ensure that we are not developing a first strike capability by improving accuracies.

ULMS

ULMS primarily raises an issue of waste. As long as our current submarines are invulnerable to a Soviet attack, there is no need to go forward with a new system. ULMS also may illustrate the tendency of the military to go forward with new systems which incorporate all of the available new technology regardless of cost or need. If a large Soviet ABM posed a threat to Poseidon's ability to penetrate, or if a Soviet advance in ASW posed a threat to the survivability of the submarines, we should proceed with ULMS. However, until we know what the threat might be, we have no way of sensibly designing the new submarine. The current design for a bigger, more sophisticated, boat with more and larger missiles is almost certain not to be the optimum solution. We need to slow down the program while exploring a range of possible designs.

Bomber

The question of a new manned bomber is almost entirely a matter of waste since the issue is not whether the bomber should be maintained, but whether one needs at this time to procure a new bomber. Secretary Laird has indicated that the B–52's can last at least until the early 1980's. There appears to be little doubt that their life could be prolonged further by reducing the number of flying hours. The Air Force appears to have conceded that the issue is not whether the B–52's can be kept flying. It is now arguing that the B–1 would be cheaper than continuing to operate the B–52's. However, this is only true if one assumes that the B–1 will operate for 17 years or longer and if the current cost estimates on the B–1 hold firm. Since costs are certain to grow substantially, it appears to be the case that the B–52's can be operated for considerable number of additional years and at less cost than the B–1. Moreover the B–1 has no significant operational advantage over the B–52. Thus, at this time, a B–1 program should be continued only at the level of design studies.

To these arguments regarding the relative effectiveness of the B–52 and the B–1 must be added concern about the likely Soviet reaction to an American decision to deploy a new manned bomber. It appears that the Soviets take our bomber capabilities more seriously than we do; we know that they spend large sums on air defense. An American decision to build the B–1 could complicate efforts to negotiate an offensive freeze at SALT.

ABM

ABM raises not only the issue of waste but also of the impact of the American and Soviet ABM programs on the arms race, and on the problems of deterring nuclear war. Large ABM systems on both sides would vastly increase the value of a first strike and raise the danger of a situation in which leaders on both sides might conclude, in a crisis, that they must strike first. They might come to believe that a first strike could saturate the enemy defense and destroy the enemy society while his ragged strike back could not penetrate the existing defense. For this reason, avoiding ABMs on both sides deserves the high priority it has now been given at SALT.

The only current issue is whether to proceed with the 2–4 sites designed to protect Minuteman. Since Secretary Laird has conceded that the system makes sense only against a narrow range of Soviet threats, it would appear prudent to delay any additional expenditure until the results of the SALT negotiations become clear.

Air defense

The American air defense program dramatically illustrates the waste which results from routinely seeking to develop the most sophisticated system available, without asking how it relates to deterring an attack or reducing damage if war occurs. The Administration proposes to proceed with AWACs, a complicated and sophisticated system designed to enable the United States to develop an effective air defense against a possible (but thus far non-existent) new Soviet bomber. However, the United States has decided that it cannot, and should not, build an ABM system against the much larger Soviet ICBM force which is fully capable of destroying the United States. It makes no sense to defend against Soviet bombers at great cost when we cannot stop their missiles. AWACs should be canceled and the remaining air defense system phased down to a "coast guard" type capability.

SUMMARY OF RECOMMENDATIONS

1. An overall ceiling on Defense Expenditures should be established. Based on expected revenues, on competing domestic priorities, and on cuts in specific weapon systems pinpointed by FAS, the often mentioned expenditure limit of $68 billion on FY 72 would be feasible. Declining limits could be established for succeeding years.

2. The Congressional Appropriations Committees should publish their estimate of the likely level of Defense expenditures, and appropriations, which they believe Congress should approve over the next five years.

3. The continued Procurement of Minuteman III, and Minuteman Force Modernization, be canceled with a saving of $839 million.[2]

4. The conversion of SLBMs to Poseidon Configuration be deferred with a saving of up to $800 million.

5. Further research on advanced MIRV guidance systems for improved accuracy be halted, and the $87 million proposed for ABRES be reduced appropriately.

6. Defer a decision to move forward with the B–1 by deleting $300 million of the $370 million requested, thereby keeping the program at its previous level of effort and delaying the procurement of a prototype. Explore alternative designs for a new bomber for the mid-1980's.

7. Withhold or escrow all additional funds for the first two ABM sites and appropriate no funds for the third and fourth sites pending the results of the SALT negotiations. Proceed with Prototype Development of Hard-Site Defenses. Those actions would result in a saving of about $1.2 billion.

8. The AWACS program be canceled with a saving of $145 million; continue to phase out obsolescent and costly components of the existing defense system.

9. Defer any decisions on design of ULMS, and do not plan to deploy until a clear threat to existing submarines develops. This approach should permit some reduction of the $110 million requested.

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[2] Note: Savings refer to FY 72 appropriations; total savings in each case would be considerably larger, but would not necessarily yield equal reductions in overall defense expenditures.

10. Maintain only a total of nine carriers. Phase out three CVS's and the six oldest carriers as the two additional nuclear carriers enter the fleet. Phase down related ships and costs as appropriate and cancel the F–14 program with a saving of $1 billion.

11. Delay a decision to procure the F–15 with a saving of $415 million. Direct the Services to investigate either an improved F–4 or an alternative relatively unsophisticated follow-on fighter.

NATIONAL EDITORIAL SUPPORT FOR EXECUTIVE REORGANIZATION

Mr. PERCY. Mr. President, I am pleased to call attention to an editorial in the Washington Post of June 12 strongly supporting the President's departmental reorganization proposals. The Post said that—

If the Federal Government is ever going to be controlled again by elected representatives of the whole people, a reorganization of this scale simply must occur sooner or later.

As chief Senate sponsor of the four bills to create new Departments of Community Development, Natural Resources, Human Resources, and Economic Affairs—S. 1430–1433—I am glad to report that there has been an overwhelmingly favorable editorial response to the reorganization plans by newspapers in every part of the country.

This widespread support is very encouraging to those of us who are committed to this effort to make the Federal Government Establishment more responsive and more effective. The majority of editorials have supported the reorganization on grounds that there must be an effort to make the Federal governmental apparatus more responsible and responsive. Some editorials have applauded the President's reorganization proposals but have expressed deep scepticism about the possibility that such a major reorganization could overcome the combined opposition of these groups that prefer to retain the status quo. Almost none have opposed the reorganization.

I have selected from among dozens of favorable editorials a few that reflect the tenor of the Nation's concern about the Federal Government's effectiveness, and demonstrate the popular support for the reorganization proposals.

For example, the Boston Herald Traveler, which in earlier editorials had also praised the reorganization, on May 24 again supported the reorganization and cited examples of overlapping and wasteful Federal programs which would be avoided by more rational Government organization. One of these was a case in which the independent Small Business Administration financed a salmon freezing plant in Alaska, while an agency of the Commerce Department loaned a group of Eskimos money for a similar facility to be located nearby. Combining the SBA with the economic development programs of the Commerce Department in the proposed Department of Economic Affairs would likely prevent such duplication.

The Herald Traveler said—

Everyone of course, deplores and no one defends such ludicrous examples of bureaucracy. Most people, too, realize that these are not just silly, isolated incidents; unfortunately, they happen all too often in the huge and complex Federal jungle.

The St. Louis Globe Democrat on May 15 said—

From what we hear and read we are convinced that most Americans attach a high priority to making government more efficient, more responsive and more economical.

And asked that Congress respond to this need.

The Waukegan, Ill., News-Sun on April 27 asked that the bills—

Be passed by Congress for the good of the Nation

Arguing that the proposals—

should systemize and consolidate Government efforts to achieve the results planned for the improvement of a whole spectrum of living conditions in the United States.

The Springfield, Ill., State Journal on February 5 said that—

Whatever the obstacles it encounters from vested interests the President's program for reorganization of the executive branch of government should be pursued tenaciously. Nothing would instill public confidence in government more than the thought that their interests should take precedence over special interests.

The Boise, Idaho, Statesman on May 4 expressed doubt that Congress would enact any of the proposals during this Congress, a conclusion with which I disagree. But the Statesman did not question the desirability of the reorganization and cited some excellent examples of the need for it. For example, it said that the Interior Department's Bureau of Land Management, and the Agriculture Department's Forest Service, administer much of Idaho's land.

Good land management is not helped by the boundaries between the jurisdiction of one agency and another. What happens in the forest affects what happens on lower ground, and in the entire watershed.

The Statesman concluded that—

With consolidation, it should be easier to apply and enforce policies, easier to correlate the work on behalf of one energy source with another. It should not take ten years for one agency to discover and apply the knowledge of another.

Mr. President, I think these editorials are instructive for all of us. As I have talked with people in my own State and pursued these and many other editorials I have become convinced that people are extremely disillusioned and suspicious about their Government and that they want change and improvement. We do have, in my judgment, a strong mandate from the people to proceed with the departmental reorganization proposals in hearings and Senate and House action.

I am very pleased in this regard that Chairman HOLIFIELD and the members of the House Government Operations Committee are actively pursuing very intensive hearings on the overall impact of the reorganization bills. The Senate Government Operations Committee has held 2 days of hearings on May 25 and 26, and plans to schedule another day on June 22 at which time we will hear Secretary John Connally and other witnesses. Hopefully we can move further ahead with our work during July.

I ask unanimous consent that the editorials referred to be printed in the RECORD.

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

[From the Washington Post, June 12, 1971]

THE PRESIDENT'S REORGANIZATION PLAN

President Nixon was quite right last March when he remarked in a special message to Congress, "At this moment in our history, most Americans have concluded that government is not performing well. It promises much, but it does not deliver what it promises." One of his solutions to this problem was a sweeping reorganization of the Executive Branch which would dissolve seven of the existing departments and re-distribute their operations, along with some functions of the independent agencies, among four new departments—Human Resources, Natural Resources, Community Development and Economic Affairs. The idea is not new—serious students of the federal government have been suggesting something along this line for years—but that does not make it any less appealing. If the federal government is ever going to be controlled again by elected representatives of the whole people, a reorganization of this scale simply must occur sooner or later.

We note now that there is at least a glimmer of interest on Capitol Hill in the President's proposals. We put it that way because most of the initial reaction was almost entirely negative. Representative Holifield, whose committee handles reorganization proposals in the House, was quoted last March as calling the Nixon plan "political grandstanding" and describing it as so complicated that his committee would need "at least four years" to process the legislation. We assume that Mr. Holifield was engaging in some grandstanding of his own since a serious Congress could handle the matter in far less time than that and since the major objection to the plan is that it will reduce the power of Congress inside the bureaucracy and will give the President a better chance to run the branch of government he is supposed to run.

It is true, of course, that the federal bureaucracy looks quite different from Capitol Hill than it does from the White House or from Main Street. Most Americans grew up being taught that Cabinet secretaries ran their departments and made the major decisions. Most Presidents would like to think that was so but the truth is quite different. John Gardner was not wrong when he testified recently:

"As everyone in this room knows but few people outside of Washington understand, questions of public policy nominally lodged with the Secretary are often decided far beyond the Secretary's reach by a trinity consisting of representatives of an outside lobby, middle level bureaucrats and selected members of Congress, particularly those concerned with appropriations. In a given field these people may have collaborated for years. They have a durable alliance that cranks out legislation and appropriations in behalf of their special interest."

That is one of the practices that the reorganization plan would curtail, so it is understandable that some members of Congress are reluctant even to consider it seriously. But, equally important, enactment of the reorganization plan would curtail the growth of the Executive Office of the President. It has ballooned in size in recent years because there is no other way in which a President can attempt to manage the government. His Cabinet officers generally lack the management tools they need inside their departments and there is no effective device to coordinate the activities of the various departments except through White House masterminding.

One would think that every would-be presidential candidate in Congress would back this reorganization proposal eagerly. Joseph A. Califano, who was Lyndon Johnson's right-hand man, testified before the Senate Government Organization Committee that "any Democratic presidential candidate, who might be successful in winning the White House in 1972 or thereafter, will be immeasurably helped in his ability to put into effect the policies upon which he is elected if President Nixon's reorganization proposals are adopted by the Congress."

Although old ways die hard both on the Hill and inside the bureaucracy, we hope that all the members of Congress will take the time to read and study the recent testimony given by George Schultz, Roy L. Ash, Ben W. Heineman and Charles L. Schultze, as well of that Messrs. Gardner and Califano. Their testimony makes it crystal clear that the need for reorganization, like the need for campaign spending limitations, is desperate and that Congress must enact both if this democratic government is going to have much chance to operate effectively and responsibly.

[From the Springfield (Ill.) State Journal, Feb. 5, 1971]

FUNCTIONAL AND SOUND: NIXON'S CABINET PLAN

Because expansion is the natural order for the federal government, President Nixon's State-of-the-Union proposal to consolidate seven executive departments into four faces an uncertain fate.

Powerful forces already are mobilizing to protect their vested interests in the departments scheduled to be merged out of existence. Senate Majority Leader Mike Mansfield predicts that the President's plan will bring out a "combination of lobbies the like of which the Congress has never seen."

The Congress itself, which must authorize the changes, has a reason for maintaining the status quo, Congressional committees, such as Agriculture, Commerce and Interior, which are tied to the present Cabinet organization, would likely be numerically decreased.

Nevertheless, the consolidation of the administration proposed by President Nixon is functional and sound. He would establish four Cabinet posts, one for economic development, one for human resources, one for community development and finally a Department of Natural Resources. With the transfer of the Post Office Department into a government-private corporation this year, this would reduce the Cabinet from 12 to 8 departments.

The concept is bold in two respects. It would establish a precedent, and it would begin the long process of limiting a federal bureaucracy that feeds upon itself, often without regard to the public need.

Unfortunately, any streamlining of government is usually token, and an exception rather than the rule. For example, the Commerce and Labor Departments were combined at one time, but an attempt by President Johnson to merge them again was quickly buried.

The Department of Defense was formed from the Navy, War Department and the Air Force during the Truman administration in 1947. On the other hand, in recent years we have seen the addition of the Departments of Health, Education and Welfare, Housing and Urban Development and Transportation, without any corresponding reduction in numbers of the bureaucracies they were to have replaced.

The result has been a weakening of the Cabinet and a growth of the federal establishment which has made it unresponsive even to the executive branch of the government itself. This has occurred at a time when the need for a strong Cabinet of advisers to the President is the greatest in history because of the increasingly complex times.

Whatever the obstacles it encounters from vested interests the President's program for reorganization of the executive branch of government should be pursued tenaciously. Nothing would instill public confidence in government more than the thought that their interests should take precedence over special interests.

Organizing the federal government around functional purposes would serve this end.

[From the Boston (Mass.) Herald Traveler, May 24, 1971]

FEDERAL LABYRINTH: NO EXIT?

Some time ago, a large vocational education and training center was built in a city out West with funds provided by the federal Department of Health, Education and Welfare. Almost simultaneously, an identical center was constructed only three blocks away in the very same city with funds provided by the federal Department of Labor. Incredibly, officials of the two Cabinet agencies seem to have had no idea they were duplicating each other's efforts.

At the same time that the Small Business Administration was financing the construction of a plant to freeze and store salmon in Alaska, an agency of the Commerce Department loaned $650,000 to a group of Eskimos to put up a similar facility not far away on an off-shore barge. Again, the agencies were unaware that they were competing with each other.

These are just two of many tragi-comic examples of bureaucracy submitted in a report to Congress on behalf of President Nixon's proposal to reorganize the executive branch of the federal government.

Another example cited the fact that although the Department of Agriculture stations many of its employes on a full-time basis at hundreds of plants across the country to inspect eggs, meat and dairy products, the Food and Drug Administration regularly sends its inspectors to the same plants to do the same job.

Cities seeking federal funds for sewer construction, the report noted, are confronted with the choice (and the confusion) of applying to four different Washington agencies. Even a rancher who wants to graze his stock on federal land sometimes has to apply for a permit from the Bureau of Land Management in the spring and the U.S. Forest Service in the summer.

Everyone, of course, deplores and no one defends such ludricrous examples of bureaucracy. Most people, too, realize that they are not just silly, isolated incidents; unfortunately they happen all too often in the huge and complex federal jungle.

Many months ago, however, President Nixon finally proposed to do something about the problem. He asked Congress to authorize a sweeping overhaul of the executive branch, including the elimination of several Cabinet departments and the reorganization of other agencies so that waste and duplication of effort could be more easily spotted and held to a minimum.

So far, Congress hasn't shown much interest in enacting the reorganization measure, mainly perhaps because that would require a similar reshuffling and reduction of the congressional committee structure. And that is something which has generated no enthusiasm from the powerful ladies and gentlemen who preside over those committees now, and who have carved out their own spheres of influence and comfortable working relationships with the existing bureaucracy.

[From the St. Louis Globe-Democrat, May 15, 1971]

IMPREGNABLE WASHINGTON BUREAUCRACY?

President Nixon's proposal to streamline the federal bureaucracy by reducing the 12 Cabinet Departments to eight has drawn little interest from Congress.

Why should this be so?

For if there is a pressing need in Washington, it is to overhaul the sprawling, unresponsive sea of bureaus that engulf the capital. From what we hear and read we are convinced that most Americans attach a high priority to making government more efficient, more responsive and more economical.

Then why the lethargy in Congress to get on with the restructuring?

There is no single answer to this. Perhaps the main reason is that the reorganization which has been delayed so long would be such a monumental job. Congress shies away from the sheer size of the job.

Another formidable barrier is the self-perpetuating nature of the federal bureaus. They have so much money to spend, are so deeply entrenched and so well versed in warding off unfavorable congressional actions that they amount to a second, unofficial government.

Nevertheless, the job must be done.

To illustrate the amount of red tape it takes to apply for just one typical urban program, HUD Secretary George Romney recently brought with him to a press conference a 2½-foot, 56-pound stack of papers.

This is just one reason why the number of government employes have gone up 51 per cent in the 10-year period between 1960 and 1970, and the civilian payroll in the federal government has risen from $12.6 billion in 1960 to $30 billion now.

Equally disturbing is the paralyzing effect the huge, uncontrollable bureaucracy has on the nation. President Richard M. Nixon, in a recent speech, said the "anonymous, muscle-bound" federal bureaucracy "too often forgets that the purpose of governments is not budgets and programs and guidelines, but people."

The record of the past 30 years is that gigantic federal departments have been long on promises but short on performance. The results from the spending of billions of dollars through federal aid programs often have been almost invisible.

Members of Congress, who supposedly represent the view of the average citizen, should become as enthusiastic as President Nixon about reorganizing this unresponsive, expensive Goliath. Perhaps then the streamlining would come about.

[From the Waukegan (Ill.) News-Sun, Apr. 27, 1971]

PASS PERCY'S BILLS FOR CABINET REORGANIZATION

Reorganization of the structure of the executive branch of the government as proposed by President Nixon in a message to Congress is being advanced by Sen. Charles H. Percy who has submitted four landmark bills to implement the reorganization.

Little has been said about the President's plan, possibly because any effort to combine and systematize government operations means the elimination of some political jobs, and is bitterly opposed by those congressmen who want to guard the partisan prerogatives of the bureaucrats in control of innumerable government agencies.

Sen. Percy's proposed legislation would implement the more efficient handling of government programs through combining agencies and bureaus into four executive departments with cabinet rank.

The Percy bills would create a department of Community Development for both rural and urban communities; would create a Department of Natural Resources to assure preservation and balanced use of the vital resources of our physical environment; would establish a Department of Economic Affairs to promote economic prosperity and steady economic growth and finally, create a Department of Human Resources to meet the social needs of individuals and families.

The reorganization program has been proposed by a succession of advisory commis-

sions which urged the programs to Presidents Roosevelt, Truman, Eisenhower and Johnson, and President Nixon is the first to really move toward accomplishment.

* * * * *

The reorganization package, to become law, must be passed by both the Senate and the House, and therein lies the danger that it will be cut to pieces by congressmen with partisan political interest in maintaining the status quo to protect the innumerable political plums that are theirs in the maze of bureaus and agencies now operating, often duplicating if not actually competing with other bureaus and agencies in carrying on the vast proliferation of government programs.

Obviously, the reorganization will eliminate scores of presently operating bureaus and agencies, and if the new, streamlined executive branches work as they should, duplicating and competing programs will be combined and efficiently managed in order that the goal of services for the people will be actually carried out for the benefit of the people and not for those involved in building their own empires of governmental agencies for the protection of their own jobs and those of their political cronies.

Much more of the benefit designed for the people should therefore reach the people without dilution of the benefits through the handling of innumerable bureaus and agencies.

It should mean more and better relief programs for those in need of public welfare funds, and should systematize and consolidate government efforts to achieve the results planned for the improvement of a whole spectrum of living conditions in the United States.

The Percy bills should be passed by Congress for the good of the nation, but their fate lies in the partisan political grasp of the congressional membership.

The proposed new Department of Community Development would take on many of the functions of the present Department of Housing and Urban Development and, in addition, would assume the urban and rural community development programs of the Office of Economic Opportunity; the rural community development programs from the Department of Agriculture; many of the public facilities construction programs for the Health, Education, and Welfare Department; the financing and planning of public works from the Commerce Department; disaster relief programs, and most functions relating to highways and urban ground transportation.

A Department of Natural Resources would consolidate responsibility for both planning and management of natural resources. It would absorb the present Department of the Interior with the addition of the Forest Service; Watershed and flood prevention, and soil and water conservation from the Agriculture Department; assume the work of the Water Resources Council, and certain civilian power functions of the Atomic Energy Commission.

It would also take over the oil and gas pipeline safety programs of the Department of Transportation; the funding and planning of civic water resources programs from the Corps of Engineers, and the National Oceanic and Atmospheric Administrations from the Department of Commerce.

The Department of Human Resources would assume most of the activities of HEW with the addition of the food and nutrition services of the Agriculture Department; the manpower administration and Bureau of Employes Compensation from the Labor Department; the nutrition and manpower training programs and Head Start from the Office of Economic Opportunity; the drug abuse program of the Justice Department; the Railroad Retirement Board and the Civil Service Retirement and Liability Fund.

The Department of Economic Affairs would absorb most of the offices of the Department of Labor, Department of Agriculture and the Department of Commerce with the addition of the Small Business Administration, the Commodity Credit Corporation, the Federal Crop Insurance Program, the federal administration, the Coast Guard and the other national transportation programs.

[From the Boise (Idaho) Statesman, May 4, 1971]

TOO MANY RESOURCE AGENCIES

President Nixon's ambitious plans to reorganize and "streamline" the executive branch appears to be going nowhere in this session of Congress. Even if Congress were inclined to act, it has a backlog of other business.

Sooner or later, though, it must face the issues posed by reorganization. Undeniably the vast bureaucracy is guilty of the evils the President identifies.

Reorganization is no total panacea. The vast Health, Education and Welfare organization is often described as unmanageable. The gigantic Pentagon generates sighs and shudders among those who admire efficient, effective organizations.

The President is right, we believe, in advocating a Department of Natural Resources—combining land, water, mineral, oceanic and atmospheric agencies.

In Idaho the Bureau of Land Management, under the Interior Department, and the Forest Service, under the Department of Agriculture, administer much of the state's land. While the forest lands are mostly forested and the BLM lands are mostly not forested, they do basically the same things.

They work cooperatively, but they also disagree. Good land management is not helped by the boundaries between the jurisdiction of one agency and another. What happens in the forest affects what happens on lower ground, and in the entire watershed.

Sometimes agencies work at cross purposes. This happens within Interior or Agriculture now, and presumably wouldn't be eliminated by consolidation. But there should be less of it. More of the conflicts should be resolved in the planning stage.

The outlook is for more public disagreement over land management and resource issues. Conflict wouldn't be eliminated by putting the land in a single agency, but it might be lessened.

Certain stream channel projects by the Department of Agriculture have been protested by the Department of Interior. We have three national water project agencies—Interior, Agriculture and the U.S. Army. Six agencies administer federal recreation areas.

Some agencies are more attuned than others to environmental considerations.

With consolidation, it should be easier to apply and enforce policies, easier to correlate the work on behalf of one energy source with another. It should not take 10 years for one agency to discover and apply the knowledge of another.

Simply combining existing agencies does not insure perfection. Nor does it necessarily mean a dollar savings. There are so many existing agencies doing similar work in the land and resource field that the basic problem is to get them together and to apply consistent policies.

THE BALTIC NATIONS

Mr. MUSKIE. Mr. President, one of the tragedies of modern history was the invasion and subsequent fall of the Baltic nations of Lithuania, Latvia, and Estonia on this day 31 years ago. The Balts are proud peoples who have lived peacefully on the shores of the Baltic from time immemorial. The sudden extinction of their national sovereignty and their brutal absorption into the Soviet Union was an injustice which still burns in the memory of thousands upon thousands of these dispossessed peoples.

Mr. President, we have in recent years been coming to the end of a period of widespread colonialism in the world. Yet we sometimes forget that these countries of the Baltic are still colonies. I pray that they might some day regain their independence and freedom, and that the peace-loving peoples of the area who have been scattered throughout the world can return—and find once again their national identity.

ACCOMPLISHMENTS OF THE 92D CONGRESS

Mr. SAXBE. Mr. President, my pessimism regarding the slow, ineluctable pace of Congress is shared by Norman C. Miller in today's Wall Street Journal. His thesis is that the partisanship and posturing on issue after issue results in one loser: The public interest. At the beginning of the year I initiated along with Senators SCHWEIKER, CRANSTON, and HUGHES rule changes to help expedite many of the Senate's day-to-day procedures. What is now needed is a bipartisan effort on the part of all my colleagues to attack the problems confronting us today.

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

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

[From the Wall Street Journal, June 15, 1971]

CONGRESS: GRINDING TOWARD DEADLOCK

(By Norman C. Miller)

WASHINGTON.—Congress is notoriously slow-starting, and so it is not particularly ominous that the 92nd Congress has huffed and puffed and accomplished very little in its first five months. But ominous indeed are signs that the first five months may set the pattern for the 92nd's entire two years.

Deadlock between President Nixon and the Democrats commanding Capitol Hill looms on Vietnam and economic issues. Partisan maneuvering may make it difficult to develop a revenue-sharing compromise. Infighting poses possibly fatal threats to important bills with fragile bi-partisan backing, such as campaign spending reform and welfare reform. Delay jeopardizes prospects for comprehensive health insurance and reorganiza- of Cabinet departments.

PARTISANSHIP AND POSTURING

There is a potential for stalemate, in short, and excessive partisanship is its root cause. On issue after issue, the politicians seem more intent on posturing than compromising partisan differences in an effort to solve problems. There may or may not be a winner in such a campaign-oriented game, but there is one loser: the public interest.

To be sure, the war is one issue in which an increasingly partisan debate may well have a policy impact, even though it is almost impossible for Congress to force "end-the-war" legislation on the President. Still, the dove Democratic presidential contenders and their backers in Congress clearly are generating mounting pressure on Mr. Nixon to make good sooner rather than later on his pledge to end direct U.S. military involvement in Vietnam.

But congressional debate counts for little when it comes to critical domestic problems. Everyone can agree that the 6.2% unemployment rate is deplorable. Everyone can agree that something is drastically wrong with the way government at all levels is working when cities lurch toward chaos despite program after program of federal aid. There's also widespread agreement on the need for welfare reform, meaningful campaign spending laws and national health insurance.

So it ought to be possible for Congress to agree with the administration on legislation dealing with at least some of these pressing domestic problems. The inevitable tensions arising from divided control of government don't have to have a paralyzing effect, even with a presidential election year in sight. Yet the early record indicates that partisan gamemanship may prevent much of anything from being accomplished.

There are, it is true, some signs of movement on perhaps the most important domestic legislation of all: revenue sharing. Arkansas Democratic Rep. Wilbur Mills, archfoe of the President's revenue-sharing plan, now is talking about an alternative bill that would emphasize some $3.5 billion of new aid to cities instead of dividing $5 billion among states, counties and cities as the President proposes.

The still-fuzzy Mills plan may open the way for compromise with the White House—though the Ways and Means chairman doesn't encourage such hopes by continuing to state publicly that "there is no compromise" possible on the Nixon plan. Furthermore, it isn't particularly encouraging that Rep. Mills and other Democratic leaders in private strategy sessions seem to be trying to shape a bill that could be labeled a *Democratic* alternative to Mr. Nixon's revenue-sharing plan.

If the issue of new aid to cities and states is cast in such partisan terms it may well kill chances of enacting any plan. For there is a danger of a standoff developing if the Democrats insist on channeling the great bulk of the money to the Democratic-controlled cities, while Republicans insist on a sizable share for states and suburban jurisdictions where their party is stronger.

The potential for partisanship blocking compromise on the revenue-sharing issue was illustrated by the recent House battle over "special" revenue-sharing legislation in the manpower area. This involved one of six Nixon bills that seek to untie federal strings on existing federal programs. The "general" revenue-sharing bill before the Mills committee, in contrast, would earmark a percentage of federal revenues to provide new federal aid.

Constructive compromise on the manpower bill would have seemed entirely possible for two important purposes: easing unemployment and getting the President's revenue-sharing program moving. Unfortunately, the outcome of this first test suggested that each side would rather have a standoff.

Both Democrats and Republicans approach the manpower issue with laudable, and not necessarily conflicting, goals. The Democrats urge a frontal attack on unemployment by authorizing federal subsidies to create "public service" jobs; the idea is to help state and local governments hire the unemployed for street and park maintenance and the like. The Republicans, on the other hand, urge reform of the existing array of federal job-training programs by passing President Nixon's manpower revenue-sharing plan; it would eliminate many federal restrictions and allow state and municipal governments to tailor Washington's aid to their local job-training needs.

NO EFFORT AT COMPROMISE

Good arguments can be made for both proposals. But there was no effort by either side to put together a compromise package. Instead, the Democrats "won" in the House, as they did earlier in the Senate, but their victory isn't likely to bring cheer to the jobless. Nixon aides predict flatly that the President will veto the Democratic job-creation scheme when it reaches his desk because he believes it would establish "dead-end WPA-type" jobs. And he probably can make a veto stick.

If so, it will come as no surprise to congressional Democrats; the President rejected a similar bill last year on the same grounds, and his veto was sustained. Against this background it is possible to conclude that the point of the whole Democratic exercise on this year's bill was to maneuver the President into another veto that could be exploited as a campaign issue. That may be clever politics, but it does nothing for the unemployed.

The Democrats could easily have offered the President and his Republican backers an incentive to accept the public-service jobs plan. It would have been quite possible to combine the job-creation measure with revenue-sharing-type reforms of job-training programs.

True, such a compromise package was attempted last year and still drew a veto because of the President's objection to the job-creation plan. But the President subsequently softened his stand, expressing willingness to accept a program of temporary public service jobs for the unemployed. He might have moved even further to embrace the Democratic plan if in return he had been given the job-training reforms he wanted. Instead, House Democrats made it quite clear they had no interest in accommodating Mr. Nixon.

For their part, House Republicans and White House agents did nothing to allay Democratic suspicions that their job-creation plan would be vetoed regardless of any concessions. GOP spokesmen insisted on labeling the Democratic bill as a scheme to expand the public payroll permanently, and said they couldn't accept this as a matter of "principle." Their rhetoric ignored the fact that the bill provides that job subsidies would remain available only while the national unemployment rate was 4.5% or more.

Furthermore, the White House alienated many Northern Democrats through the divisive lobbying tactics it used in pushing for job-training reforms through a revenue-sharing bill. Instead of wooing urban Democrats who tend to favor the revenue-sharing concept, Nixon agents tried to appeal to Southern Democrats with a racial argument. Privately, they warned Southerners that the job-creation bill fashioned by liberal Democrats contained provisions expanding federal civil-rights enforcement powers.

These tactics not only failed to win over most Southerners, but they intensified the suspicions of many liberal Democrats regarding the array of Nixon revenue-sharing proposals. Such suspicion may make it more difficult for liberal Democrats and the White House to reach a compromise on the keystone "general" revenue-sharing plan—and a compromise between these forces is essential to the passage of any bill.

Moreover, many power-holders in Congress are intent on burying revenue sharing in any event, and this group includes Republicans as well as Democrats. Some undoubtedly are sincere in objecting to the concept of no-strings aid, but a lot also are opposed for gut political reasons that have nothing to do with the merits of the issue.

Quite simply, revenue sharing threatens the power of members of Congress. As long as Congress controls a grab-bag of aid programs, governors and mayors and other aid-seekers must come to Capitol Hill for help. Switching to block grants and earmarking a portion of the federal tax take for states and cities goes a long way toward cutting Congress out of the action.

"I'll tell you what revenue-sharing means," storms a border-state House Democrat. "It means that there will be governors or mayors cutting the ribbons when the local projects are opened instead of Congressmen or Senators. You don't think we're ever going to allow that, do you?"

BIPARTISAN COALITION NEEDED

Such opposition can only be overcome by a bipartisan coalition backing legislation that gives both Republicans and Democrats somethink they want. At the moment, all six of the Nixon "special" revenue-sharing bills seem doomed by the absence of a bipartisan approach.

The possible development of compromise on the "general" revenue-sharing legislation could encourage accommodations on special revenue sharing and other important bills. But, though the 92nd Congress is still relatively young, the time available for constructive compromise before the election year already is getting short.

For the closer the election comes, the harder it will be to work out compromises. And the more likely it becomes that 1972 will subject the public to a sorry spectacle: rival politicians blaming one another for a long list of problems that worsened while they wrangled.

NELSON CRUIKSHANK AND THE NATIONAL COUNCIL OF SENIOR CITIZENS

Mr. CHURCH. Mr. President, recently I had the honor to participate in the 10th annual convention of the National Council of Senior Citizens.

There, in the presence of approximately 2,000 delegates, I once again had the pleasure of observing Mr. Nelson Cruikshank, president of the NCSC, in his leadership role for that organization. As always, his emphasis was on actions that will make the United States a better place for Americans of all ages, including the elderly. His philosophy and his immediate and long-range goals were well expressed in the President's report he delivered on June 11. I ask unanimous consent that this report be printed at the conclusion of my remarks.

I would also like to have inserted into this RECORD a copy of an excellent article, written by John Herlin for the May 20 issue of the Washington Daily News. This column gives another portrait of Nelson Cruikshank at work, giving a message of great importance directly to the President of the United States and others who gathered recently in the White House.

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

THE PRESIDENT'S REPORT

(By Nelson H. Cruikshank, president, National Council of Senior Citizens)

It is the genius of American democracy that citizens seeking governmental aid in resolving social and economic problems that concern them will be heard if they stand together and speak with one voice.

Using this democratic principle, the National Council of Senior Citizens has achieved a certain degree of success in representing the 3,000,000 members of affiliated clubs that make up the Council.

The National Council helped win enactment of Medicare, the Federal program of health insurance for the elderly, the Older Americans Act which is the enabling act for the U.S. Administration on Aging, and was successful in its efforts to win three Social Security increases in the 1960's.

This would be an impressive record of accomplishment were it not for the fact that millions of men and women age 65 or over are still without adequate income, many of them lacking even the cash necessary to participate in the Medicare program. These unfortunate men and women are generally ill-housed and, because of the high cost of transportation—or the lack of transportation—they are permanently separated from their friends of former years and, many of them, even from their children and grandchildren.

Nevertheless, the National Council of Senior Citizens have indeed made progress in gaining needed benefits for the nation's 20,000,000 older Americans. It is true that these gains were too little and came too late for many of our aged—but there can be no doubt that we are succeeding in getting people at all levels of government—Federal, State and local—to consider the problems of our older Americans.

Looking back over our first ten years' of activity, we can take pride in the fact that the National Council of Senior Citizens has established a record of credibility and sincerity throughout Congress and in the Executive Branch of the Government.

The year that has elapsed since the National Council's 1970 convention has been an eventful one. It has been a period of great pressure on the National Council leadership and on the small staff at the National Council headquarters.

SOCIAL SECURITY AND RAILROAD RETIREMENT

The need to increase Social Security benefits was of primary concern to delegates to the National Council's 1970 annual convention and the National Council headquarters.

On behalf of the National Council membership and in line with the 1970 convention delegate's instructions, I urged in testimony before the Senate Finance Committee an increase of 10 per cent immediately and a further increase of 20 per cent in Social Security benefits effective in January, 1972, with a more substantial increase in the minimum benefit to $120 a month, or nearly double the minimum at that time.

To assure future retirees of benefits more reasonably related to past earnings, I urged on behalf of the National Council raising the amount of wages subject to the Social Security payroll tax to $15,000 a year and with a greater use of Federal general funds to improve Social Security benefits.

You know the rest. The Senate Finance Committee and subsequently the Senate added various extraneous amendments to the House-approved Social Security bill during the closing weeks of the 91st Congress, forcing the National Council to act in the interest of the elderly by urging that the resulting measure be abandoned and new legislation calling for an improved Social Security increase be considered as a first order of business in the 92nd Congress which convened last January.

Congress adopted this course and the 10 per cent Social Security increase payable this month retroactive to last January was enacted early in this Congress.

The National Council has consistently urged improvements in the benefit structure of the Railroad Retirement system commensurate with improvements in Social Security. Railroad Retirement provides the economic security for hundreds of thousands of workers in our transportation industry. Improvements in the system must not be neglected.

Recently, the House Ways and Means Committee reported a Social Security-Medicare-Medicaid-family assistance measure which would raise Social Security benefits an additional 5 per cent effective July 1, 1972, and make a great many other significant changes in the Social Security system, Medicare, Medicaid and welfare.

The position of the National Council of Senior Citizens of this comprehensive measure—which goes under the designation House Resolution One—will be spelled out by delegates to this convention. There is much that is good in the bill—and much we must seek to correct when the bill goes to the Senate.

NATIONAL HEALTH INSURANCE

Delegates to the National Council's 1970 annual convention went on record unanimously for a program of national health insurance for all Americans. Accordingly, the National Council has come out strongly for what has come to be known as the Health Security bill sponsored in the Senate by 25 Senators and in the House of Representatives by 75 Congressmen.

This legislation—designated as S–3 in the Senate and NR–22 in the House—would insure at least 70 per cent of the health costs of all Americans including the elderly. The main reason our organization supports the Health Security bill before Congress is our concern for all age groups.

We are not and never have been merely a special interest group for the elderly. Our objective is a better life for all Americans including the elderly. In a word, what is good for all our citizens is good for senior citizens.

With the present horse-and-buggy health care system cruelly by-passing growing millions of low- and moderate-income citizens, it is increasingly evident that there is a desperate need for a sytsem that makes modern health services available to all our people without regard to social position, race, creed or color.

The pending Health Security bill would do this.

HOUSING FOR THE ELDERLY

The housing needs of the elderly cry out for attention and action, delegates to the 1970 National Council convention warned.

In line with our 1970 convention resolution on housing I have asked on behalf of our 3,000,000 membership a five-year goal of 100,000 housing units a year for the low- and moderate-income elderly. This contrasts with the shamefully inadequate 37,000 housing units completed each year over the past 10 years for and on behalf of the elderly.

The National Council has likewise asked the President to reinstate the program known as Section 202 of the Federal Housing Act which over the last 10 years has enabled non-profit organizations to borrow directly from the Federal Treasury to build housing for the low- and moderate-income elderly.

Unfortunately, the Section 202 program was abandoned by the Nixon Administration last year in favor of a loan program that requires non-profit organizations to compete with commercial borrowers in a tight, high interest money market for housing construction funds.

JOBS FOR OLDER WORKERS

Millions of older Americans seek to supplement inadequate Social Security and pension benefits with gainful employment.

There were high hopes at the conclusion of the 1970 National Council convention that legislation then pending in Congress would help make available in every locality community service jobs under public agencies for elder Americans willing and able to be gainfully needed legislation.

The National Council of Senior Citizens has special knowledge of the tremendous need for community services jobs on the part of older Americans—knowledge gained through the operation over a three-year period of the National Council's Senior AIDES community service job program. I am pleased to report that this program recently was refunded for another year by the U.S. Labor Department. More on this later on.

TRANSPORTATION

Nearly all of us here and the millions of other older Americans face a transportation crisis of major proportions as the Senate Special Committee on Aging has pointed out in a recent report on this difficult situation. The National Council has during the past year urged the President and Congress to support Federal aid programs to meet the transportation needs of the elderly including the need for uniform standards of auto insurance coverage and reduced fares for the elderly on local and national transportation systems.

MEETING WITH PRESIDENT

Representatives of the National Council of Senior Citizens and three other national organizations of older Americans met with the President at the White House May 14 to alert him to the desperate problems of the low income elderly across the nation.

Each organization had five minutes for an oral presentation of the needs of the elderly and I made the presentation on behalf of the National Council. I also left with the President a detailed statement of the National Council's legislative goals.

This is summarized in a report on this White House meeting in the June issue of Senior Citizens News which you have in your convention kits.

WHITE HOUSE CONFERENCE ON AGING

Because of the National Council of Senior Citizens was born out of an idea circulated among participants at the first White House Conference on Aging in 1961—it is perhaps understandable that our organization would have a very special interest in the second White House Conference on Aging scheduled to begin on November 29, 1971.

We enthusiastically supported the proposal for this new White House Conference when it was first introduced by our good friend Senator Harrison A. Williams of New Jersey, during the 90th Congress.

But during the past year we have felt it necessary to speak out publicly, and to the U.S. Congress, concerning preparations for the 1971 Conference.

Frankly, we believe the best politics at a White House conference, is no politics at all. When we heard that some technical and gerontological experts who were Democrats had been removed or passed over in selection of Technical Committees of the Conference and their places taken by Republicans who had little or no expertise in the subject matter involved; and that so-called "White House" clearance had delayed the appointment of the committees, we felt that someone in the White House was seeking to make this Conference a political carnival to promote the Nixon Administration.

At the same time we decided to publicize the fact that the Conference planners were allocating two delegates for each national organization invited to participate—two delegates allocated to the three-million member National Council of Senior Citizens, for example, and an equal number of delegates allocated to a "provider" organization of commercial nursing home proprietors.

As most of you who read Senior Citizens News know, we raised these issues in testimony before Congressional Committees and in public speeches. And you'd be surprised how many other organizations all over America told us they felt similar concerns. Some of them told us that if we would sound the trumpet they would join us in setting up another National Conference on Aging which would be under less political control from the White House.

We are hopeful now that it will not be necessary to sound that trumpet. There already have been a number of changes in the arrangements for the upcoming conference and we suspect there may be more changes in the future.

We commend the Administration for asking Dr. Arthur Flemming, distinguished former Secretary of HEW, to serve as the full-time Chairman of the Conference and we have offered him our fullest cooperation in

organizing the kind of conference which will stimulate action on the problems of the elderly and not mere rhetoric.

The National Council of Senior Citizens has now been asked to send a total of 26 national delegates to the Conference and, of course, many more NCSC members will be selected by the Governors of the states. Dr. Flemming—who had asked me to serve on a small key policy committee of the 1961 Conference has invited me to serve in a similar capacity for the 1971 Conference.

You may be assured that we will do everything to assist Dr. Flemming in ensuring fair representation for the elderly and a successful conference. I want to thank you all for the way you turned out for the White House community forums and the State White House Conferences which have been held to date.

As you all know, we reorganized the policy committees of this convention to match the Committee format of the White House Conference. The resolutions which have emerged from these policy committees and which will be discussed this afternoon, this evening and tomorrow, will become the official positions of the National Council of Senior Citizens to be submitted to the White House Conference on Aging.

CONSUMER PROTECTION

The National Council of Senior Citizens has been in the forefront of the battle for adequate consumer protection. The elderly are hit hardest by fraud practiced in the marketplace.

Consumer Federation of America speaks for the National Council in this critical area. The National Council helped launch Consumer Federation and my colleague, Bill Hutton, the National Council's Executive Director, is on the Consumer Federation Board of Directors.

Working with Consumer Federation, organized labor and other humanitarian groups, we have won truth-in-lending and truth-in-packaging legislation. We seek improvement of these measures and new legislation to give consumers a better break.

One of the very important legislative goals we seek is a measure to enable consumers to join in class action suits on behalf of themselves and others who are defrauded for damages and court costs where manufacturers or merchants are convicted practicing fraud against customers.

In the area of consumer protection, my colleague, Bill Hutton, has testified before the House Commerce Committee in favor of Federal legislation to set up no fault auto insurance replacing the present system under which blame must be established no matter what the circumstances of the accident.

The present costly auto insurance system permits drivers who are elderly to be arbitrarily branded sub-standard insurance risks even when they have perfect driving records. The system must be improved and no fault car insurance would be a step in the right direction.

NURSING HOMES

Safety in nursing homes has been an ongoing concern of the National Council. Pressure for higher standards in nursing homes receiving Federal funds for patient care has been increasingly exerted by National Council, organized labor, the American Association of Homes for the Aging and other humanitarian groups.

In company with these groups, the National Council has helped expose the brutality and neglect often occurring in U.S. nursing homes.

Recently, the General Accounting Office, the watchdog agency that reports directly to Congress, has documented the widespread failure at the Federal, State and local levels of government to maintain proper standards in nursing homes generally.

Hopefully this report, covering the States of New York, Michigan and Oklahoma, will help arouse Congress and the nation to the desperate plight of thousands of elderly patients in nursing homes and homes for the aged across the nation.

RESEARCH INTO THE CAUSES OF AGING IN HUMANS

Amounts invested in research into the causes of aging among humans can be expected to yield untold dividends in improved health. So, I have testified on behalf of the National Council membership before the Subcommittee on Aging of the Senate Committee on Labor and Public Welfare.

Dr. Marot Sinex, Chairman of the Department of Biochemistry at the Boston University School of Medicine, estimates that a single breakthrough in the delay of senile dementia (senility) might save over a billion dollars a year not to mention the prevention of a most pitiable form of disability.

The National Council of Senior Citizens strongly supports legislation—S–887—to provide for establishment of a National Institute of Gerontology as part of the Government's National Institutes of Health.

Today, it is generally recognized that the aging problem is a very minor aspect of the Government's National Institute of Child Care and Human Development. The National Council seeks establishment of a National Institute of Gerontology and financial support for its operation that is many times what now is available for research into the causes of aging in humans. I presented these views in testimony before the Senate two weeks ago.

The President is opposed to this approach to the problem on the ground that he is opposed to consolidating rather than increasing programs of this kind. I think he is wrong in his approach. I have called it his numbers game.

Why I oppose on behalf of the National Council membership this numbers game approach to scientific research is best illustrated in his recent action of budgeting $100 million for a crash program of cancer research over and above the amount originally budgeted for the Government's National Cancer Institute for the coming year.

Impressive as the proposed crash program of cancer research sounds, the amount budgeted for it is actually less than the amount recommended for the first year's program by the National Panel of Consultants on the Conquest of Cancer.

As Dr. Michael DeBakey, the internationally known heart surgeon has pointed out, these Consultants insist "it is of utmost importance that the financing of this (center) program not result in cutbacks in other health programs."

The President has not chosen to follow this course but instead has ordered sharp cutbacks in other Government health research programs, presumably to pay for the crash program in cancer.

I shall not detain you with the financial details but merely say that there is an urgent need for a higher level of funding for the Government's Institutes of Health and, especially, for a meaningful program of research into the causes of aging in humans.

In my testimony at this Senate hearing, I also urged legislation to expand substantially programs to provide low cost, nutritious meals for the elderly.

SENIOR AIDES

I am happy to announce that the Labor Department has continued for a fourth year the Senior AIDES program which currently employs 1,150 men and women age 55 or over with limited incomes on community service jobs in their own localities.

The Labor Department will provide out of anti-poverty funds under its jurisdiction $3,077,000 and local sponsors will provide an additional $390,000 for operation of the program through May 21, 1972.

The Senior AIDES program operates in 21 communities across the nation. The Senior AIDES work 20 hours a week for pay averaging $2.15 an hour. Jobs available under the program range from preparation and service of low cost, nutritious meals for the elderly to outreach activities to help bring the isolated elderly back into the mainstream of community life.

The Senior AIDES program has demonstrated to me and to all who are familiar with its operation that there is a real need for this type of program in every community across the nation.

Legal Research and Services to the Elderly (LRSE)

LEGAL RESEARCH AND SERVICES TO THE ELDERLY (LRSE)

The National Council of Senior Citizens' Legal Research and Services to the Elderly (LRSE) program awaits action by the Office of Economic Opportunity, the anti-poverty agency, on whether it will be continued another year.

This program helps the elderly by various types of legal advocacy on their behalf including preparation of materials on the legal rights of elderly citizens and through training the elderly in representing fellow elderly citizens in need before Federal agencies.

The LRSE program recently published an excellent handbook containing 40 model State and local statutes to benefit the elderly. It was prepared for LRSE under contract with the University of Michigan Law School's Legislative Research Center.

This handbook is in the process of being distributed to State Commissions on Aging and attorneys for the poor in the hope States and localities will adapt the model statutes to their needs.

The program has the strong support of the Senate Special Committee on Aging which devoted a chapter to it in the Committee's report entitled "Developments in Aging, 1970."

Since our 1970 convention, I have testified many times before Congress and Federal administrative agencies as have my colleagues Bill Hutton and Rudolph Dandstedt.

Research essential to the preparation of testimony of this kind taxes the very small staff at the National Council headquarters. We are fortunate in having a loyal, dedicated staff at our headquarters.

In addition to research required in preparation of testimony before Congress, the National Council officers and staff require much research for speeches that occupy a great deal of my time and that of my colleague Bill Hutton.

Last but not least, the National Council officers and staff are deluged with mail from Senators and Congressmen, from members and from the public on the matters relating to problems of the elderly. We use the latest office equipment to expedite replies to this welcome correspondence but we should have a larger staff to do our job well.

The National Council of Senior Citizens helped realize some gains for the elderly over the past year but, as you are all aware, we have a long, long road to travel before we can relax.

[From the Washington Daily News, May 20, 1971]

MILITANT ELDER

(By John Herling)

It is hard to think of Nelson Cruikshank as a senior citizen, no less as president of the three million member National Council of Senior Citizens. But there he is at 68, a man who, in Shakespeare's words, can "coo like a lion and roar like a dove." He wears his "gray beret" jauntily which gives a sassy look to the leadership of this "golden years" enterprise.

In the jungle of national affairs, he is both a highly sophisticated infighter and an ardent advocate. A graduate of Union Theological Seminary, by way of Fostoria, Ohio, and Ohio Wesleyan, he at first combined preaching and the picketline in the 1930's when the unemployed and the unorganized needed a friend. He gave up the ministry for more direct activity.

After working with Will Alexander and the Farm Security Agency, organizing and housing migrant workers, he became top man, and for a time the only one, in the American Federation of Labor's department of social security. Then Lane Kirkland, (now secretary-treasurer of the AFL–CIO), fresh out of the water was put on as his assistant, in the burgeoning field of social insurance.

In this area, Mr. Cruikshank became a spokesman for labor. As time went on, and social legislation was nursed, passed and improved upon, it became clear to observers that he had left his personal and organizational mark. Thru his work he became a friend of both Wilburs (Wilbur Cohen, later secretary of health, education and welfare, and Wilbur Mills, chairman of the House Ways and Means Committee) and won a place on key advisory committees in the Social Security field. Several years back, he retired from the AFL–CIO. Some retirement!

Not long after he was tapped by the National Council of Senior Citizens as successor to the legendary John W. Edelman. Since then, he has been speeding around like a Johnny Appleseed, spraying the countryside with hope and urgency.

All of which leads to the White House where Mr. Cruikshank appeared last week, at the invitation of the President, with representatives of four other organizations in the "aging" field. For several months, now, plans have been under way for organizing a White House Conference on Aging, scheduled for this November. Arthur Flemming a former HEW secretary and a college classmate, is chairman. And so, Mr. Cruikshank came to 1600 Pennsylvania-av. to inform the President.

As one who had learned to speak his piece with the most articulate men under heaven—including Reinhold Niebuhr, Norman Thomas, and more recently, George Meany—Mr. Cruikshank talked frankly to President Nixon. His convictions were not mollified by blandishments. He didn't quite nail his theses to the door of the White House, but when he got thru, the President was aware of having received a hard-hitting statement on the problems of the elderly. (Another column will report on the specific items presented).

Addressing Mr. Nixon, Mr. Cruikshank wound up as follows: "We are aware that in some instances we have been rather blunt in our expressions to you, Mr. President. This reflects no disrespect for you or your high office. We have stated our views as we have because when you invited us to the White House you wanted us to present our needs fully and frankly."

The President kept taking notes.

THE URBAN PRECEPTORSHIP PROGRAM AND THE URBAN DOCTORS' PROGRAM

Mr. PERCY. Mr. President, during the 92d Congress, this Chamber has heard again and again that this country faces a health crisis. I said it when Senator SCOTT and I introduced S. 1598, the Health Rights Act. Today, I am repeating this familiar phrase, adding that the real health crisis is manpower, and that the gut of this health manpower crisis is maldistribution.

Within the United States, the physician/population ratios vary widely from State to State and from region to region. For example, the East South-Central region of the country—Alabama, Kentucky, Mississippi, and Tennessee—has only 95 physicians per 100,000 population. The East North-Central region—Illinois, Indiana, Michigan, Ohio, and Wisconsin—has 135 physicians per 100,000 population. The Middle Atlantic States—New Jersey, New York, and Pennsylvania—on the other hand, have 190 physicians per 100,000 people.

Moreover, the President pointed out in his health message to Congress that in over one-third of the counties of America the physician/population ratio is less than one-third the national average, that more than 130 counties have no private physicians at all. This tragic situation is worsening rather than improving. Chicago's inner city neighborhoods, for example, have some 2,000 fewer physicians now than 40 years ago.

The ailing American medical care system challenges the conscience, commitment, and skill of our great university medical centers to meet the needs of their communities and to provide their students with medical experiences that will prepare them to respond to the demands and responsibilities of the modern-day physician.

The demand for social relevance in medical education is growing, and I am very happy and proud to announce that two of the finest university medical centers in this country—the University of Illinois Medical Center and the Northwestern University Medical Center—have risen to the challenge. They have both initiated exciting and innovative health education programs that will increase opportunities for medical training and will help meet the critical health care needs of our poverty areas. The University of Illinois' urban preceptorship program provides a unique educational experience for its medical students. The program mingles student nurses, psychologists, community organizers, and physicians. Students may proceed from a full day seminar on the financing of medical care led by the vice president of the National Blue Cross Association, to an on-site dialog with the Chicago community board of the Betances Free Health Clinic, to a morning with the top administrative personnel of the American Medical Association, to a busy afternoon with the staff of the Michael Reese Hospital Emergency Room.

The program has been extremely popular. Two students took the course 21 months ago. This spring, 23 students from across the country were selected from over 60 excellent applicants. Several medical school representatives have visited the course to bring its concepts and methodology to their own campuses.

One of the proudest achievements of the urban preceptorship program is the development of the urban doctors' program by one of its students. This far-reaching plan to educate students from Chicago's poverty areas as physicians who would then practice in their own communities is now a cooperative plan run by Northwestern University's Medical School and Central YMCA Community College. The program hopes that recruiting students from needy areas and training them while they remain in their neighborhoods would help the participants maintain existing social and emotional ties during the long process of becoming physicians and encourage them to practice in their original communities.

This program has won plaudits from every major Chicago paper, from the New York Times, from the New Physician, the official journal of the Student American Medical Association, and from American Medical News, the official publication of the American Medical Association. I ask unanimous consent that these articles be printed in the RECORD.

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

[From the New Physician, November 1970]

DOCTORS OF THE PEOPLE, BY THE PEOPLE, FOR THE PEOPLE: A BOLD PROPOSAL FOR MINORITY RECRUITMENT AND MEDICAL EDUCATION

(By John Daugirdas)

Residents of urban poor communities suffer not only from the general shortage of physicians, but also from the maldistribution of the few doctors there are. For example, a Chicago area study has pointed out that there are more physicians practicing in one suburban medical building than in an entire West Side ghetto of more than 300,000 blacks. In the Kenwood-Oakland area, on Chicago's South Side, the physician-population ratio was 1:260 persons in 1930. Today the neighborhood is all black. The physician-population ratio is 1:9000. Vast tracts of ghetto land in our cities might aptly be described as medical wastelands, where only relics of doctors remain. Forced to see an incredible number of patients a day, the few physicians who do work in these areas are accused of running "production line" practices and of giving cursory and inadequate care. In the inner city, the personal care that private practitioners specialize in providing is a thing of the past. Hospitals serving in the ghetto areas share in the manpower shortage. Several such hospitals in the Chicago area are threatening to close. Neighborhood health centers relate to one common problem: their difficulty in attracting and holding a staff of full-time, dedicated physicians who see the full trajectory of their careers in a single center. Lack of career commitment at these centers is reflected by moonlighting, absenteeism, and tardiness.

Schemes for rectifying this maldistribution and supplying doctors to urban poor communities have met with doubtful success. Some have maintained that an inner city practice involves too much of a monetary sacrifice; that to induce doctors to practice in ghetto areas, one needs to offer them higher pay. Yet the staffing shortage in the inner cities exists despite a payment scale at Office of Economic Opportunity Centers, for example, of $18,000–$28,000 a year. It is difficult to envision how higher pay would produce many more urban doctors. In fact, doubts may be raised concerning the quality and dedication of the doctors such inducements would attract.

Others advocate the concept of "forgiveness on loans" in exchange for service in specified areas. This idea has been tried as an answer to the shortage of doctors in rural areas. Applied to urban poor communities, the idea is that a medical student practicing in an inner city area for a year or two would "get to like it there." The idea has been tried in Puerto Rico and Mexico, and it has been grossly inadequate in both. Along similar lines, most clinics in the Chicago area oppose forced rotation of interns and residents through their services.

To still others, it appears that the maldistribution between non-poverty areas and the ghettos will only be corrected after the

former become saturated with doctors. Only then, following the laws of supply and demand will physicians practice in the inner city. "More medical schools!" is the cry of this group. However, increased numbers of doctors per se will not solve the problems of medical care to the urban poor communities for some time to come. The population in non-poverty communities is growing, and the increased numbers of physicians new medical schools graduate will be predisposed to satisfying this demand.

The hard facts are that few physicians have chosen to practice in urban poor communities. They can neither be bought nor coerced into doing so. It becomes increasingly clear that quantitative changes are not enough. What is needed is a *qualitative* change in the type of physicians the medical schools are producing. To bring about such a qualitative change, a committee of students and faculty at Northwestern University Medical School has proposed an Urban Doctors Program.

The authors of the Urban Doctors Program maintain that the best physician for an urban poor community would be a person who comes from that community. Such a physician could speak the language of the community. He could better communicate with its patients and better identify with their needs. Such a physician would also have invaluable fore-knowledge of the social and cultural structure of his community. He could use this knowledge to plan an effective practice and serve as a valuable collaborator to health planners of the area; ultimately he could assume the time-honored role that the physician has always enjoyed as a leader of that community.

INDIGENOUS PHYSICIANS

With these factors in mind, the goal of the Urban Doctors Program is to foster health care for the urban poor by providing indigenous physicians to the poverty communities of Chicago. The program proposes to identify well-motivated high school graduates from these communities, to further their education for two or three years at a community college, and to secure admission to a Chicago medical school for those who have completed this training. By helping participants to maintain existing social and emotional ties during the long process of becoming a physician, the program will encourage potential doctors to remain members of their original community. Maintenance of long-standing neighborhood ties will be facilitated by utilizing local institutions for both premedical and medical training, thereby minimizing physical and cultural dislocation. Community orientation will be further reinforced by a curriculum emphasizing urban health needs and by a continuing relationship of UDP students with health services in their areas. Locally oriented by its very nature, the program is being developed as a pilot project. It will serve as a model for all cities that contain poor communities.

To contrast the Urban Doctors Program view of medical education with traditional concepts, we consider the hypothetical case of a black poverty community resident, for example, who is interested in becoming a doctor. At the time he is a senior in high school, the University of Kentucky, under student and federal pressure, might decide to begin a campaign to increase black enrollment. The University offers financial support, so our future black doctor decides to go there for his undergraduate training. After he spends four years in Kentucky, Harvard Medical School grabs him up. Four years later he gets his MD. Then he may do his internship in San Francisco, and a residency in Dallas. The point is that in the process of becoming a doctor, a student from an urban poor community is separated from that community for as long as 10 years! This displacement is true of the other professions as well and, unfortunately, has grave consequences. After these 10 years, our black doctor returns to his old community, even if only for a visit. What does he find? He is a complete stranger there. All of his old friends have married or moved away. Instead of his old home he finds a housing project, or more likely, an expressway. Yet people expect him to put up his shingle and practice there. In this way the ghetto is stripped of its brightest people, of the very leaders that could rebuild it.

The Urban Doctors Program would in no way coerce the students into practice in urban poor communities, by means of forgiveness on loans nor by any other means. What the program would do is minimize the displacement of people. One would no longer need to speak of returning to the community; the UDP students would always maintain contact with their communities. The first two years of the program would be at a community college to which the students would commute. There would be no displacement from the community during this period. The students would have the option of living at home during the medical school years of the program, though they would not be encouraged to do so. In either case, dislocation from the community would be at most a matter of a half-hour subway ride. In this way, existing social and emotional ties between the students and their communities would be preserved. Furthermore, these ties would be enhanced and redefined in terms of the health care delivery system in these communities. UDP students would maintain contact with clinics in their neighborhoods by means of site visits, "rap sessions" with staff, and work experience at paraprofessional and then professional levels. The curriculum of the program concerning urban health care would emphasize both theory and actual "field work" in the community. This field work may take the form of performing health surveys, training paramedical personnel, or working with physicians practicing in the inner city. As the training of a UDP student progresses, he would be able to take on increasing amounts of medical responsibility in the health care delivery system in his community until he is finally ready to assume the role of an urban doctor.

PIE ON THE TABLE

Aside from the concepts of regional recruitment and continued contact with community health services, the Urban Doctors Program incorporates several other features which may have widespread implications. The first is the principle of guaranteed admission to medical school to high school graduates. A participating medical school would grant a candidate admission to the program with the understanding that a place in the medical school would be reserved for him, providing he performs in the premedical part of the program to the medical school's satisfaction. To potential applicants for the program this represents an offer of "pie-on-the-table" rather than the all-too-common "pie-in-the-sky."

Since the Urban Doctors Program recruits high school graduates, it has implications for hospital workers. Many high school graduates from urban poor communities who are highly motivated toward the health careers are working in city hospitals as orderlies, technicians, and inhalation therapists. This is especially true of those people who had the misfortune of graduating from high school before the idea of "minority recruitment" came into vogue. A similar program for hospital workers might well be set up on a larger scale on a work-study basis. The concept of upward mobility for hospital workers would then finally become a reality.

The Urban Doctors idea is also attractive to those who advocate group practice in the inner city. In the course of their medical education the UDP students would establish close social and professional ties with each other and with other students in medical school. Group practices in the Chicago area, involving both UDP and non-UDP students, are the logical extension of these ties.

Funding for the UDP would include all tuition and costs for the six years of the program. These funds should be obtained from sources separate from those that medical schools normally use for scholarships and loans. This is to insure that (1) funds will not be taken from the present scholarships and loans of other students in medical school, (2) all medical schools in the Chicago area could participate regardless of their financial situation, and (3) UDP students would be taken in addition to, and not in place of, minority students admitted through normal channels. Preliminary estimates set the total cost of the program at $35,000 per UDP physician.

To recapitulate, the purpose of the Urban Doctors Program is to supply indigenous physicians to the poverty communities of Chicago. The authors of the program have recognized that all medical schools in the Chicago area share in this responsibility and that coordination of individual effort is necessary. The option for such cooperation is built into the Urban Doctors Program. Only one medical school is required to initiate the program. Its responsibility will consist of the following: (1) serving on the Adminission-Promotions Committee, (2) guaranteeing admission to all students of the program who have successfully completed their premedical training, and (3) helping to develop and teach the premedical curriculum. All medical schools in the Chicago area will be encouraged to enter into similar contractual agreements with the program. The community college chosen for the premedical phase of the program, Central YMCA Community College, is not directly affiliated with any medical school. The physical location of the college is also such that it would not tend, a priori, to associate with one medical school more than another. Thus, such a comprehensive program involving all the medical schools in the Chicago area.

Whereas the first entering class has been tentatively set at 25, this number will, of course, expand as inter-institutional cooperation becomes a reality. Ultimately, the authors envision funding at a leval of several million dollars, involving five medical schools and graduating well over 100 indigenous physicians a year.

Northwestern University presently is exploring potential sources of funds for the program. Government agencies and foundations are being approached while the details of the program are being worked out.

REFERENCES

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[From the Chicago-Sun Times, Apr. 24, 1971]

DOCTORS FOR THE POOR

Central YMCA Community College and Northwestern University have created an admirable plan to educate 25 physicians annually from Chicago's poor neighborhoods. Recruiting will begin in July for the Urban Doctors Program, as it is called. The effort deserves the encouragement and financial support of all citizens.

The seriousness of the effort is highlighted when one notices that 25 students would comprise about a sixth of a class at the university's medical school. It is hoped that by recruiting students from needy areas and educating them while they remain in those neighborhoods will result in students willing to stay there after graduation.

The planners of the project admitted in their announcement that there is no guarantee such young doctors will return to their neighborhoods. After all, many inevitably will be ambitious to improve themselves materially by seeking wealthier patients. That doesn't make the project unworthy. The

quality of medical care for the poor is a disgrace and efforts such as this by Northwestern-Community College deserve a hearty welcome.

[From the American Medical News, May 3, 1971]

AMA Aids Inner-City MD Program

The American Medical Association Education and Research Foundation has donated $10,000 to Northwestern U. Medical School and the Central YMCA Community College of Chicago for an experimental program to increase the supply of inner-city physicians.

Richard H. Kessler, MD, director of the Urban Doctors Program and associate dean of the Northwestern U. Medical School, says it will cost an estimated $5,000-a-year-per-student to operate the program. Of the total, $2,000 is for tuition and the balance for living expenses.

Northwestern says it will reserve one-sixth, or 25 admission places annually, for qualified graduates of a new pre-medical division to be established at the community college, beginning July, 1972.

Dr. Kessler said students will be recruited from poverty areas; will maintain community ties by commuting to school; will have counselor-tutors; and will serve in community health facilities as part of their training. "The team approach," he added, "will help the students maintain group identity in medical school and encourage post-medical school group practice."

The two schools, along with community groups, will select highly motivated youths to enter the program. The students will attend special courses at the college for two years, including summer sessions, and be guaranteed admittance to Northwestern upon satisfactorily completing the college phase of the program.

James Eckenhoff, MD, Northwestern U. Medical School dean, stressed Northwestern would have "the same academic expectations of these students that we have of all our other students."

Based on a proposal by John T. Daugirdas, Northwestern student of the class of 1973, the Urban Doctors Program was developed in concert with Leon Dingle Jr., assistant dean of human services at the "Y" college, as well as with medical educators, minority recruitment directors, and community agencies in the Chicago area.

Daugirdas pointed out, "Traditionally, in the process of becoming a doctor, a student from an urban poor community is separated from his community for as long as 10 years and may lose all connection with it. The new program will allow a six-year education with no break in community relationship."

Dr. Kessler said, "We already have a substantial amount of support for the program." He indicated half the funds have been collected, primarily through the Illinois State Board of Higher Education, with the balance to be sought through private sources.

Besides its financial contribution, the AMA will work with the university and college through a two-man liaison team of C. H. William Ruhe, MD, director of the Division of Medical Education, and W. R. Barclay, MD, assistant executive vice president.

"This is an experimental program," said Dr. Barclay. "It's not a solution to the problem but a search for a solution. It's aimed at training a cadre of people who are interested in giving service to the inner city."

Dr. Barclay said the AMA is not soliciting funds for the program, but added, "If doctors want to send money to the AMA–ERF and mark it for this specific use, that's fine."

[From the Chicago Tribune, Apr. 20, 1971]

New Doctor Course for Poor Told

(By Ronald Kotulak)

A program designed to lift the financial barrier that frequently prevents disadvantaged youths in poor neighborhoods from becoming doctors has been inaugurated by Northwestern University Medical School and the Central YMCA Community College, officials announced yesterday.

The experimental program, which will begin with 25 students in July, 1972, will pay the full educational costs plus a living allowance to the inner city youths, said Dr. Richard Kessler, associate dean of the Northwestern medical school.

The program will also speed their medical training so that they can graduate as doctors in six years instead of the usual eight, he said.

The overall goal of the program is to encourage these youths, after they become doctors, to practice in ghetto areas, he said.

$5,000 A YEAR FOR EACH

"We are interested in giving an educational opportunity to youngsters, who for financial reasons, couldn't consider medical school," Dr. Kessler said in a press conference at the YMCA College, 211 W. Wacker Dr.

Each student will receive about $5,000 a year, of which $2,000 will go for tuition and other school needs and $3,000 will be available for living expenses, he said.

Half of the funds for the program have been collected, primarily thru the Illinois State Board of Higher Education, Dr. Kessler said. Most of the remaining funds will be sought thru private sources.

Northwestern, the YMCA College and community groups will select highly motivated youths to enter the program. They will attend special courses at the college for two years, including summer sessions. This two-year period will be equal to 3½ years of undergraduate education.

CLINICAL TRAINING PROGRAMS

In the two years at the college and the four years at the medical school, students will be involved in clinical training programs at neighborhood health centers for hospitals in poverty areas.

Dr. Kessler said students who successfully complete the two-year course will be guaranteed admission to Northwestern medical school. Other Chicago medical schools have expressed an interest in the program, he said.

[From the Chicago Daily News, Apr. 22, 1971]

Training Urban Doctors

Northwestern University and Central YMCA Community College could be blazing an important trail with their joint effort to find and train 25 physicians a year in Chicago's poverty-ridden neighborhoods. This pilot program could point the way toward two desirable ends: salvaging talented youngsters who might otherwise never have a chance, and turning their talents to improving health care in the ghettos.

The Urban Doctors Program, scheduled to begin in the summer of 1972, grew from an idea advanced by an NU medical student, John Daugirdas. It calls for Central YMCA College to spot students with the potential to make good physicians, even though their schooling to that point has not been the best. With counseling, tutoring and other special help, they would get a two-year premedical course, then go on to Northwestern's medical school.

The plan calls for the trainees to commute to school and retain their roots in their own community, in the expectation that they will then apply their medical skill in the home neighborhood where it is needed.

Such a program involves risks all along the way, particularly in the early identification of talent in disadvantaged youths, and in the final stage where a fully trained doctor might decide to leave the inner city to find a more lucrative practice. It also will require more money than is presently available. Extensive scholarship aid will be needed.

But the possibilities in this plan make it well worth the risks. Northwestern and Central YMCA College deserve the support of the community, both in spirit and in substance, as they try to work it out.

[From the Chicago Today, Apr. 20, 1971]

Doctors for the Ghetto

One of the most urgent needs in the ghetto is medical care. The most promising hope yet for providing this appears to be a program sponsored by the Northwestern University Medical School and the Central Y.M.C.A. Community College to recruit 25 ghetto high school seniors annually for courses leading to M.D. degrees.

The program was conceived by John T. Daugirdas, a Northwestern medical student, who pointed out its unique potential for putting doctors in poverty areas. Urban students generally are separated from their communities while becoming physicians, but the Chicago program will allow them to complete medical school without leaving home. Their tuition will be paid for them, and they will receive stipends to encourage them to continue.

First classes under the program are to begin in June, 1972. Financing has not been completed, but Daugirdas hopes it will come from such sources as private foundations, medical societies and alumni. We hope it will be supported enthusiastically. We can imagine no worthier cause than bringing to the city's poor the medical attention of which they've been deprived for so long.

[From the New York Times, May 9, 1971]

Medical School: A Plan To Get M.D.'s Into the Ghettos

(By Fred M. Hechinger)

Medical education has, with occasional exceptions, remained the preserve of the well-to-do because of the time and expense involved in preparing for the M.D. This situation, in turn, has aggravated the problem of providing proper medical care for the poor, particularly in the decaying inner cities.

For one thing, not many well-to-do doctors have shown a desire to set up practice in poverty areas. For another, it is difficult for doctors with a middle-class background to establish rapport with ghetto-dwellers.

Last week, a new educational program was announced in Chicago as a step toward easing the problem. If successful, the program could point the way to a voluntary redistribution of medical services in the cities.

NATURE OF PLAN

Northwestern University's medical school committed itself to an Urban Doctors Program that, beginning in mid-1972, will annually admit 25 carefully selected inner-city high school graduates to a six-year educational program leading to the M.D. The students will spend two years in an intensive premedical program at the Central Y.M.C.A. Community College, which is located near poverty areas of Chicago and has had considerable experience with special programs for the underprivileged. Then they will enter medical school at Northwestern for 4 more years.

The program is in line with a general thrust in the country to increase opportunities for medical training. The Nixon Administration, for example, has called for legislation that would reduce the length of medical training and offer special bonuses to medical schools which increase their entering classes to speed the production of doctors.

Those who planned the Northwestern program contend that the problem is attributable not to a shortage of doctors but to maldistribution of M.D.'s. They point out that, for example, the Kenwood-Oakland area on Chicago's South Side had a ratio of one physician for every 260 residents in 1930;

but now that the neighborhood is a black ghetto, there is one doctor for every 9,000.

The planners also insist that the problem will not be solved merely by sending young people from poverty areas to existing medical schools on scholarships. Most of them lose contact with their former home areas. Trying to get them and others to serve in deprived centers by offering financial bonuses, these experts say, has not proven productive.

The key to the experiment, therefore, is the student's continuing relationship with his community during the program. Throughout the six-year period, he will commute from home and will constantly be involved in health and medical services in his own home area.

This is how the program is intended to work:

Through a combination of interviewing, counseling, and tests, high school students with a high potential in medicine and empathy with the problems of the poor will be selected. A majority of the students will be black, but some will come from other disadvantaged minorities, including poor whites

Most of the students will attend the community college for two calendar years, including 3 summers, and will complete the equivalent of a full four-year premedical course. A few may take three years. Their entire curriculum will be tailored to their needs, with the Northwestern medical faculty taking the responsibility for much of their training.

"When these students enter our medical school, they will be on their own, no different from any of the other students," said Dr. Richard H. Kessler, associate dean of the medical school and director of the new program.

"The ghettos can't wait for the production of the increased numbers of doctors that may eventually be encouraged by Federal grants," Dr. Kessler added. "We are trying to see if we can't succeed with a program of 'Doctors from the people, for the people.'"

Funding will be largely private, although some Federal aid is anticipated. The annual cost is estimated at $800,000, and the cost of educating one student during the full six-year period is estimated at $40,000.

Beyond the service aspects of the plan, its supporters believe it offers a chance to reassess medical education in general and to re-educate medical faculties, both in terms of professional and human values. They emphatically do not see it as a black doctors' program.

Some critical observers have warned not to expect all, or perhaps even most, of these special students to remain in the ghettos once they are successful doctors. Dr. Kessler concedes this. Neither he nor anyone else in the program suggests the slightest effort at coercion. Equal opportunity, they insist, includes the equal right to determine one's career.

But Dr. Kessler is optimistic that the student who remains in close touch with his origins is far more likely to respond to the needs he knows.

Four other medical schools in the Chicago area have already indicated to Northwestern that they might eventually be interested in joining the program, and this holds out the prospect of eventually graduating more than 100 "indigenous" physicians a year.

ENVIRONMENT AND THE BUREAUCRACY

Mr. McGOVERN. Mr. President, Senator HART and I have introduced the Environmental Protection Act which would give individuals the right to bring suit against those who pollute our environment.

This bill has been the object of determined and unreasonable opposition by administration officials. An excellent answer to the administration arguments is found in an article in the New Republic of June 19, 1971, by Prof. Joseph L. Sax entitled "Environment and the Bureaucracy."

Professor Sax' article is an excellent statement of the case for the Environmental Protection Act.

I hope that Senators will be able to examine it carefully in anticipation of a vote on this proposal. I ask unanimous consent that the text of Professor Sax' article be printed at this point in the RECORD.

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

ENVIRONMENT AND THE BUREAUCRACY

Just over a year ago, Senators Philip Hart and George McGovern introduced a little-noted bill entitled the Environmental Protection Act. Similar legislation has been introduced in the House by Congressmen John Dingell of Michigan, Morris Udall of Arizona and others. While the general public is almost wholly unaware of the bill's existence, it has been the subject of intense interest among a small but powerful group of federal officials who are determined that it not become law. The government's chief environmental lawyer, Assistant Attorney General Shiro Kashiwa, testified at length against it. Then the President's prestigious Council on Environmental Quality added its powerful opposition, despite a recommendation favoring the bill issued by the Council's own legal advisory committee—a citizen group of environmental law experts. At a time when public officials are climbing all over each other to support almost anything that can be called environmental legislation, it is natural to be curious about a bill that has engendered such vigorous opposition from leading members of the Administration's environmental quality team.

The Hart-McGovern bill is an uncharacteristically brief and plain speaking piece of legislation. In essence it authorizes any person to bring suit against a private person, corporation or governmental agency, claiming that the defendant's conduct will result in "unreasonable pollution, impairment, or destruction of the air, water, land or public trust of the United States." If the plaintiff can establish such an effect, the court is authorized to enter a cease and desist order, unless the defendant can prove that there is no feasible and prudent alternative less likely to harm the environment and, in addition, that the challenged activity is consistent with the public health, safety and welfare.

If enacted, the bill would modify traditional law in three vital respects. It would permit initiative in law enforcement to be taken by private citizens, thus ending the virtual monopoly now held by government regulatory agencies over the determination of the public interest. It would permit suits to be brought against government agencies themselves, abolishing the ancient defense of sovereign immunity—a quaint legal fiction embodying the premise that "the King can do no wrong." And it would establish an effective remedy against environmental wrongs by allowing citizens to obtain a court order prohibiting activity that adversely affects the environment; no citizen today has such an enforceable right to environmental justice.

Had such a law been on the books at the time of the notorious Santa Barbara oil spill of 1968, local citizens—who were very dubious about the oil leasing project—would have been able to obtain detailed judicial scrutiny of the proposal prior to the spill. Instead they were compelled to accept Interior Department publicity-release assurances saying, as one Santa Barbara resident later recalled, that the oil companies "had perfected shutoff devices that were foolproof even in such disasters as a ship running into the platform, or an earthquake." No legal action could have been taken at Santa Barbara in 1968; not only would the Interior Department have asserted that it was "immune" from citizen challenge, but it would have noted as well that neither it nor the oil companies had violated any existing law or regulation.

If the government's answer to proposals like the Hart-McGovern bill is deceptively simple. If Congress sees an environmental problem, they say, it should legislate explicit standards covering that situation; then private and administrative agency conduct can be tested against a specific statutory standard, rather than against the broad mandate of the Hart-McGovern bill.

The difficulty is that except in a relatively few stiuations, environmental control cannot be reduced to some statutory formula that automatically covers all situations. Government agencies, for example, must pass each year on thousands of timber cutting, dredging, oil, and highway projects. Each situation presents its own special problems. Unless the Congress were totally to bar timber in the national forests, or all oil drilling on submerged lands (an unlikely eventuality), a judgment must be made in each case as to whether the environmental risks are serious, the available alternatives that are less destructive, and the costs of adopting an alternative solution.

These judgments are not made, and cannot be made, by the President or the Congress. They are made, day in and day out, by relatively low level officials in some regional office of the Forest Service or the Bureau of Public Roads. It is the cumulative effect of these decisions that determines our environmental status, and not the high-sounding rhetoric that flows out of Cabinet offices in Washington. Santa Barbara was the product of such decision-making; so are the present pesticide situation, the high-way behemoth and the wretched condition of our nation's air and water.

So long as such discretionary decisions of governmental agencies are immunized from citizen challenge in the courtroom, government officials will retain their practical monopoly over the business of implementing the public interest. No matter how many laws Congress enacts dealing with environmental problems, there will always remain the question of implementation in the particular case. The Hart-McGovern bill is a direct response to this problem; and it is in this respect that officialdom views the bill as a dangerous innovation.

As a defensive tactic, the Administration has now devised its own "citizen lawsuit" proposal. The differences between it and the Hart-McGovern bill indicate how sharply the issue is drawn. In the pending water pollution bill supported by the Administration (S. 1014), citizens may bring suit against the federal administrator—but they are prohibited from challenging any decision that is "discretionary." The administrator's "discretion," however, appears to cover all questions as to whether the levels of treatment or the time set for compliance is "practicable." Everyone who has any experience with the regulatory process knows that it is in negotiation over the practicability of compliance with the law that the greatest danger of administrative faltering lies. It is not the formal standards that are ordinarily challenged, but the rigor with which they should be applied in a particular case.

The Administration's proposal thus lets citizens challenge everything but what counts. The administrator remains the boss; members of the public are viewed as officious meddlers in the government's business.

It is extraordinary for government to take the position that citizens—who have the most direct stake—should have no significant role to play in the determination of their environmental destiny. Is pursuit of the public interest to be the exclusive preserve of a professional bureaucracy? This is the question raised by the Hart-McGovern bill; and it is one to which the Administration gives a resounding positive answer.

To be sure, the official testimony against the bill is not stated in these terms. It is said that a bill phrased in such broad terms is unworkable. Yet the entire common law tradition is built upon just such concepts as those that underlie the Hart-McGovern bill. The law of privacy, of accidents, of unfair trade, is based upon no explicit code of rules, but evolves from judicial determinations of prudence and reasonableness as applied to the situation before the court.

Indeed, one of the most significant federal laws ever enacted, the Sherman Antitrust Law, simply says: "Every contract, combination . . . or conspiracy in restraint of trade or commerce . . . is hereby declared to be illegal." The Sherman Act was subjected to the same criticism that is leveled against the Hart-McGovern bill. But in upholding it, Chief Justice Hughes of the Supreme Court said, in language that ought to be taken to heart by the Administration: "As a charter of freedom, the Act has a generality and an adaptability comparable to that found to be desirable in Constitutional provisions. It does not go into detailed definitions which might either work injury to the legitimate enterprise, or through particularization defeat its purpose by providing loopholes for escape. The restrictions the Act imposes are not mechanical or artificial. Its general phrases, interpreted to attain its fundamental objects, sets up the essential standard of reasonableness. . . . In applying this test a close and objective scrutiny of particular conditions and purposes is necessary in each case. Realities must dominate the judgment."

It is also said that courts are not competent to deal with the complex and technical matters that so often arise in environmental controversies. Yet there come before courts every day issues of medical malpractice, industrial accidents and intricate commercial dealing. A judge need not be a physician to try a malpractice case or a Thalidomide case; nor need he be an engineer to try an auto defect case. Cases are decided by the presentation of expert testimony, on both sides, which the court must hear and evaluate. Nothing in any environmental case is more complex or exotic than those matters which comprise the judiciary's daily workload.

As a matter of fact, complex environmental questions already come before the courts under particular statutes. In a recent case in the Colorado federal court a judge had to decide whether a certain area in the national forest possessed the qualities of a "wilderness." The present federal water pollution law authorizes the courts to determine "the practicability and feasibility" of abating pollution if the polluter challenges a clean-up order on grounds it's too burdensome.

Nothing in the Hart-McGovern Bill would impose more difficult duties than these on the courts. Ironically, while a polluter can now come into court and challenge the administrator of the water quality laws for being too tough, no citizen may come into court and challenge him for being too lenient. The Hart-McGovern bill would permit judicial power to be made available to those who want more, rather than fewer, environmental controls. Such legislation is already on the books in Michigan and Connecticut.

As to whether it's needed, perhaps the last word is best left to former Interior Department Secretary Stewart Udall, reflecting on the events at Santa Barbara: "I have to say . . . that at the time we made the Santa Barbara decision there was no dissent in the department . . . The Budget Bureau was hungry for revenue . . . This was a sort of conservation 'Bay of Pigs,' you might say . . ."

JOSEPH L. SAX.

Mr. Sax, professor of law at the University of Michigan, is the author of "Defending the Government: A Strategy for Citizen Action."

THE HELLS CANYON-SNAKE RIVER AREA

Mr. PACKWOOD. Mr. President, over Memorial weekend I had an opportunity to make an environmental inspection of the Hells Canyon-Snake River area. I shall never forget that experience. As the raft on which I floated the river slithered through the rushing white water, I literally held on for dear life, and lifted my eyes to the majestic expanse of Hells Canyon. It is impossible to express in words the feeling one gets when he views this magnificent handiwork of nature. It is not easy to explain the emptiness one feels when he realizes that there are those who would destroy this deepest gorge on the earth for the purpose of building yet another dam.

It has been said that you could take the entire Teton Range, its length, breadth, and height, and put it into this gorge and still have room to spare.

A party of 30 made this trip with me, including my wife and administrative assistant, and many of my friends in the conservation and fishing organizations, and personnel from the Forest Service. It was covered by UPI and CBS, as well as local affiliates of ABC, and local columnists. On Sunday evening, June 6, the Roger Mudd newscast ran film of this journey, and since that time I have received mail from across the country from people who share my desire to preserve Hells Canyon.

Mr. President, I have chosen six of these incoming letters at random, and ask unanimous consent that they be printed at this point in the RECORD.

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

JUNE 7, 1971.

To: RICHARD M. NIXON
Through: ROBERT PACKWOOD

I have lived, and do live in areas where many of the Dams have been constructed by the Army Corp of Engineers, and they do not need more dams constructed, especially there in the Snake river area.

Let's slow down the construction of river dams!

At the Grand Coulee Dam in Washington they are now building more generators that could have been built years ago. There is only three (3) generators now at Gavins Point Dam here in South Dakota and there is room for more generators to be built in many of the presently operating dams in the U.S.

I do understand that people, like those with the Corp of Engineers need jobs, but why couldn't they help in cleaning the air and water pollution in the United States rather than building those two dams on the Snake River.

Anything I may do to help stop the construction of those two dams please let me know.

GEORGE WOODHOUSE II.

JUNE 6, 1971.

Hon. Senator PACKWOOD,
Washington, D.C.

SIR: I fully realize I am a very "wee small voice", but nevertheless, I want you to know I stand fully behind you in your opposition to the Hells Canyon Projects of the power companies. I feel that if we are to save this land, we must stop the destruction of it's natural resources now.

Please consider this as a vote for the protection of the Snake River against further misuse.

Respectfully submitted,

JOE D. PERDUE.

JUNE 6, 1971.

DEAR SENATOR PACKWOOD: Our family just finished watching C.B.S. news with Roger Mudd and are extremely angry at the news documentary about Hell's Canyon and Snake River. I've heard Arthur Godfrey speak about the natural beauty of this area and how there are so few of these beautiful places left. If this damming project is allowed to go through, we'll be wiping out another wildlife sanctuary in this country because of our selfish need for electricity and power. If people would stop buying these ridiculous electrical gadgets, and using power so much, we wouldn't need more power plants and electricity. We're strangling ourselves with electrical wires from coffee pots, rotisseries, can openers, toasters, frying pans, not to mention foot warmers, air conditioners, and other housewife needs.

We may never get to see this Snake River and Hell's Canyon, but it would be a comfort to me and others to know that this country has learned its lesson and start preventing atrocities like this. It's time to put our foot down and say "no" to these big business tycoons who say we need electricity to create more jobs and feed people. This project will not feed starving children in Appalachia. It will fatten up the rich and kill wildlife once more. Another "buck" in some executive's pocket.

It's time for the people to get together and fight this project with all it can.

All I can say is if you fail fighting this damming up, it will only be because you have not tried hard enough.

Stuff it down our throats until we gag. But get results and get it done. Scare the Bureaucrats out of their chairs and make them do something to earn their keep for a change on my tax money. I'm sick and tired of paying salaries to lobbyists and "do nothings," including President Nixon himself, who recently praised the opening of the Arkansas tributary into the Mississippi River. Within 1 year the whole artery will be just another polluted river, with all those dams and industries dirtying up the water. People will flood this area from the cities and there will be a population explosion and more electricity and more cars and more industry and where does this man get off condoning this ridiculous project. We don't condone this. We think the government should do things in the interest of the people and not their pockets. The people have the power, they must use it and throw the Bureaucrats out of Washington, D.C., then we can roll up our sleeves and get the work done that has to be done. If we'd get out of Viet Nam and spend money to conserve our wildlife and stop pollution, we'd be doing something good for man.

This is only one letter but if everyone who saw that program gets as mad as I am now, they'll do something and we can make a stand and stop pollution.

Sincerely,

MRS. DANIEL HAIG,
MRS. ANDREW BRUMBAUGH.

P.S.—Any information pertaining to this subject which we, as citizens, should know

would be greatly appreciated and used to wake people up to the facts.

JUNE 6, 1971.

Senator ROBERT PACKWOOD
U.S. Senate
Washington, D.C.

DEAR SENATOR PACKWOOD: Thank you for opposing the construction of new hydroelectric dams on the Snake River. Me and wife were pleased to see you on the CBS Evening News tonight advocating a rational approach to the use of the Snake River.

You also have our whole-hearted support for your attempts to bring the population growth of the U.S. to zero.

Very truly yours,

TERRY R. LASH.

JUNE 7, 1971.

Re Hell's Canyon
Hon. ROBERT PACKWOOD,
U.S. Senate, Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: I viewed the telecast relative to the proposal to dam the Snake River through Hell's Canyon for the sake of electrical power. I shall probably never get to Oregon and shall probably never enjoy the beautiful Snake River. I envy those that can and support their right to do so.

By copy of this letter, I ask that my representatives support your fight to keep the know.

If I can help in any way, please let me dams off the Snake River.

Very truly yours,

DONALD H. FIDLER.

JUNE 7, 1971.

Mr. ROBERT PACKWOOD,
Congress of the United States Senate,
Washington, D.C.

DEAR SIR: I write regarding the proposal you are making to keep the Hell's Canyon free of future dams. As a recent citizen of Idaho, and formerly of Oregon, I am seeing first-hand what destructiveness past greed has done. Idaho recently voted in a new governor who follows your lead in wanting wild areas and beautiful sections of our country left alone.

It is my intention here to give my support to you and urge that you continue supporting the Hell's Canyon system as it is, without the "damning" influence Power companies and others want. The northwest is about the last free area of our country with natural resources unavailable elsewhere. They've already flooded sections of Colorado, Utah and Arizona with dams, destroying beauty and wildlife. I hope that the future does not see a fifty-mile long lake behind the Hell's canyon.

I am a member of the Mazamas and because of that have climbed most of Oregon's and Washington's peaks and hiked much of these two state's trails. I'm seeing here in Idaho what mining interests and others have done and want to continue to do. I'm not against mining or use of the natural resources, but damming the Snake does not contribute to the kind of environment I want to live in.

We've had enough of pollution and its destructiveness. Please let me know where I can be of service to you in your support of the free-running Snake River through Hell's Canyon. Thank you for your continued support of this project.

Sincerely,

GLENN A. WALTMAN, *Pastor.*

Mr. PACKWOOD. Mr. President, just prior to the trip that I made, another one was made by newsmen. One who went along for that tour was Kenneth Rystrom, who subsequently wrote his feelings in an article which appeared in the Vancouver Columbian of May 21, 1971; and I ask unanimous consent that Mr. Rystrom's article be printed at this point in the RECORD.

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

THROUGH THE DEPTHS OF HELLS CANYON

(By Kenneth Rystrom)

I now know what "cultural shock" means.

After spending a week in New York City and Washington, D.C., with a stopover in Pittsburgh, I plunged immediately into the depths of Hells Canyon on the Snake River.

In the time it took to drop off at home one set of clothes, pick up a wholly different set and drive to Enterprise, Ore., I made the switch from the problem of saving our overcrowded cities to the problem of saving our last remaining wilderness. The quick trip from Harlem to Hells Canyon provided dramatic illustration of the almost incomprehensive contrasts that make up this vast nation of ours.

Yet, in spite of the vastness, no spot is immune to change—to destruction—by man.

During four days on the Snake River, I saw only half a dozen people, aside from the 10 to 12 of us who were on a tour conducted by the U.S. Forest Service. Except for a homestead here and there, and trails along the two sides of the river, we saw little evidence of the handiwork of man.

But if the utilities of the Pacific Northwest have their way, every inch of the canyon through which we traveled will be changed. Instead of rushing, often cascading white water, the Snake River would be turned into a docile pool held by a high dam. The Pacific Northwest Power Co. (PNP) and the Washington Public Power Supply System have proposed various sites for dams on the middle Snake in the last 17 years. Each of the dams, or combination of dams, would produce about a million kilowatts of power, twice the capacity of Bonneville Dam and about equal to one year's increase in the power demands of the Northwest.

All sites now under consideration would raise the level of the river to the 1,510-foot elevation. "Fifteen-ten" became the watchword of our group as we cruised down the river (via jet boat) with our hosts from the Wallowa-Whitman National Forest and the Oregon Game Commission.

Where would "15–10" put the water level at this spot? That was our most frequent question. At the head of the canyon, at the base of Hells Canyon Dam, 15–10 would put the reservoir 25 feet or so up the base of the dam. Five miles downstream, at Battle Creek, 15–10 would inundate the site where we camped the first night. It was an old homestead where a family named Barton had eked a living on one of the few reasonably flat areas in the canyon.

As we progressed downstream it became clear that 15–10 would flood nearly every reasonably flat spot on both sides of the river. Nearly every spot at which camping now is possible would disappear beneath the waters.

Promoters of the dams argue that creation of a reservoir would increase the recreational value of the Snake. It might make it possible for more boats, and boats of smaller power, to negotiate the river. But the recreationists had better be on Sunday afternoon excursions. Or hang their sleeping beds from the rocks. All the bars, where homesteading and camping have been possible, would be gone.

Navigating the Snake is not for everyone. The sporting way to traverse it is by rubber raft, or horseback. We went the easy way—by jet boat and, for about three miles around rapids, by foot.

A single engine jet boat took us from Hells Canyon Dam to our first camping spot and then a few more miles the next morning. Then from Wildsheep Rapids to Saddle Creek we walked. So much water was coming down the Snake that parts of the trail were flooded, and we had to scramble over rocks and along cliffs. A double-engine jet boat, owned by the Oregon Game Commission, met us at Saddle Creek. It was large and powerful enough to carry all of us and our gear, and still run up and down through most of the rapids as though they barely existed. It drew only a few inches of water, reducing greatly any danger of hitting submerged rocks.

The second night we pulled our boat in at Sand Creek, about 20 miles below Hells Canyon Dam. The game commission has a fully equipped cabin here. Our Forest Service hosts found it convenient for charcoaling steaks and frying pancakes for us, but most of the party chose to sleep outside, in tents or under the stars.

Our final night, another 25 miles or so downstream, was at Cat Creek, another homestead. The farm house there had only recently been vacated. It was still equipped with dishes and furniture, including stove and refrigerator. We shared the site with two cowboys who had been rounding up cattle.

A MILE DEEP—BUT FOR HOW LONG?

Hells Canyon is deep, deep, deep. It would be hell to hike up out of. At one point, where the river elevation is somewhat less than 1,400 feet, you can look straight up Sluice Creek Canyon and see Hat Point, elevation 6,982. That is more than one mile up!

Downstream, near the proposed dam sites, a nearby peak (Mountain Sheep, after which one of the proposed dams is named) is 3,818 feet in elevation while the river is about 900 feet. That's a difference of a little less than 3,000 feet. If one of the dams is built, the river would be 15–10, and the difference would be 2,300 feet. High Mountain Sheep Dam would be 600 feet high.

At the site of each proposed dam yellow marks have been painted on the canyon walls to show exactly how high (15–10) the water would be behind the dam. Six hundred feet up a canyon wall is a long way.

Fortunately, the utilities aren't the only ones who have plans for the canyon. Senators Frank Church and Len Jordan, D- and R-Idaho, respectively, have proposed a seven-year moratorium on dam construction.

The most comprehensive legislation has been introduced by Sen. Robert Packwood, R-Ore. It would establish the Hells Canyon-Snake National River under the jurisdiction of the Forest Service. More than 700,000 acres would be reserved for "scenic, wilderness, recreational cultural, historic and other values contributing to public enjoyment." Dams would be forbidden, and so would mining and timber harvesting. Grazing would be permitted. Hunting and fishing would be encouraged.

Packwood's bill would provide $10 million for federal acquisition of private lands within the national river boundaries and $40 million to improve three roads to provide better public access. One road goes from Imnaha, Ore., to Hat Point lookout. One, now hazardous to travel, goes from Imnaha to Dug Bar on the Snake. The third goes from White Bird, Idaho, to Pittsburg Landing on the Snake. Another $10 million would provide for recreation facilities (principally campgrounds) along the three roads and a visitors' center at Hat Point.

Finding the proper balance between preserving and developing the wild canyon of the middle Snake won't be easy. The developers and the conservationists can't all be satisfied. But I found that thinking about the problems of Hells Canyon was a welcome alternative to the problems of New York City and Washington, D.C. Those cities have got to undo mistakes of the past before they can begin to catch up with demands of the present.

On the middle Snake we at least have a chance to prevent mistakes before they are made. But we may not have that chance for long.

Mr. PACKWOOD. In addition to the destruction for all time of the natural terrain, one of the main concerns of those who support my position regarding further dams on the Snake River, is the lethal nitrogen problem resulting from those dams already in place. I have spoken often about this catastrophe and the great loss to the Pacific Northwest salmon runs; and I have labored together with the National Marine Fisheries Service, the Corps of Engineers, the Governors of the States involved, the Environmental Protection Agency and the Interior Department in trying to find a solution. When a proposal was made to install slotted bulkheads in the skeleton bays at Little Goose and Lower Monumental Dams, I sought to have the funding provided for these.

Mr. President, I ask unanimous consent that an article from the Lewiston, Idaho, Morning Tribune of May 30, 1971, by Sylvia Harrell be printed in the RECORD, for it gives us a report on the progress being made on the nitrogen problem, and makes some telling points about this whole problem.

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

[From the Lewiston (Idaho) Morning Tribune, May 30, 1971]

SNAKE NITROGEN GATES: MONUMENTS OR TOMBSTONES?

(By Sylvia Harrell)

Pacific Northwest newsmen got their first look last week at one of the slotted gates which Army Engineers and fisheries biologists alike hope will provide the answer to a problem which threatens the survival of salmon and steelhead in the Columbia and Snake river systems.

The problem, of course, is the much-discussed nitrogen supersaturation.

As the jet-propelled boat carrying the newsmen moved rapidly to the upper end of the Lower Monumental pool on the Snake, the slotted gate loomed darkly above the crest of Little Goose Lock and Dam.

The big gate or bulkhead, removed temporarily for inspection, is one of three installed experimentally at Little Goose Dam.

Was the gate, held erect by a big traveling crane, a monument to the dedicated efforts of many who have joined to help solve the problem? Or was it a symbolic tombstone that marked the end of the fish runs as the result of seven dams built on the Snake and Columbia rivers?

And what about the eighth dam—Lower Granite—now under construction 35 miles upstream? If the seven hadn't ended the runs, would the eighth sound the final death knell when it is completed less than four years from now?

At the outset of the Army Corps of Engineers' annual Snake River Editors Conference, Col. Richard M. Connell, the corps' Walla Walla district engineer, had announced the three slotted gates, installed May 11, are "structurally and hydrologically successful."

But in touring Little Goose Dam with newsmen later when they viewed one of the 100-ton structures and its rectangular, funnel-shaped holes through which water and young fish pass, the district engineer voiced another worry:

"What we don't know is what the slotted gates will do to the small fish passing through them. How many will be damaged or killed by the shearing force of the water passing through the orifices?"

There's no simple way to find out the answer to that question, he said.

According to Raymond C. Oligher, chief biologist for the corps' Walla Walla district, nitrogen supersaturation is not a new problem.

"Only our recognition of the problem is new," he told newsmen. "It has been known to occur in hatcheries to very young fish almost since their operation began. It was not known to be a problem . . . in the open river, however, until recently."

Nitrogen supersaturation occurs when water plunges over a high structure, a natural waterfall or a dam, into a deep pool below. Air is captured by the water as it plunges and the gases are absorbed into solution under pressure.

Nitrogen forms about 75 percent of the air by weight, about 79 per cent by volume. Normally, surface water contains about 18.5 parts per million of nitrogen gas at 50 degrees Fahrenheit. This is considered 100 per cent saturation.

At a depth of 33 feet, water is under twice the surface pressure or two atmospheres. That water can absorb twice the volume of gas. At a depth of 66 feet, it can absorb three times the volume of gas without exceeding 100 per cent saturation.

At some places, plunge pools below dam spillways are 70 feet deep.

As the deeper water churns to the surface, the excess gases absorbed under pressure create a supersaturated condition. If water plunging over a spillway is discharged into an open stream, its turbulence exposes the water to the air at normal atmospheric pressure. The supersaturated gases readily come out of solution as the normal equilibrium is attained.

But when the spillway water is discharged into a relatively quiet pool, the supersaturated condition appears to remain from one project to another.

This is the theory accepted by fisheries agencies and the corps alike.

But one of the major problems faced in trying to solve nitrogen supersaturation is that no one knows what conditions existed before the dams were built.

Early investigators had observed gas bubbles in adult fish after some of the first dams were built and had remarked that it appeared similar to the gas bubble disease found in hatcheries. But there still were many stretches of open water between the dams and the investiagtors' observations were too infrequent to cause concern.

It was not until the closure of John Day Dam on the Columbia in 1968, just prior to the spring ch'nook migration, that studies began in earnest.

No generators were operating at the time of closure and the entire river flow was passed over the spillway. Dead and dying fish were found below the dam and investigation showed they had gas bubbles under their skins and in their mouth tissues. Water samples showed nitrogen saturation of about 140 per cent.

The Lower Monumental pool on the Snake was filled in 1969 with one turbine and generator in operation and the rest of the water plunging over the spillway. But the high runoff period was short that year and only a few dead fish of all kinds were found below the dam.

When the pool behind Little Goose Lock and Dam, next upstream, was filled last spring, only one of the three initial generators was in operation. The spring runoff was long and a substantial number of dead fish appeared below the project during the flood season. Water sampling showed nitrogen supersaturation as high as 135 per cent.

Fish biologists decided 120 per cent seemed to be the lethal level.

The pattern seemed fairly obvious. But some puzzling factors are adding complications to the mix.

The upstream fish count over Bonneville Dam, farthest downstream on the Columbia, in the years between 1938 and 1954 when it was the only dam on the river, averaged about 73,000 annually. The average count for the 10 years ending in 1970 was 98,500. As of last midweek, the count over Bonneville was 116,903.

Yet the last figure would have been influenced by the problems encountered after the closure of John Day Dam when these fish were moving downstream.

Oligher feels that initially, inundation of Celilo Falls by The Dalles Dam on the Columbia may have helped the problem. At least the dam spilled water only in spring instead of year-around. In any case, spectacular increases in fish counts at projects upriver hid any problem which the dam may have caused.

Consider also the results of these tests for nitrogen conducted May 18. At the Little Goose forebay, just before the water reaches the dam, the percentage of saturation was 99.2 per cent at the surface, 106.4 per cent at a 33-foot depth; at the surface of the spillway tailwater, 132.4 per cent.

At Lower Monumental, the figures were: forebay surface, 124.5 per cent, forebay at 33-foot depth, 125.9 per cent, tailwater surface, 134.5 per cent.

At Ice Harbor; forebay surface, 123 per cent; forebay at 33-foot depth, 122.5 per cent; tailwater at surface, 125.2 per cent.

At McNary Dam, the figures on the Washington shore were 114.9 per cent, 113.8 per cent and 140.3 per cent, respectively, but on the Oregon shore they were 117.1 per cent, 118.8 per cent and 127.5 per cent, respectively.

At John Day, where almost all the generators the dam is designed for are already installed, the figures were 110.6 per cent at the forebay, 116.2 at a 33-foot forebay depth, and the same 116.2 per cent at the tailwater.

At The Dalles, the figures were 129.8, 127.1 and 125.6 per cent, respectively. At Bonneville, they were 121.9, 127.4 and 132.2 per cent.

But why did the water at Astoria, Ore., with 140 miles of open river between it and the nearest upstream dam, register 120.6 per cent nitrogen saturation on that same day?

And why did Environmental Protection Agency test at Lewiston earlier this spring show a nitrogen supersaturation of about 120 per cent at Lewiston? Below Hells Canyon Dam, the level was about 135 per cent. But about 115 miles of open river lie between it and Lewiston.

Army Engineers, who agree with nitrogen supersaturation is the single greatest problem facing them, are frank to admit they don't know all the answers.

Construction at Lower Granite Lock and Dam is speeding ahead and it won't be long before the project reaches the 25 per cent of completion mark.

Work on changes in the design of that dam's spillway is under way.

Studies also are being conducted by the National Marine Fisheries Service (formerly Bureau of Commercial Fisheries) on a program to trap and transport the young downstream migrant fish around the dams.

If the traveling screens that help to trap the fish can be made to travel and that program is deemed successful, that federal service will recommend installation of additional screens at Little Goose Dam. With them, perhaps 70 per cent of the fish reaching Little Goose could be caught and transported to below Bonneville Dam.

Meanwhile, the corps is pinning other hopes on the slotted gates. So confident is it, in fact, that the program will work, it has recommended an additional $15 million appropriation by Congress for construction and

installation of the gates at all of the spaces where turbines are to be added at Little Goose, Lower Monumental and Ice Harbor dams.

QUIET PASSAGE

With the gates in place, the water would pass through them in much the same relatively quiet manner it does when discharged from turbines—which don't appear to contribute to the nitrogen problem.

Hovering in the background of all this concerted activity is a suit filed by the Northwest Steelheaders chapter of Trout Unlimited. It asks the federal courts to stop construction at Lower Granite and further planning of Asotin Dam, authorized in 1962 but not funded except for planning work in earlier years.

The fisherman-conservationist group, joined in the suit by the Washington State Game Department, contends Army Engineers have violated federal environmental laws and that further dam construction and the resulting nitrogen problem could mean extinction of migrating fish runs.

As to the problem itself, research will continue. But with the lack of any meaningful studies or statistics before the dams were constructed, time itself may provide the only real answer.

Mr. PACKWOOD. In addition, Mr. President, I ask unanimous consent that an article by Mary Jean Haley in the publication, "Clear Creek," June, 1971, be printed in the RECORD.

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

SLACKWATER IMPERIALISM—THE KILLING OF THE COLUMBIA

(By Mary Jean Haley)

In the spring of 1970, a form of pollution called nitrogen supersaturation caused by too many dams too close together on the Columbia and Snake rivers in the State of Washington killed 70 to 80 per cent of the downstream migrant salmon and steelhead trout. The problem centered on the lower Snake river. The shiny new Washington State Department of Ecology announced that an estimated 2.8 million chinook salmon were killed by Army Corps of Engineers' dams. An additional 43,000 non salmonoid fish were estimated killed. It was the largest single fish kill in the nation and the Department of Ecology said the kill could be "defined as serious enough to threaten the future success of any trout or salmon return to this area." A D. of E. biologist, Harry Tracy, said three years of such a heavy kill would mean there would be "no more fish in the river." The 1971 downstream migration has already begun and biologists and engineers are frantically searching for solutions. This is the critical year. There are no more chances.

Rising as a stream in Yellowstone National Park, the Snake River flows across Idaho and turns north to form the border with Oregon before it joins the Clearwater at Lewiston, the lowest point in Idaho. It crosses southeastern Washington where it drains into the Columbia. The Snake was a highway of early mankind and its banks have long been a rich hunting ground for archeologists. The Marmes Rock Shelter near the confluence of the Palouse and Snake rivers dates back some 11,000 years and contains the oldest known remains of humans in the western hemisphere.

Time out of mind the Columbia river system has also been the lifeline of the big anadromous fish, the salmon and steelhead trout which return from the sea each year to spawn in fresh water. The Snake, with its tributaries such as the Clearwater, Salmon and Grande Ronde have been rich, life-giving breeding grounds for the fish that reproduced in such abundance that they fed man and other flesh eaters along the shores and still returned year after year.

After a mysterious two or three years in the sea, no one really knows where the steelhead go, but they do not seem to share the salmon's great Pacific circle; the fish return to the mouth of the Columbia. From tiny six or eight inch fingerlings they have matured to two or three feet. For a few weeks they linger in the low salinity water that mixes at the mouth of the river, undergoing a wonderful change. Their silver and black coloring changes to the rainbow coloring of the freshwater trout. Their scales thicken and harden for the long journey upstream, and the males acquire the hooked beak, prolonged teeth and head hump that marks their readiness to breed.

Those with the longest journey ahead begin to arrive in fresh water in late spring. They spend nearly a year in fresh water and move to spawning areas the following March through May. Those with shorter treks arrive later, but all hatching occurs from April to June.

The legendary homing instinct of anadromous fish is awe inspiring. Fighting swift currents, flinging themselves at all barriers, the big fish drive upstream until they arrive at the very spot where they were born. There they spawn and in the case of salmon, die. Steelhead may return to the sea and live to complete another cycle.

When the spring runoff sends great torrents rushing through the streams, swelling the Snake and other tributaries which pour into the Columbia's grand rush to the Pacific, the tiny, newly hatched salmon and steelhead are swept along. Too small and weak to make such a long journey themselves, they let the racing waters carry them to the sea they must reach in order to live to maturity.

But the Columbia and its tributaries no longer rush to the sea. There are 11 dams on the mainstem Columbia and many more on the other rivers. The spring waters now pour through turbines and over man made concrete cliffs. When large volumes of water are sent over the spillway of a dam, air mixes with the plunging water. The pressure of the falling column of water in the pool below forces the air, much of it nitrogen, into solution. 100% nitrogen saturation is normal. Super saturation up to 142% has been measured below dam spillways. 125% saturation is fatal to fish.

The gas enters the fish's system in deep water through the skin and gills. The gas expands when the fish enters shallower water. The same sort of thing happens to deep sea divers who get the bends. Mild nitrogen pollution causes bubbles and breaks under the skin which leaves the fish susceptible to secondary infection. In more severe cases there is extensive internal bleeding and the fish's eyes are blown out of its head by the pressure. Many die immediately. Salmon with their eyes blown out have beaten themselves to death on the barrier of a dam they could no longer see.

Nitrogen supersaturation occurs in nature at the base of waterfalls, but the gas is released in the turbulence of a river as it runs downstream. When the water is impounded by a dam, nitrogen takes longers to dissipate and builds up to fatal levels. The pollution is acute along the lower Snake because the Army Corps of Engineers has built three of a series of four dams which back the pool of one dam up to the base of the next to provide slackwater navigation.

DAM NATION

The project, which eliminates 139 miles of free flowing river, was first proposed in the 1930's. Its object is to make inland ports of the sister towns of Lewiston, Idaho, and Clarkston, Washington, which face each other across the confluence of the Snake and Clearwater rivers, 470 miles from the sea. The ports would ship the timber and paper products, grain, meat products and mineral ores of Idaho, Montana and eastern Washington and Oregon. Approval was granted in the 40's and construction of an altered form of the project was begun in the 60's. First came Ice Harbor dam, a few miles from the mouth of the Snake, which backed up 32 miles of the river, then Lower Monumental, which created 29 miles of slack water and flooded the Marmes Rock Shelter archeological site despite a Corps of Engineers dike. Then in 1968, the pool was raised behind Little Goose dam to flood 37 more miles.

Sportsmen and fish-and-game officials began to realize that thousands of acres of habitat for elk, deer, game birds, and small mammals as well as spawning grounds had been inundated and more would be lost when Lower Granite dam was completed in 1975. Already under construction, Lower Granite will complete the navigation project and back up 39 miles of water to the site of the proposed Asotin dam on the Snake and to an existing power dam on the Clearwater. It will impound the last stretch of free flowing Snake River in Washington. The authorized, but not yet funded Asotin dam will inundate the mouth of the Grand Ronde, now famed for its fishing. More dams are planned on into Idaho, even for spectacular Hell's Canyon, an awe inspiring rush of white water through a gorge deeper than the Grand Canyon.

BONEHEAD VS. STEELHEAD

The Northwest Steelheaders Association, which recently merged with Trout Unlimited, is a group of sportsmen whose major interest is the preservation of anadromous fish. Steelheader president, Art Solomon, a 43 year old bridal shop proprietor in Spokane,, Washington, stresses that they are a "conservation, not a preservation, organization" with respect to many environmental controversies. Alarmed by the rapid dwindling of free flowing water and the realization that steelhead fishing is nearly impossible in slackwater, they moved to halt the construction of Lower Granite and Asotin dams. They filed suit in U.S. District Court in Spokane asking for an injunction to stop construction on Lower Granite and Asotin dams and for several million dollars in mitigation for losses occassioned to fish and wildlife. In view of the recent decision against the Sierra Club in the Mineral King dispute by the 9th Circuit Court, which has jurisdiction in Spokane, the Steelheaders have amended their appeal to include property owners who will be affected by the dams.

At this writing construction of Lower Granite continues even though funds have run out and no more money can be obtained until July. The contractor is paying for the work himself during the interim.

Pleading for the survival of the fish, Art Solomon says, "If you leave a hose running in your backyard, sooner or later the Corps will be at your door offering to build an impoundment or dam. We've come to a place where we say we've got to take a stand. The Corps is immensely powerful, and it's to their credit that they've beaten back three presidents, but people have got to step back and take a look at what they're doing. We don't necessarily want the dam stopped, but if it's necessary to stop the dam to preserve the fish, then that's the answer people will have to come up with."

The Steelheaders were joined by many sportsmen's groups and by some conservation groups including the Sierra Club and Friends of the Earth. Then the Washington State Department of Game and Department of Fisheries joined a portion of the suit. They charge that the Corps failed to comply with the Fish and Wildlife Coordination Act when it did not consult state agencies about studies for the projects or provide funds for such studies. They too are asking for money to mitigate for fish and wildlife losses.

Larry Coniff, assistant attorney general who

represents both Departments is very cautious about the press. "They've tried to screw us 15 different ways. They won't negotiate with our attorneys. They send their local people to our local people and say 'hey, I've got a program we want you to get started on right away," and pretty soon we're down the primrose path. We've got a case pending!"

RIVER ROULETTE—THE NEW MEGASPORT

Despite the beaurocratic tangle there are known facts about the effects of dams on rivers in addition to nitrogen pollution. The physical barrier of a dam impedes upstream migration since it takes fish time to find the fish runs. Downstream migrants may be fatally slowed by the lack of current or drawn into turbines and chopped to chum. A large body of water retains heat up to a month longer than a running stream and the temperature change affects salmon spawning. Of course, the spawning grounds are inundated and some fish wander on and on upstream until they die, searching for a spot that no longer exists.

The shores of a power dam become a broad expanse of bare mud flat since the water level is raised and lowered in short periods of time to meet power needs. This prevents reestablishment of the vegetation which provides winter browse for deer and elk and necessary cover for many birds during the hot, dry summers. The insects which live in the vegetation and feed many birds and fish are also destroyed. Safe sand bars and small islands where many waterfowl nest are also lost. The Lower Granite pool, for example, will cover 13 islands which produce about 550 Canada geese annually. This riparian habitat cannot be replaced or repaired.

Asked if wildlife can migrate elsewhere, Bureau of Sport Fisheries biologist Glenn Brackett said, "Wipe that out of my mind!" Any other suitable area is already occupied to capacity and an influx of displaced wildlife will overload and deplete the habitat which may result in further population reductions.

The recreational benefits of reservoirs are highly praised by dam touters, but fishermen tell another story. Steelhead seldom bite in slack water. A study conducted by the Tri-State Steelheaders showed that it took 26 man hours to catch *one* fish, and they tried everything they knew. Sturgeon and other game fish are driven from the area. Boating is often dangerous on the big impoundments where there is nothing to break the wind that whips the water to whitecaps. The muddy, sterile beaches are unattractive and messy and, since they are former canyon walls, often too steep for access. Siltation is another problem. The yacht harbor at McNary Dam at the mouth of the Walla Walla became a mud flat in less than nine years.

There are two more potential problems in the case of Lower Granite dam. Neil Neshein of Clarkston, Washington, reports that he and other orchard owners in an area that will be flooded used DDT extensively in past years. He estimates some 30 tons were used in a 10 year period and much of it is still in the soil. According to Glenn Brackett, once the ground is flooded the DDT will cause a shock effect in its immediate vicinity and then thin out through the system. Cinnabar mines and past gold mining operations, along with products formerly used at pulp mills upstream, have left mercury in the river. The heavy metal may collect on the bottom of the impoundments and be converted to toxic methyl mercury by tiny organisms which thrive in slack water. The Idaho Fish and Game Department has already suggested that some species of fish from Brownlee and American Falls reservoirs not be eaten.

Though the Lower Snake suffers environmentally from the dams, it must be remembered that they serve the purpose of bringing slackwater navigation to Lewiston and Clarkston as well as producing power. William C. Behrens, Manager of the Port of Clarkston and a former Corpsman says, "we have $7 million in projects and programs which depend on slackwater." This figure covers stationary facilities. Though he said he was confident slackwater navigation would bring a surge of industry to the area, Mr. Behrens, in a conversation which he tape recorded, was reluctant to make any estimate at all of the amount of money he expected to be added to the economy yearly. He was equally unwilling to state what industries he expected to locate in the area, saying that negotiations were still in progress.

A year ago, Earle Ausmann, past president of the Lower Snake River Ports Association was less cautious. Warning that the Ports planned to sue the Steelheaders for damages caused by any delay in construction of Lower Granite he added, "We estimate that each year of delay means a loss of at least $5 million to the area in economic values." The need for such a suit has not yet arisen.

Mr. Behrens derided reports of environmental defects in the Lower Granite project. He said the river "bounces up and down like a yo yo" now and the fluctuations for power dams won't be that different. The dams will regulate flooding, he asserted, as well as bringing in money, power production and many recreational facilities.

It has been proposed that lowering the pool of Lower Granite dam would reduce the amount of water going over the spillway and thus nitrogen super saturation. It would also keep the slack water out of Lewiston and Clarkston and make dikes unnecessary. Many residents fear the dikes will not work though the Corps is confident there will be no problem. Lowering the pool would move port facilities down the river and Mr. Behrens said, "I don't think it's any possibility and is basically a foolish proposition."

Ernie Heimgarten, who owns the Lancers bar and restaurant in Clarkston, sees it another way. He is disturbed by the prospect of the dikes the Corps will have to build along the backed up river to prevent the downtown area of Lewiston from being flooded. "I have a restaurant and bar on a well traveled street. I *know* how many people stop here and then go on up the river. We've been lied to about the recreation use the river gets now. You can start here and run a boat up river for 125 miles. See if you can find one boat, *one boat*, on those reservoirs. People come for the river. Why do we have to ship the town down the drain to make things handy for the industrialists?

"With those dikes all you'd see is that rip rap rock. It wouldn't be worth a damn. We're doing away with everything that is really good. A few greedy people are taking my river, your river, and putting it in their pocket. I HAVE to pay the taxes that are building that thing."

Dan Sly has a restaurant and bar in Asotin, Washington, which was in the take line for Lower Granite dam. The Corps estimates the impoundment will swallow $12.5 million worth of real estate including some shoreline development. Unable to agree to a Corps offer of $15,000 "which was less than I still owed on the place," Mr. Sly went to court and got $18,300. "The Corps crippled me. It was unscrupulous. They didn't want to see my records. All they wanted was that little piece of property. I'd done $67,000 in a year in that place, I had three girls who'd been with me for years. I lost my apartment too. They said it didn't count unless I rented it out.

"I was born and raised around here. I started fishing in this river when I was seven years old. I've lived on it and loved it. I don't know enough about slack water, but wild water's getting to be a real rare thing. I'd oppose any future dams."

The Army Corps of Engineers is the villain of the piece in the estimation of many people. They built the dams, created the nitrogen pollution and tamed the river nearly to extinction. Their mistakes come from treating a river as a hydroelectric resource rather than an integral part of an ecosystem. Their December, 1970 report on the environmental aspects of Lower Granite dam has drawn so much criticism from federal and state agencies and the public for its wording, underlying assumptions and inaccuracies that Colonel Richard M. Connell, District Engineer for the Walla Walla District, crying "It's a *draft!*" is manifestly sick of the subject.

Colonel Connell explains that the Corps is very concerned about nitrogen super saturation and wishes they could act more quickly. "We don't know all the answers, we agree it's serious." The Corps has earmarked $1.6 million through 1975 to attempt to truck migrant salmon and steelhead from Little Goose dam downsream below polluted areas. Biologists have hopes for the program since studies indicate that transport does not severly affect the homing instincts of salmon. Less is know about the effect on steelhead.

HOLY GATES?

The Corps is researching, among other possibilities, what it calls the Holy Gate program which cuts spillway flow by running water through three slotted gates in empty generator bays in the dams. There are three such bays in each of the three existing dams on the lower Snake. One experimental gate will be installed in April, and if it works, the others will be added at a cost of nearly $9 million. One potential problem is that the fish may be injured by the velocity of the water as it pours through the gates at 80 feet per second.

At a conference on nitrogen studies in February of this year, the Corps' C. E. Hildebrand said that it was not feasible to run all turbines 24 hours a day during spring run-off or to install remaining generators to cut down on water going over the spillway. The power simply could not be used, especially at this time of year. Power from the Pacific Northwest goes into an eleven state grid including an intertie line which serves Los Angeles. Washington also seems prepared to make more commitments to nuclear power.

Colonel Connell really couldn't say why more dams are being proposed for power when none of the lower Snake dams and few of the Columbia River dams are operating to capacity. He said, "Gee, I don't know how to answer that one," and later, "I reject the question," but finally obliged by saying "It may be more valuable in terms of total value to the total system to have the next structure built. It's not necessarily in the best public interest to put in all of the generators now. In anticipation of what may happen tomorrow, you build now."

The Corps has been criticized severely, and ineffectually, for its powers and methods of operation by public officials from FDR's Secretary of the Interior, Harold L. Ickes, to Justice William O. Douglas who called the Corps "public enemy number one" in 1969, and he made it clear he realized they had plenty of competition. But the Corps seems to be convincing some people that they are making an honest effort to change. Dr. Robert Zeller, Director of the River Basin Planning Program of the Environmental Protection Agency said, "I personally feel that the Corps of Engineers are coming around—in this area." He added that the Holy Gate project is a risk, but he concluded, "I'm satisfied that they're doing the best they can under the circumstances."

Perhaps with two recent setbacks, the cross Florida barge canal, and the Gillham Dam in Arkansas, the Corps is considering its projects more profoundly, yet with the nitrogen pollution problem unsolved, the work continues on Lower Granite Dam.

"Sometimes we're painted with very black hats," said Colonel Connell. "We are seriously concerned about the pluses and minuses of what we do. You plan with the best of to-

day's knowledge and hope that tomorrow will prove you right."

The Colonel sounds like an eminently reasonable man, and in the flesh he manifests none of the satanic characteristics that opponents have attributed to him as a representative of the Corps. Yet he began the interview by suggesting that perhaps the fish might adapt to nitrogen supersaturation. Just testing?

A winter of heavy snows is resulting in an unusually heavy run-off this spring which means more water over the spillways and more nitrogen entrained. The downstream migrants are running and, except for those caught for transporting, many can be expected to die along with the non-migratory fish in the river.

The fish losses of 1970 and 1971 will mean some barren years ahead. This year's studies may well bring the solution. If not, man will again have destroyed what he sought to improve upon.

A dam lasts 50 to 100 years. After that the equipment is worn, the pool silted and the dam must be modified or abandoned. Properly managed, wildlife resources will renew themselves indefinitely. Stu Murrell of the Idaho Fish and Game Department posed the real question. "How do you measure the worth of an indefinitely renewable resource against the worth of a dam that lasts 50 to 100 years?" The salmon and steelhead have been running up the rivers for thousands of years. I asked Colonel Connell if he ever thought in terms of a thousand years when he planned a project. He answered, "I really can't think that far ahead." Few of us can. It's time we tried.

Mr. PACKWOOD. Mr. President, perhaps it is time to stop in our unparalled rush toward technological, economic, and industrial utopia, and consider the side effects all this is having. Are we going to continue to have a dam Nation? Or are we going to honor our obligation to the citizens of the 21st century by preserving and passing along to them the few wild rivers and natural wonders and resources we have left?

On February 23, 1971, presiding examiner William C. Levy's decision to license the construction of Pleasant Valley-Low Mountain Sheep dams on the Snake River, rang as a death knell. It was unbelievable that such a decision could be made following the intelligent brief filed by the Federal Power Commission's own staff counsel. Even though an extension of time was granted to allow interested parties until June 21 to file exceptions to the decision, I found it rather disturbing that it took until my Monday morning mail this week to receive a "draft" environmental impact statement.

I was told that FPC was in the midst of preparing one, however late it might be. But not until this week did it come forth. In my estimation not only did the FPC take rather lightly the intent of the Environmental Protection Act, but rather ignored the ruling of the Supreme Court which directed the Commission in good faith to consider the true impact of the project upon the environment.

Mr. President, in addition, it seems to me that the presiding examiner is erroneous in issuing a license by date of February 23, 1971, authorizing the beginning of construction as of September 30, 1975. (Sec. 13 of the Federal Power Act, 41 Stat. 1071; 16 U.S.C. 806.)

Section 13 recites as follows:

That the licensee shall commence the construction of the project works within the time fixed in the license which shall *not be more than two years from the date thereof* . . .

Has the examiner taken it upon himself to arbitrarily disregard this requirement of the statute? It is within his power to change section 13 to read 4½ years rather than 2 years?

Mr. President, I further believe that the granting of a license in the form in which the presiding examiner has chosen does not follow the required steps in conformity with section 21(b) of the Federal Water Pollution Control Act, as amended by the Water Quality Act of 1970. That section provides that applicants for Federal licenses or permits, including those of the Federal Power Commission, shall not be granted until a certification has been obtained from whichever one is the proper certifying agency of the following: First, the State in which discharges of water originates; second, an interstate water pollution control agency having jurisdiction over navigable waters at the point where the discharge originates; or third, the Administrator of the Environmental Protection Agency, if neither of the other agencies are the competent certifying agencies.

Mr. President, in a memorandum prepared by Mr. Leon Jourolman, regional general counsel, region X, Department of the Interior, dated May 24, 1971, the above points are cited along with others as good reasons for the Environmental Protection Agency actively entering the proceedings in this case before the Federal Power Commission. Mr. Jourolman has written an intelligent and very persuasive memorandum with valid arguments as to why the presiding examiner's decision is erroneous. It is my hope that the Environmental Protection Agency will enter into the proceedings.

But far more important than any of the above arguments and actions is the need for the Congress to do its job in protecting this one-of-a-kind natural treasure by establishing it as a national river, and bequeathing it intact to the generations that follow us.

THE GENOCIDE CONVENTION AND INTERNATIONAL LAW

Mr. PROXMIRE. Mr. President, the Genocide Convention is a small block in the foundation of international law. But it is an essential one.

Arthur Goldberg argued this point in testimony before the Senate Foreign Relations Subcommittee on the Genocide Convention. Mr. Goldberg, a former Supreme Court Justice and Ambassador to the United Nations, believes ratification of the Convention will be a step toward world peace.

I ask the Senate to heed the words of Arthur Goldberg and put aside the "nit-picking objections" and ratify the Genocide Convention. 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:

How are we going to move to the area of expanding international law so that our posterity can live under a rule of law? I don't see much hope for the world if we don't get that. Unilateral decisionmaking, I think, is about played out, and I don't care how big a defense budget is adopted, I still think it is played out, and it seems to me that the main thrust of this treaty is to expand the dimensions of the growth of law to protect human dignity. That is the main dimension. Will it achieve the result tomorrow? No. I think the committee report very wisely said that, and we might as well be frank about it, the answer is no.

The future? Perhaps yes, perhaps yes. I cannot say it will, but we are a country devoted to the rule of law. Why are we hesitating over nit-picking objections? I say that very deliberately, because they are most nit-picking objections. We will adopt an implementing statute. That will take care of all the questions that this committee has raised and dealt with properly in its understandings and declarations. The Senate and indeed the Congress, the House when we adopt enabling legislation, will have plenty of time and the declaration covers that—the instrument of ratification will not be filed until appropriate implementing legislation is adopted.

REVENUE SHARING

Mr. HANSEN. Mr. President, in recent months much has been said on the subject of revenue sharing. The President has sent his revenue sharing program to the Congress. In addition, several Members of the Congress both in the Senate and House of Representatives have introduced variations of the President's revenue sharing proposal.

Last week, I received a copy of a letter sent to the Honorable WILBUR MILLS, chairman of the House Ways and Means Committee, by the president of the Wyoming Association of Municipalities, Robert W. Sievers.

Mr. Sievers, in a well prepared statement, set forth just how important the President's revenue sharing program is to the small towns in the State of Wyoming. His point of reference is his own hometown of Pinedale, Wyo. In reading through his letter, it becomes clear just how vital and important it is for the Congress to take early and favorable action on the President's revenue sharing proposals.

Mr. President, I am confident that all Members of the Congress will find the letter of Mr. Sievers most enlightening, and I ask unanimous consent that it be printed in the RECORD.

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

REVENUE SHARING—A SMALL TOWN VIEWPOINT

(By Robert W. Sievers)

Hon. WILBUR MILLS,
Longworth Building,
Washington, D.C.:

General Premises: Apparently, there are several Revenue Sharing plans being considered by the Ways and Means Committee. My remarks are based on the Nixon Administration's proposal on General Revenue Sharing, as that is the only one on which I have facts and figures. However, I would assume that these statements might be equally appropriate to the entire principle of revenue sharing.

Recent news reports of the first committee hearings on this matter indicate some

concern as to whether Revenue Sharing need cover all *small towns*, or should only be applicable to large cities and metropolitan areas. I am sure there will be great volumes of testimony to show the needs of the large metropolitan areas, which I don't intend to either support or minimize. Wyoming has no cities in excess of 50,000 population, so will only concern myself with the area of small towns and rural counties.

Wyoming's Share: According to the proposed General Revenue Sharing plan, Wyoming will receive the smallest amount of any state except Alaska, in the amount of $11,435,913. This is proper inasmuch as Wyoming has one of the smallest populations of any state. However, Wyoming, per capita, will receive the largest amount of any state. This is because Wyoming is presently taxing at the highest per capita rate in the nation. We are doing all we can, but it still is not enough. Of this amount, about 14%, or $1,598,621 is scheduled to pass through to the cities and towns of the state. About 30%, or $3,479,462, should pass through the state to the counties. Although the percentages of pass-through are subject to change later, these are the funds in which I am particularly interested.

Small Town Problems: My home town is Pinedale, in Sublette County, Wyoming. It is a typical small western town, of about 1000 people. The problems of Pinedale are similar to all small towns in the intermountain west. Although it has its share of poor people and families receiving some form of public assistance, it has no slums, massive crime problems or acute dope epidemics, and a minimum of organized civil disobedience. Why, then, should Pinedale, and towns in similar circumstances need Revenue Sharing?

Present Tax Effort: As was stated earlier, Wyoming presently has the highest per capita tax effort in the nation. All of the towns are also caught in the same tax bind. 74% of all ad valorem taxes, statewide, go into the school and education system. The remaining 26% is divided between the state, county, and cities and towns, with a maximum of 8 mills allowed by constitution to towns, and about 12 mills to the counties. To raise additional revenues, cities, towns and counties in Wyoming have all sorts of taxes, many collected statewide, such as sales tax, cigarette tax, gasoline tax, use tax, etc. Also, individually, the cities and towns have all sorts of nuisance taxes, such as occupation taxes, license taxes, etc. They still cannot provide the services demanded or even vitally necessary from a health standpoint.

Streets and Sidewalks: Again, I use Pinedale as an example but I am sure most small towns have many of the same problems. We have no sidewalks in town, except around public buildings and in front of a few businesses and residences. The only paved streets are one constructed and maintained as a through highway, and one other, jointly oiled by the town and county on an experimental basis several years ago. Consequently, school children walking back and forth to school, to school lunch room, etc., and any pedestrians, walk in the mud, snow and ice in the streets in winter and in the dust in summer, which, in addition to being uncomfortable, is quite a dangerous traffic hazard.

Water and Sewer: We also have a grossly inadequate and unsafe water and sewer problem, and this system only with past federal help. The water system was first started in 1935 with the help of W.P.A. labor and the government furnished materials. Although this system had a use expectancy of thirty years, most of it is still in use and the main part of the over-all water systems. However, even today, water is not furnished to many areas within the town limits. The old sewer system, long outgrown, used to dump almost raw sewage into Pine Creek, a tributary of the famous Green River. In 1957, a sewer revenue bond, a sewer general obligation bond and a water general obligation bond issue was passed, and with a government grant, the water system enlarged and a sewer lagoon system installed. All of these bond issues are still outstanding, although current.

The source of the town water is still Pine Creek, an open stream. The water is chlorinated, but not adequately filtered and consequently, some periods of the year, it has a green scum of algae and an odor which makes it unfit for any domestic use.

Transportation: Pinedale is the farthest town from a railroad in the United States, has no scheduled air service, and the only public transportation is by bus, which only runs once a week nine months out of the year. Although we have a fine, small airport, it is not large enough for commercial air lines. Even with state and federal airport financial assistance, as we have had in the past, it would be difficult to raise the town's share of matching funds. The town's share of presently existing airport improvements was raised by donations.

Police Protection: Pinedale, as well as almost all small towns anywhere, does not have 24-hour police protection. Two full-time policemen, with part time assistance during peak times, just cannot work a 168 hour week. Further, Pinedale never has had a jail, and uses the county's jail, which is grossly inadequate. In today's troubled times, this is indeed a dangerous situation, too obvious for further elaboration.

Rural County Problems: Sublette County, also, is typical of rural counties in the intermountain region. The total permanent population is about 3700 people. Only about 13% of all lands within the county are privately owned. Upon this small tax basis of people and property, the county must provide all services required of counties.

Roads and Communications: There are approximately 800 miles of county roads, maintained by the county, mostly graveled but none paved. Consequently, rural roads are poor, at best, and impassable during inclement weather. Some isolated ranches are without town access months at a time.

Hospital and Medical: Sublette County is the only county in the State of Wyoming, and, as far as this writer knows, the only county in the nation without hospital facilities. The nearest hospital, over mountain roads, is 78 miles, and the next, over better roads, is 100 miles away. Many attempted bond issues, application for Hill-Burton funds, etc. have been unsuccessful or thwarted for one reason or another. Complete medical attention and sufficient staff of doctors is most difficult without adequate hospital facilities, nor do we have nursing care for the aged and infirm.

Crime and detention: Sublette County's jail was constructed in the mid-thirties, probably again by P.W.A. or similar organization. It cannot be certified for federal prisoners, has been subject to recent jail breaks and is most inadequate. It also is used for all of Pinedale's prisoners and other towns within the county. There are absolutely no facilities within the county jail for female prisoners or juveniles. Bond issues for improvement of this situation have failed.

Migration to Cities: If things are so dangerous and unhealthy why do people stay in the area? Why don't they improve the situation?

To answer the first question, they are *not* staying in this type of rural area. That is one of the greatest problems of both urban and rural America today. You just can't keep people down on the farm with such a lack of conveniences and necessities. They are moving to urban areas, where problems then are greatly complicated. Pinedale and Sublette County, one of the most beautiful areas in the United States, lost population in the last decade, and I am not sure all the figures are in for the State of Wyoming. However, surely one of the best ways to help the huge metropolitan areas of United States is to make rural living more attractive; give the people some reason to migrate back to rural America.

Self-help Exhausted: Why, then, don't we improve our own lot? Of course, a great many dedicated people have been trying to do just that. Lack of funds is not the only problem, but it surely is a great one.

The Federal Government owns much of the land area in the mountain states—about 50% of the land area in Wyoming. In addition, much of the rest of Wyoming's land is not highly productive, with a small tax base. People are few and far between, transportation high, with little or no manufacturing or heavy industry. Wyoming is already taxing its people more than any state in the Union. How can one expect bond issues to pass to raise capital for improvements, or tax more for day to day expenses of local governments? Nor will taking over part or all of the welfare burden help the cities or towns. Some scheme whereby credit is given for state income tax also is no help to Wyoming. We have no state income tax. What is there left to tax?

Conclusion: It is evident from the foregoing that rural counties and towns are not supplying the basic necessities required or expected by the population. It is equally evident that all of the existing sources of revenue have been exhausted. The proposed Revenue Sharing law appears to be the logical answer.

JUNE SOCIAL SECURITY CHECKS REFLECT 10-PERCENT INCREASE

Mr. CHURCH. Mr. President, approximately 26.7 million social security beneficiaries recently received their first monthly check reflecting a long overdue 10-percent increase in benefits.

In addition, each of the beneficiaries will receive a second check on June 22 to cover the 10-percent raise retroactive to January. This will add nearly 40 percent more to the payments received on June 3.

And in my own State of Idaho, the 10-percent boost will provide an additional $12 million in annual benefits for 95,000 individuals.

In terms of dollars and cents for the Nation, the new law will have the following effects:

Raising monthly benefits for the average retired couple from $199 to $219;

Increasing monthly income for the typical retired worker from $118 to $131; and

Raising average monthly benefits for widows from $102 to $113.

For many aged persons struggling to make ends meet, this stop-gap measure will provide welcome relief. But there is another dividend to be derived from this long-awaited action, a shot in the arm for our lagging economy. Over the next 12 months the 10-percent raise will provide $3.6 billion in added purchasing power.

In most cases, this money will be used for noninflationary, everyday essentials—such as more food for the table.

But welcome as the 10-percent raise is, it is still only a temporary measure to prevent elderly persons from slipping further behind in their desperate race with inflation. Further reforms are urgently needed now if our social security system is to come to grips with the retirement income crisis which affects millions of older

Americans, and threatens to engulf many more nearing retirement age.

Soon the House of Representatives will consider an omnibus proposal, H.R. 1, which will make far-reaching changes in social security, medicare, medicaid, and old age assistance.

With poverty on the rise for persons over 65, the need for comprehensive reform becomes all the more urgent.

To help provide more detailed information about the measures in H.R. 1, I ask unanimous consent that a summary—prepared by the Senate Committee on Aging—of the major provisions in the bill be included at this point in the RECORD.

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

SUMMARY OF MAJOR PROVISIONS IN HOUSE WAYS AND MEANS SOCIAL SECURITY BILL

SOCIAL SECURITY

Provisions

1. *Benefit Increase:* 5 percent, effective June 1972.

2. *Special Minimum:* Provided for people who worked 15 or more years under Social Security. Equal to $5 multiplied by the number of years of covered employment. The highest minimum benefit under the new provision would be $150 per month for a single person.

3. *Automatic Adjustments:* Benefits would be adjusted annually according to rises in the cost-of-living provided (1) the Consumer Price Index increased by at least 3 percent and (2) legislation increasing Social Security benefits had neither been enacted nor become effective during the previous year. To finance the automatic benefit raises, the wage base would be automatically adjusted according to the rise in average wages covered under the Social Security program.

4. *Full Benefits for Widows:* Widows aged 65 and older would be entitled to benefits equal to 100 percent of their spouses' primary insurance amount.

5. *Increased Benefits for Persons Delaying Retirement:* Benefits would be increased by 1 percent for each year a worker does not receive benefits because he is working after age 65.

6. *Age–62 Computation Point for Men:* Special advantages for women would be eliminated by applying the same rules to men as now apply to women. Phased in over three-year period.

7. *Additional Dropout Years:* One additional year of low earnings—in addition to the five years provided under present law—for each 15 years of covered work would be dropped in computing benefits. Effective date January 1972, and applied prospectively.

8. *Working Wives:* A working couple would be able to combine their wages for purposes of computing benefits if this would result in higher payments, provided they each had at least 20 years of covered earnings after their marriage.

9. *Liberalization of the Retirement Test:* Major changes include: (1) The annual earnings limitation would be raised from $1,680 to $2,000. (2) For earnings in excess of $2,000, $1 in benefits would be withheld for each $2 of earnings (Under present law the $1 for $2 feature applies only to the $1,200 band above $1,680; thereafter, benefits are reduced for each dollar of earnings above $2,880). (3) The earnings limitation would be adjusted automatically by the same percentage by which the wage base is automatically adjusted.

10. *Waiting Period for Disability Benefits:* The existing 6 month waiting period to qualify for disability benefits would be reduced to 5 months.

MEDICARE

Provisions

1. *Extending Medicare to Disabled:* Medicare would be broadened to include disabled beneficiaries under age 65, provided they have been receiving disability benefits for at least two years.

2. *Part B Deductible:* Deductible for Supplementary Medical Insurance would be increased from $50 to $60.

3. *Coinsurance under Hospital Insurance:* Beginning with the 31st day and continuing through the 60th, the patient would be subject to a charge of $7.50 per day for hospitalization. Under present law, the patient is subject to a $60 deductible. After satisfying this requirement, the patient pays nothing for his hospital bill through the first 60 days.

4. *Increasing Lifetime Reserve:* The lifetime reserve, under which the patient pays $30 per day, would be increased from 60 to 120 days.

5. *Hospital Insurance for Uninsured:* Persons reaching age 65 who are ineligible for Part A (Hospital Insurance) of Medicare could enroll under the program for $31 per month. Additionally, States and other organizations could enter into agreement with the Secretary of HEW to purchase such protection on a group basis for their retired or active employees 65 and older.

6. *Part B Premiums:* Premiums for the elderly for supplementary medical insurance—now $5.30 per month but scheduled to rise to $5.60 in July—will be increased only if Social Security benefits have been raised.

7. *Health Maintenance Organizations:* Medicare patients would be able to elect to have their covered care provided by a prepaid group or other capitation plan.

8. *Protection Against Retroactive Denial of Payments:* Under present law, the determination of whether a patient qualifies for post hospital extended care is usually made after the services are rendered. As a consequence, coverage is frequently denied retroactively—causing hardship for the patient, the nursing home, and the physician. To help provide a solution for this problem, the Secretary of HEW would be authorized to establish minimum periods of time after hospitalization during which a patient would be presumed to require extended care.

9. *Social Services Requirement:* The existing requirement for social services in extended care facilities would be removed.

10. *Elimination of Three Year Requirement to Enroll in Part B:* Aged persons would now be permitted to enroll in the Medicare supplementary medical insurance program (under present law, individuals must enroll within three years after first becoming eligible).

11. *Chiropractic Care:* A study, utilizing the experiments and experience under the Medicaid program, would be undertaken to determine the desirability of extending Medicare coverage to include chiropractic services.

MEDICAID

Provisions

1. *Repeal of Comprehensive Medicaid Requirement:* The bill would repeal the existing provision requiring States to have comprehensive Medicaid programs by 1977.

2. *Reductions in Medicaid Care and Services:* States would be permitted to eliminate or reduce the scope and extent of health care services which are optional under the Medicaid law such as dental care, eyeglasses and out-patient prescription drugs.

3. *Disincentives for Long Stays in Institutions:* Federal matching funds for Medicaid would be cutback by one-third after (1) 60 days of care in general or tuberculosis hospitals, (2) 60 days of care in a skilled nursing home unless the State establishes an effective utilization review program or (3) 90 days of care in a mental hospital.

4. *Incentives for Comprehensive Care:* Federal matching funds for Medicaid programs would be increased by 25 percent when a State is under contract with a health maintenance organization or other comprehensive health care organization.

5. *Patient Costs under Medicaid:* Medically indigent patients under Medicaid could be subject to a premium charge based on income. Moreover, States would be authorized to make the medically indigent subject to copayment provisions which would not be based on income. In addition, States would be permitted to establish cost sharing arrangements for categorically needy recipients—the aged, blind, and disabled—but only for services not required to be provided under the State program.

FINANCING PROVISIONS

Year	Employees and employers, each				
	OASDI percent	HI percent	Total percent	Maximum wage base	Maximum tax
1971	4.6	.6	5.2	$7,800	$405.60
1972–74	4.2	1.2	5.4	10,200	450.80
1975–76	5.0	1.2	6.2	10,200	632.40
1977 and after	6.1	1.3	7.4	10,200	754.80

WELFARE REFORM

Provisions

1. *Old Age Assistance:* The Existing Federal-State adult categorical assistance programs (Aid to the Aged, Blind and Disabled) would be replaced by a new Federal program (effective July 1972), administered by the Social Security Administration. Under the new program, the Social Security Administration would be required to make payments sufficient to bring an individual's monthly income up to $130 ($195 for a couple). For an aged person, the first $60 of monthly earnings would be excluded in determining his monthly income. States would also be permitted to make supplemental payments in addition to the Federal income standard.

MISCELLANEOUS

Provisions

1. *Updating the Retirement Income Credit:* The retirement income credit would be modernized by raising the maximum amount for computing the 15 percent credit for a single person from $1,524 to $2,500 (for an elderly couple, the maximum amount would be raised from $2,286 to $3,500). Additionally, the exempt earnings limitation under the law would be liberalized to correspond to the new retirement test under Social Security—a flat $2,000 exemption with a $1 reduction in benefits for each $2 of earnings.

SECRETARY CONNALLY'S ADDRESS AT THE INTERNATIONAL BANKING CONFERENCE IN MUNICH

Mr. BENNETT. Mr. President, one of the important speeches made this year on U.S. economic policy was given not in this country, but in West Germany. It spelled out the concerns of our Government on matters involving both the international monetary situation and international commerce. I refer, of course, to the speech made by the Secretary of the Treasury at Munich on May 28, before an international banking conference.

In that speech Mr. Connally said:

I want without arrogance or defiance to make it abundantly clear that the Nixon Administration is dedicated to assuring the integrity and maintaining the strength of

the dollar. We are not going to devalue. We are not going to change the price of gold.

And he made a good many other important points which I would like to call to the attention of the distinguished Members of this body.

For that reason, I ask unanimous consent to have printed in the RECORD the full text of the Secretary's remarks.

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

REMARKS OF JOHN B. CONNALLY

The opportunity to participate in this monetary conference has been of great value to me. It is a privilege, and I'm greatly honored by the invitation to share some of my thoughts with you at this closing session.

The hospitality of our Bavarian hosts is alone enough to make it worthwhile being here.

But we are here on serious business at a serious time. We are aware of the strains upon the monetary framework upon which we all depend to carry on our international commerce.

These monetary tensions are a warning. Elements of international monetary cooperation, built with so much effort in the postwar period, are being questioned.

There are also questions about the direction of our policies in the United States. I intend to deal with these questions openly and frankly, lest doubts corrode our purposes and our success. Most importantly, we need to recognize that the disturbances on the surface of the exchange markets are only symptomatic of deeper issues of national and international economic policies.

No group is more aware than bankers that our post World War II prosperity has relied on the close integration of the world economy and money markets. We have seen nothing less than an economic revolution, with benefits widely shared.

In our exhiliration over the gains, let us not forget that there are costs. Rapid progress in trade and investment has meant vast changes—changes with an uneven impact. As a result, particular industries and even entire countries face difficult adjustment problems.

By definition, an allied international economy implies some squeeze on independent national action.

Basic elements of economic and political power, and responsibilities for leadership, have drastically shifted since the main outlines of postwar policy were shaped a generation ago.

We must recognize, respond and adapt to these new realities.

Internal stability and social tranquility are legitimate goals of every society, yours and mine. But along the road there are temptations. It is easy to understand how one country or another can be tempted to shirk its responsibilities to the international community, including the maintenance of monetary order.

A stable monetary order requires nations to know and accept the "rules of the game." But let us not confuse cause and effect. It has been wisely said that money is but a veil. Monetary disturbances could help speed the processes of economic nationalism and disintegration. But we would be unrealistic to anticipate workable monetary solutions for essentially non-monetary problems.

There is no magic that can reconcile incompatible objectives. Money is not a substitute for productive efficiency and competitive strength. It cannot assure fair and equitable trading conditions. The plain danger is that, by expecting too much from the monetary system alone, we may fail to address the underlying need for change in other aspects of our economic life and policies.

What matters most is the spirit and attitude we each bring to this task. Here, I believe we in the United States have a special responsibility to make our approach and intentions crystal clear. I hope I do so.

Our economy is large and rich. We have a high level of trade. Our markets are relatively open. Our currency is a world currency.

Obviously, what we do matters a great deal—not just to our 200 million citizens, but to others as well. The manner in which we in the United States pursue our interests is crucial to any effort of the world community to move ahead together in a constructive, cooperative way. What can be expected of the U.S. in the years ahead? That early patriot, Patrick Henry, once shrewdly observed, "I know of no way of judging the future but by the past." If there are those who doubt our basic intentions and motivations, I commend that standard to you. You will find, I believe, our record to be a proud and constructive one, aimed not at dominance but at mutual growth and strength.

Even before the end of World War II—with the cooperation of many, but primarily with American initiative and support—the foundations of the present monetary system were set out at Bretton Woods. Today, only monetary historians may recall that this approach was not adopted without a struggle. An important segment of American opinion favored the so-called "key currency" approach. Arguing essentially that the economic ascendancy of the United States justified enshrining a kind of informal dollar-sterling standard with other currencies assuming a more or less permanent subsidiary role.

But policy-makers embraced another line of thought. It led to the International Monetary Fund—a thoroughly multilateral system, with proportional participation and voting by all members.

The same issue was posed—and answered in the long debate over the introduction of Special Drawing lights. Again, the United States joined enthusiastically in a deliberate decision to seek a broader, multilateral base for reserve creation, building on the mechanism of the IMF.

I recognize, of course, that the monetary system established at Bretton Woods did not abrogate the reality that the U.S. emerged from World War II as the principal producer of many goods in a war-shattered world. Our allies and former enemies alike lacked the financial resources to buy those goods or rebuild their economies.

Our interests and compassion combined to provide vast resources devoted to reconstruction through the Marshall Plan and otherwise. New trading arrangements were put in place and codified in the General Agreement on Tariffs and Trade.

The competitive recovery of other countries was speeded by a series of large devaluations of other currencies in 1949 and thereafter. We came to acquiesce in restrictive practices by many countries. Investments by our industry overseas were strongly encouraged by our tax and other policies. And, as the need for financial assistance tapered off in Europe, we pioneered in assistance to the developing world. At this point, there was a shortage of, and a cry for, the U.S. dollar.

I recite this brief record not to elicit either praise or thanks. My point is simple. We have consistently felt through the years that our basic national interest lies in an outward orientation of economic policy—alert and responsive to the needs of others.

Today:

The U.S. continues as the major capital exporter;

We make heavy outlays for defense costs in Europe;

The aid burden remains large, despite increasing participation by others.

As any nation, it might have been possible for us to redress our payments balance sharply and decisively by turning inward:

By heavily protecting our markets;

By sharply cutting our aid, and

By retreating into a "Fortress America."

But we refrained.

Our markets have remained among the most open in the world, in the face of massive increases in imports. We have supported the growth of the Common Market, despite its commercial and economic costs. We led repeated efforts to cut tariffs multilaterally, while continuing to accept the pleas of Japan and the Common Market that major areas of their economies should be shielded from international competition.

I leave it to others to judge whether the policies of the United States for more than the past quarter century have been benign. But I submit they have not been policies of neglect.

We are now dealing with not one but two problems simultaneously in the interest of the monetary system and, more broadly, a liberal trading order.

I refer first to our underlying deficit—running at $2 to $3 billion a year.

The second problem is one of enormous short-term money flows. In a sense, it grows out of the success in achieving broad, fluid, and integrated international capital and money markets throughout the free world. But now we see signs that the child of success is threatening the mother that nurtured it—the system of fixed exchange rates and freely convertible currencies.

Neither of these problems is uniquely American. We must all be concerned with the stability of the system, and the stability of the dollar that is a cornerstone of the system—whether we planned it or not and whether we like it or not.

The relevant issue is not to fix blame for how we got where we are—and then engage in destructive recriminations. We need a more constructive approach. Let us fix national responsibilities to deal with the problem now and in the future—responsibilities that can realistically be met because they are well rooted in present circumstances and present capabilities—not those of the first Postwar decade.

Let us, too, identify and undertake those joint actions necessary to deal with short-term flows—without in the process tearing apart the essential fabric of the system and institutions that serve us all.

Our own responsibilities are clear enough. The largest trading nation and custodian of the reserve currency is properly asked to meet high standards of economic performance. Prosperity and price stability are essential ingredients of that performance.

In the late 1950's and early 1960's we did achieve virtual price stability. Our current account reflected the benefits. I fully recognize that in more recent years our record has been a less happy one.

But the fact is that we had the will and the courage during the past 2½ years to bring our inflation under control by stern fiscal and monetary policies. Specifically, we raised taxes, and in 1969 and early 1970 money was tighter and interest rates higher than in any time in the last 100 years.

The domestic cost has been heavy. Excess demand has given way to economic slack, low profits, and unemployment of five million people, more than the entire labor force of the Netherlands, Belgium or Switzerland.

Inflation has been slow to yield—but it is yielding. Now tight money and fiscal restraint have been replaced by ease and stimulation. In the circumstances, is this wrong? I think not. Certainly, it would make little sense to ask for high interest rates in the United States at the expense of more unemployment, and at the same time bless

higher rates of interest abroad because other nations believe it is in their interest to use that weapon to combat inflation.

Inflation has contributed to the prolongation of our balance of payments deficit. But it is far from the only factor.

Specifically, we today spent nearly 9 percent of our Gross National Product on defense—nearly $5 billion of that overseas, much of it in western Europe and Japan. Financing a military shield is a part of the burden of leadership; the responsibilities cannot and should not be cast off. But 25 years after World War II, legitimate questions arise over how the cost of those responsibilities should be allocated among the free world allies who benefit from that shield. The nations of western Europe and Japan are again strong and vigorous, and their capacities to contribute have vastly increased.

I find it an impressive fact, and a depressing fact, that the persistent underlying balance of payments deficit which causes such concern, is more than covered, year in and year out, by our net military expenditures abroad, over and above amounts received from foreign military purchases in the U.S.

A second area where action is plainly overdue lies in trading arrangements. The comfortable assumption that the United States should—in the broader political interests of the free world—be willing to bear disproportionate economic costs does not fit the facts of today. I do not for a moment call into question the worth of a self-confident cohesive, Common Market, a strong Japan, and a progressing Canada, to the peace and prosperity of the free world community.

The question is only—but the only is important—whether those nations, now more than amply supplied with reserves as well as with productive power, should not now be called upon for fresh initiative in opening their markets to the products of others.

Is it natural or inevitable that fully 30 percent of Japanese exports go to the U.S. market—or do restrictions in Europe help account for the direction of that flow?

After years of income growth averaging more than ten percent, should not the Japanese consumer have free access to the products of the outside world?

Must Canada maintain tariffs on private purchases of U.S. autos at a time when a balance of payments surplus has resulted in a "floating" exchange rate?

Is it right that United States agricultural products find access to the densely populated continent of Europe increasingly limited?

I would suggest that all of these, and more, are proper matters for negotiation and resolution among us on a more equitable basis.

On the side of financial policy, I think we have all become more aware of the limitations placed on coordinated action by domestic policy requirements. Repeated reference has been made in this conference to the difficulties—with the best will in the world—of synchronizing international monetary and fiscal policies. The hard fact is that the business cycle is not uniform from country to country—indeed, it is perhaps fortunate that it is not.

In these circumstances it is still a dream—a worthy dream to be sure, but no more than that—to achieve a common level of interest rates. There are large disparities today—there have been before—and there will be again. If we are not all to take refuge behind a shield of comprehensive exchange controls or split exchange rates, money will move from nation to nation, and often in larger volume and faster than we would like to see.

Here is a clear and present danger to our monetary system. We must reconcile the stability needed to facilitate trade and investment with the flexibility needed to cope with massive flows of funds, actual and potential.

I am convinced the solution cannot be one-dimensional. And I will not now attempt to set forth a finished blueprint for a comprehensive approach.

But two lines of attack seem to me both promising and potentially practical. In combination, they could go a long way.

Flexibility is essential. This requires a certain elasticity in financing. Much has been done already on an ad hoc basis.

In the present situation the U.S. has made clear its willingness to help by absorbing some funds from the Eurodollar market or elsewhere, recycling these funds to the U.S. before they reach official hands abroad. The recent short-term borrowings of $3 billion by the Treasury and the Export-Import Bank are a case in point. In specific instances, additional dollar investment outlets tailored to the needs of central banks might have a useful subsidiary role. At the same time, we have a right to anticipate that other central banks will not themselves add to the market supply of dollars by contributing to the multiplication of Eurodollars.

Further exploration of these matters needs, and is receiving, urgent attention. Moreover, in the interest of both equity and financial order, we must ask ourselves whether the Eurodollar market should be accorded a position free of supervision and regulation which we deny to our domestic banking systems.

Secondly, in the light of recent pressures, the question of codifying a degree of additional flexibility with regard to exchange rate practices is clearly relevant. De facto events have brought some elements of flexibility. But I doubt that any of us could be satisfied with the variety of response to the imperatives of speculative pressures.

The danger is plain. To revert to the use of exchange rates as a supplementary tool of domestic policy is fraught with danger to the essential stability and sustainability of the system as a whole.

As time and events change, we must respond with a recognition of mutual needs and confidence. We all recognize there is no more room for monetary or economic isolation.

It is to our mutual interest to work out the world's monetary problems so that trade and commerce may expand and thus support national needs.

Helpful to the solution of any problem is the understanding that there are necessarily some unalterable positions of any participant. Believing this, I want without arrogance or defiance to make it abundantly clear that: the Nixon Administration is dedicated to assuring the integrity, and maintaining the strength of the dollar.

We are not going to devalue.

We are not going to change the price of gold.

We are controlling our inflation. We also are stimulating economic growth at a pace which will not begin new inflation.

So far as other nations are concerned: We fully recognize you are not willing to live with a system dictated by the United States.

But, as you share in the system, we have the right to expect more equitable trading arrangements.

We also expect you to accept the responsibility to share more fully in the cost of defending the free world.

Finally:

No longer does the U.S. economy dominate the free world. No longer can considerations of friendship, or need, or capacity justify the United States carrying so heavy a share of the common burdens.

And, to be perfectly frank, no longer will the American people permit their government to engage in international actions in which the true long-run interests of the U.S. are not just as clearly recognized as those of the nations with which we deal.

And it is with this understanding that I say to you that increased cooperation among us all must play a key role in maintaining a stable monetary system.

You can be assured that we will do our part.

THIRTY-FIRST ANNIVERSARY OF THE DEPORTATION OF LITHUANIANS TO SIBERIA

Mr. PROXMIRE. Mr. President, in June of 1940, 31 years ago this month, the armed might of Soviet Russia overran the Republic of Lithuania and wiped out the independence of the small nation. It was the tragic climax to 22 years of independence, won by the Lithuanian people in 1918–19 after centuries of alien rule.

The occupation of Lithuania was a prelude to the grim days in which the land became a battleground for German and Russian Armies. Continued Soviet occupation following World War II has perpetuated the eclipse of freedom in Lithuania.

An especially tragic aspect of that first Soviet conquest 31 years ago was the ruthless deportation of innumerable thousands of Lithuanian citizens to the prison camps of Siberia. It was on June 15, 1940, that the deportations began. Inevitably, much of what happened took place in secret, closed off to the outside world. It is clear, however, that there was a concerted policy to destroy the foundation of Lithuanian national, cultural, and political independence. It must be said today that, despite this sad story, that policy has failed.

The spirit of freedom is alive in captive Lithuania and among Lithuanians everywhere who share that fierce pride in language and tradition which, under God, has preserved the Lithuanian heritage. The memory of the victims of the 1940 deportations is fresh among Lithuanians throughout the world. We pray that their suffering shall not have been in vain, and that the spirit of freedom which they embodied may continue to flourish until at last the Lithuanian people are able to enjoy their rightful heritage among the free peoples of the world.

CONSUMER BANKRUPTCIES

Mr. SAXBE. Mr. President, I, along with many of my colleagues, have frequently taken the floor of this body to decry the runaway costs of medical care in the country today. I have also discussed the problems connected with delivering health care to those who need it most, and I have called for new legislation affording some kind of national health insurance that goes well beyond what is available today.

In that connection, I want to call attention to a letter I received recently from a bankruptcy referee in my own State. The letter and a group of cases included in it point up one of the aspects of the problem today. In brief, the letter notes that of 60 consumer bankruptcy cases heard in the writer's district during a random week, 16 were directly due

to hospital, doctor, and prescription bills. Moreover, in each of the cases, the medical bills result from no medical insurance or inadequate coverage. Further to update this letter, its author informs me that eight cases out of 30 heard Monday and Tuesday of this week have resulted from insufficient insurance coverage.

I ask unanimous consent that the letter be printed in the RECORD, along with the 16 cases covered.

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

MAY 18, 1971.

Hon. WILLIAM B. SAXBE,
U.S. Senator,
U.S. Courthouse,
Columbus, Ohio

DEAR SENATOR SAXBE: As a part of my duties as Referee in Bankruptcy, I am required to inquire into the causes of the bankruptcies that come before me. Aware of your sponsorship of pending Senate Bill S-3, I surveyed the 60 consumer bankruptcy cases heard in this district and division of the Court during the week of April 12 through 16 and thought you might be interested in the results.

As the appended list shows, of the 60 consumer bankruptcy cases 16 were directly due to hospital, doctor and prescription bills. I have included only those cases where the bankrupts said that were it not for medical bills they would not have been forced into bankruptcy and where the medical bills themselves totalled more than half the bankrupt's unsecured debts. In each of these cases the medical bills result from no medical insurance or inadequate coverage.

My experience over the past four years indicates that this is a typical week's cases. Moreover, the list does not include those cases where the bankrupt has gone to a finance company or a credit union to obtain an unsecured loan to get the hospitals off his back and later the collection tactics of the finance company cause bankruptcy, nor does it include cases where the bankrupt mortgaged his car or furniture for a secured loan to pay his medical bills and then cannot keep up the payments, nor does it include cases where the bankrupts say medical bills were the cause, but such direct bills are less than half their unsecured debts, nor does it include cases where the collection practices of hospitals have forced the bankrupt to this Court to save his job threatened by garnishment, nor does it include those cases where hospitalization was adequate, but the family went into debt while the breadwinner was off work. All of these latter situations are frequent causes of bankruptcy, but cannot be as easily documented in the short time we have for hearings. In other words, this list is the top of the iceberg which as a whole would include all those persons who have been forced to the ultimate extreme of bankruptcy because of inability to provide for unexpected medical bills. These are persons who would have been able to pay their other creditors, but for the presto provide for unexpected medical bills. themselves. Having taken bankruptcy, nearly all their debts are discharged, much to the distress of many of their other creditors, as well as the bankrupts themselves who stand to lose a great deal in these proceedings.

I trust this information may be of some use to you.

Sincerely,

JOHN J. DILENSCHNEIDER.

IN THE U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO, EASTERN DIVISION

Bankruptcy cases heard April 12–15, by Referee John Dilenschneider.

Total cases heard—60.

Cases in which medical bills were primary cause of bankruptcy—20.

Cases listed below where bankrupt had no hospitalization or inadequate hospitalization—16 out of the 20:

Case No. 1, unemployed at time of illness so no hospitalization.

Case No. 2, husband was employee of a small painting contractor who did not offer hospitalization.

Case No. 3, bartender, no hospitalization.

Case No. 4, "We had old Blue Cross plan. It hardly paid anything."

Case No. 5, factory worker, unclear whether employer did not offer or he did not take hospitalization.

Case No. 6, his company was a self-insurer, and he was on strike when his wife had the baby with complications. Company would not cover medical bills.

Case No. 7, claims that he had insurance, but that it was insufficient.

Case No. 8, four jobs in the last two years. "Did not hold a job long enough to get hospitalization."

Case No. 9, nine children—no hospitalization. Total unsecured bills—$4723.11; total medical bills—$3339.60.

Name	Total unsecured bills	Medical bills	Comment of bankrupt
Case No.:			
10	$6,240	$3,492	Cemetery worker, no hospitalization.
11	5,437	4,185	State employee, hospitalization no sufficient.
12	3,726	3,200	Worked for auto wrecking firm, hospitalization not available.
13	3,276	1,809	Worked for Marietta Metal. Aetna coverage was $19 a day. Room cost $34 a day.
14	2,233	2,042	Insurer refused to cover these bills.
15	2,014	1,931	Medical bills from nervous breakdown. Blue Cross-Blue Shield would not cover.
16	1,800	1,750	Worked for a small lumber company that did not offer hospitalization.

GENERAL REVENUE SHARING

Mr. STEVENSON. Mr. President, when I opened the Washington Post this morning, I found in the letters column a communication by Wilbur Cohen on the subject of general revenue sharing. Mr. Cohen, the former Secretary of Health, Education, and Welfare, has been in the forefront of many successful efforts to design and legislate intergovernmental programs in health, education, and income maintenance. With his many years of experience, Mr. Cohen strenuously questions the desirability of general revenue sharing.

Mr. President, I ask unanimous consent that the text of Mr. Cohen's letter be printed in the RECORD.

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

FORMER HEW SECRETARY COHEN ON GENERAL REVENUE SHARING

According to the advocates of general revenue sharing, it is legislation to provide federal funds to states and localities *without any string attached,* without any standards.

I am unalterably opposed to such legislation.

It is unconscionable, in my opinion, to support federal legislation to give governors and mayors, and their legislative bodies, absolutely complete discretion to spend federally raised money any way they see fit without any standards, requirements, criteria, or accountability to the Federal Congress.

With all the tremendous social and economic needs we have in this country, there must be some priorities and conditions in any federal revenue sharing legislation to guide the state and local people who will spend the federal money.

In addition, why should federal taxes go to help a state like Ohio when they don't have a state income tax and have the lowest tax effort in relation to income of any state? General revenue sharing as now proposed would help those who don't help themselves. Before any general federal funds are given, the state should at least have a state income tax. Under general revenue sharing a state could use the new federal money to reduce or eliminate its state personal income or corporation tax if it wished. This doesn't make sense. It sets up the wrong incentives.

There is no guarantee in general revenue sharing proposals that minority groups would get their fair share of the federal funds. Nor is there any guarantee that the poor and disadvantaged would get their fair share. All the federal funds could be used for high income persons or for low priority projects or as a substitute for existing state and local expenditures.

In my opinion, any federal revenue sharing proposal should include requirements for merit selection of personnel, and ways to effectively trace the federal funds, and performance or budgeting requirements. The requirement in most pending proposals is that the federal money be spent or given away in almost any manner whatsoever. Is this a responsible way of developing federalism in terms of effective federal-state-local partnership? Of course not. It would probably result in graft, collusion, misunderstanding, and undermining faith in federal as well as state and local government. It is a most unsound, unfair, and corrosive proposal being advocated by people who otherwise are arguing for responsibility and specificity in business contracts. Why not apply these same principles to general federal revenue sharing?

I am strongly in favor of additional federal aid to the states and localities but only on condition that the ways in which the federal money can be used are clearly specified in the federal law and there is accountability by the states and localities to the Congress and the General Accounting Office as to the use of the money.

I sincerely hope the Congress will not vote to enact general federal revenue sharing as long as the principles and specifics of any proposals are unsound, unwise, and unpolitic, as those which existing proposals appear to advocate.

WILBUR J. COHEN,
Dean, School of Education, The University of Michigan.
ANN ARBOR.

UNITED STATES-JAPAN RELATIONS DISCUSSED BY PRESIDENT OF KEIDANREN

Mr. HATFIELD. Mr. President, today Mr. Kogoro Uemura, president of the Japan Federation of Economic Organizations—known as the Keidanren—addressed the Eighth Japan-United States Businessman's Conference, which is meeting in Washington.

Mr. Uemura has had a distinguished career as a Japanese businessman, and is a highly respected gentleman. His remarks discussed the state of United States-Japanese relations today, and he addresses some points of misunderstand-

ing among people in this country about the role of Japan in the world business community.

I believe Mr. Uemura's remarks are worthy of our thoughtful review and consideration. As a Senator from the Northwest, I will pay particular attention to the points he makes. We in Oregon have deep ties, both on a business and a personal basis, to Japan.

I call the attention of my colleagues to Mr. Uemura's comments. I ask unanimous consent that the speech be printed at this point in the RECORD.

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

CHALLENGE FOR RESPONSIBLE PARTNERSHIP

(By Kogoro Vemura)

Ladies and Gentlemen: I am very honored to have the opportunity to speak to such a distinguished audience. It is particularly gratifying to talk with people who share the same concerns, if not the same viewpoints, on U.S.-Japanese relations. What I offer today is my share of bricks to help construct a balanced consensus on economic relationships across the Pacific. Believing as I do that honesty is the shortest route to understanding, I intend to avoid fancy rhetoric and grandiose words. Instead, I will frankly bare my thoughts on the serious concerns held by the Japanese on the current state of our bilateral relationship.

My prime concern is this: a growing number of people in your country apparently view Japan as an emerging super economic power seeking to dominate world markets. According to this view, the Japanese government instructs and helps business interests to attack overseas on a market-by-market basis, subsidizing exports while protecting its own market from trade and investment from abroad. The government is seen as imposing an all-encompassing web of administrative guidance. Japanese announcements of liberalization are viewed as inadequate at best, and a mockery at worst. Japan, the criticism continues, aspires to dominate the U.S. economically and eventually the world.

I sincerely hope that the U.S. does not base its policy on such a distorted view of the realities of Japan. Let me ask you to join with me in shaping a sound sense of realities on both sides of the Pacific. In my view, this is the greatest challenge facing us today.

JAPANESE ECONOMY

There seems to exist a puzzling contrast between the views of Americans and Japanese regarding the economic power of our two nations. On the one hand there is the towering trillion dollar economy of the United States supported by 200 million Americans. On the other hand, we Japanese wonder how 100 million Japanese, with five times as long a history of civilization, have only reached one fifth of the economic size of the U.S. in 1970. And we ask why do Americans seem to have such a sense of alarm at the prospect of being caught or even surpassed by a small island nation with practically no natural resources?

The real GNP increase of the U.S. for this year is estimated at $40 billion, twice the increase ever attained by Japanese economy. Indeed the United States economy, in simple dollar and cents terms, is steadily outgrowing and outdistancing Japan. The absolute gap in GNP between the two countries has widened from $461 billion in 1960 to $765 billion in 1970, and during the same period the gap in per capita income widened from $1,938 to $2,505. The average productive capacity of the Japanese, as expressed by per capita GNP, is still lower than West Germany, France and Great Britain.

The Japanese economy is now facing new challenges on three fronts: labor shortages, severe environmental problems, and an increasing difficulty in finding an adequate supply of industrial resources at stable price levels. The problem of pollution in Japan is even more difficult than in the U.S. because of our sharply limited land area. Japan is smaller than the state of Montana, and only 16 percent of the land is flat space, within which all manufacturing plants are located. (Moreover, many pollutants are in essence unused raw materials, which we simply cannot afford to lose.)

Japanese are becoming keenly sensitive to improving the "quality of life". The government is formulating a new indicator showing net national welfare (NNW), reflecting general dissatisfaction with the GNP. Our limited space reduces our capacity to import coal, lumber and pulp and many types of minerals and oil, simply because we don't want to clog our ports, harbors and inlets. Countries with rich natural resources are increasingly reluctant to part with them in crude form. Clearly the trend is towards less-polluting and less-energy consuming types of industries.

The prospect is that knowledge, information, education and communication will become key industrial terms in Japan, not only because they satisfy the increasingly sophisticated needs of industry and society, but also because they are highly adapted to a country with stringent limits on domestically available industrial space and resources. Growth rates will gradually decline as Japan shifts from a manufacturing-oriented economy to a service-oriented economy. Government expenditures on social infra-structure and personal consumption will soon outrank industrial investment as a factor in economic growth.

The extension this August of preferential tariff cuts by Japan to developing economies will accelerate this metamorphosis of the Japanese economy. We are already exporting jobs to developing countries, and we consider this to be a sound policy.

A consultative body of the Ministry of International Trade and Industry, of which I am the current Chairman, recently came out with a proposal calling for a shift of national priorities from growth-seeking to growth-utilizing. It urges reducing the work week to 35 hours, spending $500 billion this decade to improve the infrastructure, putting 8 percent of new investment into anti-pollution facilities, and greatly expanding university attendance and investment in research and development. It also recommends an increase in economic assistance to less developed countries to about $7.5 billion by 1980. I anticipate that there aims will be realized.

The rate of private investment in productive facilities within the country is now seen as stabilizing after rising steadily during the past two decades. Instead, more and more productive facilities will be transferred to developing countries. It is estimated that Japan will have exported $26 billion of capital abroad by 1980.

We have never failed to appreciate the fact that during our process of economic development we have been greatly indebted to the liberal trade policy of the United States. We will try our utmost to do the same to help the developing countries, being keenly aware that our own peace and prosperity depend on the economic stability of our neighbors. Our annual aid to LDGs is currently close to half that of the U.S. and we will more than triple our efforts in this area by the end of this decade.

FOREIGN TRADE

The impact of this trend on Japanese trade is obvious. Japan is already becoming a large importer of labor-intensive goods. As trade liberalization proceeds, coupled with the starting of preferential tariff cuts, this trend will be extended to more sophisticated light industrial products and then to all manufactured goods. We intend to deal with the short-term domestic disallocations caused by these developments through adjustment assistance and shifts to higher technology industries.

In the past, Japan extended substantial efforts to export in order to pay for imports of food and raw materials needed to sustain the life of her people. Nevertheless, Japan's current ratio of exports to GNP is less than 10 percent, lower than any industrial nation in Europe. Japan actually ranks no higher than 62nd in this respect among 76 member nations of the IMF. Clearly, then, the current image of Japan in this country as an export-crazy nation is a serious distortion. And as the structural shift of our economy proceeds, the Japanese preoccupation with keeping enough dollars in foreign exchange reserves to protect the people and industry in case of emergency will rapidly recede.

UNITED STATES-JAPANESE TRADE

Now I enter a difficult area. Japan's bilateral trade balance with the United States has been steadily in our favor since 1965. The trade balance, however, should be viewed multilaterally as well as in conjunction with other balance of payments factors.

As the pattern of U.S. balance of payments steadily approaches the stage where net income from overseas investments exceeds the net outflow for overseas investment, the economies of other countries, especially those in developing regions, will increasingly be strained if the U.S. insists on having a large surplus in its trade account. It is also important to remember that when Japan imports oil and minerals in third countries, in many cases we are paying the U.S. subsidiaries located in these countries.

However, we are not unmindful of the U.S. wish to restore its bilateral balance with Japan. I will be delighted to see more imports from the U.S. This is already happening. Last year U.S. exports to Japan jumped 33 percent over the previous year. In fact, the rate of increase in U.S. exports to Japan between 1960 and 1970 far surpassed that to any single important trading partner of the U.S. The competitive ability of the U.S. is undoubtedly strong. Even in the inflationary year of 1970, the U.S. increased its total exports by $5.2 billion, while Japan's record annual increase last year was far lower at $3.4 billion. The liberalization of 40 items by September, coupled with the expected upturn in the Japanese economy in the second half of this year, is bound to help U.S. exports to Japan.

Aside from the balance of payments, the U.S. has a legitimate concern about unemployment due partially to imports. In such cases, the importing country has an obligation to provide assistance to affected workers in accordance with its own domestic regulations. When the importing country has explored the possible means of adjustment and relief, and the problem still persists, the exporting country (or industry) should render reasonable cooperation. It is in this spirit that the Japanese steel industry has voluntarily restrained its exports to the United States for three years, and is now negotiating a two-year extension of restraints in cooperation with the U.S. It is also in this spirit that Keidanren is now proposing "responsible marketing", taking into full account the business environment for trade.

Now the Japanese textile industry has announced its intention of restraining exports to the U.S. The industry did this despite great reservations. It was not convinced that Japanese textile imports, which amount to less than two percent of the U.S. market, could be a major cause of economic problems, nor was it persuaded that the existing avenues for domestic relief had been fully explored.

The Japanese government is supporting the plan and is going to extend compensation to domestic textile firms which will be affected by the restraints. It plans to spend over $200 million from the national budget for this purpose. In other words, each Japanese citizen is paying two dollars to the government to defray the commercial costs of restraining textile exports. Moreover, Canada, Australia and South Africa are already demanding that Japanese restraints on textile exports be extended to them. While these restrictions are being prepared, Japan's imports of textiles products have been increasing by 46 percent annually in the last five years.

TRADE BARRIERS

In a broader area of U.S.-Japan trade, I must flatly deny any allegation that Japan is using unfair practices in pushing exports and curbing imports. The whole array of tax incentives to export which were once so necessary to us have been steadily dwindling since 1964. They were sharply cut again in April of this year. In financing, the continued lowering of general interest rates in the past two years has reduced to a negligible amount the preferential margin between export and regular financing. Within a matter of weeks the government will announce the complete removal of the remaining preferential margin.

I am frankly perplexed at the image being created here that Japanese government officials instruct private firms on where and how to concentrate their export efforts. If business decisions and technological development were as easy as bureaucratic desk work, and if the so-called "Japan, Inc." exerted the power now being attributed to it, Japan would by now have attained the world's highest ratio of exports to GNP. No administrative guidance instructed Japanese electronic producers to make small TV receivers. Neither do I know of any government official who directed shipbuilding companies to develop unique welding techniques. The man-hours required in producing one ton of steel is now lower for Japan than in the U.S. There is no government intervention involved here.

On the import side, we are rapidly reducing both tariff and non-tariff barriers. Japan carried out its accelerated implementation of the final stage of Kennedy Round tariff cuts on April 1 of this year. In addition, Japan has unilaterally lowered the duties on 38 important items, such as color film, TV, automobiles, glass, cooking heaters, refrigerators, etc. to levels far lower than agreed during the Kennedy Round.

On non-tariff barriers, we have labored hard in the past two years to reduce the number of restricted items from 120 to 80. The number will go down to 60 within a few weeks and then to 40 at the end of September this year. The government is now formulating a schedule for the removal of 10 additional items from restriction. I admit that the tempo of liberalization was slow until 1969. We started liberalization in 1960, when our annual per capita income was $356, or less than one tenth of the U.S. level today. But we will have gotten rid of restrictions on nearly all of 1,097 items by September of this year. Beyond that we are determined to push for post-Kennedy Round reductions in tariff levels and the removal of remaining non-tariff barriers. We will do so, multilaterally, bilaterally *and unilaterally*.

Some Japanese cite dozens of European quotas aimed specifically at Japanese imports, and we feel less guilty about Japan's own trade restrictions. I think this is a backward view. Other Japanese cite the considerable list of U.S. restrictions against Japanese imports in the form of voluntary restraint arrangements including steel, cotton textiles and sundries. About seventy items are involved, and after July 1 the number will reach nearly a hundred when textile export restraints go into effect. I contend, however, that if we maintain our trade restrictions simply because other countries do so, we are only penalizing ourselves by reducing the efficiency of our national economy. Every trade barrier is an invisible tax on consumers and on industries in need of imports.

DIRECT INVESTMENT

Of a total of about 600 industrial categories, 530 are now open for foreign capital investment—77 for 100 percent foreign ownership and the rest for 50 percent ownership. The U.S. is urging equal treatment in direct investment, pointing out that Japanese can build plants anywhere in the U.S. quite freely. But most Japanese companies do not feel they have the financial, technological, managerial or personnel resources to set up plants in the U.S. Some do not see any wisdom in doing so. I can't deny the fact that Japanese enterprises are still awed by the sheer size of U.S. corporations. As late as last year, the largest Japanese firm had annual sales of less than one fifth the largest U.S. firm. In fact there are only a dozen plants in the U.S. of modest scale owned either singly or jointly by Japanese firms, while there are already hundreds of manufacturing plants in Japan either singly or jointly owned by U.S. firms. Current U.S. direct investment in Japan is estimated at about $1.5 billion, while Japan's direct investment in the U.S. is about one eighth of this level.

Nonetheless, we are not averse to opening the door wider to foreign capital. Within two months the government will implement the fourth round of liberalization, which opens almost all industrial activities for foreign investment, except public utilities, real estate, nuclear power, security-related products and a very few other industrial activities. The U.S. also restricts foreign participation in most of these industries either by Federal or state laws.

The merit of the free movement of goods and services in international trade is well established, but the picture in investments is not so clear. An increase in real income in the host country (or indeed, even in the home country of the investor) may or may not result. And even where the economic merit is proven, there is still a deep-rooted concern over a "cultural takeover" of the Japanese way of life by a foreign way of life. Transnational investments are indeed transfers of the totality of managerial resources, and are bound to have influence on local business practices, employment patterns, working rules, community relations and the sense of participation among workers. This is a profound social and political hurdle in such a homogenous nation as ours. This cultural and psychological factor also explains the Japanese insistence on equal ownership. The principle is frankly based on the belief that foreign influence can be moderated by this formula. We ourselves want to proceed on this formula when we invest abroad.

I also believe it to be commercial wisdom on the part of incoming enterprises to accept the 50–50 principle for the time being. The Japanese business environment is so different that U.S. enterprises can learn a great deal from Japanese partners about local customs, and surely the Japanese partner has much to learn from the U.S. partner. Let me assure you, however, that after the fourth round of liberalization, 100 percent foreign ownership will progressively be open for additional industrial categories, as the process of cultural assimilation proceeds. In the meantime, I urge restraint on the part of international corporations. As first-class citizens of the business world and roving ambassadors for free trade, they should be constantly seeking to harmonize with the communities in which they operate.

DOLLAR AND YEN

If there is any single major country whose economic destiny is inextricably tied to the strength of the dollar, it is Japan. We can't afford to rock the dollar boat. Many countries have a golden life preserver, but our gold holdings are less than 10 percent of our foreign exchange reserves. The Bank of Japan thus has a great stake in supporting the value of the dollar.

On the other hand, if we continue to allow wage increases to exceed productivity increases and to align exchange rates to the currency of a country where the gap between wages and productivity is substantial, some day we will find the currencies of the free economies depreciated against those of the planned economies. The major nations of the world should not benignly neglect the world-wide problem of inflation, but should cooperate in removing its cause and in preventing its contagion.

It is also important to maintain some sort of restraint on the free movement of hot money. Although I support the case for liberalization of long-term investments, I have serious reservations about freely permitting national economies to be affected by a whimsical international flow of short-term capital. Suggestions as to a change in dollar-yen parity disregard the fact that such a move would not have any impact on the 50 billion Euro dollars currently threatening international monetary stability.

CONCLUSIONS

In conclusion I urge the Japanese and American business communities to exert moderation and restraint in pushing their respective economic interests, whether they be in exports or in direct investment, lest we undermine the social, cultural and political environment for business in both countries needed for steady economic progress. I am not seeking to create a clubhouse of mutually indulgent friends. We welcome challenge, but at the same time it is the responsibility of the two business worlds not to endanger the greater possibilities for our two nations to play a joint role in helping developing countries, in building bridges between ideologies and in exploring unknown potentials in space, sea and earth. Beyond that, we are anxious to have close spiritual ties with the people of the United States. All our efforts here and in Tokyo are based on the belief that an awakening of the sense of common destiny transcends all other interests, however important they may seem to be.

LITHUANIA

Mr. CURTIS. Mr. President, just 31 years ago today—on June 15, 1940—a sequence of events was set in motion ending in one of the great, silent tragedies of modern history.

Perhaps history has ignored the destruction of Lithuania because the victim was such a small nation. Or perhaps historians have simply turned their heads, preferring to look in the other direction when these sad events are brought up for examination.

Whatever the reason, Mr. President, the fact remains that too few remember or commemorate the death of Lithuania. Even fewer care to consider the agonies of that tiny country during its death throes.

To put the events of June and July 1940 in their proper perspective, it must be noted that Lithuania has had a long and cruel history. Caught as it was between the warring armies of the great powers of Europe—Russia, Poland, Germany—the Lithuanians for a millennium fought bravely and continuously to establish their freedom and their sense of identity.

Not until the close of World War I did the Lithuanian people gain their free-

dom. They became at long last a nation with its borders guaranteed by the great powers of the world.

Such guarantees had little meaning, however, when the rapacious eyes of the Soviet Union fell upon its small neighbor. In 1920 Russia "annexed" the Province of Vilnius.

At the outset of World War II, when Stalin and Hitler partitioned Poland, the Soviet Union forced upon the Baltic countries—Lithuania, Estonia, and Latvia—so-called mutual assistance treaties. The idea was to "protect" these countries from Germany. Under these treaties Lithuania was forced to accept a garrison of Soviet troops under the pretense they were protecting Lithuania from the Nazis.

Even these pretenses fell away, in June of 1940. Soviet propaganda against Lithuania was stepped up. The Lithuanians were accused of conspiring against their friends and protectors.

Finally, on June 15 the blow fell. Lithuania was given an ultimatum to form a new government that supported the Soviet Union.

Antanas Smetona, President of Lithuania, fled to the West and came to the United States. Others in the Government were not as fortunate. They were captured by the Soviet Army and transported to Siberia where they were placed in forced labor camps.

They were soon joined in those hideous slave camps by thousands upon thousands of their countrymen in one of the worst mass transportations of population in modern history. Nobody knows exactly how many hundreds of thousands of Lithuanians were forced from their homes and their homeland and removed to the bleak and desperate climate of Siberia to be worked as slaves in coal mines, lumber mills, and on farms. The wastelands around Vorkuta Prison Camp are filled with the unmarked graves of countless Lithuanians who died of starvation, overwork, or exposure to the vicious elements.

Mr. President, June 15 is an infamous date for the Lithuanian people. It is a day all free men should recall if only to remind themselves that freedom is a precious thing, and that freedom is fragile. It is too easily lost, and too easily shattered.

Lithuania has largely been repopulated by Russians. It is incorporated, physically, within the Soviet Union and has no political or geographic identity of its own.

But in the hearts and minds of many thousands of Americans of Lithuanian extraction, that tiny country still lives. They hope against hope that freedom once again will be restored to their people. They work to that end.

We must never forget these people, nor must we ever forget the deep and burning desire that remains within them to see freedom once again flourish.

PRESIDENT NIXON'S CALL FOR A NATIONAL CONFERENCE ON CORRECTIONS

Mr. HRUSKA. Mr. President, President Nixon has called upon the Attorney General to plan for a National Conference on Corrections this fall. I have a letter from the Attorney General enclosing a copy of the President's memorandum to him on the subject, and noting that the conference grows out of discussions on the subject this Senator has had with the Attorney General and others in the past.

I ask unanimous consent, Mr. President, to have printed at this point in my remarks the text of the Attorney General's letter, and the President's memorandum of June 10.

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

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., June 10, 1971.

Hon. ROMAN HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR ROMAN: I am enclosing a copy of a memorandum I have received from the President requesting that I begin planning for a National Corrections Conference to be held in the Fall.

This conference, as you know, grows out of the discussions you and I have had regarding the need to share with the criminal justice community the progress made over the last few years and plan for a course for the future. Because of your leadership in this important area, I will again be asking for your advice and assistance as we proceed with the plans for the conference.

It is our hope that the conference can achieve the splendid success enjoyed by the recent National Conference on the Judiciary held this Spring in Williamsburg, in which you were a participant.

With warm personal regards,
Sincerely,

JOHN MITCHELL,
Attorney General.

THE WHITE HOUSE,
Washington, June 10, 1971.

MEMORANDUM FOR THE ATTORNEY GENERAL

In my memorandum to you of November 13, 1969, I noted that the American system for correcting and rehabilitating criminals presented a convincing sense of failure.

In that memorandum I directed you to take action across a broad front to improve the situation.

As you have advised me, we have organized federal efforts for a total attack on this problem, and there already have been substantial achievements. For the first time in the history of our country the Federal Government is not only committed to improving our entire corrections system, but has acted as well.

I am, therefore, requesting you to convene a National Conference on Corrections this fall, similar to the National Conference on the Judiciary I attended earlier this year at Williamsburg, Virginia.

Interest in and concern about the state of our jails, prisons and correctional programs is widespread. The Chief Justice, the Congress, professional groups such as the American Bar Association, and state and local governments all share our desire to achieve progress in this important area. We should build on this community of interest.

As we well know, progress cannot be measured by expenditures alone. Yet it is encouraging to note that the Bureau of Prisons has increased its funding from $69 million in Fiscal 1969 to a request of $194 million in Fiscal 1972, and is moving ahead at my direction to make our federal prison system a model for the nation. The Law Enforcement Assistance Administration is writing a splendid chapter in corrections improvement. LEAA funding for corrections has increased from $2 million in Fiscal 1969 to $59 million last year to $178 million this year. As those figures show, LEAA has made corrections improvements one of its top priorities.

Other departments are also increasing their commitment to these and related problems. It is time we shared this progress more fully with representatives of state and local criminal justice planning bodies, professional groups in the corrections field, and a variety of public service organizations. They should all be aware of what has been accomplished in the past two years, what is being done at present, and what is planned for the future through joint, federal, state and local efforts.

RICHARD NIXON.

Mr. HRUSKA. Mr. President, improving the correctional systems of this Nation from the first moment of confinement until parole or probation should be one of the high priority items for action by all levels of government—local, State, and Federal.

As Chief Justice Burger recently said:

When a sheriff or a marshal takes a man from a courthouse in a prison van and transports him to confinement for two or three years, this is our act. We have tolled the bell for him. And, whether we like it or not, we have made him our collective responsibility. We are free to do something about him; he is not. If we fail, that bell tolls for all of us.

From the very early days of this Nation we have been guided too long, and unfortunately, by the basic philosophy that the best and most effective way to deal with criminal elements in our society is to lock them behind bars for long periods of time and do little or nothing for them during their imprisonment. We have paid far too little attention to attempt developing and implementing rehabilitative procedures that will pay dividends by returning useful and law abiding citizens to society, in such instances where such a result is likely or probable.

President Nixon commented on this failure of society when he said:

Nineteen out of every 20 persons who are sent to prison eventually return to society. What happens to them while they are in confinement is a tremendously important question for this country.

Are they effectively rehabilitated? In some instances, the answer is yes. But in an appalling number of cases, our correctional institutions are failing.

The American system for correcting and rehabilitating criminals presents a convincing case for failure. No realistic program to substantially reduce crime can ignore the appalling deficiencies of our prisons and rehabilitation efforts.

Today at least 40 percent of all offenders released from custody eventually return to prison.

This sentiment was echoed by Dr. Karl Menninger, the distinguished psychiatrist and author:

Prison walls do not make people better. At worst they are crime schools. At best they give little opportunity for improved outlook during confinement and renewed hope for the future after release.

REHABILITATION VERSUS PUNISHMENT

Mr. President, experience has shown that far too many of our jails and prisons corrupt rather than correct; contaminate rather than rehabilitate. All too often, these institutions are socially infectious

breeding places that stimulate criminal careers rather than instilling acceptable patterns of behavior and preparing convicts to return to a useful role in society.

Confining men under conditions which encourage idleness, brutality, and homosexuality can only serve to foster criminal behavior. So long as we permit recidivism to be the rule rather than the exception, crime will continue to increase.

Correcting criminal behavior is, and should be, the primary goal of our prison systems.

A recent poll seems to indicate that at long last the great bulk of our citizens are coming to realize that the primary goal of correctional institutions is to rehabilitate. Seventy-two percent indicate agreement with that philosophy in contrast to 7 percent who believe that punishment should be the chief goal.

Unless we change the offender while he is incarcerated, the prospects of his returning to society as a law-abiding and contributing citizen are remote indeed. The endless cycle of arrest, imprisonment, release, and rearrest has plagued this Nation for too long. It must be reversed.

The ability of a man who has committed a crime to stay out of trouble once he is released is directly tied to his ability to get and hold a job. Yet, the success of prisons in training convicts for jobs and their ability to get one in the field of that training has been notoriously low. Coupled with this has been the inability of the entire correctional process to get either the money or the staff to do the kind of work it ought to be doing.

The Joint Commission on Correctional Manpower and Training, created by the Congress 5 years ago, recommended that national and State leaders must appropriate much more tax revenue to the entire field of corrections. Its point is very simple: the number of men who make a career out of crime is not going to be reduced until the institutions of the correctional process—jails and prisons, parole and probation agencies—have the funds and the personnel to rehabilitate—rather than just confine and harass—those convicted of crime. The report says:

> The public and their legislators must understand . . . that there can be no solution to the problem of recidivism as long as harsh laws, huge isolated prisons, token program resources, and discriminatory practices which deprive offenders of employment, education, and other opportunities are tolerated.

CONGRESSIONAL INITIATIVE

Congress has recently taken two very important steps to try to accomplish this goal. In 1968, the Omnibus Crime Control and Safe Streets Act made limited resources available to the States for the improvement of prison facilities. However, under this act the greater emphasis was put on a wide range of law-enforcement activities, which of necessity meant that very little money was available for correction. During the first years of this program there was simply not enough money appropriated for the law-enforcement assistance program to make much of a dent in this very serious problem.

PART E FUNDING

Last year Congress approved the Omnibus Crime Control Act of 1970 which added a new part E to the 1968 act which authorized greater emphasis and priority for corrections. Under the terms of this section an amount equal to not less than 20 percent of the funds allocated for action grants must be devoted to "comprehensive statewide programs for construction, acquisition, or renovation of correctional institutions—and the improvement of correctional programs and policies." For the current fiscal year this means that almost $50 million will be available from part E funds for grants to States for corrections.

This figure for part E funds is expected to double next year and increase still more over the coming years as the moneys appropriated for LEAA increase. Fifty percent of these funds are to be used as block grants to State planning agencies; 50 percent are for LEAA discretionary grants.

One statistic will go far to illustrate the problems we face: The National Council on Crime and Delinquency reports that there are 358 State penal and correctional facilities for adults in the United States. Of these 61 were opened before 1900; 25 of those are more than 100 years old.

Less than 10 percent of the prison population of this Nation is housed in our Federal prison system. The great need is at the State and local level where an estimated 10,000 separate custodial institutions exist. Congress has taken, as I have said, two important steps to provide additional funds for the upgrading of these facilities and their programs. We will continue to do all that we are able. However, the public and elected officials at all levels must become aware of the magnitude of this problem and see that constructive action is taken.

Unfortunately, there are already more demands on our dollars than we can presently meet. This, of course, means that to allocate more money for corrections some other programs must be trimmed. In addition, prison reform is not a particularly potent issue; its constituency lacks influence. We must make it otherwise. Regardless of these two disadvantages, for the sake of justice, decency, and humanity this Nation must find a solution to the corrections problem.

CORRECTIONS CONFERENCE

It is for this reason that I have discussed with the Attorney General the possibility of a National Conference on Corrections—to discuss all of the components of this aspect of the criminal justice system.

The purpose of this conference—patterned after the very successful National Conference on the Judiciary held earlier this year in Williamsburg, Va.—would be to focus national attention on the state of many of our corrections systems, to take note of progress and also to forge support for continued improvement in programs and facilities dealing with probation, imprisonment, and parole. Another reason for calling such a conference would be to provide an opportunity for leaders in the criminal justice field to hear of and exchange the most modern and progressive ideas in corrections.

It is this Senator's belief that notwithstanding the efforts of Congress to authorize and appropriate substantial funds for the new part E of the LEAA legislation, many of the State and local officials who could call on these resources for assistance in financing local prison and corrections reform projects are not aware of their existence. This is just one additional reason for calling such a conference so that efforts could be made to acquaint these leaders with the amounts and types of funds available and the methods which have been set up for their dispersal.

This conference would reflect the importance national leaders attach to this project and would be entirely consistent with the administration's commitment to a comprehensive, across-the-board assault on crime. As President Nixon has stated, 40 percent of all offenders released from custody eventually return to prison. If by improving our rehabilitation efforts and job training programs for persons spending time in correctional institutions we are able to cut that figure in half—to perhaps 20 percent—we will have accomplished a great deal not only for human dignity but for dramatically reduced crime statistics as well.

Mr. President, I congratulate the President and the Attorney General for their foresight and dedication to this important conference. I urge my colleagues to lend their continuing support.

AND THE MEEK SHALL INHERIT THE EARTH

Mr. McGOVERN. Mr. President, National Educational Television this week once again performed a valuable public service with its production "And the Meek Shall Inherit the Earth." This film study tells with considerable success the folly of the now rejected policy of "termination" of our Indian citizens.

"And the Meek Shall Inherit the Earth" explains in vivid detail how economic chaos and personal tragedy followed the termination of the Menominee Tribe of Wisconsin.

In telling the story of the Menominee Tribe, the production also tells us much about our past failures in dealing with the American Indians. More than anything else, this film shows the wisdom of the recent policy statements adopted by this body calling for Indian self-determination, not termination.

The greatest need of our Indian citizens living on reservations today is the assurance that we here in Washington will permit them to be the masters of their own fate, but through programs designed at the grassroots level and not by a bureaucracy here in Washington. Had we given the Menominees of Wisconsin a voice in their fate, for example, they would not have been terminated but instead would be flourishing.

In our past legislation aimed at Indians, we have too often failed to con-

sider the vast cultural differences between the mainstream society and the Indian. We have attempted in too many instances to make the Indian over in our own image. The Indian, however, has resisted these changes. This cultural view is quite accurately told in "And the Meek Shall Inherit the Earth." It clearly shows the need for taking these cultural differences into account in any legislation we might consider.

I commend writer and producer Ann Delaney for once again bringing us a reliable view of the problems of the American Indian. Because all Americans who are genuinely concerned with the problems of the American Indian should be aware of the contents of this production, I ask unanimous consent that the text of the NET production "And the Meek Shall Inherit the Earth" be printed at this point in the RECORD.

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

". . . AND THE MEEK SHALL INHERIT THE EARTH"

(Narrated by E. G. Marshall—Written and produced by Ann Delaney)

EARL WESCOTT. Menominee . . they were . . a tribe that liked to wander back and forth throughout the State of Wisconsin . . they traveled with the seasons. You had sturgeon in Koshena Falls early in the spring. The sturgeon were literally by the thousands, they came up to spawn and the people, more or less, could just reach in with their hands, get 'em and smoke 'em and preserve 'em for the year, see. The same way with the deer, and the people migrated with these animals and each little group had what we'd call a chief. But gradually these white settlers . . were demanding this as their property, the government was buying this land. The Oneidas were moved over here; they're originally New York Indians. They were going to move . . the Menominees west . . the Menominees said, no, they said . . we'll take the poorest land . . swamp land, the thing that the white man doesn't want . . and that's where we'll live, we'll do our hunting and fishing.

Then there were two or three bills introduced in Congress to establish national parks or national forests out of the Menominee reservation and again the tribes strongly opposed these moves. Then of course came the allotment act passed by Congress, but the Menominees again resisted that. To perpetuate the forests they adopted a proposal which eventually became law . . of only selective logging, cutting only the fully ripe and mature timber. The old pine ring back in the old lumber jack days was very much interested in getting in here and cutting the pines. So it's been a constant fight to hang on to the land and the timber and the resources.

RICHARD DODGE. The emotional part of the Indian, his whole . . his culture, his everything is tied to that land. And everywhere I've been in this United States among Indians, their feeling is if they have no land they no longer exist. This is very deep-rooted.

SANDY WABANASCUM. There are several tribes that believe that the Indian came from the earth and from the earth came the corn and his teeth was made of the corn . . . and his legs were given strength from the lightening from the skies. That his hair was the grass of the earth, and his voice is made from the thunder and that his eyes came from the stars.

NARRATION

In 1854, the Menominees signed their seventh treaty with the United States government. It established this forest area as their reservation—their permanent homeland. During the next one hundred years, they developed a successful lumber operation with a sawmill that gave them employment and made enough profit to provide schools, a hospital, welfare and pay for the costs of the local Indian Agency.

In 1953, Congress passed House Concurrent Resolution 108 which established as Congressional policy the termination of certain Indian tribes from federal supervision and control "as rapidly as possible". The following year, 1954, the Menominee Indians were terminated.

Jerry Grignon was a Menominee delegate to Congressional termination hearings.

JEROME GRIGNON. It was the Congress', the Senate especially, their objective to start getting out of the Indian business, as they termed it. The Interior Committee on Indian Affairs told the Commissioner of Indian Affairs to pick out the tribes in their order that he thought could be terminated. And, of course, I think the Klamaths were the first and the Menominees were second. When the termination came on why . . . you had say 900 adults . . . yet you only had about 300 jobs. So a lot of people had to leave the reservation, you know, to get work. Of course they left with insufficient amount of education and very, very few finished college and very few had a trade. So it was mighty hard for a big majority of 'em to try to make a livin'.

RICHARD DODGE. The protection that the Menominee tribe had had . . . under a trust status with the federal government, whereby all the lands and the assets of the Menominees were held in trust. Consequently this kept the tribal assets, within the State of Wisconsin confines, out of the tax structure. There were no taxes imposed upon the Menominees Indians or their assets. Prior to termination, if a wrong decision was made we always had a back-up . . . so to speak, where a final decision was reached in Washington in the B.I.A. Termination meant that there no longer would be this arrangement, that the Menominees would be responsible for their own assets, they would be responsible to pay the taxes within the confines of the State of Wisconsin: the county structure, the town structure. All tribal assets, all lands of the tribe became the assets of Menominee Corporation, Inc., Menominee Enterprises, Inc. Instead of my being a tribal member, post termination, I became a one hundred share stockholder in Menominee Enterprises, Inc.

NARRATION

Richard Dodge was Chairman of the first County Welfare Board.

RICHARD DODGE. Everybody had kind of emotional feelings about this. What's going to happen? What's going to occur next week? What's going to happen tomorrow morning? So . . . that final night of reservation status I went to bed and the next morning I got up and jumped in my car and drove down town and looked around and . . . I said, well nothing is really changed. And the thing that really struck me I think was that . . . I felt I had education and had been outside working and had come home and . . . been able to look at this total picture objectively, and here I was, you know, emotionally disturbed over the whole thing and I begin to feel, my gosh, what's going to happen to the rest of the people who haven't . . . who have never been away from here, who didn't have the education? As a boy growing up here my attitude about the mill was, if I went to Neopit and saw a lot of logs piled up I knew we were making money; I didn't know how it was made, where it came from or how dollars wound up where. But if I saw a lot of logs, we were making money; I saw no logs I got concerned.

CAROL DODGE. When the government terminated the Menominees they talked in terms of Menominees not existing any more, because the way they define an Indian is, you have to be a fourth Indian blood, you have to be on the tribal role and you have to be under the B.I.A. And see the . . . the only criteria that the Menominees don't come up to is being under the B.I.A., but this is a big one. So they just say Menominees are no longer Indians.

JOHN GAUTHIER. What we're trying to do is thousands and thousands of years as a life style to change that with termination. We have our life style that was maintained . . . to live with the land and not to tear down trees and put up an industry. I think a good example is before termination, here on the reservation the mill employed a lot of the men around here and I know my father worked at the mill quite a few times, and he'd quit to go trapping for a certain number of months . . . he'd come back and he'd get a job. Now this is the Indian life style, not to work until you're 65 and then die but to enjoy life while you're young.

RICHARD DODGE. They were never trained to punch a clock. You were trained to hunt and fish when the necessity was there. And if you had killed two or three deer and there was plenty of meat you didn't have to go out, so you did something else. So you had to shift from that whole approach. And then the reservation status, with the subsistence and the helps and this type of thing . . . hand outs coming down from the great white father . . . never necessitated having to be at a certain place at a certain time, and so this was never developed. Right here, prior to termination, we used to have tremendous problems in terms of fellows either missing Monday and Tuesday and coming Wednesday and being fired, and then walking around the mill yard, around to another foreman and say, you got any openings? And the guy says, yeah, I just fired two guys. So he starts there. And it took a real lot of training and I think they're not over it yet.

INDIAN ECHOES (SONG)

I've seen people look at me,
And think in their mind that there goes an Indian,
And he's not our kind.
I wanted to run and hide, but I held my head up high.
I run ragged and I should not be seen.
I should be treated right because I'm a human being.
People don't seem to see the side,
The side that's really me.
They're blind, in their mind.
You've got to live with us to see how we get by.
It's not a pretty sight,
I think that you will cry.
So come and be my friend and we'll bring an end
To all the hating people who despise the Indian.
We've got to win this fight for a cause that's only right.
Help us fight.
If we succeed our pride will be revived
And our children will hold their heads up high.
I don't want them to be despised,
Despised like you and I.

NARRATION

"You've got to live with us to see how we get by." We lived with the Menominees for several months. They told us about their culture, their history, their termination from federal control, and the current divisions within the tribe over the land sale to support the county. Except for mine, the voices you hear are the Menominees telling you their story.

The Menominees have been more fortunate than many Indian tribes. Their leaders were able to negotiate a reservation within the boundaries of their original homeland. According to their sacred folklore, they came from a Great Bear which emerged from the

Menominee River, less than 100 miles from their present county.

For centuries they lived in their wigwam villages in the heart of the wild rice region around Green Bay. Their name Namomen is an Algonquin word for wild rice.

Twenty thousand other Indians were forced around Lake Michigan into the Menominee area by European migrations in the sixteen hundreds. With these Indians came the French, who brought guns, liquor, knives, utensils, ribbons and beads. The transition to a new life style that would replace the thousands of years of Indian traditions began.

Their villages dissolved into small bands of fur trappers and their Chiefs, who traced their ancestry to the Great Bear, were replaced by leaders who could make the best deals with the French fur traders. Fur traders, soldiers and government officials entered tribal life and inter-married.

Today the old Menominee culture, with the secret medicine lodge religion, the shaman or medicine man, and an elaborate system of root medicine is gone. Few speak the language any more, and Zoar, the last village of Menominees who preferred to live the traditional Indian way, is disappearing.

IRENE MACK. They migrated over there solely for the purpose of getting away from civilization. Buses would come in and load the kids up and take them to the different government schools where they were taught English. And they were brought back again during vacation. In Zoar nothing but Menominee was spoken. And when they went back to school in September they had to learn to speak English all over again. There the people . . . followed the tradition, the rituals, the dances, the different feasts . . . that were a part of the tribal heritage.

Their burial ceremonies are different than the outsiders, you might say, because they have the little huts that they build, the little shelters . . . with the opening now where you can feed or bring a gift to that person so that gift will enable them, in our tradition, to make the crossing from here to the other side. Then, when once he gets to the other side, he has his offering of tobacco to make to the great spirit.

JOHNSON ARWANOPAY. Now the religious part . . . just the members are wanted in there, see . . . what they call the medicine dance, we don't have that any more because . . . all the old timers that . . . that knew the rules and regulations of this passed away. And as far as my generation is concerned, most of the time I was away to school and I didn't have the time with my father so that he could tell me different things to learn me.

The South Wind Dance, the 49, the Squaw Dance, those are old, old, old . . . they're not religious dances, they're social. People used to get together, they used to dance practically all night just to be sociable. You give gifts to one another. Some old gentleman or old lady would come towards us . . . offer us something . . . gift . . . you got up and dance. Well some of them would give ponies away. Of course now they . . . most this now is just for show business, you know.

NARRATION

The French came to exploit the fur trade and not to colonize. For 90 years they secured Indian loyalty and cooperation through a steady flow of presents.

But the Americans wanted the land and they established a system of control that developed into the Bureau of Indian Affairs, the B.I.A.

At first they recognized the tribes as independent Nations. The first Menominee treaty with the American Government in 1817 said: "There shall be perpetual peace and friendship between all citizens of the United States and all individuals of the Menominee Nation."

Forty years later, still proclaiming perpetual peace and friendship, the United States government bought the last of the Menominee Nation's aboriginal homeland. Over 300,000 settlers had moved into Wisconsin.

When their chiefs surveyed the Minnesota area where they were to be moved, they realized they would not survive among the more powerful plains tribes and they negotiated this reservation—one third the size but with the emotional ties of home.

MUNRO WESO. Indian always did live in this area. The group that was down around Lake Poygan, Oshkosh, in through that area—Appleton, Fox River valley. The army made 'em move up here. These Indians were forced to paddle their way up the Wolf River. Fall rains had already settled in, makin' the water quite high. These people done that with their families—old people, grandparents and that. A lot of older people, they couldn't make it. A lot of people drowned, a lot of Indian people drowned along the way. Boats tipped over and they couldn't save some of the children. When they landed at Keshena, the Catholic converts landed on the north bank of Keshena, the present village of Keshena, and the priest that was along with them—missionary—opened a mission there and got a village started that way.

NARRATION

Today Keshena, fifty miles west of Green Bay, Wisconsin, is the county seat of Menominee County.

For the last 150 years missionaries have lived with the Menominees. They opened the first schools, and a hospital, paid for by the tribe and free to all Menominees. At termination this hospital had to be closed because it could not meet the rigid state standards and the costs as a private hospital would be too high.

Today the Menominees are 80 per cent Catholic.

But Catholic influence with the Menominees dates back to the French. The first whites to live with them were the French Jesuits who arrived in 1669.

It was also the French who first involved the Menominees in the white man's wars. They encouraged the tribes to live at peace with each other and fight with them against the British. Both the French and the Menominees fought with the British against the Americans in the War of 1812.

Twenty years later the Menominees had switched their allegiance to the American government. They have fought in every American war since.

They sent two companies to fight with the Union forces in the Civil War. And like other Americans they have honored their war dead with Memorial Day services since the establishment of this national holiday in 1868.

SANDY WABONASCUNI. Every time I look at the flag . . . you know there's 50 stars on there, and then the . . . the 13 stripes, and I always think of all the men that are dying now in Viet Nam, all the Indian men. And then I think back to when my ancestors, my forefathers . . . fought against the flag. Why aren't we mentioning those men that died centuries ago that died in inter-tribal wars? Where is that staff of eagle feathers that belongs out there along side of the United States flag? I don't know. I just can't understand . . . how our people can forget all that.

NARRATION

After 100 years of Indian Affairs supervision, Congress gave the Menominees three years to take over the administration of their own Affairs.

The few Menominees who had finished high school had little management experience. An even smaller number who had gone to college had found jobs elsewhere.

The average educational level for all Indians under federal supervision is only five school years. Indian drop-out rates are twice the national average. On national tests Indian children score lower than white children at every grade level.

Most Indian schools are elementary schools. Children wanting to go to high school have to travel from ten to forty miles to a local public school, or several hundred miles to an Indian boarding school where they stay for nine months. Few of their parents could afford to bring them home for the Christmas holidays.

Only since termination have programs begun to attack the Menominee educational problems. A Community Action summer program concentrates on reading difficulties.

Two Head Start programs help pre-school and kindergarten children adjust to school.

And a Title Three program under the supervision of the University of Wisconsin, in 1967, began study of the learning difficulties. Their conclusions attribute much of the problem to the Indian child's lack of identity. He is in a vacuum. His own culture has been destroyed and the new culture in which he finds himself does not include him.

Carol Dodge is the only Menominee teacher in the county. She set-up the Head Start program and has worked with the Title Three program. She talked to us about the problems they found and the changes they are making in the curriculum.

CAROL DODGE. One of the reasons for bringing in the Title Three program to locate specific learning problems or difficulties of children in Menominee County . . . we're way below even the district norms. I . . . think it's . . . mostly the materials they have found . . . and some of it was the teachers' attitudes.

What they're doing now is working up a curriculum . . . using different types of materials. And then they are trying to incorporate the . . . Indian culture into as many phases of the curriculum as possible. Some of it has been instrumental in getting some of these children to read. Take, for instance, the unit on transportation. We start out with what old time Indians used, or why they used the canoe and the showshoe, and then contrasting that with present day Indians . . . and what they are using. We're not just staying with the old culture, we're bringing them up to today.

NARRATION

The program used local Indians to teach their language and talk about the culture.

CORAL DODGE. It'll help children in making the adjustment from the grade school here to the Junior High in Shawano. I think it's this . . . not putting the Indian into the society. But in fact they don't do this with any of the minorities, they don't put them into the society and in the history books it's always focused totally on what the Europeans . . . how great it was for them to come over.

When they're here in the community nothing is said to them about being Indian. And all your friends are Indians, your relatives are Indians, so you never really think about it. And when you're in the grade schools nothing is . . . they don't prepare you. They teach the old time Indians . . . and they teach that they were savages . . . the bad things they did to the white people and the little children and all this sort of thing. But then they cut these units off, they don't bring the Indian up to today. They know their ancestors were Indians but then they don't see themselves as being this type of an Indian.

A child is a product of his environment. These children here comes from an Indian community . . . and they are different . . . than what you would find in a child from a white community.

NARRATION

Ripon College in Oshkosh and Wisconsin State University at Stevens Point have summer and winter Upward Bound programs to

help Menominee students in local high schools with academic and cultural problems.

ROBERT GRIGNON. Upward Bound is a federally funded program to work with disadvantaged youth, the group that . . . there's a chance that they could go on to higher education. We try to take ten percent of your best students . . . ten percent of your worst students, and then the rest from in . . . in between. (classroom) What's the sum of four times the number and two times the number?

ROBERT GRIGNON. When we find out where they're weak and where they're strong and . . . one of the main purposes I think of Upward Bound is to see that these kids become aware of these . . . of these other alternatives when they leave high school . . . and especially the . . . with the . . . your college, you know, to get them into the college education, into college . . . system.

It's knowing that you can go on to college. You don't have to be a . . . well, you don't have to be a machinist . . . you don't have to be a laborer, things like this.

WESLEY MARTIN. One thing were . . . we were really mad about was there was 18 Indians on the University of Wisconsin campus . . . and there're 36 thousand students there. They tried to recruit but . . . they couldn't find any. And then we took . . . we had a conference last year and we . . . we found 500 Indian kids, high school kids that are interested in coming down for an educational are (??) in this program. And they couldn't believe we found 500.

But it's becoming more and more apparent that . . . Indian study programs are becoming feasible. Like there's one at Minnesota, there's one at Berkeley . . . Albuquerque . . . Missoula, Denver. The language that's required to get a degree, say like in Minnesota, it's Chippewa; Albuquerque it's . . . whatever tribe you happen to be, Navajo, things like this. And these kids are finding out that they can go on to college and they can compete down there, once they're brought up to that level.

NARRATION

In their earlier Algonquin culture, the Menominees hunted, fished, gathered berries and maple sugar, and raised small gardens. But their principal food was wild rice.

When the government moved them to their reservation, they were confined to a much smaller area and the wild rice lakes were owned by whites.

The government's intention was to stop their roving by making the Menominees a tribe of farmers. Under the terms of the Menominee treaty, the Indian Agency supplied tools, seed, stock and a farm advisor. But the government settled them in sandy soil and within fifteen years the soil was depleted. The Menominees who wanted to farm had to move to new areas, clear new fields and begin again. Today there are two farms in Menominee County.

Mrs. OTRADOVEC. We own . . . 225 acres.

ANN DELANEY. And how much of that did you and your husband clear yourselves?

Mrs. OTRADOVEC. Well, I would say about 70 acres.

ANN DELANEY. And how did you clear it?

Mrs. O. FRADOUEC. He chopped the trees down and I helped him, you know, pile 'em up and burn 'em . . . burn the brush.

ANN DELANEY. Do you raise most of the food and can it and everything?

Mrs. O. FRADOUEC. Yes. I freeze an awful lot now; I used to can an awful lot. I . . . I imagine I've had . . . well, about 900 quarts of . . . vegetables and fruit, like berries and raspberries and apple sauce and jams. Now it's only mister and I who pick berries. So this year all I got was 8 quarts of raspberries.

ANN DELANEY. How big was your family all together?

Mrs. O. FRADOUEC. We had . . . 20 children . . . 20 children and . . . with the grandchildren now it adds up to quite a few. We have 65 now . . . have a . . . maybe . . . I got three grandchildren staying with me now. So it's like that every summer, we always have a house full.

Mrs. OTRADOVEC. Years ago when my father was young they . . . the government tried to encourage them into farming. And practically every . . . there must have been about fifty or sixty farms right here in South Branch area. And they all had about fifteen or twenty acres. I know my father had about twenty-five acres. But he used to raise mostly hay and oats because he logged a lot in the wintertime, see. At that time it was really different logging than they do now, you know. It was all team work and when he was logging, well they used to give out . . . everybody could get a contract for about . . . ten thousand feet of logs to log out.

NARRATION

The Menominees were not allowed to cut or sell their timber until 1872. Then they were permitted to log in winter if they farmed in summer. . . .

But the Menominees had a constant battle to protect their forest from white lumbermen. In 1908 a Congressional bill forbid Indian Bureau contracts with white loggers. To protect the Menominees and their forest, this bill, introduced by Senator Robert La-Follette, established sustained-yield cutting—no more than twenty million board feet, and only fully grown timber. It also approved a sawmill to be built with Menominee money.

Because of Bureau mismanagement of their forest, the Menominees, in 1935, brought five lawsuits against the federal government. In 1951, they won eight and one-half million dollars in settlement of these claims. This brought their tribal account to ten and a half million and made them a candidate for termination. Menominee delegates told Congress their mill was old and the forest would not grow as much timber as the government studies indicated.

Jerry Grignon explains.

JERRY GRIGNON. When the government was basing their justification for terminating the Menominees was the fact that they said their studies showed that the forest, on a sustained-yield, would yield around thirty million. That's not true. It's down to twenty-two or twenty-four million. So you lost, well that'd be six or eight million feet that you'd figure on could help sustain local government, which we lost.

I haven't changed my opinion. When I testified before the Senate Interior Committee that if we had to carry the full responsibility of a county it'd just be impossible with just so few people and such a small area. It's fortunate that we're integrated with Shawano for education, law and order, and so forth. All you got here is an old mill. That was one of the things we said which has proven right, that you are limited to what you can make with this old mill. I would say it was built in 1926. Well, that's quite a few years old. Instead of the mill itself trying to put some money—what they earn and become modern, why all it went for was taxes.

When we try to get industry in here it's to build the tax base. They want the business to come in there and they give them a break on taxes. Of course, you're competing with all the other towns that give them a break on taxes. They don't have to pay taxes. They even put up buildings for 'em and so forth.

GORDON DICKIE. In testifying before the Joint Committee of the House and Senate on Indian Affairs, we pointed out that our gravest concern was the economy. That we needed new sources of income, new opportunities of employment. We needed diversification of our industry and better utilization of our raw materials.

NARRATION

While Congress required tribes to make termination plans, they frequently ignored tribal suggestions. In some cases they neglected to notify states governments where the tribes were located. Gordon Dickie was on the Menominee planning commission.

GORDON DICKIE. We organized the Planning Commission in 1953, and we were extremely concerned and worried about this situation; we didn't know where to turn. We finally turned to the Governor of the State of Wisconsin, former Governor Koehler. And the State Government, none of its agencies had any idea what was going on on this termination. The federal government had at no time contacted them to bring them up to date as to what was taking place.

Even our proposals, as they finally were adopted by the tribe, were not followed out completely by the Congress. Originally we'd proposed taking over just certain parts of the operation, a step at a time, in an orderly manner, so that the secretary would still be in the picture to check periodically as to how we were doing and what mistakes we were making, and how he could be of assistance to us. But this was not done.

NARRATION

The Menominee Termination Act called for the termination of the tribe from federal supervision by 1956. But the Menominees managed to get two extensions. On May 15th, 1960 the delegation seeking the final extension arrived on Capitol Hill. Irene Mack Quijano was a member of the delegation.

IRENE MACK. We went to every Senator, every Congressman to try to bring our problem to them, to tell them about the termination, what it was going to mean to our people. We were trying to get an extension of time. We thought we could get a two or three year extension, which we believed was the most feasible thing. But . . . as the result we had to settle for only 6 months and then . . . we had some good friends who had to do some horse-trading to get that for us.

EARL WESCOTT. We had our own hospital system, we had our own . . . welfare system for our people, our sick and needy . . . we had our own police department.

Mrs. SKUBITZ. Here we were, a group of Indian people . . . that was able to provide all these community services for ourselves, and we paid for them, they were not paid, as some people understand on the outside, by the . . . the tax payers.

EARL WESCOTT. We sued the government for 8 and a half million dollars and we beat 'em. And when we beat Uncle Sam that was, more or less, our downfall; they said, well, we'll have to terminate these guys . . . they got enough money.

JOHN GAUTHIER. I . . . I seen the hospital close down, I seen the court house close down, I seen the jail close down . . . the dental and medical services, they they . . . they're gone.

Mr. BLUMRICH. And then we have no ambulance which we always did have before termination. And I have to pay anywhere from 4 dollars to 6 dollars and travel 20 miles to see my doctor.

Mrs. FOWLER. We can't do anything 'cause I wrote to Senators and Congressmen and sent those petitions to the President thinkin' it would help . . . nothing.

NARRATION

The concept of termination: remove government restrictions only when Indians believe they can manage their own affairs.

In the fifties, the policy shifted to pressuring tribes to accept termination. Eleven major tribes were terminated before this policy was dropped. Untrained in managing their own assets, some were told by Congress to put their land in trusts controlled by pri-

vate banks more restrictive than the Bureau. Others sold their land and some were on local welfare within a few years.

In an attempt to hold on to their land, the Menominees incorporated their reservation. But they knew they were inexperienced and their own termination plan called for a non-Indian president and a board of directors with a non-Indian majority.

Forty-two percent of the Menominees were under 21. As guardian of these minors, the First Wisconsin Trust Company of Milwaukee voted forty-two percent of the stock.

The motivating force behind termination was Senator Arthur Watkins of Utah. Elected in a Republican sweep of 1946, this Junior Senator became Chairman of the Indian subcommittee. The committee promptly began termination hearings. But the Democrats soon regained control of Congress and the issue was dropped.

In 1953 there was again a Republican majority. It now took the Indian sub-committee only two months to get House Concurrent Resolution 108, the termination policy through both houses of Congress.

GORDON DICKIE. In 1953, a simple per capita bill was introduced by former Congressman Mel Laird asking for distribution of tribal funds. In the Senate under the Chairmanship of former Senator Arthur V. Watkins there were thirteen amendments to that simple bill that provided for termination of the tribe by 1956.

When I was acting chairman of the tribal council, I called an open meeting in the village of Neopit. And the tribe in the largest vote in my memory voted one hundred ninety-seven to nothing not to accept the per capita payment as long as these termination provisions had been inserted into the original bill.

NARRATION

Despite their vote against termination, Menominee leaders suspected that any plan to use their ten and a half million dollars would be blocked until they agreed to termination.

All Indians must get the approval of Congress before they can spend their tribal funds. The Menominees wanted to spend their claim settlement in three ways: mill improvement and new business; investments; a fifteen hundred dollar payment to each tribal member.

In 1952, the proposal was rejected by the Bureau of Indian Affairs because it did not include a termination plan.

In 1953, the same bill was stopped by the Indian sub-committee for the same reason.

Tribal leaders invited Senator Watkins to explain termination to a general council at the reservation. At the end of the Senator's two-hour visit, not only the leaders, but individual tribal members believed that they would not get their fifteen hundred dollars until they voted for termination.

They voted one hundred sixty-nine to five in favor of termination. Over ninety percent of these people made less than $1,000 a year.

In addition to fifteen hundred dollars, each Menominee at termination received one hundred shares of stock in Menominee Enterprises and a three thousand dollar bond.

Under the plan, ownership of all Menominee lands now passed to Menominee Enterprises. Many individual Menominees only realized later that they no longer owned any land. They had to buy back the land on which they had built their homes, land where their families had lived for generations.

WESLEY MARTIN, JR. The Indians are going to lose the land. I mean they've lost it already. What did they get, fifteen hundred dollars? And they had to buy back their property. I guess my parents got fifteen hundred dollars and then . . . it cost them twenty-two hundred dollars to buy back their property.

So they're seven hundred dollars into debt already. Or like either they took their bonds or . . . and sold them or put them in hock, things like this, see. You know, they had to get the money to pay their taxes. They had to pay taxes now. They never had to pay before. Their hospital is gone. So now they have to go to Shawano after termination. And then, you know, a lot of them couldn't pay. They're not used to payin' a doctor's bill . . . and then if they couldn't pay it . . . then . . . they couldn't go back. The only way . . . a lot of 'em paid was that they gave 'em their bonds. Even this one lawyer's got a quarter of a million dollars worth of bonds down there now, just for legal fees. And he collects 120 dollars for every one of them bonds . . . not the Indian.

NARRATION

Over 70 percent of the people still make less than the $3,000 a year poverty level. Manpower training and community action programs provide training but there are few jobs in the county and most of the factories are 50 to 60 miles away. Like most poverty people, the Menominees cannot depend on their old cars to make this daily trip.

For over a hundred years the Menominee Indians had cost the federal government almost nothing. Since 1954 the Menominees have received nearly 10 million dollars in special grants for housing, schools, sewers, roads, and health and welfare. In 1970 the welfare costs were nearly $700,000. The unemployment rate average was 20 percent.

MUSIC OVER FAIR FOOTAGE

Since 1911 the Menominees have held a summer "homecomings" for members working off the reservation. Today it is the Menominee County Fair.

The Indian's cultural attitude toward nature is a combination of affinity and necessity. To him nature is a brother as well as a provider. The forest provides shelter for the animals, and without clear streams the fish cannot survive. The Indian kills only what he needs for food. And while he thanks the Great Spirit for providing the deer, he also apologizes to the deer for needing the food.

Non-Indian Americans have polluted their streams and clear-cut their forests. Now they find that what they set aside for National Parks can no longer accommodate their exploding population.

Both the State of Wisconsin and the federal government want to buy the land along the Wolf River. The federal government had designated it as a wild and scenic river, and the National Parks Service is in negotiation with the Menominees for its purchase. The State of Wisconsin pays Menominee Enterprises $250,000 a year for public fishing and camping rights.

Menominee County has no capital to develop this recreational potential. The Economic Development Administration and the Upper Great Lakes Regional Commission granted one million dollars for tourist facilities. The motel and restaurant, which represent the greatest potential for jobs and income, are still in the planning stage. But the nature and cultural buildings were opened in October of 1970.

Menominee County became the 72nd County in Wisconsin and the first Indian County in the United States on May 1st, 1961. Of their 10 and a half million dollars less than 2 million was left.

Since there were no industries and no other large taxpayers Menominee Enterprises, as owner of the mill and most of the land, paid over 90 percent of the taxes for the support of the county.

They had no money left for expansion. They could not pay dividends on their stock. And the first years they could not pay the interest on their bonds.

If they did not become a viable economy they could not continue as a county. If they did not pay dividends the shareholders would sell when the stock became negotiable. If the corporation could not buy the shares the State could turn Menominee County into a state park.

Four independent studies recommended the development of a summer home project around the lakes in the southern part of the county. The lots would be sold to non-Menominee taxpayers.

In partnership with a Wisconsin developer, Menominee Enterprises combined several small lakes to make Legend Lakes.

TED BOYD. Menominee Enterprises would be on the brink of bankruptcy right now if we had not gone into this program. The Legend Lake development was necessary in the respect that it will relieve our tax burden. The project involves 2,600 properties that will add at least 25 million dollars to our tax base. It is estimated that it'll take up down to around 40 percent, perhaps less. But this will be 40 percent, again, of an increasing tax levy. Now this is not because of services so much as it is because of school cases. The people who are buying the Legend Lake properties will not add appreciably to the cost of school operation because they're a seasonal-type resident. We formed a going venture named "Lakes of the Menominees." "Lakes of the Menominees" owns and operates Legend Lake. The joint venture is a 50–50 arrangement. We split the profits 50–50 with N. E. Isaacson.

JAMES FRECHETTE. In the first years when we talked about developing the lakes; we wanted to do it on a lease basis. Most of the people that were interested also wanted to acquire the land. I was absolutely opposed to issuing a deed to the property to other than a Menominee Indian.

NARRATION

James Frechette has been a tribal leader for forty years.

JAMES FRECHETTE. So I challenged them and told them that if the board of directors would call a council of the shareholders just for this one purpose, I would be willing to abide by any decision that they made. The people who attended the council, which was a good size council, decided to issue the deed along with the property—or a deed to the property.

ED VIGUE. The way we decided to go was to try to keep the property private and kind of appeal to people that could pay taxes and let them share our heritage or our land. The situation is unique. You don't find a private enterprise supporting a whole county. With the amount of people that are coming into Wisconsin, this is an ideal recreation area.

NARRATION

When Menominee County was a reservation, all of the Menominees owned all of the land. They were the only people allowed to fish or canoe on the Wolf River. They were free to go to any lake at any time and to build there if they wished.

Today Menominee Enterprises own the land and the Menominees are shareholders in a complicated, legal entity called a corporation, which they don't understand and over which many feel they have no control. They have received no dividends on their shares.

The first lake to be ringed by lots, owned by non-Menominees, was Lake Moshawquit—their most beautiful lake and their favorite spot.

There are only 500 Menominee families living in the county. Few can afford the five to seven thousand dollars for the lake lots. Within two years 1200 lots had been sold at Legend Lake. As the Menominees watched the homes being built many feared that the outsiders were building retirement homes. If only 25 percent of the Lake families became permanent residents they will out-

number the Menominees. As permanent residents they will be able to vote and to run for office.

JIM WHITE. My fellow Menominees, let me just ask you a few questions. Are you really satisfied with what's happening today? Are you satisfied? Do you want to do something about it? Okay, that's why we're here. (Shouts.)

NARRATION

In 1970 the Menominees fear of losing their land erupted in a summer of weekend demonstrations, emotional meetings and renewed bitterness of termination. On the 4th of July a group of Indian children who were swimming near the sales office were chased off by a salesman. Within an hour they were back to picket.

CONNIE DEER. I've been kicked off the lake. I used to go swimming there whenever I wanted to—anytime, and there weren't any people there to tell me that I couldn't. I used to go hunting there—ducks and fishing. And there isn't a person out there that can't say that that hasn't changed. I want my land back and I don't want all these people around, and I have the right to do this.

SHIRLEY DAILEY. The reason that many of my people voted to remain a separate county is because they wanted to maintain their separateness and their identity. But now we are being beset and beseiged by white settlers. We are the minority . . . we are going to become second-class citizens in our own back yard. These are some of my feelings on the termination act, which was designed to supposedly free the Indian from federal supervision, to make him equal to other U.S. citizens. In actual practice all that it amounted to was to force the Indian to pay taxes on his land.

Mrs. WESO. You as a Menominee should be that proud Menominee who owns a hundred shares of stock, whether you feel that it's a worthless piece of paper or not, but it entitles me to one hundred votes.

JIM WHITE. I know that some of you have either sold your bond or put it in pawn . . . and this is a necessity, I realize this. But remember one thing, you do not lose that vote when you sell that bond. The votes lie in the stocks that you hold, which can't be sold yet. So you own that vote and you're entitled to that vote regardless of the status of your bond.

Menominee Enterprise, that's the only place I ever worked . . . and I want to . . . want to keep workin' there, continual . . . now we bring (?) up the lakes here. Some of you people were out there last Sunday demonstrating. Did it get you any place? Look at it this way, a lot of 'em . . . a lot of little lakes. So what they did is made one big lake and bringin' in money; now yous are hollering.

AGNES. I didn't give this land up, this land belongs to the Menominee Indian people and I . . . I don't believe they have a right to sell our land; we want to keep our land. We love our homeland here, it's valuable to us, this is all we have and we don't want anybody selling it.

WILLIAM PYWOSIT. In lieu of what I had to say, I would like to sing a song, if it's all right with ya. It's about . . . it's about Koshena . . . the way I look at it.

(An Indian Legend by Arthur L. Fischer)

In a land of azure waters
Where virgin pines grew tall,
It is said, God made a garden . . .
Most wonderful of all.

For the Red Man He created it
On Earth when time began;
It was serene and beautiful,
In truth, Paradisian.

A land of sparkling rivers
Where hills were ever green,
A place of purest happiness,
And sorrow never seen.

Here fruit grew in abundance,
No lack of fish or game,
Birds warbled in the treetops
And praised their Maker's name.

MUNRO WESO. . . . gave 5 million acres for a promise, for a home to hold as Indian land is held . . . tax free. It took 5 million acres to do that. If the federal government did not violate any of our treaties why should we be selling that land in order to pay our taxes?

TED BOYD. I think Menominee Enterprises was saddled with an unusual responsibility. We were told to go out . . . and make a profit. From a pure business standpoint, the Lakes of the Menominees was the logical and the only way to go. There are 5 thousand 170 acres included in . . . the Lakes of the Menominee project, but this 2 percent of our land will benefit the remaining lands, it will enable us to pay our taxes, enable the county government to function as it should. But from a social standpoint, no matter what success it achieved in Lakes of the Lakes of the Menominees it's not going to be accepted.

JOHN GAUTHIER. It just seems so impossible that a land so rich can't support 2700 people. There must be some way, and I think it's almost crazy for an Indian to buy his own land. I mean, you know, like we were discussing what aboriginal rights were and I feel that land is definitely an aboriginal right for the Indian.

RICHARD DODGE. Obviously the hundred and some odd years that the reservations have existed under the federal government certainly has not been a success when we look at the problems that exist today. The unemployment, the housing, the drinking, the lack of job opportunities. If this is what a reservation has to be then I think it's been a complete failure. We should be looking in terms of another direction.

Whether termination is a success for the Menominees, we're at least another 10 years from that answer. If it means having to sell more land than we presently have sold then I would say it's a failure. It's an absolute failure. Anyone in business today will tell you you don't sell your assets and stay in business. You retain your assets and you build your assets. You don't sell them. And, as I say, the feeling of the Indian for the land, and if that goes then . . . then our . . . everything we're worked for is gone.

PENSIONS

Mr. TAFT. Mr. President, America's working men and women should be able to look toward their years of retirement with a sense of financial security. That security in large part is dependent upon 33,000 private pension plans which affect 30 million participants. A tragically large number of employees, however, never receive their expected benefits.

If a plant closes, or if an employee changes his job after long years of service, he may find that he has no benefits or that his benefits have been sharply reduced below expected levels. Other employees may approach retirement age only to discover that their pension plan's assets are insufficient to provide anticipated benefits. A study has been undertaken by the Labor Subcommittee of a sample 51 pension plans with no vesting provisions or vesting provisions requiring 11 years of service or more. That study indicates that since 1950, only 5 percent of the participants who left those plans obtained any benefits whatever.

Even where benefits are vested, employees may be in for a rude awakening. When Studebaker closed its doors in South Bend, most employees who had vested pension benefits were paid only 15 cents on the dollar.

In some cases irregular and outrageous investment policies and the misuse of pension funds also have been brought to light.

Other pension plans reduce benefits to wipe out social security increases.

Because this problem is of such critical importance to America's working men and women, I think it is important for us to act now to make anticipated pension benefits a reality for our retired workers.

The first problem relates to the stringent vesting provisions of many pension plans. When the Fruehauf Trailer plant in Avon Lake, Ohio, closed its doors, many workers who had been with the company as long as 11 years found that they had no vested pension benefits whatever. Their hopes for financial security upon retirement were dashed. The closing of this facility and the transfer of its operations to other company plants ended the hopes of many of those employees for pension benefits in their later years. Other plant closings in Ohio and other parts of the Nation have illustrated this tragic situation.

Employees who voluntarily leave one job to accept a better position with another firm often may not recognize, until it is too late, that by upgrading their salaries they have, in effect, eliminated their pensions.

There are also employees who can never hope to qualify for a pension because of the cyclical nature of their employment, or the mobile nature of their job opportunities.

In all of these situations tax deductible contributions on behalf of these employees have been made into a pension fund. These contributions are supposed to have provided employees with retirement security. But in far too many instances overly restrictive vesting requirements have resulted in a complete forfeiture of the pension money credited to the employee's account.

The Senate Subcommittee on Labor, under the able leadership of Senator WILLIAMS and Senator JAVITS, has undertaken a landmark study of the extent of forfeitures in private pension plans. The study looked at 51 sample plans which either had no vesting provisions or required 11 years or more service for vesting. These 51 plans ranged in size from 100 participants to over 100,000 active participants. These plans represented various important segments of the American economy including manufacturing, communications, finance, oil, gas, wholesale and retail, insurance, maritime, construction and services. These 51 plans had total assets in excess of $10 billion and involved 6,900,000 participants. Since 1950, approximately 5,200,000 of these participants have left their employment

for various reasons. Of those 5,200,000, 92 percent forfeited their pension benefits. For every two employees who received a benefit, one employee with more than 15 years of service forfeited his pension benefit.

The study also examined another 36 private pension plans which made provision for vesting after 10 years of service or less. Out of a sample covering 2.9 million participants since 1950, 73 percent of those who left their jobs through retirement or other reasons received no pension benefits.

A large oil company with 42,000 active employees has pension plan assets of more than $450 million. Under this plan, however, an employee is not fully vested of his pension benefits until he has 25 years of service. Of the 105,000 persons participating in this plan since 1950 more than 61,000 have left their jobs without any pension benefits whatever.

A large communications company with 57,000 active employees has pension plan assets exceeding $229 million. Of the 320,124 persons who have participated in this pension plan since 1950, more than 231,000 have left the plan without any pension benefits whatever.

A large data processing manufacturer has a plan with 169,030 active participants. Of the 89,652 employees who left the scope of this plan since 1951, 82,326 left without any pension benefits. It is interesting to note that this particular pension plan has invested more than $41 million of its assets in unsecured loans.

Another pension plan in the communications industry covers many separate employers. Of the 206,000 employees who left their jobs under this plan since 1950, 202,665 left without any vested pension benefits.

It has been estimated that only one of every 10 workers covered by pension plans in several low-wage industries will ever receive pension benefits. Dick Barnes has reported in the Buffalo Courier-Express on July 13, 1970 that:

A sheet metal worker from the Northwest who for years alternated between two union locals because of work availability found when he reached age 70 he would get a pension from neither.

A retired hat worker in Manhattan was notified by her pension plan that payments would be suspended for a year because the fund was not taking in enough money.

A business executive quit his firm after 18 years, thinking he had pension benefits he could draw at age 65. But when he went to work for a competitor, his original company canceled the pension right.

A woman who worked 37 years in New York was forced out of her job by a shop shutdown and was told to temporarily withdraw from her union. Later, when she sought her pension, she was told the withdrawal had cost her the pension.

Even where pension benefits are vested, employees may find their hopes for a secure retirement frustrated. In some cases this is because the pension plan was actuarily unsound. There was simply not enough money being put into the plan to pay the expected benefits.

When Studebaker closed its plant and terminated its pension plan on November 1, 1964, it had been employing nearly 7,000 men and women at its South Bend plant. Tragically there was not enough money in the fund to make full provision for all vested benefits of the employees. After making provision for those who had already retired and those employees who would be age 60 by the projected termination date, the plan was able to pay only 15 cents on the dollar of the "vested" benefits of 4,500 employees, ages 40 to 59, who had 10 years or more of service. What a rude shock it must have been for a 59-year-old man to lose his job and then find that his vested pension would not be paid and that he would receive only 15 cents on the dollar.

Unfortunately, the Studebaker situation is not unique. When Fruehauf closed its Avon Lake plant, one employee aged 53, was laid off after 23 years of service. At age 65, he will draw only $50 a month, and because of his age he will probably not be able to qualify for another pension with another employer.

The problem of insufficient assets and consequently the potential of another Studebaker situation was also illustrated by the Labor Subcommittee's study. For example, the subcommittee noted a steel fabricating company in Pennsylvania with a collectively bargained pension plan. This plan has $25.3 million in assets but over $48 million in vested benefit liabilities. If this company were to go out of business, its employees with "vested" pensions would receive little more than 50 cents on the dollar.

As a consequence, even if better provision is made with respect to vesting, there will be only slight improvement for America's retirees, unless pension plans are made actuarily sound. There must be an adequate level of funding.

I have received a number of letters from barbers who have been contributing to their pension plan for many years and are ready to retire. Now they are concerned that they will not receive the benefits which they had anticipated for their later years.

Some pension plans such as the Studebaker plan were cut short because of inadequate funding. Other pension plans are suffering from scandalous investment practices and insider transactions. When Secretary of Labor George P. Shultz testified before the House Subcommittee on General Labor on April 16, 1970, he offered illustrations of manipulation, insider dealing, and exorbitant fees that have affected the viability of many pension funds.

He observed that as to one fund, four of the five employer appointed trustees borrowed from the fund and one trustee owed over $62,000, having made no principal or interest payments for more than a year. In another instance, five officers of a corporation, who were the trustees of their pension plan, formed other corporations to retail shoes. The money to finance their outside activities was obtained by loans of up to $460,000 from the pension plan. These trustees had borrowed more than two-thirds of the pension plan assets to finance their own private ventures.

Another small profit-sharing trust had more than 90 percent of its assets loaned back to the employer corporation. When the employer corporation went bankrupt the employees and retirees were the ones who suffered because the loans to the employer were worthless.

The trustees of another pension fund placed $16 million in a questionable investment, which was secured by a mortgage on a proposed golf course. After the project had gotten underway, the management was turned over to a man who 3 months earlier had been released from Federal parole. When the mortgagor went bankrupt the pension fund suffered a loss of $6.7 million.

In his article which I have cited earlier Mr. Barnes also reports that—

The Employees Savings and Profit Sharing Fund of the Kropp Forge Co. of Chicago purchased 206,318 shares of the company's stock from two departing company officers for $3 a share. The stock was worth $1.875 a share at the time, according to a report the fund filed with the Labor Dept.

* * * * *

The administrator of the Painters Pension Fund of Suffolk County, N.Y., was indicted on charges of embezzlement and bribery in connection with the purchase of fund office equipment. The same fund paid $19,184 in insurance commissions to a man whose wife worked for the fund. He had little previous insurance experience.

Pension trustees who also were officers of the McCrory Corp., which maintained the plan, purchased shares of McCrory stock for the fund while they sold their own holdings. When the fund quit buying, the stock prices dropped by two-thirds. The fund lost $4.5 million in this and other securities transactions.

A local Teamsters' fund contracted for land in a remote area to build housing for retired people but couldn't get a federally guaranteed loan after the government found 20 of the 26 acres were under water and nearly half the rest consisted of a rock outcropping.

In another instance, all of the liquid assets of two pension funds were placed in a bank and then used as security for a loan in excess of $4 million made to the director of the bank who was also a contributing employer.

What do these figures mean? In simple terms they mean that many pension plan trustees have been using the pension fund assets for their own personal business ventures and dealings. They have been putting their own speculative schemes ahead of the security of the employees and pensioners. This is a practice which must be stopped now by Federal law.

Other trustees have been very eager to milk the pension trusts through exorbitant fees. In one instance, five trustees administered the pension and profit-sharing plans of a corporation. Three of the five were past or present officers of the corporation. In 1 year, these five trustees received more than $300,000 in trustees' fees alone, from the corporation's pension and profit-sharing plans. In addition, this pension and profit-sharing plan paid more than $130,000 to a separate corporation controlled by these same trustees which was established to administer and invest the funds.

The vice president of an international union has participated in the administration of two welfare funds. In a single year he received $19,555 as vice president of the union plus $19,500 from one welfare fund and $6,100 from another, or a total of $45,150.

Another officer of the union also held three similar positions with salaries totaling $42,850.

The son of one of these officials also held three positions and received an aggregate of $23,000.

A classic case of mismanagement was brought to light in the recent litigation with respect to the United Mine Workers' welfare and retirement fund. In the case of Blankenship et al., against Boyle et al., the U.S. District Court for the District of Columbia found that the union held 74 percent of the stock of a Washington bank. The trustees of the union's welfare and retirement fund then deposited as much as $75 million, or 44 percent of the fund's total resources, in this bank at no interest. The court found that—

The money remained at the Bank on demand to the bank's advantage but earning nothing for the Fund.

The court also said that—

The beneficiaries were not in any way assisted by these cash accumulations, while the Union and the Bank profited.

The court also found that the trustees were utilizing the fund's assets primarily to advance the collateral interests of the union instead of advancing the interests of the beneficiaries. In this regard the union was purchasing large blocks of electric utility stocks and lending money to Cyrus Eaton to do the same. The union and Eaton would then pressure the management of these utilities to buy only union-mined coal. While there is nothing wrong with a union promoting the use of union-mined coal, it should not do so with trust funds which must be held solely for the purpose of maximizing security for its beneficiaries. In other words, trust funds should not be used to promote the separate interest of the trustees. Trust funds must be invested solely with the objective of safeguarding the interests of the beneficiaries.

In promoting these collateral interests the court found that—

These activities present a clear case of self-dealing on the part of trustees Lewis and Schmidt and constituted a breach of trust.

The trustees also failed to collect the royalties from the West Kentucky Coal Co., promptly. This was a large coal operator controlled by the union in conjunction with Cyrus Eaton. This delinquency was as high as $700,000 in 1961. The court said that the union's heavy stock interest in West Kentucky should have disqualified Lewis from participating as a trustee in decisions involving royalty collections from that company. In other words, the union was placing its own proprietary interests in conflict with the interests of its trust fund beneficiaries.

We should also examine the wisdom of permitting employers to invest trust fund assets in their own company's stock. The profit-sharing plan of one of America's largest retailers holds more than 21 percent of the stock of that company.

One large packaging company has invested more than 99 percent of its pension fund assets in its own stock.

If it is wrong for a union to use trust fund assets to advance its collateral interests, it should also be wrong for an employer either to buy its own stock or to lend itself money from the pension fund.

How can we be sure a trustee-employer is putting the interest of the beneficiary first, if he is allowed to play the stock market and buy the company's own stock with pension fund assets?

Another problem of concern to many retirees involves those pension plans which provide for a corresponding reduction in benefits every time there is an increase in social security. I recently received a letter from a constituent in Westerville, Ohio, which speaks more eloquently than I could about this problem. Part of that letter is as follows:

The purpose of this letter is to seek your support in the Congress in doing something about the unfair offset-integrated insurance plans versus social security benefits, which are adequately defined in the enclosed newspaper article.

My family and myself have been plagued with this problem since 1965 at which time I went on formal medical leave from the Columbus Division of the North American Rockwell Corporation. This particular contract between North American and the Aetna Insurance Company "allows Aetna to reduce their payments to me by Social Security increases as you can see on the enclosed note and check which I received from Aetna for the month of March 1971. In August of 1965 the Aetna Insurance Company started paying me $667.03 per month long term disability benefits. With the introduction of Social Security payments and the three increases since 1965 Aetna has been able to reduce their payment to $221.13 per month. It appears that a couple more increases in Social Security benefits will eliminate the Aetna Insurance Company from any burden at all. As indicated in the Dispatch Article nobody gains from the Social Security increases but the insurance carriers. In my particular case the insurance company is saving approximately $500.00 per month or $6,000.00 per year. When you multiply this times all the disabled under such contracts the insurance carriers are making a bundle. It may not have been intended this way, but all Social Security is doing is subsidizing the insurance carriers.

I have no quarrel with North American Rockwell in this situation. They have been wonderful. My pay check was in the mail every Friday during the first six months of my disability. I don't think that they planned on Social Security playing such a role in the contract.

Your help is needed.

In my judgment it is time for Congress to take affirmative steps to protect the pension rights of America's working men and women. We must act now to assure more reasonable vesting provisions, assure actuarial soundness, eliminate self-dealing on the part of the trustees, and prevent pensions from being reduced to wipe out social security increases. Only through these measures can the employees of this Nation be assured that they will receive the retirement benefits which they have earned.

I ask unanimous consent to have printed in the RECORD an article entitled "Increasing Lay-Offs Rob Many of Their Pensions as Well as Their Jobs" written by Jim Hyatt, which appeared in the November 4, 1970, issue of the Wall Street Journal, and an article entitled "Your Pension: Does It Provide Real Protection" written by Lawrence Hillock, which appeared in the Lorain, Ohio, Journal, on June 6, 1971.

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

[From the Wall Street Journal, Nov. 4, 1970]

OUT IN THE COLD: INCREASING LAYOFFS ROB MANY OF THEIR PENSIONS AS WELL AS THEIR JOBS

(By Jim Hyatt)

AVON LAKE, OHIO.—At first glance 33-year-old Edward Herrera didn't fare too badly last April when he was laid off here by Fruehauf Corp. He eventually found a job paying $50 a week more at a nearby Ford Motor Co. plant.

Despite the higher pay, however, Mr. Herrera is still bitter about losing his old job. "I put in 11 years for nothing," he says. Because he was laid off well before age 40, when he would have become eligible for an eventual pension, Mr. Herrera took nothing with him when he left Fruehauf but his final paycheck.

As layoffs reach the highest levels in six years, and as corporations tighten their belts by closing plants, many workers like Mr. Herrera are learning that they're losing more than just their current jobs. Years of potential eligibility toward pensions are also evaporating. As far as earning a pension is concerned, many workers are, in fact, having to start their working careers over.

Private pension plans hold well over $100 billion in assets. About 17,000 such plans covering about 21 million workers are on file with the Labor Department, and several million workers are thought to be in plans not reported to the department: Pension plan coverage has become increasingly generous over the years—yet Congressional committees and others looking into pensions are discovering that because of high industry turnover even in good times, stringent eligibility requirements and today's widespread layoffs many workers "covered" by such plans will never be eligible to collect a penny.

HIGH CASUALTY RATE

Just how many workers lose out is a hotly debated question and no exact figures are available. "My very rough estimate is that it is quite possible that over one-third of all workers in pension plans will never get anything from them," says Michael S. Gordon, special minority counsel for pensions for a Senate subcommittee. "In some industries the ratio will be much higher."

Union officials estimate that Fruehauf laid off more than 1,000 workers in the final year of manufacturing at the plant here and say that at least 350 of them were let go short of pension eligibility requirements—age 40 and 10 years on the job.

Companies often try to save pension rights by liberal recall provisions or by offering workers jobs at other plants. But those choices often create a variety of problems. A Dallas man in his 30s was laid off recently by Texas Instruments Inc., where pension eligibility begins at 50. But he says it has been difficult finding another job because prospective employers fear he'll go back to TI if a recall occurs.

Other workers say alternate jobs are seldom offered on the best of terms. John Voss, a 38-year-old engineering aide, is two years short of pension eligibility at a General Dynamics Corp. division in Rochester, N.Y., and stands to lose perhaps $100 a month in potential pension when he is laid off late this year under a previously announced schedule. He says he might be able to get on with a nearby General Dynamics plant, "but I'd have to take a lot less pay." He also complains that "there's no telling when the other plant will lay off, too."

SMALL COMFORT

Industry-wide "portable" pension plans often keep pension rights intact for workers who move to similar jobs, but in the current economy such plans are little comfort to many so covered. Evelyn W., a 40-year-old

Cleveland woman lost a job last January as a packer at a sausage plant. Because of the business slowdown, "a lot of the other plants wouldn't even take an application," she says. She is 10 years short of being old enough to establish a pension right and figures she has lost a pension worth $70 a month at retirement. Currently, she's taking accounting and secretarial courses at a junior college.

Layoffs hit especially hard at older workers who are dismissed short of retirement age. Jesse Stockton, 53, laid off after 23 years at Fruehauf, figures he'll never be eligible for another pension. At 65, he'll draw about $50 a month but working to 65 could have added another $36 a month to his check, union officials say.

Plant closings often take an even harsher toll on pensions already earned. An unexpected and sudden closing can leave a pension fund that doesn't even cover the built-up obligations already due workers. A classic instance: The 1963 closing of Studebaker Corp.'s South Bend, Ind., operations in which several thousand workers with earned pension rights received only a small portion of the money they had expected.

Today's wave of plant closings is creating thousands of similar cases. Metals Forming Co., a unit of Gulf & Western Industries, is in the process of closing a plant in Ecorse, Mich., that employs about 175 workers. United Auto Workers officials say that because of the unexpected shutdown, only the most senior employes will get a pension.

WASHED OUT

In a letter to Congress last July, Leonard Woodcock, UAW president, asserted that "among the victims of that closing are a man and a woman, both 52 years old, each with 37 years of service. Their entire 37 years with the company were washed out as far as pension benefits are concerned."

A Gulf & Western spokesman says only that the company "intends to honor all provisions of its contract" and adds that "employes will receive the benefits to which they are entitled." That's true enough, the union says. The problem is that what they're "entitled to" is precious little.

The United Steelworkers of America says it recently talked one company into forking over an extra $35 million to bring a subsidiary's pension fund into balance after the subsidiary folded. Such instances are not isolated. Melvin Glasser, director of the UAW's social security department, says in one recent week alone the union had "four requests to terminate pension plans from employers going out of business." Some benefits will almost certainly be lost, he adds.

Some workers find, unhappily, that their employer's pension plans are so restricted that virtually no benefits are available. Olga Jensen worked about 18 years for a San Francisco marine transportation company that suddenly was liquidated a couple of years ago. She was 47 at the time and expected that she would receive some settlement from a pension fund for her years of service.

To her surprise, Miss Jensen found that the fund only paid a pension to employees working to the age of 65 and that when the plan terminated, her expected Social Security benefits were deducted before any pension was calculated. As a result, she got nothing. "It was more than shabby," she says. She worked for a time at another company but decided the risks of losing another pension were too great. Taking a pay cut, she moved to the U.S. Customs Office, where the pension provisions were more liberal.

Lower-level workers aren't the only employes encountering pension problems. "The loss of pension credits is spreading into new sectors," say Merton C. Bernstein, an Ohio State University law professor. "Manufacturers are laying off white-collar managerial people."

A 49-year-old middle-management official at Texas Instruments is less than a year away from meeting the age 50 pension eligibility requirement, but he figures his chances are "less than 50–50" of making it in the face of major layoffs by the Dallas company. "It's like being in an artillery barrage when they have you zeroed in," he says.

WIPED OUT

One 58-year-old bank executive in the Midwest was recently fired just 18 months short of having 10 years on the job, a requirement for a pension. Bitter about the treatment, he calls such requirements "archaic and obsolete." He adds: "A place like this constantly reminds you that maybe you don't get much pay but a big percentage of your overall compensation is in various benefits, including the pension plan. When they forfeit the pension they fatten their own purse."

A 44-year-old Cleveland banker, fired after seven and a half years, frets that "I'm half way through my working career and I'm starting over again on another potential pension. If you change jobs every 10 years or so, you're not a job skipper in any sense of the word. Yet two or three moves and you can effectively end up without anything at all."

Such problems are especially widespread among professional and technical people out of work due to defense spending cutbacks. "We're getting some pretty pathetic letters," says one California job retraining specialist. "Because of the ups and downs of our business, they suddenly find themselves near retirement, laid off, with no pensions." One study found the average engineer spends less than six years at any single job, far short of most pension eligibilty requirements.

TAKING REMEDIAL ACTION

In boom times, of course, high-salaried engineers didn't worry about pensions. "I've been buying a little real estate and thought I wouldn't worry about pensions very much," says John R. Goodwin, 49, an aeronautical engineer who has had 11 employers in his career but has never qualified for a private pension. He lost his last job, which paid $17,500 a year, just three months short of qualifying for a plan.

With hundreds of his colleagues out of work, however, he finds his real estate holdings, including his own $45,000 home in a Los Angeles suburb, impossible to sell. He has taken some temporary $3-an-hour drafting jobs and hopes to do some consulting work, but he figures he has lost any chance of ever earning a pension. "As far as I'm personally concerned," he says, "I think the game is up."

Alarmed at such developments, unions are taking increasingly tough stances in negotiations, seeking to improve pensions even at the sacrifice of current wages. "Unions are saying it is senseless to stick money in the pay envelope just to let Uncle Sam get it," says Robert F. Rainey, supervisor of pensions and trusts for H. K. Porter Co., Pittsburgh, an industrial equipment concern. He figures his company's pension costs have almost doubled in two years.

The United Rubber Workers Union this year boosted pension benefits to $7.75 a month per year of service, almost 50% higher than the previous level. In October Owens-Illinois Inc., Toledo, signed a new three-year contract with the Glass Bottle Blowers Association that will boost pension benefits in 1973 to $7 a month from $4 a month currently for each year of service. The union represents most of the company's 20,000 employes in 18 glass container plants.

But fatter pensions alone don't protect workers from layoffs, so unions are also seeking more liberal eligibility requirements. A major issue in the current strike against General Motors is a UAW demand for a full pension of $500 a month after 30 years. GM has offered such terms for workers at age 58 "'Thirty and out' could double pension costs," says one corporate official.

Pension disillusionment has led to considerable pressure in Congress for tighter Federal controls and looser eligibility requirements. One measure sponsored by Sen. Jacob Javits of New York would set up a reinsurance fund to pay benefits that employers couldn't cover in the event they are forced to go out of business. It would also create an independent pension commission, similar to the Securities and Exchange Commission, to handle pension regulatory matters.

Moreover, a number of unions and employes are seeking fully "portable" pensions. Such a system, already used by some unions with industry-wide contracts, permits workers to simply change jobs and carry their accrued pension benefits with them. White-collar workers caught in the economic downturn are particularly interested in such a plan. The American Chemical Society is exploring portability for its members, and an official of the American Institute of Aeronautics and Astronautics says: "I know of four companies that six months ago would have shot you if you stood on their property and uttered the words 'portable pensions.' These companies are now investigating it. The climate is changing."

YOUR PENSION: DOES IT PROVIDE REAL PROTECTION?

(By Lawrence Hillock)

When Fruehauf Trailer Co. pulled out of Avon Lake last spring it left Ted Godek at loose ends.

Godek, 55, and with a limp he's had since childhood, found job hunting a singularly unprofitable occupation.

"I'd walk in, they'd take one look at me and say they didn't have a job. Then a kid would walk up, a kid with long hair, and they'd say: 'When can you start.'"

But Godek had an ace-in-the-hole. At least he thought he had. After all, he had labored 24 years for Fruehauf—"first inspector in and last out"—and was entitled to a pension. He decided to retire early.

What Ted (Theodore) Godek got for his 20.7 years of credited service (they counted only the years after age 35) was $27.32 a month.

Godek was astounded. He wrote Fruehauf headquarters in Detroit asking for an explanation, and he got one. It was straightforward enough: Since he had elected early retirement, 112 months early to be exact, his benefit would be reduced 56 percent.

Had he waited until 1980—until 65—Godek, who lives at 5780 W. Erie Ave., Lorain, would have got the full retirement benefit. That, the company letter said, would be $62.10 per month.

Godek said he didn't understand it but one thing was clear: He needed a job.

The breakthrough finally came months later when an ex-Fruehauf co-worker leaving a job, tipped Godek off. Godek landed in his departing friend's still warm work boots.

At 55, Godek was beginning again as a janitor. But his humor hadn't deserted him.

"I haven't had a beer for so long I could be caught for drunken dreaming," he quipped. "But my wife ain't pregnant. I can be thankful for that."

The tragedy in Godek's case is the size of the benefit and that because of his age he may never be eligible for another pension.

Actually, he is luckier than most of the estimated 25,000 men and women whose pension plans are dropped because of consolidation, merger or business failure each year.

When Studebaker went out of business in 1963, for example, about 4,000 employees, some older than Godek, drew only 15 cents for each dollar of accrued pension rights. Only those over 60 got full pension.

At Fruehauf, those who really lost out

were the long-term employees just under 50 who left just before the company closed up shop in Avon Lake. The rule was up to May 15, 1970, that an employe had to be 50 and have at least 10 years of service to earn a right to a pension.

Former Labor Secretary George P. Shultz estimated before a House Labor Subcommittee in April, 1970 that one third of the 30 million workers covered by pension plans in the United States would never see their pension. He was referring primarily to only one type of loss—that caused by restrictive rules.

Take the case of Charles N. Evelyn. For 41 years he worked as a mechanic for a Newark, N.J. chemical factory, and was looking forward to a moderate $100 a month pension. Just two years before he was scheduled to retire—at age 63—a larger concern bought out the company, and laid him off. Because of a rule saying he must be 65 to qualify for a pension, Evelyn was turned out without a penny.

Edward Herrera of Sheffield Lake was only 33 when he was laid off by Fruehauf, and had no trouble landing another job at Ford, paying $50 more a month. But he was still bitter about losing his pension credit.

"I put in 11 years for nothing," he said at the time.

Herrera didn't really lose a thing by going to Ford. If he stays 10 years he will earn a pension worth about $75 a month, at least $10 greater than a 21-year Fruehauf pension. And he can retain his right to it if he leaves Ford anytime after 10 years.

Ford and the other auto companies have especially lucrative pension schemes when compared to other big firms in this area; U.S. Steel pays about $1 less a month for each year of service; others on the average are another $1.50 less. And although most have vesting, there are age limitations.

As of October, this is how an auto worker's pension will work if he has had 30 years on the job: At age 58 he can retire and draw $500 a month. At 62, this would drop to $450 but the 80 percent Social Security benefit could be used to take up the slack. By age 65, the company subsidy—roughly half of the $450—would be dropped but the worker would now be getting full Social Security.

There wasn't a trace of rancor in his voice, but Milton Lyons, 65, of 1098 Jefferson St., Vermilion, wondered why the auto worker would soon get $500 a month when his pension amounts to $33.

Why, he asked, is there that "awful inequity, that big discrepancy in the union movement pension field. It seems the bigger they are, the more noise they make, the better the pension."

Milton, too, worked 30 years. He didn't job hop. All those years were spent with the same company, a small lamp and fixture firm in Vermilion taken over a few years back by the giant, IT & T.

Lyons wasn't complaining about his own condition. His wife is younger, still works, and his Social Security is "pretty good." But, he says, some former workmates haven't fared as well.

What is the answer?

Milton Lyons put his this way: "I don't like government intervention. But if we can't survive without government control, I say let's have it."

Oddly enough, controls—though of a different nature—are being proposed by one of those big unions Lyons considers so well off—the one-million member strong United Steelworkers of America.

Less than two months ago, union leader I. W. Abel went to Washington and declared:

"We are advocating that the Congress of the United States protect the pension security of the men and women who have spent their lives in service to our nation's economy . . ."

Abel testified in support of a bill before the House General Subcommittee on Labor that would require permitting an employe to transfer his accrued pension after 10 years service if he changed jobs or was laid off or fired; require compulsory funding of pension funds by employers; and create a federal insurance corporation to guarantee worker pensions if firms go bankrupt.

Under Secretary of Labor Laurence H. Silberman talked at length on the subject of proposed pension legislation on Dec. 8, 1970. In essence what Silberman said was that vesting and other points raised by Abel were under study, but that a thrust against only one aspect of the pension problem had White House backing.

This, he said, was a bill aimed at demanding "fiduciary responsibility from pension fund administrators, and designed primarily to halt the growing number of schemes to bilk workers of their pensions.

One incident of this type cropped up recently as last February. Some 67,000 barbers began worrying about their benefits when a Chicago federal grand jury returned indictments against Joseph N. DePaola, president of the Journeymen Barbers Union; Thomas A. Shaheen Jr., a union financial adviser; and Max Block Jr., a New York City attorney.

Because of questionable loans, the pension plan was estimated to be up to $3 million short, and on the way to bankruptcy within 15 years. The government charged DePaola received $29,000 in kickbacks and Shaheen at least $42,800 for approving a $350,000 loan to a dry cleaning firm.

"I expect we'll get shortchanged somehow," commented Henry Baker, 59, of Baker's Barber Shop, Vermilion shortly after the disclosure. He had invested $600 since 1966.

The list is long, and unions are not always involved.

Some examples:

A plumbers' union local in Asbury Park, N.J., anxious to gain control of $720,000 in pension fund assets, paid the insurance company administering the plan $66,000 in penalties to regain control of the assets.

In San Francisco, two members of a painters' union local—Dow Wilson and Lloyd Green—were killed to cover thefts from union pension funds.

A company appointed trustee of a Chicago manufacturer put $250,000—69 percent—of the assets of the employe pension fund into the company's preferred stock. A year later the stock was worthless and the fund's assets had dwindled to $13,500.

For those not represented by the largest and most reputable unions and organizations what the pension promise boils down to, according to Sen. Harrison A. Williams Jr. (D-N.J.), is this:

"If you manage to get a job with a company that has a private pension plan, if you stay with that same company (in some cases, same industry) for 25 years without being laid off or discharged, if you survive to age 65, if the company does not go out of business and if the pension fund does not suffer losses in its investments—you may be lucky enough to get an adequate pension."

Faced with this pension uncertainty in private industry, some fled to safer ground. Olga Jensen did. At 47 and after 18 years with a San Francisco marine transportation company, she found herself out of a job because the company was liquidated, and out of a pension because only those who worked until age 65 were entitled to benefit.

Olga worked for a time with another private firm, but decided the risks were too great. Although it meant a cut in pay, she went to work for the U.S. Customs Office.

The government at all levels, while asking its people to pay a share toward their pension future, takes care of its own.

No one realized this more than Jean Lawless of Vermilion who has spent 36 years as a librarian, 34 in the Lorain Library system. In years gone by, she passed up the lure of faraway places and more pay to protect her future. "Youngsters can't see the benefit of staying in a system for 20 or 25 years. They want results now," she remonstrated.

Her wait will pay off at the end of August when she retires at 63 with a pension she estimates will be in the neighborhood of $425 a month.

Other public service jobs pay off in pensions as good, if not better, and in addition most have vesting after 5 years, plus a cost-of-living adjustment. Ohio teachers, with 35 years or more of service, averaged a $7,475 annual benefit or 76 percent of final average salary. The annual pension benefit for all state teachers was pegged at $5,176.

Jean Lawless was satisfied. "With careful planning I'll get by on the pension," she said.

Theodore Godek and Milton Lyon could not truthfully say the same.

A PROPOSED INSTITUTE OF HEALTH-CARE DELIVERY

Mr. BEALL. Mr. President, I had the pleasure of keynoting the Maryland Hospital Credit Associates' meeting on June 10 at Gaithersburg, Md. In this speech I proposed the establishment of a National Institute of Health Care Delivery which I believe is needed.

I ask unanimous consent that the full text of this speech be printed in the RECORD.

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

SPEECH BY SENATOR J. GLENN BEALL, JR.

Almost two years ago President Nixon warned the nation that America's health care system faced a "massive crisis".

This crisis can be seen: in the spiraling medical costs, in shortages of medical personnel, and in the maldistribution of doctors and services.

Before reminding this sophisticated gathering of what is wrong with our health system, it is important—and only fair—to recall that there is also much that is good about health care in the United States.

America's medical *research* crowned by the outstanding work done at nearby NIH is unequalled in the world. Our laboratories have developed vaccines and drugs for the control of polio, of diphtheria, or TB, mumps, measles, and chickenpox. New drugs have even been discovered which have helped to dramatically reduce the number of patients in mental hospitals.

Let us not forget, either, the miracle-like transplants of vital organs such as hearts and kidneys.

We should also note that since 1950:

Life expectancy in the United States has increased by 3½%.

Infant death rates have dropped 2½%.

Maternal death rates have fallen 66½%.

Neonatal death rates have gone down 19½%.

The last decade has seen a 6% drop in the number of days each year that Americans are disabled.

We should keep in mind that we have done well in meeting new hospital needs, thanks to the Hill-Burton program. Between 1963 and 1968 the number of hospital beds per 1,000 citizens has increased from 12.4 to 13.5.

We can and should take pride in such accomplishments of medical science and the dedicated men and women who labor to make them possible. There clearly then is much that is *right* with medical care in the United States; but there is also much that is *wrong*.

Let us now turn to those problems:

HEALTH COSTS AND FINANCING

One of the most pervasive problems is spiraling medical costs. Health has become America's second largest industry with expenditures of approximately $70 billion. In the last decade health costs have climbed 170%—from $26 billion just a decade ago.

Since 1960, medical costs have risen twice as fast as the cost of living. Hospital costs have climbed 5 times as fast as other prices. Today in many urban areas, the average cost of a single day's stay in the hospital is $100.

Disturbingly, future cost projections (if changes do not take place) are neither comforting nor encouraging. The Social Security Administration has projected medical costs for 1975 between $111 and $120 billion. This should make health in 1975 the single largest industry in our society.

Those projections were based on the assumption that business as usual will continue. That cannot be.

Too many problems in our society need to be solved. The medical crisis is only one among several. We will never have enough money to do everything that needs to be done. Resources wasted in one area cannot be tolerated. Just as there is growing scrutiny of the Defense budget, there will be growing examinations of spending in the health area. It is for you and others in the health field to prove the projections wrong. We must face the harsh facts that, for a growing number of Americans, health care costs are becoming prohibitive. Even for middle-income Americans, a prolonged illness may spell financial disaster.

Did you read the story in the "Wall Street Journal" last year of the little daughter of a young executive who was stung by a bee? The cost after four years of treatment following complications was $57,794. Last week Time Magazine cited similar case histories including one of an industry salesman who sought to protect his family by buying the "best policy" his company had to offer—a policy with a $40,000 limit.

His son, a student at Cornell University, hurt his neck during a football game and became paralyzed. Seven months later, his bills of $6,000 a month had exhausted his insurance.

Medical costs are something that I as a consumer know something about. As you may know, I recently had an appendectomy. Although this first-hand look at our health care system was useful, I can assure you this was no planned field trip. I was impressed by the dedication and service; and the quality of care could not have been better. I must say, however, that there are post-operative "pains" other than those from the operation itself. I just received the bill. Now that hurt! $1500 in hospital costs alone, and I haven't even received the doctor's bill yet. Fortunately, my insurance coverage was good, but for many Americans with inadequate or no coverage, this financial pain must be the biggest of all.

Much progress has been made in the financing of medical care. But in perspective it would seem we have just commenced. In 1950 only 50% of our population had health insurance. Today 80% of our population is protected with some kind of coverage. The problem is that it is often inadequate.

The great health debate that is now underway in the Congress is primarily centered on the financing of health care. For the first time in the Nation's history, the President of the United States has sent legislation to the Congress to improve health care for all Americans, wherever they live.

The President's financial proposal would mandate minimum insurance coverage for all employees, including catastrophic illness protection up to $50,000. In addition, the President proposes a family health insurance plan to provide the basic health insurance protection for all low-income families with children not covered under the mandated employer plan.

Basically, the President's proposal builds on the existing system with improvements and regulations. The legislation to spell out these regulations will be submitted to Congress next month.

Competing proposals include the Kennedy Plan, which would, in effect, have the Government take over health insurance completely; a comprehensive proposal by the insurance industry; and the American Medical Association's plan which relies on tax credits to assure availability of care to all.

Frankly, although much of the Congress and the country's attention has been focused on the financing issue, I am convinced that this aspect of the health care crisis will be resolved even though the implications of that decision both for the Nation and the health care system are staggering.

I look for legislation to be enacted which will build on the present structure. I doubt, however, that a comprehensive proposal for financing will pass this year—although legislation to deal with the catastrophic illness problem might make it.

Catastrophic illness is truly a serious problem . . . One that haunts every American family. I have joined Sen. Boggs of Delaware in introducing S. 191, the National Catastrophic Illness Protection Act, to deal with this problem.

In any event, I look for a consensus to emerge on the financing question and, certainly, I foresee financing legislation being enacted by the end of the next Congress at the latest.

MANPOWER PROBLEMS

Another serious problem in the health care system is the scarcity of medical manpower and its maldistribution.

There is a severe shortage in this country of doctors, nurses, and other members of the health professions. It is generally agreed that we need 50,000 additional doctors in this country today. The serious problem of maldistribution of doctors and other health professionals, though, may be an even more difficult problem than the one of shortage. One American Medical Association study in 1970 identified 134 counties in the United States without a single physician. 36 counties have been added to the doctorless list since 1963.

Some medical authorities estimate that as many as 30 to 40 million Americans do not have access to a private physician. This number includes not only the many poor in our cities or in our rural areas, but also some middle-income Americans living in 5,000 rural towns believed to not have a doctor in residence.

This national picture is reflected in Maryland. 16 census tracts of Baltimore's inner city show 174,000 citizens, primarily disadvantaged, are totally lacking in primary care physicians.

Access to care is becoming more difficult for more and more people. The doctor who makes a house call is almost a disappearing species.

There are many reasons for these problems. Specialization is one; the technology explosion is another; the federal government's emphasis on medical research is still another; with medical manpower following the migration patterns of the larger society—out of rural areas, out of the central city, to the suburbs as probably the most troublesome of all.

To improve this situation we obviously must greatly increase the supply of doctors and other health professionals. As a part of the solution, medical schools must re-examine their curriculum to see if they cannot shorten the training time.

The Administration's health proposal attempts to create an incentive for curriculum reform by basing medical school application grants on a per-graduate basis. Thus, the schools would receive the same amount of money per student whether the medical school was of three or four year variety.

In February I introduced S. 790, the Family Physicians Scholarship and Fellowship Act. This bill provides scholarships and fellowships to young men and women who agree to serve as primary-care doctors in physician-shortage areas.

23 members of the Senate have added their names as co-sponsors of this bill.

NEW NATIONAL INSTITUTE OF HEALTH CARE DELIVERY

For a variety of reasons—costs, inadequate financing, manpower shortages—the fact that emerges is that for all too many Americans, quality medical care is simply not available when it is needed, where it is needed, and at a price they can afford. These Americans marvel at the miracle of medical science and the medical team, but their plea is not for heart transplants or other more dramatic breakthroughs. They simply plead for access to the methods and procedures developed by our laboratories and research over the last quarter to one-half century.

Developing the capabilities to deliver the benefits of research to Americans in need wherever they are located is the tough test facing the nation and the health industry in this decade.

Our success in solving the health care crisis will depend to a great deal on our ability to improve our delivery system. I am convinced that without bold initiatives and without substantial investments to improve our health care delivery, that health care will remain unsatisfactory and its costs will continue to rise.

It is for that reason that I today propose that this nation create a new National Institute of Health Care Delivery. The goal of this Institute and its labs will be to do for health care delivery what the National Institutes of Health have done for medical research. Its objective is to make the United States the leader in health care delivery just as we are widely recognized as a leader in health research.

Four ingredients are essential for such an institute to carry out its mission. They are: Adequate resources, talented men and women, proper organization, and wise management.

There is no question that substantial resources will be needed if we are going to improve our capabilities in health care delivery. Since WWII the United States has invested over $20 billion in biomedical research.

Comparatively little has been spent on health delivery research. In 1970, for example, the nation invested $1.6 billion for biomedical research but only $18 million in research on health delivery. Perhaps this disparity in research spending between biomedical and health care delivery explains the reason for the healthy condition and preeminence of medical research in the United States on the one hand, and the need for major surgery on our health care delivery system on the other.

What is needed is a think-tank and developmental lab or labs to deliver the promise of this medical research to the patient. Our achievements in technology, such as in space, transportation, communications, and data-processing have been amazing. Yet, much of our health system continues to employ the same manual procedures used at the turn of the century. 20th century technology and 20th century research must be combined to provide 21st century health care delivery in this decade!

The charter of the organization I propose should be very broad. It should examine our existing health care system and design and test components of a new one. It should be encouraged to overlook no potentially prom-

ising avenue of improving the quality of care and the efficiency of our health care system.

The Institute, as I envision it, would be staffed by multi-disciplinary teams from medicine, engineering, accounting, social sciences, architecture, law, and the management sciences. The Institute would provide a stable environment wherein teams can focus upon developing our new health care system. It should have a flexible personnel system modeled on other Federal research and development agencies to enable it to hire competent staffs from many disciplines and backgrounds in competition with the industry and universities and other research and development agencies.

Obviously, the organization of any institution is critically important and this is particularly true of the proposed National Institutes of Health Care Delivery. While one can only sketch its skeleton shape, such agencies should be located within the government, perhaps comparable to research and development agencies such as NIH and NASA. In considering the Institute and lab we should also examine carefully such organizations as the Rand Corporation and like industries who have played important roles in improving military efficiency. Certainly similar agencies should be able to develop better health care delivery systems.

I believe the Institute should examine all means of improving the quality and efficiency of our health care system.

The Institute must be able to do a complete system study of health. Sweden, for example, has 83 doctors per 100,000 citizens—compared to the United States with 140 doctors per 100,000 citizens.

Yet, the death rate among middle aged men in Sweden is only ½ that of the United States. Why? That would be a likely question for the new Institute.

The Institute of Health Care Delivery must be able to systematically study and analyze the tasks performed by doctors and other members of the medical professions to see what tasks could be delegated and performed just as well by para-medical personnel. It is generally agreed that doctors spend too much time on routine tasks—including 25% of their time on business such as bookkeeping, billing, ordering supplies, etc. Also, it has been estimated that nurses spend up to 25% of their time on paper work.

With respect to any illness we can combine the talents of medical personnel in various ways. Take a routine physical examination. It may be performed entirely by a doctor, by a doctor/nurse combination with the nurse taking the medical history and patient's temperature, or by doctor/nurse/technician team where the technician performs many of the tests and the doctor's role is limited to the interpretation of the results from such practices as multi-phasic screening. These different approaches to the routine physical examination may produce medical care of equal quality. But they carry vastly different implications, both in terms of costs and the utilization of physicians' scarce time.

Similarly, experts tell us that many of the routine visits to the pediatrician could be performed by trained physician's assistants, such as a nurse.

The National Institute of Health Care Delivery must be able to study the various certification requirements to determine which are necessary to protect the public and which are merely preventing effective use of paramedical personnel. In this context, it is important to note that at one time many tasks such as the drawing of blood and the giving of intravenous injections of anesthesia, all of which are handled quite confidently by allied health personnel today, was legally required to be performed by the doctor.

The National Institute of Health Care Delivery should also be able to examine the malpractice issue. President Nixon proposed a commission for this purpose. An examination of this issue is critical not only because of skyrocketing costs to doctors for such insurance which, of course, is passed on to the patient; but also because doctors are forced to practice "defensive medicine".

The Institute of Health Care Delivery could use the Federal government's public health hospitals and outpatient clinics if licensing laws proved to be an obstacle to care delivery experimentation. Successful experiments of these federal facilities should then encourage wide-spread re-examination of the licensing laws.

The National Institute of Health Care Delivery should examine data processing, which has become standard in other segments of society. One of the nation's aerospace firms did a study of the famed Mayo Clinic. They found that in a $1,000 hospital bill, $300 went to non-productive information handling and filing. And, significantly, they found that with all of the red tape required—12 different human operations merely for an x-ray picture—there was one chance in six that the hospital test had some error in it! !

The potential of data processing can be illustrated by recent developments in Maryland where the Maryland Blue Cross and 18 of its member hospitals installed a new direct-line computer communication, the effect of which has been to enable Blue Cross to cut its cost of processing patient admissions and claims by 30%. This computer link cut admissions costs from $3.60 per claim to $2.52 per claim. The time required for the processing of admissions and transmitting data back and forth between hospitals and Blue Cross has been reduced from as long as four days under the previous manual system to less than one minute. The potential of data processing seems to be there; all we have to do is prove it and utilize it.

The Institute of Health Care Delivery should examine the efficiency and management of our health facilities, including such items as hospital admissions, accounting procedures, and cost finding techniques. An effort should be made to find a uniform accounting system. Some medical experts estimate that as many as 30% of the hospital admissions are unnecessary. Part of this problem has been insurance policies that "pay off" only if treatment takes place in hospitals.

We know of the problems of community and professional competition for the most advanced and expensive equipment often leads to unnecessary duplication. Open heart surgery is such an example. One hospital director has estimated that open heart surgery requires a team of 12 doctors, nurses, and technicians . . . on constant stand-by. Approximately 50 operations are needed a year because of the complexities and the constant changing procedures in order to keep the team at its maximum effectiveness and efficiency. eYt, of the 800 hospitals equipped to to this surgery, one-third do not have a single operation in a year, let alone 50!

I am convinced that cooperation of the hospitals and doctors can be achieved on a voluntary basis. I think we should employ financial incentives to encourage such cooperation such as raising the federal percentage of Hill-Burton construction participation for facilities agreeing to cooperate in needed undertakings. Also, public health and defense medical facilities are available and would be ideal for experimentation. There is a way—provided we are not short on imagination—provided the needed resources are made available.

The Institute of Health Care Delivery mandate should include a promotion of preventive medicine through the employment of techniques to improve the diagnosis and treatment of diseases. Medical Research has given us some of the possibilities. We need now to implement them. For example, heart attacks are the leading cause of deaths in the country. Most such deaths occur before the patient reaches the hospital. If we can find ways of getting these patients to the hospitals more rapidly, tens of thousands of lives could be saved yearly. The technology is not lacking as demonstrated by our emergency facilities and highly organized techniques, including helicopters employed by the military in Vietnam or even the heartmobile as in Montgomery County. Mobile delivery systems would seem to have a great deal of potential for health maintenance and preventive care. Improving delivery arrangements for heart attack and other emergency victims could be organized on some regional system. Development of such plans and procedures would have a great deal of potential also for rural residents and for the thousands of travelers who because of accidents or acute illness need emergency assistance.

In addition, the President has launched an accelerated attack on cancer which strikes one out of four families. It is already theoretically possible to develop semi-automatic systems to spot cancer's early warning signs. Hopefully, new breakthroughs will come in the cancer area as a result of the President's new proposal. The Institute could help to make certain that the fruits of such research will reach the people.

My proposal for a National Institute of Health Care Delivery attempts to make health care delivery a field of research of its own. This is an area in my judgment where breakthroughs are urgently needed. With adequate money, with talented men and women from many disciplines, and with proper management I believe the potential is there for making America's health care delivery system as excellent as our research.

I believe that it needs to be emphasized that health problems cannot be viewed in the context of medical care alone. This is particularly true for disadvantaged citizens for such items as housing, education, nutrition, the environment.

Debate now rages in the Congress not on the issue of *whether* to alter the medical system to more adequately meet the country's medical needs, but *how* to alter it. Republicans, Democrats, AMA, the conservatives, liberals, are all agreed change is imperative. But how? To what degree? What should be the proper Federal role? All of these questions have yet to be answered.

The Chinese word of crisis is made up of two characters . . . one character stands for danger and the other, opportunity. That is how I view the health care crisis in this country today. Notwithstanding the dangers of the present situation, I am optimistic. There are enough people concerned, enough people agreeing that change is needed, that change will come, demonstrating once again how this great Nation converts situations of danger into new opportunities, the opportunity to provide quality medical care to all of our citizens.

To seize the opportunity, the cooperation of all of us is needed: public and private organizations of all types. It will necessitate examining old ways and looking for new.

Most of all, it will require commitment.

General Bernard Shriver, who helped organize the Nation's space program, said that the most important single step in that complex endeavor was the original decision of commitment. I believe that the commitment is evident in the health field as seen by the interest of you here today. If we as a nation make those necessary commitments dealing with the financing, manpower, and the establishment of a National Institute so that we can do for health care delivery what NIH has done for medical research, we will indeed be seizing the opportunity provided us by the present health care crisis. I challenge you, and others associated in the health field, to join in making the necessary commitment: a commitment that will insure quality in health care to all of our people—wherever they live and at the price they can afford.

EAST PAKISTAN RELIEF

Mr. GRIFFIN. Mr. President, all of us have been concerned about the very grave plight of the East Pakistani refugees.

Their suffering and the serious outbreak of cholera among them called for immediate and emergency action.

I am pleased to note that this Government has acted promptly and that over the past weekend the State Department announced several steps to bring food and medical supplies to the refugees and relocate many of them in less crowded areas.

I ask unanimous consent that the text of the State Department announcement, dated June 12, be printed at this point in the RECORD.

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

EAST PAKISTAN RELIEF

The Department of State announced today that three U.S. Air Force C–130 aircraft would leave Pope Air Force Base in North Carolina at 11:30 p.m., June 12, to join a fourth aircraft already in India, to carry out an airlift of East Pakistani refugees from the crowded Indian state of Tripura.

These aircraft, which were requested by the Government of India through the United Nations High Commissioner for Refugees, will carry one million doses of cholera vaccine produced in the United States to help contain the serious cholera outbreak which has occurred among refugees in eastern India.

The Department also announced that the U.S. has agreed to provide all transport for up to 300 tons of rehydration fluid and other anticholera supplies being assembled by the World Health Organization in Geneva.

In addition, the U.S. has agreed to provide to the Government of Japan, on a reimbursable basis, U.S. Air Force aircraft for transporting to India ten Jeep ambulances which the Japanese Red Cross is donating for medical work among the refugees in eastern India.

In connection with these announcements, Joseph J. Sisco, Assistant Secretary of State for Near East and South Asian Affairs, explained three basic elements of US policy in regard to the situation in East Pakistan. "The first", he said, "is that we are fully supporting international efforts to provide humanitarian relief assistance to the peoples of East Pakistan who have been affected by the civil strife. We are also providing full support to the international efforts to provide such relief assistance to the refugees from East Pakistan in India. Second, because of the possibility that the situation in East Pakistan and eastern India could escalate dangerously, we have counseled restraint on both sides. Third, we have made clear our belief that normalcy can be restored in East Pakistan only within the context of a peaceful political accommodation."

In regard to the last point, Sisco explained that a political accommodation in East Pakistan is important both to stem the flow of refugees and to create conditions in East Pakistan conducive to their return. In this connection, he noted the current visit to Pakistan and India of Prince Sadruddin Aga Khan, the United Nations High Commissioner for Refugees, and hoped it would be helpful in seeking resolution of the refugee problem.

Summarizing U.S. participation in international relief efforts in East Pakistan and India, Sisco said that the US has now announced contributions of $17.5 million worth of relief assistance for East Pakistani refugees in India.

This U.S. Relief Program is being coordinated by an inter-agency committee on Pakistani refugee relief chaired by Frank L. Kellogg, Special Assistant to the Secretary for Refugee and Migration Affairs, who departed for Geneva June 11 for discussions with the UNHCR. Following these discussions, Kellogg will be visiting India for discussions with relief officials there and for an on-the-spot examination of the problem.

The U.S. will provide food for 1,250,000 refugees and provide other assistance, such as medical supplies, shelter, and transportation. In Pakistan, the U.S. has urged the Government of Pakistan to request, and the United Nations to coordinate, a prompt and effective international relief effort. "We have been encouraged by reports of productive conversations this week between Pakistani officials and Mr. Ismat Kittani, the Special Representative of United Nations Secretary General U Thant, and indications that a coordinated international relief operation in East Pakistan is being organized," Mr. Sisco said.

Within the framework of this international effort, the U.S. this week has signed an agreement with the Government of Pakistan to provide $1 million in grant assistance for the charter of boats with crews from third countries to deliver food grains and other essential relief supplies to the cyclone affected areas in East Pakistan where serious food shortages now threaten. The U.S. stands ready promptly to provide additional assistance in water transport, food and other supplies as may be required in East Pakistan.

THE DESIRE OF THE LITHUANIAN PEOPLE FOR NATIONAL SOVEREIGNTY

Mr. MAGNUSON. Mr. President, Congress cannot forget—as many Americans cannot forget—the seizure of Lithuania by the Soviet Union over 30 years ago today. On June 15, 1940, Lithuania was occupied and subsequently annexed to the U.S.S.R. I wish now to call to mind the valiant people who remain under Communist domination these many years. We have not forgotten them.

The United States recognized the establishment of an independent Lithuanian Government in 1922, and it has never recognized that nation's incorporation into the Soviet Union. Thirty-one years have not erased memories of independence nor the desire of the Lithuanian people for national sovereignty. They have retained their own ancient language and their sense of identity throughout years of foreign domination.

On this day it is only fitting that we in the Congress of the United States reaffirm our support of the right to self-determination for all peoples held captive by the Communists. Our continued refusal to recognize the status quo as imposed upon Lithuania and our manifested support for the just aspiration of her people for freedom and independence demonstrates our sincere hope that liberty will once again return to Lithuania.

EMERGENCY STRIKES IN THE TRANSPORTATION INDUSTRY

Mr. GRIFFIN. Mr. President, this morning chairman of the Labor and Public Welfare Committee, Senator WILLIAMS, opened hearings on proposals to improve the machinery available to deal with national strikes, particularly those in the transportation industry.

The lead-off witness was Hon. James D. Hodgson, Secretary of Labor, who presented testimony supporting S.560, a bill which I introduced in the 91st Congress, and which I introduced again in this Congress on behalf of the administration.

Mr. President, I ask unanimous consent that the text of the Secretary's statement before the committee be printed in the RECORD.

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

STATEMENT OF JAMES D. HODGSON

Mr. Chairman and Members of the Subcommittee, I am glad you have given me this opportunity to be with you this morning to discuss the Administration's proposal to deal with the problems of emergency labor disputes in the transportation industry. It was just last month that I was here discussing with you the crisis brought about by a threatened walkout of the railway signalmen. As the President said in his Message to Congress of May 17th concerning that crisis—

"The time has long since passed for active consideration and action by the Congress on the proposals which I have twice presented to it to resolve emergencies such as this in an equitable and conclusive manner and, thus to preclude the necessity of congressional action on each individual dispute."

The examination which this Subcommittee begins today will, and must, I believe, result in much needed statutory reform in a critical area of labor relations policy:

Reform which will redound to the benefit of labor and management, alike;

Reform which will ease the burden on the Congress and the courts;

Reform which will rationalize labor relations in the transportation industry, serve the public need for critical services and enhance free collective bargaining in one of our Nation's most basic industries.

The members of this Subcommittee are very aware of the extraordinarily difficult time experienced in recent years in transportation industries in general, and the railroad industry in particular, in the negotiation of collective bargaining agreements. The Railway Labor Act has proven incapable of establishing a meaningful collective bargaining atmosphere. The Taft-Hartley Act—though its record is clearly better—has not always been able to prevent national emergency work stoppages in the sectors of the transportation industry it covers.

It is to correct these deficiencies and to provide more effective protection for the public against the harmful, disruptive effects of major work stoppages in the transportation industry that I am here today to urge passage of S. 560, the Administration's Emergency Public Interest Protection Act.

To understand the critical situation in which we find collective bargaining in the transportation industry, let us look at the historical experience we have had over the years with the Taft-Hartley Act and the Railway Labor Act. To make a judgment on these two statutes we must ask the question—how effective have they been in providing a climate for the private settlement of labor disputes in the transportation industry?

Turning first to the Taft-Hartley Act, we find that most major industries except railroads and airlines are subject to its emergency procedures.

Briefly, these procedures empowers the President to appoint a Board of Inquiry when he believes that a work stoppage or a threat

of one imperils the Nation's health or safety. After the Board of Inquiry has reported on the issues involved in the dispute, the President may direct the Attorney General to petition a Federal District Court to enjoin the strike for an eighty-day cooling-off period. During the eighty-day period, the Board of Inquiry makes a second finding of fact and the employees are given the opportunity to vote on the employer's last offer.

If at the end of the eighty-day period, the parties still have not resolved the dispute, the injunction expires—the string runs out. Unless the parties voluntarily agree to continue negotiation there will either be a strike or Congress will have to be asked hastily to enact ad hoc legislation proscribing any work stoppage. In its twenty-four year history, these Taft-Hartley emergency disputes provisions have been invoked twenty-nine times. In four instances, the disputes were settled before an injunction was issued. With respect to the remaining twenty-five disputes, thirteen were settled within the eighty-day cooling-off period and twelve were settled afterward.

Of those settled after the expiration of the cooling-off period, five of the twelve were settled without resort to a strike while seven were settled after strikes of varying duration. Of the seven disputes involving strikes, six occurred in the longshore and one in the maritime industries. Among these were a three-month shutdown of Pacific Coast shipping and several partial and total shutdowns of East Coast ports whose duration ranged from ten days to three months.

It may be concluded from this brief statistical history that the Taft-Hartley emergency disputes provisions warrant high marks for its successes. With the exception of longshore and maritime industries, it can be credited with preventing many potential and actual work stoppages some of which could have had a deleterious effect on the health and safety of the country.

Therefore it is not our position that the framework provided by the Taft-Hartley Act for encouraging collective bargaining has collapsed or has been unresponsive to the public interest. Rather, we believe that this framework can serve as a basis upon which to build a more effective and responsive structure for the transportation industry.

Let us now turn to the other side of the ledger and review our historical experience with the Railway Labor Act. As you know, the Railway Labor Act is the older of the two statutes and provides emergency procedures for work stoppages in the railroad and airline industries. When a railroad or airline and its employee bargaining representative are unable to resolve their differences in negotiations, the National Mediation Board is empowered to enter the bargaining on its own initiative, and work to assist the parties. If unsuccessful the Board is required to proffer voluntary arbitration to the parties. If either refuses, the Board issues a written notice that its mediation efforts have failed and withdraws from the case. For the next thirty days, the parties may neither strike nor lockout.

Should the National Mediation Board decide that a strike or lockout threatens major disruption to essential transportation services nationally or in any section of the country, it may so inform the President. The President may in his discretion appoint an Emergency Board to study the conditions surrounding the dispute, ascertain the positions of both parties and make recommendations for settlement. A strike or lockout is proscribed for up to thirty days while the Emergency Board studies the dispute and for an additional 30 days following its report. If at the expiration of this period no settlement has occurred, then the options available to the President are narrowed to requesting special legislation from Congress or letting a work stoppage occur.

How well have these procedures encouraged collective bargaining and dispute-settlement during the forty-five year history of the Railway Labor Act?

It should be noted at the outset that there have been only three nationwide rail strikes, each lasting but a few days and only one major airline strike lasting forty-three days.

But beneath this statistical tranquility lies a history of deadlock and discord, replete with Presidential seizures, evermore emergency legislation by the Congress, and the expenditure of uncounted hours and manpower resources in efforts to resolve these disputes and protect the public interest.

The history of the Act reveals that its machinery has failed time and time again. Only strong individually applied measures by the Chief Executive and Congress have averted major rail disruptions.

In 1943, President Roosevelt seized the railroads and arbitrated a dispute that the machinery of the Act had failed to settle. In 1946, President Truman seized the railroads and a strike still occurred. In that dispute, President Truman even asked Congress for the authority to draft the strikers. In both 1948 and 1950, seizures and injunctions were again employed to avert a nationwide rail strike.

More recently, the Railway Labor Act has been buffeted by some of the most tumultuous labor disputes in its history. In 1967, the wage dispute between six shop craft unions and most of the major rail lines forced Congress to act no less than three times to avert a nationwide rail strike. The "Firemen Manning" dispute first came to Congress in 1963 at which time a Joint Resolution requiring arbitration of the dispute seemed to settle the matter. Since that time, however, the issue has been reopened in bargaining and has resulted in litigation; the basic dispute remains unsettled and is subject to strike action at any time.

Congress acted again to legislate a settlement, without strike, in the Shop Craft negotiations of 1970. Again in December of 1970, Congress halted a nationwide strike involving three nonoperating unions and the United Transportation Union. The dispute involving the UTU is now object to strike action. In the Signalmen's dispute of a few weeks ago, Congress was called upon to act to avert a nationwide strike, at least until October, 1971. Over the history of this Act, we can actually point to 190 emergency boards being created to deal with transportation crises; this is an average of more than four per year.

Thus, while only a few major rail strikes have occurred during the history of the Railway Labor Act, the national trauma which accompanies each such crisis brings with it economic disruption, bitterness, and public disenchantment with the collective bargaining system. We have seen this especially in the last two years, where one threatened shutdown has followed another and where the governmental processes could respond only through last-minute efforts to stave off disaster. This activity clearly shows that our nation cannot sustain a nationwide disruption of essential service and therefore has effectively removed from labor one of its most powerful economic weapons, the national strike.

We must develop a better system for dealing with labor relations problems in the transportation industry. I think S. 560, the Emergency Public Interest Protection Act, is a good bill and can do the job. I would like this morning to discuss this bill with you—the philosophy which shaped its provisions and why we feel it is superior to other alternatives.

In developing this proposal, there were essentially two routes open to us: a procedure aimed at terminating emergency work stoppages once they have begun or the development of a proposal, the primary emphasis of which is to encourage settlement without such a stoppage but providing the means for terminating emergencies in the event that they do occur. In our judgment the latter approach is more sound and is consistent with the two objectives stressed by the President in submitting this proposal to the 91st Congress.

The first is that the health and safety of the nation must be protected against damaging widespread stoppages.

The second is that collective bargaining should be as free as possible from Government interference and that any legislation should serve to enhance, rather than reduce, the incentives to such bargaining.

With these factors in mind, the emergency disputes provisions of the bill would build on the Taft-Hartley Act, supplying the President with three new options for all transportation industries which would be available at the end of the present Taft-Hartley procedures. The options are:

(1) extension of the cooling-off period;

(2) partial operation of the troubled industry; and

(3) a procedure of final-offer selection.

To create a new climate for collective bargaining, the bill would also substantially reform the procedures of the Railway Labor Act.

(a) It would require that collective bargaining agreements run for a specified term.

(b) It would substitute private grievance and arbitration procedures during the term of agreements and would abolish the National Railroad Adjustment Board.

(c) In place of the present emergency provisions, the procedures under the amended Taft-Hartley Act would apply, and the mediation function of the National Mediation Board would be transferred to the Federal Mediation and Conciliation Service.

In addition, the bill also eliminates the provision in the Railroad Unemployment Insurance Act which allows striking railway employees to secure unemployment compensation benefits and establishes a National Special Industries Commission to make a comprehensive study of industries subject to emergency disputes.

In determining what procedures would be desirable for dealing with emergency situations, it is our view that the mere availability of a carefully selected range of options will yield a degree of uncertainty as to the possibility and the type of governmental intervention, and will influence the disputants to bargain earnestly from the beginning of the dispute.

Thus, each option has been selected not only as an effective response to a specific type of situation, but also as one element in a total package of options, the purpose of which is to encourage the parties to bargain and, thus, to settle the dispute themselves short of emergency work stoppages.

The President would also have greater flexibility in dealing with emergency disputes; several alternatives would be available to him to tailor action to the needs of specific situations. Under the Administration's proposal, the president is only empowered to deal with disputes which threaten national health and safety, as in the present Taft-Hartley provisions. This is deemed more desirable in terms of furthering private bargaining than the present Railway Labor Act procedure which may be activated by a regional emergency.

In sum, the proposal establishes options which will deal effectively with emergencies so as to protect the Nation's health and safety and which, intrinsically and by reason of their multiplicity and form provide an incentive to collective bargaining.

Accordingly, when national health and safety is threatened, the president would have the authority, subject to Congressional veto, to choose any one, but only one, of the fol-

lowing three options after the eighty-day cooling-off period has run its course.

First, he would be authorized to order an additional thirty-day cooling-off period in which no strike or lockout would be permitted. An extended cooling-off period might be used when it appeared that the parties were close to an agreement when time ran out on them. For instance, if settlement prospects were near and the circumstances were such that the parties were reluctant to agree voluntarily to an extension of time, this option could be selected. Also, there might be times when the President, electing neither partial operation or final offer selection, would want to delay a work stoppage up to thirty days while Congress considered the matter.

Second, the President could appoint a Board to determine whether partial or selective operation of the troubled industry could be implemented. The Board would determine the scope of the partial operation which could be in effect for a period of not more than 180 days. Its task would be to determine by means of a hearing whether and under what conditions partial operation of the affected industry would be consistent with the provision of services minimally necessary to the national health and safety. Two conditions are imposed on partial operation. One is that the Board must believe that the economic pressure resulting from the partial shutdown would be sufficient to encourage the parties to resolve the dispute. The other is that partial operation must not place a greater economic burden on any party than would a complete shutdown. Before and during the period of partial operation, no change could be made in the terms and condition of employment, except by agreement of the parties or action of the Board. Where substantial bargaining is obviously necessary and the use of the traditional strike and lockout pressures would be beneficial to the furtherance of negotiations consistent with the national health and safety, such an option might well be selected.

Third, the President could select a procedure which provides for the empaneling of a Final Offer Selection Board whose task would be to determine by means of a hearing which final offer, submitted by a party to the dispute, shall comprise the collective bargaining agreement between the parties. Preliminary to this process, each party would be directed by the President to submit one or two final offers, as the parties wish, to the Secretary of Labor. Each final offer must amount to a complete labor contract, resolving all the issues in the dispute. After the submission of offers, there would occur a mandatory, five-day period of bargaining. If the dispute remains unresolved at the end of this period, the Board would determine which final offer is the most reasonable. Such offer, without alteration, would comprise the collective bargaining agreement of the parties.

The "final offer selection" alternative is one of the most innovative concepts in the labor law field. It would have the effect, when chosen by the President, of forcing the positions of the parties closer together since it requires a selection without modification of the most reasonable offer of a party.

The parties would be pushed toward the middle ground—the zone of disagreement would be narrowed—because the penalty imposed for a party's maintaining an extreme position would be the likelihood of rejection of its offer by the Panel. The presence of this option will encourage collective bargaining in the early stage of negotiation, thus providing greater possibility of an early settlement.

In selecting the options to place at the President's disposal, it was our goal to develop a range of alternatives which would encourage settlement of the dispute by the parties themselves. It is the purpose of our new statutory structure to limit government intervention in free collective bargaining to an absolute minimum consistent with the public interest.

This philosophy led to the formulation of the range of options that you find in the Administration's bill, and led to the rejection of certain other proposals.

For instance, compulsory arbitration is not included among the options because of the "position distancing" influence it exerts on the bargaining process. It is inconsistent with a philosophy of our options, that of encouraging collective bargaining, narrowing the issues and the zone of disagreement, and of limiting government intervention to a minimum. The threat of compulsory arbitration tends to maximize rather than minimize the differences between the parties since the general expectation is that the arbitrator tends to split the difference between the parties. Some observers have argued that if compulsory arbitration were mixed among other options, these effects would be somewhat diluted. However, in this sense "final offer selection" has the opposite effect from compulsory arbitration in that it has a tendency to narrow the issues and stimulate collective bargaining, and the inclusion of compulsory arbitration would clearly diminish the true value as a possible option.

Similarly, we decided against the inclusion of a so-called "seizure" provision. We foresee grave problems with any plan which provides for government takeover and operation of a part of the transportation industry during a crisis situation. The inherent difficulty is in designing a system of seizure that would encourage collective bargaining; that is, one which exerts sufficient pressure on both sides without advantaging one side or the other.

As a companion to the emergency disputes provision of the bill, and equally important, is the reform we propose for the Railway Labor Act.

The procedures of the Railway Labor Act which most obviously undermine, rather than strengthen, collective bargaining are the bargaining and emergency disputes provisions of the Act. Under the procedures of the Act, collective bargaining agreements are not required to have termination dates and are unchangeable by either side unless and until the procedures of the Act are fulfilled; that is, formal notice, conferences, mediation, and finally, release by the National Mediation Board. Until the Board determines that a settlement cannot be reached through mediation, the parties are barred from resorting to strike or lockout. Often these procedures result in "negotiation" for months or years, thus, unreasonably deferring employee wage and benefit increases and carrier operating changes. The result is hardening of positions, and inevitable delay, all with no discernible termination date to bargaining. The combination of these two factors makes effective bargaining increasingly difficult and helps explain the failure of the process and the ultimate reliance upon governmental action to resolve disputes.

What is needed are procedures that will serve to provide an incentive for real voluntary negotiation—and to assist the parties in resolving their disputes rather than serving as a steppingstone for further governmental intervention.

The Administration's bill would make major changes in these procedures. Specific contract termination dates would be required. Parties desiring a change in the contract would be required to serve written notice thereof at least prior to the expiration date of the contract. After expiration of the contract, the parties would be free to resort to self-help, and if that action threatened national health and safety, the emergency provisions of Taft-Hartley, as amended by this bill, would be available.

In addition, and of particular importance in establishing an effective collective bargaining atmosphere, our proposal seeks to equalize the economic pressures of any strike, and, thus increase the incentive to agree in order to avoid a strike. The bill, therefore, eliminates the provisions of the Railroad Unemployment Insurance Act which allows striking railroad employees to secure unemployment insurance benefits.

Thus, our proposal eliminates unreasonable delay and creates the salutory pressure of a meaningful deadline, all in furtherance of the collective bargaining process.

Presently, grievances arising under the provisions of existing collective bargaining agreements are handled in the railroad industry by the National Railroad Adjustment Board, a government-supported board. Our proposal would eliminate the Board over a two-year period and replace it with a private grievance and arbitration mechanism, not only to eliminate government intervention but also to reduce the strains on the bargaining relationships between labor and management occasioned by the Board's case backlog which is estimated to exceed 3,000 cases.

If the provisions of this bill are to be effectively utilized and improved, it is important to understand why these labor crises affecting the national health and safety tend to be concentrated in certain industries. It is essential that we establish a better framework of information on this problem.

For this reason, we have proposed in our bill that a Special Industries Commission be established to study and make recommendations to the President as to the best ways to remedy the weaknesses of collective bargaining in industries marked by critical labor relations problems.

In summary, we believe that the most effective approach to this problem is one which will support and strengthen free collective bargaining in the nation, that will provide for a minimum of government interference with that process and yet provide a range of measures to protect the Nation's health and safety. We consider this a matter of the highest priority and urge prompt and favorable action on S. 560.

As the President reiterated in his most recent Message to Congress recommending the enactment of the Emergency Public Interest Protection Act:

I urge that this time we not wait for the next emergency, but rather join together in acting upon it now.

DELINQUENT TAXPAYER ACCOUNTS

Mr. BENNETT. Mr. President, for the past 16 years Senator John Williams of Delaware brought to the attention of both the Senate and the country a report by the Commissioner of the Internal Revenue Service on the delinquent accounts of some taxpayers.

In presenting the report this year, I want to make it perfectly clear that I am not doing it in an attempt to embarrass anyone, but rather to make public a record of those individuals or corporations who do not pay their taxes and must be marked off or set aside as uncollectable.

These accounts are designated as delinquent only after a series of earlier efforts to collect the taxes have proven unsuccessful. I was pleased to note that through the efforts of the collection division the number of delinquent accounts has gone down during 1970. However, the total tax dollar amount that remains unpaid has increased over the same time period.

There are four attachments to Com-

missioner Thrower's letter that I will include in the RECORD. The first attachment is the year end inventory broken down by the various tax groups and showing the inactive accounts.

The second attachment contains a district by district tabulation of accounts classified as uncollectable in 1970. The classification of an account as uncollectable does not necessarily mean that the revenue is lost to the Government, but rather it means that the accounts are those that make collection so unlikely that it is unwise to devote further manpower to them. When the IRS receives subsequent information that indicates an improved possibility of collection, action is then resumed.

Accounts that have been classified as uncollectable increased in both number and amount during 1970. This was a nationwide trend and includes large assessments made on marihuana. The western region reported that 58 percent of the uncollectable dollar amount was a result of marihuana assessments.

The third attachment is a listing of the names of taxpayers who had obligations to the Government in excess of $25,000 which were designated as uncollectable in 1970.

The fourth attachment contains a tabulation of abatements which are different from the uncollectable accounts.

I want to thank Commissioner Thrower for making this information available and ask unanimous consent that it be printed in the RECORD.

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

INTERNAL REVENUE SERVICE,
Washington, D.C., June 4, 1971.

Hon. WALLACE F. BENNETT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BENNETT: In response to your request, we are undertaking to furnish you the type information dealing with our collection work which for many years was given to Senator Williams. We share your view that the active interest shown by Senator Williams in securing and publishing this information has served a constructive purpose, and we welcome the fact you plan to continue this interest.

This letter will provide information on accounts classified as uncollectible in the 58 district offices throughout the country. We also plan to furnish you a separate listing of the hundred largest compromise settlements; these data are now being compiled and will be sent you in the near future.

By way of background, you will appreciate that an account is considered by the Service to be delinquent only after a series of earlier efforts to collect the tax—typically including the mailing of three or four notices of tax due—have proved unsuccessful. At that stage, the Service has no choice but to consider an account as delinquent and at this point it becomes a responsibility of our Collection Division.

The following table summarizes as of December 31, 1969 and 1970, the taxpayer delinquent accounts broken down as to active and inactive status. Accounts in the inactive category are those in which collection action has been deferred pending the outcome of audit examinations, court cases or other contingent actions.

TDA INVENTORY

	Active	Inactive	Total
AMOUNT (THOUSANDS)			
Dec. 31, 1969	$1,366,820	$651,969	$2,018,789
Dec. 31, 1970	1,529,999	631,592	2,161,591
Change from Dec. 31, 1969 to Dec. 31, 1970	+163,179	−20,377	+142,802
Percent of change	+12	−3	+7
NUMBER			
Dec. 31, 1969	964,510	100,672	1,065,182
Dec. 31, 1970	952,660	69,508	1,022,168
Change from Dec. 31, 1969 to Dec. 31, 1970	−11,850	−31,164	−43,014
Percent of change	−1	−31	−4

The above statistics show that although accounts in inventory have declined, their dollar value has increased significantly. During 1970, limited additional manpower resources were made available by our appropriations committees which permitted us to throw manpower into the work. As a result, substantially more cases were closed, despite an increasing number of issuances; thus, the inventory reduction in number. At the same time, however, the average dollar value per delinquent account issued in 1970 was $1,336, some $144 more per account than issued in 1969. Equally important, the average dollar value per delinquent account closed in 1970 was $1,277 or $150 more per account than closed in 1969.

The following table shows the increase in delinquent accounts issued and closed in 1969 vis-a-vis 1970. The increase in inventory dollar value reflects the factors discussed above, coupled with the steady growth in taxable income.

[Dollars in millions]

Delinquent Accounts	Number, calendar year		Amount, calendar year	
	1969	1970	1969	1970
Issued	2,689,203	2,742,999	$3,208	$3,666
Closed	2,470,741	2,763,817	$2,786	$3,531

Attachment 1 is the year-end inventory broken down by the various tax groups and showing the inactive accounts in the column to the right. The figures in the inactive category are included in the figures shown in the columns under the various tax groups as well as in the total column. All offices were current in their issuances as of December 31, 1970.

Attachment 2 contains a district-by-district tabulation of accounts classified as uncollectible in 1970. As we have explained in previous reports, the classification of accounts as uncollectible does not necessarily mean that the potential revenue is irrevocably lost to the government. Rather, uncollectible accounts are those on which the likelihood of collection is so remote that it would be unwise to devote further manpower to them when it can be better used on more productive work. Typical of these are no asset cases, taxpayers who cannot be located, and those where collection would cause undue hardship to the taxpayer or his family. Under stringent controls and procedures, these accounts are classified as uncollectible. When subsequent information is developed that indicates the possibility of collecting such accounts, collection action is resumed. Even where there is no indication of the taxpayer's capability to resume periodic payments, which would justify reactivating the accounts, the Service does frequently recover all or part of the amount due from refunds that later come due.

In total, accounts classified as uncollectible increased sharply in both number (+83,000) and amount (+$148 million) in 1970 when compared to 1969. This was a nationwide trend; in fact, only 7 of 58 districts showed a decline in the number of accounts classified as uncollectible, and only 9 of 58 districts showed a decline in their dollar value. Moreover, not a single district had a decline in both number and amount. General economic conditions caused some of the gain. Marihuana assessments, which are traditionally uncollectible, were also a factor. In fact, our Western Region has reported that 58% of their large dollar amounts classified as uncollectible is due to marihuana assessments.

While the Service has no control over the taxpayer's ability to pay, our Data Processing system does give us an efficient and expeditious means of recovering such monies due when the economic status of the taxpayer brightens. Our Data Processing system analyzes subsequent returns filed by taxpayers who have accounts classified as uncollectible. If a refund is due, it is offset against the uncollectible amount; if uncollectible because taxpayer could not be located and a new address is shown, or if uncollectible because of inability to pay and income is in excess of a predetermined level (based upon the taxpayer's financial circumstances) the accounts are reissued for further collection effort.

Attachment 3 is a listing of the names of taxpayers who had obligations to the government in excess of $25,000 which in 1970 were designated as uncollectible, together with the type of tax involved and the district office in which this action took place.

In other words, the enclosure is a listing of accounts of such size—taking into account the volume of collection activity in the various districts—as would require special identification. You will appreciate therefore that the enclosure represents a partial listing.

Because of practical limits on the Service's ability to report and make use of all the information available, the data reported includes no addresses, nor does it include every account over $25,000. The reason for the latter is that levels of reporting vary from district to district and are set in light of our purpose to identify accounts included in the district total that are large enough to distort that district's total. For example, a large account could wrap entirely one's appreciation of the total value of the accounts written off as uncollectible in a small district, whereas, the same account would not have this effect in a large district. Thus, in a small district we might provide that all accounts over $25,000 be reported, but in a large district we might set this amount at $75,000.

Attachment 4 contains a district-by-district tabulation of abatements which are of course entirely different from uncollectibles. Except in the case of offers in compromise, an assessment is abated only if it is in excess of the tax amount actually due and legally owing at the time. These cannot be reinstated except through a subsequent assessment. The following types of assessment qualify for abatement:

1. Assessments in excess of the amount legally due as determined by audit examination.

2. Assessments in excess of the amount accepted on an offer in compromise.

3. Jeopardy assessments later determined by court ruling to be excessive.

4. Jeopardy assessments when it is administratively determined that jeopardy does not exist.

5. Transferee assessments in excess of the basic transferor assessments.

6. 100 percent penalty assessments in excess of the basic corporate assessment.

I trust the information furnished will be helpful to you. It has been my purpose to communicate the standing of the various facets of our collection work in a way that will bring out its scope and range. In that light, therefore, I will welcome any thoughts you may have as to how we might further improve this report. Once again, I appreciate your interest in this vital phase of the Service's activities.

With kind regards,

Sincerely,

RANDOLPH W. THROWER,
Commissioner.

ATTACHMENT 1—INVENTORY OF TAXPAYER DELINQUENT ACCOUNTS IN HANDS OF FIELD FORCE FOR COLLECTION ACTION, DECEMBER 1970 AND 1969

[Dollar amounts in thousands]

	Tax groups									
	Income				Employment				Other	
	Number		Amount		Number		Amount		Number	
	1970	1969	1970	1969	1970	1969	1970	1969	1970	1969
Total	648,432	688,904	$1,110,965	$1,155,371	324,026	323,721	$703,291	$545,924	49,710	62,557
North-Atlantic	127,380	148,246	273,382	319,498	76,836	77,098	213,145	170,643	9,450	9,576
Mid-Atlantic	108,695	114,192	149,504	136,648	45,732	47,498	125,585	86,402	7,575	7,468
Southeast	95,609	92,038	115,384	117,479	45,425	42,356	74,547	50,670	5,417	5,820
Central	65,392	95,165	98,627	122,878	38,126	42,714	69,318	64,817	5,573	6,431
Midwest	65,174	67,348	88,848	88,122	34,174	31,112	68,837	40,159	6,225	7,177
Southwest	71,034	76,701	163,225	153,211	40,411	39,154	68,776	46,939	5,681	6,111
Western	86,344	87,901	149,857	151,659	38,603	40,026	77,212	81,086	9,537	9,814
International operations	8,744	7,313	72,138	65,876	4,719	3,763	5,870	5,208	252	160
North-Atlantic region:										
Albany	6,492	9,164	4,541	8,960	4,019	4,074	8,180	7,616	375	463
Augusta	2,868	2,988	1,569	4,530	1,462	1,502	1,750	1,351	211	211
Boston	22,822	24,712	27,454	35.357	11,846	12,143	29,831	23,724	3,615	1,533
Brooklyn	28,315	33,097	53,218	58,501	14,907	14,988	47,515	35,691	1,215	1,823
Buffalo	12,593	14,886	18,133	13,665	8,397	8,296	15,799	14,278	952	1,111
Burlington	1,438	1,267	1,145	1,985	1,072	821	1,412	773	186	123
Hartford	13,189	14,224	20,479	30,292	6,478	6,131	14,497	10,227	607	790
Manhattan	34,952	42,605	140,713	160,298	25,365	26,012	88,153	72,398	1,953	3,166
Portsmouth	2,460	2,661	2,094	2,232	1,446	1,300	2,338	1,587	146	131
Providence	2,251	2,562	4,037	3,678	1,844	1,831	3,669	2,998	190	225
Mid-Atlantic region:										
Baltimore	28,510	31,512	36,751	34,216	7,972	7,787	14,188	12,218	1,332	1,102
Newark	27,218	27,299	58,149	46,292	14,149	14,432	41,956	23,750	2,075	1,744
Philadelphia	20,902	23,496	26,772	28,628	9,419	9,964	45,245	19,391	1,610	2,134
Pittsburgh	11,569	11,723	13,783	11,503	5,765	6,346	12,038	10,857	1,196	1,137
Richmond	17,231	16,430	11,732	13,611	7,460	7,845	11,124	13,042	1,155	1,124
Wilmington	3,265	3,732	2,316	2,398	967	1,124	1,034	1,144	210	227
Southeast region:										
Atlanta	13,057	13,918	11,193	9,367	6,045	6,599	9,616	7,218	878	1,023
Birmingham	9,294	8,781	6,782	6,489	4,169	4,707	6,837	5,390	692	886
Columbia	8,163	8,648	5,587	5,073	3,385	3,169	3,610	2,882	542	287
Greensboro	18,005	15,627	12,376	11,716	6,186	5,407	12,166	6,250	730	616
Jackson	4,834	5,194	4,215	3,811	2,889	2,836	3,164	2,653	343	310
Jacksonville	25,205	24,652	59,194	68,267	14,452	12,938	30,397	20,247	1,438	1,807
Nashville	17,111	15,218	16,038	12,756	7,499	6,640	9,107	6,030	788	891
Central region:										
Cincinnati	12,946	16,580	9,891	11,367	5,332	6,167	8,130	8,189	695	1,004
Cleveland	14,968	17,436	21,935	33,773	6,716	7,584	12,313	13,453	855	1,038
Detroit	30,345	32,831	33,715	35,736	12,670	14,185	25,692	24,113	2,232	2,124
Indianapolis	13,147	13,121	10,259	27,687	7,466	7,931	14,221	10,844	911	1,149
Louisville	10,375	11,521	10,469	9,997	4,009	4,617	5,862	5,330	530	715
Parkersburg	3,611	3,676	44,297	4,318	1,933	2,230	3,100	2,888	350	401
Midwest region:										
Aberdeen	1,361	1,443	971	942	625	703	415	470	155	153
Chicago	21,157	24,269	44,882	43,617	10,296	9,754	26,810	17,415	1,859	1,933
Des Moines	5,091	4,536	4,466	3,492	2,874	2,769	3,037	2,187	679	668
Fargo	1,295	1,239	928	925	736	646	602	811	151	132
Milwaukee	8,747	7,772	8,145	7,686	4,302	3,747	7,465	4,370	693	676
Omaha	2,586	2,550	4,065	6,365	1,378	1,118	2,005	1,058	274	295
St. Louis	13,303	13,195	14,747	14,723	6,986	6,187	17,095	6,995	1,156	2,140
St. Paul	6,523	6,170	6,229	5,968	4,127	3,463	6,956	4,181	719	542
Springfield	5,111	6,172	4,415	4,404	2,850	2,725	4,452	2,672	539	638
Southwest region:										
Albuquerque	1,915	2,408	4,183	4,977	1,453	1,516	1,784	1,595	183	204
Austin	16,948	18,734	49,545	43,035	9,813	9,039	16,801	11,301	1,227	1,440
Cheyenne	978	1,027	689	601	662	630	828	576	102	132
Dallas	18,679	19,420	69,900	65,920	9,500	7,298	17,901	9,320	1,346	1,220
Denver	6,526	6,389	6,148	8,372	3,784	3,516	6,814	4,810	931	921
Little Rock	4,519	4,747	4,882	4,307	2,656	2,741	2,935	2,260	312	300
New Orleans	7,727	9,615	12,122	11,982	5,063	7,163	9,772	8,937	493	742
Oklahoma City	7,409	8,050	7,066	6,199	4,267	4,033	7,512	4,886	515	657
Wichita	6,333	6,311	8,690	7,818	3,133	3,218	4,429	3,254	572	495
Western region:										
Anchorage	855	813	736	1,074	422	510	1,132	1,489	73	54
Boise	1,416	1,454	1,057	1,408	756	811	960	921	101	125
Helena	1,922	1,775	2,022	1,467	996	852	1,125	711	190	227
Honolulu	1,860	1,557	2,347	2,469	890	952	1,938	2,452	155	187
Los Angeles	27,750	30,998	64,736	74,450	13,317	13,600	32,333	37,093	2,455	2,425
Phoenix	4,982	4,720	10,030	6,151	2,437	2,460	4,155	4,440	418	358
Portland	8,826	8,477	12,522	9,076	2,981	3,972	4,572	4,917	910	958
Reno	1,989	1,993	6,197	8,477	1,081	1,218	1,959	3,068	208	489
Salt Lake City	2,135	2,201	4,632	3,425	1,310	1,387	2,239	2,090	190	202
San Francisco	25,779	25,086	31,477	31,469	9,469	10,015	18,509	17,348	4,176	2,101
Seattle	8,850	8,829	14,103	12,193	4,944	4,249	8,270	6,547	661	688
International operations:										
Puerto Rico	1,429	1,121	1,713	1,444	4,033	3,199	2,991	2,505	67	4
All other	7,315	6,192	70,425	64,432	686	564	2,879	2,703	165	156

ATTACHMENT 1.—INVENTORY OF TAXPAYER DELINQUENT ACCOUNTS IN HANDS OF FIELD FORCE FOR COLLECTION ACTION, DECEMBER 1970 AND 1969—Continued

[Dollar amounts in thousands]

	Tax groups									
			Total				Inactive			
	Other amounts		Number		Amount		Number		Amount	
	1970	1969	1970	1969	1970	1969	1970	1969	1970	1969
Total	$347,335	$317,497	1,022,168	1,065,182	$2,161,591	$2,018,789	69,508	100,672	$631,592	$651,969
North-Atlantic	72,555	68,956	213,666	234,920	559,082	559,105	12,761	21,102	140,117	161,238
Mid-Atlantic	41,304	31,316	162,002	169,158	316,473	245,367	9,758	14,074	85,530	86,311
Southeast	27,319	19,237	146,511	140,214	217,251	187,386	10,878	13,768	55,682	55,210
Central	24,462	31,208	129,091	144,310	192,408	218,903	6,576	11,136	38,908	44,221
Midwest	17,598	16,768	105,573	106,637	175,284	145,047	6,861	13,807	35,374	43,278
Southwest	51,022	49,951	117,126	121,966	203,023	250,101	8,970	11,012	134,222	115,154
Western	106,576	94,438	134,484	137,741	333,644	327,184	11,239	12,963	110,210	112,799
International operations	6,419	5,614	13,715	11,236	84,427	76,696	2,465	1,920	31,541	33,758
North Atlantic region:										
Albany	934	785	10,886	13,701	13,656	17,361	383	983	1,481	2,542
Augusta	682	249	4,541	4,701	4,001	6,130	358	474	952	527
Boston	10,120	5,233	38,283	38,368	67,405	64,314	1,989	2,179	12,184	9,973
Brooklyn	9,558	11,789	44,437	49,908	110,290	105,960	2,205	5,023	30,400	36,171
Buffalo	3,380	2,828	21,942	24,293	37,311	30,771	1,151	1,444	7,302	5,904
Burlington	241	152	2,696	2,211	2,798	2,910	216	226	453	229
Hartford	5,650	17,103	20,274	21,145	40,626	57,622	958	1,643	7,840	22,202
Manhattan	41,259	30,282	62,270	71,863	270,125	262,978	4,921	8,183	75,244	80,317
Portsmouth	103	56	4,052	4,092	4,535	3,875	186	432	810	1,079
Providence	629	488	4,285	4,618	8,335	7,164	394	515	3,361	2,294
Mid-Atlantic region:										
Baltimore	4,222	3,392	37,814	40,401	55,161	49,826	1,874	2,904	16,558	17,757
Newark	21,304	15,119	43,440	43,475	121,409	91,162	3,188	4,678	40,681	37,923
Philadelphia	5,486	6,586	31,931	35,594	77,504	54,605	2,081	3,109	16,790	14,444
Pittsburgh	3,430	2,733	18,529	19,206	29,251	25,093	1,290	1,899	7,925	7,859
Richmond	6,601	3,162	25,846	25,399	29,457	29,815	1,029	1,862	3,056	7,776
Wilmington	341	324	4,442	5,083	3,692	3,866	296	432	527	552
Southeast region:										
Atlanta	8,529	3,645	20,780	21,540	29,339	20,230	1,640	2,041	5,465	5,146
Birmingham	1,677	779	14,155	14,374	15,296	12,658	1,783	2,036	2,394	3,741
Columbia	1,436	513	12,090	12,104	10,184	8,468	590	871	1,837	2,134
Greensboro	1,753	1,328	24,927	21,650	26,295	19,294	1,374	1,812	10,004	6,839
Jackson	408	322	8,066	8,340	7,787	6,785	613	872	1,766	1,878
Jacksonville	11,964	11,336	41,095	39,457	101,655	99,851	2,317	3,711	27,611	32,433
Nashville	1,552	1,314	25,398	22,749	26,697	20,100	2,561	2,425	4,605	3,039
Central region:										
Cincinnati	3,541	4,465	18,973	23,751	21,563	24,020	1,575	1,887	3,512	3,089
Cleveland	3,465	9,164	22,539	26,058	37,773	56,391	1,146	2,143	5,395	9,232
Detroit	8,618	9,753	45,247	49,140	68,025	69,602	1,153	2,861	9,217	14,133
Indianapolis	3,549	2,697	21,524	22,201	36,030	41,227	1,104	1,745	12,380	9,141
Louisville	4,006	3,672	14,914	16,853	20,338	19,000	1,173	1,833	5,897	6,153
Parkersburg	1,282	1,457	5,894	6,307	8,679	8,663	425	667	2,507	1,473
Midwest region:										
Aberdeen	1,171	713	2,141	2,299	2,558	2,124	206	228	819	667
Chicago	6,073	7,196	33,312	35,956	77,766	68,228	1,123	5,467	10,968	20,291
Des Moines	1,473	1,244	8,644	7,975	8,976	6,923	748	942	1,774	2,133
Fargo	204	128	2,182	2,017	1,734	1,864	188	320	271	788
Milwaukee	2,770	2,156	13,742	12,195	18,380	14,211	714	1,348	3,403	4,147
Omaha	589	731	4,238	3,963	6,659	8,154	317	668	2,809	4,820
St. Louis	2,052	2,500	21,445	21,522	33,894	24,218	1,513	2,150	10,028	5,196
St. Paul	2,058	1,062	11,369	10,175	15,242	11,211	1,217	1,649	3,138	3,010
Springfield	1,209	1,038	8,500	9,535	10,075	8,114	835	1,035	2,164	2,226
Southwest region:										
Albuquerque	713	601	3,551	4,128	82,681	7,373	230	464	1,008	3,133
Austin	15,815	15,633	27,958	29,213	82,161	69,969	1,805	2,004	49,660	41,942
Cheyenne	161	99	1,742	1,789	1,677	1,276	194	291	222	287
Dallas	24,656	21,338	29,606	27,938	112,457	96,577	2,168	2,323	59,519	47,269
Denver	2,933	2,730	11,241	10,826	15,895	15,913	885	1,150	2,595	3,426
Little Rock	546	452	7,487	7,788	8,363	7,018	760	979	2,942	2,414
New Orleans	2,413	2,513	13,283	17,520	24,307	23,433	1,217	1,683	9,118	8,115
Oklahoma City	2,355	5,178	12,191	12,740	16,933	16,263	763	1,039	3,309	3,436
Wichita	1,430	1,207	10,038	10,024	14,549	12,279	948	1,079	5,041	5,132
Western region:										
Anchorage	461	173	1,330	1,377	2,329	2,736	95	136	509	649
Boise	69	125	2,273	2,390	2,106	2,453	308	365	556	679
Helena	348	65	3,108	2,852	3,494	2,244	230	304	636	700
Honolulu	421	478	2,906	2,696	4,706	5,399	261	353	1,009	820
Los Angeles	36,417	46,352	43,522	47,023	133,485	157,895	2,848	3,793	48,097	63,596
Phoenix	23,283	6,759	7,637	7,538	37,468	17,350	612	708	15,214	5,854
Portland	3,965	1,642	12,717	13,407	21,059	15,635	1,040	1,036	5,152	2,385
Reno	6,819	5,841	3,278	3,700	14,975	17,395	388	494	7,817	8,327
Salt Lake City	1,206	611	3,635	3,790	8,078	6,126	534	526	2,334	2,487
San Francisco	30,070	30,289	39,424	39,202	80,056	79,107	3,645	3,794	21,569	20,599
Seattle	3,516	2,103	14,455	13,766	25,889	20,644	1,278	1,444	7,317	6,703
International operations:										
Puerto Rico	420	309	5,529	4,324	5,124	4,257	582	840	1,187	1,662
All other	5,998	5,305	8,186	6,912	79,302	72,439	1,883	1,080	30,354	32,076

Note: Rounded figures may not add to the totals which are based on unrounded figures.

ATTACHMENT 2.—TAXPAYER DELINQUENT ACCOUNTS REPORTED AS UNCOLLECTABLE, CALENDAR YEARS 1970 AND 1969

	Uncollectable			
	Number		Amount (thousands of dollars)	
	1970	1969	1970	1969
Total	317,472	234,455	376,979	227,71
North-Atlantic	68,160	48,333	69,568	44,60
Mid-Atlantic	37,566	30,970	35,233	26,975
Southeast	43,660	34,035	51,259	27,715
Central	36,662	26,328	49,399	20,353
Midwest	36,179	27,354	35,013	22,802
Southwest	39,959	28,160	39,772	26,275
Western	51,451	36,978	90,010	58,440
International operations	3,835	2,297	6,725	1,539
North-Atlantic region:				
Albany	2,817	1,611	3,647	2,966
Augusta	1,142	666	402	191
Boston	10,551	5,591	9,084	5,352
Brooklyn	20,350	18,421	20,617	11,823
Buffalo	6,786	4,352	3,035	2,167
Burlington	602	501	308	195
Hartford	3,203	2,167	13,391	1,318
Manhattan	20,310	13,164	17,024	18,667
Portsmouth	913	833	892	681
Providence	1,486	1,027	1,168	1,247
Mid-Atlantic region:				
Baltimore	8,994	6,754	5,976	3,878
Newark	8,559	7,073	11,471	5,381
Philadelphia	8,920	7,998	9,544	10,681
Pittsburgh	3,983	3,333	3,444	3,404
Richmond	6,218	5,128	4,380	3,362
Wilmington	892	684	418	270
Southeast region:				
Atlanta	7,278	4,764	4,468	4,856
Birmingham	4,056	3,245	3,621	2,259
Columbia	2,851	2,544	1,500	1,416
Greensboro	6,482	6,941	3,693	3,108
Jackson	3,020	2,913	2,733	1,931
Jacksonville	14,343	8,941	32,300	10,473
Nashville	5,630	4,687	2,944	3,674
Central region:				
Cincinnati	8,103	5,309	4,355	3,532
Cleveland	9,348	6,107	25,119	5,895
Detroit	7,080	6,836	7,706	4,119
Indianapolis	6,416	4,265	6,664	3,749
Louisville	4,452	2,558	3,942	2,188
Parkersburg	1,263	1,253	1,613	870
Midwest region:				
Aberdeen	533	369	240	274
Chicago	15,271	12,158	17,878	13,191
Des Moines	1,963	1,573	1,318	704
Fargo	491	486	204	109
Milwaukee	4,785	3,145	4,281	2,491
Omaha	1,101	996	3,225	450
St. Louis	5,520	4,139	5,032	3,203
St. Paul	3,964	2,510	2,560	1,159
Springfield	2,551	1,978	275	1,222
Southwest region:				
Albuquerque	1,020	877	1,586	1,262
Austin	9,252	6,607	9,043	10,128
Cheyenne	571	381	340	249
Dallas	9,278	7,338	11,359	4,758
Denver	3,356	2,658	5,898	1,760
Little Rock	2,495	1,713	1,228	811
New Orleans	7,164	3,688	5,324	3,908
Oklahoma City	4,428	3,406	3,627	1,932
Wichita	2,395	1,492	1,367	1,468
Western region:				
Anchorage	540	641	783	704
Boise	648	527	711	229
Helena	862	662	846	474
Honolulu	546	563	908	654
Los Angeles	18,501	12,840	39,382	29,569
Phoenix	2,322	1,867	7,456	1,505
Portland	3,653	1,482	2,878	650
Reno	906	1,011	5,123	1,229
Salt Lake City	1,633	1,277	2,989	1,535
San Francisco	16,869	12,997	23,676	19,963
Seattle	4,971	3,111	5,258	1,930
International operations:				
Puerto Rico	778	798	1,380	234
All other	3,057	1,499	5,345	1,306

Note: Rounded figures may not add to the totals which are based on unrounded figures.

ATTACHMENT 3.—LARGE DOLLAR ACCOUNTS REPORTED AS UNCOLLECTABLE IN CALENDAR YEAR 1970

[By taxpayer, type of tax, and balance uncollectable as of December 31, 1970]

NORTH-ATLANTIC REGION

Albany

Aetna Contracting Corp., 1120, $32,697.
Albany A & W Inc., 941(5), $26,534.
Bennett Steel Erectors, 941(3), $41,411.
Castwell Foundry Co., Inc., 941(11), $96,11
Chodikee Construction Co., Inc., 940/941 (4), $29,892.
Frank Cocca, 1040(4), $72,805.
Component Construction Corp., 940/941 (3), $67,003.
Consolidated Devices & Development, Inc., 1120(4), $142,467.
Douglas C. Burton, Dec'd. & Louise Burton, 1040(4), $164,722.
Duso Drywall Insulation & Decorating Co., Inc., 941(9), $27,412.
Paul F. Fitts, 941(2), $25,819.
Daniel L. Keefe, Jr., Dec'd., 1040(2), $125,-957.
Lac Leasing Corp., 941(5), $47,567.
Joseph G. & Ruth K. Lease, 1040(3), $64,-126.
Loco Contracting Corp., 941(5), $36,800.
Frank Martin, 1040(6), $45,918.
George A. Marcus, Dec'd., 1040(9), $46,712.
Monroe Concrete Corp., 940/941(3), $34.-492.
Northland Paper Co., 941(2), $30,993.
Nelson & Judith Schaub, 1040(2), $737,670.
J. J. Serafini & Sons, Inc., 941(3), $62,569.
Estate of Charles A. Simmons and Charles A. Simmons, 1040(7), $172,857.
Troyling, Inc., 940/941(7), $56,673.
Tri-Cities Fabricating Co., 940(2)/941(5), $69,526.
Warren Aggregates, 940/941(3), $135,007.
White Eagle Bakery, 940/941(3), $70,943.

Augusta

Lucien Therrien, 730/1040(2), $39,949.
Harold S. Little, Mari., $29,200.
Marcel A. Robert, 100% Penalty, $34,350.
Paris Manufacturing Co., 941(3), $49,536.
Robert H. King, Mari., $29,200.

Boston

Sandra Borden, Mari., $345,600.
Richard G. Cutler, Mari., $484,724.
Gerald S. Sherman, Mari., $228,500.
Monument Mills, Inc., 1120, $208,582.
John J. Halloran, Mari., $101,791.
Richard E. Williamson, 941, $205,945.
Ravi Rickhye, Mari., $919,122.
DiGregorio & Cassis, Inc., 941(9), $337,639.
International Railway Equipment Corp., 1120(2), $129,759.
Ambrosia Construction Co., Inc., 941(9), $104,879.
National Security Services, Inc., 941(13), $143,978.
Ponderosa Restaurant Branding Iron, 941 (6), $101,657.

Brooklyn

John Barry Hastings, 3780(4)/1040, $3,-617,801.
Daniel Parker, 941(2), $204,920.
Peter & Marian Castellano, 1040(5), $365,567.
Jesse M. Schneider, 941, $123,320.
John J. Giammalvo, 1040(3), $386,706.
Honeydale Ltd., 1120(2), $110,873
Richland Securities, Inc., 1120(2), $2,034,-024.
Frank & Dorothy Kleinman, 1040(2), $813,408.
Harry Pickman, 1040(5), $744,092.
Gus Verdi, 1040(2), $113,612.
J. Harry & Phyllis Pincus, 1040(8), $142,851.
Geo. F. & Anita Krieger, 1040(2), $185,370.
Irving Ross, 1040(12)/941(6), $200,155.
Arthur & Lucy Pandeloglou, 1040, $107,266.
Irving Cohen, 1040(5), $169,328.

Buffalo

Harry & Delores Kaplan, 1040(2), $109,079.
Stanley J. Bauer, 1040(8), $135,399.
Parsons Ford, Inc., 941(4), $80,479.
Bernard Freling, Inc., 941(16), $93,137.

Burlington

Andrea Kenneth Mormile, Inc., 941(3), $37,703.

Hartford

The State Glass Company, 941(3)/940, $37,556.
Dennis Fusaro, 100% Penalty, $35,672.
Thames Valley Transit, Inc., 941(5)/940 (2), $46,677.
Henry Scharf, 3780(6)/941(2)/1040, $12,-417,934.
R. & S. Construction, Inc., 941(4), $41,618.
W. J. Leonard, Inc., 941(5)/940, $38,892.
Richards & Jessup Co., Inc., 941(7), $111,-079.

Manhattan

Atpecker, Sanford & Pauline, 1040, $107,387.
Atlas Research & Export Corp. of America, 1120, $1,639,776.
Bloomfield Ticket Service, Inc., 1120(5)/720(17), $1,247,518.
D'Amato, Constantine, 1040(7), $452,078.
Est. of Constance I. Morris, 706(3), $138,-223.
Est. of David Schmuckler, 706, $135,297.
Gifts for Thrift of Nevada, Inc., 1120(4), $418,121.
Hibriten Furniture Co., Inc., 1120(3), $640,026.
Holland, Richard Henry, Mari., $228,500.
Horowitz, Michael (dec'd) & Mable, 1040 (3), $486,643.
Howard International, Inc., 1120, $347,691.
John T. Clark & Son, 941/940, $145,737.
Loanow, S. Lonnie, 1040, $143,592.
Steinman, Paul K., 1040(6), $429,343.

Portsmouth

J & J Sweeney, 1040(3), $25,483.
G & C McDermott, 1040(2), $293,156.

Providence

Frank Morelli, 1040, $151,585.
William & Carolina Sequino, 1040(4), $60,517.
Regal Construction, 941(3), $27,368.
New England Industries, Inc., 941(5), $72,844.
McKeen Builders Service, Inc., 941(5), $95,473.
McKeen Builders Co., 941(3), $30,856.
George & Mildred McKeen, 941(3), $103,049.
Glocester Yarn, Inc., 941(7), $37,683.
Royal Hackett (AKA James H. Hackett), 941(13), $29,875.
John A. Ramos, Jr., 1040(2), $30,956.
Bruce G. Carline, 1040(2), $108,390.
Robert J. Conley, 1040(6), $46,280.

MID-ATLANTIC REGION

Baltimore

Larry Sitnick & Benjamin Meyers, T/A The Avenue Musical Bar, 720, $121,460.
Bernard J. Redd, Mari., $106,903.
Herman Wilensky, 1040, $113,643.
Glenna C. J. Willerup, 1040, $66,950.
Reginald Cosens, 1040(2), $102,413.
John Gurn Kelbaugh, Jr. (Kelbaugh & Co.), 941(3)/940, $93,000.
Herman W. Neumyer, Jr., 730(5), $240,970.
Richard C. Darnell, 1040(2), $83,988.
515 Park Avenue, Inc., 941(4), $145,185.
Glenda Garvin, 1040(5), $180,231.
Myron Buckner, 1040, $96,000.
Don Reynolds Associates, Inc., 1120(5), $149,147.

Newark

Angel R. Millan, Mari., $1,848,000.
Toby Boyd, 730(2), $505,177.
Andrew Gerado, 730(2), $504,780.
F & E Alper, 1040, $268,681.
Himmel Distillery, 2527(8), $118,139.
Sara Sera Batista, Mari., $1,246,150.
Est. Richard D. Powers, Dec'd., 1040(11), $831,660.
Lillian M. Powers, Dec'd., 1040(9), $806,816.
Juan H. Rodriguez, Mari., $543,400.

Philadelphia

N. T. & L. A. Marr, 1040(4), $158,061.
J. H. & G. J. Calabrese, 1040, $157,331.
William DiRugeris, 730, $1,572,041.
Charles McDevitt, 730, $364,382.
H. & A. Karasow, 1040, $446,609.
Micronics Corp. of America, 1120(2), $187,-158.
Reading Finance Corp., 1120(3), $228,867.
Edwin H. Koons, 1040(2), $104,035.
Benito Tedesco, 1040(2), $105,982.
John Lynch AKA Jack Lynch, 1040/940/-941, $141,725.

Pittsburgh

Hobart & Beryl Darling, 1040(2), $109,741.
Donohoes, Inc., 941(5), $124,778.
James R. Ferrese, 1040, $211,928.
Mark Kunf, 941(4), $48,857.
Mark & Frank Kunf, 941(4)/940(2), $76,-226.
William F. McDonough, 730(9)/11(2), $253,139.
George & Mary H. Pennington, 1040(2), $70,682.
Pittsburgh Industrial Engineering Co., 941(3), $62,057.
Rose Iron Works, Inc., 941(6)/940, $73,333.
Truck Owners & Operating Nat'l. Assn., 941(5)/940, $127,302.
W. J. Brothers, Inc., 941(12)/940, $58,211.
W. J. Thiele & Sons, Inc., 1120(5)/720(22), $598,295.
Willowbrook Coal Co., 941 (5)/940, $82,703.

Richmond

William M. Jennings, Jr., 941, $50,266.
Stephen D. Carnes, Jr., 1040(3), $84,314.
Elmer Charles Muddiman, Mari., $102,108.
Consolidated Masonry & Fireproofing, Inc., 940(2)/941(4), $73,797.
James T. Benn, 1040(4), $347,194.
Melvin W. & Opal Fox, 1040, $53,430.
Jacob C. Knupp, Inc., 940/941(6), $66,580.
O'Grady Construction Co. (A Corp.), 941 (10)/940, $45,453.
Associated Electric Co., Inc., 941(5), $59,784.
Centreville Underground Construction Co., Inc., 940(2)/941(3), $64,924.
Kitchen Transportation, Inc., 1120, $51,223.
Bilton Insulation & Supply, Inc., 940/941(3), $180,659.
American Scientific Corporation, 940(2)/941(4), $65,337.
Aetna Van Lines, Inc., 940(2)/941(13), $105,260.
Wilson & Nye Masonry Contractors, Inc., 941(4), $39,238.
William R. Albertson, 941(7), $54,587.
Morris Sandel, Jr., 1040(4), $41,426.
C. James & Barbara Curry, Jr., 1040(5), $54,475.

Wilmington

Joseph A. Barlow, Mari, $28,100.
F. Giovannozzi & Son, Inc., 941(3), $30,498.

SOUTHEAST REGION

Atlanta

R. P. Moore; Joe Melvin Chester; Mrs. B. M. Chester; Sue Marie Chester; Betty J. Moore, 730(4), $429,795.
R. H. Flowers, 1040(3), $90,652.
Herbert C. Broyhill, 1040(8), $100,657.
A. R. Sr. and C. G. Abbett, Robert Abbett, Jr., 730, $402,413.
North American Leasing Corporation, 941 (4), $149,240.
Norman & Marguerite Tyrone, 1040(3), $100,569.
Ellis Guthas, 11C(2)/730, $142,816.

Birmingham

O. M. Cummings, 1040(12), $57,536.
Kyle K. Vess, 1040(5), $840,805.
Algernon J. Cooper, Sr. (Dec'd), 1040(6), $740,206.
G. C. McCullough, 941, $163,890.
J. W. & Virginia Lemmond, 1040(3), $62,-387.
Hubert F. & L. F. Baughn, 1040(3), $64,973.
J. T. & Ruth D. Barton, 1040(3), $52,900.
Ashland Industries, 941(3)/940, $52,354.
Jett Oil & Gas Co., Inc., 1120(4), $146,183.
McGowin-Lyons Hardware & Supply Co., 1120(3), $253,691.
George E. Hocutt, 941(15)/940(4), $65,355.

Columbia

L. L. Green, Jr., 100% Pen., $120,046.
Charles H. Tanner, 1040/941(3)/940, $35,-723.
E. T. & Marion L. Nelson, 1040(4), $285,317.
Philip R. & Sydneth E. Permenter, 1040(8), $45,688.
E. R. Kellett & Company, Inc., 941(4)/2290, $46,414.

Greensboro

Dolan E. Fields, 730(22), $111,843.
Hugh F. Lunsford, 730(4), $433,475.
Northern Installation, 940(2)/941(7), $84,-056.
Southern Installers, 940(2)/941(12), $236,-537.
Tru-Ft Installer, 940(2)/941(7), $91,795.
United Installers, 940(2)/941(7), $96,408.
Glen Edward McGraw, Mari., $79,247.
Edward C. Callis, 1040, $59,294.
Larry B. Nunnery & Charles J. Woodward, Mari., $55,000.
Julius M. Demay, 100% Pen. (3), $63,960.
W. A. Rhodes, 1040(4), $17,648.
W. A. & Russell Rhodes, 941(12)/940(4), $42,640.
Rhodes & Rhodes, Partners, 941(8), $19,165.

Jackson

Ernest O. Allen, Jr., Transferee, 1040(4)/1120, $65,843.
Glen D, Broadus, Liquor/2290(7), $60,062.
Brookhaven Culvert & Supply Co., 1120(6), $314,009.
Clyde L. & Norma J. Collins, 1040(4), $69,086.
Copiah Contractors, 940/941(4), $35,765.
Curtis O. Dedeaux, 1040, $201,607.
Curtis O. & Peggy M. Dedeaux, 1040(2), $292,023.
Jean Guillaume, 941(5), $31,072.
James E., Jr. & Willie Rae Hicks, 941 $84,998.
Hicks Steel Forms, Inc., 940(2)/941(5), $119,750.
Charles R. & Myra M. Hirstius, 1040(2), $92,781.
Imperial Industries, Inc., 940/941(3), $26,459.
J. C. Murray, Jr., deceased, 1040(15)/940(6)/941(26), $67,385.
Max Payment, Jr., 730(72), $162,582.
Jimmy Macias, 730(58)/11C(6), $91,136.
Hudson M. Puckett, 1040(5), $37,715.
W. A. & W. Weathersby, 1040(4), $31,588.
W. A. Weathersby, 940(4)/941(15), $25,106.

Jacksonville

Robert & Regina Ball, 1040(3), $3,275,998.
Leonard M. Bernard (Transferee), 1120 (10)/1040(5), $356,064.
Leonard M. & Estate of Loraine Bernard, 1040(6), $72,499.
Charles Wilson Blount, 730(17), $120,631.
Irwin & Beatrice Brenner, 1040(4), $2072,101.
Irwin Brenner, 730(12)/11C(2), $584,178.
J. Charles Burden, 941(20), $118,122.
C. & W. Contracting Co. Inc., 941(3)/940, $132,001.
Dennis D. & Blanche S. Carlin, 1040(16), $160,429.
James G. & Ruth L. Cross, 1040(6), $288,097.
David B. Dice, Jr. (Dec'd), 1040(5), $417,567.
D. B. Jr. & J. R. Dice & J. W. Hayes, 730, $708,275.
J. R. Dice & J. W. Hayes, 730, $9,836.
James R. & Barbara Dice, 1040, $75,153.
James R. Dice, 1040(4), $313,144.
Eastern Erectors Inc, 941(2), $123,172.
Randolph C. & Dorothy Fernon, 1040(4), $333,980.
John E. Foster, 941, $128,026.
Ernest R. & Jessie Gaw, 1040, $98,257.
Jimmie W. Hayes, 1040(5), $387,318.
Charles Heyman, 730(20), $119,282.
Jacard Industries, 941(2)/940, $265,451.
John W. & Thelma M. Jamison, 1040(6), $425,623.
John W. & Thelma M. Jamison, 1040(3), $118,008.
Betty K. Light (Tripp), 1040(2), $117,023.
Dave Marcus, 730(17), $106,506.
Raymond C. McLendon, 730(13), $181.151.
Robert E. Morgan, 1040(3), $189,525.
W. R. Motley, 11C(4)/730, $315,463.
J. O. Nettles, 11C(3)/730, $102,317.
Ra-Dor Industries, 1120(2), $129,573.
Jack T. Rainwater, 1040(3), $133,218.
Vesta Rainwater, 1040(2), $102,115.
James E. Rizzuto, 1040(3), $207,305.
Sayve Corp. of America, 1120(2), $289,305.
Robert W. Sherman, 941, $159,499.
James B. Torphy, 1040(13), $580,011.
U.S. Land Corp., 1120(2), $382,345.
H. R. Vann & L. S. Vann, 730/11C, $128,375.
Varnum & Associates Inc., 941(4), $150,038.
James C. Wadsworth, 1040(6), $303,403.
Robert Vaio Wells, Mari., $407,648.
White Top Cab Co., 940(3)/941(16), $236,-723.
Edwin E. & Frances Wiggins, 1040(3), $190,276.
The Wingreen Company, 941(3), $135,442.

Nashville

Kenneth R. Childs, 1040(2), $42,334.
William E. Westcott, Jr., 1040(3)/1120(3), $192,697.
Dr. James A. Vaughn, 709, $112,325.
Little Pigs of America, Inc., 1120, $47,492.
Albert T. Lowe, 1040(5), $42,233.
Ransom Enterprises, Inc., 941(7)/940(2), $81,264.
Sam Sims, Jr., 1040(2)/730(25), $87,372.
Donlon Construction Co., Inc., 1120(5) $348,811.
Oley F. Wolfe, 1040, $51,985.
Mid State Service Co., Inc., 941(4)/940, $56,579.

CENTRAL REGION

Cincinnati

Uffelmann Baking Co., 941(6), $90,905.
Marion E. Branstetter, 1040(6), $102,958.
Estate Jay R. Scott, 1040(5), $82,391.

Cleveland

Southway Plaza, Inc., 1120, $207,736.
Northwest Plaza Realty, Inc., 1120, $250,-639.
Charles Corp., 941(6)/940, $123,602.
Tas Tee Catering, 941(5), 205,770.
John, George, Joseph and Sam Besase, Angelo Perna, Sam Rappaport & Ted Maison, 730, $925,805.
John, George and Sam Besase, Angelo Perna, Sam Rappaport & Ted Maison, 730, $121,749.
Sam and Ann Besase, 1040(2), 2,439.
Angelo and Ann Perna, 1040(3), $2,659.
John Besase, 1040(3), $2,389.
Green Acres Plaza, Inc., 1120, $336,767.
Lincoln Knolls Plaza, Inc., 1120(3), $636,-989.
Concrete Construction Service, Incorporated, 941(3)/940, $153,636.
Joseph Naples, Jr., 730, $240,860.
Maple Crest Plaza, Inc., 1120, $203,956.
Sidney L. and Estelle Albert, 1040(2), $3,-511,656.
Sidney Albert, 1040(8), $9,992,112.
Estelle Albert, 1040(5), $533,437.
Dog House, Inc., 941(3)/1120(2)/940(2), $747,293.
Frank & Esther Pfaff, 1040(11), $223,605.
Arthur Babet, 941(14)/940(3), $145,265.
A. A. & M. Naiman, 1040(2), $236,756.
Gary G. Shamas, 1040/941(2), $171,434.
Gary G. & Virginia Z. Shamas, 1040, $29,-942.
Estate of William Finegan, 1040(3), $132,-892.
Kay Tire Distributors, 1120(5), $197,393.
Silvestri & Silvestri, 941(2), $117,621.
Ben H. Williams, 1040(23), $135,212.
Sam Rendina & Son, Inc., 941(4)/940, $149,690.
Dominick E. & Donna Bartone, 1040(3), $798,468.
Francis F. Green, 941, $140,770.
Roland Getz, Inc., 940/941(2)/720(2), $167,290.

Detroit

Roy Hazeal, 3780(2), $3,178,712.
Alphonso P. Coy, Jr., 1040(8), $113,904.
George A. Greenlee, 1040(4), $461,409.

Indianapolis

Judd Weller, 940/941(5)/720(8), $88,274.
John Gravesen, 940(5)/941(2)1040(15), $83,359.
Herman C. Smithhart, 1040(4), $79,928.
Town & Country Foods, 1120(4), $439,535.
Sixth & Broadway Hotel Corp., 941(10), $148,326.
Lawrence Stickel, 1040, $456,938.
Julia Stickel, 1040, $457,088.
Carl W. Sauer and Alice J. Wickstrom, 1040(2), $310,302.
George P. Manley, Jr., 941(5), $60,289.
Pascal and Ethel Smith, 1040(5), $117,285.

Louisville

S. K. S. Wrecking Co., Inc., 941(5)/1120, $74,102.
Masonry Unlimited, Inc., 941(4), $52,158.
Consumer's Research Consultants, Inc., 1120, $41,639.
Shannon Self, 720(18), $262,960.
Larry Motors, Inc., 941(3)/1120(4), $251,724.
Electronic Service Corp., 1120(7), $88,778.
Cavex Corp., 720(9)/1120(4), $113,739.
Stephen A. and R. W. Cisler, 1040(7), $239,376.
Edward D. McFarland, 1040(4), $103,521.
Carl and Maxine Eley, 1040(5)/720, $207,792.
Bernard H. Shircliff, 1040(4)/941(27)/940(5), $81,320.
Robert F. Brawner, 941(14)/940(4), $54,949.
Barbara N. Hartung, 1040, $57,338.
David M. Carr, Jr., 1040(4), $88,847.
Victor Martin, 1040(3), $87,062.
Kentucky Esco Coal Co., Inc., 941(6)/940(2), $68,345.
Central Quality Coal Co., Inc., 941(6)/940, $75,326.

Parkersburg

P. E. and K. R. Dennis, 1040, $90,331.
Paul E. Dennis, 1040(2), $300,722.
Harold E. Harbin, 730, $502,558.
Dorothy Mae Goodman, Mari., $32,200.
Okey Hudson, 730(30), $235,970.

MIDWEST REGION

Aberdeen

Steel Builders, Inc., 941(3), $26,846.
Walter V. & Ferne L. Wenckus, 1040(3), $40,000.
Nettleton Commercial College, 1120(9), $167,702.
Soo Plating, Inc., 941(10), $36,428.

Chicago

Lewis C. and Ruby Billingsley, 1040(2), $716,279.
Charles and Jacqueline Bray, 1040, $100,474.
C. C. Carr, 1040(6), $138,002.
Edward J. and Jean L. Chanda, 1040(2), $201,158.
Coatings Unlimited, Incorporated, 941(4)/940, $109,245.
Otto H. Haack; Charles J. Stapleton; Edmund T. Stapleton, 941(14), $91,012.
Earle H. Koopman, 1040(11), $102,808.
John S. Koziel, 1040(6), $662,864.
Lark Sales Company, 1120(4), $366,332.
Melvin Building Corporation, 1120(2), $377,911.
Charles Oran and Mary Mensik, 1040(13), $2,454,339.
Mercury Builders, Incorporated, 941(2), $183,447.
Roberts Lounge, Incorporated, 720, $394,407.
Thomas G. and Judith C. Salinas, Mari., $400,000.
Charles E. St. Louis, 1040(3), $1,494,352.
Fritzie Testa, 1040, $923,872.
Robert Foster White, Alfred Allen Pascoe, William Edward White, Mari., $480,500.

Des Moines

Associated Lithographers, 941(4)/940, $27,243.
Bishop, Gene R. & Mary J., 1040(5), $43,142.
Glenwood Packing Co., 941(2)/940, $40,496.
Hanlon, Bernard John, 941(11), $12,066.
Hanlon, Bernard J. & Monna, 1040(5), $14,911.
Impact Milling Co. Inc., 941(3)/940(2), $30,713.
Irvin, Fred, 941(24)/940(6), $43,877.
Irvin, Fred & Verna, 1040(5), $7,935.
James, William, 941(9)/940(4), $45,490.
Jerry McElderry Painting, 941(5), $30,445.
Joseph, Arnold I., 1040(5), $65,643.
Krage, R. Sam, 941(6)/940(2), $54,118.
Payne Freight Lines Inc., 941(4), $59,070.
Rommel, Elmer & Esther, 1040(5), $27,089.
Sparg, John (Dec'd) & Maigue, 1040(4), $29,445.
Thompson, Orville O., 941(3)/940, $28,878.
Tickal Construction, 941(3), $32,491.
W. J. Digby Inc. of Iowa, 2290, $40,503.
Roger F. Hahn, 1040(2), $91,031.
Roger F. & Winifred Hahn, 1040, $33,508.
Ray Cummings, 100% Penalty, $43,834.

Fargo

Hauck Industries, Inc., 941(4)/940, $39,075.

Milwaukee

Adams, Daniel V., 100% Penalty, $32,982.
Beranek, Wm., 941(14)/1040(7) $51,036.
Braden, Ralph E., 1040, $57,711.
Browning Mfg. Co., 1120(7), $212,184.
Cantrell, Charles E., 730/11C(5), $37,344.
Elco Tool & Mfg. Co., 941(3)/1120(3), $39,891.
George, Ramon C., 100% Penalty(4), $36,729.
George, Ramon C. & Mary Ann, 1040, $2,522.
Hoskins, George W., Jr., 1040(2), $9,094.
Hoskins, George W., Jr. & Selma, 1040(3) $24,544.
Latimer, Stuart, 1040(5), $47,433.
Milway, Inc., 941(4)/940, $37,278.
Molgaard, Leah, 730(2), $93,099.
Mueller, Karl J., 100% Penalty, $31,617.
Northern Hardwoods, Inc., 941(9)/940(2), $30,786.
Permanent Construction Co., 941(3)/940(2), $78,075.
Pollock, Earl & Alice, 1040(8), $342,597.
Shovers, Marvin & Evelyn, 1040(2), $39,906.
Stingl, Charles F., 100% Penalty, $38,217.
Verdone, Blanche, 1040(3), $34,118.
Verdone, Anthony & Blanche, 1040, $26,611.
Verdone, Anthony, 1040(2), $10,958.
Weller, Elyert, Jr., 1040(3), $42,067.
Wolinsky, Abraham, 1040(6), $583,606.
Wolinsky, Abraham & Jeannette, 1040(6), $189,084.
Zurich, Nicholas O. & Theresa, 1040(4), $58,452.

Omaha

Fred Aye, 1040(4), $45,855.
Erma Hirsch, 941/1040(6), $31,642.
Harry & Maxine Bostwick, 1040(3), $57,468.
Richard L & Nadine I. Davenport, 1040(11), $1,800,992.
Nadine I. Davenport, 1040(4), $645,900.
Joseph R. & Charlotte Crawford, 1040, $107,112.
Metropolitan Sanitation Co., 941/2290, $27,727.
Charles Graziano, 940/941(3), $26,370.
John W. Lane, 1040(5), $36,212.
John W. & Roberta Lane, 1040, $401.

St. Louis

Rolla Alfred Bass, 1040, $260,276.
Janice B. Bell Estate, 706, $63,191.
Roy O. Brown, 941(11), $55,448.
Certified Gas Sales, 720(9), $64,640.
Theodore M. & Virginia Ewing, Jr., 1040(5), $183,255.
Robert Harris, 730(117)/11C(11)/1040(10) $385,612.
James Hourmouzus and John Lewis, 720(9)/941, $72,260.
Harlan L. Kelley, 1040(14), $121,474.
Arthur Lewis, 941(4), $57,647.
Jason Newton, 941(5), $130,811.
Lola Perkins, 1040(4), $440,581.
William M. Wider, 1040(5), $70,073.
Fred E. Winsor, 1040(8), $196,221.
Bennett Realty Corp., 1120(3), $38,636.

St. Paul

Patrick P. Carver, 1040(3), $36,089.
Dorr D. Beale, 1120, $39,655.
Highland Terrace Inc., 941(5)/940(2), $29,130.
Murlyne A. Norris, 1040(5), $42,921.
American Foods Inc., 1120, $35,825.
M. R. and J. H. Brown, 1040(5), $33,930.
Minn. Pipers Inc., 941(4), $52,526.
Nelson Aluminum Co., 941(6), $24,095.
Sivanich Concrete, 1120/941/940(4), $69,948.
Style Line Greetings, 941(6), $56,611.
A. V. Hoyess, 1040(2), $31,341.
Modern Metalcraft, 940/941(5), $97,053.
A. J. and J. A. Parsons, 1040(3), $35,305.
J. E. Uebelacker, Mari. $39,750.

Springfield

CTO Decorating, Inc., 941(3), $26,205.
Wm. J. Dieterich, 1040(7), $31,249.
Gold Star Sales Corp., 941/1120(3)/940, $27,642.
Harold Broverman, 1040(2), $40,744.
Everett A. Smith (Dec'd), 730, $35,740.
Charles F. Rowland, 1040(3)/941(13)/940, $59,177.
Charles F. & Patricia Rowland, 1040(2), $2,680.
Carl & V. Newland, 1040(3), $128,280.
Alert Contractor, Inc., 941(3)/940, $28,181.
George W. McClelland Est., 706, $25,529.
David & Cora Major, 1040(6)/941(3), $32,580.
Alan L. Bennett, Mari., $38,403.

SOUTHWEST REGION

Albuquerque

R. B. Wright, 100% Pen., $126,508.
W. Rodney DeVilliers, 1040(3), $93,687.
W. Rodney & Betty June DeVilliers, 1040(2), $384,192.
Robert William Smith, Mari., $103,063.
Robert Scott Massey & Christopher D. Taylor, Mari., $71,400.
Henry Clyde Hatcher III & Robert Bruce French, Mari., $71,400.
Dee, Bob Corp. of New Mexico, 941(3)/940, $60,752.
Joseph E. & Agnes Montoya, 1040, $37,934.
The Rectory, Inc., 941(5)/940, $28,238.
Albert Wahl, 941(4), $65,629.

Austin

Michael Duane Kilpatrick & Ernest Crueger, Mari. (2), $168,865.
Roger D. Brown, Mari., $891,704.
John R. Mayfield, 11C(2)/730(13), $898,434.
Jeri T. Long, 941(2), $201,248.
Thelma P. Myers, 1040(4), $312,157.
William Raork Chasson, Mari., $277,664.
Juan Montemayor, Jr., Mari., $162,903.
Lincoln Liberty Leasing Corp., 1120, $136,318.
Alex M. Phillips, 1120(2)/720, $80,600.
Alex M. & Rosetta T. Phillips, 1040(4), $73,609.
Jesse P. Daley, 1040(4), $72,428.
Jesse P. & Dorothy G. Daley, 1040, $94,737.

Cheyenne

Dr. N. E. Morad, 100% Pen. (4), $37,140.

Dallas

William C. Bonney, 941(2)/1040(4), $168,550.
A. L. Busby, Individually & as administrator of Estate of Barbara J. Busby, 1040(4), $200,590.
Ray H., Jr. & Lois M. Carroll, 1040(5), $312,151.
Bob DeLee, 1040(4), $248,933.
Billy Edward Drake, 730(28), $116,559.
Hoople Jowdan Const., Inc., 1120(2), $135,775.
Isadore Miller, 730(3), $177,401.
Truman Hendrix, 1040(6)/730, $298,813.
Turnbull, Inc., Transferee, 1120, $221,719.
Patsy, D. Estes, 1040, $711,455.
R. D. Ryno Motor Co., Inc., 720(11), $113,518.
Allen Wright, 1040(4), $269,042.
Rozelle McSpadden, 1040(2), $1,891,545.

Denver

Paul C. Villano, 730(19), $74,030.
Marvin Hayutin, 1120/1040, $266,814.
Andy C. and Mary A. Romero, 1040(5), $51,140.
Carl C. Schold, 941, $50,376.
James Thomas Wilkey and Timothy Lee O'Neill and Stephen Allen Reed, Mari., $119,360.
Charles N. Berardi, 940/941/1040(23), $69,686.
Jerry Lee Johnson AKA, Jerry John Jacquish, Mari.(2), $998,400.
Philip and Marion Shaiman, 1040, $243,108.
Harvey H. Day, Mari., $319,281.
Cindy Lou Day, Mari., $325,430.
Merlyn D. L. Jones and Geoffery B. Smith, Mari., $62,400.
Dale W. Crippen, 1040(2), $212,654.
Carl L. Martin, 1040(2), $57,795.
Denver Building Supply Co., 940/941(4), $58,607.
Gable Drilling Company, Inc., 940/941(5), $71,237.
Richard M., Sr. and Celeste C. Barnholt, 1040(6), $443,520.

Little Rock

J. C. and Carole Cox, 1040, $49,320.
Times Corporation, 1120, $62,870.
Success Corporation, 1120(2), $59,050.
Jones Masonry Co., Inc., 941(6)/940(3), $27,510.
Turney Woods Products, Inc., 941(2), $66,763.
George R. Golden, 1040(3), $55,065.
Universal Securities Corp., 1120(2), $295,055.
Mid South Siding Wholesale, Inc., 941(4)/940, $21,502.
Kalmor Steel Corporation, 941(4)/940, $52,313.
May Company Construction, 941(6)/940/1120, $56,114.

New Orleans

Livingston S. and Doris D. Hiern, 1040(7), $86,280.
James J. Hand, 730/11C, $325,888.
William Joseph Straughan, Inc., 941(3), $87,713.
Donnell Const. Co., Inc., 940/941(7), $112,634.
John J. Gregory, 730/11C(4), $96,456.
S. Dantoni, Inc., 941(3), $81,037.
Paul B. Fasullo, 730(21), $121,342.
Fiesta Pools, Inc., 941/940(10), $112,258.
Robert D. Gibbens, 941(2), $84,849.
White Painting Co., Inc., 941/940/1120(14) $74,774.

Oklahoma City

White House Packing Co., 941(7)/940(2)/1120, $54,849.
Stephen Neil Gladstein, Mari., $480,500.
Skyway Oil Corp., 720(6)/941(5)/940, 2229.(4), $73,559.
Leroy D. Hines, 730(64)/1040(2), $827,152.
Russell Cobb, Jr., Inc., 1120, $64,425.
Baker Plumbing Co., Inc., 941(5)/940(2), $55,600.
Richard M. Morris, 720(15)/941(2)/1040/940, $50,353.

Wichita

F. D. & S. P. Rice, 1040(3), $61,287.

WESTERN REGION

Anchorage

Leo G. Gellings, 100% Pen., $58,689.
Jack & K. Snyder, 100% Pen./941(6)/940, $93,837.
Edward A. Hosford, 941(3), $73,897.

Boise

Nearing Logging, Incorporated, 941(4)/940(2), $55,201.

Helena

Jack L. Young, Mari., $133,000.
D & M Lumber Co. Inc., 941(5)/940(2), $36,541
Douglas Walker, 100% Pen./2290, $29,592.

Honolulu

Robert John Ah Choy, Mari., $124,800.
Roland Kaina Lovell, Mari., $124,800.
The Academy, 940/941(5), $27,881.
Yoshio Miyashiro, 940(3)/941(13), $50,701.
Hawaii Jet Air Hawaii Ltd., 720(5)/941/940, $80,515.
Thomas A. Roberts (100% Pen.), 941, $28,554.
Harry Sudo (100% Pen.), 941, $34,761.
Lawrence Santos, (Dec'd), 1040, $62,561,
Moses & Rebecca Kim, 1040(15), $35,249.
MFL Inc., 1120(2), $37,120.
Gil Scott & Associates, Inc., 940/941(4), $64,563.
DSW Masonry Ltd., 941(4)/940, $30,936.

Los Angeles

Forrest Hawthorne, 1040, $110,504.
Valkana Constantin, Mari., $810,985.
Diane Kim Dunn, Mari., $341,944.
Helen Sherman, 1040(4), $339,028.
Kitchel Morales, Etc., Mari.(4), $272,576.
William Keyes, Jr., Mari., $195,700.
Valley National Mtge., 1120, $126,592.
Marcus Lee Roe, Mari., $319,743.
Doris Betty Palmer, 1040, $833,473.
K. & G. Greenhill, 1040(5), $199,788.
Marian Kusham, 1040(6), $183,719.
Rosemary C. Ferrer, 1040(7), $167,203.
Alven Seidenberg, Mari., $103,000.
Wilberta Ramos, Mari., $352,382.
Alfred Guerra-Esparza, Mari., $240,000.
Howard A. & Erna Burk, 1040, $116,137.
Frank E. Kelly, 1040(5), $570,517.
Glen H. Wheeler, Mari., $376,000.
Bernard Zito, Etc., Mari., $265,580.
Harold D. Gibbs, Mari., $134,000.
Sydney Schwartz, Mari., $111,291.
Walter T. Foster, Mari., $105,900.
Grantray Lawrence Animation Inc., 941(3), $102,761.
James Lewis, Mari., $314,822.
Charles L. Beck, Mari., $273,945.
Terry L. Ward, Mari., $202,249.
Stephen Mandell, 941, $178,475.
A & V Willinbring, 1040(3) $174,180.
Fidel Rodriguez-Martinez, Mari., $364,800.
Estate of Elwyn Ley & Helen Ley, 1040, $340,450.
Larry Allen Slocum, Mari., $290,600.
Michael I. Knifong, Mari., $184,000.
Bernard Cohen, 730, 125,902.
Aitchison, C. B. & Est. of R. B., 1040(2), $664,983.
Aitchison, C. B., Jr., 1040(4), $658,490.
Roger Williams, 1040, $336,400.
Lenahan, William J., Mari., $264,500.
R. O. Pyke, Mari., $125,636.
Henry Albachter, 1040, $1,000,539.
Albachter, H & R, 1040(2), 705,572.
Danny Klein, Mari., $205,551.
Barnett, Ross, Etc. & Robert Napolitano, Mari., $364,800.
Joe & George Inc., 1120(3), $206,616.
Marriott, Mari., $195,700.
Lewis, Lilbern, Mari., $620,800.
Sette-Noonan Corp., 941, $106,323.
C. W. & Ruby Carlstrom, 1040(8), $271,047.
Hodson & Goralski, Mari., $162,000.
Cooley Bros., 1120(5), $127,244.
Lee, Adam and Marg., 1040(4), $655,307.
Hernandez, E. J., Mari., $1,520,000.
First Church Chr. Am., 1120, $541,607.
Ashmann, Chas. R., 1040(4), $441,367.
Abrams, Gertrude, 1040(2), $298,645.
Burrows, Wesley, 1040(4), $204,609.
Levitt, Alvin C., 1040(12), $186,000.
Davis, Dan J., Mari., $176,370.
Reed, Carlisle, 941, $166,945.
Shafer, Russell, Etc. & Aldo Falossi, Mari., $151,700.
Taylor, John F., 1040(4), $126,158.
Dicon Company, Inc., 941(3), $116,057.
May Finley Lewis, Mari., $138,600.
Kenneth Ray Carter, Mari., $359,057.
Joe Ortiz Fernandez, Mari., $1,825,915.
Elvira Galvan Rodriguez, Mari., $134,000.
Edward Pierce, Mari., $248,439.
Joseph Jaimes, Mari., $211,500.
Patushin Industries, 1120, $118,461.
Jerome E. Sandusky, 1040, $791,295.
George P. Rios, 1040, $304,860.

Phoenix

Ernest R. & Anna L. Babbage, 1040, $34,517.
Paul & Cynthia Simon, Mari., $38,900.
Julian Joseph Zebrowski, Jr., Mari., $290,600.
Robert (Dec'd) & Jeanne Davis, 1040(5), $72,585.
Bernadette C. Gelvan, Mari., $237,700.
Charles Quentin Bufe, Mari., 44,796.
Archie A. Harrison, Jr., Mari., $55,200.
Jose Manuel Sanabria, Mari., $38,000.
Cleatus M. Wood, 1040(4)/942(7), $128,486.
Glenda Lee Ahlstrom, Mari., $90,100.
James C. McCormick, 1040, $145,433.
James C. & Mercy McCormick, 1040, $36,287.
John L. Freed, 1040, $36,681.
Albert R. Wahl, 941(4), $65,629.
Stewart Management Co., 1120, $65,375.
Morris Herman Sterngast, Patrick Wm. Caid & Ernest Ramon Basurto, Jr., Mari., $61,900.
Robert G. & Opal L. Cody, 1040(2), $59,706.
Russell Bryan Lamb, Mari. (2), $102,000.
William P. Humphries, Alex Haefler, III, & Barry Ross Cowan, Mari., $76,400.
A. W. (Dec'd) & Edith Komarek, 1040(7), $227,280.
Jose Maria Verduga Medina, Mari., $478,990.
Paul A. Sandblom, 1040(2), $2,251,076.
Jerome & Gladys Garland, 1040, $80,175.
Gary Roger Brazil, Mari. (2), $616,129.
Jerry Coats, Mari., $487,060.
Air Conditioning Supply, 1120(2), $91,884.
Welton Farms, Inc., 1120, $38,298.

Portland

William L. Uebelacker, Mari., $39,750.
Paul Clyde Westerfield, Mari., $39,750.
Howard & B. Raymond, 1040, $61,225.
Western Transport Leasing Inc., 1120(2), $160,056.
Robert Stephen Derry, 941, $30,924.
Robert A. Woodring, 1040, $71,561.

Reno

R. L. & T. Morrison, 941(5)/1040(4), $108,719.
W. & I. Bush, 1040(2), $36,577.
Marie Rich, 1040(9), $147,790.
Eldon Dynes Terry, Mari., $44,800.
Alan R. Green, Mari., $1,055,940.
Kenneth F. Johnson, II, 1040(2), $54,904.
New Pioneer Club, Inc., 941(2), $47,791.
Gus Thiros, 941(3), $54,233.
Harry & Rose Bloomfield, 1040(5), $329,264.
Johnie E. Lane, 730, $167,932.
Johnie E. Lane & George P. Stillwaugh, 730, $68,061.
Johnie E. Lane & Byron A. Tannahill, 730, $204,639.
Billy & Carmen Levitt, 1040(2), $1,610,187.
Ira Herzog, 1040(4), $28,145.
Charles E. & Jean C. Webb, 1040(3), $378,215.
Morton Paul & Rada Kane, 1040(5), $28,616.
Geri Ann Culley, Mari., $31,300.
Paul George Culley, Mari., $30,839.
George Abdo, 730(4), $92,222.

Salt Lake City

Sales Promotion & Mgmt., Inc., 1120, $36,553.
Magnum Trusts, Inc., 1120, $58,698.
Lawrence Samuel Bagley and Cathleen Rita Connor Bagley, Mari., $160,000.
Francis N. & Leona E. Noble, 1040, $46,009.
Dean H. Rasmussen, 1040, $114,521.
Memorial Estates, Inc., 1120, $64,611.
Lloyd Earl Shepard, Mari., $96,400.
Earl Ray Butler, Mari. $1,070,000.

San Francisco

William Anthony Sayre, Mari., $3,202,421.
Warren R. Giles, Mari., $101,663.
Michael Paul Giles, Mari.(3), $102,597.
Charles P. Barrett, Mari., $412,850.
Stanley Mulligan, Mari., $412,850.
A. Monroe Blakely, 1040/1120, $183,849.
Lillian L. Michaels, 1040(2), $179,767.
Joseph Dominio, Jr., Mari., $238,392.
William Robert Trautz, Mari., $104,700.
Cruz Garfield Torres, Mari. $437,800.
George Earl Rush, Mari., $117,900.
Charles Clarance Garcia, Jr., Mari., $639,080.
Thomas & Hazel Valerga, 1040(2), $139,595.
Paul Stanton Gladman, Mari., $115,100.
Robert Leighton Leoni, Mari., $106,300.
Dennis Lee Keppler, Mari., $151,282.
Terry Nicholas Tsegeletos, Mari., $106,300.
Robert F. Long, 1040, $171,184.
Leonard Clarence Lavine, Mari., $141,200.
Michael J. Gilliland, M. E. Prince, J. J. Hafner, E. F. Sooten, Kathleen Murphey, Mari., $588,263.
Bruce John Baker, Mari., 202,270.
Roger J. Walker, Mari., $825,500.
Daniel Joseph Cissel, Mari., $204,030.
Jeffrey Scott Meller, Mari., $423,000.
Reyes Bojorquez Lopez, Mari., $121,200.
Robert A. Cochran & Daniel H. Shafer, Mari., $104,700.

Seattle

Frank M. Staley, 1040(4), $93,395.
Nicholas E. Pappas, Mari., $1,058,304.
Nellie Curtis, 1040(8), $198,502.
Peter Antovich, Mari., $60,220.
Brian J. Fitzpatrick, Mari., $211,080.
Linda Marie Gerke, Mari., $126,400.
Kathleen Marie Ihler, Mari., $126,400.
Danny B. McIntruff, Mari., $728,500.
Roger Dean Weber, Mari., $57,600.
Transvan, Inc., 941(3)/940 $61,603.
Gene Shuck, Inc., 941(4), $59,474.
Soine, Leslie, 941(21)/940(5)/1040(5), $89,468.

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Puerto Rico

V. M. Clark Jr. & Celeda R. Clark, 1040/941(3), $44,100.
Octavia Mestre M. Morera, Maria, $237,661.
Philip & Diana Perlman, 1040(4), $808,480.
Consolidated Contractors, Inc., 941/940(6), $57,154.

Washington

Talib & Dakota Staton Dawud, 1040(9), $112,051.
Javier Verduz, Maria, $263,914.
Charles J. Lytle, 1040(7), $430,241.
Jesus Bojorquez Esprui, Maria, $194,101.
Sigmun Janas, 1040(6), $287,835.
Claude Bordeau, 1040, $79,000.
Raymond B. & Clarice Cortez, 1040(3), $247,158.
Santiago Jovenich, Maria., $195,200.
Carroll S. & Est. of Charlotte Hardester, 1040(3), $961,134.
Carroll S. Hardester, 1040, $150,400.
Neville Levinson, 1040B(4), $70,769.
Joel J. & Caryl Bloch, 926, $57,552.

TAXPAYER DELINQUENT ACCOUNTS REPORTED AS ABATED

[Calendar years 1970 and 1969]

	Abated			
	Number		Amount (thousand dollars)	
	1970	1969	1970	1969
Total	69,754	125,848	311,865	325,012
North Atlantic	11,411	19,542	75,675	66,206
Mid-Atlantic	9,944	19,728	26,331	33,947
Southeast	10,446	16,849	41,260	49,504
Central	8,178	19,329	38,931	37,743
Midwest	7,973	14,719	28,686	27,803
Southwest	8,062	14,175	28,471	26,378
Western	11,231	19,447	69,707	79,605
International operations	2,509	2,059	2,804	3,829

	Abated			
	Number		Amount (thousand dollars)	
	1970	1969	1970	1969
North-Atlantic region:				
Albany	1,019	1,165	2,817	2,546
Augusta	240	472	286	1,118
Boston	2,401	3,573	11,845	8,249
Brooklyn	2,463	4,519	11,779	10,347
Buffalo	1,036	2,465	5,696	7,673
Burlington	264	498	274	661
Hartford	916	1,562	5,755	10,998
Manhattan	2,583	4,417	36,330	23,273
Portsmouth	207	332	803	660
Providence	282	539	662	681
Mid-Atlantic region:				
Baltimore	2,376	4,101	3,553	5,067
Newark	2,523	5,268	7,311	9,966
Philadelphia	1,966	4,559	7,035	7,736
Pittsburgh	1,345	2,458	3,631	5,125
Richmond	1,529	2,918	4,310	5,066
Wilmington	205	424	491	987
Southeast region:				
Atlanta	1,458	3,125	3,866	5,130
Birmingham	1,303	1,837	3,966	2,441
Columbia	1,044	1,563	1,711	2,668
Greensboro	2,080	2,949	6,206	4,388
Jackson	783	1,064	1,163	1,358
Jacksonville	2,399	4,201	21,384	31,521
Nashville	1,379	2,110	2,964	1,997
Central region:				
Cincinnati	1,189	3,097	1,938	5,094
Cleveland	1,658	3,560	11,452	12,344
Detroit	1,485	5,747	9,192	10,362
Indianapolis	1,782	3,505	13,202	5,777
Louisville	1,687	2,383	2,420	2,717
Parkersburg	377	1,037	727	1,446
Midwest region:				
Aberdeen	162	286	275	330
Chicago	1,894	4,169	11,766	12,992
Des Moines	685	1,475	1,001	2,587
Fargo	291	414	240	227
Milwaukee	1,179	2,005	3,266	2,260
Omaha	528	997	978	610
St. Louis	1,649	2,444	6,916	4,482
St. Paul	748	1,496	2,984	2,852
Springfield	837	1,433	1,260	1,463
Southwest region:				
Albuquerque	412	639	1,456	1,454
Austin	1,586	2,867	6,010	5,957
Cheyenne	178	383	172	438
Dallas	2,081	3,064	10,109	5,727
Denver	704	1,520	2,169	2,485
Little Rock	823	1,103	1,218	3,908
New Orleans	706	1,711	3,034	3,054
Oklahoma City	738	1,555	3,156	1,907
Wichita	834	1,333	1,147	1,449
Western region:				
Anchorage	83	201	654	546
Boise	239	648	1,479	2,575
Helena	312	590	397	184
Honolulu	217	444	758	1,058
Los Angeles	4,226	6,110	36,216	49,133
Phoenix	647	1,142	4,119	3,154
Portland	802	1,523	4,851	4,469
Reno	348	463	1,170	1,316
Salt Lake City	436	690	981	969
San Francisco	2,532	5,468	15,217	12,686
Seattle	1,389	2,168	3,865	3,514
International operations:				
Puerto Rico	1,198	917	824	720
All other	1,311	1,142	1,980	3,109

Note: Rounded figures may not add to the totals which are based on unrounded figures.

ABORTION: A HUMAN CHOICE

Mr. PACKWOOD. Mr. President, at long last we as individuals and as a society are summoning the courage to face the very difficult questions implicit in the debate over our abortion laws. Because of the wide variety of ethical and moral standards within our pluralistic society, we find a great diversity of views on the abortion issue. Too frequently, however, discussions on the legal status of abortion evolve into arguments on the morality or immorality of abortion. What is too often lost sight of, and what must always be remembered, is that the question of abortion is an ethical-moral one which, in my view, should be left to the individual conscience, and not regulated by law.

Pregnancy and abortion elicit strong emotional reactions among most people, making rational debate difficult, sometimes impossible. Though we may disagree in our conclusions, I am sure we would all wish sincerely to examine this issue thoroughly and rationally. I am gratified to see the increasing number of responsible medical, social, and religious groups which are examining the issue of abortion and addressing themselves to the questions we will all be called upon to answer. Most recently the Board of Christian Social Concerns of the United Methodist Church has issued a publication entitled, "Abortion: A Human Choice." This statement provides a thoughtful analysis of the abortion issue from a religious point of view. I commend it to my colleagues for their reading and for their fuller understanding of this vitally important issue. I ask unanimous consent to have this statement printed at this point in the RECORD.

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

ABORTION: A HUMAN CHOICE

Published jointly by the Division of General Welfare and the Department of Population Problems, Board of Christian Social Concerns of The United Methodist Church, May 1971.

FOREWORD

The problem of abortion has troubled the mind of man throughout the ages primarily because it is a question which does not admit of absolute certainty or dogmatic answers. Pregnant women and brilliant theologians, churches and states have been deeply involved in the questioning and have come to differing—and sometimes changing—answers.

The currents of recent times have swelled the debate anew. There has come a greater awareness of the terrible toll in human suffering throughout the world caused by illegal and self-inflicted abortions; an increased understanding of the tragedy of existence for unwanted and unloved children; a knowledge that abortion is very likely the most widely used form of birth control; a growing realization that laws have never stopped the practice of abortion but have only sent it underground; a belief by many women that laws against abortion deprive them of the fundamental right to make decisions regarding their own lives and welfare; a questioning of whether the state should compel the birth of children in these days of burgeoning numbers of people. All these elements have combined to bring about a reexamination of the moral, legal and personal aspects of abortion.

As a result of this searching reappraisal, the United Methodist Church along with a number of other Protestant denominations, has called for removing the regulation of abortion from the criminal code, placing it instead under regulations similar to those guiding other medical practices (see back cover). This stand was approved by an overwhelming majority of the delegates to the General Conference of the United Methodist Church in 1970. However, the debate revealed the heartfelt doubts that troubled the minority, and illustrated that deeply religious and equally concerned people can differ on this issue.

Even as laws, denominational stances, and personal attitudes are changing, the debate continues. It is with the hope of helping to make this reexamination of abortion and the laws regarding it both searching and responsible, sensitive to human needs yet in accordance with the divine will, that this booklet is offered.

The writers present some of the reasoning that lay behind adoption of the position that abortion should be a decision between a woman and her physician. They write from different points of view—the individual woman's, the ethical and theological, the legal. We hope readers will find both knowledge and guidance as they share the writers' thoughts.

GROVER C. BAGBY,
Division of General Welfare.
RODNEY SHAW,
Department of Population Problems.

About the authors—

Tilda Norberg . . . born in Alabama, raised in Michigan . . . B.A. from Michigan State University in sociology . . . B.D. from Union Theological Seminary . . . ordained by United Church of Christ . . . trained as Gestalt therapist . . . long active in women's liberation movement . . . a founder of and still active on New York Task Force on Status of Women in the United Methodist Church . . . currently leading therapy groups sponsored by St. Clement's Episcopal Church in Manhattan.

John M. Swomley, Jr. . . . native of Harrisburg, Pennsylvania . . . B.A. from Dickinson College, M.A. and S.T.B from Boston University, Ph. D. in political science from the University of Colorado . . . a minister of the United Methodist Church in Kansas East Conference . . . Director of the National Council Against Conscription, 1944–52 . . . Executive Secretary of the Fellowship of Reconciliation, 1953–60 . . . since 1960, Professor of Christian Ethics at Saint Paul School of Theology, Kansas City, Missouri . . . a member of the Committee of Civil and Religious Liberty of the National Council of Churches, member of National Board of the American Civil Liberties Union, member of the General Board of Christian Social Concerns of the United Methodist Church . . . for 10 years editor of *Current Issues* . . . author of many books and articles including *American Empire: The Political Ethics of 20th Century Conquest* (Macmillan, 1970).

Allen J. Moore . . . native of Waco, Texas . . . B.A. from Southwestern University, Georgetown, Texas, M.A. in sociology from Baylor University, Ph. D. from Boston University . . . ordained Methodist minister, serving churches in Texas and Massachusetts . . . Administrative Director and Professor of Religion at Wesley Foundation and Bible Chair, North Texas State University and Texas Women's University, Denton, Texas . . . in 1958 became National Director of the Methodist Young Adult Work and Young Adult Research Project of the General Board of Education of the United Methodist Church . . . in 1963 joined faculty of School of Theology, Claremont, California . . . also Dean of Students there, 1964–68 . . . now Professor of Religion and Personality and Christian Education at Claremont and also member of Religion and Society faculty at Claremont Graduate School . . . published writings include over 100 articles.

FEMALE ANGUISH AND ABORTION

(By Tilda Norberg)

Most of the voluminous writing, thinking, lawmaking and moralizing about abortion has come from men.[1] Yet just as no white person can ever fully understand what it means to be a black, no man can ever comprehend the experience of a woman who is pregnant and doesn't want to be. In large measure because of this, the "rights of the fetus" have traditionally taken precedence over the rights, wishes, and even health of the woman.

Society has largely ignored the anguish and fear of a woman who is carrying an unwanted fetus. Sadly, even the Church's efforts to be sensitive to human suffering have not extended to women faced with this agonizing problem.

This article is by a woman, and about the woman's side of the issue. As a minister and a member of the Clergy Consultation Service on Abortion, I have listened to countless stories of needless suffering. Let me share some case histories which are typical of many women's experience.

THESE ARE THE WOMEN—

A fifteen-year-old girl, self-conscious and awkward though an honor roll student, became pregnant because she felt that the way to the popularity she longed for was to do whatever the boys wanted. Her foolish and immature action (how many of us are mature at 15?) condemned her to further shame and self-hatred through the only course which seemed open to her at first: to "visit an aunt" for six months. But both she and her parents were sure that everyone would know the actual reason for such prolonged absence, and so all three agreed that the only humane way out of an already emotionally damaging situation would be for her to have an abortion.

A Negro woman who had just decided to get a divorce found out that she was pregnant by her husband. Out of her hatred for her abusive spouse, she was already feeling disgust for the fetus. She knew that a Negro baby has little chance of being adopted, and to keep the child would mean going on welfare. She had just received a scholarship to attend college, something she had always dreamed of. An abortion meant the possibility of a more creative life for herself. She expressed the hope of one day marrying and having a child with a person she truly loved. In the meantime she was willing to sell her furniture (the only valuable possessions she had) to pay the exorbitant fee of an illegal abortionist.

A 45-year-old woman who had spent her married life caring for four children found she was pregnant just as her youngest child left for college. She had been looking forward to the time when she would have some independence and freedom to pursue long-delayed vocational goals. She felt physically sick at the thought of "starting all over again with the diapers and bottles and 2 a.m. feedings." She was convinced that she hadn't the energy to care for another infant, that she would resent the child, and that with two children in college she couldn't afford the additional expense of another child.

A woman with four children, all under seven, found herself pregnant again. With her husband making only $125 per week, and her six-year-old needing an operation on his legs, she and her husband felt that another child would be an unbearable financial hardship.

Having counselled many of these women as a minister, I recently perceived in a more personal way something of the terrible turmoil they go through. I am a happily married woman. My husband is also a minister, and both of us are deeply committed to our work. At the beginning of our marriage, we decided that for emotional and financial as well as vocational reasons, we were not yet ready to have children. We continue to reaffirm our decision every time we talk it over. When we do have children, they will be deeply wanted and we plan to share equally in raising them.

Recently I began to suspect that, despite our great care in the use of contraceptives, I was pregnant.

I felt miserable, victimized, and angry. Because of a contraceptive failure (it couldn't have been anything else), my husband and I were being prevented from carrying out our careful decision about planning our family. I felt trapped by my own biology. And even though it was easily within the capacity of medical science to help, the laws prohibited this and forced me simply to accept the consequences—consequences which would profoundly affect the rest of my life.

Fortunately, it turned out that I was not pregnant after all. But what of those women who find similar fears confirmed?

THE AGONIZING CHOICE

Under the present laws in most states, a woman such as one of those whose case histories I have given, having wrestled with what having a child then would mean in her life and having concluded that an abortion would be best, faces an agonizing choice. She could serve the sentence of bearing her unwanted child. She could try to secure a safe but illegal and enormously expensive abortion done in a doctor's office. She could choose to go through the degrading process of begging for a therapeutic hospital abortion, with the odds against approval, perhaps finding herself "too far gone" to seek help elsewhere by the time the board refused her. She could try to find the money for a trip overseas. She could risk her life and health in a "back alley" operation. Or, frantic with despair, not knowing where to turn for help, she could choose the cruel route of attempting self-abortion.

Both married and unmarried women share the suffering, for motherhood is not always desirable for married women either. In fact, most abortions are performed for married women.[2]

It should be pointed out that for rich women a solution to the dilemma is much easier. They either pay substantial fees to their doctors and/or certain private hospitals or travel to another country where abortions are routinely performed in hospitals.

As usual, it is the poor who suffer the most. One indication of this was a nationwide survey by Dr. Robert E. Hall which showed that the rate of therapeutic abortions in hospitals was 3.6 times higher on their private services than on their wards.[3]

There are a few courageous doctors who will perform safe abortions in their offices, but the poor most often lack both the resources for locating them and the money to pay their high fees.[4]

Some argue that, with modern contraceptives, there is no excuse for any woman to become pregnant against her will. This simply is not true. The medical profession tells us that no contraceptive is absolutely foolproof, not even the pill. The United States Food and Drug Administration reports that the intra-uterine device, one of the most effective contraceptives available today, has a failure rate of 1.5% to 3%. This means that, if all married women in the United States could and did use this contraceptive, there would still be between 350,000 and 700,000 unintended pregnancies each year among married women alone.

LIMITED ROLES FOR WOMEN

Aside from contraceptive failure, there are other complex reasons for a woman becoming pregnant even when she knows pregnancy is contrary to her best interests. The Women's Liberation Movement is helping us understand that women are discriminated against in our society and limited to certain approved roles.

By and large, little girls are taught to think that marriage and motherhood are their natural and most important roles. High school and college girls gain status and achieve "success" when they are dating exciting men. Those failing to do so are urged by the ads to try a new hairdo, a new dress, a certain perfume, or a certain method of dieting. A girl learns that her body is good if it pleases men, bad when it does not.

Pastors and counselors tell them to "act more like a woman," i.e., to build up *his* ego, be interested in whatever *he* is interested in. The message comes through strong and clear: "Do anything to please him." Anything, that is, except get yourself pregnant—even though

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Footnotes at end of article.

contraceptives are not totally reliable nor easily available to unmarried women.

Women are defined in terms of "being," men in terms of "doing." A woman is considered important according to whose wife she *is*. A man is rated according to what he *does*, i.e., what his work is. Just observe how often the question put to a woman is "How many children do you have"? "What does your husband do?" while the man is usually asked, "What do you do for a living?"

With these attitudes so pervasive in society, it is not surprising that some women become pregnant because they think that will help them please or catch a man, only to realize later that the pregnancy is a terrible mistake.

The level of vindictiveness in our society toward a women who wishes to end an unwanted pregnancy is sometimes startling. One hears, even from Christian lips, "If she is going to play around, she deserves the punishment she gets." The educational system, the mass media, institutions of all kinds have prescribed that every woman's highest function is to become a mother and that she naturally and instinctively wants motherhood. If a woman, for whatever reason, decides against motherhood after she conceives, she is often treated as an exception to the natural order

THE STRENGTH OF SOCIAL PRESSURES

This means that even the most responsible of women, with valid reasons for not having a child, taking the most effective of available steps to prevent conception, are nonetheless treated as irresponsible children once pregnancy occurs. Still too often society, through law and institutions, says to such women, "You have no further right to control your own bodies. *We* will decide for you"—the "we" being overwhelmingly male.

And to the young, the ignorant, and the confused, society says, "You must bear even an unwanted child, no matter what damage it does to you, or to the unwanted offspring, or to society as a whole, as punishment for being young and ignorant and confused."

Forgotten is the fact that the abortion laws came into being to protect women from the dangers of early surgery Now the discussion is couched almost solely in terms of protecting the fetus, and almost no weight or concern is given to the welfare of the mother and of others who may be concerned in her fate. Not even lip service is given to her dignity as an adult person capable of making her own moral choices

The role of the male partner in an unwanted pregnancy is quite different. He can easily step out of the problem and continue living his life undisturbed. Meanwhile the woman must experience the shame, humiliation, physical danger, guilt, and loss of freedom of choice. She must also face the need to care for an unwanted child for 17 or more years.

In view of the vehemence of the social pressures and legal strictures against abortion, it is astonishing that so many women have had the determination, even the desperation, to accomplish one. The number of illegal abortions in the U.S. can only be estimated but it is surely high, and may range up to one million a year.[5]

Let me tell you about one woman's actual experience in seeking an illegal abortion. After she had made the decision to get the abortion, she began to "ask around" for a way to get in touch with this underworld. She finally received a phone number and instructions to call at a certain hour. When the woman called, she was asked her name and where she worked and given another number to call 24 hours later. Meanwhile, she discovered later, the abortion ring was checking with her employer to make certain she wasn't a policewoman.

Upon calling the second number, she was given instructions that made her feel more like a criminal than a woman in need of medical help. She was told she must go to a city about 150 miles from her home and stand on a particular street corner at a specified time. She must go alone and carry $500 in cash. She was told to wait there until a man drove up and identified himself as "Mike," who would take her to an unknown destination where the operation would be performed. She was assured only that the one performing the operation "knew what he was doing." She knew neither whether he was a doctor or not, nor what kind of procedure would be used, nor if there would be an anesthetic.

She related her experience in these words: "I was standing on that corner almost paralyzed with fear. I couldn't think, and I almost couldn't stand up. I was well aware that I could be going to my death instead of to a simple operation. But even in my terror, I felt desperate enough to go through with it . . . and it was only when a car drove up and a man leaned out that I turned and ran for a taxi to take me back to the train."

Finally she got her abortion by taking out a large loan and going to another country. But what of other women who stand on that corner and are so desperate that they get in the car and go with the man named Mike?

WHAT CURRENT PRACTICES ENTAIL

Estimates vary as to how many women die from illegal abortions ineptly performed. But whether it is 500 or 1,000 who die each year, their deaths are totally unnecessary when abortion is a safe and potentially inexpensive medical procedure.

The women who fear to risk an illegal abortion and attempt to obtain a legal therapeutic abortion in a hospital also choose a difficult route. In many states a legal abortion is next to impossible, and women who have received one have reported that the experience is degrading, anxiety-provoking and expensive.

The procedure in some states requires her to persuade several doctors to "sponsor" her case in order for it to come before an abortion panel. In others she must prove that she is either suicidal, mentally incompetent or the victim of rape. Often this "proof" consists of finding one or more psychiatrists who will write letters to the abortion board, for which the customary fee is up to $100. The woman must go before the abortion panel of the hospital for their decision concerning her eligibility. The decision is entirely out of her hands.

Most hospitals have some kind of quota system for abortions so that they do not get the reputation for performing "too many." A woman may try several hospitals and perhaps be refused by them all. By the time she may have spent four or five weeks pursuing all these channels, she may be ten to twelve weeks pregnant, with rapidly diminishing chances to secure a safe illegal abortion in some doctor's office.

Under some of the recently liberalized laws, women are still experiencing long delays, contemptuous treatment from hospital personnel, demands for unreasonable fees and an avalanche of red tape tantamount to refusal. Requirements that abortions must be performed in hospitals or hospital clinics greatly increase the problem in securing a prompt abortion. The consequent delays sometimes take the pregnant woman past the time when abortions can be performed.

Many doctors feel that abortions need not ordinarily be performed in hospitals. They contend that in the early stages of pregnancy it could be a safe office procedure which would make the cost considerably lower. Some doctors have even recommended that medical personnel other than doctors could be trained to do routine abortions, much as midwives attend births. Yet the medical profession as a whole has consistently refused to consider these options.

THE CONSEQUENCES

Because so many women fail in their attempt to get an abortion or are discouraged from even trying, many unwanted children continue to be born. The consequences are serious, both economic and social, as well as personal. For families in Appalachia and Harlem, unwanted children can mean the difference between self-support and welfare, between an adequate diet and hunger, between pride and shame. A study done in Sweden found that children who were born after their mothers had requested an abortion and been refused compared unfavorably with wanted children in mental health, social adjustment and education level.[6]

Some studies show a close correlation between criminal activity and rejection as a child.[7] Statistics on physical abuse of children in the U.S. are troubling. But there is more than one way to injure a child, and most ways do not result in physical injury or death. Rather, unwanted children tend to grow up feeling rejected and unloved, with the mother compensating for her sense of guilt either by smothering the child with solicitousness and extravagant freedom, or with unreasonable rules and restrictions and verbal abuse. Some psychiatrists draw the logical conclusion that one of the most important goals of preventive psychiatry is the prevention of unwanted children.[8]

Because society has for so long refused to face up to this tragic situation, I say that women are angry. We protest being victimized by lawmakers and doctors who say we have no voice in what happens in our bodies. We protest being treated as children. We protest the complex restrictions, red tape and high cost of what is usually a simple medical procedure. We protest the way we are taught to please men and to look forward to motherhood as an exclusive occupation. We protest the double standard which says that the men responsible for pregnancy in unmarried women do not have to bear any of the responsibility for the consequences.

But our anger is not just "against." We believe it has helped us to see more clearly that woman too is destined to live in responsible freedom according to the Christian view and to act to achieve that destiny.

We believe that abortion poses moral choices which do not belong to the doctor and the lawyer, but must be faced by the pregnant woman herself. We believe the needs of the living person must be considered as well as the rights of the human tissue which has the potentiality of becoming a person.

The Board of Christian Social Concerns of the United Methodist Church, in its resolution on "Responsible Parenthood," affirms that "Personhood develops as one is loved, responds to love, and in that relationship comes to wholeness as a child of God. . . . Because life is distorted without the qualities of being wanted and loved, parents seriously violate their responsibility when they bring into the world children for whom they cannot provide love."

In this context, assuring women the right to exercise full adult responsibility in regard to decisions on abortion affirms the wholeness of their personhood. Such an affirmation will initiate a healing process for the whole society.

FOOTNOTES

[1] An example is a recent legislative hearing for the reform of the New York State abortion law, where those invited to speak included fourteen men and only one woman—a nun. See the *New York Times*, February 1, 1969, p. 42.

[2] Callahan, Daniel, *Abortion: Law, Choice and Morality*. New York: The Macmillan Company, 1970, p. 292.

[3] *Ibid*, p. 137.

[4] Rev. Howard Moody, spokesman for the Clergy Consultation Service on Abortion, reports that in 1965, 94% of the abortion deaths in New York City occurred among Negroes and Puerto Ricans.

[5] Callahan, *op. cit.*, pp. 131–2. The estimates range from 200,000 to 1,500,000 illegal abortions per year in the United States.

[6] Forssman, H., and Thuwe, I.: "One Hundred and Twenty Children Born After Application for Therapeutic Abortion Refused." *Acta Psychiatrica Scandinavica*, vol. 42, 1966, pp. 71–78.

[7] For example, Dr. Leon N. Shapiro, a Boston specialist who set up the Massachusetts mental health clinics for courts and prisons, has said that most of the criminals he has met were products of unwanted pregnancies.

[8] Fleck, S., M.D., in an unpublished paper entitled "Some Psychiatric Aspects of Abortion," presented to the Connecticut Medical Society, May 2, 1968, stated: "Preventive psychiatry's single most effective tool is the prevention of unwanted offspring. . . ."

Abortion and Civil Liberty

(John Swomley, Jr.)

In a secular state, such as the United States, laws relating to abortion must have a validity apart from church doctrine or religious dogma. This means that if a local, state or national government adopts legislation about abortion, it may do so constitutionally only because abortion affects the public health or welfare, and not because a church or denomination is convinced that abortion is an appropriate or inappropriate course of action. Churches have the same rights as secular groups to argue for or against legislation, but they have no right to impose upon the entire society laws which are justified solely by their theological assumptions.

On the other hand, laws reflect a view of man and the nature of the universe which religious groups have helped formulate. The idea that men and women as individuals have certain rights over against government is in part derived from the Jewish-Christian emphasis on the sacredness of personality and in part from Greek and Roman ethics and legal traditions.

A state which is limited in its competence or its powers by rights reserved to people, including those to persons as individuals, is said to be democratic because it is prohibited from curtailing the liberties that persons need for maximum development of their personality and for the well-being of the community.

A fundamental question with respect to laws about abortion is whether they are in harmony with the civil liberties set forth in the Constitution. Civil liberties are determined not simply by an individual's rights but also by the rights of others which must be balanced against them. A right to free speech, for example, does not mean an absolute right in the sense that anyone may invade a hospital ward to shout political slogans to patients in need of sleep. Society also has rights. These societal rights were the reason for the first laws with respect to abortion.

Health interests of the state

The earliest abortion law in England was adopted in 1803. Prior to that, abortion seems to have been regarded chiefly as a church offense to be punished only by religious penalties. In the United States, Connecticut (1821), Illinois (1827) and New York (1830) were the first states to adopt abortion statutes. Prior to such efforts the English common law was in effect. It permitted abortion before fetal movement or "quickening," which was generally detectable after the sixteenth week of pregnancy.

Available evidence indicates that the laws against abortion introduced in the nineteenth century were not to prevent the termination of pregnancy or the killing of an embryo but to protect women against the dangers of abortional surgery. These laws were public health measures and not inspired by theological considerations. The state laws generally assumed that the preservation of the woman's life was more important than preserving the embryo, which was not viewed as a co-equal or human being.

The health interest of the state is evident in legislative and court statements of the time. In this contex a nineteenth century New Jersey case, *State* v. *Murphy*, is significant because it explains the purpose of the state statute which was signed on March 1, 1849 by Governor Daniel Haines. Nine years later Governor Haines participated in the first case which construed the statute. That decision included the following:

"The design of the statute was not to prevent the procuring of abortions, so much as to guard the health and life of the mother against the consequences of such attempts. . . . It is immaterial whether the fetus is destroyed, or whether it has quickened or not . . .

"The offence of third persons, under the statute, is mainly against her life and health. The statute regards her as the victim of crime, not as the criminal, as the object of protection, rather than of punishment." [1]

The New York statute, like that of New Jersey, was adopted in the context of an intention to protect women. The New York legislature at the time the abortion statute was proposed also considered a bill which would have punished "any surgical operation" unless it "was necessary for the preservation of life. . . ." [2]

The reason given for introducing these bills was the "rashness of many young practitioners in performing the most important surgical operations for the mere purpose of distinguishing themselves." It was asserted that the "loss of life occasioned by the practice is alarming." [3]

Similarly in an Orange County, California case (1970), the judge stated:

"At the inception of the old abortion law in 1850, the state had a compelling state interest in the preservation of the health of women involved. Abortion operations were dangerous with a high incidence of infection and death resulting. Due to the advance of medical science, this is no longer true. An abortion, properly done, is one of the safest operations with virtually no incidence of fatality. There is less danger to a woman from an abortion than from carrying the pregnancy to birth. Thus this state interest is no longer present." [4]

Fetal interests of the state

State laws, even when reworded since their initial passage, do not view the woman and the fetus as of equal value. Illegal abortion is viewed as a felony rather than a homicide, whereas the death of the woman as a result of an illegal abortion is viewed as a homicide.

Ethical, biological and legal precision all require the recognition that a zygote is a zygote, an embryo an embryo, and a fetus a fetus. Nothing is gained by equating any of these biological stages with a baby or a child that can survive in independence of its mother. It is possible to speculate theologically that a fetus is a child but, as retired Justice Tom Clark has asserted:

". . . the law deals in reality, not obscurity—the known rather than the unknown. When sperm meets egg, life may eventually form, but quite often it does not. The law does not deal in speculation." [5]

New York in its homicide statute defines a "person when referring to the victim of a homicide (as) a human being who has been born and is alive." [6] The Federal Constitution also makes birth a prerequisite to citizenship and the various protections of the fourteenth amendment when it confers citizenship on "persons born or naturalized in the United States. . . ."

One Protestant ethicist, Paul Ramsey, at this point paralleling the papal position, uses the term "feticide/infanticide" to describe an abortion, as if the state already has determined that an embryo or fetus is human, and abortion therefore the equal of homicide. He writes that "the state . . . has an interest in directing the legal order so that the value of human life will not be further eroded." [7]

If the state had an interest in fetal life as such, it should make an effort to prevent spontaneous or accidental abortions just as it seeks to prevent accidental death on the highway, but it leaves the prevention of spontaneous abortion entirely to the medical profession.

Paul Ramsey, in seeking to show that a fetus is a person, asserts that "a fetus can inherit" property. What he neglects saying is that "In point of fact, although an unborn child has certain rights under property law, his enjoyment of those rights is contingent upon being born alive." [8]

Paul Ramsey also refers to the one case which asserts fetal rights beyond those of the pregnant woman, wherein a Jehovah's Witness was required to have a blood transfusion to save a fetus.[9] Ramsey does not, however, acknowledge that this case is distinguished by lateness of pregancy (about 8 months) wherein abortion by definition relates to early pregnancy. If Ramsey had acknowledged the lateness in pregnancy in this case, his legal argument would have been destroyed since the courts have stated that the killing of a viable fetus—one capable of life outside the mother's womb—can involve prosecution for murder. Before such viability, the fetus is not considered a human being or alive.[10]

A California decision in *People* v. *Robb* cited above deals with the question of fetal rights to life:

"The primary contention of compelling state interest advanced on this issue is that the law is necessary to preserve the life of an unborn. This argument will not stand the test of logic, however. When is there life present in the eyes of the Law? Certainly not at conception. If there were life present at conception abortions would not be permitted in cases of rape or incest, or the other exceptions, any more than it would be permitted to terminate the life of a one-year-old whose life had come as the result of rape or incest. We also see no suggestions that intrauterine devices or "morning after" pills, both of which are abortive devices, are illegal."

If State law does not recognize the right of an embryo or a fetus in the first trimester of pregnancy over against the right of a woman on whom it is dependent, then we must next ask whether an abortion poses any dangers to society.

The state's concern for human life

There is no evidence that states or nations which permit abortions are less concerned with human life than those which do not. It is not even possible to correlate personal opposition to abortion with personal opposition to all killing. Thus we can see some persons deeply opposed to wartime killing but also involved in campaigning for women's rights, including the right to abortion. At the same time, one can find many others strongly opposed to abortion on the ground that potential life is sacred and yet equally strong supporters of the nation's wars.

It is possible to believe logically that a permissiveness with respect to abortion will lead to infanticide or homicide, that there is no evidence to sustain such a belief. For example, no court that tolerates abortion will therefore tolerate infanticide or the killing of a recently born baby. Daniel Callahan, after exhaustive research in the field of abortion, comes to the conclusion that "it

Footnotes at end of article.

is simply not possible to prove that basic values would be undermined" by abortion. "The uniqueness of the abortion situation—where it is a question of potential human life . . . means that it is all but impossible to extrapolate from attitudes toward fetal life attitudes toward existing human life." [11]

THE STATE'S CONCERN FOR THE SPECIES

If there is no evidence that abortion endangers the value of life there is, however, evidence that abortion may enhance the prospects of survival of the species by reducing the birth rate in a world that is already overpopulated.

The literature on overpopulation is extensive. It need only be noted here that the population of the United States exceeds 205 million and that of the world 3.5 billion. It is commonly estimated that the world population will double by the year 2000. This, according to ecologists, raises serious questions about the capability of the environment to sustain life in such numbers. Abortion, in addition to contraceptive measures, in such an overpopulated situation may actually contribute to the saving of the species even though this is not its purpose.

It would be argued that nearly effective contraception plus supplementary abortion could further decrease or eliminate a small North American Indian population, but it is not convincing to argue that a worldwide white minority or a black minority as large as 20 million persons in the United States is endangered by permissive abortion. Certainly the human species today is not threatened by legal abortion when it managed to survive for about 5,000 years following the earliest recorded case of abortion.

Since there is no compelling evidence that the health of women as a group, the survival of the human species, or the concern of society for human life is threatened, we are free to explore whether abortion is a right that should not be prohibited by legislation.

RIGHTS OF WOMEN

Laws which deny women the right to an abortion deprive them of the right to decide whether to bear children and therefore, in some cases, of the right to life due to the inherent risk of childbirth. Under many state laws the woman is compelled to remain pregnant and to bear a child once conception takes place.

The only justification for an abortion in some states is to "preserve the life of the woman." This phrase, which once had meaning in light of the medical and surgical limitations of earlier times, is now vague in relation to modern medical practice. The phrase is vague both because a judgment must be made during the first few months of pregnancy as to the dangers in late pregnancy, and because it can be interpreted as meaning the mere survival of the woman irrespective of the damage done to her physically or psychologically.

It is an infringement of a woman's liberty to give to the physician and possibly the court the sole power to decide whether her survival is threatened by a pregnancy. Their decision may compel her to remain pregnant at every cost to herself except her physical survival.

Women, however, are not compelled to become pregnant. The right to privacy as set forth in the Ninth amendment has been construed in *Griswold* v. *Connecticut* as including the right not to have children by using contraceptives.[12] If a woman is physically unable to use contraceptives or uses an ineffective one, should she thereby be compelled to carry the fetus to term, bear an unwanted child and perhaps be forced to care for it for 17 to 20 years? Most methods of birth control are less than 100% effective, including the birth control pill.

Former Justice Tom C. Clark has indicated that the logic which recognizes the right to use contraceptives should extend to abortion.

"Abortion falls within that sensitive area of privacy—the marital relation. One of the basic values of this privacy is birth control, as evidenced by the Griswold decision. Griswold's act was to prevent formation of the fetus. This, the court found, was constitutionally protected. If an individual may prevent conception, why can he not nullify that conception when prevention has failed?" [13]

There are, of course, many other possible reasons than contraceptive failure for a decision to terminate a pregnancy, such as the existence of an impending divorce; rape; serious marital problems caused by the unwanted pregnancy itself; extreme youth or advanced age making it difficult for the woman to care for a child; an incurable or terminal disease; reasonable belief that a woman is bearing a deformed fetus.

Dr. Louis M. Hellman cites a case heard in the United States District Court for the Southern District of New York which involved contraceptive failure.[14] The family already included three children. Both parents worked, yet their combined income was low. Another child would make it necessary for them to "go on relief" and thus jeopardize the stability of the family. New York law at the time, however, prevented a medical abortion in spite of the woman's pleas.

In states where rape is a legal reason for abortion, hospital committees or physicians often do not approve abortions unless rape can be proven by police reports. Yet for one reason or another, perhaps a threat of death from the rapist if the police are notified or unwillingness to testify publicly in court, some women do not report to the police.

In states where incest is ground for abortion, a woman may not want to cite the evidence of incest and thereby incriminate both herself and the male relative. The fifth amendment to the Constitution provides that no one can be compelled to incriminate herself, yet this may be the only way for some women to get a legal abortion.

A young unmarried woman who becomes pregnant because, not intending sexual relations, she did not use contraceptive measures, is in most states unable to secure a legal abortion. The birth of a child might be an intolerable burden given her family background, the danger of alienation from her family, and her inability to hold a job during pregnancy and the months following childbirth. If the woman, in a spirit of desperation, seeks an illegal abortion she makes herself vulnerable to quacks, perhaps to those who would exploit her desperation. Possibly she may turn to self-induced procedures. Medical doctors have testified under oath to such facts as 2,500 patients a year coming to a single hospital with incomplete abortions, bleeding and feverish. Those women have used soap or coat hangers or knitting needles or other devices in an attempt to self-abort.

A law which forces a woman to choose between such a procedure and bearing an unwanted child is in effect compelling her to undergo cruel and unusual punishment, which the Eighth Amendment to the Constitution was intended to preclude. Thus the Superior Court of California held in *Shively* v. *Board of Medical Examiners*, the case of a woman exposed to German measles early in pregnancy, that the Eighth Amendment assured this woman the right to abortion.[15]

However, it cannot be asserted that a woman can generally seek relief in the courts. It is well to note what happened to Sherri Finkbine, an Arizona housewife who had used Thalidomide and subsequently became aware of its deforming effects. When her desire for an abortion was publicized, she received "thousands of pieces of hate mail" and "the official Vatican newspaper . . ." castigated "her (and her husband) in very bold print as murderers." The Superior Court of Arizona refused to hear her case and she had to go to Sweden for her abortion.[16]

A Missouri attorney, Charlotte Thayer, has pointed out that:

"A pregnant woman is generally in no position to undertake protracted litigation to establish her right to an abortion. The task of judicial liberation requires more than an isolated pregnant patient may have and the obvious eventuality of mootness is a factor the defense can rely upon with certainty."

She concludes that "Pregnant women should not be forced into the embarrassment, cost, emotional and physical strain, and delay of their claims at the mercy of those exigencies which surround their individual case." [17]

If it is neither feasible nor wise for the courts to determine the validity of each request for abortion, it is similarly undesirable and unjustifiable for legislatures to try to determine when an abortion is to be permitted.

It is extremely difficult, when circumstances vary so widely from woman to woman, to devise a legal policy which would justly recognize some abortion requests as valid while denying others. As Daniel Callahan puts it:

"In a great majority of cases, only the pregnant woman can judge the validity of her own reasons. . . . In the absence of concrete evidence of the social harm done by abortion, the law cannot presume to judge the validity of a woman's personal motivations; it must step aside.[18]

Modern medical care is not concerned only with the physical survival of a patient but with her well being as a person. A woman is a whole human being whose health is affected by emotions, relationships, prospective difficulties, and socio-economic conditions as well as by disease, so that the quality of life rather than the bare facts of existence must become the concern of society.

In the light of this understanding, the original reason for having laws prohibiting abortions—namely, to protect the health of women—can now be seen as a reason for not having laws prohibiting abortions. If the laws are removed, the state would cease to be indirectly responsible for the thousands of illegal abortions and for other damage to the health of women.

EQUAL PROTECTION OF THE LAW

Another compelling reason for repealing or invalidating state laws prohibiting abortion is the discriminatory impact of abortion laws. Theoretically, abortion laws make no distinction on the basis of a woman's race, social status, or economic position. In practice, the poor, blacks, Puerto Ricans and other minority groups are denied safe abortions while others more advantaged find ways of circumventing the law. The report of the Governor's Commission appointed to review New York State's abortion law stated:

"The present law places an unfair discrimination on the poor in that persons with money may obtain safe abortions either by travelling to other jurisdictions, by going to high-priced competent though illegal abortionists, or by obtaining legal abortions here based on sophisticated indication.[19] "

The phrase "sophisticated indications" refers to certificates from psychiatrists indicating that continued pregnancy might lead to suicide.

A number of studies by competent scholars document the discrimination. Robert Hall reports that between 1960 and 1962 in New York City:

"The ratio of therapeutic abortions to live births in the proprietary hospitals was 1:250; on the private services of the voluntary hospitals, 1:400; on the ward services of the same voluntary hospitals 1:1,400; and in the municipal hospital 1:10,000. The same in-

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Footnotes at end of article.

equity pertains to ethnic origin. The rate of therapeutic abortions per live births among white women in New York is 1 per 380, among nonwhite 1 per 2,000, and among Puerto Ricans 1 per 10,000.[20]

Another study showed that during the period 1960–62, 55.6% of the deaths associated with child-bearing in New York City among Puerto Ricans were due to illegal abortion. Among nonwhites the rate was 49.4%, but among whites (non-Puerto Ricans) the figure was only 25.2%.[21]

The indigent woman may get her first information about abortion from a clerk or aide at a hospital who may routinely tell her that none are legal. She has no private physician who will go to the trouble of referring her to a psychiatrist or of presenting her case to the hospital's therapeutic abortion committee. Every physician knows that a patient with financial means is not limited to a neighborhood hospital or indeed to any particular hospital or physician. She can more readily find a psychiatrist who will indicate there is risk of suicide from a continued pregnancy than can a poor patient who lacks knowledge about such matters and contacts with other doctors or hospitals.

If state abortion laws specifically limited therapeutic abortions to those able to afford rooms in private hospitals, it would be clearly unconstitutional. In practice, poverty imposes limitations that middle and upper income women do not have to accept.

The discrimination in these cases arises not only from the inequalities of status and inequitable distribution of wealth but from governmental action or refusal to act. Public hospitals do not provide information, diagnostic services or access to therapeutic abortions to the same degree that private hospitals do. Instead of providing these services at the outset, the government frequently completes the abortion and pays the expenses of the poor woman who enters the hospital bleeding from a self-attempted "coat-hanger" abortion.

The fact that the laws prohibiting abortion lead to the discrimination discussed above makes the state responsible. In *Griswold* v. *Connecticut* Justice White in his concurring opinion said that:

" . . . the clear effect of these statutes . . . as enforced, is to deny disadvantaged citizens of Connecticut, those without either adequate knowledge or resources to obtain private counselling, access to medical assistance and up to date information in respect to proper methods of birth control. . . . In my view, a statute with these effects bears a substantial burden of justification when attacked under the Fourteenth Amendment.[22]"

It seems clear that the liberalization of laws so as to permit women to have a medical abortion under certain circumstances will not end the discrimination, particularly if the law requires consultation with one or more psychiatrists or if public hospitals are too crowded or their staff too busy to permit an increased number of abortions.

In recent years protection cases have often been resolved by requiring states to remove inequities even when the state did not create them. The poor man, for example, must be provided with legal counsel, free transcripts and free appellate counsel if the state grants the right to appellate review as it did in the circumstances present in *Griffin* v. *Illinois*.[23]

Today the poor women who may suffer more from the birth of another child than the rich women may be unable to find relief. This means that there will only be equal protection for women when the laws prohibiting abortion are removed from the statute books so that there are no longer loopholes for the affluent only. It may mean that the poor must receive free counselling and therapeutic abortions provided by the public.

RIGHTS OF PHYSICIANS

State laws prohibiting abortions also interfere with the rights of physicians. Rather than being able to make decisions regarding abortions on the basis of their medical skill and judgment, doctors must consider whether their decisions can be successfully defended if the state decides to contest them.

In some states, Missouri for example, physicians, ministers and others are unable legally to advise anyone on how to procure an abortion. This prohibition includes advice about how to secure an abortion in another state or country where it is legal to terminate a pregnancy. Such restrictions accompanied by legal penalties deny the right of physicians, ministers, etc. to free speech.

Presumably, in a public speech, one might tell an audience that abortion is legal in other states and that those desiring abortions could consult an obstetrician in specified cities in those states. If, however, a medical doctor, in the form of information and advice, tells a patient that a specific doctor at a specific address could help the patient, he is liable under the law. In two New York cases, *People* v. *Phelps* and *People* v. *Lovell*, a person was free to give a woman advice about an abortion, provided she did not get the abortion. If, however, she succeeded, her physician or minister could be held as a party to the crime.[24]

Not only is freedom of speech denied to the physician, but also the kind of privileged relationship traditionally and constitutionally granted to attorneys and clients. The First Amendment presumably guarantees both freedom of association and privacy in those associations as evident of *NAACP* v. *Alabama*.[25]

The laws prohibiting abortion also restrict the physician's freedom to practice his chosen profession, thus depriving him of personal freedom as well as of the fee by which he earns his living. The Fourteenth Amendment speaks specifically to those rights of liberty and property. *United States* v. *Freund* invalidates the Act of Congress regarding prohibition, wherein a physician was restricted in the amount of alcohol he could prescribe. The court said:

"It is an extravagant and unreasonable attempt to subordinate the judgment of the attending physician to that of Congress, in respect to matters with which the former alone is competent to deal, and infringes upon the duty of the physician to prescribe in accord with his honest judgment, and upon the right of the patient to receive the benefit of the judgment of the physician of his choices.[26]"

Abortion laws are virtually unique in restricting a physician in his practice of medicine. If he honestly believes a patient's health would be improved by an abortion or jeopardized by not having one, he cannot, as in other diagnoses, do what he believes is advisable or necessary.

Physicians are vulnerable at two or three levels. They are subject to criminal prosecution not simply for willfully violating the law but for incorrectly interpreting it in any given situation. They are also subject to having their license to practice medicine revoked.

In addition, hospital committees have developed in various states to police hospitals so that a physician who believes he has a legitimate case must receive permission from the committee. Physicians, especially those who are relatively young, are not likely to ask permission again and again from hospital committees after adverse rulings. Physicians, like other professionals, want to have their judgment respected by their colleagues even if no disciplinary penalties are involved in the proposal of abortions judged to be illegal.

The net result of state laws largely directed at physicians is that they and hospital committees tend to become the adversaries of women seeking abortion rather than medical men seeking to help their patients. This further means that a woman who wants an abortion is deprived of "due process of law" guaranteed in the Fourteenth Amendment. She is deprived because the physician has a vested interest in immunity from prosecution, and therefore she cannot receive an impartial consideration or judgment with respect to her desire for a therapeutic abortion.

The physician not only has a vested interest in immunity from prosecution but in his reputation. Publicity or rumor to the effect that a medical doctor has been involved in illegal abortion carries overtones not only of improper backroom conduct but also of seeking fees which are presumably larger than for medical activity engaged in openly. The individual physician thus becomes the indirect agent of the state, as hospital committees of physicians are more directly the agents of the state in denying women their right not to have to bear children.

ESTABLISHMENT OF RELIGION

It seems clear that one of the chief reasons existing abortion laws have remained on the statute books is the religious teaching of the Roman Catholic Church. There is no public health reason for making medical abortions illegal. With the subsidence of the health rationale, laws prohibiting abortions have been reinterpreted and defined on different grounds, chiefly by those with doctrinal religious interests that have also changed over time. In earlier times, some distinction was allowed between the unformed and the quickened fetus.

Roman Catholic teaching on this subject has been reaffirmed by Pope Paul VI in *Humanae Vitae*, his encyclical of July 29, 1968. He wrote

". . . that the direct interruption of the generative process already begun, and above all, directly willed and procured abortion, even if for therapeutic reasons, are to be absolutely excluded as licit means of regulating birth."

Daniel Callahan, a Catholic layman, in his monumental book *Abortion: Law, Choice and Morality*, states:

"In the United States the hierarchy as a whole as well as local hierarchies, have been adamant in their opposition to movements designed to change the generally restrictive American state laws. In both England and the United States, Catholic legislators, doctors and lawyers have been vocal in support of hight laws.[27] "

It is not necessary to labor the case to suggest that the maintenance of abortion laws solely or chiefly because they are espoused by one or more religious groups is a violation of the spirit and letter of the Establishment Clause in the First Amendment.

A number of Roman Catholics and persons from other churches or faiths who are opposed in principle to abortion nevertheless recognize that it is one thing to hold a religious conviction about abortion and another thing to try to impose it on others (perhaps a majority in each state) who do not share that conviction. They recognize that the state should not enforce a religious conviction unless it has a secular validity that is obvious to those of other religious groups and to those who hold no sectarian position.

CIVIL LIBERTIES OF ALL CONCERNED

There is no way to protect the civil liberties of women, physicians, clergymen and others who are directly or indirectly involved in the process of seeking, advising or performing abortions by laws which prohibit abortions even when certain exceptions are made. If abortions are prohibited, those

Footnotes at end of article.

who advise criminal acts or assist in them are presumably vulnerable.

The civil liberties of all concerned can be protected only when abortion laws are repealed or otherwise invalidated, so that the woman and her physician are free to make the necessary decision. This does not and should not preclude regulatory laws which require that abortions like other operations be performed in safe and sanitary settings such as clinics, hospitals and doctors' offices. Where a law requires hospital abortions, the state has a duty to see that church hospitals do not by their refusal to accept abortion patients nullify the intent of the law. Many, if not most, church hospitals by accepting public funds have become semi-public institutions.

Regulatory laws may also acknowledge that physicians whose religious convictions or consciences prevent their performing abortions do not have to do so except in emergency situations where other physicians are not immediately available.

Regulatory laws, in other words, should be so framed as to preserve the civil liberties of women, physicians, the poor, and others who are at present deprived of their rights either by laws prohibiting abortions or by socio-economic conditions which discriminate against them.

FOOTNOTES

[1] 27 N.J.L. (3 Dutcher) 1858 at 114–15.

[2] 6 Revisers Notes pt. IV, Ch. 1, tit. 6, 8, 28 at 75 (1828). Also see Means, *The Law of New York Concerning Abortion and the Status of the Foetus, 1664–1968: A Case of Cessation of Constitutionality*, 14 N.Y.L.F. 450–51 (1968).

[3] *Ibid.*

[4] *People of State of California* v. *Robb*, Case 149005, Case 159061, Central Orange County Judicial District, January 9, 1970.

[5] Tom Clark, "Religion, Morality, and Abortion: A Constitutional Appraisal," 2 Loyola University of L.A., L. Rev. 1 (1969), pp. 9–10.

[6] N.Y. Rev. Penal Law 125.05.

[7] Paul Ramsey, "Feticide/Infanticide Upon Request," *Religion in Life*, Summer 1970. Nashville: Abingdon Press.

[8] 24 N.Y. 2d at 485, 248 N.E. 2d at 904, 301 N.Y.S. 2d at 70, 31 N.J. 353, 157 A. 2d 497.

[9] 42 N.J. 421, 201 A. 2d 537 (per curiam), cert. denied, 377 U.S. 985 (1964).

[10] *Keeler* v. *Amador County, California*, Superior Court, 276 A.C.A. 324.

[11] Daniel Callahan, *Abortion: Law, Choice and Mortality*. New York: The Macmillan Company, 1970, p. 475.

[12] 381 U.S. 479 (1965).

[13] Clark, *op. cit.*, p. 9.

[14] (69 Civil 4284).

[15] No. 590333, California Superior Court, San Francisco, September 24, 1968.

[16] Sherri Finkbine, "The Lesser of Two Evils" in A. Guttmacher, ed., *The Case for Legalized Abortion Now*. Berkeley: The Diablo Press, 1967, p. 15–20.

[17] *Rodgers, et al* v. *Danforth*, U.S. District Court for the Western District of Missouri, Cause No. 18360–2.

[18] Callahan, *op. cit.*, p. 479.

[19] March 1968, p. 17.

[20] Robert E. Hall, "Abortion in American Hospitals," *American Journal of Public Health*, November 1967, p. 1934.

[21] Gold, Erhardt, Jacobziner and Nelson, "Therapeutic Abortions in New York City: A 20 Year Review," *American Journal of Public Health*, July, 1965, p. 964 (Table 1).

[22] 381 U.S. 479, 503 (1965).

[23] 351 U.S. 12 (1956).

[24] *People* v. *Phelps*, 15 N.Y.S. 440 (3d Dep't 1891) aff'd, 133 N.Y. 267, 30 N.E. 1012 (1892). *People* v. *Lovell*, 40 Misc. 2d. 458, 242 N.Y.S. 2d 958 (Oneida Cty. Ct., 1963).

[25] 357 U.S. 449, 462 (1958).

[26] 290 Fed. 411 (D. Mont. 1923).

[27] Callahan, *op. cit.*, p. 434.

ABORTION: A HUMAN CHOICE

(By Allen J. Moore)

God has not only given man and woman the gift of life, but has also placed upon them the responsibility for choosing how life is to be lived. To be human is to have the responsibility for making moral choices that are sometimes difficult and are often made up of conflicting claims.

To be faced with an unwanted pregnancy in which abortion is an option is one of those experiences that confronts us with the human necessity to choose between the preservation of unborn life and the general welfare of a particular woman and the society in which she lives.

Consciously or not, what such a decision requires is a sorting out of theological beliefs and ethical values which inform the choice which will finally be made.

A popular slogan of the anti-abortionists has within it an element of truth. "To make it legal does not make it right." For after the law has insured the right of a woman to have an abortion and the physician has indicated that medically an abortion is feasible and possibly even a necessity, the woman herself is faced with the very human act of making a moral choice.

Among the several concerns of theology is the question of what it means to be a person before God. To be a person is to be both free and limited, and it is in the act of making a moral decision that we come to realize how free we are to choose and how limiting the choices become. There are few questions in our time that call forth as fully our theological understanding of who we are as persons and our ethical responsibility for all of life as does the abortion issue.

This is not, however, a new question. From almost the beginning of mankind, the unwanted pregnancy has been a problem. As man and woman have evolved from primitive to more advanced forms of human relationships, they have been faced with the necessity to find effective means to control reproduction. Even vigorous religious opposition and social and legal prohibitions have not deterred their attempts to separate human sexual relations from procreation.

As humans have increased in their self-consciousness, they have sought to transcend the impulse to copulate blindly and to bring to sexual union controls that will either prevent conception or interrupt it if it should occur. Man and woman are decision-making beings and it is this mark of humanity that allows them to choose how their sexual and procreative functions are to serve their welfare and that of their society.

THE ABORTION PROBLEM IN HISTORY

The use of abortion as a solution to the problem of unwanted pregnancies has varied from society to society and from one historical period to another. Anthropological data indicate that both induced abortion and infanticide have been practiced to some degree in all societies as a means of controlling the birth rate and for disposing of infants who are believed deformed or bewitched or who are felt to be a potential burden to society.

Heavy sanctions have been imposed in some societies to prevent the practice of abortion and to encourage the growth of the population. Other societies have either tolerated abortion or have made it mandatory that certain pregnancies be aborted.[1]

In many primitive societies, abortion was practiced because the nomadic life style made children something of a handicap for a wandering people. Eugenic concerns and an excess of children led to the widespread acceptance of abortion in the Roman world. Here as in most of the ancient societies abortion and infanticide were not basically moral issues, mainly because there did not exist the same sense of reverence and respect for human life that came to be characteristic of Christian thought.

There is no prohibition in the Old Testament and there seems to be no consensus in Jewish tradition as to the morality of voluntary abortion. Hebrew law viewed a miscarriage caused by another as an injury to the family, and not an offense against the unborn. Traditionally, a fetus was the property right of the father and one causing it to be aborted against his will was required to pay damages. It was this tradition that laid the basis for the moral worth and value of unborn life.

The New Testament is silent on the matter of abortion and although the Christian church generally forbade its practice, it was also tolerated at times as a moral necessity. Documents dated as early as 100 A.D. counseled Christians not to submit to abortion, but did not suggest that the practice of abortion was a serious sin or a crime worthy of punishment. Apparently many Christians continued to follow the custom of their times and sought abortions in spite of some church opposition.

CHURCH VIEWS OF MARRIAGE AND SEX

Quite early the Church came to affirm that marriage was primarily for procreation and to believe that sexual pleasures should be repressed if at all possible. This view eventually led to an elevation of celibacy and the belief that nature, including sexual desire, was fundamentally faulty and had to be regulated by reason and in obedience to God.

This idea is illustrated by Augustine who saw every sexual act as intrinsically evil, redeemed only by a good intention, mainly that of procreation. Marriage, therefore, served the purpose of bringing forgiveness to the carnal desires of man and woman. The sexual act, therefore, became a minor sin when the couple was motivated by the desire to conceive a child. The extent to which the early Fathers understood sex as a natural sin is explained by Sherwin Bailey in the following statement:

"While intention to procreate relieves coition of its sinfulness to the extent that blame is not imputed to husband and wife, the act itself still remains the channel by which concupiscenece and guilt on account of Man's first transgression are transmitted from parents to child; hence the need of baptism in which the guilt is washed away—though the lustful impulse remains." [2]

Two other factors influenced Christian teachings. It was a common practice in the Roman world for parents to destroy unwanted infants at the time of birth. Pregnant women sometimes received little more attention than that given to livestock. This disregard for human life incensed the Christians and in 318 A.D. Constantine decreed the killing of infants to be a crime. This new regard for infant life carried over to fetal life and some early Fathers came to look upon abortion as an act of murder.[3]

A second reason that abortion was opposed by the Church was more sociological and, as is often the case with theologians, practical considerations became the motivation for the formulation of doctrinal guides. In its need to expand and to strengthen its position in the West, the Church encouraged large families as evidence that the husband and wife were faithful to the commandments of God. From almost the beginning the Church welcomed children as a sign that God was increasing the number of new Christians in the world. This value placed upon children as a "gift of God" was undoubtedly a factor in the development of a theology of nascent life and contributed to evolution of the idea that abortion was a sin against nature.

Moral theologians have long given attention to the question as to when human life

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begins. In the ancient world, a distinction was made between a formed and unformed fetus and Aristotle held that the fetus did not actually receive a spiritual or human soul until forty days after conception for the male and eighty days for the female. This view of "infusion" was apparently held by Thomas Aquinas, and it was not until the 17th century that Roman Catholics in general came to the view that infusion of the soul takes place at conception.

Because of these doubts as to the precise point at which human life begins, some moral theologians up until the sixteenth century apparently tolerated abortions.[4] But in response to the Reformation and as counter influence to worldly trends, Pope Sixtus V placed stringent restraints upon all carnal practices, including abortion. Although his directions were later modified by the Papacy, the Roman Catholic Church came increasingly to teach that abortion was moral sin because of the spiritual nature of nascent life.

THE PROTESTANT REFORMATION

The Protestant reformers of the 16th century did not initially depart greatly from the customs of their time or the teachings of the Roman Catholic church on matters of sex. What did occupy the reformers was the reinterpretation of faith and its demands upon men. The result was the formulation of classical Protestant principles that eventually came to be the basis of a new humanism and a new understanding of the nature of the moral life.

The emphasis was no longer on human virtues or on the church as a basis for ethics, but on the responsible decisions that every individual must make in the light of his best understanding of the Christian faith.[5] Because ethics came to find its content in the realization of faith and not in natural law, it became possible for Protestants to believe that one could change one's mind about moral practices and thus for Protestant theology to be open to new truth and to the reinterpretation of scripture in the light of changing circumstances. This is what Paul Tillich describes as an ethic for "the right time"—the concrete fulfillment of love and faith in a particular time in history.[6]

The reformers did come to change their mind about sex and quite early attacked celibacy with its emphasis upon the virtue of sexual continence. The status of marriage was thus enhanced and came to be understood as a social relationship designed for the sexual needs of men and women.

Some of the reformers continued to fear the pleasures inherent in sexual intercourse. Luther, in spite of his attempt to elevate marriage to a vocation at least as valid as celibacy, could not resolve completely his own conflicts with the flesh. Marriage, as he understood it, was at most an answer to sexual desire—"A medicine," a "hospital for the sick," and the only effective remedy to the desires of the flesh which preoccupied mankind. For him, procreation remained the most justified consequence for sexual intercourse.

Fortunately, Calvin was somewhat more positive in his belief that the sexual act was "undefiled, honorable and holy, because it is a pure institution of God." Although he did not emphasize the enjoyments of sex, he did reject the proposition that the act itself was a source of sin.

Even while retaining the influence of "puritanism," Protestantism began to recover the sense of joy and passion inherent in the sexual act and came increasingly to see sexual intercourse in a larger context than procreation. Sex came to be understood by the later reformers as a "blessing" and as a one-flesh union that serves for "procreation, remedy against sin, mutual society, and comfort."

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Jeremy Taylor along with others articulated an appreciation for the relational dimensions of marriage and suggested that sexual intercourse serves to "lighten and ease the cares and sadness of household affairs," and "to endear each other." [7]

This emphasis upon marriage as a fellowship contributed, in time, to a shifting of rank order in the purposes of sexual intercourse. The needs of the personal relationship came to be first, while procreation moved to second place. It was undoubtedly easier for Protestants to begin to see abortion as a moral option after they came to believe that procreation was not the primary function of marriage.

The present advocacy of some Protestants of the right of women to abortion and the clergy-sponsored abortion-counseling services are currently illustrations of the historical Protestant emphasis upon the primacy of personal conscience in matters of morals, even when the exercise of conscience is in conflict with a social policy that is believed to be good for the majority.

THE DEBATE TODAY

In recent times, Roman Catholic opposition to abortion has been based primarily upon the view that the fetus is innocent life and therefore should not be destroyed by other human beings. Pope John XXIII in particular placed the issue of abortion within the view that all human life is sacred. The Second Vatican Council, under his influence, said that "whatever is opposed to life itself," including abortion, "are infamies indeed." Today, the Roman Catholic doctrine views even therapeutic abortion as an "unspeakable crime," as "direct killing" of human life, and as "inconsistent . . . with an absolute valuation of fetal life." [8]

Few Protestant theologians have actually addressed themselves to the problem of abortion. Some of those who have done so come close, in whole or in part, to the official Roman Catholic position. Paul Ramsey and Helmut Thielicke are two who assert that the sanctity and *humanness* of nascent life are established at the time of conception, and are inviolable. Since both nascent and maternal lives have equal sanctity, the only justification for *direct* abortion, in Ramsey's thought, is in those rare situations when both child and mother would die without the benefit of a therapeutic abortion.[9]

Thielicke argues that a man and woman are not in the process of becoming parents but have in fact become parents at the moment of impregnation. He does recognize that abortions may at times be required, but whenever an abortion does take place it must be subject to the forgiveness of God.[10]

Karl Barth, in a more intermediate position, recognizes the theological risks involved in making a decision on abortion. Typically, decision-making for him takes place almost always within a dialectic—a conflict of values. When yes is said to one value, another value is simultaneously modified or negated.

What is inescapable, in Barth's thinking, is the fact that a decision cannot be avoided or put off; it must be made now. He acknowledges the autonomy of fetal life, but at the same time suggests that it does not have absolute claim over other lives.[11]

Out of the current reexamination, various Protestant denominations have moved and others are moving to a position which views abortion as a possible moral option in confronting a difficult problem.

THE ROLE OF SEX IN HUMAN LIFE

As in the past, the present discussion on abortion focuses on two fundamental issues. The first of these is the role that sex is to have in human life. The second is the moral dilemma inherent in the competing claims of nascent and mature life. As we have observed, Protestantism has contributed, in part at least, toward the humanization of the sexual impulse and has come increasingly to place sexual intercourse in the context of serving the cause of love and the needs of personal realization.

However, theologians look at it, a large part of the opposition to abortion in general society seems to stem from the belief that the risk of pregnancy remains one of the chief deterrents to sexual license, and that to permit abortion will only lead to sexual promiscuity, especially among the young.

This negative ethic that believes one should be punished for sexual enjoyment and that the woman especially must take the consequence for sexual "sin" is not based either on sociological fact or theological insight. Evidence seems to indicate that the majority of those seeking abortion are married women who are either overburdened with children or are afraid that their unborn child may be deformed.

Furthermore, unmarried girls who engage in sexual intercourse are often acting out of psychological needs that are not reached by moral prohibitions.

All sexual behavior, like any other human behavior, has its risks, disappointments, and failures. The real evidence that a sexual act has resulted in a human failure may be represented in ways other than the fact that an unwanted pregnancy has occurred. It may be that the more severe consequence of the failure is the maiming of dignity and personhood, as well as body, that thousands of women undergo each year at the hands of the criminal abortionists.

Or more severe may be the rejection that thousands of young girls suffer by peers, parents, and adult society because they have been "caught" with an illegitimate pregnancy.

Or the number of deformed children born each year whose possibility for a meaningful life is greatly reduced by the growing inability of society to provide adequate institutions for their care.

Or the unwanted additions to the growing population problem which threatens the ability of the natural environment to support future generations.

Or the fact that pregnancy has come to represent for thousands of women a negation and their personhood, particularly when social structures and legal codes remove from them the right to control the procreative capabilities of their own lives.

What is at issue here are complex claims of human needs that are no longer resolved by turning to the claims of fetal life alone. New and urgent questions have emerged, including what an unwanted pregnancy might come to represent for the man and woman involved as well as for the human society of which they are a part. Possibly what is at issue in the negation of the sexual act by placing upon it the responsibility of procreation alone is best summed up in the words of Erik Erikson.

"It is essential, therefore, that the control of procreation be guided not only by an acknowledgment of man's psychosexual needs, but also by a universal sense of generative responsibility toward all human beings brought planfully into this world. This would include (beyond contraceptives and food packages) the joint guarantee to each child for a chance for . . . development." [12]

Furthermore, our past preoccupation with the idea of sex as sin has not permitted a full exploration of the redemption that is also possible when a sexual relation has failed. Grace and forgiveness as gifts of God come finally to realization in the concrete expressions of a human community fully committed to the renewal of life. Abortion may not on every occasion be the most appropriate act of redemption, but it should never be ruled out as such a possibility. Legal restrictions and moral prohibitions based upon a disparagement of the sexual act serve to eliminate medical science and a health-caring

community as a redemptive force in an unwanted pregnancy.

Human gestures, be those expressed in a sexual act itself, or as a consequence of a sexual act, finally derive their moral significance from the reconciling or the alienating purposes they serve. Abortion may always include the possibility of serving human wholeness and of making life more human. It may also include the risk of misuse and dehumanization of life at several levels. This ambiguity is inescapable for the ethicist.

As we have argued, the question of abortion is closely related to the theological understanding of the nature and purpose of the sexual act. If sex is to serve primarily the purpose of human relationships, then the next question is how are the options of pregnancy going to be met. In the majority of cases, the husband and wife will at best look upon the occasion with joy and at worst will view another pregnancy as an inconvenience.

It is in those other situations in which the sexual act was itself invalid to begin with or in which the fact of pregnancy is a threat to emotional or physical health and to the welfare of the family and community that abortion at the hands of a concerned physician may become a redemptive gesture.

WHEN DOES LIFE BECOME HUMAN?

This brings us back to the second great issue of the moral choices that an abortion represents. It must be recognized that the fetus is a person in the making and is not yet a fully formed human being. The fetus has no autonomous life during the first few months following conception and is incapable of surviving apart from the mother's womb prior to 20 to 28 weeks. It is in fact human tissue, unique tissue, that is in the process of becoming a human life.

Life is present at the moment of conception, but the significant issue is this: when does life become human. The time cannot be fixed and the traditional attempt to locate the beginning of human life must now be discarded in the light of modern embryology. There is no single reality that marks the beginning of the "personal." What we can say is that it is a process, rather than a fixed point in biological development. For practical purposes, at least, abortion would most appropriately occur prior to viability—the point at which the fetus is capable of independent existence.

We accept the value which Roman Catholics place upon unborn life and recognize that Protestants also affirm the preciousness of life and thus have traditionally looked upon conception as a gift of God. The concept of "soul" which characterized early Catholic theology continues to have symbolic meaning today. As Harmon Smith has written, soul "is not a substance; rather it is best understood as a word which signifies the lasting value-in-relationships which we attach and attribute to human beings." [13]

The traditional concept of the "infusion of the soul" is symbolically more than a magical event or a doctrine that needs to be limited to a literal interpretation. Rather, it points to the significance that conception and birth hold for those who believe that mankind has a share in the ongoing creation of God.

THE NECESSITY OF DECISION

Yet when this is said, and however much we wish man were not faced with such agonizing moral alternatives, the unwanted pregnancy, the threatening pregnancy, represent one of those unavoidable situations in which the options are severely limited and in which an honest decision is required. Harmon Smith expresses this when he writes that an abortion at best is always a "genuinely regrettable alternative to unwanted pregnancy" and that in such a decision the value which fetal life has "is inescapably relative to the cluster of other values which impinge upon the decision to abort or not to abort a given pregnancy." [14]

Protestants believe fully that the value of human life is grounded in God, but I would also assert that God values other aspects of life than the biological, and that, under no condition, has the fetus obtained the full worth of a human being. In the ambiguity of competing values, the challenge of making an ethical decision is required, however risky it may be.

The very fact that parenthood is so fundamentally important a matter demands that it arise only out of the personal freedom to make moral decisions. It is theologically and ethically responsible to affirm that, when all the related human values are taken into account, a decision to have an abortion may be the most appropriate choice a person can make.

FOOTNOTES

[1] Paul H. Gebhard, Wardell B. Pomeroy, Clyde E. Martin and Cornelia V. Christenson. *Pregnancy, Birth and Abortion.* New York: Harper and Brothers, 1958, pp. 189 ff.

[2] Sherwin Bailey, *Sexual Ethics.* New York: The Macmillan Company, 1962 p. 28.

[3] Daniel Callahan, *Abortion: Law, Choice and Morality.* New York: The Macmillan Company, 1970, pp. 410–411.

[4] *Ibid,* pp. 412–413.

[5] James Sellers, *Theological Ethics.* New York: The Macmillan Company, 1966, p. 13.

[6] Paul Tillich, *Morality and Beyond.* New York: Harper & Row, London: Routledge and Paul Kegan, Ltd., 1963. p. 89.

[7] See S. Bailey, *op. cit.,* chapter 4.

[8] Callahan, *op. cit.,* pp. 414–416.

[9] Paul Ramsey, "The Morality of Abortion," in Daniel H. Labbey, ed., *Life or Death: Ethics and Options.* Seattle: University of Washington Press, 1968, pp. 60–93. Cf. "Feticide/Infanticide Upon Request," *Religion in Life,* Summer 1970, pp. 170–186.

[10] Helmut Thielicke, *The Ethics of Sex.* New York: Harper & Row, 1964, pp. 226–247.

[11] Karl Barth, *Church Dogmatics* III/4 Edinburgh: T. & T. Clark, 1961, pp. 415 ff.

[12] Erik Erikson, *Insight and Responsibility.* New York: Norton 1964, p. 131.

[13] Harmon L. Smith, *Ethics and the New Medicine.* New York and Nashville: Abingdon Press, 1970, p. 50.

[14] *Ibid,* p. 54.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask that morning business be closed.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

THE MILITARY SELECTIVE SERVICE ACT

The PRESIDING OFFICER. 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 PRESIDING OFFICER. The pending question is on amendment No. 143, offered by the Senator from South Dakota (Mr. McGOVERN) and other Senators.

WAIVER OF GERMANENESS RULE

Mr. BYRD of West Virginia. Mr. President, the Pastore rule of germaneness has been waived with respect to the entire day, has it not?

The PRESIDING OFFICER. The Senator is correct.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. TALMADGE. Mr. President, is morning business concluded?

The PRESIDING OFFICER. The Senator is correct. Morning business is concluded, and we are under controlled time.

Mr. TALMADGE. Mr. President, what is the pending question?

The PRESIDING OFFICER. Amendment No. 143 is pending before the Senate.

Mr. BYRD of West Virginia. Mr. President, if the Senator will yield briefly, I will take the liberty, on behalf of the distinguished manager of the bill, Mr. STENNIS, of yielding time to the Senator from Georgia. How much time does the able Senator want?

Mr. TALMADGE. Not over 8 minutes.

Mr. BYRD of West Virginia. I yield 10 minutes to the distinguished Senator from Georgia.

Mr. TALMADGE. I thank the acting majority leader.

Mr. President, I would like to take a few moments to express my position concerning the pending McGovern-Hatfield amendment. It is a position which I have arrived at after considerable and difficult deliberation.

The Vietnam war is a war that is killing our young men, making drug cripples of them, devouring our economy, and tearing this country apart.

The American people are weary to the bone and fed up with this ill-conceived conflict. It has placed a dangerous drain on a precious reservoir which we once thought bottomless—the unity of spirit and purpose which has made this Nation great.

And daily, this toll continues to mount with the tragedy at My Lai and the never-ending stream of dead and wounded flowing back to America's homes from that remote corner of the world.

Now we learn that many of our young men who are returning with whole bodies are caught in the iron grasp of drug addiction, which almost certainly will pull them into a life of crime and ever-growing despair.

Mr. President, as regular as the flow of the dead and wounded from Vietnam is the flow of mail into my office concerning the consequences of this conflict regarding its direct and indirect influence on the U.S. society.

And this mail is unanimous in its message. Americans have reached the end of their patience. There is a rising tide of sentiment in our land against this war.

We have honored our commitment to the South Vietnamese many times over, at a cost which is staggering. Families are shattered and torn apart by the war, and the ideological divisions it has created.

How, then, do we heal these divisions? This amendment says that the Senate should set a date ending the war.

I believe such a date should be set. If it is, we will begin to see light at the end of this miserable and winding tunnel. As we move toward this date, perhaps we would move closer together and begin to heal the wounds to our spirit as we heal the wounds to our flesh.

I wish I could support this amendment. But I cannot. The Constitution clearly defines the role of the President as our Commander in Chief. The setting of a withdrawal date is his prerogative, and his alone.

Too many times in the past, people swept up in the grasp of strongly held convictions have twisted and distorted the Constitution to accomplish their ends. They have left it in a shape which can hardly be recognized. I deplored such actions when they occurred and I cannot do now what I condemned then.

But, let no one interpret my vote as an endorsement of the prolonging of this war. The administration's policy of Vietnamization is dragging. While the constitutional convictions which I expressed earlier make it impossible for me to support this amendment, neither can I ignore the heartfelt expressions of emotion that reach me daily from the people of my State.

The President has stated that if we were to "declare peace" in Vietnam and begin a complete process of disengagement today, the process of withdrawal would consume about a year.

Speaking as a U.S. Senator from Georgia, and the elected representative of Georgians, I today implore the President from the floor of this Senate to negotiate a release of our prisoners and announce a policy of complete and total disengagement to begin now, and to terminate 1 year from today. This would, in my view, allow him to meet any logistical problem he might encounter in such a process.

I urge the President in the strongest possible terms to take this step. It is time to put an end to this cruel and unusual war which we have never tried to win, and which is tearing at the basic fabric that holds this country together.

I also would not wish this statement to be interpreted as a call for unilateral disarmament, and a withdrawal from our responsibilities as freedom's last defender.

There are many who urge in loud voices that we are no longer worthy to be referred to as the last true hope of freedom. If they doubt the existence of freedom in America, I invite them to journey to the lands of communism, and direct toward those governments their bitter denunciations. They might be alarmed by their reception.

In conclusion, Mr. President, let me say that, because I love my country and her people, I urge the President to set a date of termination for this war 1 year from this date. But, because I love with equal fervor the Constitution which made us great, I cannot vote to set this date for him.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McGOVERN. Mr. President, I yield myself 20 minutes.

Mr. President, on yesterday I addressed myself to the question which concerns, I think, all Members of the Senate with reference to the war, and that is the safety and well-being of American forces during this period when the war is being reduced, and hopefully ended; and I argued in those remarks on yesterday that the course now being pursued by the administration is not one that provides maximum security for American forces, but, indeed, invites attack from the other side so long as we remain in a posture of supporting the Thieu-Ky regime with American forces, however reduced those forces might be.

Indeed, one could argue that each reduction in American military manpower, so long as we retain the same political objective, which is the support of the regime in Saigon, increases the danger of our troops, and that a far more prudent course would be to set a definite terminal date, which has already prompted both Hanoi and the National Liberation Front to give broad public and private assurances that if such a definite date were set, they would then enter into negotiations providing for the safe withdrawal of our troops.

Today I should like to address another aspect of this question that is surely on the mind of every Member of the Senate, and that is the question of what course is best calculated to bring about the release of American prisoners now being held by Hanoi.

To my knowledge, there is not a single Member of the Congress, in either the Senate or the House of Representatives, who has not been directly involved in some effort to secure humane treatment of American prisoners of war, and full knowledge concerning those listed as missing in action, as required by the Geneva Convention Relative to the Treatment of Prisoners of War of 1949.

As Members of the Senate know, North Vietnam acceded to that agreement in 1957. It was ratified by the United States in 1955, and South Vietnam agreed that it was bound by the convention in 1965.

I recall that as long ago as July of 1966, I joined with a number of other Senators, led by the Senator from Idaho (Mr. CHURCH) in a message entitled "A Plea for Sanity," which addressed reports that North Vietnam was planning to try and perhaps execute captured American pilots on the ground that they were war criminals, thus falling under their claimed reservation to the Geneva Agreements.

We addressed this message to the government at Hanoi in July of 1966:

> So, before the last remnants of reason are irrevocably abandoned, we call upon the Hanoi government to refrain from any act of vengeance against the American airmen. They are prisoners of war, fully entitled to the protection extended to men in uniform when captured in the performance of their duty. Their execution would drastically reduce the influence of all those in the United States who have tried to curtail the fighting. It would incite a public demand for retaliation swift and sure, inflicting new levels of suffering and sorrow, and fixing more firmly still the seal of implacable war.

In August of 1969, speaking in the Senate, I publicly condemned North Vietnam's violations of the standards established in Geneva, pointing out that the agreement constitutes an expression that the existence of an armed dispute between nations is not a reason for inhumane treatment of those who are helpless, who pose no threat, and who have no means of defending themselves.

I said further at that time, some 2 years ago:

> No American, regardless of his views on the war, can condone the North Vietnamese handling of prisoners of war . . . I call upon the North Vietnamese to prove to the American people—particularly to those of us who have opposed the war—that we have a common bond of revulsion against needless human suffering.

Those same views were reflected in Senate Concurrent Resolution 43, which I sponsored with other Senators in 1969, which adopted the International Red Cross position that the Geneva standards do apply to all parties to the Indochina conflict. The House version of that resolution was approved unanimously by the Congress.

The application of the 1949 Geneva Convention is, therefore, one aspect of this war on which to the best of my knowledge there is no disagreement, partisan or otherwise. There never has been a disagreement on this point. Efforts to assure that those standards are respected should continue, and I expect to continue participating in them.

There is, however, one fundamental matter with respect to the prisoner issue upon which our amendment takes sharp issue with administration policy. That is on the steps the United States should take to assure that the prisoners will at long last be returned to their homes and families.

We have proposed in our amendment specific action to deal with that problem in connection with the prisoners being held by North Vietnam and, to a lesser extent, in the South by the Vietcong forces. In recent months the President has also spelled out how he proposes to handle it under the Vietnamization formula. The difference between the two approaches could not be more clear and it could not be more profound, and is one of the crucial matters we ought to be focusing on today and during the time tomorrow before the rollcall at 5 o'clock on the amendment pending.

Since we all agree that the Geneva Convention does apply on this point, it is useful to begin by examining its actual terms.

Article 109 requires a party to return all "seriously wounded and seriously sick prisoners of war after having cared for them until they are fit to travel."

Article 110 suggests a voluntary transfer, not mandatory, for internment in a neutral country, of wounded and sick

prisoners whose recovery may be expected within 1 year, and of prisoners whose physical or mental health is seriously threatened by continued captivity in cases where the threat might be removed by the transfer to a neutral country.

Article 109 further provides that the parties "may" make agreements for either repatriation or internment in a neutral country of "able bodied prisoners of war who have undergone a long period of captivity."

Certainly the first mentioned provision has application to the Indochina war. It creates a clear obligation for the North Vietnamese to return those prisoners who are seriously sick and wounded.

The other two provisions also have a bearing, particularly the latter one. Lt. Everett Alvarez, the first known U.S. serviceman to become a prisoner of North Vietnam, has been in captivity since August 5, 1964, a period of nearly 7 years. Surely the provision allowing repatriation or internment in a neutral country should apply in his case, as well as in the case of others who have been held nearly as long, many of the pilots, particularly, having been held since 1965 and 1966, the early years of aerial operations over North Vietnam.

But even if there were a clear method of enforcing the agreement, we would be helpless on this point because article 109 is a voluntary provision. The sad fact is that the North Vietnamese have refused to negotiate an agreement affecting those who have suffered long periods of captivity, notwithstanding the compelling humanitarian justification for such an agreement, and the article creates no explicit obligation for them to do so.

Finally, we should consider article 118, which contains the general provision on repatriation. It simply says:

> Prisoners of war shall be released and repatriated without delay after the cessation of hostilities.

This is the crucial point that I think many people reading the present President's words do not understand—that nothing in the Geneva accord requires the release of prisoners so long as hostilities are in progress.

In other words, when the President says, "We will maintain military operations in Indochina until the prisoners are released," he is standing the issue on its head. He is, in effect, saying to the other side, "Release the prisoners while the war is still in progress," when the Geneva Convention puts it the other way:

> Prisoners of war shall be released and repatriated without delay after the cessation of hostilities.

This is the provision which creates what I believe to be insurmountable problems in the President's Vietnamization formula, and that is where the Vietnamization formula breaks down, when it is attached to the prisoner-of-war issue.

The fact is that except for the individual cases I have mentioned, the convention creates no obligation at all for the return of prisoners until after the war is over.

Now, what is the prospect under the President's Vietnamization formula? He has described it, and his advisers have described it as a two-track approach. On the one hand, we keep trying to negotiate an end to the war; and Ambassador Bruce is still in Paris, although there has been no evidence of forward movement in those negotiations over the past several years. But while keeping the door open to negotiation, the other part of the track is that we also keep on trying to enhance the military capacity of the South Vietnamese Government to continue the fighting, hopefully with reduced direct involvement of American forces.

But however the Vietnamization formula works, whether with reduced American forces or even with all our combat forces removed, so long as we continue military and tactical support for the Thieu-Ky regime, no one can argue that hostilities will cease. That being the case, it is difficult to see why Hanoi would find it in their interest to release American prisoners of war.

I may say, parenthetically, on this point, that it has always been difficult for me to understand why American policymakers would expect the North Vietnamese to release American prisoners as long as our bombers are ranging across the face of Indochina day after day, dumping bomb loads that are in excess of those we unleashed in World War II. I think logic would lead us to the conclusion that one safety that North Vietnam has against saturation bombing is the fact that they hold these hostages, in the form of several hundred American prisoners.

So the first assurance, it would seem to me, that must be given to bring about the release of these prisoners is that we are going to terminate all American military operations, both in the air and on the ground; and that, of course, is the thrust of the McGovern-Hatfield amendment.

Most of us recognize that negotiations, which represent one side of the two-track approach, have become a hopeless enterprise. They have gone on now for some 116 weekly sessions, with nothing of consequence decided since the distant date when, after months of wrangling, they finally worked out the shape of the table. But no progress has been made since that time. The positions are frozen on both sides.

As U.S. forces decline, we must expect that our influence on the negotiations and on any of the parties to the negotiations inevitably will decline as well. So we are left with the hope that the fighting can be turned over some day to the South Vietnamese, and that is the basic thrust of the Vietnamization posture of the administration. What it is, Mr. President, is a formula for continued warfare, even if it succeeds. What then would happen to our prisoners, whose return is not required by the 1949 Geneva Convention until hostilities have ceased? I do not ask any Member of the Senate to rely on me for the answer to that question. I think we can all figure out the answer for ourselves, and it is a sad answer, indeed. But the administration has supplied its own answer.

Last December, in hearings of the Committee on Foreign Relations, Chairman FULBRIGHT posed the following question to Secretary of State Rogers:

> It seems to me one tragic thing about it is that I see no way the prisoners of war are to be released by a Vietnamization program. How do you deal with the prisoners of war by Vietnamization?

Secretary Rogers replied:

> Well, you raise an extremely difficult question that has caused all kinds of difficulty. That is one of the reasons the President made the decision he did about the prisoner of war camp. . . . I wish we had the answer. We do not have the answer to that.

Senator FULBRIGHT then asked:

> So the prisoners could stay there indefinitely, if there is no negotiated settlement; is that not correct?

And Secretary Rogers affirmed:

> Well, I hate to say that as a fact because it is such a tragic fact, but I do not know what else to do.

Let me also cite on this point the judgment of Mrs. Louis F. Jones, the wife of an Air Force pilot missing in Laos. Mrs. Jones said a few days ago, as reported in the Washington Evening Star, that among relatives of prisoners of war now—

> There is a strong feeling that any existing programs to save these men are hopelessly doomed as long as our forces remain active.

Then this distressed lady said further:

> History has shown that prisoners are not released until the war is ended.

Mr. President, the logic of that simple observation seems so clear to me that I find it very difficult to understand how high officials of our Government, including even the President, can argue that the way to release our prisoners is to keep our military forces there until the prisoners are released. Surely, the position spelled out by this wife of one of our prisoners—as Members of the Senate know, this has come to be the position of more and more of the wives of these prisoners—is much more realistic in arguing that until we set a date for ending the war, there is very little hope of negotiations leading to the release of our prisoners.

We cannot escape the conclusion that unless a different course is pursued—all the while these men have been held in North Vietnam, some of them going back to 1964 and 1965—the men who languish in those prisons will be there for the rest of their lives, and in some cases that may not be much longer. One wonders how long human beings can sustain the kind of difficult situation these men have been under.

Mr. President, I do not suggest that there is a lack of concern about this prospect within the administration. The President has repeatedly addressed himself to it. His plans were spelled out in his press conference the week of April 19, when he answered a question about whether U.S. forces will remain in Vietnam after the Vietnamization process has been completed. He said:

> We do not have as a goal a permanent residual force such as we have in Korea at the present time.
>
> But it will be necessary for us to maintain forces in South Vietnam until two important objectives are achieved: one, the release of

the prisoners of war held by North Vietnam in North Vietnam and other parts of Southeast Asia, and two, the ability of the South Vietnamese to develop the capacity to defend themselves against a Communist takeover, not the sure capacity, but at least the chance."

Certainly that statement indicates that the President is deeply concerned about this problem, as we all are.

But it also raises a question. Would the President withdraw all of our troops from Vietnam now, if he could be assured that doing so would guarantee the return of all American prisoners of war?

In other words, is the concern central enough to the welfare of these men that the President would terminate the war if Hanoi should today agree to release the prisoners?

The answer is "no." He would not unless he changes his mind, because he said in the statement I just quoted that he believes the forces must remain in any event until the South Vietnamese have the chance to defend themselves, whenever that might come to pass. The prisoners must wait until such time as General Thieu and General Ky, or whoever is in power in Saigon, are capable of conducting the war without American forces—and God only knows how long that may be.

At the very best, therefore, it is clear that the Vietnamization priority scale places continued combat help to the Thieu-Ky government above the release of our prisoners.

I submit, further, that Vietnamization places the keys to the prisons in which those American men are held squarely in the hands of the Thieu-Ky regime. All that Government need do to perpetuate American forces in South Vietnam is exhibit its weaknesses; all it need do is continue its policy of repression against its own citizens which will deprive it of the kind of public support necessary so that the Government can survive without American forces; all it need do is everything it can to prolong the American presence, and Vietnamization says we will stay there to prop it up. We will stay there even in the sure knowledge that it means continued indefinite confinement for the American prisoners of war in Hanoi and continued indefinite suffering for our prisoners of war.

But what if Vietnamization succeeds? What if we someday reach a judgment that a government to our liking has a chance to survive, at least for a time, without U.S. Armed Forces?

The prospect is still no better for the release of our prisoners.

In that case we will have a shrunken, vulnerable force in the South to be used as a bargaining lever to get the prisoners back from the North.

Today we have something like 250,000 American men in Indochina. We have had as many as 580,000 there. We have subjected North Vietnam to incredible bombing. We have inflicted horrible damage. We have pounded them mercilessly.

One has only to ask, "Has all of this led to the release of American prisoners of war?" The answer, of course, is "No."

The PRESIDING OFFICER (Mr. HART). The time of the Senator from South Dakota has expired.

Mr. McGOVERN. Mr. President, I yield myself 10 additional minutes.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 10 additional minutes.

Mr. McGOVERN. Mr. President, during debate on this amendment last Thursday, the junior Senator from Kansas described the administration's plans in the following terms:

As we continue to withdraw, at a point in the near future the troop level will reach a number too small to be militarily significant and will be useful only for bargaining purposes, to get the prisoners out and help get a settlement.

I repeat, he said that our remaining troop level will be too small to be militarily significant.

Mr. President, if all of the fantastic military power we have applied to Vietnam has not brought the return of the prisoners, how can we possibly expect to bring pressure for the release of our prisoners and to do so with a troop level that is too small to be militarily significant.

If it is too small to be militarily significant, where then is the bargaining leverage in that kind of operation that would frighten the North Vietnamese into releasing our prisoners that they have been unwilling to release even when they were under savage bombing attacks?

Surely we must see that the present policy, regardless of its good intentions on this point, is a policy of abandonment for American prisoners of war and missing in action.

It will add to their numbers—as some 400 Americans have been added to the prisoner-of-war and missing-in-action list since this administration took office.

And it will not get them back.

Talk about "false hopes."

A CLEAR TEST

I hope every Senator has had an opportunity to read the precise terms of the amendment we propose, and to compare it carefully with the Vietnamization formula.

We would require that within 60 days after passage of the amendment, North Vietnam and other adversary forces holding American prisoners arrange for their release and repatriation by the end of this calendar year.

Since passage of the bill is expected by July 1, that means that satisfactory arrangements would have to be made by the beginning of September.

If that were not done, the amendment provides explicitly for further action by the Congress. In effect, it invites the administration to submit additional recommendations for dealing with this issue, and it provides for speedy attention to those recommendations by the Congress.

In other words, we are not running out on the prisoners of war. We are saying to the North Vietnamese Government and the Vietcong leaders, "You have told us that if we will set a definite date for withdrawal of American forces, negotiations can begin immediately for release of the prisoners and safe withdrawal of all American forces. Now we will test you. We have passed this amendment and have enacted it into law. We will test you on that point. You have 60 days to show your good faith. If that is not completed within that length of time, the amendment provides effective fallback action under which the length of time for withdrawal can be extended."

Beyond that, it creates an automatic extension for troop withdrawals, so that if the adversary has announced arrangements for prisoner release but has failed to implement them completely by the end of the year, then we would still have a number of troops in South Vietnam and there would still be a 60-day period for further action.

There is not the slightest question that Congress would move swiftly to take this matter up again if our hopes on the prisoner issue are not realized.

It is my conviction, however, that the safety clauses in this amendment would never have to be employed.

Since last September 18, the adversary has pledged that as soon as a date for the withdrawal of U.S. forces have been set, discussions on the prisoner issue can being "at once."

On April 21 of this year, North Vietnam's chief spokesman at the Paris peace talks said, according to the Associated Press, that—

There will be no problem about rapid repatriation of all American prisoners held by Hanoi after the announcement of a deadline for total withdrawal of all American forces from South Vietnam.

More recently than that, Representative ROBERT LEGGETT reported, based on discussions with the second-ranking member of the National Liberation Front delegation in Paris on May 31, that if the parties agree on a date for total withdrawal of all American forces, we can expect the immediate release of a list of all prisoners and the release of all prisoners before the final withdrawal date.

Beyond this, there is another indication that has been almost completely overlooked.

The Defense Department lists over 300 pilots missing in action in Laos, as a consequence of the enormous air war we have conducted over that country. We can presume that a number of those men are held by the Pathet Lao. One official estimate lists the number of prisoners at 100.

The Pathet Lao leader, Prince Souvannouvong, has made a public offer to settle the question of returning those men—

Immediately after the United States stops its intervention and aggression in Laos, (and) first and foremost ends the bombing of Laos territory.

That offer has been broadcast over Pathet Lao radio. It was repeated to a group of American wives of prisoners of war who traveled to Vientiane a little over a month ago. It has been confirmed by foreign journalists.

I believe the other side would make good on those pledges. I believe that, not because of any blind trust in their word, but simply because they would have no reason not to and because it would be in

their own self-interest to comply. If they did not they would invite continued military action from the United States, this time directed toward an issue upon which all Americans can unite.

What we propose is a clear test of their willingness to release the prisoners.

Some Members of the Senate have indicated that they would support a deadline for withdrawal from this war if they could be assured that all prisoners of war would be returned.

Why not test it?

Administration spokesmen have alleged that discussions on the relationship between a withdrawal date and prisoner release have raised "false hopes."

Why not prove it?

Mr. President, we know in some detail the means by which the administration aims to get the prisoners back. This issue is completely out in the open, where it ought to be. We can draw a clear comparison between the two alternatives—the Vietnamization strategy and the McGovern-Hatfield amendment.

We can see the glaring weaknesses of the administration's strategy.

At present it leaves the fate of those men completely beyond our control, in the hostile hands of our adversary in Hanoi and the uncaring hands of our so-called allies in Saigon.

It guarantees that our demands for release, as well as our demands for humane treatment, impotent as they have been, will become still less potent as more and more forces are withdrawn.

Instead of bringing the prisoners back, it assures that still more Americans will be captured.

And ultimately it will, at best, keep tens of thousands of young Americans mired in Indochina—it will keep them, too, as "prisoners" of this war—a force "too small to be militarily significant," dispatched to a combat zone, completely vulnerable to a raging war, to bleed and die, all for the purpose of futile bargaining.

I think the Congress has an obligation to make its own judgments, and to place them into effect.

These men have languished in their prisons too long. Their families have suffered too long. The tragic spectacle has played on too long, to virtually no effect.

No Member of this body would disagree with the premise that achieving return of American prisoners of war is a cause worth fighting for.

If that were the issue we would demand it of the President. We would insist upon it.

Should we not, then, be equally willing to stop the fighting, if that is what it takes, to achieve precisely the same goal?

Mr. President, I do not want to burden the Senate further with this issue, other than to say that the position I have outlined is strongly supported by some of the most thoughtful and experienced men who have served in the U.S. Government.

Testifying on May 25, 1971, before the Committee on Foreign Relations, former Ambassador Averell Harriman had this to say about the prisoner-of-war issue:

> Secondly, of prime importance is the negotiation of an agreement on the release of our men who are prisoners of war. This must be accomplished before the final withdrawal of our forces. The normal time for the return of prisoners is when the fighting stops. Continuing the war through Vietnamization would condemn our prisoners to continuing captivity.

Then he goes on to outline the reasons for supporting the pending amendment.

Mr. President, I ask unanimous consent that the entire text of Mr. Harriman's statement be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. HART). Without objection, it is so ordered.

(See exhibit 1.)

Mr. McGOVERN. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an excellent article entitled, "Nixon's Bombing Halt Issue," written by Flora Lewis, and published in the Los Angeles Times on May 15, 1971.

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

NIXON'S BOMBING HALT ISSUE

(By Flora Lewis)

NEW YORK.—The issue of a bombing halt, which swelled during President Johnson's Administration and was finally decided just before the 1968 election, is arising at about the same point in President Nixon's term of office.

This time, however, it isn't about the bombing of Vietnam but of Laos, and the offer isn't in return for future negotiations but for release of American prisoners of war.

Nobody knows how many Americans are prisoners in Laos. Official Defense Department figures list three pilots captured and 300 missing in action. (Except for a handful of advisers and men captured on attempted rescue missions, it is acknowledged that almost all of those missing are pilots, despite the long denial that the United States was intensively bombing the parts of Laos held by the Pathet Lao.)

One unofficial guess is that the Pathet Lao is holding about 100 American POWs, but it is only a guess. The Laotian Communists now seem to be offering to release these men in return for a bombing halt in Laos.

The offer was made officially by their leader Prince Souvannouvong, in an interview with Swedish journalist Erik Eriksson, broadcast by the Pathet Lao radio and repeated by the Pathet Lao's representative in Vientiane to a visiting group of American wives of POWs. The broadcast was on April 11, and the meeting in Vientiane was a few weeks later.

But it was a somewhat ambiguous offer. In answer to the reporter's question about his policy toward captured American pilots, Souvannouvong said the issue "will be settled immediately after the United States stops its intervention and aggression in Laos, (and) first and foremost ends the bombing of Laos territory."

The background indicates, however, that it is a serious probe and that this may be an initial bargaining position intended to evoke a counteroffer from the United States.

Since last summer, Lao Prime Minister Prince Souvanna Phouma has been involved in exchanges seeking to get peace negotiations started with Souvannouvong, his half-brother. They were broken off by the Communists at the time of the South Vietnamese invasion of Laos earlier this year. But now the go-between, Souk Voungsai, has returned to the Lao capital of Vientiane.

That means the exchanges, conducted with full American knowledge and approval, are starting up again. They were made possible in the first place because the Pathet Lao changed its old stand that it required an end of all U.S. bombing in Laos before it would get down to serious peace talks with the Royal Lao government. That was unacceptable to the United States because Washington had no intention of calling off bombing of the Ho Chi Minh Trail in southern Laos.

But when the Pathet Lao said it would settle for a bombing halt in the rest of the country, the United States gave Souvanna Phouma a green light to go ahead and seek terms.

Therefore, though he didn't say so, it is reasonable to think the Pathet Lao leader might also be willing to scale down his condition for release of U.S. prisoners to a bombing halt over Pathet Lao-held areas in the north.

The U.S. Administration is well aware of these implications and is closely watching the progress of contacts between government and Communist leaders in Laos. The POW issue, which President Nixon has repeatedly stressed in his policy toward Hanoi, now comes up in the context of the negotiations in Vientiane.

There is as yet no indication that the Administration is seriously considering an end to the bombing of northern Laos in return for release of the prisoners. On the contrary, the bombing has been stepped up with what appears to be the regular use of B–52s over the area.

Although it was long kept secret, the United States has been bombing Laos outside the Ho Chi Minh Trail area with great intensity since it stopped regular bombing in North Vietnam in late 1968. Last year the rate was 100 sorties (one plane on one mission) a day. At least 600,000 civilian refugees (in a country of 3 million total population) have been "generated," as officialese puts it, by U.S. bombing in Laos, and nobody knows how many have been killed. But the Communist side is stronger than ever and holds more territory.

Now, in return for stopping an operation that has been futile as well as shockingly destructive of innocent lives, the United States is apparently being offered the release of its prisoners. One would expect an administration, which has been calling so urgently for negotiations to free American POWs in North Vietnam, to respond eagerly with at least an investigation of this offer. So far there is no sign of a response.

DOCUMENTS ON U.S. INVOLVEMENT IN INDOCHINA

Mr. McGOVERN. Mr. President, for the information of Senators and others, I am submitting for inclusion in the RECORD the text of documents and accompanying articles relating to American military involvement in Indochina as published in today's New York Times.

In view of the controversy arising about these documents, I would merely note the futility of trying to maintain a security classification on documents which have appeared in the press.

It has been said that publication of these documents represents a possible breach of the national security of this country. Since they relate to events that have already run their course, the only security question that appears to remain is the way in which the documents reveal our decisionmaking process on the vital issues of war and peace. I believe that the security of our Nation is best served by letting our citizens and the Congress know the capricious, deceitful, and dangerous way these decisions were made.

Let these documents stand as a warning to us all. Unless we act to end the war, we leave ourselves open to additional deception. These documents contain the

clear warning that we cannot give the executive branch the untrammeled right to decide the questions of war and peace.

Mr. President, I ask unanimous consent that the documents and articles in today's New York Times relating to U.S. involvement in Indochina be printed at this point in the RECORD.

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

VIETNAM ARCHIVE: STUDY TELLS HOW JOHNSON OPENED WAY TO GROUND COMBAT

(By Neil Sheehan)

President Johnson decided on April 1, 1965, to use American ground troops for offensive action in South Vietnam because the Administration had discovered that its long-planned bombing of North Vietnam—which had just begun—was not going to stave off collapse in the South, the Pentagon's study of the Vietnam war discloses. He ordered that the decision be kept secret.

"The fact that this departure from a long-held policy had momentous implications was well recognized by the Administration leadership," the Pentagon analyst writes, alluding to the policy axiom since the Korean conflict that another land war in Asia should be avoided.

Although the President's decision was a "pivotal" change, the study declares, "Mr. Johnson was greatly concerned that the step be given as little prominence as possible."

The decision was embodied in National Security Action Memorandum 328, on April 6, which included the following paragraphs:

"5. The President approved an 18-20,000 man increase in the U.S. military support forces to fill out existing units and supply needed logistic personnel.

"6. The President approved the deployment of two additional Marine Battalions and one Marine Air Squadron and associated headquarters and support elements.

"7. The President approved a change of mission for all Marine Battalions deployed to Vietnam to permit their more active use under conditions to be established and approved by the Secretary of Defense in consulation with the Secretary of State."

The paragraph stating the President's concern about publicity gave stringent orders in writing to members of the National Security Council:

"11. The President desires that with respect to the actions in paragraphs 5 through 7, premature publicity be avoided by all possible precautions. The actions themselves should be taken as rapidly as practicable, but in ways that should minimize any appearance of sudden changes in policy, and official statements on these troop movements will be made only with the direct approval of the Secretary of Defense, in consultation with the Secretary of State. The President's desire is that these movements and changes should be understood as being gradual and wholly consistent with existing policy." [See text, action memorandum on change of mission, April 6, 1965, Page 21.]

The period of increasing ground-combat involvement is shown in the Pentagon papers to be the third major phase of President Johnson's commitment to South Vietnam. This period forms another section of the presentation of those papers by The New York Times.

The papers, prepared by a large team of 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 toward Southeast Asia. Thus far The Times's reports on the study, with presentation of key documents, have covered the period of clandestine warfare before the Tonkin Gulf incidents in 1964 and the planning for sustained bombing of North Vietnam to begin early the next year.

In the spring of 1965, the study discloses, the Johnson Administration pinned its hopes on air assaults against the North to break the enemy's will and persuade Hanoi to stop the Vietcong insurgency in the South. The air assaults began on a sustained basis on March 2.

"Once set in motion, however, the bombing effort seemed to stiffen rather than soften Hanoi's backbone, as well as the willingness of Hanoi's allies, particularly the Soviet Union, to work toward compromise," the study continues.

"Official hopes were high that the Rolling Thunder program . . . would rapidly convince Hanoi that it should agree to negotiate a settlement to the war in the South. After a month of bombing with no response from the North Vietnamese, optimism began to wane," the study remarks.

"The U.S. was presented essentially with two options: (1) to withdraw unilaterally from Vietnam leaving the South Vietnamese to fend for themselves, or (2) to commit ground forces in pursuit of its objectives. A third option, that of drastically increasing the scope and scale of the bombing, was rejected because of the concomitant high risk of inviting Chinese intervention."

And so within a month, the account continues, with the Administration recognizing that the bombing would not work quickly enough, the crucial decision was made to put the two Marine battalions already in South Vietnam on the offensive. The 3,500 marines landed at Danang on March 8—bringing the total United States force in South Vietnam to 27,000. The restricted mission of the marines had been the static defense of the Danang airfield.

ORDERS PUT IN WRITING

As a result of the President's wish to keep the shift of mission from defense to offense imperceptible to the public, the April 1 decision received no publicity "until it crept out almost by accident in a State Department release on 8 June," in the words of the Pentagon study.

The day before, the hastily improvised static security and enclave strategies of the spring were overtaken by a request from Gen. William C. Westmoreland, the American commander in Saigon, for nearly 200,000 troops. He wanted these forces, the Pentagon study relates, to hold off defeat long enough to make possible a further build-up of American troops.

"Swiftly and in an atmosphere of crisis," the study says, President Johnson gave his approval to General Westmoreland's request a little more than a month later, in mid-July. And once again, the study adds, Mr. Johnson concealed his decision.

But the President, the narrative continues, was now heeding the counsel of General Westmoreland to embark on a full-scale ground war. The study for this period concludes that Mr. Johnson and most of his Administration were in no mood for compromise on Vietnam.

As an indication of the Administration's mood during this period, the study cites "a marathon public-information campaign" conducted by Secretary of State Dean Rusk late in February and early in March as sustained bombing was getting under way.

Mr. Rusk, the study says, sought "to signal a seemingly reasonable but in fact quite tough U.S. position on negotiations, demanding that Hanoi 'stop doing what it is doing against its neighbors' before any negotiations could prove fruitful.

"Rusk's disinterest in negotiations at this time was in concert with the view of virtually all of the President's key advisers, that the path to peace was not then open," the Pentagon account continues. "Hanoi held sway over more than half of South Vietnam and could see the Saigon Government crumbling before her very eyes. The balance of power at this time simply did not furnish the U.S. with a basis for bargaining and Hanoi had no reason to accede to the hard terms that the U.S. had in mind. Until military pressures on North Vietnam could tilt the balance of forces the other way, talk of negotiation could be little more than a hollow exercise."

A POSITION OF COMPROMISE

The study also says that two of the President's major moves involving the bombing campaign in the spring of 1965 were designed, among other aims, to quiet critics and obtain public support for the air war by striking a position of compromise. But in fact, the account goes on, the moves masked publicly unstated conditions for peace that "were not 'compromise' terms, but more akin to a 'cease and desist' order that, from the D.R.V./VC point of view, was tantamount to a demand for their surrender." "D.R.V." denotes the Democratic Republic of Vietnam; "VC" the Vietcong.

In Mr. Johnson's first action, his speech at the Johns Hopkins University in Baltimore on April 7, he offered to negotiate "without posing any pre-conditions" and also held out what the study calls a "billion-dollar carrot" in the form of a regional economic-development program for the Mekong Delta, financed by the United States, in which North Vietnam might participate.

The second action was the unannounced five-day pause in bombing in May, during which the President called upon Hanoi to accept a "political solution" in the South. This "seemed to be aimed more at clearing the decks for a subsequent intensified resumption than it was at evoking a reciprocal act of deescalation by Hanoi," the study says, Admiral Raborn, in his May 6 memorandum, had suggested a pause for this purpose and as an opportunity for Hanoi "to make concessions with some grace."

The air attacks had begun Feb. 8 and Feb. 11 with reprisal raids, code-named Operations Flaming Dart I and II, announced as retaliation for Vietcong attacks on American installations at Pleiku and Quinhon.

In public Administration statements on the air assaults, the study goes on, President Johnson broadened "the reprisal concept as gradually and imperceptibly as possible" into sustained air raids against the North, in the same fashion that the analyst describes him blurring the shift from defensive to offensive action on the ground during the spring and summer of 1965.

The study declares that the two February strikes—unlike the Tonkin Gulf reprisals in August, 1964, which were tied directly to a North Vietnamese attack on American ships—were publicly associated with a "larger pattern of aggression" by North Vietnam. Flaming Dart II, for example, was characterized as "a generalized response to 'continued acts of aggression,'" the account notes.

"Although discussed publicly in very muted tones," it goes on, "the second Flaming Dart operation constituted a sharp break with past U.S. policy and set the stage for the continuing bombing program that was now to be launched in earnest."

In another section of the study, a Pentagon analyst remarks that "the change in ground rules . . . posed serious public-information and stage-managing problems for the President."

It was on Feb. 13, two days after this second reprisal, that Mr. Johnson ordered Operation Rolling Thunder. An important influence on his unpublicized decision was a memorandum from his special assistant for national security affairs, McGeorge Bundy, who was heading a fact-finding mission in Vietnam when the Vietcong attack at Pleiku occurred on Feb. 7. With Mr. Bundy were

Assistant Secretary of Defense John T. McNaughton and Deputy Assistant Secretary of State Leonard Unger.

"A policy of sustained reprisal against North Vietnam" was the strategy advocated by Mr. Bundy in his memorandum, drafted on the President's personal Boeing 707, Air Force One, while returning from Saigon the same day. [See text, Bundy memorandum, Feb. 7, 1965.]"

The memorandum explained that the justification for the air attacks against the North, and their intensity, would be keyed to the level of Vietcong activity in the South.

"SUSTAINED PRESSURE" SOUGHT

"We are convinced that the political values of reprisal require a continuous operation," Mr. Bundy wrote. "Episodic responses geared on a one-for-one basis to 'spectacular' outrages would lack the persuasive force of sustained pressure. More important still, they would leave it open to the Communists to avoid reprisals entirely by giving up only a small element of their own program. . . . It is the great merit of the proposed scheme that to stop it the Communists would have to stop enough of their activity in the South to permit the probable success of a determined pacification effort."

The analyst notes, however, that Mr. Bundy's memorandum was a "unique articulation of a rationale for the Rolling Thunder policy" because Mr. Bundy held out as the immediate benefit an opportunity to rally the anti-Communist elements in the South and achieve some political stability and progress in pacification. "Once such a policy is put in force," Mr. Bundy wrote, in summary conclusions to his memorandum, "we shall be able to speak in Vietnam on many topics and in many ways, with growing force and effectiveness."

It was also plausible, he said, that bombing in the North, "even in a low key, would have a substantial depressing effect upon the morale of Vietcong cadres in South Vietnam."

Mr. Bundy, the study remarks, thus differed from most other proponents of bombing. These included Ambassador Maxwell D. Taylor, who despaired of improving the Saigon Government's effectiveness and who wanted bombing primarily as a will-breaking device "to inflict such pain or threat of pain upon the D.R.V. that it would be compelled to order a stand-down of Viet Cong violence," in the study's words.

As several chapters of the Pentagon study show, a number of Administration strategists—particularly Walt W. Rostow, chairman of the State Department's Policy Planning Council—had assumed for years that "calculated doses" of American air power would accomplish this end.

Mr. Bundy, while not underrating the bombing's "impact on Hanoi" and its use "as a means of affecting the will of Hanoi," saw this as a "longer-range purpose."

"THIS PROGRAM SEEMS CHEAP"

The bombing might not work. Mr. Bundy acknowledged. "Yet measured against the costs of defeat in Vietnam," he wrote, "this program seems cheap. And even if it fails to turn the tide—as it may—the value of the effort seems to us to exceed its cost."

President Johnson informed Ambassador Taylor of his Rolling Thunder decision in a cablegram drafted in the White House and transmitted to Saigon late in the afternoon of Sunday, Feb. 13.

The cable told the Ambassador that "we will execute a program of measured and limited air action jointly with the GVN [the Government of Vietnam] against selected military targets in D.R.V. remaining south of the 19th Parallel until further notice."

"Our current expectation," the message added, "is that these attacks might come about once or twice a week and involve two or three targets on each day of operation." [See text of White House cable, Feb. 13.]

Mr. Johnson said he hoped "to have appropriate GVN concurrence by Monday if possible. . . ."

The study recounts that "Ambassador Taylor received the news of the President's new program with enthusiasm. In his response, however, he explained the difficulties he faced in obtaining authentic GVN concurrence 'in the condition of virtual nongovernment' which existed in Saigon at that moment."

Gen. Nguyen Khanh, the nominal commander of the South Vietnamese armed forces, had ousted the civilian cabinet of Premier Tran Van Huong on Jan. 27. Led by Air Vice Marshal Nguyen Cao Ky, a group of young generals—the so-called Young Turks—were in turn intriguing against General Khanh.

(A footnote in the account of the first reprisal strikes, on Feb. 8, says that Marshal Ky, who led the South Vietnamese planes participating in the raid, caused "consternation" among American target controllers by dropping his bombs on the wrong targets. "In a last minute switch," the footnote says, Marshal Ky "dumped his flight's bomb loads on an unassigned target in the Vinhlinh area, in order, as he later explained, to avoid colliding with U.S.A.F. aircraft which, he claimed, were striking his originally assigned target when his flight arrived over the target area." Adm. U. S. Grant Sharp, Commander of United States forces in the Pacific, reported the incident to the Joint Chiefs.)

CABLES TO THE EMBASSIES

Referring to the political situation in Saigon, the account says: "This Alice-in-Wonderland atmosphere notwithstanding, Taylor was undaunted."

"It will be interesting to observe the effect of our proposal on the internal political situation here," the Ambassador cabled back to Mr. Johnson in Washington about the bombing. "I will use the occasion to emphasize that a dramatic change is occurring in U.S. policy, one highly favorable to GVN interests but demanding a parallel dramatic change of attitude on the part of the GVN. Now is the time to install the best possible Government as we are clearly approaching a climax in the next few months."

Ambassador Taylor apparently obtained what concurrence was possible and on Feb. 8 another cable went out from the State Department to London and eight United States Embassies in the Far East besides the one in Saigon. The message told the ambassadors of the forthcoming bombing campaign and instructed them to "inform head of government or State (as appropriate) of above in strictest confidence and report reactions." [See text, cable to U.S. envoys, Feb. 18.]

Both McGeorge Bundy and Ambassador Taylor had recommended playing down publicity on the details of the raids. "Careful public statements of U.S.G. [United States Government], combined with fact of continuing air actions, are expected to make it clear that military action will continue while aggression continues," the cable said. "But focus of public attention will be kept as far as possible on DRV aggression; not on joint GVN/US military operations.

The President had scheduled the first of the sustained raids, Rolling Thunder I, for Feb. 20. Five hours after the State Department transmitted that cable, a perennial Saigon plotter, Col. Pham Ngoc Thao, staged an unsuccessful "semi-coup" against General Khanh and "pandemonium reigned in Saigon," the study recounts. "Ambassador Taylor promptly recommended cancellation of the Feb. 20 air strikes and his recommendation was equally promptly accepted" by Washington, the Pentagon study says.

The State Department sent a cablegram to the various embassies rescinding the instructions to notify heads of government or state of the planned air war until further notice "in view of the disturbed situation in Saigon."

The situation there, the study says, remained "disturbed" for nearly a week while the Young Turks also sought to get rid of General Khanh.

"The latter made frantic but unsuccessful efforts to rally his supporters," the study says, and finally took off in his plane to avoid having to resign as commander in chief. "Literally running out of gas in Nhatrang shortly before dawn on Feb. 21, he submitted his resignation, claiming that a 'foreign hand' was behind the coup. No one, however, could be quite certain that Khanh might not 're-coup' once again, unless he were physically removed from the scene."

This took three more days to accomplish, and on Feb. 25 General Khanh finally went into permanent exile as an ambassador at large, with Ambassador Taylor seeing him off at the airport, "glassily polite," in the study's words. "It was only then that Taylor was able to issue, and Washington could accept, clearance for the long-postponed and frequently rescheduled first Rolling Thunder strike."

Less than three weeks earlier, in his memorandum to the President predicting that "a policy of sustained reprisal" might bring a better government in Saigon, McGeorge Bundy had said he did not agree with Ambassador Taylor that General Khanh "must somehow be removed from the . . . scene."

"We see no one else in sight with anything like his ability to combine military authority with some sense of politics," the account quotes Mr. Bundy as having written.

In the meantime two more Rolling Thunder strikes—II and III—had also been scheduled and then canceled because, the study says, the South Vietnamese Air Force was on "coup alert," in Saigon.

During part of this period, air strikes against North Vietnam were also inhibited by a diplomatic initiative from the Soviet Union and Britain. They moved to reactivate their co-chairmanship of the 1954 Geneva conference on Indochina to consider the current Vietnam crisis. Secretary Rusk cabled Ambassador Taylor that the diplomatic initiative would not affect Washington's decision to begin the air war, merely its timing.

According to the Pentagon study, the Administration regarded the possibility of reviving the Geneva conference of 1954, which had ended the French Indochina War, "not as a potential negotiating oportunity, but as a convenient vehicle for public expression of a tough U.S. position."

But, the account adds, this "diplomatic gambit" had "languished" by the time General Khanh left Saigon, and the day of his departure Mr. Johnson scheduled a strike, Rolling Thunder IV, for Feb. 26.

The pilots had been standing by, for nearly a week, with the orders to execute a strike being canceled every 24 hours.

But the order to begin the raid was again canceled, a last time, by monsoon weather for four more days.

Rolling Thunder finally rolled on March 2, 1965, when F–100 Super Sabre and F–105 Thunderchief jets of the United States Air Force bombed an ammunition depot at Xombang while 19 propeller-driven A–1H fighter-bombers of South Vietnam struck the Quangkhe naval base.

The various arguments in the Administration over how the raids ought to be conducted, which had developed during the planning stages, were now revived in sharper form by the opening blow in the actual air war.

Secretary McNamara, whose attention to management of resources and cost-effectiveness is cited repeatedly by the study, was concerned about improving the military efficacy of the bombing even before the sustained air war got under way.

He had received bomb damage assessments on the two reprisal strikes in February, re-

porting that of 491 buildings attacked, only 47 had been destroyed and 22 damaged. The information "caused McNamara to fire off a rather blunt memorandum" to General Earle G. Wheeler, Chairman of the Joint Chiefs of Staff, on Feb. 17, the account says.

"I AM QUITE SATISFIED"

"Although the four missions [flown during the two raids] left the operations at the targets relatively unimpaired, I am quite satisfied with the results," Mr. McNamara began. "Our primary objective, of course, was to communicate our political resolve. This I believe we did. Future communications or resolve, however, will carry a hollow ring unless we accomplish more military damage than we have to date. . . . Surely we cannot continue for months accomplishing no more with 267 sorties than we did on these four missions." A sortie is a flight by a single plane.

General Wheeler replied that measures were being taken to heighten the destructiveness of the strikes and said that one way to accomplish this was to give the operational commander on the scene "adequate latitude" to attack the target as he saw fit, rather than seeking to control the details from Washington.

One measure approved by the President on March 9 was the use of napalm in North Vietnam.

And the day before, the day that 3,500 marines came ashore at Danang to protect the airfield there, Ambassador Taylor had already expressed, in two cables to Washington, what the historian describes as "sharp annoyance" with the "unnecessarily timid and ambivalent" way in which the air war was being conducted.

No air strikes had been authorized by the President beyond the initial Rolling Thunder raids that began on March 2, and, according to the study, the Ambassador was irritated at "the long delays between strikes, the marginal weight of the attacks and the great ado about behind-the-scenes diplomatic feelers."

GENERAL WESTMORELAND CONCURS

With the concurrence of General Westmoreland, Ambassador Taylor proposed "a more dynamic schedule of strikes, a several week program relentlessly marching north" beyond the 19th Parallel, which President Johnson had so far set as a limit, "to break the will of the D.R.V."

Ambassador Taylor cabled: "Current feverish diplomatic activity particularly by French and British" was interfering with the ability of the United States to "progressively turn the screws on D.R.V."

"It appears to me evident that to date D.R.V. leaders believe air strikes at present levels on their territory are meaningless and that we are more susceptible to international pressure for negotiations than they are," the Ambassador said. He cited as evidence a report from J. Blair Seaborn, the Canadian member of the International Control Commission, who, in Hanoi earlier that month, had performed one of a series of secret diplomatic missions for the United States.

Mr. Seaborn had been sent back to convey directly to the Hanoi leaders an American policy statement on Vietnam that had been delivered to China on Feb. 24 through its embassy in Warsaw.

"NO DESIGNS" ON THE D.R.V.

In essence, the Pentagon study reports, the policy statement said that while the United States was determined to take whatever measures were necessary to maintain South Vietnam, it "had no designs on the territory of North Vietnam, nor any desire to destroy the D.R.V."

The delivery of the message to the Chinese was apparently aimed at helping to stave off any Chinese intervention as a result of the forthcoming bombing campaign.

But the purpose in sending Mr. Seaborn back, the study makes clear, was to convey the obvious threat that Hanoi now faced "extensive future destruction of . . . military and economic investments" if it did not call off the Vietcong guerrillas and accept a separate, non-Communist South.

Premier Pham Van Dong of North Vietnam, who had seen Mr. Seaborn on two earlier visits, declined this time, and the Canadian had to settle for the chief North Vietnamese liaison officer for the commission, to whom he read Washington's statement.

The North Vietnamese officer, the account says, commented that the message "contained nothing new and that the North Vietnamese had already received a briefing on the Warsaw meeting" from the Chinese Communists.

This treatment led the Canadian to sense "a mood of confidence" among the Hanoi leaders, Ambassador Taylor told Washington in a cablegram, and Mr. Seaborn felt "that Hanoi has the impression that our air attacks are a limited attempt to improve our bargaining position and hence are no great cause for immediate concern."

"Our objective should be to induce in U.S. objectives in as short a time as possible in order to avoid a build-up of international pressure to negotiate," the Ambassador said.

Therefore, he went on, it was necessary to "begin at once a progression of U.S. strikes north of 19th Parallel in a slow but steadily ascending movement" to dispel any illusions in Hanoi.

"If we tarry too long in the south [below the 19th Parallel], we will give Hanoi a weak and misleading signal which will work against our ultimate purpose," he said.

The next Rolling Thunder strikes, on March 14 and 15, were the heaviest of the air war so far, involving 100 American and 24 South Vietnamese planes against barracks and depots on Tiger Island off the North Vietnamese coast and the ammunition dump near Phuqui, 10 miles southwest of Hanoi.

For the first time, the planes used napalm against the North, a measure approved by Mr. Johnson on May 9 to achieve the more efficient destruction of the targets that Mr. McNamara was seeking and to give the pilots protection from antiaircraft batteries.

"MOUNTING CRESCENDO" URGED

But the Ambassador regarded these, too, as an "isolated, stage-managed joint U.S./GVN operation," the Pentagon study says. He sent Washington another cable, saying that "through repeated delays we are failing to give the mounting crescendo to Rolling Thunder which is necessary to get the desired results."

Meanwhile, Admiral Sharp in Honolulu and the Joint Chiefs in Washington were quickly devising a number of other programs to broaden and intensify the air war now that it had begun.

On March 21, Admiral Sharp proposed a "radar busting day" to knock out the North Vietnamese early-warning system, and a program "to attrite, harass and interdict the D.R.V. south" of the 20th Parallel by cutting lines of communication, "LOC" in official terminology.

The "LOC cut program" would choke off traffic along all roads and rail lines through southern North Vietnam by bombing strikes and would thus squeeze the flow of supplies into the South.

"All targets selected are extremely difficult or impossible to bypass," the admiral said in a cable to the Joint Chiefs. "LOC network cutting in this depth will degrade tonnage arrivals at the main 'funnels' and will develop a broad series of new targets such as backed-up convoys, offloaded materiel dumps and personnel staging areas at one or both sides of cuts."

These probable effects might in turn "force major D.R.V. log flow to sea-carry and into surveillance and attack by our SVN [South Vietnamese] coastal sanitization forces," the admiral added.

In Washington at this time, the narrative goes on, the Joint Chiefs were engaged in an "interservice division" over potential ground-troop deployments to Vietnam and over the air war itself.

Gen. John P. McConnell, Chief of Staff of the Air Force adopted a "maverick position" and was arguing for a short and violent 28-day bombing campaign. All of the targets on the original 94-target list drawn up in May 1964, from bridges to industries, would be progressively destroyed.

"He proposed beginning the air strikes in the southern part of North Vietnam and continuing at two-to six-day intervals until Hanoi was attacked," the study continues.

The raids would be along the lines of the mighty strikes, including the use of B–52 bombers, that the Joint Chiefs had proposed in retaliation for the Vietcong mortar attack in Beinhoa airfield on Nov. 1, 1964, the narrative says. General McConnell contended that his plan was consistent with previous bombing proposals by the Joint Chiefs.

The general abandoned his proposal, however, when the other members of the Joint Chiefs decided to incorporate Admiral Sharp's "LOC cut program" and some of General McConnell's individual target concepts into a bombing program of several weeks. They proposed this to Mr. McNamara on March 27.

This plan proposed an intense bombing campaign that would start on road and rail lines south of the 20th Parallel and then "march north" week by week to isolate North Vietnam from China gradually by cutting road and rail lines above Hanoi. In later phases upon which the Joint Chiefs had not yet fully decided, the port facilities were to be destroyed to isolate North Vietnam from the sea. Then industries outside populated areas would be attacked "leading up to a situation where the enemy will realize that the Hanoi and Haiphong areas will be the next logical targets in our continued air campaign."

But the President and Mr. McNamara declined to approve any multiweek program, the study relates. "They clearly preferred to retain continual personal control over attack concepts and individual target selection."

ALTERNATE TARGETS APPROVED

In mid-March, after a Presidential fact-finding trip to Vietnam by Gen. Harold K. Johnson, the Army Chief of Staff, the President did regularize the bombing campaign and relaxed some of the restrictions. Among the innovations was the selection of the targets in weekly packages with the precise timing of the individual attacks left to the commanders on the scene. Also, "the strikes were no longer to be specifically related to VC atrocities" and "publicity on the strikes was to be progressively reduced," the study says.

The President did not accept two recommendations from General Johnson relating to a possible ground war. They were to dispatch a division of American troops to South Vietnam to hold coastal enclaves or defend the Central Highlands in order to free Saigon Government forces for offensive action against the Vietcong. The social proposal was to create a four-division force of American and Southeast Asia Treaty Organization troops, who, to interdict infiltration, would patrol both the demilitarized zone along the border separating North and South Vietnam and the Laotian border region.

Better organization for the air war meant that concepts such as Admiral Sharp's "LOC cut program" and his "radar busting" were now incorporated into the weekly target packages. But President Johnson and Secretary McNamara continued to select the tar-

gets and to communicate them to the Joint Chiefs—and thus, eventually, to the operating strike forces—in weekly Rolling Thunder planning messages issued by the Secretary of Defense.

HOPES WERE WANING

Operation Rolling Thunder was thus being shifted from an exercise in air power "dominated by political and psychological considerations" to a "militarily more significant, sustained bombing program" aimed at destroying the capabilities of North Vietnam to support a war in the south.

But the shift also meant that "early hopes that Rolling Thunder could succeed by itself" in persuading Hanoi to call off the Vietcong were also waning.

"The underlying question that was being posed for the Administration at this time was well formulated," the study says, by John McNaughton in a memorandum drafted on March 24 for Secretary McNamara in preparation for the April 1–2 National Security Council meetings.

"Can the situation inside SVN be bottomed out (a) without extreme measures against the DRV and/or (b) without deployment of large numbers of U.S. (and other) combat troops inside SVN?"

Mr. McNaughton's answer was "perhaps, but probably no." (See Text, McNaughton action plan, March 24.)

General Westmoreland stated his conclusions in a half-inch-thick report labeled "Commander's Estimate of the situation in SVN." The document, "a classic Leavenworth-style analysis," the analyst remarks, referring to the Command and General Staff College, was completed in Saigon on March 26 and delivered to Washington in time for the April 1–2 strategy meeting.

The Saigon military commander and his staff had begun working on this voluminous report on March 13, the day after General Johnson left Vietnam with his ground war proposals of an American division to hold enclaves and a four-division American and SEATO force along the borders, the study notes.

General Westmoreland predicted that the bombing campaign against the North would not show tangible results until June at the earliest, and that in the meantime the South Vietnamese Army needed American reinforcements to hold the line against growing Vietcong strength and to carry out an "orderly" expansion of its own ranks.

And, paraphrasing the report, the study says that the general warned that the Saigon troops, "although at the moment performing fairly well, would not be able in the face of a VC summer offensive to hold in the South long enough for the bombing to become effective."

General Westmoreland asked for reinforcements equivalent to two American divisions, a total of about 70,000 troops, counting those already in Vietnam.

They included 17 maneuver battalions. The general proposed adding two more Marine battalion landing teams to the two battalions already at Danang in order to establish another base at the airfield at Phubai to the north; putting an Army brigade into the Bienhoa-Vungtau area near Saigon, and using two more Army battalions to garrison the central coastal ports of Quinhon and Nhatrang as logistics bases. These bases would sustain an army division that General Westmoreland proposed to send into active combat in the strategic central highlands inland to "defeat" the Vietcong who were seizing control there.

General Westmoreland said that he wanted the 17 battalions and their initial supporting elements in South Vietnam by June and indicated that more troops might be required thereafter if the bombing failed to achieve results.

The Saigon military commander and General Johnson were not alone in pressing for American ground combat troops to forestall a Vietcong victory, the study points out.

On March 20, the Joint Chiefs as a body had proposed sending two American divisions and one South Korean division to South Vietnam for offensive combat operations against the guerrillas.

Secretary McNamara, the Joint Chiefs and Ambassador Taylor all discussed the three-division proposal on March 29, the study relates, while the Ambassador was in Washington for the forthcoming White House strategy conference.

The Ambassador opposed the plan, the study says, because he felt the South Vietnamese might resent the presence of so many foreign troops—upwards of 100,000 men—and also because he believed there was still no military necessity for them.

The Joint Chiefs "had the qualified support of McNamara," however, the study continues, and was one of the topics discussed at the national security council meeting.

CONCERN WITH DEPLOYMENT

Thus, the study says, at the White House strategy session of April 1–2, "the principal concern of Administration policy makers at this time was with the prospect of major deployment of U.S. and third-country combat forces to SVN."

A memorandum written by McGeorge Bundy before the meeting, which set forth the key issues for discussion and decision by the President, "gave only the most superficial treatment to the complex matter of future air pressure policy," the Pentagon analyst remarks.

The morning that Ambassador Taylor left Saigon to attend the meeting, March 29, the Vietcong guerrillas blew up the American Embassy in Saigon in what the study calls "the boldest and most direct Communist action against the U.S. since the attacks at Pleiku and Quinhon which had precipitated the Flaming Dart reprisal airstrikes."

Admiral Sharp requested permission to launch a "spectacular" air raid on North Vietnam in retaliation, the narrative continues, but the "plea . . . did not fall on responsive ears" at the White House.

"At this point, the President preferred to maneuver quietly to help the nation get used to living with the Vietnam crisis. He played down any drama intrinsic in Taylor's arrival" and refused to permit a retaliation raid for the embassy bombing.

"After his first meeting with Taylor and other officials on March 31, the President responded to press inquiries concerning dramatic new developments by saying: 'I know of no far-reaching strategy that is being suggested or promulgated.'"

"But the President was being less than candid," the study observes. "The proposals that were at that moment being promulgated, and on which he reached significant decision the following day, did involve a far-reaching strategy change: acceptance of the concept of U.S. troops engaged in offensive ground operations against Asian insurgents. This issue greatly overshadowed all other Vietnam questions then being reconsidered."

The analyst is referring to the President's decision at the White House strategy conference on April 1–2 to change the mission of the marine battalions at Danang from defense to offense.

McGeorge Bundy embodied the decision in National Security Action Memorandum 328, which he drafted and signed on behalf of the President on April 6. The analyst says that this "pivotal document" followed almost "verbatim" the text of another memorandum that Mr. Bundy had written before the N.S.C. meeting to outline the proposals for discussion and decision by the President.

The Pentagon study notes that the actual landing of 3,500 marines at Danang the previous month had "caused surprisingly little outcry."

Secretary of State Dean Rusk had explained on a television program the day before the marines came ashore that their mission was solely to provide security for the air base and "not to kill the Vietcong," in the words of the study. Thus initial mission for the marines was later to be referred to as the short-lived strategy of security that would apply only to this American troop movement into South Vietnam.

"A DEAD LETTER" QUICKLY

The President's decision to change their mission to offense now made the strategy of base security "a dead letter," the study says, when it was less than a month old.

At the April 1–2 meeting, Mr. Johnson had also decided to send ashore two more marine battalions, which General Westmoreland had asked for in a separate request on March 17. Mr. Johnson further decided to increase support forces in South Vietnam by 18,000 to 20,000 men.

The President was "doubtless aware" of the general's additional request for the equivalent of two divisions, and of the Joint Chiefs' for three divisions, the Pentagon account says, but Mr. Johnson took no action on these requests.

"The initial steps in ground build-up appear to have been grudgingly taken," the study says, "indicating that the President . . . and his advisers recognized the tremendous inertial complications of ground troop deployments. Halting ground involvement was seen to be a manifestly greater problem than halting air or naval activity.

"It is pretty clear, then, that the President intended, after the early April N.S.C. meetings, to cautiously and carefully experiment with the U.S. forces in offensive roles," the analyst concludes.

National Security Action Memorandum 328 did not precisely define or limit the offensive role it authorized, and Ambassador Taylor, who had attended the National Security Council meeting during his visit to Washington, was not satisfied with the guidance he received from the State Department. Therefore, on his way back to Saigon on April 4, the Ambassador, formerly President John F. Kennedy's military adviser and Chairman of the Joint Chiefs, sent a cable from the Honolulu headquarters of the commander of Pacific forces to the State Department, saying:

"I propose to describe the new mission to [Premier Pham Huy] Quat as the use of marines in a mobile counter-insurgency role in the vicinity of Danang for the improved protection of that base and also in a strike role as a reserve in support of ARVN operations anywhere within 50 miles of the base. This latter employment would follow acquisition of experience on local counter-insurgency missions."

Ambassador Taylor's 50-mile limit apparently became an accepted rule-of-thumb boundary for counterinsurgency strikes.

And so, the analyst sums up, with the promulgation of National Security Action Memorandum 328, "the strategy of security effectively becomes a dead letter on the first of April," and the strategy of enclave begins.

TEXTS OF DOCUMENTS

Following are texts of key documents accompanying the Pentagon's study of the Vietnam war, covering the opening of the sustained bombing campaign against North Vietnam in the first half of 1965. Except where excerpting is indicated, the documents are printed verbatim, with only unmistakable typographical errors corrected.

LETTER FROM ROSTOW FAVORING COMMITMENT OF TROOPS BY UNITED STATES

(Personal letter from Walt W. Rostow, chairman of the State Department's Policy Planning Council, to Secretary McNamara,

Nov. 16, 1964, "Military Dispositions and Political Signals.")

Following on our conversation of last night I am concerned that too much thought is being given to the actual damage we do in the North, not enough thought to the signal we wish to send.

The signal consists of three parts:

a) damage to the North is now to be inflicted because they are violating the 1954 and 1962 accords;

b) we are ready and able to go much further than our initial act of damage;

c) we are ready and able to meet any level of escalation they might mount in response, if they are so minded.

Four points follow.

1. I am convinced that we should not go forward into the next stage without a U.S. ground force commitment of some kind:

a. The withdrawal of those ground forces could be a critically important part of our diplomatic bargaining position. Ground forces can sit during a conference more easily than we can maintain a series of mounting air and naval pressures.

b. We must make clear that counter escalation by the Communists will run directly into US strength on the ground; and, therefore the possibility of radically extending their position on the ground at the cost of air and naval damage alone, is ruled out.

c. There is a marginal possibility that in attacking the airfield they were thinking two moves ahead; namely, they might be planning a pre-emptive ground force response to an expected US retaliation for the Bien Hoa attack.

2. The first critical military action against North Vietnam should be designed merely to install the principle that they will, from the present forward, be vulnerable to retaliatory attack in the north for continued violations for the 1954 and 1962 Accords. In other words, we would signal a shift from the principle involved in the Tonkin Gulf response. This means that the initial use of force in the north should be as limited and as unsanguinary as possible. It is the installation of the principle that we are initially interested in, not tit for tat.

3. But our force dispositions to accompany an initial retaliatory move against the north should send three further signals lucidly:

a. that we are putting in place a capacity subsequently to step up direct and naval pressure on the north, if that should be required;

b. that we are prepared to face down any form of escalation North Vietnam might mount on the ground; and

c. that we are putting forces into place to exact retaliation directly against Communist China, if Peiping should join in an escalatory response from Hanoi. The latter could take the form of increased aircraft on Formosa plus, perhaps, a carrier force sitting off China distinguished from the force in the South China Sea.

4. The launching of this track, almost certainly, will require the President to explain to our own people and to the world our intentions and objectives. This will also be perhaps the most persuasive form of communication with Ho and Mao. In addition, I am inclined to think the most direct communication we can mount (perhaps via Vientiane and Warsaw) is desirable, as opposed to the use of cut-outs. They should feel they now confront an LBJ who has made up his mind. Contrary to an anxiety expressed at an earlier stage, I believe it quite possible to communicate the limits as well as the seriousness of our intentions without raising seriously the fear in Hanoi that we intend at our initiative to land immediately in the Red River Delta, in China, or seek any other objective than the re-installation of the 1954 and 1962 Accords.

MEMO FROM ROSTOW ADVOCATING GROUND TROOPS AND AIR ATTACKS

(Memorandum from Mr. Rostow to Secretary Rusk, Nov. 23, 1964, "Some Observations as We Come to the Crunch in Southeast Asia.")

I leave for Lima this Saturday for the CIAP and CIES meetings. I presume that in early December some major decisions on Southeast Asia will be made. I should, therefore, like to leave with you some observations on the situation. I have already communicated them to Bill Bundy.

1. We must begin by fastening our minds as sharply as we can around our appreciation of the view in Hanoi and Peiping of the Southeast Asia problem. I agree almost completely with SNIE 10–3–64 of October 9. Here are the critical passages:

"While they will seek to exploit and encourage the deteriorating situation in Saigon, they probably will avoid actions that would in their view unduly increase the chances of a major US response against North Vietnam (DRV) or Communist China. We are almost certain that both Hanoi and Peiping are anxious not to become involved in the kind of war in which the great weight of superior US weaponry could be brought against them. Even if Hanoi and Peiping estimated that the US would not use nuclear weapons against them, they could not be sure of this. . . .

"In the face of new US pressures against the DRV, further actions by Hanoi and Peiping would be based to a considerable extent on their estimate of US intentions, i.e., whether the US was actually determined to increase its pressures as necessary. Their estimates on this point are probably uncertain, but we believe that fear of provoking severe measures by the US would lead them to temper their responses with a good deal of caution. . . .

"If despite Communist efforts, the US attacks continued, Hanoi's leaders would have to ask themselves whether it was not better to suspend their support of Viet Cong military action rather than suffer the destruction of their major military facilities and the industrial sector of their economy. In the belief that the tide has set almost irreversibly in their favor in South Vietnam, they might calculate that the Viet Cong could stop its military attacks for the time being and renew the insurrection successfully at a later date. Their judgment in this matter might be reinforced by the Chinese Communist concern over becoming involved in a conflict with US air and naval power."

Our most basic problem is, therefore, how to persuade them that a continuation of their present policy will risk major destruction in North Viet Nam; that a preemptive move on the ground as a prelude to negotiation will be met by US strength on the ground; and that Communist China will not be a sanctuary if it assists North Viet Nam in counter-escalation.

2. In terms of force dispositions, the critical moves are, I believe, these.

a. The introduction of some ground forces in South Viet Nam and, possibly, in the Laos corridor.

b. A minimal installation of the principle that from the present forward North Viet Nam will be vulnerable to retaliatory attacks for continued violation of the 1954–1962 Accords.

c. Perhaps most important of all, the introduction into the Pacific Theater of massive forces to deal with any escalatory response, including forces evidently aimed at China as well as North Viet Nam, should the Chinese Communists enter the game. I am increasingly confident that we can do this in ways which would be understood—and not dangerously misinterpreted—in Hanoi and Peiping.

3. But the movement of forces, and even bombing operations in the north, will not, in themselves, constitute a decisive signal. They will be searching, with enormous sensitivity, for the answer to the following question: Is the President of the United States deeply committed to reinstalling the 1954–1962 Accords; or is he putting on a demonstration of force that would save face for, essentially, a US political defeat at a diplomatic conference? Here their judgment will depend not merely on our use of force and force dispositions but also on the posture of the President, including commitments he makes to our own people and before the world, and on our follow-through. The SNIE accurately catches the extent of their commitments and their hopes in South Viet Nam and Laos. They will not actually accept a setback until they are absolutely sure that we really mean it. They will be as searching in this matter as Khrushchev was before he abandoned the effort to break our hold on Berlin and as Khrushchev was in searching us out on the Turkish missiles before he finally dismantled and removed his missiles from Cuba. Initial rhetoric and military moves will not be enough to convince them.

4. Given the fundamental assessment in this SNIE, I have no doubt we have the capacity to achieve a reinstallation of the 1954–1962 Accords if we enter the exercise with the same determination and staying power that we entered the long test on Berlin and the short test on the Cuba missiles. But it will take that kind of Presidential commitment and staying power.

5. In this connection, the SNIE is quite sound in emphasizing that they will seek, if they are permitted, either to pretend to call off the war in South Viet Nam, without actually doing so; or to revive it again when the pressure is off. (We can see Castro doing this now in Venezuela.) The nature of guerrilla war, infiltration, etc., lends itself to this kind of ambiguous letdown and reacceleration. This places a high premuim on our defining precisely what they have to do to remove the pressure from the north. It is because we may wish to maintain pressure for some time to insure their compliance that we should think hard about the installation of troops not merely in South Viet Nam south of the seventeenth parallel, but also in the infiltration corridor of Laos. The same consideration argues for a non-sanguinary but important pressure in the form of naval blockade which will be easier to maintain during a negotiation or quasi-negotiation phase than bombing operations.

6. The touchstones for compliance should include the following: the removal of Viet Minh troops from Laos; the cessation of infiltration of South Viet Nam from the north; the turning off of the tactical radio network; and the overt statement on Hanoi radio that the Viet Cong should cease their operations and pursue their objectives in South Viet Nam by political means. On the latter point, even if contrary covert instructions are given, an overt statement would have important political and psychological impact.

7. As I said in my memorandum to the President of June 6, no one can be or should be dogmatic about how much of a war we still would have—and for how long—if the external element were thus radically reduced or eliminated. The odds are pretty good, in my view, that, if we do these things in this way, the war will either promptly stop or we will see the same kind of fragmentation of the Communist movement in South Viet Nam that we saw in Greece after the Yugoslav frontier was closed by the Tito-Stalin split. But we can't proceed on that assumption. We must try to gear the whole operation with the best counter-insurgency effort we can mount with our Vietnamese friends outside the country; and not withdraw US forces from Viet Nam until the war

is truly under control. (In this connection, I hope everyone concerned considers carefully RAND proposal of November 17, 1964, entitled "SIAT: Single Integrated Attack Team, A Concept for Offensive Military Operations in South Viet-Nam.")

8. I do not see how, if we adopt this line, we can avoid heightened pressures from our allies for either Chinese Communist entrance into the UN or for a UN offer to the Chinese Communists on some form of two-China basis. This will be livable for the President and the Administration if—but only if—we get a clean resolution of the Laos and South Viet Nam problems. The publication of a good Jordan Report will help pin our allies to the wall on a prior reinstallation of the 1954 and 1962 Accords.

9. Considering these observations as a whole, I suspect what I am really saying is that our assets, as I see them, are sufficient to see this thing through if we enter the exercise with adequate determination to succeed. 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 which flow from the simple fact that at this stage of history we are the greatest power in the world—if we behave like it.

10. In the President's public exposition of his policy, I would now add something to the draft I did to accompany the June 6 memorandum to the President. I believe he should hold up a vision of an Asian community that goes beyond the Mekong passage in that draft. The vision, essentially, should hold out the hope that if the 1954 and 1962 Accords are reinstalled, these things are possible:

a. peace;

b. accelerated economic development;

c. Asians taking a larger hand in their own destiny;

d. as much peaceful coexistence between Asian Communists and non-Communists as the Communists wish.

11. A scenario to launch this track might begin as follows:

A. A Presidential decision, communicated to but held by the Congressional leaders. Some leakage would not be unhelpful.

B. Immediate movement of relevant forces to the Pacific.

C. Immediate direct communication to Hanoi to give them a chance to back down before faced with our actions, including a clear statement of the limits of our objectives but our absolute commitment to them.

D. Should this first communication fail (as is likely) installation of our ground forces and naval blockade, plus first attack in North, to be accompanied by publication updated Jordan Report and Presidential speech.

McGeorge Bundy Memo to Johnson on "Sustained Reprisal" Policy

(Annex A, "A Policy of Sustained Reprisal," to memorandum to President Lyndon B. Johnson from McGeorge Bundy, Presidential assistant for national security, Feb. 7, 1965.)

I. INTRODUCTORY

We believe that the best available way of increasing our chance of success in Vietnam is the development and execution of a policy of *sustained reprisal* against North Vietnam—a policy in which air and naval action against the North is justified by and related to the whole Viet Cong campaign of violence and terror in the South.

While we believe that the risks of such a policy are acceptable, we emphasize that its costs are real. It implies significant U.S. air losses even if no full air war is joined, and it seems likely that it would eventually require an extensive and costly effort against the whole air defense system of North Vietnam. U.S. casualties would be higher—and more visible to American feelings—than those sustained in the struggle in South Vietnam.

Yet measured against the costs of defeat in Vietnam, this program seems cheap. And even if it fails to turn the tide—as it may—the value of the effort seems to us to exceed its cost.

II. OUTLINE OF THE POLICY

1. In partnership with the Government of Vietnam, we should develop and exercise the option to retaliate against *any* VC act of violence to persons or property.

2. In practice, we may wish at the outset to relate our reprisals to those acts of relatively high visibility such as the Pleiku incident. Later, we might retaliate against the assassination of a province chief, but not necessarily the murder of a hamlet official; we might retaliate against a grenade thrown into a crowded cafe in Saigon, but not necessarily to a shot fired into a small shop in the countryside.

3. Once a program of reprisals is clearly underway, it should not be necessary to connect each specific act against North Vietnam to a particular outrage in the South. It should be possible, for example, to publish weekly lists of outrages in the South and to have it clearly understood that these outrages are the cause of such action against the North as may be occurring in the current period. Such a more generalized pattern of reprisal would remove much of the difficulty involved in finding precisely matching targets in response to specific atrocities. Even in such a more general pattern, however, it would be important to insure that the general level of reprisal action remained in close correspondence with the level of outrages in the South. We must keep it clear at every stage both to Hanoi and to the world, that our reprisals will be reduced or stopped when outrages in the South are reduced or stopped—and that we are *not* attempting to destroy or conquer North Vietnam.

4. In the early stages of such a course, we should take the appropriate occasion to make clear our firm intent to undertake reprisals on any further acts, major or minor, that appear to us and the GVN as indicating Hanoi's support. We would announce that our two governments have been patient and forebearing in the hope that Hanoi would come to its senses without the necessity of our having to take further action; but the outrages continue and now we must react against those who are responsible; we will not provoke; we will not use our force indiscriminately; but we can no longer sit by in the face of repeated acts of terror and violence for which the DRV is responsible.

5. Having once made this announcement, we should execute our reprisal policy with as low a level of public noise as possible. It is to our interest that our acts should be seen—but we do not wish to boast about them in ways that make it hard for Hanoi to shift its ground. We should instead direct maximum attention to the continuing acts of violence which are the cause of our continuing reprisals.

6. This reprisal policy should begin at a low level. Its level of force and pressure should be increased only gradually—and as indicated above should be decreased if VC terror visibly decreases. The object would not be to "win' an air war against Hanoi, but rather to influence the course of the struggle in the South.

7. At the same time it should be recognized that in order to maintain the power of reprisal without risk of excessive loss, an "air war" may in fact be necessary. We should therefore be ready to develop a separate justification for energetic flak suppression and if necessary for the destruction of Communist air power. The essence of such an explanation should be that these actions are intended solely to insure the effectiveness of a policy of reprisal, and in no sense represent any intent to wage offensive war against the North. These distinctions should not be difficult to develop.

8. It remains quite possible, however, that this reprisal policy would get us quickly into the level of military activity contemplated in the so-called Phase II of our December planning. It may even get us beyond this level with both Hanoi and Peiping, if there is Communist counter-action. We and the GVN should also be prepared for a spurt of VC terrorism, especially in urban areas, that would dwarf anything yet experienced. These are the risks of any action. They should be carefully reviewed—but we believe them to be acceptable.

9. We are convinced that the political values of reprisal require a *continuous* operation. Episodic responses geared on a one-for-one basis to "spectacular" outrages would lack the persuasive force of sustained pressure. More important still, they would leave it open to the Communists to avoid reprisals entirely by giving up only a small element of their own program. The Gulf of Tonkin affair produced a sharp upturn in morale in South Vietnam. When it remained an isolated episode, however, there was a severe relapse. It is the great merit of the proposed scheme that to stop it the Communists would have to stop enough of their activity in the South to permit the probable success of a determined pacification effort.

III. EXPECTED EFFECT OF SUSTAINED REPRISAL POLICY

1. We emphasize that our primary target in advocating a reprisal policy is the improvement of the situation in *South* Vietnam. Action against the North is usually urged as a means of affecting the will of Hanoi to direct and support the VC. We consider this an important but longer-range purpose. The immediate and critical targets are in the South—in the minds of the South Vietnamese and in the minds of the Viet Cong cadres.

2. Predictions of the effect of any given course of action upon the states of mind of people are difficult. It seems very clear that if the United States and the Government of Vietnam join in a policy of reprisal, there will be a sharp immediate increase in optimism in the South, among nearly all articulate groups. The Mission believes—and our own conversations confirm—that in all sectors of Vietnamese opinion there is a strong belief that the United States could do much more if it would, and that they are suspicious of our failure to use more of our obviously enormous power. At least in the short run, the reaction to reprisal policy would be very favorable.

3. This favorable reaction should offer opportunity for increased American influence in pressing for a more effective government—at least in the short run. Joint reprisals would imply military planning in which the American role would necessarily be controlling, and this new relation should add to our bargaining power in other military efforts—and conceivably on a wider plane as well if a more stable government is formed. We have the whip hand in reprisals as we do not in other fields.

4. The Vietnamese increase in hope could well increase the readiness of Vietnamese factions themselves to join together in forming a more effective government.

5. We think it plausible that effective and sustained reprisals, even in a low key, would have a substantial depressing effect upon the morale of Viet Cong cadres in South Vietnam. This is the strong opinion of CIA Saigon. It is based upon reliable reports of the initial Viet Cong reaction to the Gulf of Tonkin episode, and also upon the solid general assessment that the determination of Hanoi and the apparent timidity of the mighty United States are both major items in Viet Cong confidence.

6. The long-run effect of reprisals in the South is far less clear. It may be that like

other stimulants, the value of this one would decline over time. Indeed the risk of this result is large enough so that we ourselves believe that a very major effort all along the line should be made in South Vietnam to take full advantage of the immediate stimulus of reprisal policy in its early stages. Our object should be to use this new policy to effect a visible upward turn in pacification, in governmental effectiveness, in operations against the Viet Cong, and in the whole U.S./GVN relationship. It is changes in these areas that can have enduring long-term effects.

7. While emphasizing the importance of reprisals in the South, we do not exclude the impact on Hanoi. We believe, indeed, that it is of great importance that the level of reprisal be adjusted rapidly and visibly to both upward and downward shifts in the level of Viet Cong offenses. We want to keep before Hanoi the carrot of our desisting as well as the stick of continued pressure. We also need to conduct the application of force so that there is always a prospect of worse to come.

8. We cannot assert that a policy of sustained reprisal will succeed in changing the course of the contest in Vietnam. It may fail, and we cannot estimate the odds of success with any accuracy—they may be somewhere between 25% and 75%. What we can say is that even if it fails, the policy will be worth it. At a minimum it will damp down the charge that we did not do all that we could have done, and this charge will be important in many countries, including our own. Beyond that, a reprisal policy—to the extent that it demonstrates U.S. willingness to employ this new norm in counter-insurgency—will set a higher price for the future upon all adventures of guerrilla warfare, and it should therefore somewhat increase our ability to deter such adventures. We must recognize, however, that that ability will be gravely weakened if there is failure for any reason in Vietnam.

IV. PRESENT ACTION RECOMMENDATIONS

1. This general recommendation was developed in intensive discussions in the days just before the attacks on Pleiku. These attacks and our reaction to them have created an ideal opportunity for the prompt development and execution of sustained reprisals. Conversely, if no such policy is now developed, we face the grave danger that Pleiku, like the Gulf of Tonkin, may be a short-run stimulant and a long-term depressant. We therefore recommend that the necessary preparations be made for continuing reprisals. The major necessary steps to be taken appear to us to be the following:

(1) We should complete the evacuation of dependents.

(2) We should quietly start the necessary westward deployments of [word illegible] contingency forces.

(3) We should develop and refine a running catalogue of Viet Cong offenses which can be published regularly and related clearly to our own reprisals. Such a catalogue should perhaps build on the foundation of an initial White Paper.

(4) We should initiate joint planning with the GVN on both the civil and military level. Specifically, we should give a clear and strong signal to those now forming a government that we will be ready for this policy when they are.

(5) We should develop the necessary public and diplomatic statements to accompany the initiation and continuation of this program.

(6) We should insure that a reprisal program is matched by renewed public commitment to our family of programs in the South, so that the central importance of the southern struggle may never be neglected.

(7) We should plan quiet diplomatic communication of the precise meaning of what we are and are not doing, to Hanoi, to Peking and to Moscow.

(8) We should be prepared to defend and to justify this new policy by concentrating attention in every forum upon its cause—the aggression in the South.

(9) We should accept discussion on these terms in any forum, but we should *not* now accept the idea of negotiations of any sort except on the basis of a stand down of Viet Cong violence. A program of sustained reprisal, with its direct link to Hanoi's continuing aggressive actions in the South, will not involve us in nearly the level of international recrimination which would be precipitated by a go-North program which was not so connected. For this reason the international pressures for negotiation should be quite manageable.

DRAFT BY WILLIAM BUNDY ON RESULTS OF POLICY IN 1965

(Draft paper by William Bundy, "Where Are We Heading?," Feb. 18, 1965. An attached note, dated June 25, says, "Later than November paper, and unfinished.")

This memorandum examines possible developments and problems if the U.S. pursues the following policy with respect to South Viet-Nam:

a. Intensified pacification within South Viet-Nam. To meet the security problem, this might include a significant increase in present U.S. force strength.

b. A program of measured, limited, and spaced air attacks, jointly with the GVN, against the infiltration complex in the DRV. Such attacks would take place at the rate of about one a week, unless spectacular Viet Cong action dictated an immediate response out of sequence. The normal pattern of such attacks would comprise one GVN and one U.S. strike on each occasion, confined to targets south of the 19th parallel, with variations in severity depending on the tempo of VC action, but with a slow upward trend in severity as the weeks went by.

c. That the U.S. itself would take no initiative for talks, but would agree to cooperate in consultations—not a conference—undertaken by the UK and USSR as Co-Chairmen of the Geneva Conference. As an opening move, the British would request an expression of our views, and we would use this occasion to spell out our position fully, including our purposes and what we regard as essential to the restoration of peace. We would further present our case against the DRV in the form of a long written document to be sent to the President of the United Nations Security Council and to be circulated to members of the UN.

1. Communist responses.

a. Hanoi would almost certainly not feel itself under pressure at any early point to enter into fruitful negotiations or to call off its activity in any way. They would denounce the continued air attacks and seek to whip up maximum world opposition to them. Within South Viet-Nam, they might avoid spectacular actions, but would certainly continue a substantial pattern of activity along past lines, probably with emphasis on the kind of incidents we have seen this week, in which Communist agents stirred up a village "protest" against government air attacks, and against the U.S. Basically, they would see the situation in South Viet-Nam as likely to deteriorate further ("crumble", as they have put it), and would be expecting that at some point someone in the GVN will start secret talks with them behind our backs.

b. Communist China might supply additional air defense equipment to the DRV, but we do not believe they would engage in air operations from Communist China, at least up to the point where the MIGs in the DRV were engaged and we had found it necessary to attack Fukien or possibly—if the MIGs had been moved there—Vinh.

c. The Soviets would supply air defense equipment to the DRV and would continue to protest our air attacks in strong terms. However, we do not believe they would make any new commitment at this stage, and they would probably not do so even if the Chicoms became even more deeply involved—provided that were not ourselves attacking Communist China. At that point, the heat might get awfully great on them, and they would be in a very difficult position to continue actively working as Co-Chairman. However, their approach to the British on the Co-Chairmanship certainly suggests that they would find some relief in starting to act in that role, and might use it as a hedge against further involvement, perhaps pointing out to Hanoi that the Co-Chairman exercise serves to prevent us from taking extreme action and that Hanoi will get the same result in the end if a political track is operating and if, in fact, South Viet-Nam keeps crumbling. They might also argue to Hanoi that the existence of the political track tends to reduce the chances of the Chicoms having to become deeply involved—which we believe Hanoi does not want unless it is compelled to accept it.

2. Within South Viet-Nam the new government is a somewhat better one, but the cohesive effects of the strikes to date have at most helped things a bit. The latest MACV report indicates a deteriorating situation except in the extreme south, and it is unlikely that this can be arrested in any short period of time even if the government does hold together well and the military go about their business. We shall be very lucky to see a leveling off, much less any significant improvement, in the next two months. In short, we may have to hang on quite a long time before we can hope to see an improving situation in South Viet-Nam—and this in turn is really the key to any negotiating position we could have at any time.

3. On the political track we believe the British will undertake their role with vigor, and that the Soviets will be more reserved. The Soviet can hardly hope to influence Hanoi much at this point, and they certainly have no leverage with Communist China. In the opening rounds, the Soviets will probably fire off some fairly sharp statements that the real key to the situation is for us to get out and to stop our attacks, and the opposing positions are so far apart that it is hard to see any useful movement for some time to come. We might well find the Soviets—or even the Canadians—sounding us out on whether we would stop our attacks in return for some moderation in VC activity. This is clearly unacceptable, and the very least we should hold out on is a verified cessation of infiltration (and radio silence) before we stop our attacks. Our stress on the cessation of infiltration may conceivably lead to the Indians coming forward to offer policing forces—a suggestion they have made before—and this would be a constructive move we could pick up. But, as noted above, Hanoi is most unlikely to trade on this basis for a long time to come.

4. In sum—the most likely prospect is for a prolonged period without major risks of escalation but equally without any give by Hanoi. If, contrary to our present judgment, the GVN should start to do better.

WHITE HOUSE CABLE TO TAYLOR ON THE ROLLING THUNDER DECISION

(Excerpts from cablegram from the State Department to Ambassador Taylor, Feb. 13, 1965, as provided in the body of the Pentagon study. The words in brackets are those of the study. The narrative says this message was drafted at the White House.)

The President today approved the following program for immediate future actions in follow-up decisions he reported to you in Deptel 1653. [The first Flaming Dart reprisal decision.]

1. We will intensify by all available means the program of pacification within SVN.

2. We will execute a program of measured and limited air action jointly with GVN against selected military targets in DRV, re-

mainting south of 19th parallel until further notice.

FYI. Our current expectation is that these attacks might come about once or twice a week and involve two or three targets on each day of operation. END FYI.

3. We will announce this policy of measured action in general terms and at the same time, we will go to UN Security Council to make clear case that aggressor is Hanoi. We will also make it plain that we are ready and eager for 'talks' to bring aggression to an end.

4. We believe that this 3-part program must be concerted with SVN, and we currently expect to announce it by Presidential statement directly after next authorized air action. We believe this action should take place as early as possible next week.

5. You are accordingly instructed to seek immediate GVN agreement on this program. You are authorized to emphasize our conviction that announcement of readiness to talk is stronger diplomatic position than awaiting inevitable summons to Security Council by third parties. We would hope to have appropriate GVN concurrence by Monday [Feb. 14th] if possible here.

In presenting above to GVN, you should draw fully, as you see fit, on following arguments:

a. We are determined to continue with military actions regardless of Security Council deliberations and any 'talks' or negotiations when [words illegible]. [Beginning of sentence illegible] that they cease [words illegible] and also the activity they are directing in the south.

b. We consider the UN Security Council initiative, following another strike, essential if we are to avoid being faced with really damaging initiatives by the USSR or perhaps by such powers as India, France, or even the UN.

c. At an early point in the UN Security Council initiative, we would expect to see calls for the DRV to appear in the UN. If they failed to appear, as in August, this will make doubly clear that it is they who are refusing to desist, and our position in pursuing military actions against the DRV would be strengthened. For some reason we would now hope GVN itself would appear at UN and work closely with US.

d. With or without Hanoi, we have every expectation that any 'talks' that may result from our Security Council initiative would in fact go on for many weeks or perhaps months and would above all focus constantly on the cessation of Hanoi's aggression as the precondition to any cessation of military action against the DRV. We further anticipate that any detailed discussions about any possible eventual form of agreement returning to the essentials of the 1954 Accords would be postponed and would be subordinated to the central issue. . . .

CABLE TO U.S. ENVOYS IN ASIA ANNOUNCING SUSTAINED BOMBING

(Cablegram from State Department to heads of nine United States diplomatic missions in the Far East, Feb. 18, 1965, as provided in the body of the Pentagon study.)

Policy on Viet-Nam adopted today calls for the following:

1. Joint program with GVN of continuing air and naval action against North Viet-Nam whenever and wherever necessary. Such action to be against selected military targets and to be limited and fitting and adequate as response to continuous aggression in South Viet-Nam directed in Hanoi. Air strikes will be jointly planned and agreed with GVN and carried out on joint basis.

2. Intensification by all available means of pacification program within South Viet-Nam, including every possible step to find and attack VC concentrations and headquarters within SVN by all conventional means available to GVN and US.

3. Early detailed presentation to nations of world and to public of documented case against DRV as aggressor. Forum and form this presentation not yet decided, but we do not repeat not expect to touch upon readiness for talks or negotiations at this time. We are considering reaffirmation our objectives in some form in the near future.

4. Careful public statements of USG, combined with fact of continuing air action, are expected to make it clear that military action will continue while aggression continues. But focus of public attention will be kept as far as possible on DRV aggression; not on joint GVN-US military operations. There will be no comment of any sort on future actions except that all such actions will be adequate and measured and fitting to aggression. (You will have noted President's statement of yesterday, which we will probably allow to stand.)

Addressees should inform head of government or State (as appropriate) of above in strictest confidence and report reactions. In the case of Canberra and Wellington [several words illegible] subject to security considerations of each operation as it occurs, as we did with respect to operations of February 7 and 11.

MCNAUGHTON DRAFT FOR MCNAMARA ON "PROPOSED COURSE OF ACTION"

(First draft of "Annex—Plan for Action for South Vietnam," appended to memorandum from John T. McNaughton, Assistant Secretary of Defense for International Security Affairs, for Secretary of Defense Robert S. McNamara, March 24, 1965.)

1. US aims:

70%—To avoid a humiliating US defeat (to our reputation as a guarantor).

20%—To keep SVN (and the adjacent) territory from Chinese hands.

10%—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.

2. The situation: The situation in general is bad and deteriorating. The VC have the initiative. Defeatism is gaining among the rural population, somewhat in the cities, and even among the soldiers—especially those with relatives in rural areas. The Hop Tac area around Saigon is making little progress; the Delta stays bad; the country has been severed in the north. GVN control is shrinking to the enclaves, some burdened with refugees. In Saigon we have a remission: Quat is giving hope on the civilian side, the Buddhists have calmed, and the split generals are in uneasy equilibrium.

3. The preliminary question: Can the situation inside SVN be bottomed out (a) without extreme measures against the DRV and/or (b) without deployment of large numbers of US (and other) combat troops inside SVN? The answer is perhaps, but probably no.

4. Ways GVN might collapse:

(a) VC successes reduce GVN control to enclaves, causing:

(1) insurrection in the enclaved population,

(2) massive defections of ARVN soldiers and even units,

(3) aggravated dissension and impotence in Saigon,

(4) defeatism and reorientation by key GVN officials,

(5) entrance of left-wing elements into the government,

(6) emergence of a popular-front regime,

(7) request that US leave,

(8) concessions to the VC, and

(9) accommodations to the DRV

(b) VC with DRV volunteers concentrate on I and II Corps.

(1) conquering principal GVN-held enclaves there,

(2) declaring Liberation Government,

(3) joining the I & II Corps areas to the DRV, and

(4) pressing the course in (a) above for rest of SVN.

(c) While in a temporary funk, GVN might throw in sponge:

(1) dealing under the table with VC,

(2) asking the US to cease at least military aid,

(3) bringing left-wing elements into the government,

(4) leading to a popular-front regime, and

(5) ending in accommodations to the VC and DRV.

(d) In a surge of anti-Americanism, GVN could ask the US out and pursue course otherwise similar to (c) above.

5. The "trilemma": US policy appears to be drifting. This is because, while there is consensus that efforts inside SVN (para 6) will probably fail to prevent collapse, all three of the possible remedial courses of action have so far been rejected:

a. Will-breaking strikes on the North (para 7) are balked (1) by flash-point limits, (2) by doubts that the DRV will cave and (3) by doubts that the VC will obey a caving DRV. (Leaving strikes only a political and anti-infiltration nuisance.)

b. Large US troop deployments (para 9) are blocked by "French-defeat" and "Korea" syndromes, and Quat is queasy. (Troops could be net negatives, and be besieged.)

c. Exit by negotiations (para 9) is tainted by the humiliation likely to follow.

Effort inside South Vietnam: Progress inside SVN is our main aim. Great, imaginative efforts on the civilian political as well as military side must be made, bearing n mind that progress depends as much on GVN efforts and luck as on added US efforts. While only a few of such efforts can pay off quickly enough to affect the present ominous deterioration, some may, and we are dealing here in small critical margins. Furthermore, such investment is essential to provide a foundation for the longer run.

a. Improve spirit and effectiveness (fill out further, drawing from State memo to the President).

(1) Achieve governmental stability

(2) Augment the psy-war program.

(3) Build a stronger pro-government infrastructure.

b. Improve physical security, (fill out)

c. Reduce infiltration. (fill out)

STRIKES ON THE NORTH (PROGRAM OF PROGRESSIVE MILITARY PRESSURE)

a. Purposes:

(1) to reduce DRV/VC activities by affecting DRV will.

(2) To improve the GVN/VC relative "balance of morale."

(3) To provide the US/GVN with a bargaining counter.

(4) To reduce DRV infiltration of men, and materiel.

(5) To show the world the lengths to which US will go for a friend.

b. Program: Each week, 1 or 2 "mission days" with 100-plane high-damage US-VNAF strikes each "day" against important targets, plus 3 armed recce missions—all moving upward in weight of effort, value of target or proximity to Hanoi and China.

Alternative one: 12-week DRV-wide program shunning only "population" targets.

Alternative two: 12-week program short of taking out Phuc Yen (Hanoi) airfield.

c. Other actions:

(1) Blockade of DRV ports by VNAF/US-dropped mines or by ships.

(2) South Vietnamese-implemented 34A MAROPS.

(3) Reconnaissance flights over Laos and the DRV.

(4) Daily Barrel Roll armed recce strikes in Laos (plus T-28s).

(5) Four-a-week Barrel Roll chokepoint strikes in Laos.

(6) US/VNAF air & naval strikes against VC ops and bases in SVN.

(7) Westward deployment of US forces.

(8) No de Soto patrols or naval bombardment of DRV at this time.

d. Red "flash points." There are events which we can expect to imply substantial risk of escalation.

(1) Air strikes north of 17°. (This one already passed.)

(2) First US/VNAF confrontation with DRV MIGs.

(3) Strike on Phuc Yen MIG base near Hanoi.

(4) First strikes on Tonkin industrial/population targets.

(5) First strikes on Chinese railroad near China.

(6) First US/VNAF confrontation with Chicom MIGs.

(7) First hot pursuit of Chicom MIGs into China.

(8) First flak-suppression of Chicom or Soviet-manned SAM.

(9) Massive introduction of US ground troops into SVN.

(10) US/ARVN occupation of DRV territory (e.g., Ile de Tigre).

(11) First Chi/Sov-US confrontation or sinking in blockade.

e) Blue "flash points." China/DRV surely are sensitive to events which might cause us to escalate.

(1) All of the above "red" flash point.

(2) VC ground attack on Danang.

(3) Sinking of a US naval vessel.

(4) Open deployment of DRV troops into South Vietnam.

(5) Deployment of Chinese troops into North Vietnam.

(6) Deployment of FROGs or SAMs in North Vietnam.

(7) DRV air attack on South Vietnam.

(8) Announcement of Liberation Government in I/II Corps area.

f. Major risks:

(1) Losses to DRV MIGs, and later possibly to SAMs.

(2) Increased VC activities, and possibly Liberation Government.

(3) Panic or other collapse of GVN from under us.

(4) World-wide revulsion against us (against strikes, blockades, etc.)

(5) Sympathetic fires over Berlin, Cyprus Kashmir, Jordan waters.

(6) Escalation to conventional war with DRV, China (and USSR?)

(7) Escalation to the use of nuclear weapons.

g. Other Red moves:

(1) More jets to NVN with DRV or Chicom pilots.

(2) More AA (SAMs?) and radar gear (Soviet-manned?) to MVN.

(3) Increased air and ground forces in South China.

(4) Other "defensive" DRV retaliation (e.g., shoot-down of a U–2).

(5) PL land grabs in Laos.

(6) PL declaration of new government in Laos.

(7) Political drive for "neutralization" of Indo-China.

h. Escalation control. We can do three things to avoid escalation too-much or too-fast:

(1) Stretch out. Retard the program (e.g., 1 not 2 fixed strikes a week).

(2) Circuit breaker. Abandon at least temporarily the theory that our strikes are intended to break DRV will, and "plateau" them below the "Phuc Yen Airfield" flash point on one or the other of these tenable theories:

(a) That we strike as necessary to interdict infiltration.

(b) That our level of strikes is generally responsive to the level of VC/DRV activities in South Vietnam.

(3) Shunt. Plateau the air strikes per para (2) and divert the energy into:

(a) A mine—and/or ship-blockade of DRV ports.

(b) Massive deployment of US (and other?) troops into SVN (and Laos?):

(1) To man the 'enclaves", releasing ARVN forces.

(2) To take over Pleiku, Kontum, Darlac provinces.

(3) To create a (word illegible) sea-Thailand infiltration wall.

i. Import miscellany:

(1) Program should appear to be relentless (i.e., possibility of employing "circuit-breakers" should be secret).

(2) Enemy should be kept aware of our limited objectives.

(3) Allies should be kept on board.

(4) USSR should be kept in passive role.

(5) Information program should preserve US public support.

PROGRAM OF LARGE U.S. GROUND EFFORT IN SVN AND SEA

a. Purposes:

(1) To defeat the VC on the ground.

(2) To improve GVN/VC relative "morale balance."

(3) To improve US/GVN bargaining position.

(4) To show world lengths to which US will go to fulfill commitments.

b. Program:

(1) Continue strike-North "crescendo" or "plateau" (para 7 above.)

(2) Add any "combat support" personnel needed by MACV; and (3) Deploy remainder of the III Marine Expeditionary Force to Danang; and (4) Deploy one US (plus one Korean?) division to defeat VC in Pleiku-Kontum-Darlac area, and/or (5) Deploy one US (plus one Korean?) division to hold enclaves (Bien Hao/Ton Son Nhut, Nha Trang, Qui Non, Pleiku); and/or (6) Deploy 3–5 US divisions (with "international" elements) across Laos-SVN infiltration routes and at key SVN population centers.

c. Advantages:

(1) Improve (at least initially) manpower ratio vs. the VC.

(2) Boost GVN morale and depress DRV/VC morale.

(3) Firm up US commitment in eyes of all Reds, allies and neutrals.

(4) Deter (or even prevent) coups in the South.

d. Risks:

(1) Deployment will suck Chicom troops into DRV.

(2) Deployment will suck counter-balancing DRV/Chinese troops into SVN.

(3) Announcement of deployment will cause massive DRV/Chicom effort preemptively to occupy new SVN territory.

(4) US losses will increase.

(5) Friction with GVN (and Koreans?) over command will arise.

(6) GVN will tend increasingly to "let the US do it."

(7) Anti-US "colonialist" mood may increase in and outside SVN.

(8) US forces may be surrounded and trapped.

e. Important miscellany:

(1) There are no obvious circuit breakers. Once US troops are in, it will be difficult to withdraw them or to move them, say, to Thailand without admitting defeat.

(2) It will take massive deployments (many divisions) to improve the GVN/US:VC ration to the optimum 10+:1.

(3) In any event, our Project 22 planning with the Thais for defense of the Mekong towns must proceed apace.

EXIT BY NEGOTIATIONS

a. Bargaining counters:

(1) What DRV could give—

(a) Stop training and sending personnel to SVN/Laos.

(b) Stop sending arms and supplies into SVN/Laos.

(c) Stop directing military actions into SVN/Laos.

(d) Order the VC/PL to stop their insurgencies.

(e) Stop propaganda broadcasts to South Vietnam.

(f) Remove VM forces and cadres from SVN and Laos.

(g) See that VC/PL stop incidents in SVN and Laos.

(h) See that VC/PL cease resistance.

(i) See that VC/PL turn in weapons and bases.

(j) See that VC/PL surrender for amnesty/expatriation.

(2) What GVN/US could give:

(a) Stop (or not increase) air strikes on DRV.

(b) Remove (or not increase) US troops in SVN.

(c) Rice supply to DRV.

(d) Assurance that US/GVN have no designs on NVN.

(e) Assurance that US/GVN will not demand public renunciation by the DRV of Communist goals.

(f) Assurance thta "peaceful coexistence (e.g., continuation of Red propaganda in SVN) is acceptable.

(g) Capitulation: Leftists in GVN, coalition government, and eventual incorporation of SVN into DRV.

b. Possible outcomes.

(1) Pacified non-Communist South Vietnam.

(2) "Laotian" solution, with areas of de facto VC dominion, a "government of national unity," and a Liberation Front ostensibly weened from DRV control.

(3) Explicit partition of SVN, with each area under a separate government.

(4) A "semi-equilibrium"—a slow-motion war—with slowly shifting GVN–VC lines.

(5) Loss of SVN to the DRV.

c. Techniques to minimize impact of bad outcomes. If/when it is estimated that even the best US/GVN efforts mean failure ("flash" or defeat), it will be important to act to minimize the after-damage to US effectiveness and image by steps such as these:

(1) Publicize uniqueness of congenital impossibility of SVN case (e.g., Viet Minh held much of SVN in 1954, long sieve-like borders, unfavorable terrain, no national tradition, few administrators, mess left by French, competing factions, Red LOC advantage, late US start, etc.).

(2) Take opportunity offered by next coup or GVN anti-US tantrum to "ship out" (coupled with advance threat to do so if they fail to "shape up"?).

(3) Create diversionary "offensives" elsewhere in the world (e.g., to shore up Thailand, Philippines, Malaysia, India, Australia; to launch an "anti-poverty" program for underdeveloped areas).

(4) Enter multi-nation negotiations calculated to shift opinions and values.

d. Risks. With the physical situation and the trends as they are the fear is overwhelming that an exit negotiated now would result in humiliation for the US.

Evaluation: It is essential—however badly SEA may go over the next 1–3 years—that US emerge as a "good doctor." We must have kept promises, been tough, taken risks, gotten bloodied, and hurt the enemy very badly. We must avoid harmful appearances which will affect judgments by, and provide pretexts to, other nations regarding how the US will behave in future cases of particular interest to those nations—regarding US policy, power, resolve and competence to deal with their problems. In this connection, the relevant audiences 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).

Urgency: If the strike-North program (para 7) is not altered: we will reach the

MIG/Phuc Yen flash point in approximately one month. If the program is altered only to stretch out the crescendo: up to 3 months may be had before that flash point, at the expense of a less persuasive squeeze. If the program is altered to "plateau" or dampen the strikes: much of their negotiating value will be lost. (Furthermore, there is now a hint of flexibility on the Red side: the Soviets are struggling to find a Gordian knot-cutter; the Chicoms may be wavering (Paris 5326).)

POSSIBLE COURSE

(1) Redouble efforts inside SVN (get better organized for it).

(2) Prepare to deploy US combat troops in phases, starting with one Army division at Pleiku and a Marine MEF at Danang.

(3) Stretch out strike-North program, postponing Phuc Yen until June (exceed flash points only in specific retaliations).

(4) Initiate talks along the following lines, bearing in mind that formal partition, or even a "Laos" partition, is out in SVN; we must break the VC back or work out an accommodation.

Phase one talks:

(A) When: Now, before an avoidable flash point.

(B) Who: US–USSR, perhaps also US–India. (Not with China or Liberation Front; not through UK or France or U Thant; keep alert to possibility that GVN officials are talking under the table.)

(C) How: With GVN consent, private, quiet (refuse formal talks).

(D) What:

(1) Offer to stop strikes on DRV and withhold deployment of large US forces in trade for DRV stoppage of infiltration, communications to VC, and VC attacks, sabotage and terrorism, and for withdrawal of named units in SVN.

2. Compliance would be policed unilaterally. If as is likely, complete compliance by the DRV is not forthcoming, we would carry out occasional strikes.

(3) We make clear that we are not demanding cessation of Red propaganda nor a public renunciation by Hanoi of its doctrines.

(4) Regarding "defensive" VC attacks—i.e., VC defending VC-held areas from encroaching ARVN forces—we take the public position that ARVN forces must be free to operate throughout SVN, especially in areas where amnesty is offered (but in fact, discretion will be exercised).

(5) Terrorism and sabotage, however, must be dampened markedly throughout the country, and civilian administrators must be free to move and operate freely, certainly in so-called contested areas (and perhaps even in VC base areas).

Phase two talks:

(A) When: At the end of Phase One.

(B) Who: All interested nations.

(C) How: Publicly in large conference.

(D) What:

(1) Offer to remove US combat forces from South Vietnam in exchange for repatriation (or regroupment?) of DRV infiltrators and for erection of international machinery to verify the end of infiltration and communication.

(2) Offer to seek to determine the will of the people under international supervision, with an appropriate rejection of those who favor the VC.

(3) Any recognition of the Liberation Front would have to be accompanied by disarming the VC and at least avowed VC independence from DRV control.

Phase three talks: Avoid any talks regarding the future of all of Southeast Asia. Thailand's future should not be up for discussion; and we have the 1954 and 1962 Geneva Accords covering the rest of the area.

c. Special Points:

(1) Play on DRV's fear of China.

(2) To show good will, suspend strikes on North for a few days if requested by Soviets during efforts to mediate.

(3) Have a contingency plan prepared to evacuate US personnel in case a para-9-type situation arises.

(4) If the DRV will not "play" the above game, we must be prepared (a) to risk passing some flash points, in the Strike-North program, (b) to put more US troops into SVN, and/or (c) to reconsider our minimum acceptable outcome.

McCONE MEMO TO TOP OFFICIALS ON FORCEFULNESS OF AIR WAR

(Memorandum from John A. McCone, Director of Central Intelligence, to Secretary Rusk, Secretary McNamara, McGeorge Bundy and Ambassador Taylor, April 2, 1965, as provided in the body of the Pentagon's study. Paragraphs in italics are the study's paraphrase or explanation.)

McCone did not inherently disagree with the change in the U.S. ground-force role, but felt that it was inconsistent with the decision to continue the air strike program at the feeble level at which it was then being conducted. McCone developed his argument as follows:

I have been giving thought to the paper that we discussed in yesterday's meeting, which unfortunately I had little time to study, and also to the decision made to change the mission of our ground forces in South Vietnam from one of advice and static defense to one of active combat operations against the Viet Cong guerrillas.

I feel that the latter decision is correct only if our air strikes against the North are sufficiently heavy and damaging really to hurt the North Vietnamese. The paper we examined yesterday does not anticipate the type of air operation against the North necessary to force the NVN to reappraise their policy. On the contrary, it states, "We should continue roughly the present slowly ascending tempo of ROLLING THUNDER operations ———," and later, in outlining the types of targets, states, "The target systems should continue to avoid the effective GI range of MIG's," and these conditions indicate restraints which will not be persuasive to the NVM and would probably be read as evidence of a U.S. desire to temporize.

I have reported that the strikes to date have not caused a change in the North Vietnamese policy of directing Viet Cong insurgency, infiltrating cadres and supplying material. If anything, the strikes to date have hardened their attitude.

I have now had a chance to examine the 12-week program referred to by General Wheeler and it is my personal opinion that this program is not sufficiently severe and [words illegible] policy.

On the other hand, we must look with care to our position under a program of slowly ascending tempo of air strikes. With the passage of each day and each week, we can expect increasing pressure to stop the bombing. This will come from various elements of the American public, from the press, the United Nations and world opinion. Therefore time will run against us in this operation and I think the North Vietnamese are counting on this.

Therefore I think what we are doing is starting on a track which involves ground force operations, which, in all probability, will have limited effectiveness against guerrillas, although admittedly will restrain some VC advances. However, we can expect requirements for an ever-increasing commitment of U.S. personnel without materially improving the chances of victory. I support and agree with this decision but I must point out that in my judgment, forcing submission of the VC can only be brought about by a decision in Hanoi. Since the contemplated actions against the North are modest in scale, they will not impose unacceptable damage on it, nor will they threaten the DRV's vital interests. Hence, they will not present them with a situation with which they cannot live, though such actions will cause the DRV pain and inconvenience.

I believe our proposed track offers great danger of simply encouraging Chinese Communists and Soviet support of the DRV and VC cause, if for no other reason than the risk for both will be minimum. I envision that the reaction of the NVN and Chinese Communists will be to deliberately, carefully, and probably gradually, build up the Viet Cong capabilities by covert infiltration on North Vietnamese and, possibly, Chinese cadres and thus bring an ever-increasing pressure on our forces. In effect, we will find ourselves mired down in combat in the jungle in a military effort that we cannot win, and from which we will have extreme difficulty in extracting ourselves.

Therefore it is my judgment that if we are to change the mission of the ground forces, we must also change the ground rules of the strikes against North Vietnam. We must hit them harder, more frequently, and inflict greater damage. Instead of avoiding the MIG's, we must go in and take them out. A bridge here and there will not do the job. We must strike their airfields, their petroleum resources, power stations and their military compounds. This, in my opinion, must be done promptly and with minimum restraint.

If we are unwilling to take it this kind of a decision now, we must not take the actions concerning the mission of our ground forces for the reasons I have mentioned [words illegible].

TERMS IN TEXTS

ARVN—Army of Republic of (South) Vietnam.
A.S.A.P.—As soon as possible.
B.L.T.—Battalion landing team.
CINPAC—Commander in Chief, Pacific.
DEPTEL—Department telegram.
D.O.D.—Department of Defense.
DRV—Democratic Republic of (North) Vietnam.
EMBTEL—Embassy telegram.
ISA—International Security Agency.
JCS—Joint Chiefs of Staff.
L.O.C.—Lines of communication.
MACV—Military Assistance Command, Vietnam.
NFL—National Liberation Front.
NLFSVN—National Front for Liberation of South Vietnam.
PAVN—People's Army of (North) Vietnam.
P.I.—Philippine Islands.
P.L.—Pathet Lao.
P.O.L.—Petroleum, oil, lubricants.
R.O.K.—Republic of (South) Korea.
RVNAF—Republic of (South) Vietnam Armed Forces.
SAM—Surface-to-air missile.
SEA—Southeast Asia.
SVN—South Vietnam.
U.S.G.—U.S. Government.
VM—Vietminh.

APRIL 1965, ORDER INCREASING GROUND FORCE AND SHIFTING MISSION

(National Security Action Memorandum 328, April 6, 1965, signed by McGeorge Bundy and addressed to the Secretary of State, the Secretary of Defense and the Director of Central Intelligence.)

On Thursday, April 1, The President made the following decisions with respect to Vietnam:

1. Subject to modifications in light of experience, to coordination and direction both in Saigon and in Washington, the President approved the 41-point program of non-military actions submitted by Ambassador Taylor in a memorandum dated March 31, 1965.

2. The President gave general approval to the recommendations submitted by Mr. Rowan in his report dated March 16, with the exception that the President withheld approval of any request for supplemental funds at this time—it is his decision that this program is to be energetically supported by all agencies and departments and by the re-

programming of available funds as necessary within USIA.

3. The President approved the urgent exploration of the 12 suggestions for covert and other actions submitted by the Director of Central Intelligence under date of March 31.

4. The President repeated his earlier approval of the 21-point program of military actions submitted by General Harold K. Johnson under date of March 14 and re-emphasized his desire that aircraft and helicopter reinforcements under this program be accelerated.

5. The President approved an 18–20,000 man increase in U.S. military support forces to fill out existing units and supply needed logistic personnel.

6. The President approved the deployment of two additional Marine Battalions and one Marine Air Squadron and associated headquarters and support elements.

7. The President approved a change of mission for all Marine Battalions deployed to Vietnam to permit their more active use under conditions to be established and approved by the Secretary of Defense in consultation with the Secretary of State.

8. The President approved the urgent exploration, with the Korean, Australian, and New Zealand Governments, of the possibility of rapid deployment of significant combat elements from their armed forces in parallel with the additional Marine deployment approved in paragraph 6.

9. Subject to continuing review, the President approved the following general framework of continuing action against North Vietnam and Laos:

We should continue roughly the present slowly ascending tempo of Rolling Thunder operations being prepared to add strikes in response to a higher rate of VC operations, or conceivably to slow the pace in the unlikely event VC slacked off sharply for what appeared to be more than a temporary operational lull.

The target systems should continue to avoid the effective GGI range of MIGs. We should continue to vary the types of targets, stepping up attacks on lines of communication in the near future, and possibly moving in a few weeks to attacks on the rail lines north and northeast of Hanoi.

Leaflet operations should be expanded to obtain maximum practicable psychological effect on North Vietnamese population.

Blockade or aerial mining of North Vietnamese ports need further study and should be considered for future operations. It would have major political complications, especially in relation to the Soviets and other third countries, but also offers many advantages.

Air operation in Laos, particularly route blocking operations in the Panhandle area, should be stepped up to the maximum remunerative rate.

10. Ambassador Taylor will promptly seek the reactions of the South Vietnamese Government to appropriate sections of this program and their approval as necessary, and in the event of disapproval or difficulty at that end, these decisions will be appropriately reconsidered. In any event, no action into Vietnam under paragraphs 6 and 7 above should take place without GVN approval or further Presidential authorization.

11. The President desires that with respect to the actions in paragraphs 5 through 7, premature publicity be avoided by all possible precautions. The actions themselves should be taken as rapidly as practicable, but in ways that should minimize any appearance of sudden changes in policy, and official statements on these troop movements will be made only with the direct approval of the Secretary of Defense, in consultation with the Secretary of State. The President's desire is that these movements and changes should be understood as being gradual and wholly consistent with existing policy.

TAYLOR CABLE TO WASHINGTON ON STEP-UP IN GROUND FORCES

(Cablegram April 17, 1965, from Ambassador Maxwell D. Taylor in Saigon to Secretary of State Dean Rusk, with a copy to the White House for the attention of McGeorge Bundy.)

This message undertakes to summarize instructions which I have received over the last ten days with regard to the introduction of third-country combat forces and to discuss the preferred way of presenting the subject to the GVN.

As the result of the meeting of the President and his advisors on April 1 and the NSC meeting on the following day, I left Washington and returned to Saigon with the understanding that the reinforcement of the Marines already ashore by two additional BLT's and a F–4 squadron and the progressive introduction of IIAWPNPPP support forces were approved but that decision on the several proposals for bringing in more US combat forces and their possible modes of employment was withheld in an offensive counterinsurgency role. State was to explore with the Korean, Australian and New Zealand govts the possibility or rapid deployment of significant combat elements in parallel with the Marine reinforcement.

Since arriving home, I have received the following instructions and have taken the indicated actions with respect to third-country combat forces.

April 6 and 8. Received GVN concurrence to introduction of the Marine reinforcements and to an expanded mission for all Marines in Danang-Phu Bai area.

April 8. Received Deptel 2229 directing approach to GVN, suggesting request to Australian govt for an infantry battalion for use in SVN. While awaiting a propitious moment to raise the matter, I received Deptel 2237 directing approach be delayed until further orders. Nothing further has been received since.

April 14. I learned by JCS 009012 to Cincpac of apparent decision to deploy 173rd airborne brigade immediately to Bein Hoa-Vung Tau. By Embtel 3373, delay in this deployment was urgently recommended but no reply has been received. However, Para 2 of Doc 152339 apparently makes reference to this project in terms which suggest that is something less than as an approved immediate action. In view of the uncertainty of its status, I have not broached the matter with Quat.

April 15. Received Deptel 2314 directing that embassy Saigon discuss with GVN introduction of Rok regimental combat team and suggest GVN request such a force Asap. Because of Quat's absence from Saigon, I have not been able to raise matter. As matter of fact, it should not be raised until we have a clear concept of employment.

April 16. I have just seen state-defense message Dod 152339 cited above which indicates a favorable attitude toward several possible uses of US combat forces beyond the NSC decisions of April 2. I am told to discuss these and certain other non-military matters urgently with Quat. The substance of this cable will be addressed in a separate message. I can not raise these matters with Quat without further guidance.

Faced with this rapidly changing picture of Washington desires and intentions with regard to the introduction of third-country (as well as US) combat forces, I badly need a clarification of our purposes and objectives. Before I can present our case to GVN, I have to know what that case is and why. It is not going to be easy to get ready concurrence for the large-scale introduction of foreign troops unless the need is clear and explicit.

Let me suggest the kind of instruction to the AMB which it would be most helpful to receive for use in presenting to GVN what I take to be a new policy of third-country participation in ground combat.

"The USG has completed a thorough review of the situation in SVN both in its national and international aspects and has reached certain important conclusions. It feels that in recent weeks there has been a somewhat favorable change in the overall situation as the result of the air attacks on DRV, the relatively small but numerous successes in the field against the VC and the encouraging progress of the Quat govt. However, it is becoming increasingly clear that, in all probability, the primary objective of the GVN and the USG of changing the will of the DRV to support the VC insurgency cannot be attained in an acceptable time-frame by the methods presently employed. The air campaign in the North must be supplemented by signal successes against the VC on the South before we can hope to create that frame of mind in Hanoi which will lead to the decisions we seek.

"The JCS have reviewed the military resources which will be available in SVN by the end of 1965 and have concluded that even with an attainment of the highest feasible mobilization goals, ARVN will have insufficient forces to carry out the kind of successful campaign against the VC which is considered essential for the purposes discussed above. If the ground war is not to drag into 1966 and even beyond, they consider it necessary to reinforce GVN ground forces with about 23 battalion equivalents in addition to the forces now being recruited in SVN. Since these reinforcements can not be raised by the GVN, they must inevitably come from third-country sources.

"The USG accepts the validity of this reasoning of the JCS and offers its assistance to the GVN to raise these additional forces for the purpose of bringing the VC insurgency to an end in the shortest possible time. We are prepared to bring in additional US ground forces provided we can get a reasonable degree of participation from other third countries. If the GVN will make urgent representation to them, we believe it entirely possible to obtain the following contributions; Korea, one regimental combat team; Australia, one infantry battalion; New Zealand, one battery and one company of tanks; PI, one battalion. If forces of the foregoing magnitude are forthcoming, the USG is prepared to provide the remainder of the combat reinforcements as well as the necessary logistic personnel to support the third-country contingents. Also, it will use its good offices as desired in assisting the GVN approach to these govts.

"You (the Ambassador) will seek the concurrence of the GVN to the foregoing program, recognizing that a large number of questions such as command relationships, concepts of employment and disposition of forces must be worked out subsequently." Armed with an instruction such as the foregoing, I would feel adequately equipped to initiate what may be a sharp debate with the GVN. I need something like this before taking up the pending troop matters with Quat.

JOHNSON'S MESSAGE TO TAYLOR ON THE MAY 10 HALT IN BOMBING

(Message from President Johnson to Ambassador Taylor, May 10, 1965, as provided in the body of the Pentagon study.)

I have learned from Bob McNamara that nearly all Rolling Thunder operations for this week can be completed by Wednesday noon, Washington time. This fact and the days of Buddha's birthday seem to me to provide an

excellent opportunity for a pause in air attacks which might go into next week and which I could use to good effect with world opinion.

My plan is not to announce this brief pause but simply to call it privately to the attention of Moscow and Hanoi as soon as possible and tell them that we shall be watching closely to see whether they respond in any way. My current plan is to report publicly after the pause ends on what we have done.

Could you see Quat right away on Tuesday and see if you can persuade him to concur in this plan. I would like to associate him with me in this decision if possible, but I would accept a simple concurrence or even willingness not to oppose my decision. In general, I think it important that he and I should get together in such matters, but I have no desire to embarrass him if it is politically difficult for him to join actively in a pause over Buddha's birthday.

[Words illegible] noted your [words illegible] but do not yet have your appreciation of the political effect in Saigon of acting around Buddha's birthday. From my point of view it is a great advantage to use Buddha's birthday to mask the first days of the pause here, if it is at all possible in political terms for Quat. I assume we could undertake to enlist the Archbishop and the Nuncio in calming the Catholics.

You should understand that my purpose in this plan is to begin to clear a path either toward restoration of peace or toward increased military action, depending upon the reaction of the Communists. We have amply demonstrated our determination and our commitment in the last two months, and I now wish to gain some flexibility.

I know that this is a hard assignment on short notice, but there is no one who can bring it off better.

I have kept this plan in the tightest possible circle here and wish you to inform no one but Alexis Johnson. After I have your report of Quat's reaction I will make a final decision and it will be communicated to senior officers concerned.

ROSTOW MEMORANDUM ON "VICTORY AND DEFEAT IN GUERRILLA WARS"

(Memorandum from Walt W. Rostow, chairman of the State Department's Policy Planning Council, for Secretary of State Rusk, "Victory and Defeat in Guerrilla Wars: The Case of South Vietnam," May 20, 1965, as provided in the body of the Pentagon's study.)

In the press, at least, there is a certain fuzziness about the possibility of clear-cut victory in South Viet-nam; and the President's statement that a military victory is impossible is open to misinterpretation.

1. Historically, guerrilla wars have generally been lost or won cleanly: Greece, China mainland, North Viet-Nam, Malaya, Philippines. Laos in 1954 was an exception, with two provinces granted the Communists and a de facto split imposed on the country.

2. In all the cases won by Free World forces, there was a phase when the guerrillas commanded a good part of the countryside and, indeed, placed Athens, Kuala Lumpur, and Manila under something close to siege. They failed to win because all the possible routes to guerrilla victory were closed and, in failing to win, they lost. They finally gave up in discouragement. The routes to victory are:

a) Mao Stage Three: going to all-out conventional war and winning as in China in 1947–49;

b) Political collapse and takeover: North Viet-Nam;

c) Political collapse and a coalition government in which the Communists get control over the security machinery; army and/or police. This has been an evident Viet Cong objective in this [rest illegible].

d) Converting the bargaining pressure generated by the guerrilla forces into a partial victory by splitting the country: Laos. Also, in a sense, North Viet-Nam in 1954 and the Irish Rebellion after the First World War.

3. If we succeed in blocking these four routes to victory, discouraging the Communist force in the South, and making the continuance of the war sufficiently costly to the North there is no reason we cannot win as clear a victory in South Viet-Nam as in Greece, Malaya, and the Philippines. Unless political morale in Saigon collapses and the ARVN tends to break up, case c), the most realistic hope of the VC, should be avoidable. This danger argues for more rather than less pressure on the North, while continuing the battle in the South in such a way as to make VC hopes of military and political progress wane.

4. The objective of the exercise is to convince Hanoi that its bargaining position is being reduced with the passage of time; for even in the worst case for Hanoi, it wants some bargaining position (rather than simply dropping the war) to get U.S. forces radically reduced in South Viet-Nam and to get some minimum face-saving formula for the VC.

5. I believe Hanoi understands its dilemma well. As of early February it saw a good chance of a quiet clean victory via route c). It now is staring at quite clear-cut defeat, with the rising U.S. strength and GVN morale in the South and rising costs in the North. That readjustment in prospects is painful; and they won't in my view, accept its consequences unless they are convinced time has ceased to be their friend, despite the full use of their assets on the ground in South Viet-Nam, in political warfare around the world, and in diplomacy.

6. Their last and best hope will be, of course, that if they end the war and get us out, the political, social, and economic situation in South Viet-Nam will deteriorate in such a way as to permit Communist political takeover, with or without a revival of guerrilla warfare. It is in this phase that we will have to consolidate, with the South Vietnamese, a victory that is nearer our grasp than we (but not Hanoi) may think.

GEORGE BALL MEMO FOR JOHNSON ON "A COMPROMISE SOLUTION"

(Memorandum, "A Compromise Solution in South Vietnam," from Under Secretary of State George W. Ball for President Johnson, July 1, 1965.)

(1) A Losing War: The South Vietnamese are losing the war to the Viet Cong. No one can assure you that we can beat the Viet Cong or even force them to the conference table on our terms, no matter how many hundred thousand white, foreign (U.S.) troops we deploy.

No one has demonstrated that a white ground force of whatever size can win a guerrilla war—which is at the same time a civil war between Asians—jungle terrain in the midst of a population that refuses cooperation to the white forces (and the South Vietnamese) and thus provides a great intelligence advantage to the other side. Three recent incidents vividly illustrate this point: (a) the sneak attack on the Da Nang Air Base which involved penetration of a defense perimeter guarded by 9,000 Marines. This raid was possible only because of the cooperation of the local inhabitants; (b) the B52 raid that failed to hit the Viet Cong who had obviously been tipped off; (c) the search and destroy mission of the 173rd Air Borne Brigade which spent three days looking for the Viet Cong, suffered 23 casualties, and never made contact with the enemy who had obviously gotten advance word of their assignment.

(2) The Question to Decide: Should we limit our liabilities in South Vietnam and try to find a way out with minimal long-term costs?

The alternative—no matter what we may wish it to be—is almost certainly a protracted war involving an open-ended commitment of U.S. forces, mounting U.S. casualties, no assurance of a satisfactory solution, and a serious danger of escalation at the end of the road.

(3) Need for a Decision Now: So long as our forces are restricted to advising and assisting the South Vietnamese, the struggle will remain a civil war between Asian peoples. Once we deploy substantial numbers of troops in combat it will become a war between the U.S. and a large part of the population of South Vietnam, organized and directed from North Vietnam and backed by the resources of both Moscow and Peiping.

The decision you face now, therefore, is crucial. Once large numbers of U.S. troops are committed to direct combat, they will begin to take heavy casualties in a war they are ill-equipped to fight in a non-cooperative if not downright hostile countryside.

Once we suffer large casualties, we will have started a well-nigh irreversible process. Our involvement will be so great that we cannot—without national humilitation—stop short of achieving our complete objectives. Of the two possibilities I think humiliation would be more likely than the achievement of our objectives—even after we have paid terrible costs.

(4) Compromise Solution: Should we commit U.S. manpower and prestige to a terrain so unfavorable as to give a very large advantage to the enemy—or should we seek a compromise settlement which achieves less than our stated objectives and thus cut our losses while we still have the freedom of maneuver to do so.

(5) Costs of a Compromise Solution: The answer involves a judgment as to the cost to the U.S. of such a compromise settlement in terms of our relations with the countries in the area of South Vietnam, the credibility of our commitments, and our prestige around the world. In my judgment, if we act before we commit substantial U.S. troops to combat in South Vietnam we can, by accepting some short-term costs, avoid what may well be a long-term catastrophe. I believe we tended grossly to exaggerate the costs involved in a compromise settlement. An appreciation of probable costs is contained in the attached memorandum.

(6) With these considerations in mind, I strongly urge the following program:

(a) Military Program

(1) Complete all deployments already announced—15 battalions—but decide not to go beyond a total of 72,000 men represented by this figure.

(2) Restrict the combat role of the American forces to the June 19 announcement making it clear to General Westmoreland that this announcement is to be strictly construed.

(3) Continue bombing in the North but avoid the Hanoi-Haiphong area and any targets nearer to the Chinese border than those already struck.

(b) Political Program

(1) In any political approaches so far, we have been the prisoners of whatever South Vietnamese government that was momentarily in power. If we are ever to move toward a settlement, it will probably be because the South Vietnamese government pulls the rug out from under us and makes its own deal or because we go forward quietly without advance prearrangement with Saigon.

(2) So far we have not given the other side a reason to believe there is any flexibility in our negotiating approach. And the other side has been unwilling to accept what in their terms is complete capitulation.

(3) Now is the time to start some serious diplomatic feelers looking towards a solution based on some application of self-determination principle.

(4) I would recommend approaching Hanoi rather than any of the other probable parties, the NLF—or Peiping. Hanoi is the only one that has given any signs of interest in discussion. Peiping has been rigidly opposed. Moscow has recommended that we negotiate with Hanoi. The NLF has been silent.

(5) There are several channels to the North Vietnamese but I think the best one is through their representative in Paris, Mai Van Bo. Initial feelers of Bo should be directed toward a discussion both of the four points we have put forward and the four points put forward by Hanoi as a basis for negotiation. We can accept all but one of Hanoi's four points, and hopefully we should be able to agree on some ground rules for serious negotiation—including no preconditions.

(6) If the initial feelers lead to further secret, exploratory talks, we can inject the concept of self-determination that would permit the Viet Cong some hope of achieving some of their political objectives through local elections or some other device.

(7) The contact on our side should be handled through a non-governmental cut-out (possibly a reliable newspaper man who can be repudiated).

(8) If progress can be made at this level a basis can be laid for a multinational conference. At some point, obviously, the government of South Vietnam will have to be brought on board, but I would postpone this step until after a substantial feeling out of Hanoi.

(9) Before moving to any formal conference we should be prepared to agree once the conference is started:

(a) The U.S. will stand down its bombing of the North

(b) The South Vietnamese will initiate no offensive operations in the South, and

(c) the DRV will stop terrorism and other aggressive action against the South.

(8) The negotiations at the conference should aim at incorporating our understanding with Hanoi in the form of a multinational agreement guaranteed by the U.S., the Soviet Union and possibly other parties, and providing for an international mechanism to supervise its execution.

PROBABLE REACTIONS TO THE CUTTING OF OUR LOSSES IN SOUTH VIETNAM

We have tended to exaggerate the losses involved in a complete settlement in South Vietnam. There are three aspects to the problem that should be considered. First, the local effect of our action on nations in or near Southeast Asia. Second, the effect on our action on the credibility of our commitments around the world. Third, the effect on our position of world leadership.

A. Free Asian Reactions to a Compromise Settlement in South Vietnam Would Be Highly Parochial.

With each country interpreting the event primarily in terms of (a) its own immediate interest, (b) its sense of vulnerability to Communist invasion or insurgency, and (c) its confidence in the integrity of our commitment to its own security based on evidence other than that provided by our actions in South Vietnam.

Within this framework the following groupings emerge:

(1) The Republic of China and Thailand: staunch allies whose preference for extreme U.S. actions including a risk of war with Communist China sets them apart from all other Asian nations;

(2) The Republic of Korea and the Philippines: equally staunch allies whose support for strong U.S. actions short of a war with Communist China would make post-settlement reassurance a pressing U.S. need;

(3) Japan: it would prefer wisdom to valor in an area remote from its own interests where escalation could involve its Chinese or Eurasian neighbors or both;

(4) Laos: a friendly neutral dependent on a strong Thai-U.S. guarantee of support in the face of increased Vietnamese and Laos pressures.

(5) Burma and Cambodia: suspicious neutrals whose fear of antagonizing Communist China would increase their leaning toward Peiping in a conviction that the U.S. presence is not long for Southeast Asia; and

(6) Indonesia: whose opportunistic marriage of convenience of both Hanoi and Peiping would carry it further in its overt aggression against Malaysia, convinced that foreign imperialism is a fast fading entity in the region.

JAPAN

Government cooperation (words illegible) essential in making the following points to the Japanese people:

(1) U.S. support was given in full measure as shown by our casualties, our expenditures and our risk taking;

(2) The U.S. record in Korea shows the credibility of our commitment so far as Japan is concerned.

The government as such supports our strong posture in Vietnam but stops short of the idea of a war between the U.S. and China.

THAILAND

Thai commitments to the struggle within Laos and South Vietnam are based upon a careful evaluation of the regional threat to Thailand's security. The Thais are confident they can contain any threats from Indochina alone. They know, however, they cannot withstand the massive power of Communist China without foreign assistance. Unfortunately, the Thai view of the war has seriously erred in fundamental respects. They believe American power can do anything, both militarily and in terms of shoring up the Saigon regime. They now assume that we really could take over in Saigon and win the war if we felt we had to. If we should fail to do so, the Thais would initially see it as a failure of U.S. will. Yet time is on our side, providing we employ it effectively. Thailand is an independent nation with a long national history, and unlike South Vietnam, an acute national consciousness. It has few domestic Communists and none of the instability that plague its neighbors, Burma and Malaysia. Its one danger area in the northeast is well in hand so far as preventive measures against insurgency are concerned. Securing the Mekong Valley will be critical in any long-run solution, whether by the partition of Laos with Thai-U.S. forces occupying the western half or by some (word illegible) arrangement. Providing we are willing to make the effort. Thailand can be a foundation of rock and not a bed of sand in which to base our political/military commitment to Southeast Asia.

With the exception of the nations in Southeast Asia, a compromise settlement in South Vietnam should not have a major impact on the credibility of our commitments around the world . . . Chancellor Erhard has told us privately that the people of Berlin would be concerned by a compromise settlement of South Vietnam. But this was hardly an original thought, and I suspect he was telling us what he believed we would like to hear. After all, the confidence of the West Berliners will depend more on what they see on the spot than on (word illegible) news or events half-way around the world. In my observation, the principal anxiety of our NATO Allies is that we have become too preoccupied with an area which seems to them an irrelevance and may be tempted in neglect to our NATO responsibilities.

Moreover, they have a vested interest in an easier relationship between Washington and Moscow. By and large, therefore, they will be inclined to regard a compromise solution in South Vietnam more as new evidence of American maturity and judgment than of American loss of face . . . On balance, I believe we would more seriously undermine the effectiveness of our world leadership by continuing the war and deepening our involvement than by pursuing a carefully plotted course toward a compromise solution. In spite of the number of powers that have—in response to our pleading—given verbal support from feeling of loyalty and dependence, we cannot ignore the fact that the war is vastly unpopular and that our role in it is perceptively eroding the respect and confidence with which other nations regard use. We have not persuaded either our friends or allies that our further involvement is essential to the defense of freedom in the cold war. Moreover, the men we deploy in jungles of South Vietnam, the more we contribute to a growing world anxiety and mistrust.

[Words illegible] the short run, of course, we could expect some catcalls from the sidelines and some vindictive pleasure on the part of Europeans jealous of American power. But that would, in my view, be a transient phenomenon with which we could live without sustained anguish. Elsewhere around the world I would see few unhappy implications for the credibility of our commitments. No doubt the Communists will to gain propaganda value in Africa, but I cannot seriously believe that the Africans care too much about what happens in South Asia. Australia and New Zealand are, of course, special cases since they feel lonely in the far reaches of the Pacific. Yet even their concern is far greater with Malaysia than with South Vietnam, and the degree of their anxiety would be conditioned largely by expressions of our support for Malaysia.

[Words illegible] Quite possibly President de Gaulle will make propaganda about perfidious Washington, yet even he will be inhibited by his much-heralded disapproval of our activities in South Vietnam.

South Korea—As for the rest of the Far East the only serious point of concern might be South Korea. But if we stop pressing the Koreans for more troops to Vietnam (the Vietnamese show no desire for additional Asian forces since it affronts their sense of pride) we may be able to cushion Korean reactions to a compromise in South Vietnam by the provision of greater military and economic assistance. In this regard, Japan can play a pivotal role now that it has achieved normal relations with South Korea.

NEW WARNINGS OF FAILURE

Before the opening of the air war in the spring warnings were sounded high in the Administration that it would not succeed. Now there were warnings that a ground war in the South might prove fruitless. The warnings came not only from Under Secretary of State George W. Ball, long known as a dissenter on Vietnam, but also from John A. McCone, Director of Central Intelligence, who felt the actions planned were not strong enough.

On April 2 Mr. McCone circulated a memorandum within the National Security Council asserting that unless the United States was willing to bomb the North "with minimum restraint" to break Hanoi's will, it was unwise to commit ground troops to battle.

"In effect," he said, "we will find ourselves mired down in combat in the jungle in a military effort that we cannot win and from which we will have extreme difficulty extracting ourselves." [See text, McCone memorandum, April 2, 1965.]

It is not clear from the documentary record whether President Johnson read this particular memorandum, but the Pentagon study says Mr. McCone expressed these same views in a personal memorandum to the President on April 28.

In a separate intelligence estimate for

the President on May 6, Vice Adm. William F. Raborn Jr., Mr. McCone's successor, indicated agreement with Mr. McCone.

Mr. Ball's dissent came from the opposite side. He believed that neither bombing the North nor fighting the guerrillas in the South nor any combination of the two offered a solution and said so in a memorandum circulated on June 28, the study reports.

"Convinced that the U.S. was pouring its resources down the drain in the wrong place," the account goes on, Mr. Ball proposed that the United States "cut its losses" and withdraw from South Vietnam.

"Ball was cold-blooded in his analysis," the study continues, describing the memorandum. "He recognized that the U.S. would not be able to avoid losing face before its Asian allies if it staged some form of conference leading to withdrawal of U.S. forces. The losses would be of short-term duration, however, and the U.S. could emerge from this period of travail as a 'wiser and more mature nation.'"

BALL OFFERS "A COMPROMISE"

On July 1, the analyst says, Mr. Ball reiterated his proposal for withdrawal in a memorandum to the President entitled "A Compromise Solution for South Vietnam." [See text, Ball memorandum, July 1, 1965.]

PRIME MINISTER WILSON'S WARNING TO JOHNSON ON PETROLEUM RAIDS

(Excerpts from cablegram to President Johnson from Prime Minister Harold Wilson of Britain, June 3, 1965, as provided in the body of the Pentagon's study.)

I was most grateful to you for asking Bob McNamara to arrange the very full briefing about the two oil targets near Hanoi and Haiphong that Col. Rogers gave me yesterday. . . .

I know you will not feel that I am either unsympathetic or uncomprehending of the dilemma that this problem presents for you. In particular, I wholly understand the deep concern you must feel at the need to do anything possible to reduce the losses of young Americans in and over Vietnam; and Col. Rogers made it clear to us what care has been taken to plan this operation so as to keep civilian casualties to the minimum.

However . . . I am bound to say that, as seen from here, the possible military benefits that may result from this bombing do not appear to outweigh the political disadvantages that would seem the inevitable consequence. If you and the South Vietnamese Government were conducting a declared war on the conventional pattern . . . this operation would clearly be necessary and right. But since you have made it abundantly clear—and you know how much we have welcomed and supported this—that your purpose it to achieve a negotiated settlement, and that you are not striving for total military victory in the field, I remain convinced that the bombing of these targets, without producing decisive military advantage, may only increase the difficulty of reaching an eventual settlement . . .

The last thing I wish to add to your difficulties, but, as I warned you in my previous message, if this action is taken we shall have to disassociate ourselves from it, and in doing so I should have to say that you had given me advance warning and that I had made my position clear to you . . .

Nevertheless I want to repeat . . . that our reservations about this operation will not affect our continuing support for your policy over Vietnam, as you and your people have made it clear from your Baltimore speech onwards. But, while this will remain the Government's position, I know that the effect on public opinion in this country—and I believe throughout Western Europe—is likely to be such as to reinforce the existing disquiet and criticism that we have to deal with.

MCNAUGHTON MEMO TO GOODPASTER ON "FORCES REQUIRED TO WIN"

(Excerpts from memorandum from Assistant Secretary McNaughton to Lieut. Gen. Andrew J. Goodpaster, assistant to the Chairman of the Joint Chiefs of Staff, July 2, 1965, "Forces Required to Win in South Vietnam," as provided in the body of the Pentagon study.)

Secretary McNamara this morning suggested that General Wheeler form a small group to address the question, "If we do everything we can, can we have assurance of winning in South Vietnam?" General Wheeler suggested that he would have you head up the group and that the group would be fairly small. Secretary McNamara indicated that he wanted your group to work with me and that I should send down a memorandum suggesting some of the questions that occurred to us. Here are our suggestions:

1. I do not think the question is whether the 44-battalion program (including 3d-country forces) is sufficient to do the job although the answer to that question should fall out of the study. Rather, I think we should think in terms of the 44-battalion build-up by the end of 1965, with added forces—as required and as our capabilities permit—in 1966. Furthermore, the study surely should look into the need for forces other than ground forces, such as air to be used one way or another in-country. I would hope that the study could produce a clear articulation of what our strategy is for winning the war in South Vietnam, tough as that articulation will be in view of the nature of the problem.

2. I would assume that the questions of calling up reserves and extending tours of duty are outside the scope of the study.

3. We must make some assumptions with respect to the number of VC. Also, we must make some assumptions with respect to what the infiltration of men and material will be especially if there is a build-up of US forces in South Vietnam. I am quite concerned about the increasing probability that there are regular PAVN forces either in the II Corps area or in Laos directly across the border from II Corps. Furthermore, I am fearful that especially with the kind of build-up here envisioned, infiltration of even greater numbers of regular forces may occur. As a part of this general problem of enemy build-up, we must of course ask how much assistance the USSR and China can be expected to give to the VC. I suspect that the increased strength levels of the VC and the more "conventional" nature of the operations implied by larger force levels may imply that the often-repeated ratio of "10 to 1" may no longer apply. I sense that this may be the case in the future, but I have no reason to be sure. For example, if the VC, even with larger forces engaged in more "conventional" type actions, are able to overrun towns and disappear into the jungles before we can bring the action troops to bear, we may still be faced with the old "ratio" problem.

4. I think we might avoid some spinning of wheels if we simply assumed that the GVN will not be able to increase its forces in the relevant time period. Indeed, from what Westy has reported about the battalions being chewed up and about their showing some signs of reluctance to engage in offensive operations, we might even have to ask the question whether we can expect them to maintain present levels of men—or more accurately, present levels of effectiveness.

5. With respect to 3d-country forces, Westy has equated the 9 ROK battalions with 9 US battalions, saying that, if he did not get the former, he must have the latter. I do not know enough about ROK forces to know whether they are in all respects "equal to" US forces (they may be better in some respects and not as good in others). For purposes of the study, it might save us time if we assumed that we would get no meaningful forces from anyone other than the ROKs during the relative time frame. (If the Australians decide to send another battalion or two, this should not alter the conclusions of the study significantly.) . . .

9. At the moment, I do not see how the study can avoid addressing the question as to how long our forces will have to remain in order to achieve a "win" and the extent to which the presence of those forces over a long period of time might, by itself, nullify the "win." If it turns out that the study cannot go into this matter without first getting heavily into the political side of the question, I think the study at least should note the problem in some meaningful way.

10. I believe that the study should go into specifics—e.g., the numbers and effectiveness and uses of the South Vietnamese forces, exactly where we would deploy ours and exactly what we would expect their mission to be, how we would go about opening up the roads and providing security for the towns as well as protecting our own assets there, the time frames in which things would be done, command relationships, etc. Also, I think we should find a way to indicate how badly the conclusions might be thrown off if we are wrong with respect to key assumptions or judgments. . . .

MCNAMARA'S MEMO ON JULY 20, 1965, ON INCREASING ALLIED GROUND FORCE

(Excerpts from memorandum from Secretary McNamara for President Johnson, drafted on July 1, 1965, and revised on July 20, as provided in the body of the Pentagon's study. Paragraphs in italics are the study's paraphrase or explanation.)

In a memorandum to the President drafted on July 1 and then revised on July 20, immediately following his return from a week-long visit to Vietnam, he recommended an immediate decision to increase the U.S.-Third Country presence from the current 16 maneuver battalions (15 U.S., one Australian), and a change in the mission of these forces from one of providing support and reinforcement for the ARVN to one which soon became known as "search and destroy"—as McNamara put it, they were "by aggressive exploitation of superior military forces . . . to gain and hold the initiative . . . pressing the fight against VC–DRV main force units in South Vietnam to run them to ground and destroy them." . . .

His specific recommendations, he noted, were concurred in by General Wheeler and Ambassador-designate Lodge, who accompanied him on his trip to Vietnam, and by Ambassador Taylor, Ambassador Johnson, Admiral Sharp and General Westmoreland, with whom he conferred there. The rationale for his decisions was supplied by the CIA, whose assessment he quoted with approval in concluding that 1 July version of his memorandum. It stated:

Over the longer term we doubt if the Communists are likely to change their basic strategy in Vietnam (i.e., aggressive and steadily mounting insurgency) unless and until two conditions prevail: (1) they are forced to accept a situation in the war in the South which offers them no prospect of an early victory and no grounds for hope that they can simply outlast the US and (2) North Vietnam itself is under continuing and increasingly damaging punitive attack. So long as the Communists think they scent the possibility of an early victory (which is probably now the case), we believe that they will persevere and accept extremely severe damage to the North. Conversely, if North Vietnam itself is not hurting, Hanoi's doctrinaire leaders will probably be ready to carry on the Southern struggle almost indefinitely. If, however, both of the conditions outlined above should be brought to pass, we believe Hanoi probably would, at least for a period of time, alter its basic

strategy and course of action in South Vietnam.

McNamara's memorandum of 20 July did not include this quotation, although many of these points were made elsewhere in the paper. Instead, it concluded with an optimistic forecast:

The overall evaluation is that the course of action recommended in this memorandum—if the military and political moves are properly integrated and executed with continuing vigor and visible determination—stands a good chance of achieving an acceptable outcome within a reasonable time in Vietnam.

Never again while he was Secretary of Defense would McNamara make so optimistic a statement about Vietnam—except in public.

This concluding paragraph of McNamara's memorandum spoke of political, as well as military, "vigor" and "determination." Earlier in the paper, under the heading "Expanded political moves," he had elaborated on this point, writing:

Together with the above military moves, we should take political initiatives in order to lay a groundwork for a favorable political settlement by clarifying our objectives and establishing channels of communications. At the same time as we are taking steps to turn the tide in South Vietnam, we would make quiet moves through diplomatic channels (a) to open a dialogue with Moscow and Hanoi, and perhaps the VC, looking first toward disabusing them of any misconceptions as to our goals and second toward laying the groundwork for a settlement when the time is ripe; (b) to keep the Soviet Union from deepening its military [sic] in the world until the time when settlement can be achieved; and (c) to cement support for US policy by the US public, allies and friends, and to keep international opposition at a manageable level. Our efforts may be unproductive until the tide begins to turn, but nevertheless they should be made.

Here was scarcely a program for drastic political action. McNamara's essentially procedural (as opposed to substantive) recommendations amounted to little more than saying that the United States should provide channels for the enemy's discreet and relatively facesaving surrender when he decided that the game had grown too costly. This was, in fact, what official Washington (again with the exception of Ball) meant in mid-1965 when it spoke of a "political settlement." (As McNamara noted in a footnote, even this went too far for Ambassador-designate Lodge, whose view was that "any further initiative by us now [before we are strong] would simply harden the Communist resolve not to stop fighting." In this view Ambassadors Taylor and Johnson concurred, except that they would maintain "discreet contracts with the Soviets.")

McNamara's concluding paragraph spoke of "an acceptable outcome," Previously in his paper he had listed "nine fundamental elements" of a favorable outcome. These were:

(a) VC stop attacks and drastically reduce incidents of terror and sabotage.

(b) DRV reduces infiltration to a trickle, with some reasonably reliable method of our obtaining confirmation of this fact.

(c) US/GVN stop bombing of North Vietnam.

(d) GVN stays independent (hopefully pro-US, but possibly genuinely neutral).

(e) GVN exercises governmental functions over substantially all of South Vietnam.

(f) Communists remain quiescent-in Laos and Thailand.

(g) DRV withdraws PAVN forces and other North Vietnamese infiltrators (not regroupees) from South Vietnam.

(h) VC/NLF transform from a military to a purely political organization.

(i) US combat forces (not advisors or AID) withdraw.

HIGHLIGHTS OF THE PERIOD

"Within a month of the start of Operation Rolling Thunder, the Pentagon study says, the Johnson Administration had made the first of the decisions that were to lead, in the next months, to American assumption of the major burden of the ground war in South Vietnam.

Here, in chronological order, are the highlights of this period of debate and decision:

MARCH, 1965

First "Rolling Thunder" air strike at ammunition depot and naval base. The two Marine battalions deployed in Vietnam.

APRIL, 1965

President approves 18,000–20,000-man increase in "military support forces" and "a change of mission" for marines "to permit their more active use. . . ." Memo notes his desire for "all possible precautions" against "premature publicity" and to "minimize any appearance of sudden changes in policy."

John T. McNaughton, Assistant Secretary of Defense for International Security Affairs, urges deployment of 173d Airborne Brigade also.

Ambassador Maxwell D. Taylor, calls this "hasty and ill-conceived."

Honolulu strategy meeting, Conferees agree to urge increase to 82,000 U.S. troops.

George W. Ball, Under Secretary of State, proposes United States "cut its losses" and withdraw instead, history says.

MAY, 1955

Vietcong "summer offensive" begins, history says. About 200 Marine casualties during April, May.

JUNE, 1965

Gen. William C. Westmoreland, commander in Vietnam, says United States must "reinforce our efforts . . . as rapidly as practical." Asks total of 44 battalions.

State Department announces that United States troops are "available for combat support."

First major ground action by United States forces northwest of Saigon.

Gen. Westmoreland, in reply to Joint Chiefs, makes "big pitch . . . for a free hand to maneuver the troops around . . ." analyst says.

Ambassador Taylor "confirms the seriousness of the military situation" and "very tenuous hold" of new Government, study goes on.

General Westmoreland given authority to use U.S. forces in battle when necessary "to strengthen" South Vietnam forces.

Mr. Ball, analyst writes, opposes ground-troop increase. Says it gives "absolutely no assurance" of success, risks "costly and indeterminate struggle". Urges "base defense and reserve" strategy "while the stage was being set for withdrawal."

William Bundy, history says, urges President avoid "ultimatum aspects" of either Ball or Westmoreland proposal. Says United States troops should be held to supporting "reserve reaction" role.

JULY, 1965

President at first approves deployment of 34 battalions, about 100,000 men; 44 battalions finally agreed on; total 193,887 troops.

History says this decision "perceived as a threshold—entrance into Asian land war . . ."

By year's end, history notes, United States forces in South Vietnam total 184,314.

CONFUSION AND SUSPICION

There was some confusion, suspicion and controversy about the President's approval of an 18,000–20,000 increase in support troops, which, he explained, was meant "to fill out existing units and supply needed logistic personnel."

On April 21, Secretary McNamara told the President that 11,000 of these new men would augment various existing forces, while 7,000 were logistic troops to support "previously approved forces."

"It isn't entirely clear from the documents exactly what the President did have in mind for the support troop add-ons," the study comments. "What is clear, however, . . . was that the J.C.S. were continuing to plan for the earliest possible introduction of two to three divisions into RVN." The analyst cites a memorandum from Mr. McNamara to General Wheeler on April 6 as evidence of this planning.

Later, on May 5, the study continues, Assistant Secretary of Defense, McNaughton would send a memorandum to Deputy Secretary of Defense Cyprus Vance, saying that "the J.C.S. misconstrued the [support] add-ons to mean logistic build-up for coastal enclaves and the possible later introduction of two to three divisions." (These were the divisions the Joint Chiefs had requested on March 20.)

RELATIVELY LOW RISK

The enclave stragtegy had as its object the involvement of United States combat units at "relatively low risk." It proposed that U.S. troops occupy coastal enclaves, accept full responsibility for enclave security, and be prepared to go to the rescue of the RVNF as far as 50 miles outside the enclave. . . .The intent was not to take the war to the enemy but rather to deny him certain critical areas," the study says.

To prove the viability of its reserve reaction," the analyst goes on, the enclave strategy required testing, but the rules for committing United States troops under it had not been worked out by the time it was overtaken by events—a series of major military victories by the Vietcong in May and June that led to the adoption of the search-and-destroy strategy.

Search and destroy, the analyst says, was "articulated by Westmoreland and the J.C.S. in keeping with sound military principles garnered by men accustomed to winning. The basic idea . . . was the desire to take the war to the enemy, denying him freedom of movement anywhere in the country . . . and deal him the heaviest possible blows." In the meantime, the South Vietnamese Army "would be free to concentrate their efforts in populated areas."

From April 11 through April 14, the additional two marine battalions were deployed at Hue-Phubai and at Danang, bringing the total maneuver battalions to four.

"The marines set about consolidating and developing their two coastal base areas, and, although they pushed their patrol perimeters out beyond their tactical wire and thereby conducted active rather than passive defense, they did not engage in any offensive operations in support of ARVN for the next few months," the study says.

At this point, the Defense Department, the Joint Chiefs and General Westmoreland collaborated—as it turned out, successfully—in what the study calls "a little cart-before-horsemanship." It involved the deployment to South Vietnam of the 173d Airborne Brigade, two battalions that were then situated on Okinawa in a reserve role.

General Westmoreland had had his eye on the 173d for some time. On March 26, in his "Commander's Estimate of the Situation," in which he requested the equivalent of two divisions, he also recommended that the 173d Airborne Brigade be deployed to the Bienhoa-Vungtau areas "to secure vital U.S. installations." This recommendation, like that for two divisions, was not acted upon by the National Security Council in the April 1–2 meeting.

On April 11, General Westmoreland cabled Admiral Sharp, the Pacific commander, that he understood from the National Security Council's meetings and Ambassador Taylor's discussions in Washington at the beginning of the month that his requested divisions were not in prospect. But, he said, he still wanted the 173d Airborne Brigade.

AHEAD IN TWO AREAS

This message, the study says, set in motion "a series of cables, proposals and false starts which indicated that Washington was well ahead of Saigon in its planning and in its anxiety."

The upshot of all this communication was that at a meeting in Honolulu of representatives of the Joint Chiefs and the Pacific command from April 10 to April 12, the deployment of the 173d Airborne Brigade was recommended. On April 14, the Joint Chiefs of Staff ordered the deployment to Bienhoa-Vungtau, and the replacement of the brigade by one from the United States.

"This decision to deploy the 173d apparently caught the Ambassador flatfooted," the study says, "for he had quite obviously not been privy to it."

On the day of the Joint Chiefs' decision, Ambassador Taylor cabled the State Department that "this [decision on the deploying the brigade] comes as a complete surprise in view of the understanding reached in Washington [during his visit] that we would experiment with the marines in a counterinsurgency role before bringing in other U.S. contingents." He asked that deployment of the brigade be held up until matters were sorted out.

However, the study notes, Ambassador Taylor "held the trump card" because the proposed action had to be cleared with Premier Quat, and General Taylor told his superiors on April 17 that he did not intend to tell the Premier "without clearer guidance explaining Washington's intentions." [See text, Taylor cable, April 17, 1965.]

"That Washington was determined, with the President's sanction, to go beyond what had been agreed to and formalized in NSAM 328 was manifested unmistakably in a cable under joint Defense/State auspices by Mr. McNaughton to the Ambassador on 15 April," the Pentagon study says.

In the cablegram, Mr. McNaughton said: "Highest authority [the President] believes the situation in South Vietnam has been deteriorating and that, in addition to actions against the North, something new must be added in the South to achieve victory." He then listed seven recommended actions, including the introduction of military-civil affairs personnel into the air effort and the deployment of the 173d Airborne Brigade to Bienhoa-Vungtau "as a security force for our installations and also to participate in counterinsurgency combat operations" according to General Westmoreland's plans.

Reacting to that cable on April 17, Ambassador Taylor protested to McGeorge Bundy in the White House against the introduction of military-civilian affairs personnel into the aid effort. The Ambassador's cablegram continued by saying that the McNaughton message "shows a far greater willingness to get into the ground war than I had discerned in Washington during my recent trip."

"Mac, can't we be better protected from our friends?" the Ambassador asked. "I know that everyone wants to help, but there's such a thing as killing with kindness." [See text, Taylor cable, April 17.]

EXACT DATE IS UNCERTAIN

Discussing the contretemps between the Pentagon and General Taylor, the study says: "The documents do not reveal just exactly when Presidential sanction was obtained for the expanded scope of the above [McNaughton] proposals. It is possible that [on the approval for deploying the brigade] the Ambassador may have caught the Defense Department and the J.C.S. in a little cart-before-horsemanship."

In any event, on April 15, the day after it had ordered the deployment of the brigade, the J.C.S. sent a memorandum to Secretary McNamara dealing with the Ambassador's objections and still insisting that the brigade was needed.

"Whether or not the J.C.S. wrote that memorandum with red faces," the study remarks, "the Secretary of Defense dates approval for final deployment of the 173d as of the 30th of April."

PRESSURE FROM MILITARY

The strategy of base security having been ended by National Security Action Memorandum 328, a high-level meeting began in Honolulu on April 20 to "sanctify" and "structure", as the Pentagon analyst puts it "an expanded enclave strategy."

Present at the meeting were Secretary of Defense McNamara; William Bundy, Assistant Secretary of State for Far Eastern Affairs; Assistant Secretary of Defense McNaughton; Ambassador Taylor; Admiral Sharp; Gen. Earle G. Wheeler, Chairman of the Joint Chiefs, and General Westmoreland.

"Some of these men had helped produce the current optimism in situation reports and cables," the Pentagon study says, "and yet the consensus of their meeting was that the then-present level of Vietcong activity was nothing but the lull before the storm.

The situation which presented itself to the Honolulu conferees was in many ways the whole Vietnam problem in microcosm. What was needed to galvanize everyone to action was some sort of dramatic event within South Vietnam itself. Unfortunately, the very nature of the war precluded the abrupt collapse of a front or the loss of large chunks of territory in lighting strokes by the enemy. The enemy in this war was spreading his control and influence slowly and inexorably but without drama. The political infrastructure from which he derived his strength took years to create, and in most areas the expansion of control was hardly felt until it was a fait accompli."

IN A REAR-GUARD ACTION

Of the conferees, the study says, "by far the most dogged protagonist of the enclave strategy was Ambassador Taylor." It had already become apparent, however, and was to become manifestly clear at Honolulu, that the Ambassador was fighting a rear-guard action against both civilian and military officials in the Pentagon and were bent on expansion of U.S. forces in South Vietnam and an enlargement of their combat mission.

On March 18, in a message to Washington, Ambassador Taylor had suggested that if a division were sent to South Vietnam as had been proposed by the Army Chief of Staff, Gen. Harold K. Johnson, then consideration should be given to deploying it in either a highland or coastal enclave.

When he got no response, Ambassador Taylor sent another message on March 27, stating that if United States forces were to come, his preference was, as the study says, that they be used in a combination of defensive or offensive enclave plus reserve for an emergency, rather than in "territorial clear and hold" operations.

The Ambassador, the study notes, interpreted the pivotal National Security Action Memorandum as supporting his position, because in it the President seemed to make plain that he "wanted to experiment very carefully with a small amount of force before deciding whether or not to accept any kind of ground war commitment."

FOR GUERRILLAS, TANKS

Therefore, the study says, "the Ambassador was surprised to discover that the marines [the two additional battalions that landed April 11–14] had come ashore with tanks, self-propelled artillery, and various other items of weighty equipment not 'appropriate for counterinsurgency operations.'"

In his April 17 cable to McGeorge Bundy, Ambassador Taylor had also protested the "hasty and ill-conceived" proposals for the deployment of more forces with which he was being flooded.

"Thus was the Ambassador propelled into the conference of 20 April 1965, only one step ahead of the Washington juggernaut, which was itself fueled by encouragement from Westmoreland in Saigon," the study comments. "Taylor was not opposed to the U.S. build-up *per se*, but rather was concerned to move slowly with combat troop deployments . . . He was overtaken in Honolulu."

According to Mr. McNaughton's minutes, the conference in preliminary discussions on April 20 agreed that:

"(1) The D.R.V. was not likely to quite within the next six months; and in any case, they were more likely to give up because of VC failure in the South than because of bomb-induced 'pain' in the North. It could take up to two years to demonstrate VC failure.

"(2) The level of air activity through Rolling Thunder was about right. The U.S. did not, in Ambassador Taylor's words, want 'to kill the hostage.' Therefore, Hanoi and environs remained on the restricted list. It was recognized that air activity would not do the job alone.

"(3) Progress in the South would be slow, and great care should be taken to avoid dramatic defeat. The current lull in Vietcong activity was merely the quiet before a storm.

"(4) The victory strategy was to 'break the will of the D.R.V./VC by denying them victory.' Impotence would lead eventually to a political solution."

6,700 MEN BELOW STRENGTH

At the time of the Honolulu conference, the study notes, "the level of approved U.S. forces for Vietnam was 40,200,'" but 33,500 were actually in the country at that time.

"To accomplish the 'victory strategy' described above," the study continues, the conferees agreed that U.S. ground forces should be increased from 4 to 13 maneuver battalions and to 82,000 men. The United States, they agreed, should also seek to get additional troops from Australia and South Korea that would bring the so-called third-country strength to four maneuver battalions and 7,250 men.

Thus, the Honolulu conferees proposed raising the recommended United States-third country strength to 17 battalions.

The conferees also mentioned but did not recommend a possible later deployment of 11 U.S. and 6 South Korean battalions, which, when added to the approved totals, would bring the United States-third country combat capability to 34 battalions. In this later possible deployment was included an Army airmobile division.

Secretary McNamara forwarded the Honolulu recommendations to the President on April 21, together with a notation on possible later deployment of the airmobile division and the Third Marine Expeditionary Force.

DETAILED DEPLOYMENT PLAN

On April 30 the Joint Chiefs presented a detailed program for deployment of some 48,000 American and 5,250 third-country soldiers. "Included were all the units mentioned in the Honolulu recommendations plus a healthy support package," the study says.

The Joint Chiefs said that these additional forces were "to bolster GVN forces during their continued build-up, secure bases and installations, conduct counterinsurgency combat operations in coordination with the RVNAF, and prepare for the later introduction of an airmobile division to the central plateau, the remainder of the third M.E.F. (the marine force) to the Danang area, and the remainder of a ROK (Republic of Korea) division to Quangngai."

From the thrust of this memorandum by the Joint Chiefs, the analyst comments, "it is apparent that the enclave strategy was

no stopping place as far as the Chiefs were concerned. They continued to push hard for the earliest possible input of three full divisions of troops. They were still well ahead of the pack in that regard."

THE ENEMY RESPONDS

The question of final Presidential approval of the 17-battalion recommendations now became academic as the enemy started attacks that provided the Pentagon and General Westmoreland with a battlefield rationale for their campaign to have American troops take over the major share of the ground war.

As the manpower debates continued in March and April, the study portrays the military situation: "The Vietcong were unusually inactive throughout March and April. There had been no major defeat of the enemy's forces and no signs of any major shift in strategy on his part. Hence it was assumed that he was merely pausing to regroup and to assess the effect of the changed American participation in the war embodied in air strikes and in the marines." the first two battalions deployed at Danang on March 8.

"There were, however, plenty of indications in the early spring of 1965 of what was to come," the study continues. . . . "From throughout the country came reports that Vietcong troops and cadres were moving into central Vietnam and into areas adjacent to the ring of provinces . . . around Saigon."

"A SOBERING HARBINGER"

"Finally and most ominous of all," the study says, a memorandum by the Central Intelligence Agency and the Defense Intelligence Agency on April 21, 1965, "reflected the acceptance into the enemy order of battle of one regiment of the 325th PAVN [People's Army of Vietnam] division said to be located in Kontum province. The presence of this regular North Vietnamese unit, which had been first reported as early as February, was a sobering harbinger. . . ."

On May 11, when the Vietcong attacked Songbe, the capital of Phuclong Province, using more than a regiment of troops, "the storm broke in earnest," the study says. The enemy overran the town and the American advisers' compound, causing heavy casualties. After holding the town for a day, the Vietcong withdrew, the study relates.

Later in May, in Quangngai Province in the northern part of South Vietnam, a battalion of Government troops—the Army of the Republic of Vietnam—was ambushed and overrun near Bagia, west of Quangngai. Reinforcements were also ambushed.

"The battle," the study says, "dragged on for several days and ended in total defeat for the ARVN. Two battalions were completely decimated. . . . From Bagia came a sense of urgency, at least among some of the senior U.S. officers who had been witness to the battle."

TWO REGIMENTS ATTACK

Then in June, two Vietcong regiments attacked an outpost at Dongxoai and when Government reinforcements were committed "piecemeal" they were "devoured by the enemy" the Pentagon study says.

"By mid-June, 1965," it asserts, "the Vietcong summer offensive was in full stride." By mid-July, the Vietcong were "systematically forcing the GVN to yield what little control it still exercised in rural areas outside the Mekong Delta."

On June 7, after the attack on Bagia, General Westmoreland sent a long message on the military situation and his needs to the Pacific Commander for relay to the Joint Chiefs.

"In pressing their campaign," the general said, "the Vietcong are capable of mounting regimental-size operations in all four ARVN corps areas, and at least battalion-sized attack in virtually all provinces.

"ARVN forces on the other hand are already experiencing difficulty in coping with this increased VC capability. Desertion rates are inordinately high. Battle losses have been higher than expected; in fact, four ARVN battalions have been rendered ineffective by VC action in the I and II Corps zones. . . .

"Thus, the GVN/VC force ratios upon which we based our estimate of the situation in March have taken an adverse trend. You will recall that I recommended the deployment of a U.S. division in II Corps to cover the period of the RVNAF build-up and to weight the force ratios in that important area. We assumed at that time that the ARVN battalions would be brought to full strength by now and that the force build-up would proceed on schedule. Neither of these assumptions has materialized. . . .

"In order to cope with the situation outlined above, I see no course of action open to us except to reinforce our efforts in SVN with additional U.S. or third country forces as rapidly as is practical during the critical weeks ahead."

THE "44-BATTALION REQUEST"

What General Westmoreland asked for added up to a total force of 44 battalions and the June 7 message became known as the "44-battalion request."

Just as intense internal debate was beginning on the request, there was a "credibility" flare-up deriving from President Johnson's injunction of secrecy on the change of missions for the marines authorized on April 1 in National Security Action Memorandum 328.

"The long official silence between the sanction for U.S. offensive operations contained in NSAM 328 and the final approval [in negotiations with Saigon] of the conditions under which U.S. troops could be committed was not without cost," the study asserts. "The President had admonished each of the N.S.C. members not to allow release of provisions of the NSAM, but the unduly long interregnum inevitably led to leaks." In addition, the marines had 200 casualties, including 18 killed, as they went about "tidying up," as the study puts it, their newly assigned area in April and May.

"The Commandant of the Marine Corps," the study continues, "raised the tempo of speculation by saying to the press during an inspection trip to Vietnam in April that the marines were not in Vietnam to 'sit on their dittyboxes'—and they were there to 'kill Vietcong.'

"An honest and superficially innocuous statement by Department of State Press Officer Robert McCloskey on 8 June to the effect that 'American forces would be available for combat support together with Vietnamese forces when and if necessary' produced an immediate response [in the press].

"BY ITS OWN PETARD"

"The White House was hoisted by its own petard. In an attempt to quell the outcry, a statement was issued on the 9th of June which, because of its ambiguity, only served to exacerbate the situation and to widen what was being described as 'the credibility gap'."

The White House statement said: "There has been no change in the mission of United States ground combat units in Vietnam in recent days or weeks. The President has issued no order of any kind in this regard to General Westmoreland recently or at any other time. The primary mission of these troops is to secure and safeguard important military installations like the air base at Danang. They have the associated mission of . . . patrolling and securing actions in and near the areas thus safeguarded.

"If help is requested by the appropriate Vietnamese commander, General Westmoreland also has authority within the assigned mission to employ those troops in support of Vietnamese forces faced with aggressive attack when other effective reserves are not available and when, in his judgment, the general military situation urgently requires it."

Discussing this statement, the Pentagon analyst says: "The documents do not reveal whether or not the ground rules for engagement of U.S. forces had actually been worked out to everyone's satisfaction at the time of the White House statement. There is good indication that they had not." The analyst also notes that during the battles of Bagia and Dongxoai, the Government forces "were desperately in need of assistance," but that United States forces were not committed although the marines were available for Bagia and the 173d Airborne Brigade for Dongxoai.

THE FIRST MAJOR ACTION

The study reports that the first major ground action by United States forces took place northwest of Saigon from June 27 to June 30, and involved the 173d Airborne Brigade, an Australian battalion and South Vietnamese forces.

"The operation could by no stretch of definition have been described as a reserve reaction," the study says. "It was a search and destroy operation into Vietcong base areas. . . . The excursion was a direct result of the sanction given to General Westmoreland . . . [as a result of National Security Action Memorandum 328 and the enemy offensive] to 'commit U.S. troops to combat, independent of or in conjunction with GVN forces in any situation in which the use of such troops is requested by an appropriate GVN commander and when in [General Westmoreland's] judgment, their use is necessary to strengthen the relative position of GVN forces'."

However, as the study notes, "At that juncture the 44-battalion debate was in full swing and the enclave strategy, as a means to limit the amount and use of U.S. combat force in Vietnam, was certainly overcome by events." and by "a much more ambitious strategy sanctioned by the President."

Recapitulating the situation just before the debate, the study gives this picture of deployment: At the beginning of June, the enclave strategy was in its first stages with Marine Corps forces at Phubai, Danang and Chulai, and Army forces in Vungtau. Other enclaves were under consideration. Approved for deployment—but not all arrived in South Vietnam yet—were approximately 70,000 troops in 13 maneuver battalions; with third-country forces the total came to 77,250 men and 17 maneuver battalions.

This was the situation when, on June 7, General Westmoreland asked for reinforcements "as rapidly as possible."

General Westmoreland's message, the Pentagon study says, "stirred by a veritable hornet's nest in Washington," because his request for large reinforcements and his proposed strategy to go on the offensive "did not contain any of the comfortable restrictions and safeguards which had been part of every strategy debated to date."

"In such a move," the study continues "the specter of U.S. involvement in a major Asian ground war was there for all to see."

Just as Ambassador Taylor had consistently resisted involvement of United States forces, the study says, so General Westmoreland had been equally determined to get the troops into the war and have "a free hand" in using them.

At the time of his message, the general had available in Vietnam seven Marine and 2 Army maneuver battalions, plus an Australian battalion. Now, he was asking for a total of 33 battalions, and if the 173d Airborne Brigade's two battalions—which were on temporary assignment—were added, the total came to 35. But in a subparagraph, General Westmoreland also identified nine other United States battalions that he might request at a later date. Thus the total of 44 battalions, and hence the name given the request. In the total was included an airmobile division of nine battalions to be formed later.

Admiral Sharp favored the request in a message to the Joint Chiefs on June 7, saying, "We will lose by staying in enclaves defending coastal areas."

THE CHIEFS IN FAVOR

The Joint Chiefs, the Pentagon analyst says, favored bolstering the United States troop commitment. As far back as March 20, the Joint Chiefs had advocated sending three divisions—two American and one Korean—with the objective of "destroying the Vietcong."

Now, the study states, General Westmoreland's request "altered drastically the role of the J.C.S. in the buildup debate.

"Up to that time," the study continues, "the J.C.S. had, if anything, been ahead of General Westmoreland in advocating allied forces for Vietnam. The 27 battalions of their three-division plan were in themselves more than Westmoreland ever requested until 7 June. After that date, the big push came from Westmoreland in Saigon, and the J.C.S. were caught in the middle between the latter and the powerful and strident opposition his latest request for forces had surfaced in Washington."

On June 11, the Joint Chiefs cabled Admiral Sharp that something less than General Westmoreland's request was close to approval, but they wanted to know, the study says, "where Westmoreland intended to put this force in Vietnam."

He replied on June 13 in detail and the study comments: "This message was extremely important, for in it [he] spelled out the concept of keeping U.S. forces away from the people. The search and destroy strategy for U.S. and third country forces which continues to this day and the primary focus of RVNAF on pacification both stem from that concept. In addition, Westmoreland made a big pitch in this cable for a free hand to maneuver the troops around inside the country. . . ."

CONFIRMATION BY TAYLOR

Ambassador Taylor, in a report on June 17, "confirmed the seriousness of the military situation as reported by General Westmoreland and also pointed up the very tenuous hold the new government had on the country." This was the Government of President Nguyen Van Thieu and Premier Nguyen Cao Ky.

"This report apparently helped to remove the last obstacles to consideration of all of the forces mentioned in Westmoreland's request of 7 June," the analyst says.

On June 22, General Wheeler cabled General Westmoreland and asked if the 44 battalions were enough to convince the enemy forces that they could not win. General Westmoreland replied, the study says, "that there was no evidence the VC/DRV would alter their plans regardless of what the U.S. did in the next six months."

"The 44-battalion force should, however, establish a favorable balance of power by the end of the year," the study quotes the general as having said. "If the U.S. was to seize the initiative from the enemy, then further forces would be required into 1966 and beyond. . . ."

On June 26, the general was given authority to commit U.S. forces to battle when he decided they were necessary "to strengthen the relative position of GVN forces."

"This was about as close to a free hand in managing the forces as General Westmoreland was likely to get," the analyst says. "The strategy was finished, and the debate from then on centered on how much force and to what end."

DIVERGENT VIEWS AT HOME

The opposition to General Westmoreland had "its day in court," late in June and early in July, the study says. The embassy in Saigon, "while recognizing the seriousness of the situation in South Vietnam, was less than sanguine about the prospects for success if large numbers of foreign troops were brought in."

Another critic of General Westmoreland's recommendations, the account reports, was Under Secretary of State Ball who was "convinced that the U.S. was pouring its resources down the drain in the wrong place."

"In Ball's view," the account continues, "there was absolutely no assurance that the U.S. could with the provision of more ground forces achieve its political objectives in Vietnam. Instead, the U.S. risked involving itself in a costly and indeterminate struggle. To further complicate matters, it would be equally impossible to achieve political objectives by expanding the bombing of the North. . . ."

WILLIAM BUNDY IN THE MIDDLE

Assistant Secretary William P. Bundy, the study says, "like so many others found himself in between Westmoreland and Ball."

In a memorandum to the President on July 1, Mr. Bundy gave his position, as summarized in the Pentagon study:

"The U.S. needed to avoid the ultimatum aspects of the 44 battalions and also the Ball withdrawal proposal. . . . The U.S. should adopt a policy which would allow it to hold on without risking dicasters of scale if the war were lost despite deployment of the full 44 battalions. For the moment, according to Bundy, the U.S. should complete planned deployments to bring in-country forces to 18 maneuver battalions and 85,000 men. . . . The forces in Vietnam, which Bundy assumed would be enough to prevent collapse, would be restricted to reserve reaction in support of RVNAF. This would allow for some experimentation without taking over the war effort—a familiar theme." [See text, George Ball memo, July 1.]

As for Secretary McNamara's views, the study comments: "It is difficult to be precise about the position of the Secretary of Defense during the build-up debate because there is so little of him in the files."

"There are plenty of other indications in the files that the Secretary was very carefully and personally insuring that the Defense Establishment was ready to provide efficient and sufficient support to the fighting elements in Vietnam," the study continues. "From the records, the Secretary comes out much more clearly for good management than he does for any particular strategy."

The Secretary went to South Vietnam for a four-day inspection starting July 16. The study says that while he was in Saigon on July 17, he received a cable from Deputy Secretary of Defense Vance informing him that the President had decided to go ahead with the plan to deploy 34 battalions.

"The debate was over," the analyst says. "McNamara left Saigon bearing Westmoreland recommendations for an even greater increase in forces. . . ."

The study says 34 battalions. This is not entirely clear, because in his request General Westmoreland had asked for a total of 33, and if the battalions of the 173d Airborne Brigade were added, the total would be 35. The explanation apparently is that when the Airmobile Division was finally organized, it had eight rather than nine battalions. The 34 battalions were, of course, to be supplied immediately. The nine others were to be requested later if needed.

The Pentagon analyst apparently did not have access to White House memoranda, so he is able to give only a sketchy account of Mr. Johnson's role. But he says: "There is no question that the key figure in the early 1965 buildup was the President."

On May 4, the President asked Congress for a $700-million supplemental appropriation "to meet mounting military requirements in Vietnam."

"Nor can I guarantee this will be the last request," he said in a message. "If our need expands I will turn again to the Congress. For we will do whatever must be done to insure the safety of South Vietnam from aggression. This is the firm and irrevocable commitment of our people and nation."

On July 28, the President held a press conference in which he said, "The lesson of history dictated that the U.S. commit its strength to resist aggression in South Vietnam."

As for the troop increases, the President said:

"I have asked the commanding general, General Westmoreland, what more he needs to meet this mounting aggression. He has told me. We will meet his needs.

"I have today ordered to Vietnam the Airmobile Division and certain other forces which will raise our fighting strength from 75,000 to 125,000 men almost immediately. Additional forces will be needed later, and they will be sent as requested . . .

"I have concluded that it is not essential to order Reserve units into service now."

"IT DOES NOT IMPLY CHANGE"

During the questioning after the announcement, this exchange took place:

"Q. Mr. President, does the fact that you are sending additional forces to Vietnam imply any change in the existing policy of relying mainly on the South Vietnamese to carry out offensive operations and using American forces to guard installations and to act as emergency back-up?

"A. It does not imply any change in policy whatever. It does not imply change of objective."

On July 30, the Joint Chiefs approved 44 maneuver battalions for deployment, involving a total of 193,887 United States troops. By the end of the year, United States forces in South Vietnam numbered 184,314.

"The major participants in the decision knew the choices and understood the consequences," the study says in summation. The decision taken in mid-July to commit 44 battalions of troops to battle in South Vietnam "was perceived as a threshold—entrance into an Asian land war. The conflict was seen to be long, with further U.S. deployments to follow. The choice at that time was not whether or not to negotiate, it was not whether to hold on for a while or let go—the choice was viewed as winning or losing South Vietnam."

Cancer: Crusade to conquer, E5446.

Accompanying this decision to give General Westmoreland enough troops to embark on the first phase of his search-and-destroy strategy "was a subtle change of emphasis," the study says.

"Instead of simply denying the enemy victory and convincing him that he could not win, the thrust became defeating the enemy in the South. This was sanctioned implicitly as the only way to achieve the U.S. objective of a non-Communist South Vietnam.

"The acceptance of the search-and-destroy strategy . . . left the U.S. commitment to Vietnam open-ended. The implications in terms of manpower and money are inescapable.

"Final acceptance of the desirability of inflicting defeat on the enemy rather than merely denying him victory opened the door to an indeterminate amount of additional force."

Precisely what President Johnson and Secretary of Defense McNamara expected their decisions of July to bring within the near term "is not clear," the study says, "but there are manifold indications that they were prepared for a long war."

NEW YORK TIMES ENDORSES THE MCGOVERN-HATFIELD AMENDMENT

Mr. McGOVERN. Mr. President, I was pleased to see in today's New York Times that the editors of that paper

have endorsed the McGovern-Hatfield amendment, which is scheduled to come to a vote in the Senate tomorrow.

The Times has long been advocating negotiations as the course we should follow in withdrawing from Vietnam. That is a position shared by many Members of the U.S. Senate and with which I can have a great deal of sympathy. But, as the New York Times points out, the administration has failed to adopt a realistic negotiating position. The Times notes:

> But as long as Mr. Nixon follows his present policy of withdrawing troops while pursuing the elusive goal of security for Saigon, it is the President who is giving away leverage while holding the prisoners hostage to an interminable conflict.

The New York Times editorial goes right to the heart of the present debate on the McGovern-Hatfield amendment. We know that the President's Vietnamization policy has not brought the return of one single prisoner of war. We know that the other side has offered to return our prisoners if we will set a withdrawal date.

The choice before us lies between despair of bringing our prisoners home and hope that the words "home for Christmas" can be made a reality.

Sponsors of the McGovern-Hatfield amendment appreciate the support of the New York Times, and I commend their editorial to the attention of the Senate.

Mr. President, I ask unanimous consent that the Times' editorial "Withdrawal When?" be printed at this point in the RECORD.

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

WITHDRAWAL WHEN?

The brusque rejection by the White House of former Defense Secretary Clark M. Clifford's proposal to set a fixed date for withdrawal of all American forces from Indochina in return for the release of American prisoners reinforces doubts about the Administration's policies in respect both to negotiation and Vietnamization.

White House spokesmen argue that Communist negotiators in Paris have not yet agreed to do anything more than *discuss* prisoner release after a withdrawal date has been set. But the Administration is evidently unwilling to test the contention of Mr. Clifford and others that Hanoi is indeed ready to accept such an arrangement. Furthermore, the President seems clearly to believe that the United States has not redeemed a pledge on which he has previously insisted as a condition of American withdrawal: "that we give the South Vietnamese a reasonable chance to defend themselves against Communist aggression." Many millions of Americans, including this newspaper, believe on the contrary that the United States long ago more than fulfilled whatever obligations it may have had in this respect.

If, after years of deep and direct American commitment, a one-million-man South Vietnamese army, trained and equipped by the United States, cannot now deal with a numerically inferior foe, it never will. The President's insistence that ultimate American withdrawal be contingent upon South Vietnamese self-sufficiency is a formula for indefinite involvement.

Speaking for the Administration in Senate debate the other day, Senator Dole of Kansas charged that the McGovern-Hatfield amendment, which in its present form closely parallels Mr. Clifford's proposal, would give away the leverage the President still possessed to obtain release of American prisoners. This might be a persuasive argument if realistic negotiations were going on for prisoner release. But as long as Mr. Nixon follows his present policy of withdrawing troops while pursuing the elusive goal of security for Saigon, it is the President who is giving away leverage while holding the prisoners hostage to an interminable conflict.

The failure of the Administration to adopt a more realistic negotiating position, as advocated by Mr. Clifford and others, materially strengthens the argument of supporters of the McGovern-Hatfield amendment, which will be voted on tomorrow in the Senate. Under the circumstances, while retaining our belief that negotiation represents the preferable way of terminating hostilities, we have been driven to the conclusion that the amendment ought to be approved as an expression by the Senate of this country's determination to bring an honorable and speedy end to this futile, wasteful and divisive war.

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

EXHIBIT 1

STATEMENT BY W. AVERELL HARRIMAN

Mr. CHAIRMAN: I appreciate greatly the opportunity to testify before this Committee on the subject of ending the war in Vietnam. The President's program of Vietnamization is one of perpetuation rather than termination of the fighting. Therefore I feel strongly that the Congress must take action if the objective of ending this tragic war is to be achieved.

Looking back, it seems apparent that we should not have become so involved. President Roosevelt stated in my presence on several occasions during World War II that he had no intention of allowing the French to return to Indochina. He sent an order to the Pentagon not to make plans for this area after the defeat of Japan, but he did not define the political moves he had in mind.

Unfortunately, the French were allowed back and failed in their attempt to come to an agreement for the independence of Indochina. As the French war in Indochina grew, we gave them increasing military assistance.

Even more unfortunately, when French military efforts failed and Ho Chi Minh's forces got control of North Vietnam through the Geneva Accords of 1954, we took over from France in South Vietnam and undertook political, economic and military responsibilities to support the Diem regime. To do our military justice, I understood that General J. Lawton Collins, forcer Chief of Staff of the United States Army, cautioned that the situation in South Vietnam might not be militarily viable. But step by step we became more and more involved. Our position now is untenable.

The choice of ending the war is not, as the President asserts, between his policy of Vietnamization of the war as one alternative and "bugging out" as the other. There can and should be a viable policy of responsible prompt withdrawal.

The first step is to negotiate with the other side for the safe withdrawal of all American forces by a definite date, preferably the end of this year. Since the President, in defiance of the desire of the great majority of the American people, refuses to follow this course, I strongly believe that the situation is so serious and the need for prompt action so overwhelming that the Congress should assert its constitutional authority to control the expenditure of funds to compel complete withdrawal. This would force the administration to enter negotiations for such withdrawal.

Obviously, in the negotiations for the withdrawal of our forces, specific arrangements should be made for their safe departure. Both North Vietnam and the National Liberation Front have stated that this could be done.

Secondly, of prime importance is the negotiation of an agreement on the release of our men who are prisoners of war. This must be accomplished before the final withdrawal of our forces. The normal time for the return of prisoners is when the fighting stops. Continuing the war through Vietnamization would condemn our prisoners to continuing captivity.

The President constantly attempts to justify his expansion and continuation of the war as necessary to protect American lives and to obtain the release of our prisoners of war. Surely the way to save American lives is to end the fighting, bring the troops home safely, and secure freedom for the prisoners. We should not depend on assurances by the other side. If their actions are not satisfactory, the scheduled withdrawal would not be carried out.

The third subject on which agreement should be reached would be to provide that there be no reprisals by either side against adherents of the other, with some form of international supervision. This is one of the points that the other side has proposed. Arrangements should be considered for appropriate asylum for some.

The future of South Vietnam should be left to negotiations among the Vietnamese themselves. Unfortunately, the evidence indicates that the Thieu Government is not interested in a compromise settlement. In late October of 1968, an understanding was reached with the North Vietnamese that permitted President Johnson to stop the bombing of the north and provided for the beginning of substantive talks which would include the Thieu Government and the NLF. One of the essential points on which it was most difficult to obtain agreement from the North Vietnamese was the participation of the Saigon Government. However, to President Johnson's surprise, President Thieu at the very last moment refused to participate. We were aghast in Paris. As Secretary of Defense Clifford stated, our understanding with the Government in Saigon that it would participate in Paris "was as clear as two partners can have."

If the talks had begun as scheduled in early November, one of the first subjects for discussion, as Secretary Clifford stated, would have been the reduction in the level of combat and violence. We were encouraged to believe that progress in this direction could be made. In late October and early November, the North Vietnamese had taken 90 per cent of their troops out of the northern two provinces of I Corps. Half of these troops had been withdrawn above the 20th Parallel—some two hundred miles to the north. Fighting almost stopped in this area, which had previously been one of the most active. Because of this, General Abrams was able to move the First Air Cavalry Division from I Corps to III Corps to strengthen our position there.

Even after President Thieu some weeks later at last permitted his representatives to join the talks in Paris, the opening of negotiations was delayed further by their raising of fantastic procedural questions, such as the shape of the table. When these matters were finally settled before I left Paris in January 1969, we then expected serious negotiations to commence. My associate, Cyrus Vance, at considerable personal inconvenience, remained in Paris to assist in smoothing the way for Ambassador Lodge. However, Thieu pulled the rug out from under the talks. He announced that his representatives would not take part in private meetings with the NLF, claiming that would give them undue prestige, although he knew full well that it was only in the private meetings that any

progress could be made. Two months later he was finally persuaded to agree to participate, but at the same time he announced that he would not in any circumstance agree to a coalition government or permit the communists to become a political party in South Vietnam. By then the NLF refused to sit down privately with his representatives and it has stubbornly maintained that position.

No progress has been made in Paris since.

Agreement on a definite date for complete American withdrawal will compel the Thieu Government to undertake serious negotiations for a responsible settlement. Those political elements desiring peace must be brought into the government in Saigon and a team fielded in Paris willing and able to negotiate for a compromise solution. Under these circumstances, serious negotiations would become possible.

During the previous administration pressure was put on Thieu to broaden the base of his government to include civilians representing the non-communist political elements. After negotiations in Paris had been agreed to, in May of 1968 Thieu brought in some representative civilians, including as Prime Minister Tran Van Houng, who had been a leading presidential candidate. Thieu seemed to be making an effort to increase his popular support in preparation for serious negotiation. However, after the meeting with President Nixon on Midway Island, he replaced Houng with General Khiem, a military officer who was one of his personal followers.

Since then no effort has been made to bring together the non-communist groups. It is hard to envisage a satisfactory solution unless the government is broadened to include representatives of the majority of the people of South Vietnam who unquestionably want peace—the Buddhist groups, the liberal Catholics, the Cao Dai, the Hoa Hao, labor unions and other non-communist groups. The South Vietnamese should be encouraged (instead of prevented) to bring together a non-communist coalition capable of negotiating a viable political settlement and of having a reasonable chance of winning the contests that will come after the end of hostilities.

The fourth matter on which it is important for us to come to an agreement with Hanoi is for some program, along the lines of President Johnson's Johns Hopkins speech of April 1965 for reconstruction and regional development of the area. This should be an international effort which would include participation by the United States and the North Vietnamese. We must recognize that the North Vietnamese did not keep their Laos agreement of 1962 for a single day and some arrangements must be reached that they will find it in their interest to keep for a period of years. Economic arrangements would provide an incentive for North Vietnam to work cooperatively with its neighbors and maintain peace in the area. Moreover, having been involved in creating the devastation, we have an inescapable obligation to assist in the restoration.

From the many private discussions I had with the North Vietnamese in Paris, I learned one thing. They are fiercely nationalistic. Though they want to be friendly with China, they do not want to be dominated by her. With this in mind, they established friendly relations with the French after the war with France ended. Now, after our war is ended, they want similar relations with the United States.

Like Tito, they recognize the need for an alternative to being compelled to rely on their powerful communist neighbor. They want technical information from us. They showed real interest in miracle rice, which they hoped would make them independent of Chinese imports running as high as 300,000 tons a year.

The Administration's aim in Vietnam is to support a pro-Western military government regardless of local opposition. This is quite impossible without the continued presence of large United States forces, vast expenditures and perpetual fighting. Indochina is so close to the Chinese border that this policy is provocative and as in the case of Laos, will be considered by China as a threat to its security. If we looked at this area dispassionately, we could not avoid the conclusion that neutral, non-aligned, hopefully non-communist governments, obviously with the exception of North Vietnam, are the best we can expect, and in the long run compatible with our interests.

In spite of the reduction in American forces and American casualties, we must recognize that the war is not now on its way to being ended.

As the President's State of the World message admits, his policy of Vietnamizing the war "cannot, except over a long period, end the war altogether." He stated that unless the other side agrees to a settlement, Vietnamization will lead to "perpetuating the war." Since the President has indicated that he does not expect a negotiated solution, the Administration's policies offer the prospect of endless war.

The President has told us that "not our power but our will and character" are being tested in world opinion. This appraisal is not correct. What is being tested is our judgment and the wisdom of our actions.

The slow troop reduction now promised by the Administration will withdraw only two-thirds of our forces in Vietnam after three years in office. There has been no assurance given about the balance. We do not know how much longer American air and logistic support or advisers will remain in Vietnam. We have no indication when our B–52's and our other planes in Thailand and on carriers will stop bombing North Vietnam, South Vietnam, Laos and Cambodia. We have received no estimate of the vast sums that will be needed for continued military and economic aid to the Thieu Government if the Vietnamization of the war is continued. With the expansion of the war into Cambodia, substantial sums have also been committed to that nation. Even though American casualties have declined, South Vietnamese soldiers are dying in larger numbers and civilian casualties are continuing. Pursuit of present policies would result in a conflict of indefinite duration.

The program for Vietnamizing the war is based on the dubious proposition that the South Vietnamese military will improve to the point where they can accomplish without 540,000 American troops what they could not accomplish with them. Furthermore, it is dependent on an unpopular and repressive military government.

In 1967, despite their influence as military and governmental leaders, President Thieu and Vice President Ky received less than thirty-five per cent of the votes cast. Over sixty per cent of the votes were cast for civilian candidates who had some sort of peace plank in their platforms. The senatorial elections last August gave further evidence of the desire of the people to end the war. The anti-government and pro-peace Buddhist slate headed by Vu Van Mau received the highest number of votes. These elections confirmed that the people of South Vietnam want peace and not a continuation of the war.

I said on several occasions in Paris, with the approval of Washington, that the United States was against imposition of a government on the people of South Vietnam either by Hanoi or Washington. Are we not now, through our unqualified support of the unpopular and repressive Thieu Government, in fact attempting to impose that military regime on the people of South Vietnam?

Presidential elections will take place in South Vietnam in October, following legislative elections in August. If the people of South Vietnam are given an uninhibited opportunity to express their will, I do not believe that President Thieu would be returned to office. I would expect the election of a candidate dedicated to seeking a compromise peace. There are, however, a number of factors which indicate the unlikeliness of an unmanaged election. Thieu has jailed a number of those opposed to his policies, including the man who came in second in the 1967 presidential election, and even a member of the lower house—in violation of his constitutional immunity and a Supreme Court ruling. Incidentally he has replaced the judge who made this ruling. After his return from Midway, President Thieu announced that he would severely punish all advocates of a compromise government. Newspapers in opposition have been closed down. The election procedures do not protect against manipulation.

I believe it is important that the Congress take action to subject the fairness of the forthcoming elections to careful scrutiny. Observers should be dispatched as soon as possible, for what happens between now and the elections will be more important than what takes place on election days. While the observers should, of course, look for signs of improper use of American influence, they must also be able to report on the activities of Thieu's military and political machine.

The presence of American observers might inhibit efforts to manipulate the elections. If, as I fear, the elections are nonetheless controlled, the committee report would make the American people aware of the facts and dispel any illusions of a popular choice.

In conclusion, I urge this Committee to support legislation by the Congress: 1) to use its power over the purse to compel a responsible withdrawal of all our forces from Vietnam, preferably by the end of this year; and 2) to send a mission to observe the forthcoming South Vietnamese elections, and to report on whether the South Vietnamese are in fact being given an opportunity to freely determine their own future. The Committee could help to achieve the second objective by sending promptly members of its staff to South Vietnam to observe and report. Visits by members of the Committee could focus public attention on what is occurring.

QUORUM CALL

Mr. STENNIS. Mr. President, I ask unanimous consent that there be a brief quorum call and that the time be equally divided between both sides.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi? The Chair hears none, and it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting a nomination, was communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. HART) laid before the Senate a message from the President of the

United States submitting the nomination of Robert F. Froehlke, of Wisconsin, to be Secretary of the Army, which was referred to the Committee on Armed Services.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military 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 25 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 25 minutes.

HOW TO LOSE THE WAR IN ONE EASY AMENDMENT

Mr. GOLDWATER. Mr. President, once again we find the Senate engaged in a heated debate over whether or not we should pass legislation to restrict the President's actions in the field of foreign affairs; whether we should take legislative action to actually usurp Presidental authority to negotiate the peace in Southeast Asia, to negotiate the fate of American prisoners of war, and to use American forces as an instrument of national policy.

Mr. President, I am not a lawyer and I am not an expert on the Constitution. But I do revere that document and have spent considerable time as a layman studying it and trying to make myself familiar with its various provisions. It is for that reason I am very unhappy at seeing the Senate attempt to clarify in a legislative fashion just where Congressional powers begin and leave off and where Executive powers take over in the field of foreign and military affairs.

Mr. President, I am particularly upset when I see us approaching legislatively the whole question of the conduct of foreign policy in an area of the world where an actual state of war exists. I get an unhappy feeling that we are here not only attempting to limit the power of the Executive, but we are in effect announcing to the whole world that we question the wisdom of his policy and the course of action being followed by the United States because of actions his predecessors are accused of taking.

But, Mr. President, I would remind Senators that we are not today debating the wisdom of entering the conflict in Southeast Asia. We are not here concerned with the manner in which this country became deeper and deeper immersed in expanding hostilities. We are not here voting on who conducted the most straight-forward campaign in 1964.

Instead, we shall be voting directly on the issue of whether or not the U.S. Congress approves of the steps being taken by President Nixon to disengage from Vietnam with honor. We also shall be squarely facing the question of whether or not this is the time, or it is ever the time, when we are conducting armed conflict with an enemy to go about in a legislative fashion to question the actions of our President or the course of our Government.

For this reason, Mr. President, I shall discuss the so-called end the war amendment today from the standpoint of its constitutional weaknesses. For the plain fact is that Congress is here attempting to change the Constitution by congressional edict. The authors of the amendment actually propose to ban all U.S. military operations in or over a major segment of the world by a simple directive of Congress. They would do this despite the fact that a full-blown war exists in the area in which the United States is deeply involved. Irregardless, they argue, Congress can force the President, against his independent judgment, to remove our forces from that conflict.

But, Mr. President, there is no court record and no constitutional record or historical record that supports this view. The truth is the sponsors of the amendment say Congress has the power to do these things, but they offer no court decision backing them up. They say the war in Vietnam is illegal, but they mention no court holding in which this has been decided.

In other words, Mr. President, we are being asked to buy an extreme legislative proposal which seeks to make the most fundamental kind of change in our constitutional arrangements without one single judicial ruling guaranteeing our action would be valid. The cold fact is we are being presented with no more than an artificial, self-proclaimed interpretation of the Constitution which represents the wishful thinking of those people whose own policies depend upon such a construction.

It is true the Constitution gives Congress the power "to declare war." However, no U.S. court ever has held that these words entrust Congress with a dominant power over matters of making war or ending war. No court ever has announced that the only way in which our country can enter war is through a declaration enacted by Congress. And no court ever has decided Congress can control the deployment of troops during an ongoing hostility.

Mr. President, these are merely theoretical postulates, unfounded in either judicial precedents or sound reasoning. They might provoke an interesting academic bull session, but their inflexible rationale is ill suited to the tests of survival in the real world we live in.

In fact, by yielding to the impulse for a quick path to peace, as the McGovern-Hatfield amendment promises, we will be increasing the likelihood of our involvement in an even greater conflict.

No less an authority than Prof. James MacGregor Burns, who is one of this country's finest political historians, believes proposals of this kind which encumber the President's ability to respond and adjust to changing world situations as he determines proper will remove the one essential ingredient preventing World War III—flexibility. One year ago, when he appeared before the House Subcommittee on National Security Policy, Dr. Burns argued that to make the present international balance of power work "calls for immense flexibility on the part of the States involved in order to maintain the trembling equilibrium of rival nations." [1]

Dr. Burns warned that:

> Artificial restrictions on Executive discretion may not lead to peace but to war, as foreign adversaries estimate that the United States will not respond to a threat to world peace because of legislative restrictions on the executive.[2]

Dr. Burns stressed how important it is that:

> The Soviet Union should be amply clear ahead of time that President Nixon would have extensive power to take what responses he would feel would be necessary, just as it was important back in 1962 in the missile crisis that the people in Moscow knew that President Kennedy had extensive power to develop all sorts of options and reserve options in the face of its intervention or activity in Cuba.[3]

Thus has a recent Pulitzer Prize winner and liberal Democratic author argued for broad Executive discretion as the best means for avoiding World War III. And thus have American Presidents acted throughout our Nation's history.

Mr. President, there is an enormous number of historical precedents supporting the power of the President to commit American troops beyond our borders in the national interests of this country. There are at least 155 occasions when the President has committed U.S. forces to military operations abroad without any declaration of war.[4] Contrary to common impressions, almost 70 of these actions have taken place outside the Western Hemisphere [5] and over half were initiated without any prior approval from Congress.[6]

What is the significance of this chain of events? Well, according to the U.S. Supreme Court, a long-continued practice of Presidential actions can confirm the existence of a power in the President to take the very action under review.[7]

When one of America's top constitutional historians looked over a summary of these military incidents a few years ago, he decided it gave ample evidence for regarding the President's powers as policy forming powers which are independent of direction by Congress. Prof. Edward Corwin, whom Congress selected to edit the authoritative Constitution Annotated, has written:

> The list demonstrates beyond peradventure the power of the President, as Chief Executive and Commander in Chief, to judge whether a situation requires the use of available forces to support American rights abroad and to take action in accordance with that decision.[8]

Mr. President, Professor Corwin has identified two of the powers which now enable the President to act in Vietnam without any grant of authority from Congress. First the President may rely upon the broad scope of functions which has been granted to him under the first sentence of article II of the Constitution which states that:

> The executive power shall be vested in a President of the United States of America.[9]

Footnotes at end of article.

Second, the President may rely upon his function as Commander in Chief of the Armed Forces of the United States. This power is specified in article II, section 2, of the Constitution.

Writing about the distinction between this power and the war power of Congress, the Supreme Court has stated that congressional power—

> Necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of the forces and the conduct of campaigns. That power and duty belong to the President as commander-in-chief.[10]

Mr. President, if ever there was any legislation which was guaranteed not to prosecute a war with "vigor and success," but to interfere "with the command of the forces," the McGovern-Hatfield amendment is it. In my opinion, it squarely fits the limitation which the Nation's highest court has so clearly put on legislative authority.

Though there are few other cases in which the courts have spoken on this issue they all are consistent with the rule laid down above.[11] For example, in 1897, the Supreme Court affirmed the language of the Court of Claims which had held "Congress cannot in the disguise of 'rules for the government' of the army impair the authority of the President as Commander in Chief." [12]

A half century later the Supreme Court announced it is not the function of the judiciary to entertain private litigation which challenges the legality, the wisdom, or the propriety of the Commander in Chief in sending our Armed Forces abroad or to any particular region.[13] "This issue," the Court declared, "involves a challenge to conduct of diplomatic and foreign affairs, for which the President is exclusively responsible." [14]

Mr. President, there are yet two other powers which the President can claim to keep U.S. fighting forces in Vietnam. These include the role of the President as the exclusive representative of the Nation in foreign relations [15] and the right of the President to execute the laws of the land,[16] a power which encompasses international law as well as domestic law.[17]

In short, Mr. President, actual practice under the Constitution shows that the President holds a broad and independent mandate to send U.S. troops abroad in order to protect the Nation's security, and that he does not need to rely on an act of Congress to do it. Accordingly, I think President Nixon would be entirely within his rights if he simply stuffed the McGovern-Hatfield amendment in the waste heap should we be unwise enough to pass it.

Mr. President, not only does the amendment challenge the whole course of past constitutional experience, but it is a radical shift away from the orderly system of policymaking which Congress has established for matters of national defense. I would remind my colleagues that it is we who have charged the Department of Defense with the primary responsibility of developing a comprehensive program for the security of the United States. For when Congress enacted the National Security Act of 1947, it created a whole new kind of defense organization which is meant to better equip each President to set military and foreign policies within a unified scheme of national goals and means.[18]

Also, I should remind us that it is we who created the National Security Council and charged it by law with the responsibility—

> To assess and appraise the objectives, commitments, and risks of the United States in relation to our actual and potential military power, in the interest of national security.[19]

Furthermore, it might be helpful, Mr. President, if we took a fresh look at the law in which Congress thrust upon the Joint Chiefs of Staff the duty to serve as "the principal military advisers to the President, the National Security Council, and the Secretary of Defense." [20] We might also notice that it was we in Congress who directed that the Joint Chiefs shall "prepare strategic plans and provide for the strategic direction of the Armed Forces." [21]

And yet, Mr. President, I have the unhappy feeling we are now being asked to tear down this comprehensive system and to erect in its stead an ad hoc, unstable method of forming major strategic decisions based upon the emotional impulses of the moment. We are being asked to do no less than establish a congressional command center which will issue the supreme orders governing tactical and strategic affairs.

Taken as a whole the various amendments being rained upon us would pinpoint where in the world American forces can be stationed, determine the precise number which can be sent there, define the adjacent boundaries which our troops might enter or are restricted from in the progress of hostile operations, and direct the timing for an end of American activities in an ongoing war.

Strangely enough, Mr. President, these moves come at a time when the Gallup poll shows 72 percent of the public affirmatively support President Nixon in his own plan for ending the war in Vietnam.[22] They are shoved forward when the same poll shows 55 percent of the public oppose a withdrawal of U.S. troops if it means a Communist takeover of South Vietnam.[23] And they occur on the heels of a courageous record of planned withdrawals during which President Nixon has reduced the number of American servicemen in Vietnam by nearly 300,000 men in the space of 2½ years.

In other words, while the doves in our midst are preaching, the President is performing. And while the critics are sniping at his heels, the American public is shown to be firmly in back of the President's intentions to bring the war in Southeast Asia to an honorable conclusion.

Mr. President, the pending amendment will not be in the best interest of the American people. It will not serve the cause of American fighting men, but will repudiate every sacrifice they have made. It is utterly contrary to American constitutional traditions. It is an illusory sedative promising the wonder of peace, but assured to undermine the only system capable of achieving it. It must be rejected.

I thank my distinguished friend from Mississippi for yielding to me.

FOOTNOTES

[1] Congress, the President, and the War Powers, Hearings before the Subcommittee on National Security Policy and Scientific Developments, Committee on Foreign Affairs, U.S. House of Representatives; June 24, 1970; p. 82.

[2] *Ibid*, p. 83.

[3] *Ibid*, p. 110.

[4] See summary of 153 U.S. military actions abroad set forth at pp. 11917–11923, Cong. Rec. daily ed. of April 26, 1971. To this list should be added the action of President Wilson in February of 1917, when he armed U.S. merchant vessels with guns and gunners assigned from the Navy, and the move by President Johnson in June of 1967, during the Arab-Israeli war, when he deployed the U.S. 6th Fleet to within 50 miles off the Syrian Coast as a sign to the Soviet Union it "would have to deal with us" if it entered the conflict.

[5] Cong. Rec., daily ed. of April 26, 1971, p. 11924.

[6] *Ibid.*

[7] *United States v. Midwest Oil Company*, 236 U.S. 459, 469 (1915).

[8] Corwin, "Who has the Power to Make War?," N.Y. Times Magazine, July 31, 1949, p. 41.

[9] This declaration has been judicially interpreted to vest in the President all the executive powers of a sovereign nation with the capacity to uphold the rights and obligations inferable under the law of nations. *In re Neagle*, 135 U.S. 1, 64 (1889).

[10] *Ex parte Milligan*, 71 U.S. 139 (1866).

[11] See *Durand* v. *Hollins*, 4 Blatch 451 (1860) and *Warner, Barnes and Co.* v. *U.S.*, 40 Court of Claims 1, 32 (1904).

[12] *Swain* v. *U.S.*, 28 Court of Claims 173, 221 (1897); 165 U.S. 553 (1897).

[13] *Johnson* v. *Eisentrager*, 339 U.S. 763, 789 (1950).

[14] Ibid. Writing about the same subject in his three volume work on Constitutional law, Professor Willoughby observed:

"There has been no question as to the constitutional power of the President of the United States, in time of war, to send troops outside of the United States when the military exigencies of the war so require. This he can do as commander-in-chief of the Army and Navy, and his discretion in this respect can probably not be controlled or limited by Congress." W. Willoughby, *The Constitutional Law of the United States*, p. 1567 (2d ed. 1929, Vol. III).

[15] The Supreme Court has expressly found the power of the President in the field of foreign relations "does not require as a basis for its exercise an act of Congress." *U.S.* v. *Curtis-Wright Corp.*, 299 U.S. 304, 319–320 (1936).

[16] Alexander Hamilton argued that the power of the President to judge for the United States "what rights the law of nature and nations gives . . . serves as an example of the right of the executive, in certain cases, to determine the condition of the nation, though it may, in its consequences, affect the exercise of the power of the legislature to declare war." Hamilton, *The Gazette of the United States*, as reported in Corwin, *The President: Office and Powers*, Chapter V, 1957.

Also see *In re Neagle*, in which the Supreme Court held that the power of the President to enforce the laws extends to "the rights, duties and obligations growing out of the Constitution itself, our international relations, and all the protection implied by the nature of the government under the Constitution." (135 U.S. 1, 64 (1889).

[17] According to Professor Corwin, it is the President himself who may make his own reading of our international obligations, without awaiting action either by Congress or the Courts. Corwin, *The President: Office and Powers*, Chapter V, 1957.

[18] 50 U.S.C. 401.

[19] 50 U.S.C. 402.

[20] 10 U.S.C. 141(b).
[21] 10 U.S.C. 141(d)(1).
[22] Opinion Research Corp. national survey taken May 1–2, 1971, question 1.
[23] Ibid., question 3.

Mr. STENNIS. I thank the Senator from Arizona for a very fine contribution to the debate. He is a scholar of a special type and looks into things before he speaks. He comes here with a prepared statement that is a challenge to all of us.

Mr. GOLDWATER. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 8 minutes left.

Mr. GOLDWATER. I have nothing further to say, Mr. President, except to thank my chairman for his kind remarks and to add something that I think is overlooked in the amendment proposed to bring all Americans home from South Vietnam by the end of this year. I think I can categorically state that that is not possible. If we utilized every aircraft that flies the airways of America and every ship we have that plies the waters of the world, we could not move that many men in that length of time. So I would hate to see us adopt the amendment and then find out we could not accomplish its terms. In my humble judgment, it would take more than a year to transport that many men home from Southeast Asia.

I yield back the remainder of my time.

Mr. HART. Mr. President, tomorrow we will vote on setting a date certain for withdrawal of U.S. forces from Indochina.

An affirmative vote should not be cast lightly, for indeed the McGovern-Hatfield amendment is a departure—welcome, in my view—from what has become the norm in relations between the President and the Congress on foreign policy.

But neither should a negative vote be cast lightly or on the unquestioned assumption that the norm should not be tampered with.

In a very real sense, we vote not only on whether to end a foreign adventure, but also on whether we can signal the start of a too-long-delayed adventure at home.

For those who believe that war remains a viable instrument of foreign policy, the decision to continue participation in a war, no less than the decision to enter one, should be a matter of balancing costs and gains.

On the cost side of the ledger, any nation should consider:

Lives lost and money spent.

Results of diverting energy and resources from peaceful pursuits.

A nation which values, however imperfectly, freedom of dissent and government by democracy must also consider the effect of a war on the conscience and unity of its people.

And a nation which professes a belief in value of each member of the human race must also assess the cost to the people and to the land of the country in which it decides to fight.

Against these items must be weighed the national interest and, yes, even the chance that the cause of peace and freedom might be furthered through war.

And in the case of a nation balancing the question of whether to discontinue a particular war, that nation, if it indeed believes in the intrinsic value of each individual, must be concerned about the return of men it ordered into battle but now held prisoners by a foreign government.

The costs break down like this:

Our Nation has lost 55,000 persons and spent more than $125 billion. Nearly 300,000 Americans have been wounded.

More than 300,000 Vietnamese civilians have been killed, more than 1 million wounded, and 4 million made homeless.

Those are awesome figures standing by themselves, but they take on added dimension when measured against what this Nation has not done at home in the decade of the war.

There are sections of our major cities which look like Dresden after the World War II bombing, but in the cases of our cities, it has been neglect rather than explosives which have resulted in gutted buildings and debris-filled lots.

There are sections of our countryside which look like the victims of a policy designed to "bomb them back to the stone ages," but in these cases, it has been neglect rather than explosives which have created these deserts of despair.

We still pay people not to grow food, but somehow cannot find the resources to get what we do grow to the hungry of our land.

We have heard from the Kerner Commission on Civil Disorders but have neglected its warning that we were in fact becoming a two-part society—one part white, one part black.

We have read the report of the Eisenhower Commission on the Causes and Prevention of Violence, but have refused to act in meaningful ways to reverse its predicted trend toward a nation of armed, affluent suburbs, and decaying, savage cities.

The tasks before us are immense.

We must do no less to save our cities and countryside than we were willing to do to help rebuild Europe after World War II.

The task will demand the best of each of us, but can a nation be united in the search for greatness at home while divided by a winless effort abroad?

Can a nation aspire to greatness at home with a deeply troubled conscience about policies abroad?

And surely this Nation has a troubled conscience about its action in Indochina.

Why else would so many have reacted as they did initially to the conviction of an Army lieutenant for war crimes in Vietnam? Surely not because they thought what he did was correct, but because to many the conviction seemed unfair in light of the war policies we have pursued in Southeast Asia.

As Burke Marshall, deputy dean of the Yale Law School, wrote in the April 10 edition of the New York Times:

> We know, or at least should know, that our war in Indo-China is based on killing civilians. We know, or at least we should know, that the number of civilians that we are responsible for having killed, or disabled or made parentless, or made childless, is far greater proportionately, and maybe even absolutely than in any war.

The Nation's troubled conscience will not be eased by a large reduction of U.S. troops in Vietnam while bombing continues, for I believe this Nation will, in the long run, excuse neither a Mylai by land nor by air.

Again, as Mr. Marshall wrote:

> The only possible such act that meets the needs of our moral crisis would be an immediate cessation by the United States of all war-making in Indo-China.

It is hard to imagine what gains to the national security or to the cause of peace and freedom would outweigh those costs.

Certainly the Saigon Government has demonstrated no commitment to the ideals for which we have sent men into battle before.

Certainly, no one can say that we have not gone further than the last mile to honor any commitment, real or imaginary, we might have had to someone in South Vietnam.

Most certainly, the national security is threatened more by our bombed-out cities, by our devastated countrysides, by our troubled consciences and divided spirit than it could by whatever government eventually takes over in Saigon.

And certainly a nation which says it believes in the worth of an individual cannot support continued killing of men, women, and children in the name of protecting American honor, or demonstrating that we are a great power, or forestalling a possible, acrimonious political debate at home.

It is time to bring all the troops and airplanes home.

It is time to take action to restore the Nation's unity of purpose and direct it to the awesome task we face at home.

And yes, it is time to take an initiative which may lead to the return of men held prisoners by Hanoi.

Enactment of the McGovern-Hatfield amendment, which would prohibit the expenditure of funds for military action in or over Indochina, would be such a step.

The amendment also gives North Vietnam and other forces holding U.S. personnel prisoners 60 days to make arrangements for their release if the withdrawal is to proceed on schedule.

This provision puts the pressure on North Vietnam to respond favorably on the questions of returning our prisoners of war.

The two main arguments against setting a date certain for withdrawal are that it would make more difficult the efforts to secure return of our men and that it would undermine chances for the program of Vietnamization to succeed.

Frankly, I fail to see the logic of those arguments, particularly inasmuch as this Nation has announced an "irreversible policy" of withdrawing troops.

Hanoi knows of that policy, and Hanoi knows, as we should, that our bargaining position becomes weaker with each new troop withdrawal.

Why not put the pressure on Hanoi now rather than when our only options

will be either to hope that the Saigon Government cares as much about our men held prisoners as we do, or to increase bombing of North Vietnam.

Increased bombing will be our only option to buck up the Vietnamization program if it flounders, as it may well as long as it is more dedicated to keeping the present regime in office than it is to allowing the people of South Vietnam, through their own political system and compromises, to work out their destiny.

Increased bombing means more killing, more civilian casualties, more Mylais by air, more divisiveness at home.

Let us then take a stand tomorrow in favor of ending the killing, or at least our participation in it.

Let us take a step which holds the best chance for encouraging a political solution to the conflict.

I make this plea as one who has come to this position over the years.

This plea is made not in any sense of rancor or partisanship but with the hope that we in this body, regardless of party, can take a step to eliminate one source of discord in our Nation.

Perhaps elimination of that discord will signal the start of a long-delayed adventure at home, an adventure which will require unity of purpose and spirit.

Mr. STENNIS. Mr. President, I yield myself 2 minutes on another matter. I understand the Pastore rule has been waived.

The PRESIDING OFFICER. The Senator is correct.

APTITUDE TEST MAY HOLD KEY

Mr. STENNIS. Mr. President, on Monday, June 14, the Washington Evening Star carried an article by the noted columnist and writer, David Lawrence, entitled "Aptitude Test May Hold Key."

The article is based upon the fact that the Senator from West Virginia (Mr. BYRD) introduced an amendment, and got it adopted last week to an appropriation bill, regarding an in-depth study and survey with reference to the aptitudes of high school students concerning the activities they would most probably fit into with interest and intention of using as a life's vocation. At that time the Senator from West Virginia said as follows:

> What we need in our schools is more emphasis on aptitude testing and a greater effort made to familiarize our young people with the many career choices that are available. I am convinced that if this were done, more youths would find their education relevant, fewer would pursue training for which they are not equipped, and our society would experience less of the anti-social behavior—riots, drug addictions, and the lowering of personal moral standards—which may result from the frustrations of bad life choices.

Mr. President, this amendment provided $7 million for demonstration or pilot programs to test students in junior high school and senior high school as to their natural aptitudes, so as to provide the students and their parents with a meaningful evaluation of the kinds of careers the students might successfully pursue.

Such tests, in my view, are badly needed. Our young people are faced, as never before, with a proliferation of ways in which they might shape their future lives. They are subject to social and family pressures in making their choices. They need assistance, and it is within the competence of testing techniques to provide it.

Such tests can provide answers to some questions that are of utmost importance to a young person and to his or her family. First, should the student proceed, after high school, to higher education? If so, toward what kind of a degree? If not, in what vocation should the student be trained? These questions cause a great deal of anxiety to our young people and their parents. Lack of answers can cause great expense and disappointment to the parents, and disillusionment, despair, and rebellion among the students.

A student who is to go on to college must have the motivation to undertake this learning effort, and the mental equipment to carry it out successfully. Otherwise, he is one of many who should choose a vocational career instead. Let this not be considered a downgrading of his abilities, or anything but a wise choice on his part. Some of the most outstanding individuals our country has produced have been those who were ideally suited to their vocations, in contrast to hundreds of thousands who pursued higher education without ever achieving inner satisfaction or material accomplishment.

The national tendency, brought on us in times of great national prosperity, to believe that all, or most, young people should go to college has gotten us into some deep national trouble. I refer to the situation on the campuses of our institutions of higher learning.

In some universities and colleges, there simply are too many young people there that should not be there. They are not equipped or motivated to be there. They lack goals and the ability to attain them. In aimless desperation they turn to activism or idleness, in seeking their places in society.

Some have come to view extended years of education as a goal in itself. It is not. It is not a path to success, or contentment, and it is too often the road to unhappiness and social disorientation.

Aptitude tests in our schools, continuing through high school, have a tremendous potential toward helping our young people recognize their goals at an early age and follow the most direct path toward them. I advocate a very strong and active program toward this end.

Mr. President, other points were made by the distinguished Senator from West Virginia and other points were made in the article. I highly commend the Senator from West Virginia for his act in getting the amendment adopted, for the words that he spoke on that occasion, and I would very much like to be associated with his reasoning, logic, and purposes. I believe this would be a tremendous step forward toward a sounder foundation for our educational system, as well as a better way of life for innumerable people.

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

APTITUDE TEST MAY HOLD KEY

(By David Lawrence)

The Senate has just added to an appropriation bill a $7 million provision for research and development to be given to local educational agencies in elementary and secondary schools. It may prove to be the most significant step America has taken to aid frustrated youth and restless boys and girls, many of whom should not necessarily go to college.

Sen. Robert Byrd, D.-W. Va., who introduced the amendment, made some pertinent remarks about how a large number of the students in colleges really are not suited for courses there and would be happier if they were trained for particular occupations to which their aptitudes pointed.

He told the Senate: "What we need in our schools is more emphasis on aptitude testing and a greater effort made to familiarize our young people with the many career choices that are available. I am convinced that if this were done, more youths would find their education relevant, fewer would pursue training for which they are not equipped, and our society would experience less of the anti-social behavior—riots, drug addictions, and the lowering of personal moral standards—which may result from the frustrations of bad life choices. . . .

"Currently, there are no career education programs funded as such. Most schools do have some type of testing program which indicates aptitudes, and whether or not the student is college material, but that is where the program stops. Many schools, responding to the pleas of parents, suggest that all students go to college, because they have no alternatives to offer. The demonstration projects I am proposing would start testing as early as junior high school, provide the student with information regarding occupations which he could pursue, including the furthering of his academic education, if that course is indicated."

Byrd went on to say that there are too many young people in college today who are not interested in their courses and really should not be in college at all.

For several years this correspondent has been familiar with the work of the Human Engineering Laboratories, which are located in some of the principal cities of the country and were set up by the Johnson O'Connor Research Foundation, a non-profit organization. An emphasis has been placed on "born gifts." These aptitudes, it is contended, cannot be acquired. Tests have been given to young people for a number of years and the young person has generally found that he or she was on the wrong track or was pursuing the right course. In the latter case, the satisfaction in learning that one's objectives have been confirmed is very helpful in removing uncertainty and frustration.

These tests have brought surprises. In one case, a young man who was graduating from Harvard with honors was seeking a job in journalism but it was suggested that he first take the aptitude tests.

He did and said afterwards: "I never was so surprised. The results of the tests indicated teaching. And that's exactly what I will do. I'll get a Ph.D. and become a member of a faculty."

In another instance, a father was unhappy that his son wanted to drop out of law school. Aptitude tests were suggested. It turned out that the category indicated for him was in the field of business and finance. He went to a large bank in New York the next day, got a job in one of its branches overseas, and now is occupying an important place in the institution abroad.

There have been many similar cases. The State of Washington makes tests of this kind available to high school seniors, particularly those planning to go to college. Some other states are beginning to do the same and to use them in employment agencies.

The tests are relatively expensive, and the government should finance their use for high school students. Nobody should be compelled to follow the advice given, nor should those who do not want to go to college feel in any way demeaned. The important thing is to come forth with scientific counseling that will aid our youth in determining the jobs or occupations or college courses for which they are best suited.

The days of compulsory curriculums should be over, and high school students who see an opportunity to perform useful service without attending college should have the freedom to do so. Parents should cooperate, and they will once some method of verifying the direction their sons or daughters should go is revealed by aptitude tests.

The action of Congress on Byrd's proposal ought to be interesting to the educational world, for it is a significant step to help the frustrated youth of our land to see daylight.

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 suggest the absene of a quorum. I will charge the time to my side.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STENNIS. Mr. President, today I want to discuss openly and straightforwardly an issue that has previously been mentioned only quietly. I refer to the effect which a rapid withdrawal from Vietnam—forced by the Congress—would have on our own society, especially if this withdrawal were followed by serious military reverses for the South Vietnamese.

I want to discuss this issue openly, because I believe that too often the really central questions in a debate of this importance are left unaddressed—and I believe that it has happened in part in this debate.

Let me begin by stressing what I pointed out yesterday in the debate. I do not believe that the issue which divides the supporters of the amendment from the rest of us is the question of whether or not the United States should continue the war in Vietnam. That issue has been decided. It is now clearly our national policy to end American involvement in the Vietnam war and on that issue the President, virtually every Member of this body, and most of the public, are unanimous. The issue which divides us is when this involvement is to end. There is also the closely related question of whether or not it is wise for Congress, acting alone, to set a date for the termination of American involvement against the clearly expressed wishes and position of the Commander in Chief.

As I pointed out yesterday, I believe the statistics indicate that the President, as Commander in Chief, is moving steadily to withdraw our forces and terminate American involvement in the war. I believe he is proceeding—and will proceed—to do this as quickly as he can while still working to give the South Vietnamese some basic capability to defend themselves against aggression from the North. I do not believe that these objectives are incompatible. During our phased withdrawal we are working as quickly as we can to train the South Vietnamese to take over the responsibility of defending themselves. It would, of course, be physically possible for us to leave more quickly and to abandon completely this second objective. That is the sum and substance of the amendment before us.

I believe that reasonable men can differ about whether or not the Vietnamization program will be successful. We cannot yet know whether we will be successful in training the Vietnamese to take over their own defense and we cannot know whether the extra months which this will require will eventually prove to be worth their cost. It may be that even with an extra year of training and assistance from our forces the army of South Vietnam will not be able to withstand the attacks from the North after we leave. But it is almost certainly true that we will improve their chances of being able to do so by our current policy—a steady withdrawal of American forces coupled with Vietnamization. I do not know, and I do not believe that anyone knows, whether this last few months of effort on our part will make the difference, or whether going this last mile will salvage all our earlier efforts. But whatever chance the South Vietnamese have of being able to survive as an independent government, this last effort on our part can only improve that chance.

I mention these obvious points because I believe they illumine a very serious potential condition in our own country. If South Vietnam is able to continue to exist as a free nation after U.S. forces leave, I believe it is fair to say that our national reaction will be one of relief, as well as pride. This relief will be coupled with sorrow, for many brave men have died and much money has been used to support an involvement which most of us realize now was initially a mistake.

I believe it is also fair to say that if South Vietnam falls to the Communists the anguish in this Nation will be great. It will be the anguish of parents and wives who have lost sons and husbands in a cause that was unsuccessful. It will be the anguish of citizens who realize that, without any clear vote being taken in Congress and without war being constitutionally declared, the Nation became involved in a war that it could not win. But if we have worked together our anguish will not divide us. Perhaps we will even learn from it, and I emphasize that, Mr. President, with the fervent hope and prayer that we shall learn from it.

These are somber thoughts, but I would ask each of my colleagues to consider very seriously that there is a third possibility which is even more unpleasant, and that is the possibility which acceptance of this amendment would create. If the Congress cuts off funds for a war while American men are still in the field, and if that war is lost, then the very greatest and most serious of all possible divisions within our society could be created. I do not suggest this matter lightly. If the Congress cuts off funds for American troops in the field at a time when their Commander in Chief had clearly stated that their safe withdrawal and the chance of a successful conclusion to the war depends upon those funds, many would be likely to say that Congress, not the President, would bear the major share of the responsibility for the outcome of that war. I say now as seriously as I possibly can that we want to keep the responsibility for the termination of this war where it belongs—in the hands of the Commander in Chief.

I accept any part of the blame that belongs at my doorstep for things that have happened in the past with reference to the beginning of the war and with reference to the weaponry and matters of that kind; but under the circumstances now existing, I do not want to be a party, as long as I have faith in the present Chief Executive's effort to carry out the program that he has been successful in so far, to derailing or frustrating that plan, or causing it not to work, and thereby bring down upon our heads the burdens and the problems that I think such a condition would create in the decades ahead. If Congress should cut off the funds for this war and South Vietnam should subsequently fall to the Communists, I believe that there is little that any of us could do to hold back the wave of bitter recrimination across America. Party would be set against party, the executive branch against the Congress, and those who support the military against those who oppose and distrust it. These divisions now exist to some degree, of course, but I fear that the fissures created by a disaster of this type could be deeper than any which have existed in American society since 1865.

I speak with all deference to the participants of earlier disputes about American foreign policy when I remind my colleagues that the charge of "who lost China" and the recriminations which followed from that charge were not a pleasant chapter in American history. By way of analogy only, I would also mention that one of the major reasons why the social and political fabric of Germany was shattered in the 1920's and 1930's was because many citizens were led to believe that parliamentary leaders had unnecessarily caused Germany to lose World War I; this "stab in the back" legend was a cancer which continued to grow and poison the German political system for 25 years.

Let me say in conclusion that I do not enjoy making such unhappy analogies or such dismal suggestions, but I sincerely believe that every Senator should stop and think, before he supports or votes for this amendment, about the possible consequences to American society of an angry and emotional debate over who is responsible for the loss of the Vietnam war, if that war does not produce a viable and strong South Vietnam Government. Such a concern about our own society is not the only issue which is relevant to this debate, but it is one which I feel has not been sufficiently addressed.

And if the Senate should be so unwise as to adopt this amendment, it is one which many would wish we had considered more seriously.

Let me close, Mr. President, with the thought that however the war ends, and with whatever degree of success, we will all have much work to do to bind up this country's wounds. I urge my fellow Senators to resist attempts to divide us and to begin today to plan how we can all contribute to that healing.

Mr. President, with reference to the power of Congress, I want to make it clear that all my thought and all my points in this debate are consistent with and recognize the fact that I believe Congress does have the authority, does have the power, to cut off this appropriation. There is no doubt about that in my mind. There is no question about the constitutional power of Congress to withhold appropriations. As a matter of fact, the only branch of our Government that can originate an appropriation is Congress. The President of the United States cannot appropriate one dime. He cannot originate $1 of appropriation. Neither the Supreme Court nor any other part of the judicial branch of Government can initiate an appropriation of as much as $5. Congress has the power to raise money and the power to appropriate money. The President can veto an appropriation bill, but he cannot originate an appropriation bill.

I am totally opposed to this amendment, but I stand firmly on the ground that Congress does have the power to consider appropriations and to put such conditions on them as it does, consistent with the basic law of our Constitution.

So this amendment would be a limitation on the use of appropriations, a limitation on appropriated funds. It is clear to me that there is a constitutional basis for this amendment. I think I have strengthened my argument against the amendment by saying that, to my mind, this constitutional question is not involved.

Mr. President, I am charged with the time I have used, and I have told the Senator from South Carolina that if he were here, I would yield to him.

The PRESIDING OFFICER. Does the Senator yield the floor?

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

Mr. STENNIS. I yield 2 minutes to the Senator from Wyoming.

REREFERRAL OF A BILL

Mr. HANSEN. Mr. President, on behalf of the senior Senator from Washington (Mr. MAGNUSON) and myself, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of the bill (S. 123) relating to the operation of the Kortes unit of the Missouri River Basin project, and that the bill be referred to the Committee on Interior and Insular Affairs.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HANSEN. The proposed legislation deals with the operation of a Bureau of Reclamation project. Since a modification is being made for fishery purposes it is understandable that it would appear the bill should be assigned to the Commerce Committee. However, a closer look reveals that the bill more properly belongs before the Interior Committee. Indeed, in the 90th and 91st Congresses this legislation was referred to the Interior Committee and it is appropriate that the legislation be referred to the Interior Committee in the 92d Congress.

I am grateful to the distinguished chairman of the Committee on Commerce for his understanding and cooperation.

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. JAVITS. Mr. President, I ask unanimous consent, so that we may have——

Mr. STENNIS. I will yield to the Senator.

Mr. JAVITS. I need approximately 20 minutes.

Mr. STENNIS. Mr. President, I yield 20 minutes to the Senator from New York, with the understanding that he will request the Senator from South Dakota to yield.

Mr. JAVITS. I thank the Senator.

Mr. President, I ask unanimous consent that, at the conclusion of my remarks, I may call for a quorum, without the time being charged to either side.

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

THE IMPERATIVENESS OF FULL WITHDRAWAL

Mr. JAVITS. Mr. President, I have chosen this time to report to the Senate on my visit to Vietnam very recently, because I think it bears critically and directly upon the vote on the McGovern-Hatfield amendment.

My visit to Vietnam on May 23, 24, and 25, which was my third visit there—the second within 18 months—convinced me that there is nothing further to be gained there commensurate with the price we are paying at home and abroad, to justify the continued presence of U.S. troops there. The South Vietnamese are now in as good a position as they are ever likely to be to stand on their own feet. I found several indications that the survivability of South Vietnam might actually be increased by a total U.S. withdrawal as soon as possible.

The new political ferment in Vietnamese thinking and attitudes, catalyzed by substantial U.S. troop reductions—for which the President is entitled to all credit—and the upcoming elections for members of the National Assembly and for President was the most hopeful thing I encountered. If Vietnamese leaders felt confident of continued U.S. aid on the order of magnitude of $2 billion per year, it is my impression—and this is my profound conclusion from my visit there—that their resistance to a rapid and complete U.S. withdrawal would diminish significantly.

A factor of very great importance is the heroin epidemic among U.S. servicemen in Vietnam. It is a monstrous and unacceptable situation. Unless it is rapidly brought under control, the American people may feel they have no choice but to demand the immediate withdrawal of all U.S. forces to save their sons from the tragic and debasing fate of heroin addiction.

Another factor of critical importance is the real worry about deteriorating morale and discipline in U.S. forces. This is epitomized by "fragging" incidents, and is extracting a real toll. U.S. national security could be jeopardized in future years by the continuance of our Armed Forces in Vietnam due to the deep damage to our military services—especially the Army—now being inflicted by the dissension and indiscipline which is a serious problem in Vietnam.

Full withdrawal of U.S. forces from Vietnam at the earliest feasible date is an imperative, in my judgment. That is why I am a cosponsor of the Hatfield-McGovern amendment and why I am confirmed rather than dissuaded by my recent visit to Vietnam that we must establish a date certain for full U.S. military withdrawal. I cannot favor a residual or transitional force as now planned by the administration. It is an invitation to massive reentry by U.S. forces. I feel the ARVN—the Army of the Republic of Vietnam—can find means other than such a U.S. presence in Vietnam to maintain security, provided South Vietnam develops—a viable sense of nationhood.

My visit to Vietnam was part of a very recent six-nation fact-finding tour undertaken as a member of the Senate Foreign Relations Committee. While in Vietnam I had discussions with the following: President Thieu, who received me very courteously; Vice President Ky; Foreign Minister Lam; General Duong Van ("Big") Minh, the much discussed possible other opponent to the President; Senators Chieu, Vu Van Mau, Tran Van Don; Professors Bong and Huy of the Captien Party, and high-ranking Vietnamese civil servants.

I also saw our own people, Ambassador Bunker; Deputy Ambassador Berger; General Abrams; Ambassador Colby, Director of CORDS; AID Director Mossler; JUSPAO Director Nickel; Economic Counsellor Cooper; III Corps Adviser Funkhouser; Embassy Political Officer Calvin Mehlert and others. Subsequently, in Paris, I had a meeting with Ambassador Habib of our Vietnam negotiating mission.

The major findings of my trip to Vietnam are summarized under the following.

VIETNAMESE POLITICAL SITUATION

The Vietnamese parliamentary elections scheduled for August—and especially the presidential election scheduled for October—have stimulated considerable political activity, interest and expectancy in South Vietnam. This is the case not only for the Thieu regime and its parliamentary allies now in power but also for the anti-Communist opposi-

tion which seems to be able to function within the present political system. I noticed that because it is noteworthy and significant.

The political plans and activities of the Communist opposition, as well as of the non-Communist opposition which may not be functioning openly, were not well known, or at least not much discussed. However, I was told that the Vietcong had "legitimatized" significant numbers of its cadre, through the GVN's Chieu Hoi ("Reconciliation") program for defectors and there was speculation that Vietcong sympathizers would be instructed to vote for the leading "peace" candidates.

The American role in the Vietnamese presidential election was a subject of great interest, speculation, and suspicion. It is just assumed that the U.S. is somehow favoring President Thieu for reelection. In this regard, I learned that U.S. personnel have received strict, detailed instruction to be completely non-partisan. Nonetheless, the very close working relationship between President Thieu and the leading U.S. official necessary for the conduct of business has engendered widespread suspicion of U.S. impartiality and of U.S. intentions as regards the Vietnamese electoral process.

I do not counsel that our people stop these relations. They cannot do so. But it does make it important for the United States to show is neurality in every way possible in respect to this election—and not just on the date of the polling.

In this regard, the presidential election law recently maneuvered through the assembly by President Thieu—which reportedly is designed to prevent Vice President Ky and others from qualifying as candidates—ought properly to be a matter of grave concern to our Government.

There are two views on the election. The U.S. officialdom is quite optimistic about the prospects for achieving political stability through the upcoming Vietnamese presidential election. It is felt that the achievements of the last 4 years, in terms of improved military security, political stability, and economic improvement and rural reforms, will be reflected positively in the October polling. The expectation is that a strong new mandate will be given to the winner, enabling the government to survive the U.S. withdrawal. It is assumed in this calculation that there will be a residual force and large-scale aid.

Skeptics and opponents of the Thieu government—of whom there seem to be many more than there were a year ago—are much less sanguine. Corruption and social injustice are the two most prevalent charges leveled at the Thieu government and the administrative competence of the government is sharply disputed. Three pessimistic scenarios for the election are heard in Saigon. The first is that President Thieu will egregiously "steal" the election—while the U.S. Embassy looks the other way—and morale will collapse as a result. Second, is that General Minh will defeat Thieu in a three way race which includes Marshal Ky and that the succeeding government will lack the strength to stand up against the Communist assault. Third, is that President Thieu's election law will backfire by leaving him without any opponent—thus discrediting Thieu and the Americans, and provoking a strong adverse reaction in U.S. public opinion to accelerate the U.S. withdrawal.

I do not necessarily subscribe to any of these theories. But I think that this election law is a danger so far as the United States is concerned. I hope very much that we will keep that sharply in mind. That could be the change which could be decisive in respect of the attitude the world takes towards the election.

War weariness is said to be very widespread in Vietnam. Nonetheless, I gained the impression—and I advance this to my colleagues only as an impression—of a certain sense of buoyancy and optimism among Vietnamese. This is related to an understandable sense of release from the massive and pervasive tutelage of the Americans, with their western ways, now that it is accepted that the United States is withdrawing, and has already done so in substantial numbers. It is said that anti-Americanism is now more open and widespread but few thought it would be a major issue in the foreseeable future.

MILITARY SITUATION AND VIETNAMIZATION

I found general agreement regarding the steady improvement of the conventional military situation in South Vietnam since my last visit 18 months ago. The level of fighting is reduced, security has improved and expanded, the ARVN is better equipped, better trained and more effective in combat. There are grounds for skepticism on several counts, however. The performance of ARVN units in Laos, and more recently in Cambodia, resulting in retreats, which the press has widely characterized as disorganized, has raised questions regarding the capacity of the ARVN to stand up to North Vietnamese regular forces when American support units have been withdrawn.

Within South Vietnam, the Communists have, for the most part, scaled down the level of fighting to protracted, or guerrilla, war and terrorism. Despite the scaling down of the fighting, and despite the large expansion and impressive equipping of the local self-defense forces, I learned that the level of Vietcong terror incidents had not been reduced in the past year. One recent survey indicated that Communist infiltration into the local self-defense forces was an important suspected cause of the poor showing against local incidents and terror. This situation throws some doubt on official claims that the Vietcong political-military apparatus was severely, if not mortally, decimated during the 1968 Tet offensive and subsequent fighting.

Vietnamization is said to be proceeding well and on schedule, laying the base for increased rates of U.S. withdrawal.

In terms of time, the major bottleneck in Vietnamization is the Vietnamese Air Force—VNAF—where the lead time on training and equipment is longest. Indications are that Vietnamization of the VNAF may not be completed before the end of 1973—calling for a prolonged stay and combat role for U.S. Air Force units, according to opinion in Vietnam and press reports.

President Nixon has pledged to reduce American forces to 184,000 by December 1, 1971. His plans for further reductions after that date have not been announced and probably have not yet been decided.

There is much discussion in Washington and Saigon of a "residual" or "transitional" force, of perhaps 40,000 to 50,000. Both Vietnamese and Americans in Saigon profess that such a residual U.S. force could be decisive as regards the ability of the South Vietnamese Government to survive politically following the withdrawal of other U.S. forces.

The large quantities of valuable material to be returned to the United States is clearly an important factor in planning U.S. withdrawal schedules. Security, advisory, and command and control units are other elements. There can be little doubt that the sheer logistical problems of withdrawal of the massive U.S. presence—men and equipment—is formidable, indeed, if it is to be accomplished in an orderly and efficient way. Political necessity is likely to prove overriding, however, in determining the schedule for U.S. disengagement. I believe that the psychological gains at home and in Vietnam to be gained from early withdrawal should be overriding. I believe it can be made consistent with withdrawal of the very large amounts of valuable materiel which are now in Vietnam.

DRUG AND MORALE PROBLEMS OF U.S. FORCES

It is very apparent in Saigon that U.S. forces in Vietnam are in the throes of a drug crisis—a heroin epidemic is said to have gripped an estimated 15 percent of our servicemen, while use of marihuana, and other narcotics, is said to be very prevalent. The heroin epidemic among U.S. servicemen in Vietnam is fed by very cheap and plentiful supplies of 95 percent heroin—skag—which is smuggled in from expanded new opium poppy fields in Laos, Thailand, and Burma.

Efforts by the Vietnamese authorities to halt the smuggling of heroin into Vietnam, and to crack down on its quasi-open availability around U.S. base areas and in Saigon, have been so far largely ineffective or nonexistent. We received testimony from three representatives on this matter the other day before the Committee on Labor and Public Welfare. These representatives actually had personal experience of the situation.

A new, high-priority plan to attack the heroin availability problem has recently been formulated by United States and Vietnamese authorities. We must assume that they are acting in good faith. The results have yet to be recorded.

Detection, treatment, and rehabilitation programs for addicts are very inadequate. Procedures are being changed and new crash programs adopted, but one legacy of Vietnam may still well be the dumping of thousands of new heroin addicts back into civilian life in the United States. I am very regretful to say that such a burden would fall heaviest on cities like New York and Los Angeles which are the main centers in the United States for heroin distribution. On top of its present unbearable load of problems, another 10,000 to 20,000 heroin addicts

could be the straw which could literally break the back of New York City.

Only slightly less serious than the heroin epidemic among our servicemen in Vietnam is the critical decline of morale and discipline. Fragging is said to be a fact of life. "Fragging" is a generic term used to denote a variety of coercive acts of indiscipline employed against officers and noncoms. In its original and stricter meaning, "fragging" relates to the use of fragmentation grenades to kill or maim officers who are unpopular or who issue what some of their men might consider dangerous or otherwise undesired orders.

Racial tensions are reportedly high among U.S. servicemen and are said to be a factor also in some of these fragging incidents.

POSTWITHDRAWAL AID

Mr. President, the main thing I bring back to report to the Senate concerns the question of postwithdrawal aid.

The economic situation in Vietnam is said to be much improved, though far from satisfactory. In a recent press interview, Ambassador Bunker is reported to have said he is more concerned over economic problems than over military problems in Vietnam. It is said inflation is being contained without stagnating the economy. United States and Vietnamese planners are optimistic that a base can—and is being—built for a rapid expansion and modernization of the still largely subsistence agricultural economy of South Vietnam.

However, the steady decline in the U.S. presence—and U.S. spending—in Vietnam is bringing to a head many crises in a war-inflated and war-distorted economy. Few believe that the Saigon government can survive after the United States withdraws without some $2 to $3 billion in annual assistance from the United States for at least several years. Let us remember that Vietnam is now a State whose main occupation is war.

I was informed that planning figures run in the $2 to $3 billion range, and that this would include military, as well as economic and budget support assistance. I condition my willingness to vote for an aid program of this magnitude on four criteria: First, fair elections in Vietnam; second, a government that could maintain military security and domestic order; third, a government which effectively promotes social justice, economic reform, and an acceptable level of honesty; and, fourth, a government which respects the freedoms and democratic rights of its citizenry.

On this basis I felt that I could support congressional appropriations in the $2 billion range for Vietnam, following the U.S. withdrawal, and I advanced the view that I felt Congress would approve it.

Some have questioned whether these conditions are either too stringent to be achieved or too vague to be enforced. I do not accept this view. In my judgment, and the judgment of many others, the first fatal mistake of the United States in Vietnam was our failure to enforce the conditions for the U.S. aid set forth in President Eisenhower's famous letter to President Diem of October 1, 1954. The letter asks Diem's government "to give assurances as to the standards of performance it would be able to maintain in the event such aid were supplied." It says that the United States "expects" that "needed reforms" would be undertaken, and calls for a government "so enlightened in purpose and effective in performance that it will be respected at home and abroad."

I have purposely made the "conditions" I have mentioned more precise and specific than those in President Eisenhower's letter. I believe that they should be specifically included in the necessary aid legislation, together with reporting and evaluating procedures to insure that the conditions established legislatively are met.

I base my support for an assistance program of this magnitude on two major considerations. First, I feel that the United States has acquired an obligation to the millions of Vietnamese who have been drawn into the massive U.S. operations within Vietnam and that a Vietnamese government which can meet reasonable standards of performance set would be entitled to our continued financial assistance.

Second, I have the impression that if the Vietnamese government leaders felt confident of receiving continued large-scale U.S. assistance of the magnitude I have indicated after U.S. withdrawal, the resistance of the Vietnamese government to early, full withdrawal of U.S. forces would be greatly reduced.

Mr. President, I hope that these observations based on my visit to Vietnam will be of use to my colleagues in this debate. I repeat my intention to vote in support of the McGovern-Hatfield amendment.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

QUORUM CALL

Mr. JAVITS. Mr. President, we had unanimous consent for a quorum call. I ask unanimous consent that there be a quorum call and that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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 ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. STENNIS. Mr. President, I am happy to yield to the Senator from Maine (Mrs. SMITH) for 8 minutes.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mrs. SMITH. Mr. President, the Hatfield-McGovern proposal asserts that the issue is either complete withdrawal in less than 7 months or continued escalation—that there is no alternate between these two extremes.

It is, in essence, an argument for polarization—a contention that the choice is clearly between a black of continued escalation or a white of quick and complete withdrawal—a simple choice between war and peace—between morality and immorality.

Is this valid? Is there no other choice than continued escalation or sudden, complete withdrawal? Is there no middle course?

I don't think it is valid. I think there is another choice—a middle course. That course is an uninterruptedly accelerated reduction of our military forces from Vietnam concurrently with South Vietnam taking over its own defense.

The Hatfield-McGovern amendment is nothing less than the advocacy of a self-inflicted policy and declaration of unconditional surrender by the United States and abrupt abandonment.

Are those who vote for the Hatfield-McGovern amendment for quick and complete military withdrawal by December 31, 1971, in favor of not only terminating any military assistance program but as well any economic assistance to South Vietnam? If the Hatfield-McGovern amendment is adopted, how then could economic assistance be justified?

The Hatfield-McGovern amendment fails to address itself to the conditions of peace. We can cut off funds—but we surely cannot legislate the purposes of Hanoi. By adoption of the Hatfield-McGovern amendment, we can turn this crisis into a clockwatchers' operation in which we can trigger a collapse of will on our part and a complete intransigence by a Hanoi chanting a countdown as the last seconds tick away.

There is another course than the total cut-and-run advocated by the Hatfield-McGovern amendment. It is the steady downward deescalation of our involvement that still provides the opportunity for negotiation and a substantive policy as distinguished from political expediency, however popular and tempting it may currently be.

Perhaps the President's course can be faulted—but surely total and immediate withdrawal is not the responsible way of faulting him.

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

Mrs. SMITH. I yield.

Mr. STENNIS. Mr. President, first I wish to thank the Senator very much for a very fine contribution. Even though it has been short in length, it is a very powerful argument.

I wish to point out for emphasis, as the Senator from Maine stated just now, we can cut off funds, we can limit appropriations, or we can refuse to appropriate, but we cannot legislate a peace or legislate leadership in negotiating for terms.

I think the Senator from Maine has summed up the entire problem and put the matter very succinctly. We have a

choice in this matter, as she so well outlined, and as she so well stated.

Again I thank the Senator from Maine. As always, her remarks were to the point.

Mrs. SMITH. Mr. President, I appreciate the chairman's very fine words.

I wonder how many Senators have given thought to the fact that if all funds are cut off for Vietnam, how far they are going to get with the foreign assistance we have been talking about for their needs in the future.

Mr. STENNIS. The Senator is correct. The Senator's word abandonment describes the situation totally—abandoning not only the promise, but abandoning the people.

Mrs. SMITH. I thank the Senator.

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

Mrs. SMITH. I yield.

Mr. JAVITS. Mr. President, as always I listened to the Senator from Maine not only with respect but with the dedication to read her remarks again and again and to let them persuade me, if it is at all possible, I think so much of Mrs. SMITH of Maine.

I wish to note that I just made a report regarding my own visit to Vietnam, in which I said I would support money appropriations in the amount of $2 billion to $3 billion a year. That is a lot of money, but I realize this is a nation at war and if it is to be maintained in the position of fighting for its own freedom, I think we have that responsibility.

I note what the Senator said about the possible inconsistency of voting for the McGovern-Hatfield measure—which is what I said I would do—and that kind of support.

I wish to state that the McGovern-Hatfield amendment, and this is very much at my request and some others who are cosponsors, provides on page 2, lines 13 to 15:

> To provide assistance to the nations of Indochina, in amounts approved by the Congress, consistent with the objectives of this section.

I gather that the point the Senator raises is consistent with this section in making the point about inconsistency or possible inability under McGovern-Hatfield to do what I said I would do.

I just wish to assure the Senator from Maine that, if McGovern-Hatfield should be approved, then I would join with other Senators in any amendment required to make it crystal clear that we are free to and will give economic support to enable these people to sustain themselves, with all the resources we have already shed. If the economic support will help them continue that, I shall certainly stand for it. I wanted the Senator to have my view.

Mrs. SMITH. I thank the Senator from New York. As always, he comes through with a response.

My concern is that if we abandon those people, cut off all funds, it may be some time before we can get to the point of finding a way of getting those funds the Senator has referred to.

Mr. JAVITS. I agree, and I lend myself to that purpose, if McGovern-Hatfield should be adopted.

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

Who yields time?

Mr. STENNIS. Mr. President, I yield 7 minutes to the Senator from Maryland (Mr. MATHIAS).

The PRESIDING OFFICER. The Senator from Maryland is recognized for 7 minutes.

Mr. MATHIAS. Mr. President, in rising to support the Hatfield-McGovern amendment this year, as I did last year, I am not going to repeat the arguments that have been made so well by our colleagues during the past weeks. They have pointed out that our present policy has brought neither peace nor a negotiated settlement. They have shown that since the repeal of the Gulf of Tonkin resolution, there is no constitutional authority for prosecuting the war. And, most importantly, they have made it clear that a concern for our prisoners of war makes adoption of this amendment essential.

What I want to do is give expression to a feeling of deep anxiety for the future of America, for, as we approach the vote tomorrow on the Hatfield-McGovern amendment, I am fearful that Congress fails to appreciate the full dimension of the problems just over the horizon.

Can it be, as some of our young people say, our system is not working? I think I can say with conviction the system is working. The fact that there is going to be a vote tomorrow on the Hatfield-McGovern amendment, a vote on ending the war, is evidence that the system is operating. And because the result is not palatable to everyone does not mean the system has not done its job. It may mean that Members of the Senate have not done their job, because the responsibility for the outcome rests squarely on the Members of the Senate, and we bear that burden.

Mr. President, those who come to us, write to us, visit with us, communicate in every way they can with their representatives in Congress, ask, "How can we continue business as usual when this tragedy continues in Asia?" It is hard to answer that question. It is hard to answer the fact that in numerous public-opinion polls the American people show their dissatisfaction with the course of the war, and yet we in Congress provide the means, the men, and the money to keep it going.

Let us look for just a moment at a few of the circumstances that have crept into this debate this year that were not in the debate last year. For example, there was an article in the June 7, 1971, issue of the Armed Forces Journal, written by Col. Robert D. Heinl, Jr., from which I quote:

> The morale, discipline and battle-worthiness of the U.S. Armed Forces are, with a few salient exceptions, lower and worse than at any time in this century and possibly in the history of the United States.
>
> By every conceivable indicator, our army that now remains in Vietnam is in a state approaching collapse, with individual units avoiding or having refused combat, murdering their officers and noncommissioned officers, drug-ridden, and dispirited where not near-mutinous.

I think one of the great tragedies of this whole problem is that this has brought discredit to American arms. This is not just what it has done in Vietnam; it is what it has done to our whole profession of arms in America. I think it has discredited the concept of service—professional military service—in the eyes of a significant number of the American people.

Let us look at the drug problem. It is everywhere in Vietnam. Our troops are daily accosted by street peddlers and pushers, and it is not simply marihuana.

According to reports cited in Newsweek on May 24, "Some 30 to 40,000 of our servicemen in Vietnam are heroin addicts—which means roughly 10 to 15 percent of all G.I.'s in the countryy."

A young veteran recently wrote me about this problem, and I would like to read from his letter:

> Both marijuana and heroin are freely available in all parts of Vietnam where I traveled. I was solicited to purchase drugs on almost a daily basis . . . even though most pushers avoided commissioned officers. Enlisted men . . . are solicited on a much more intensive basis than I was. Even when I was in Khe Sanh during operation Lam Son 719, there were incidents of ARVN troops selling drugs to American forces.

And, of course, this has an effect on our forces. I quote again from the same letter:

> The Vietnamese people regard drug use as a vice and a personal weakness, and consequently have a low opinion of U.S. drug users, whom they categorically classify as "U.S. Enlisted Men." It is my opinion that drug abuse on the part of U.S. forces has seriously hampered the objective of Vietnamization and destroyed relations because of the shoddy example that many U.S. troops set while in Vietnam.

It is obvious that a great deal of this activity is taking place with the connivance of those whom we are in Vietnam to help. I think it is obvious, again, that the returning addicts will represent not only a tragedy for themselves but a burden on our society for a generation to come. Yet as we thrash about for ways to cope with this problem, the depths of which are still uncharted, we have thus far failed to invoke the most obvious preventive solution to the nightmare, which is to get out of Vietnam.

Mr. President, if we fail to take that step, I wonder what is going to become of us.

Beyond the drug problem let us consider the question of death——

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

Mr. HATFIELD. Mr. President, I yield 5 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for an additional 5 minutes.

Mr. MATHIAS. Moving beyond the drug problem, let us now consider the question of death. It is interesting to note that the current death rate in Vietnam from noncombat causes exceeds those resulting from combat. Figures are not available on how many deaths resulted from drugs. However, figures are available on the horrible practice of "fragging," the practice of murder or at-

tempted murder of strict or unpopular officers and noncoms. Let me quote again from Col. Heinl's recent article in the Armed Forces Journal:

With extreme reluctance the Pentagon has now disclosed that fraggings in 1970 (209) have more than doubled those of the previous year (96).

Word of the deaths of officers will bring cheers at troop movies or in bivouacs of certain units. In one such division—the morale-plagued Americal—fraggings during 1971 have been authoritatively estimated to be running about one a week.

Bounties, raised by common subscription in amounts running anywhere from $50 to $1,000 have been widely reported put on the heads of leaders whom the privates and SP4's want to rub out.

These acts represent the boiling over of the pot of frustration and hopelessness which is the Vietnam war. Under the circumstances, it is easy to see why there are so few applicants for ROTC. Clearly such circumstances tend to sour even the most stalwart officer candidate.

And young draftees, already plagued with moral concerns over the war, are seeking to avoid induction. Failure to report for induction has become epidemic. In May of this year, of 33,908 draftees called, only 21,933 reported for induction. That means over a third of those called failed to appear.

But this cancer also afflicts our military services. Our army in Vietnam has become an unhappy, unwilling, and unreliable instrument. Let me quote again from Colonel Heinl:

The issue of "combat refusal," an official euphemism for disobedience of orders to fight—the soldier's gravest crime—has only recently been again precipitated on the frontier of Laos by Troop B, 1st Cavalry's mass refusal to recapture their captain's command vehicle containing communication gear, codes and other secret operation orders.

"Search and evade" (meaning tacit avoidance of combat by units in the field) is now virtually a principle of war.

That "search-and-evade" has not gone unnoticed by the enemy is underscored by the Viet Cong delegation's recent statement at the Paris Peace Talks that communist units in Indochina have been ordered not to engage American units which do not molest them. The same statement boasted—not without foundation in fact—that American defectors are in the VC ranks.

And so the proud American traditions of honor, valor, and service to the country have become tarnished in the black markets, the brothels, the drugs, the fragging, and the outright refusal of combat. Yet we continue to view these disastrous signals as if they were transitory lapses; easily dispelled, and not worthy of really deep concern.

Mr. President, the United States has long laid claim to higher moral purposes. Certainly we are among the very few nations in the world capable of spilling the blood of its youth, spending vast sums of its wealth and sacrificing much of its domestic program for the principle of collective security. But have we not fulfilled our commitment to the people of South Vietnam? I believe we have. Let us look at the facts.

We have armed and trained 1 million South Vietnamese soldiers. We have provided them with vast supplies of economic and military aid. We have helped foster a constitutional form of government in South Vietnam. We have long since fulfilled our commitment and can leave now in an orderly way with honor and a sense of accomplishment. For if the South Vietnamese cannot make it now, they never will; and we had better learn this now rather than thousands of American lives later.

But if we continue to remain in Vietnam, it will only indicate that we distrust our ally, and it will confirm the enemy's charges of American imperialism.

If we stay on, we increase our already heavy responsibility for internal problems in South Vietnam: the black markets, the corruption in office, the delay in land reform, the inflation, the prostitution, the destruction of villages and countryside, and the awful rate of civilian death. If we stay on, we rob the South Vietnamese of the opportunity and initiative to defend themselves.

If we stay on, we condemn our boys to the hazards of drug addiction, and to face death not only in combat but also by fragging and by fire from those they have been sent to defend.

But let us for a moment look beyond the tragedy in Indochina and consider the strategic commitments of this Nation elsewhere in the world.

To those who argue that our international credibility will suffer if we do not stay on, I must reply that the opposite is the case: our credibility will suffer if we do stay on. It is well known to our embassies in Europe that our allies are seriously concerned about us; but they are concerned not over our ability to meet our commitments, but over our judgment—over our ability to draw rational conclusions based on evident facts.

In a recent letter to my office, one correspondent put it very succinctly in saying:

I am sure that our friends the English and the French think that we have gone off our rocker to continue a war that can only result in more caskets coming back to the United States.

An equally far-reaching cost of our continued preoccupation in Southeast Asia lies in the prospect of losing the military and strategic edge to the Soviet Union. Let us look at the role Russia is playing.

The total Soviet-Chinese combined contribution to the war has probably never exceeded $3 billion per year. The Russian share was never higher than $1.5 billion and it is now likely less than that. By contrast, the war has been costing us up to $30 to $35 billion annually, or more than 10 times the yearly combined cost to Moscow and Peking, and more than 20 times the yearly cost to Russia alone. This does not contemplate the cost to the United States of the social and economic impact at home which is not felt by the Soviet Union.

Understandably, the Russians are taking full advantage of this situation. They are using the money they are not spending on Indochina to modernize and expand their armed forces. Their navy is improving in quality and growing in size. Their air force and missile system are near parity with ours. The preponderance of power the United States had in 1960 no longer exists. We could no longer pull off another Cuban missile crisis because we no longer have the edge.

Instead of keeping up our strategic arms advantage by modest annual progress, we have dropped our effort in the jungles of Vietnam. In the absence of success in the SALT talks and in mutual force level reductions in Europe, we will have to choose between huge defense budgets or living in a world where we have lost the initiative.

Even if we decide to spend what it takes, there is no way to make up the lost time. A Poseidon submarine begun today would not sail for 5 years. A new submarine class cannot be operational before 1980.

President Nixon is painfully alert to the altering balance of power in the Mediterranean and the consequences that this could have for Israel, for Mideast stability, and for world peace. If the relative deterioration of our total military structure continues, however, it will not be possible for us to hold the line in these places or in new points of stress like South America and Africa.

In short, it is time to get our eye on the ball and the ball is not in Vietnam.

We now stand at an historic crossroad. And as we ponder what evil afflictions have beset the land of the free and the home of the brave and what awesome responsibilities we must fulfill, let us seriously consider whether we can afford once again to defeat the Hatfield-McGovern amendment—indeed, whether we can survive such a defeat. History is a hard and implacable judge. Unless we take determined action now to get out of Indochina, history will record this year as the one in which the United States, ignoring all the signs, took the road of inexorable demise. If we do not enact this amendment, history will record this as the year in which Congress tried but failed to reassume its responsibility for war and peace—as the year in which Congress finally and irrevocably lost the confidence of the people. Let us, therefore consider the Hatfield-McGovern amendment as if the fate of this great Nation hung in the balance. For, in truth, it does.

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

Mr. MATHIAS. I yield.

Mr. HATFIELD. I express my deep appreciation to the Senator from Maryland (Mr. MATHIAS) for his comments and his very eloquent presentation today regarding our amendment.

I think when the Senator from Maryland speaks to the point of what it is doing to the young service personnel in Vietnam, not just the fact that they are there risking their lives as far as gun fire and shell fire are concerned, but that they are risking their lives as far as their health is concerned, he has brought us a great deal of perspective on the drug problem, which is increasing at a phenomenal rate, even according to the rather scattered statistics we have been able to obtain.

I would suggest there is a further point that relates to health, and that is some very interesting and unknown strains of

malaria which have appeared. This not only affects the individual lives of those who have contracted malaria and other such diseases, such as new strains of the venereal diseases which do not respond to sulfa drugs and the other ordinary medications, but it results in bringing back into this country and exposing many communities to these strains of malaria and other diseases not known to the average practicing physician.

So we are paying a price for our involvement far beyond the terrible tragedy of the statistics of death and disability and the loss of equipment and morale with which we are all familiar. We are paying a continuing price, which will last long after the last of these young men have come back to their communities.

Mr. MATHIAS. The Senator is absolutely correct. We heard from the Chief of Naval Operations the other day about what he considered to be the depleted condition of the Navy, and the inability of the United States to carry out its national policies because of the depleted condition of the Navy. His statement was that if he had a tiny fraction of what is actually spent in Vietnam, he could repair that deficiency in naval forces.

So what is the true cost of this war with reference to the security of the Nation?

Mr. HATFIELD. I appreciate the Senator's point, because not only does it relate to the security of this Nation as we sense it in connection with the well-being of our Air Force, our Army, and our Navy, but also the real security of any nation, which is found within its people.

When you consider the utter neglect we have today in this country as related to the medical needs, the housing needs, and the educational needs of our people because of our overcommitment in Southeast Asia, we find, again, that this is an additional cost we are paying for that involvement: a real weakening of our national security at that point which is the very heart of the security of any nation—the strength of its people.

This war has been a cancer, as I have often called it, eating at the very soul of America, when we consider what it is doing to us as far as division, dissension, and the tearing apart of this Nation are concerned.

I ask the Senator from Maryland, does he know how many more men we have to slaughter and kill in Vietnam to fulfill our military commitment? How many more men have to lose their lives, both on the American and the Vietnamese side, before it can be said that we have fulfilled our word, our sacred honor, and our commitment?

How many more men have to die under the process of Vietnamization? How many men have to die before we can say we will be completely out of Vietnam? I ask the Senator from Maryland if he has any further information that I do not have as to how long it is going to take the Vietnamization process to be completed.

Mr. MATHIAS. I think the real answer to the Senator's question is that not one more man has to die if that decision is made by the United States. We could make that decision.

The point of what I am saying is that that burden rests on us as individuals. The system is working. The system is giving us both the opportunity and the responsibility to make that decision, and that is really the question that is going to be answered tomorrow: Is this killing going to continue indefinitely?

The President has said we are withdrawing, and I believe him; he is a man of conscience. The decision has been made to get out. I think the burden rests on those who oppose the Hatfield-McGovern amendment to say why we should stretch it out. What is the policy benefit to the United States of stretching it out? What is it?

I do not think that case has been made yet. I have asked the question at the White House. I have listened to the discussions here on the Senate floor. I have not heard the answer. But the Senator from Oregon has exactly pinpointed the question which will be decided on this floor, not by any failure of the system, but by the operation of the system, and the men and women of the Senate will make that decision: Why should the killing continue? And will it?

I thank the Senator.

Mr. HATFIELD. Just one further question, if the Senator will yield. Does the Senator from Maryland know of any information or have any reason to believe that there is a plan which is going to trigger a settlement or some type of negotiation for the release of the prisoners of war, under the policy we are presently following?

Mr. MATHIAS. I know the President is doing all within his power. I have talked at great length with both Ambassador Bruce and Ambassador Habib, who are charged by the President with responsibility for the negotiation.

But I think what is most clear is that we are not getting anywhere. The policy is barren, and it is time for a change in policy. The thing that I think is indicated is a change to the policy advocated in the Hatfield-McGovern amendment.

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. MATHIAS. If I have the floor.

Mr. STENNIS. I just want to remind the Senator that I yielded the Senator 7 minutes on an emergency basis. I asked the Senator from South Carolina to defer.

Mr. MATHIAS. The Senator is exactly correct, and I have encroached on his good nature because of the questions asked by the Senator from Oregon. But I am entirely ready to yield the floor.

Mr. HATFIELD. Mr. President, may I at this time yield back 27 minutes to the manager of the bill, in order to fulfill our debt and clear the record, so that we will return to the time situation as allocated under the unanimous-consent agreement?

Mr. STENNIS. I thank the Senator and will not charge him any interest at this time.

Mr. President, I yield 30 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in opposition to the McGovern-Hatfield amendment to H.R. 6531. As the world knows now, this amendment has provisions which would restrict expenditure of Government funds to support military operations in or over Indochina after December 31, 1971.

In my judgment, it is a basic mistake to attempt to direct foreign policy and military operations by legislative actions. This amendment is a trap that plays on human emotions and ignores real world conditions. Its approval in the Senate could jeopardize the lives of our fighting men, and cause thousands of military and civilian casualties among the South Vietnamese.

In terms of human life, it is cruel. In terms of military operations, it is ridiculous. In terms of the conduct of international affairs, it is a mockery.

If this amendment is adopted, it would seriously undermine the Government of South Vietnam and would give a tremendous psychological and military boost to the enemy. The United States would forever be the subject of scorn by other nations, and the U.S. role as a responsible world leader would be in serious jeopardy.

Mr. President, let me explain my opposition to the McGovern-Hatfield amendment in more detail.

AMENDMENT IS MILITARILY IMPRACTICAL AND LOGISTICALLY UNREALISTIC

In my judgment, the withdrawal of the remaining 250,000 troops in the next 6 months is militarily impractical and logistically unrealistic. A sudden, accelerated disengagement with little or no prior planning would cause disorder and mass confusion and would greatly endanger the safety of our forces. This amendment is just another unilateral concession to the enemy. It is obvious that the proponents of the amendment have no practical conception of military operations and logistics.

Perhaps some of my distinguished colleagues would like to legislate that our aircraft and ships go faster. Perhaps they would like to legislate that the 100,000 Hanoi forces in South Vietnam not attack. Perhaps they would like to legislate that our facilities in Vietnam have greater capacities. These proposals show the fallacy of this amendment.

More than 40,000 troops per month would have to be processed and moved through embarkation facilities in Vietnam to meet the December deadline. These facilities are not geared to handle such immediate mass evacuations, especially while still engaged in combat. Such a stampede would result in chaos. Personnel would be truly herded like cattle when their vulnerability to attack would be at a height. Never before in the history of the world has such a mass evacuation taken place while a nation was still engaged in combat.

PRIOR PLANNING OF MILITARY OPERATIONS IS MANDATORY TO AVOID CHAOS

Mr. President, only through advance military planning and orderly execution, as presently provided for in the Commander in Chief's operation's order, can a logistical exercise of such magnitude be successful. This plan now provides for the withdrawal of more than 66,000 in the next 5 months. Any great increase of this number would seriously jeopardize the safety of our men and risk the collapse of the withdrawal operation. Almost 300,000 have been orderly withdrawn, so why risk disaster when the

current military operational plan is being successfully executed?

It is time for the Senate to stop trying to operate as a military command post. It is time for Senators to stop trying to be "arm chair generals." The Commander in Chief said:

Our goal is a total withdrawal from Vietnam.

Those are the words of the Commander in Chief, the President. I repeat them:

Our goal is total withdrawal from Vietnam.

He is rapidly achieving this goal.

It appears to me that those who are trying to accelerate the time-table are yielding to political pressures. Some are running scared because the President is ending the war honorably and successfully. Some are willing to endanger this success by abridging military feasibility.

If my colleagues wish to help end the war, then the best way to achieve a more rapid conclusion would be a unanimous vote of confidence by the Senate to support the President's current withdrawal plan. This unity of purpose would have a much greater impact on Hanoi than any other single action this esteemed body could take. It is the divisiveness on this issue that gives Hanoi hope.

I can see no useful purpose for the amendment. It is an action which plays into the hands of the enemy. In my view, it is but another instrument of political expediency to divide the country on a very emotional and critical issue. Our country was united in behalf of the safety of our men held prisoners. Now this amendment confuses and divides this unity.

AMENDMENT IS AMBIGUOUS

Mr. President, the amendment being proposed today is militarily unsound and ambiguous. It appears to be the concoction of amateur strategists. The amendment instructs the President to "provide for the safety of American armed forces during their withdrawal," but it voids the President's previous and well-calculated military plan to accomplish this by greatly reducing available troops for this vital mission.

Under the amendment, approximately 80,000 troops would have to be withdrawn the first 60 days, which is more than twice the number planned under the present withdrawal operations. Consequently, 50,000 troops desired by our military experts would not be available for protective, rear-guard, and defensive missions to provide safety for withdrawing forces.

If my distinguished colleagues think that Hanoi is going to make any deal on the POW's during that first 60 days, as provided for in the amendment, when there will still be 170,000 U.S. forces in Vietnam, then they are engaging in a pipedream.

The amendment is ambiguous in that it provides for a total withdrawal by December 31, but it also allows for assistance to the nations of Indochina. In my military judgment, it is not feasible to provide assistance in the way of equipment, training, support, and technical help without a residual of American military personnel as advisers. The takeover of all ground and air combat missions by South Vietnam is not something that is legislated with an amendment. The operation of sophisticated military equipment, helicopters and aircraft is not something that is legislated.

SACRIFICE TREMENDOUS INVESTMENT

Some of those billions of dollars we have spent on the war would certainly go down the drain under the proposed amendment. I would not like to be a witness, or share the responsibility for what would happen to billions of dollars worth of equipment and facilities if 250,000 troops walked away before the Vietnamese are ready and capable of utilizing this valuable military asset. Why should we forfeit a conflict in the last quarter when we are winning? Why risk losing much of this equipment to the enemy?

AMENDMENT FAVORS THE ENEMY

Mr. President, another point. This amendment says no funds may be expended after December 31, 1971, to—

Support the deployment of United States military operations in or over Indochina.

This meets the requirements laid down by North Vietnam that this country abandon completely the people of South Vietnam. The North Vietnamese demand not only that all American forces get out but that air and naval support be halted also.

The proposed McGovern-Hatfield amendment would accomplish this goal of North Vietnam. It would prohibit the use of American airpower from bases in adjoining or nearby countries to provide air support to the South Vietnamese any time after December 31, 1971.

It is not my suggestion that U.S. naval and air power continue to support South Vietnamese troops indefinitely. However, this country would throw away the efforts and sacrifices of the past 6 years if air and naval support are cut off before the South Vietnamese can adequately assist themselves.

The requirement in the McGovern-Hatfield amendment that this support end December 31 strikes at the heart of the Vietnamization program. That program calls for a step-by-step assumption of all military activities by the South Vietnamese.

To date, the Vietnamization program is succeeding and has even exceeded the time schedule laid down by President Nixon.

Mr. President, to understand the damage this amendment would do to the Vietnamization program, we must first know the structure of that program.

VIETNAMIZATION GOALS

In 1969, when President Nixon took office, he announced the three phases of his Vietnamization policy and placed in operation steps to achieve these goals at the earliest time consistent with safety. This action followed visits to South Vietnam by Defense Secretary Melvin Laird.

The three phases of Vietnamization are as follows:

Phase 1—The turning over to South Vietnam of the ground combat responsibility against Vietcong/North Vietnamese forces. This phase will be completed this summer, although American ground combat forces will remain in a security role to protect U.S. forces as phase II progresses.

Phase 2—Developing within South Vietnam the air, naval, artillery, logistics, and other support capabilities necessary to maintain effective independent security. Phase II has been in process concurrently with phase I, but it will take longer to complete because of the complex training involved.

Phase 3—Reducing the American presence to a military advisory mission, together with whatever small security forces are needed to protect this mission. Further reductions of our assistance and advisory presence will then continue, under the Nixon Doctrine, as South Vietnam continues to grow in national strength and self-reliance until no more U.S. military presence is required.

Next, the Senate should ask whether or not the Vietnamization policy offered by the President in 1969 is succeeding. It is my view that this policy is succeeding, and, therefore deserves the support of the Congress.

By any measurement, the role of involvement of this country in Vietnam is declining. As evidence of this decline, I would like to submit to the Senate the following points:

First. American combat deaths are down from as high as 500 a week to an average of below 50 a week. Of course, none of us will be satisfied until that figure is zero.

Second. U.S. troop strength in Vietnam has dropped to around 250,000 as compared to 549,500 when President Nixon took office. At the end of November, monthly withdrawals will bring the number to 184,000 U.S. troops and continued reductions in 1972 will reduce forces to an advisory status.

Third. American air sorties in Indochina during 1970 were down more than 50 percent from the peak levels of 1968.

Fourth. American war costs for Southeast Asia have been cut in half since 1968 and are continuing to decline.

Mr. President, in summary, U.S. involvement in Vietnam since President Nixon took office has been cut back sharply by almost any measure. All major parts of our involvement—casualties, manpower levels, costs, operations—are down significantly.

Thus, the question arises as to why the success of the Vietnamization program should be jeopardized by the precipitate action proposed in this amendment?

AMENDMENT THREATENS VIETNAMIZATION PROGRAM

The South Vietnamese Air Force and Navy have already advanced to the point where their ability to carry the air support role has been demonstrated.

However, training of pilots and technicians to maintain and operate complex airplanes and weapon systems requires time. Passage of this amendment would deny the South Vietnamese the time they need to build up strength in the airpower role. It would interrupt and possibly negate the progress already made in this area. Evidence of this progress is shown by the following data:

The number of aircraft under control of the South Vietnamese has risen 70 percent since Vietnamization began. The number of sorties flown by the South Vietnamese in 1970 over 1969 represented an increase of 64 percent.

Conversely, the U.S. air role in Indochina is declining. In 1970, U.S. planes

flew 36 percent fewer attack sorties than in 1969 and 48 percent less than in 1968. Ammunition expenditures by the Air Force showed a similar downtrend.

When looking at U.S. airpower applied in South Vietnam alone, the decline is even greater than the decline throughout Indochina. This is because the South Vietnamese are making strides to assume their own air support role. U.S. air sorties in South Vietnam in 1970 were 52 percent fewer than in 1969.

Therefore, Mr. President, there is clear evidence that the South Vietnamese are making the necessary advances to assume the full burden of the war.

The picture as concerns the Vietnamese Navy is even more encouraging. The majority of U.S. naval assets in the Vietnamese Navy have been turned over to the Vietnamese and presently this Nation's role is limited to an advisory and support status.

However, the Vietnamese Navy consists mainly of small boats which patrol the inland waterways. This part of the Vietnamization program was more rapid because training in operation of these boats was easier than training and operation of complex airplanes and helicopters.

Returning to my original point, the Senate should recognize that to refuse Navy and Air Force air support to Vietnam by the end of this year would be unrealistic. While the South Vietnamese Air Force and Navy have made great progress, the Air Force especially is not yet ready to assume the full air support role.

Further, the Congress should realize the early part of next year will be the likely period the North Vietnamese will launch new attacks from their sanctuaries bordering Vietnam. The tet offensive of 1968 began in late January and similar North Vietnamese attacks seem to favor this time of the year.

Thus, if this amendment is passed, the United States would leave our allies in South Vietnam without sufficient airpower to cope with the Communist forces within their country and along its borders.

EFFECT ON OUR ALLIES

Mr. President, another point should be made reference the impact of this amendment. If passed, the allied nations which joined with the United States in aiding South Vietnam would also be forced out by the end of the year.

The troop commitments of South Korea, Australia, Thailand, New Zealand, and the Philippines are all related to the U.S. troop commitment.

If the sudden withdrawal called for by the McGovern-Hatfield amendment comes to pass, then the approximately 66,400 allied troops in South Vietnam will withdraw also.

This would increase the adverse impact on South Vietnam. The numbers of troops each of these countries would withdraw are approximately as follows: Korea, 48,000; Australia, 7,000; Thailand, 12,000; Philippines, 100; and New Zealand, 300.

POW'S

The next point I would like to address, Mr. President, is the prisoner of war issue. This amendment suggests that arrangements for the return of U.S. prisoners of war could be accomplished within 60 days. If this is not done, an extension of the withdrawal date by 60 days is proposed. Finally, if a POW return arrangement cannot be reached after 4 mounths, then the amendment allows that—

> 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.

Mr. President, the Senate is trying to make itself a peace conference and a command post at the same time. The President has already offered to withdraw American troops while at the same time work on the prisoner return problem.

The United States is presently conducting a unilateral troop withdrawal from Vietnam while at the same time the North Vietnamese refuse to take any more humanitarian position towards our prisoners of war or their return.

At present there are an estimated 1,630 soldiers, sailors, marines, and airmen either prisoners of war in North Vietnam or missing in action. The United States has reason to believe that at least 480 of these men are prisoners.

Three years ago the enemy indicated a willingness to discuss prisoner-of-war releases if the United States would stop the bombing of North Vietnam. The bombing was stopped and all this Nation received was a peace table in Paris from which the Communists spew forth their propaganda.

Supporters of this amendment tell us the North Vietnamese will release our prisoners if we withdraw all our troops and halt air power support by December 31, 1971.

This is the same one-sided approach the Communists have taken throughout this long and difficult involvement in Vietnam. The halt of the bombing by the United States and unilateral troop withdrawals have accomplished nothing in behalf of our prisoners.

Mr. President, we have long maintained that the prisoner issue is humanitarian and should not be related to other aspects of the conflict. This factor was emphasized in the President's October peace proposal wherein he urged the immediate release of prisoners by both sides. The enemy, on the other hand, has taken the opposite position and has sought at every opportunity to link the prisoner issue to the military situation and to the political negotiations for a settlement of the conflict.

Any agreement to link the prisoner and the political issues might well establish a precedent that would make it more difficult to ever satisfactorily resolve the prisoner problem. An offer to connect prisoner release to U.S. troop withdrawals would formally establish their hostage value—a situation the enemy has sought to achieve.

There is still another aspect to be considered. We should not discount the value of the help given by various intermediary countries which have interceded with the enemy in behalf of our men missing or captured. The efforts of third parties have in my view had some effect and might still provide the catalyst for obtaining some agreement on the release of our men. In all cases, intermediaries have been willing to assist us solely on the basis of humanitarian considerations. Linking the prisoner issue to the political aspects of the conflict would in all probability remove this possible means of achieving the return of our men.

Finally, on the POW issue, subsection 2 of the amendment states that if the men are not returned as we wish, then the President may take some action approved by joint resolution of the Congress.

In other words, if after withdrawing tens of thousands of troops and placing our remaining men in Vietnam in an untenable military position, then if the POW problem is still unsolved the President can act should Congress approve his plan.

Here we can easily see the weakness of this amendment. If the North Vietnamese do not perform as the advocates of this amendment indicate then the whole mess is dumped back in the President's lap. I doubt any President could come up with a solution under the circumstances which would be prevailing at that time. However, in the event he should have a solution it must come back to Congress for approval as a joint resolution.

HANOI MIGHT AGREE TO POW RELEASE AFTER TOTAL WITHDRAWAL

Before closing my comments on the POW issue it should be pointed out that this amendment calls for a total unilateral commitment by the United States while Hanoi has pledged absolutely nothing. Hanoi's answer to the proposed amendment after the first 60 days in regard to POW's can be predicted without reservation.

The answer would be that Hanoi might agree—I repeat, might agree—to discuss the release of our prisoners. The answer will be the same until the U.S. participation in the war is ended. The North Vietnamese will use the U.S. prisoners as political pawns until the last step of any unilateral withdrawal action is completed. That such would be the case has been amply demonstrated by the actions of Hanoi in the past few years.

Hanoi has rejected all reciprocal actions.

Hanoi refuses even to consider allied proposals as agenda items at the Paris talks.

Hanoi refuses to negotiate with the Government of South Vietnam, despite their promises.

Hanoi demands that the United States commit itself unconditionally and unilaterally to: Total withdrawal of all troops and war material and the dismantling of all U.S. bases without any reciprocal action by North Vietnam.

Hanoi demands the overthrow of the leaders of the Government of Vietnam.

Hanoi has continued to reject offers to verify open elections in the South or international verification.

Hanoi demands the arbitrary imposition of a so-called coalition government established prior to any elections

and in the absence of international verification.

Hanoi has rejected an exchange of Vietnamese prisoners.

Hanoi has not accepted a proposal for moving all prisoners of both sides to a neutral country.

Hanoi has rejected international Red Cross inspection of POW camps while allied camps are open to inspection and have been inspected in accordance with the Geneva Convention.

Mr. President, there is some question as to how the American people feel on this issue. I would like to call attention to a poll that was taken on this subject.

The highly respected Opinion Research Corp., of Princeton, N.J., ran a national survey not long ago in an effort to find out what the American people really thought about our presence in Southeast Asia. I have the results of that national poll, and I can tell you that you are not likely to read or hear about these results from anyone who advocates peace-at-any-price.

This survey asks four questions. The first question was, "Do you support President Nixon in his plan to end the war in Southeast Asia?" Of those polled, 72 percent said "yes," only 18 percent said "no," and 10 percent had no opinion.

The second question was, "A proposal has been made in Congress to require the U.S. Government to bring home all U.S. troops before the end of this year. Would you like to have your Congressman vote for or against this proposal?" Sixty-eight percent said they favored this proposal, 20 percent said they did not, and 12 percent had no opinion.

Now if the poll had stopped right there, we might have some reason to think that a majority of our citizens wanted us out of Southeast Asia as quickly as possible under any circumstances, for surely President Nixon has made great strides toward extricating us from the war under acceptable conditions, and we know that public opinion supports this. But it is a malicious distortion of truth to claim that Americans support a pullout without regard to the consequences.

This statement is supported by the answers to the third and fourth questions asked by the Opinion Research Corp.

The third question was, "Would you favor withdrawal of all U.S. troops by the end of 1971 even if it meant a Communist takeover of South Vietnam?" Now get the response to this one: 29 percent said "yes," 55 percent said "no," and 16 percent had no opinion. In other words, a majority of those polled do not want us to leave that small isolated Asian country if it means abandoning the cause that took us there in the first place—namely, the curtailment of Communist aggression, and self-determination for South Vietnam.

The fourth question was, "Would you favor withdrawal of all U.S. troops by the end of 1971 even if it threatened the lives or safety of U.S. POW's held by North Vietnam?" Only 11 percent responded in the affirmative to that one. An overwhelming 75 percent said "no." Fourteen percent had no opinion.

So, you see—when confronted with the realities that face us in Southeast Asia, the great majority of Americans do not favor an early unilateral pullout.

The PRESIDING OFFICER. The time of the Senator from South Carolina has expired.

Mr. STENNIS. Mr. President, I yield 2 additional minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 2 additional minutes.

Mr. THURMOND. Mr. President, the realities that face us are obvious. If we pulled out prematurely, there would be a Communist take-over of South Vietnam, and there would be a blood bath as the North Vietnamese and the Vietcong systematically eliminated all remaining resistance to complete Communist domination of the small country.

President Nixon's withdrawal plan is based on the safety of our men in Vietnam, consideration of the prisoners of war held captive by the Communists, and the ability of the South Vietnamese to defend themselves.

History will show that this plan is both prudent and honorable. It provides for order and security in Vietnam and assures that the 50,000 Americans who died there did not die in vain.

Mr. President, in conclusion, the McGovern-Hatfield amendment is legislative madness. It makes the Senate a command post and our prisoners political pawns. It purports to accomplish through legislative means what the world's best diplomats have been unable to accomplish through endless negotiations. It ignores the nature of our enemy—Communism.

Mr. STENNIS. Mr. President, I yield myself one additional minute so that I may compliment and thank the Senator from South Carolina for a very fine contribution in this debate. He has emphasized that this amendment would take out all of the air power authorization that the President might see fit to use. That would be a complete runout upon the understanding we had with these people months ago.

I compliment the Senator for emphasizing that point, as well as the other matters he emphasized in his speech.

Mr. THURMOND. I thank the distinguished Senator from Mississippi.

Mr. HATFIELD. Mr. President, I yield 20 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognzed for 20 minutes.

Mr. STEVENSON. Mr. President, we have the right to ask how much longer this war must go on, and for what purpose. I hear Americans asking who will be the last of our children to die or be made lifeless by wounds or by drug addiction. They ask why the last of our young has not already fallen, why we have not long since discharged any obligation we ever had in South Vietnam, and for what purpose the dying goes on.

It may seem, after all the years of desperate fighting and agonizing debate an empty exercise to try to return to the meaning and origin—the purpose—of our intervention in Southeast Asia. Yet, I believe we need to do so. Nothing in the past has so divided this Nation as the debate about our purpose in Vietnam. Nothing perhaps gives us a better base for new directions in the future. Policies which become divorced from their intent can acquire their own capricious and destructive momentum. This has happened in Southeast Asia.

The people of the United States did not engage their arms and resources in Southeast Asia—their young have not fallen—in pursuit of narrow, greedy or ignoble ends. The direct economic interests of the United States in Vietnam are not worth the cost of a day's war. The area itself, a cockpit of violence and instability for two millennia, is about as essential to our prosperity or national security as the Lower Niger.

We will not bind up our wounds and get on with our business by heaping rancor upon ourselves and scorn upon a nation already tormented by anger and doubt and guilt. It behooves us to abandon the charges and countercharges, to learn from our mistakes and to move on. It would be wiser, and more accurate, to recognize that for all our mistakes and transgressions, our Vietnam involvement proceeds from our national belief that nations and citizens have inalienable rights, among them, free choice and self determination.

Admittedly for a century and more we did little about this perception in our global politics. But its beginnings are as old as the Republic. There is a substratum of it in the Monroe Doctrine, a specific formulation of it in Woodrow Wilson's 14 points, and it is one of the principles upon which we believe the charter of the United Nations to be based. Our commitment has not been perfect in practice. But self determination is one of the conditioners of our experience, an aspiration of our collective life and a part of our national purpose which has always excluded such other formulations as "might is right" or "power grows from the end of a gun" or the exultation of "blood and iron."

Since the end of World War II we have associated the defense of the principle of self-determination with the need to check Communist expansionism. Communism has not expanded through free elections. Containment as a response to possible Stalinist adventurism made sense in Europe. It underpinned the cooperative European effort to self-defense and in fact preserved the postwar settlement.

A direct American military involvement in Korea under the United Nations umbrella once again preserved the postwar status quo.

From these experiences it was hazardous, but not entirely irrational, to see America as the only Nation powerful enough to police the world against Communist expansionism.

Now with the benefit of hindsight we can see that such a policy can make small nations in peripheral areas pawns in great power struggles and that then local rights to self-determination can become swamped in a wider contest of wills and power and interest. A risk of "protection" by the world's great powers is that the whole effort gets out of scale.

What begins by being protected ends by being destroyed.

If there is any passion loose in the world, including Indochina, it is not capitalism or communism, it is nationalism. It is a passion for self-determination we ourselves first set loose in the world some two centuries ago when we declared those inalienable rights of people everywhere to be free and self-governing.

The North Vietnamese preeminence in the fundamental fight against French colonialism and the bitter experiences of unremitting nationalist struggle, not communism, explain the battle worthiness of the North Vietnamese and their determination not to be beaten by any other incoming white western nation. The political instability of the South has followed from the ambiguity of its politics. Lacking a nationalist focus, South Vietnam has been led by men weakened by minority positions. We fight now for President Thieu and Marshal Ky, catholics in a buddhist land, men who fought for the French. They were elected in 1967 with only 35 percent of the vote. In the Senate elections last fall their slate of candidates finished behind a Buddhist peace slate.

And now to all of the intrinsic weaknesses of this regime are added rampant inflation, the infiltration of the NLF, corruption and severe military setbacks as in the recent Laotian incursion. Vice President Ky says of the Thieu regime:

> Corruption is rampaging. It is so widespread that corrupt officials have a price list for every transaction, big or small, requiring their services. Jungle law rules in all government echelons. Corruption has become public, open, and as it were, an incurable disease.

President Thieu responds by ramming legislation through the South Vietnamese national assembly to effectively prevent the vice president from seeking election to the presidency. And all the while the South Vietnamese social order, fragmented to begin with, and its primitive economy crumble under the damage and destruction and uprooting, the floods of refugees, the overwhelming weight of the American presence, the needs of the widows, the orphaned and the crippled, the great swaths of death and despair.

It is against this backdrop that we debate the McGovern-Hatfield amendment. If we set December 31, 1971—or a later date if necessary—as the terminal date for our military presence, we could without much doubt then negotiate schedules for the withdrawal of all American forces and for the return of all American prisoners by such a date. That is how the French got out of Vietnam. The North has indicated we could, too. The way to win the return of our prisoners is to end the war—not prolong it. I, therefore, am glad to support the McGovern-Hatfield amendment. It could get negotiations started.

The administration says that to set a deadline for withdrawal would weaken our hand at the bargaining table even though it has effectively set such a date. If its scheduled withdrawals are projected, the last American forces will be out of South Vietnam just before the 1972 elections in the United States.

The administration also says that we will not withdraw all our forces until the last of our prisoners are released. But Hanoi may not give up its trump card—at least until a deadline for American withdrawal is established. So the administration seems prepared to accept a standoff on the prisoner issue. We will not get out until the prisoners are released. Hanoi will not release them until we do get out. Mr. Nixon persists in his refusal to set the withdrawal date which would lead to the return of our prisoners.

If the return of the prisoners means that little to the administration, it must have some other purpose for remaining in South Vietnam. And it does. The presidential press secretary says the South Vietnamese must be given the opportunity to defend themselves and to determine their own future. He has made it crystal clear that support of the government of South Vietnam, as well as the return of our prisoners, is the reason for our continuing presence and the continued killing.

Marshal Ky says it will take 15 or 20 years before the South Vietnamese can defend themselves. If the Saigon regime could not win the war with 500,000 well-trained and well-equipped American troops it could not win the war without them. Are we really to stay that long, propping up a regime in South Vietnam with our men and guns and dollars? I doubt it. We have better things to do than to support Mr. Thieu in an endless war against a stubborn enemy. That was not our purpose—and it shall not be our purpose.

We should let the people of South Vietnam determine their own future as the administration suggests. But the people of South Vietnam can have that chance in the October elections this year—more than 2 months before the McGovern-Hatfield deadline for withdrawal. Why do not we let the people choose their government in this election and negotiate the return of prisoners and the withdrawal of all American forces by the end of the year?

Why, instead of supporting the right of the people to self-determination, are we supporting Mr. Thieu's attempts at self-perpetuation? Of all the possible candidates for President of South Vietnam, we are, it appears, supporting the one man most clearly committed to war. Instead of maintaining a policy of noninterference in the elective politics of South Vietnam we are helping reelect Mr. Thieu. Instead of permitting the long-suffering people of South Vietnam a chance to elect a government committed to peace and reconciliation, U.S. resources, including sophisticated survey-research techniques, the U.S.-supported propaganda apparatus, and the U.S.-financed police, intelligence, and prison systems, are all available to Mr. Thieu's campaign.

One undeclared South Vietnamese presidential candidate, the present Vice President, refers to the American Ambassador in South Vietnam as "Governor-General Bunker"—the title used by the former French colonial governor. In April the other major Vietnamese presidential candidate, General Minh, was quoted as saying:

> Ambassador Bunker is the king here, and the people know it.

Instead of learning from the mistakes of the past we are repeating them.

The Government of South Vietnam is now attempting to disqualify the candidacy of its own Vice President, Marshal Ky. This is the corrupt government which is unable, and perhaps unwilling, to stop the sale of heroin to American troops. And this is the unpopular government the United States is perceived to be supporting in the forthcoming Vietnamese elections after all our protestations about self-determination.

This is where we have gone astray. We have forgotten our purpose. We let our actions be governed by short-term experiencies, instead of by principle.

It is no wonder the Nation is torn by doubt—and the Vietnamese are turning against us. Instead of supporting the people of Vietnam in their fight for self-determination we are supporting a corrupt and autocratic regime in its fight for self-perpetuation.

Tomorrow the Senate will have a chance to vote on the McGovern-Hatfield amendment. Later it will have a chance to reaffirm U.S. neutrality in the forthcoming South Vietnamese elections. It will have a chance to create a congressional commission to enforce a policy of neutrality in those elections. It will have a last chance in this last South Vietnamese presidential election during our military involvement to let the people of South Vietnam choose their government—or in the words of the Presidential press secretary—to determine their future.

The people of South Vietnam, given a chance, can exercise their rights as a self-governing people this October. Given a chance, the long-suffering people of South Vietnam can elect a government committed to peace, instead of to war. And if the Congress accepts the McGovern-Hatfield amendment, we can negotiate the phased withdrawal of American forces and the return of our prisoners—all before the end of this year. We can leave behind a government dependent for its survival upon the people of South Vietnam—and not the people of the United States.

Mr. GAMBRELL. Mr. President, our involvement in the war in Indochina is the No. 1 problem facing this country today. Its effects upon our people in material, emotional, and spiritual terms are enormous. Our participation in the war must be brought to a rapid conclusion.

The McGovern-Hatfield amendment which is to be voted on Wednesday proposes to require withdrawal of all our forces from Indochina by December 31, 1971, with protective provisions in regard to the return of our prisoners of war and the provision of asylum for our allies. If such a policy were to be announced by the President as Commander in Chief, I would support it and would hope that the schedule could be improved upon.

The time has passed when any fruitful purpose can be served by our continued participation in armed combat in Southeast Asia. Termination of our involvement would not only tend to relieve the tensions among our people here at home but might also contribute to the immediate return of our prisoners of war.

The Government of South Vietnam, and its armies, should now be capable of standing by themselves after having had the benefit of nearly 5 years of enormous support from this country. If they are not able to continue, further support by the United States would be of no avail.

For these reasons, I believe our Government should at an early date terminate our combat role on land, sea, and air in Indochina, and in addition proceed rapidly toward withdrawal of all forces except those required to protect American civilians and American property. An announcement by the President of such a plan should specify target dates during 1971 for a cease-fire and withdrawal, and should be conditioned upon an immediate return of our prisoners of war.

I urge the President to take immediate steps along this line, as a positive demonstration of our intention to withdraw, both to the American people and to other nations of the world from whom we seek cooperation and support.

At the same time, as long as the President is pursuing a withdrawal policy which is not inconsistent with the guidelines I suggest, I cannot vote for a statutory restriction on his authority as Commander in Chief to execute military tactics and foreign policy.

A current statement of the administration's aim would help resolve any doubts as to our policy.

Mr. BENNETT. Mr. President, I have listened to or read much of the debate on the McGovern-Hatfield amendment. I still intend to vote against the amendment because I think it is unnecessary and a mistake at this time when the President of the United States is resolving the Vietnam problem in a successful way. I think the best description of the McGovern-Hatfield amendment is one of futility. President Nixon has announced several times that he will totally withdraw American forces from South Vietnam, but he rightly refuses to set a date for that withdrawal. The question is asked, why? I think if you take that route and say to the enemy that on a certain day, all American forces will leave South Vietnam, you have destroyed the last incentive for the enemy to negotiate an end to this war at the conference table.

I think we should review again, so there is no confusion about the issue, the steps the United States has taken for peace and the complete intransigence of the Communist in response to those steps. I remember well the 1968 election where in Salt Lake City the Democratic candidate for the Presidency announced that he favored a halt of American bombing of Communist military targets as a step toward peace in Vietnam. Shortly thereafter, then President Johnson took that step and it was hailed in many circles as the move that would bring peace to Southeast Asia. Next, we were told if the United States and South Vietnam would allow the National Liberation Front to participate in the Paris talks, this would bring peace. Then, we were told that if the United States Government agreed to the principle of troop withdrawals, this would bring peace. The next argument was that if the United States would cut back in a variety of military ways, progress could be made and, finally, if a new senior negotiator was assigned to Paris, this would result in a successful conclusion of the war at the negotiating table.

I hope the American people and the people of the world will never forget that the United States has taken all of these steps unilaterally. Unfortunately, the only thing we have been able to resolve from the long negotiations in Paris is the shape of the conference table and nothing more. We have confronted an enemy who initiated this conflict by violating the rights and the independence of the people of South Vietnam and they have made no effort to meet the allied powers even half way to find a negotiated settlement. History proves that point and no amount of elaborated excuses or attempts to explain it away will change the failure of North Vietnam to respond to American peace initiatives. Consequently, Mr. President, I am highly suspicious of those Americans who come to the Congress and go to the American people saying "now if we will only set a date for withdrawal, our POW's will be released and the war can be brought to a conclusion." History is not on their side. The facts do not support their position and I think they are being naive.

As we all know, there has been a major TV and radio campaign in support of the McGovern-Hatfield amendment. That is a privilege of the supporters of this legislation. However, I think it has been false in its efforts and somewhat deceptive in its approach. There has been reference to the fact that 72 percent of the American people support this legislation. I think that should be clarified and the record set staright. In a recent poll taken by the Opinion Research Corporation at Princeton, N.J., the following results were found. By an overwhelming margin of 72 percent to 18 percent, the American people support President Nixon in his plan to end the war in Southeast Asia. I point out that his plan is one with honor. It is a plan that gives to South Vietnam a reasonable opportunity to defend its territory and people and for the final withdrawal of all American troops. The poll which has been referred to in the past by the backers of this amendment has failed to take into consideration the other aspects of our Vietnam policy. There is no reason to believe, in spite of repeated assurances, that a December 31 withdrawal date will guarantee the release of American prisoners of war. Well over half of the American people have expressed opposition to any plan that would allow a Communist takeover of South Vietnam. We should also never forget that this is a war of aggression by Communist North Vietnam.

I find it ironical that these confrontations with the President are taking place. Mr. Nixon was elected in 1968 partly on his promise that he would find a solution to the Vietnam problem. From his long experience in government and foreign affairs he realized then, as he does now, that this most difficult foreign policy issue cannot be resolved overnight, nor could it be wished away with simple solutions. He has emphasized the Vietnamization program with considerable success. President Nixon has never denied the fact that we are there to preserve for the South Vietnamese their inherent right and privilege to choose freely without outside military force their own system of government. This they have begun to do in several free and successful elections since 1965. The armed forces of the South, while they still have some areas of concern, have proven to be well-qualified and well-trained soldiers. They have proved themselves in Cambodia, in Laos, and within their own borders. I believe there is a timetable in the administration designed to turn over the entire defense load to the South Vietnamese government. When that time is reached perhaps in the next several months, American forces will be able to leave South Vietnam totally and completely.

President Nixon has received a great deal of abuse over his Vietnam policy, which I think is unjustified. Not only has he reduced American casualties to an alltime low, he has withdrawn nearly half of the American troops which were in that country when he assumed office. There has also been a great deal of progress in South Vietnam in the past 2 years. The security of the people and the security of the land is greater than at any time since the insurgency began in the early 1960's. The economy of the country is making tremendous progress. The ability of the people to govern themselves at the village, district, and national levels, has increased manyfold. These facts, I think, go largely unnoticed in America. There is a tendency in this country to decry and to run down the South Vietnamese, but I think the time is coming when history will record that their experiment in self-government, their efforts to forge a democratic and free way of life were accomplished under the most difficult circumstances. We should never forget that President Nixon has never violated a promise which he made concerning South Vietnam. He entered the White House when it faced a tremendous credibility gap. He came there to assume the responsibilities of Vietnam from an administration and from a Secretary of Defense that had repeatedly promised that American forces would be home by this Christmas, or that Christmas, or this date, or that date, and we know now none of these promises came true. But since President Nixon began to implement his phased and controlled withdrawal policies, he has never gone back on one of his announcements or one of his promises. In light of that performance, I find it unthinkable that the Congress should try to impose upon him a withdrawal date such as the McGovern-Hatfield amendment would do. It is also unnecessary and improper. The President is withdrawing from South Vietnam and he has the support of the American people and the people of Utah. This amendment is ill-conceived and untimely, and I repeat my strong conviction that its passage will in no way enhance or improve the chances of those brave and unfortunate Americans who find themselves prisoners of war in Communist North Vietnam.

In closing, may I repeat the results of a survey tabulated by my close friend

and colleague in the House of Representatives, Mr. SHERMAN P. LLOYD. In a poll of the Second Congressional District of Utah, he has received 1,133 answers on the question of a specific withdrawal date of American troops from Vietnam. Seven hundred and sixty-four favored President Nixon's program, while 347 supported a specific date and 22 offered no definite opinion. Mr. President, I stand with President Nixon on this crucial issue. The people of Utah, by a 2 to 1 majority, back the President, and I believe that sentiment is also nationwide.

THE ETHIC OF RESPONSIBILITY AND ONE PERSON'S CONCERN

Mrs. SMITH. Mr. President, I think that many of us in this Chamber may be suspect of political partisanship in our position on the Hatfield-McGovern amendment, even though it is bipartisan in its sponsorship. I am sure that I am suspect—and rightly so.

It may not be a division so much on the lines of Democratic and Republican affiliation as it is on opposition to the President from the elements of the liberal wing of both parties with presidential ambitions. In saying this, I do not mean in the slightest to question their sincerity or honesty.

Surely in my opposition to the McGovern-Hatfield amendment, I am suspect for my support of the President just as much as they may be suspect for their opposition to the President.

Consequently, a potentially far more credible opinion would be that of a longtime political liberal and Democrat such as the eminent and widely respected political scientist, Paul Seabury, professor at the University of California in Berkeley, Calif.

He has stated the case against the McGovern-Hatfield amendment far more eloquently and perceptively than I can. He did so in a letter of March 30, 1971 to John W. Gardner, the chairman of the Common Cause. Because I would hope that every Member of this body would read and study Professor Seabury's letter, I ask unanimous consent that his letter be placed in the RECORD at this point and I urge that it be studied not alone by my colleagues but by the public and the news media as well.

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

MARCH 30, 1971.

Mr. JOHN W. GARDNER,
Chairman, Common Cause,
Washington, D.C.

DEAR MR. GARDNER: Some weeks ago you wrote me a kind letter, which went to many other Americans, asking whether as a longtime liberal I would be interested in joining Common Cause. I appreciate your invitation, and I have thought about this for a long time. My interest in your organization springs from a basic agreement with you that our country needs a joining place for centrists concerned about the divisive forces which are tearing it internally. In fact, the idea of such an organization occurred to *me* five years ago! While I wish you success, I must explain why as of now I cannot in good conscience join.

It will not surprise you, I'm sure, that the reason I cannot is that I am deeply troubled about your position in the Vietnam war. It seems to me that in foreign policy especially there is what Max Weber once referred to as an "ethic of responsibility" which enters into judgments about what to do, and that this ethic is one which concerns itself with the consequences of moral actions. Any public affairs organization which addresses itself to important policy matters needs to pay a great deal of attention to this ethic, which is as important as the other ethic which Weber concerned himself with, the ethic of ultimate values and ends.

Like many other Americans, I share with you the grief over this war. Like the 73 percent of the Americans polled by Gallup, whom you mention, I wish we could somehow wipe it away as a bad dream. I have special reasons for feeling this way, shared with large numbers of other people; like many, I have sons nearing what someone has called the age of dissent; of draft age, their feelings about the war are no different from many others who already have "opted out" because of it. Also, I live in a badly divided community in which the views which I hold about the war are not widely shared. I teach in a university where, in fact, the militance of opposition to the war is so forceful that in the past five years no one has dared publicly to speak about it in rational terms and where, in this respect at least, free speech is no longer a viable norm. Also, I as a scholar have my "calling"—namely, the study of foreign affairs and international policies—and so, for the past six years, I have witnessed this crucial area of public-policy study progressively "Vietnamized," as so many other crucial foreign policy goals have been eroded by our psychic preoccupation with the war. Finally, as a political liberal and a Democrat, I find myself in a strange position of dissenting from the dominant views of my party's leadership, including the views of some, like Senator Humphrey, Senator Muskie, and others whom I deeply respect. It would be far simpler for me, I can assure you, for all these reasons to accommodate myself to these domineering features of my life and "get with it" as the jargon goes.

Still, I cannot. And I cannot either accept the new position which your organization has now announced on the war. I cannot, because my judgment about the consequences of the course of action you recommend is that they would be disastrous; that they would endanger our international position; and would for that reason breed even greater divisions in our society than those which concern you and me so much: divisions which might in fact paralyze the ability of *any* Administration to conduct our foreign relations wisely and imperil our security as a strong, free society and thus threaten the precarious peace which we now—Vietnam aside—enjoy.

Edmund Burke once said that in a discordancy of sentiments it is better to look to the nature of things than to the humors of men. You say that Congress can legislate an end to this war. But certainly this cannot be what you mean—Congress certainly can cut off the funds necessary to the conduct of the war on our side, but it does not lie in the power of Congress, or of our Administration either, to legislate the purposes of Hanoi. War, as you and I know, involves a testing of wills, and it is not by any known statutes legislated on Capitol Hill that this war can be brought to an end, any more than it lay in the power of Congress in 1937 to legislate a guarantee of American neutrality at that time. It is the intention of our opponents in this war which must be affected, not simply our own, if some stable equivalent of peace is to be gotten in Southeast Asia; will they be more inclined to accept a bargained peace, or to seriously commence negotiations towards one, if they calculate that they can can obtain their forceful victory at some later time when an embittered and angry America might follow the advice you argue for now? But suppose it did lie in our power (*my* power, as you suggest, for "I" am also the person to whom your advertisement of 28 March speaks to) to end the war: what then? In all previous wars which this nation has fought, there has been much attention paid during the fighting to the *conditions* of peace which would, or might, follow. For one does not fight a war simply to fight, nor seek to end a war simply to end it.

Your advertisement does not address itself to that central question. Unless one adopts what some Frenchman once called a "policy of gestures," one certainly must speak to these conditions; otherwise, by a convoluted perversion of a bad American habit which in the past we have inflicted only on our enemies, we may come to practice it on ourselves: the policy of unconditional surrender.

I am sure that at some time you have thought of these conditions of peace—what they might be—and that in thinking about them you have thought of some calculus, of possible costs and benefits, hazards and opportunities, from one or another course of action. Yet whatever course of action is undertaken, it is a course of action, and must be seen as entailing, not some end-state calendar act such as that which you propose, but measures which precede and ensue from, a single act and which also justify it. I am sure that you have thought deeply into the likely consequences of what would ensue in Vietnam were, for instance, your proposal adopted by the Congress. I am not referring to the supposed "Dunkerque" which some pessimists say would befall our troops; I suppose they could somehow fight their way out without such disaster and might save much of their equipment from falling into enemy hands. But I am referring to the likely collapse of will which this kind of an act would trigger. The merit of Vietnamization as a policy does not seem preposterous, costly as it may be in time, and certainly provides a wiser course, and much safer than that of abrupt abandonment. I am sure, too, that you must have weighed the consequences of a *general* political collapse which such swift evacuation would encourage—both as this spectacle would bear upon conditions within the entire region, Thailand and Malaysia included, and as it would bear upon our general posture in the world. We are not at the end of the time in which our national will will be probed and tested by those who seek to obtain goals at our expense, and it behooves us to imagine the repercussions which the actions you suggest would set in motion. Surely, also, such a train of circumstances would do very little to soften the bitter rancor which now exists in the country; in all likelihood it would protract that mood. Depending upon the depth of the disaster, it easily could even more bitterly divide us among ourselves and present to the world a spectacle which could cause acute concern among our friends and allies.

In fact, it is precisely because of considerations such as these that the course of action you now propose would prove unacceptable to Congress and would not be tested. There are, as you and I know, many—too many—of us who flirt with the "unacceptable," however preposterous it might seem, simply knowing that others will pursue a more prudent, if unpopular, course of action and leave us with the honor of having been virtuous "in vain." But, as a course of action which might assuage our reputations in the short run, surely it could not be consistently held to.

The coming Presidential elections will provide another time for our parties and their candidates to broadly examine the goals of our foreign policy. I do not think that the climate for such rational debate would in any way be improved were this proposal—by then having served to divide and embitter our legislators—lingering then to poison the

quality of the ensuing Presidential campaign. I know that this is not what you intend, but it is in the nature of things that this surely would be the consequence.

In conclusion, I might add that these comments do not diminish my regard for the broad purposes which Common Cause asserts. I might not have troubled to write you otherwise. It is because an organization such as yours—bipartisan and nonpartisan—is needed, that I convey my concern as "one person" who knows his limitations as a legislator of peace.

PAUL SEABURY,
Professor.

QUORUM CALL

Mr. STENNIS. Mr. President, I ask unanimous consent that we may have a quorum call with the time equally charged to each side.

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

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 575) entitled "An Act to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended."

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 10 minutes to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, tomorrow the Senate will vote on the McGovern-Hatfield amendment, which would terminate funds for prosecution of the war in Vietnam by U.S. forces after December 31, 1971.

From the very beginning, I stated that it was a grave error of judgment for the United States to become involved in a ground war in Asia. Yet, when President Johnson, under his authority as Commander in Chief, sent troops to Indochina, I consistently supported those troops.

It was nearly 5 years ago that I began to speak out against the Americanization of the war in Indochina.

It was nearly 5 years ago that I began to continually call the attention of the Senate and the Nation to our combat casualties. I did this almost weekly for several years.

It was nearly 5 years ago, too, that I stressed the need to deemphasize America's role in this war, the need to encourage the Asians to fight their own battles.

So I do not speak as one who ever has been an advocate of the Vietnam war. I speak as one who feels strongly—strongly—that U.S. involvement in Vietnam must be brought to an end.

When President Nixon came to office in January, 1969—only a little more than 2 years ago—he was faced with a critical situation not of his making. At that time, 540,000 Americans were in Vietnam.

President Nixon has reversed the Johnson-McNamara program of sending more and more men to Asia, and instead began a program of steady withdrawal.

Instead of 540,000 Americans in Vietnam, President Nixon has reduced that figure by more than 50 percent.

He is continuing his withdrawal program, and at the same time, he is concentrating on developing the Vietnamese to a point where they have a reasonable chance to hold their own against invaders from the north.

So I say the facts are—and the figures show—that President Nixon, in a short period of time, has made progress in bringing about American disengagement.

If one is convinced that the Commander in Chief is sincerely determined to bring this war to a conclusion—and it must be brought to a conclusion—then, is not the best way out to give support to the Commander in Chief in such endeavors?

I, for one, am convinced that the President is sincere in wanting to bring this war to an end at the earliest possible time. With those who take the contrary view I shall not quarrel, but for myself, I am convinced that he, as Commander in Chief, wants to bring this war to an end, and the facts show that in a short period of time he has reduced the number of Americans in Vietnam by more than 50 percent.

Those who continually condemn the President for not moving fast enough should, I feel, give him credit for what he has done.

President Nixon has stated loud and clear that he wants this war brought to an end, and he has taken firm, clear, precise, and definite steps to bring American involvement to an end.

If the facts were otherwise, this amendment would have more appeal than it does at the present time.

I doubt that it is practical to legislate our way out, lest we subject our troops to great and unforeseen jeopardy.

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. BYRD of Virginia. I am glad to yield to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, in his very fine way, which is his usual way, the Senator from Virginia has brought us a very concise, pointed explanation of the true situation here regarding this amendment. He has not only stated his own position well, but I think he has stated the position of the great majority of the people of this country. If they knew the facts as the Senator from Virginia knows them, that conclusion is inescapable.

These are things we do not want to do, that we do not like to do, we want the other result, but we want above all the end result of concluding this war. At the same time, there is a rational, reasonable, practicable way to do it. I think the Senator from Virginia has pointed up that way exactly, and I commend him highly for his customary conscientious and very practical thinking and analysis on these problems with which we have to deal.

Mr. BYRD of Virginia. I am grateful to my friend from Mississippi for his very generous and kind words.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I am happy to yield 15 minutes to my distinguished colleague from Indiana (Mr. BAYH).

Mr. BAYH. Mr. President, I have listened with a great deal of interest to the debate on this floor today. It has been most perceptive and sincere. I say sincere because I have listened to some of my colleagues with whom I vigorously disagree, but I think the record of their concern and the quality of their character would lead any of us in this body, while perhaps we may challenge their judgment or their position, in no way to question their sincerity.

Much has been said here today about what should be done relative to the amendment which is before us—the amendment which bears the name of my distinguished colleague and friend from Oregon (Mr. HATFIELD) and my distinguished friend and colleague from South Dakota (Mr. MCGOVERN). Some have argued eloquently that the amendment should be passed. Others with equal eloquence have argued that that would be wrong.

I suggest to my colleagues that if we look at history, neither political party has been faultless. Unfortunately, if we look at the votes of all of us in the Senate, I think each of us would have to say that there have been times when we have erred. As we look back at the actions taken on Vietnam, few of us would say that our foresight 6 or 7 years ago was better than our hindsight is today. How much wiser we might have been if the vote on the Gulf of Tonkin resolution were today or tomorrow instead of in 1964. So I suggest that little is to be gained by trying to say who is to blame.

We can look back to the period of history shortly following World War II. We can see the development of a strategy which was based on the situation as it was seen at that time. We can see a treaty commitment entered into by a great President—and his Secretary of State—of another political faith than that of the Senator from Indiana. We can see the early implementation of that commitment by that President's administration, followed by his successor. We can see the ultimate intensification of our commitment by President Johnson and then the inheritance of that policy by our present President.

I listened to the Senator from Virginia speak about the Johnson-McNamara

war. I have read with concern, as I am certain all of us have, about the formulation of certain plans that have just been published. It is clear from the history of the mid-1950's that the position taken then by the present President of the United States was much different from his posture now. That fact has been pointed out in this debate.

But I see little to be gained by dwelling on anyone's past mistakes. If anything is to be gained by reciting the history of our involvement in Vietnam, it should not be in an attempt to garner partisan political advantage but, rather, to try to learn a lesson and to gain enough wisdom to keep us from making similar wrong decisions at some future time.

Our purpose should not be to try to second guess decisions that were made by other well-intentioned Members of this body or well-intentioned members of the executive branch but, rather, to decide on a national policy—not by presidential policy or senatorial policy—through which we can demonstrate the wisdom, the strength and the courage necessary to end the war as quickly and as wisely as possible. That is what the whole debate on the Hatfield-McGovern amendment is about.

I have been asked a number of times whether I am concerned about the feeling of some that the timetable for withdrawing our troops seems to be related to the political calendar in this country and that this calls into question the motivation of the President. I do not care to discuss that here today. I cannot look into the President's mind and judge his motives. But I am willing to accept the fact that the President's motives are proper. However, whether they are right or wrong, the question before the Senate is one of policy, not motives.

I am here to stress as vigorously as I can with one voice and one vote, that motives are not in question, that policy is in question, and that I am concerned that the policy is wrong.

Mr. President, at the end of 1968 the situation—both in Indochina and in the United States—gave clear evidence as to the proper course for American policy in the Vietnam war. That course was to end American involvement and negotiate a reasonable settlement.

Three and a half years of massive American buildup, of intensive bombing of supply lines and of brutal attrition on the battlefield, had not altered the fact that an end to the fighting was no nearer. The Tet offensive showed that while our enemy could not overpower us, we had not vanquished him. While American soldiers, sailors, and fliers had fought bravely and well, there was a growing understanding that the immense effort and sacrifices they had made had not brought a final victory in sight. Most members of the Johnson administration —and the American people—had become convinced that more of the same would not bring about the defeat of the North Vietnamese forces and the Vietcong.

Furthermore, we had recognized that the massive application of modern weaponry was destroying the very land we had sought to save. It was taking an unjustifiable toll in lives—South Vietnamese as well as American, civilian as well as combatant. We were beginning to understand that the sudden infusion of an overawing American presence was delaying the Vietnamese from facing up to the responsibility for their own political destiny and their own self-protection.

Beyond that, the war had taken an increasingly unsupportable toll on America. First was the sacrifice of tens of thousands of young American lives—tragic even in a war that the American people believed to be right and necessary, but unbearably painful in a war which a large and growing proportion of the American people had come to see as an endless, purposeless mistake.

Looking through the prism of this experience, many Americans—particularly the young—discerned a grave distortion in national priorities, priorities which took tens of billions of dollars each year from the pressing needs of our cities, our poor, our schools, our health services, and our environment to waste them in destructiveness in distant jungles and rice paddies. The impulse for a change in Vietnam and for a change in America was clear in this country by the end of 1968.

In 1968 most Americans agreed that since the responsibility for the situation in Vietnam was at least partly ours, we could not simply pack up and go home. Richard Nixon indicated to the American people that he understood the need—both for American disengagement and for a settlement in Vietnam. He told us he had a plan for peace—and he was elected President. When his administration entered office, the American people expected him to seek an end to the war and a realistic political settlement. With 500,000 men in Vietnam, the opportunity to bargain for such a settlement was there—given a skillful and understanding approach to the process of negotiation.

To be sure, even the most flexible and subtle effort in Paris might have produced no acceptable solution. It is possible that the settlement of one point might have resulted only in new demands by the other side. No one can be sure it would not have. But the reality is that the administration has failed to approach the negotiation in an manner likely to produce positive results.

When this administration came into office procedural questions had been resolved and substantive negotiations were to begin. But instead of taking advantage of the momentum of understandings already created, the Thieu-Ky government refused to sit down in private with the Communists. The Nixon administration acquiesced in that attitude. No private talks were held for more than two months. In the meantime the understandings painfully arrived at began to wither away.

Since then the talks in Paris have been similarly unproductive. For more than half a year the Nixon administration left the top spot on the U.S. delegation vacant—creating a convincing impression that it had little interest in negotiation during that period.

Furthermore, the administration altered the basic dimensions of the problem of negotiations on Vietnam by invading two other countries. By one-sided redefinitions of the 1968 understandings and the unilateral addition of new "understandings," the administration stepped away from rather than toward negotiations.

Negotiations about so complex and desperate a problem stand little chance of succeeding if conducted in the bright glare of the public eye. Accommodation between embattled opponents, with longstanding, deeply held differences, require continuous, quiet, and private diplomacy. Concurrent with the posturing inevitable in the public meetings at the Hotel Majestic, quiet undisclosed discussions at which the real work of negotiation could go forth were essential. This, after all, was the only way in which even the procedural issues had been settled. Yet, if we are to believe observors of the Paris talks, the Nixon administration has contented itself largely with public proposals.

Beyond that, the negotiating strategy has been singularly inept. For example, the matter of prisoners. Even though American boys in North Vietnamese prisons are uppermost in the minds of all of us, the administration's attempt to obtain their release prior to settling other matters has always seemed at best naive—and at worst merely a public relations exercise. First, the other side is well aware of our concern for these men. It has proven itself willing to use them heartlessly for leverage upon other issues; namely, our withdrawal. Second, there is little in international law or historical precedent to support a demand, however, heartfelt, that uninjured and healthy prisoners be exchanged prior to the end of the conflict. Clearly, the fastest and surest way to get our boys back is what it has always been: Negotiate an end to the fighting.

The Secretary of Defense in his TV interview on Sunday indicated that there is a "right" way and a "wrong" way to get a settlement, that rigid adherence to the proper form of negotiations is at least as important as the results. The American people do not care whether the other side's position is set forth in the Hotel Majestic or in an interview. They want the administration to respond favorably to every possibility for a reasonable agreement. They want results.

This is not to say that the other side bears no responsibility for the failure of the talks. It most certainly does. Nevertheless, we as a nation, made a decision in 1968 that serious negotiations, however disagreeable and difficult, were necessary to our national interest.

The Nixon administration has ignored that decision. It has frittered away our leverage by reducing our forces in Vietnam in response to American public opinion without driving the negotiations to a decisive conclusion. It has refused to set a date for our withdrawal when we had enough troops in Vietnam to make that initiative truly significant for bargaining purposes. It has waited instead—and continues to wait—until the residual force with which we bargain can command little in return. In so doing we have lost, as well, much of our capacity to influence the South Vietnamese Government to seek a reasonable settlement

which might permit its own people to live in peace.

It would have been far more preferable if the President had set such a date long ago, making it dependent upon return of our own prisoners and, perhaps, at that earlier time, on other conditions as well. But he did not. It would be much better if he would set such a date today, contingent on the return of our men. But he has made it clear that he will not. Because he has not negotiated a settlement, because he has made it plain that he will not set a final date—despite the manifest desire of the American people to end the war—the responsibility has devolved upon us to set that date—and to set it now.

For 2 years the Nixon administration indicated that there was another track to a Vietnam solution if the Paris talks were not fruitful—Vietnamization. One administration scenario was that as Vietnamization proceeded it would lead to negotiated peace. The North Vietnamese, increasingly faced by the eventuality of having to negotiate with an implacable South Vietnamese Government along would come to terms.

It has always puzzled me how the South Vietnamese alone could coerce Hanoi when the South Vietnamese plus a half million Americans could not. On April 7 the President told us that Vietnamization had "succeeded." Whatever that means, it plainly has not resulted in forcing the Communists to come more docilely to terms.

Although I questioned from the outset the wisdom and effectiveness of the Laotian invasion, for the sake of argument I would have been prepared to accept the President's insistence that Vietnamization has succeeded and that the Laos operation proved this. But serious questions come to mind:

If Vietnamization has succeeded, why was American air power the only thing that prevented a South Vietnamese rout from becoming a massacre in Laos?

If Vietnamization has succeeded, why will 136,000 Americans still be fighting in Vietnam on Christmas Day?

Is the accelerated withdrawal rate due to the realities of the Laotian operation or to domestic political pressures?

Furthermore, we were told that the Laos operation would temporarily disrupt supply lines and, as was argued in the Cambodian case, buy several more months for Vietnamization and U.S. safe withdrawal. But the weeks following Laos have made it clear that the South Vietnamese are no closer than before to real victory.

Those weeks seem only to reinforce the conviction that expanding the war does not bring the enemy to terms, that leaving the South Vietnamese two more ways to help fight does not make their own war more winable.

In fact, there is increasingly incontrovertible evidence that the military situation is deteriorating. In a series of engagements around fire bases in the northern part of South Vietnam, the ARVN have taken heavy losses. To many observers the retreat from Snoul, 2 weeks ago had all the earmarks of another Laos disaster. As in Laos there were reports that the North Vietnamese massed their antiaircraft fire and made the air over the battlefield almost prohibitively dangerous for our helicopter gunships. This development has grim implications indeed for the time when the South Vietnamese will have to rely on their own air support.

There is increasing concern that the North Vietnamese and Vietcong can score significant military victories in the I Corps and perhaps the II Corps area as well.

And from the Mekong Delta, which had been used as the example of pacification success last year, reports are coming both from press and military sources that pacification is slipping in many areas, that the VC infrastructure has not been destroyed, that it has only gone underground, its influence largely intact.

Vietnamization has not achieved military success. And there is no reason to expect that our presence for another 6 months or a year or two will bring such success if our advice and assistance for 17 years—since 1954—has failed to do so.

The administration has emphasized that we will keep a residual force in Vietnam until every American prisoner of war is returned. We understand that residual force would be supplemented by air units based outside Vietnam but still fully involved in combat in that country. Together those air and ground forces could mean more than 100,000 Americans fighting and dying in and over Vietnam. It would mean more American prisoners. In the effort to protect the South Vietnamese army and our own diminished forces the administration has already indicated it would apply that airpower intensively.

Let us remember we are now completing our first decade of active involvement in Vietnam. But South Vietnam is not South Korea. In South Vietnam there will be no ceasefire. There will be no clear line to separate opposing armies. Of course we will be assured about security measures at U.S. bases—until those bases prove themselves, as in the past, insecure if the enemy is willing to pay the price to penetrate them. We will be told how much the ongoing loss of 15, or 20, or 30 American lives each week concerns our officials. But in the next breath we will be reminded how much better that is than losing 250 Americans a week as we had several years before. We will be reminded that the eventual objective still is total U.S. withdrawal.

But we should not delude ourselves. A residual force can mean endless, if reduced U.S. casualties. It might help for a time to prop up a weakening and unpopular Saigon regime, but I cannot believe it is the best way to accomplish its principle avowed objective—the return of our prisoners.

Why should Hanoi feel compelled to purchase the withdrawal of such a force at the price of releasing our prisoners? They might simply ignore their presence and go about the business of fighting the government forces. Or, more likely, they could make them the focus of attacks in the expectation that the American people would not long support a residual force if that force were taking heavy casualities.

In short it is unrealistic to expect 50,000 men to do what 500,000 men could not do. An American residual force left as a bargaining counter for our prisoners of war would be more likely to become a hostage of the enemy than leverage upon him.

Until recently that has been the rationale for our continued involvement in Vietnam—we had to stay there until our prisoners were returned. But last week the Presidential press secretary informed us that even if an agreement could be reached for POW return and withdrawal by the end of this year, the administration would not accept it. We would not accept it because, according to Mr. Ziegler, such a withdrawal date would not give the South Vietnamese adequate time to develop their own military capabilities. It thus appears that the real reason why the administration will not set a final date is not release of POW's, but the desire to assure the continuation of the Thieu regime.

It is clear now, too, that the current policy has as its result—if not its intention—the indefinite continuation of the conflict. That continuation is not in the interest of the South Vietnamese people for it is evident that above all else they want peace. It is not in the interest of the American people. The longer we remain in that conflict, the longer our prisoners will stay in North Vietnamese prisons.

This fact is now so obvious that many of the prisoner of war wives have been moved to act on it. For years these courageous women, restrained by the self-discipline, sense of duty and obedience that is their husband's code, have held their silence out of respect for the President as Commander in Chief. In the meantime they have been callously used to score political points—not merely in the just insistence that Hanoi adhere to the Geneva Convention in its treatment of prisoners—but in the hope of cultivating in the American people the will to continue a war they now know to be a mistake. Finally, they, too, have spoken out, and they urge that a specific withdrawal date be set and adhered to if our prisoners are returned. I fail to see how reasonable men can resist the tragedy of their situation or the logic of their proposal.

I believe we have fulfilled whatever commitment we might have had to the people of South Vietnam. We have spent more than $125 billion in Vietnam and have trained and equipped a 1-million-man army. If that army cannot defend itself against a North Vietnamese force less than half its size, it may be that they are unsure of what it is they are defending. In that case, we should not be defending it for them.

I believe we have no commitment to the Thieu government—or to any particular government in South Vietnam.

Other governments may exist in this world whose officials trade in narcotics to sell to young Americans. Other governments may exist which violate their own laws and constitutions to keep political opponents in jail. Other governments may put people in tiger cages for talking of peace. They may rig elections so their continuance of power is assured. They may be rotten to the core with corrup-

tion and arrogantly insensitive to their own citizens human needs. They may persist on a path of war when their own people cry out for peace. But this is the only such government that young Americans are now dying to defend.

America's continued involvement in Vietnam has diverted our energies and resources from critical needs here at home and seared our moral conscience. It has torn our country apart. For the first time since the Civil War we stand in danger of becoming a house divided, a Nation polarized into different societies—each with its separate ideology and world view. Americans of all ages—but particularly the young—grow embittered, cynical about every tradition, every value and about the prospects for rational change.

The only way for us to restore faith in ourselves and in our institutions is to end that involvement. And the only way left to end that involvement, to get our prisoners home safely, and hopefully, to negotiate an end to the fighting is for Congress to set a date for American withdrawal.

In recent days there have been a number of reports and statements from Paris and elsewhere suggesting that the North Vietnamese and the Vietcong might make an agreement to release our prisoners in return for withdrawal of all our troops. North Vietnamese officials have stated explicitly that the prisoner release would be tied solely to withdrawal and "to no other questions." They have indicated that they are not linking such a release either to the dismantlement of the Thieu government or to matters of military or economic assistance. They have stated publicly that once an agreement is reached and our troops are withdrawing, hostilities between their forces and ours will cease.

It is high time we put these indications, these pronouncements, to the test. It is time to name a date and call on the other side to agree to a prisoner release.

Some who oppose this say they are concerned that Hanoi might not make such an agreement but would hold out instead for even better terms. How can we know until we try?

Plainly such an agreement now, with more than 200,000 Americans still in Vietnam, would be in Hanoi's interest to make and carry out. As the legislation currently before the Senate indicates, if they did not live up to their part of the bargain we would not have to live up to ours. Even if adherence to cessation of hostilities was imperfect, the security conditions for our smaller and more vulnerable force would be no worse than if there were no such agreement. Furthermore, if Hanoi violated agreed arrangements, the influence of world opinion and powers friendly to them could be brought to bear, with significant impact.

The announcement of an end to American involvement in Vietnam would be a clear signal to both Hanoi and Saigon.

To Hanoi it would signal the abandonment of the search for military victory, whether by Americanization or Vietnamization, and create an incentive for the return of prisoners. It would prove that what Hanoi has said it does not believe is true—we are going to get out of Vietnam and we are serious about negotiations.

To Saigon it would signal that we no longer were committed to propping up the Thieu regime. To that Government and the people of South Vietnam, many of whom do not now believe the United States actually will withdraw, such an announcement would be a clear advance notice. It might force Thieu to seriously consider negotiating a compromise. It would encourage Vietnamese to begin the task of finding the accommodations among themselves so that they might have the chance to live together in the same country.

Furthermore, the South Vietnamese presidential election is scheduled for this October. If truly free and open, it could result in the election of a popular leader reflecting the desire of the Vietnamese people for peace. A popularly elected peace candidate who sought a compromise settlement would promote precisely the opportunity for self-determination for the Vietnamese and an honorable withdrawal for the United States which have been for so long the announced goal of U.S. policy.

We became engaged in Vietnam in an effort to give South Vienam the opportunity to provide for itself what is fundamental in a free society; namely, self-determination. I suggest to you, Mr. President, that it is impossible for the South Vietnamese to truly have self-determination as long as the, believe the military might of the United States is arrayed in support of Thieu. There is very little to be gained at this time by our reconsideration at length of what the original commitment may or may not have been to the South Vietnamese. But I suggest that it was not a commitment to the generals or to any other particular regime.

When Secretary of State John Foster Dulles put his signature on behalf of the United States to the Southeast Asia Treaty, he was not committing the United States to Diem or to Thieu or Ky or any one specific regime in South Vietnam, but to the people of South Vietnam.

Mr. HATFIELD. Mr. President, will the Senator from Indiana yield at that point?

Mr. BAYH. I yield.

Mr. HATFIELD. Is it not also true that before Secretary of State Dulles put his signature to the treaty, in testimony before the Foreign Relations Committee he was asked the question whether the treaty would commit American manpower to an Asian conflict; and Secretary of State Dulles responded in this kind of language, that it commits the United States only to use its deterrent forces and does not commit manpower to a land war in Asia, it only permits the United States to commit its deterrent forces, which would include missiles and other sophisticated weapons of our deterrent force.

I know that the Senator from Indiana is a student of history, and he is aware of the fact that the Secretary made it very clear it did not imply nor did it commit this Nation to putting men into a quicksand in Asia.

Mr. BAYH. The distinguished Senator from Oregon has hit on an important point, that the original step was like that first step in quicksand. After it, we thrashed around trying to find a way out, but instead of getting closer to the shore we got deeper in.

I pointed out the fact that the original commitment, whatever it was, was not to any one regime; Thieu was not even on the scene at the time.

The PRESIDING OFFICER (Mr. BEALL). The time of the Senator from Indiana has expired.

Mr. HATFIELD. Mr. President, I yield 5 additional minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 5 additional minutes.

Mr. BAYH. I am concerned that we not consider as part of our rationale for refusing to support the laudable amendment of the Senator from Oregon, the delusion we have a commitment to the present regime. I think that one of the clear signals that would result from our Government's establishing a time certain would be a message to Thieu and his administration, and all the people in South Vietnam, that they must take the steps necessary to put together a broad-based popular government that has some chance of standing after we have left.

It is my judgment, that as long as a handful of politicians and generals in South Vietnam feel that the United States will support them, they are not going to take the steps necessary to let political prisoners out of prison, bring to South Vietnam a popular-based government that will be truly representative of the people, and permit a really free election in which candidates advocating a reasonable settlement could run.

Now, Mr. President, if such a candidate were elected, it is expected he would negotiate for a compromise settlement with the Liberation Front; and the Front has let it be known that such an individual would be an acceptable negotiating partner.

We should remember that over 60 percent of the votes in the 1967 election were not cast for Thieu-Ky. They were cast for candidates running on various peace platforms. We should remember, too, that an avowedly pro-peace slate sponsored by the An Quang Buddhists placed first—ahead of a pro-government slate—in last August's senatorial elections. Thus, if the coming election is even as fair as last year's were, a peace candidate could win.

This is not a brief for General Minh or for any other candidate. The American Embassy in Saigon should not dump Thieu and support Minh or Ky. The United States should not support anyone or anything in Vietnam other than free and fair elections.

It was, after all, in the name of the principle of self-determination that we involved ourselves in Vietnam. If our having been there is to be more than a bitter legacy—for Vietnamese and for Americans—it is important that we not condone or cooperate in the violation of that principle as we leave. It is for that

reason that I am a cosponsor of the Stevenson amendment to establish a commission to report to the Congress on the election campaign and its results.

But even more important to the chance that the election might be a truly free expression of the popular will would be Vietnamese awareness that our dominating presence—heretofore the decisive element in their internal politics—was now definitely coming to an end.

Finally, to both Hanoi and Saigon the fixing of a date certain would signal our intention to end the war, thus setting in motion an adjustment to the reality of a Southeast Asia without American combat power. It is that reality alone that can lead to a political settlement, and only a political settlement can lead to peace.

There may be some Vietnamese who might fear for their personal safety under such circumstances. If so it is imperative that we provide them the opportunity to seek asylum elsewhere. The proposal we are now considering recognizes that responsibility and would make available funds to fulfill it.

What troubles me deeply now is that the longer we wait to set a date, the more difficult an agreement for withdrawal and prisoners exchange may become. The kind of agreement the evidence shows we can have today, we may not be able to negotiate 6 months or a year from now. Taken together our delays and our gradual withdrawals have already lost us too much time and leverage. We have badly overplayed our hand in Paris. What concerns me most is that the North Vietnamese may now be tempted to overplay theirs.

Whether we leave Vietnam on Christmas Day, 1971—or an election eve 1972, no one can be certain what might happen there when we depart. But I am far more concerned about what might happen here if we do not.

No one can be certain what will happen in South Vietnam when we depart. I must admit that I am far more concerned as to what will happen right here in the United States if we do not.

Even the President's closest advisers admit that there is no stemming the rising tide of public opinion, that we are on our way out of Vietnam. The only question is how soon. I say it should be now. There is no honor to be won and no glory to be gained by continuing. There are only more lives to be lost.

While I have criticized this administration—a Republican one—for its policy in Vietnam, I also criticized its Democratic predecessor. As the current New York Times series makes dramatically evident, many Democrats, too, badly misjudged the nature of the problem we faced in Vietnam and what we could do about it. One of the distinguished sponsors of the amendment now before us is himself a Republican, and a number of his Republican colleagues support his proposal. The issue we face, therefore, is not a partisan one. It should be decided on its merits, not on its politics.

The most recent polls show that more than 2 out of every 3 Americans believe Vietnam was a mistake. Few of us would contest that view. What is important now is that out of that mistake we achieve something positive.

What we can achieve is a clearer understanding of what our vital interests are and what they are not; what the capabilities of our military power are and what they are not. To set a date now would be the proof that we have gained a new understanding and a new maturity.

We have been told repeatedly that the credibility of our commitments elsewhere is in the balance in Vietnam. But to most of our friends around the world, our persistence in continuing on a path we ourselves admit to have been mistaken is a dismaying embarrassment. Our allies and many Americans, too, fear it has sapped our capacity to fill our truly vital commitments—not reinforced it.

We have been told, too, that what is at stake in Vietnam is our will and our determination. The truth is that it is not our will or our determination that are being tested there now. What is being tested—here today—is our decency, our good sense, and our wisdom. We must not fail that test.

As we begin the final preparations for the vote on this amendment, I think we should remind ourselves just what is at stake, just what the war has cost us. I do not suppose there is anyone in this body who can say that he is really happy about what has happened in Vietnam. Perhaps no one can say he would regard as ideal the results of this amendment. But this amendment is much better, in my judgment, than any other alternative available to us at this time.

The Vietnam war has cost us over 53,000 American lives, and other tens of thousands of young men who will never be the same. It has cost us untold billions of dollars. Even more tragic is the frustration, hatred, fear, suspicion, and division that exists today in this country and that can be directly attributed, I suggest, to our course in Vietnam. We have to bring all these costs to an end.

Let us put aside past mistakes. Let us refuse to yield to the temptation of political expediency and second guessing. Let us realize that what happens tomorrow is much more important now than what happened yesterday. All of us will stand more accountable from now on for our actions today—and tomorrow— than for those we may have taken in yesteryear. I, for one, want to be held accountable for supporting the valiant effort being made by the distinguished Senator from Oregon (Mr. HATFIELD) and the Senator from South Dakota.

Mr. President, I will cast my vote for the end-the-war amendment on tomorrow.

Mr. HATFIELD. Mr. President, will the Senator yield to me?

Mr. BAYH. Mr. President, I am glad to yield to the Senator from Oregon.

Mr. HATFIELD. Mr. President, I think the record will show that point by point the proponents of the amendment, as in the case of the distinguished Senator from Indiana today, answered the objections and the questions which have been raised by those who oppose the amendment.

I commend the Senator from Indiana for his contribution to this debate. I call attention again to one or two very salient and fundamental facts. The Senator from Indiana asked the question today, "What is our commitment?" He then proceeded to give the accurate, historical answer.

I need not bring to the mind of anyone who has any question about this amendment, the simple understanding that we do not have a commitment which can be perpetrated as a means of justifying political policies.

The question has been raised, "What good will America's word be in the world if we renege and cut and run from Vietnam?"

All of the answers that have been made indicate that somehow we have some solemn commitment. We do not have, and the Senator from Indiana pointed that out very clearly.

I congratulate the Senator from Indiana because he brings the matter into sharp focus concerning exactly how long and what kind of sacrifice we will have to make to hold up and to give support to the Thieu-Ky regime.

The Senator has said, in effect, as I understand his presentation today, that, first of all, we have no formal commitment which we would be disavowing or reneging on. Secondly, he points out that the present regime has done nothing to establish for itself a political base which would deserve or elicit the support of its own people and the American military presence.

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

Mr. HATFIELD. Mr. President, I yield myself such additional time as I have.

Mr. BAYH. Mr. President, as the Senator knows, there have been a succession of elections in Vietnam. In the last presidential election President Thieu was opposed by candidates who were running on peace slates. They got over 60 percent of the votes. If those votes had not been split 10 different ways, a peace candidate could have had a landslide victory.

By setting a date and making it clear we are getting out, we can make it more certain that we do not influence the election. Right now the average South Vietnamese citizen would be justified in believing that our present course is to stay in Vietnam and to support Mr. Thieu.

Mr. HATFIELD. Mr. President, does not the Senator agree that the so-called electoral reform law which has just been passed gives ample evidence to the very simple proposition that the Thieu regime is frightened and is concernd about its ability to perpetuate itself with the laws that existed up to that time and that therefore they have been doing what the Senate indicated, and that is grasping for some political base of support?

Mr. BAYH. Mr. President, the Senator is correct. I suppose that if one can eliminate the opposition, that is a shrewd move to make. However, from our standpoint—from the American standpoint—it is a most unfortunate development. My feelings on that matter could be the subject of another hour of discussion, because I am very disturbed about that development.

Mr. HATFIELD. Does the Senator from Indiana agree that we should delineate between the political support and the military power base of the South Vietnamese Government? As the Senator knows, there are over 1 million South Vietnamese trained and equipped and under arms with American support and American trained personnel, as contrasted to about 200,000 from the North who are down South and the remainder of the South Vietnamese who are north of the line. There is therefore ample evidence to indicate that they have the military posture in that regard to immediately sustain themselves, but they have not the political base on which to move forward and have any better chance to maintain itself in power. Would the Senator from Indiana agree?

Mr. BAYH. Mr. President, I agree partially, and partially I simply do not know. The Senator from Oregon accurately states the numerical equation in military terms.

I have been disturbed for many months that the United States could make such a significant commitment of its sons and its material wealth and spend as much time as we have in training as many South Vietnamese as we have—all with rather dismal results in South Vietnamese military performance.

I believe that freedom is pretty important. I am not an advocate of communism. I am against it. If we can help people resist it, I am for that. However, the time comes when we must ask ourselves, are we really accomplishing that goal. And what is it costing us?

When I look at that matter squarely, the results I see from the battlefields in Vietnam cause me to conclude that it is costing us a great deal and we are not accomplishing much.

I am fully convinced that the South Vietnamese military is not what it should be, considering our investment. When we realize that, it reinforces my belief that all our effort has been of little reward. If that much investment in manpower and materiel by this country's part does not accomplish more, I wonder if we are not dealing with some inherent problems in South Vietnam which are beyond our capacity to remedy.

Mr. HATFIELD. Mr. President, I certainly do agree with the statement made by the Senator. However, I would like to point out that in this colloquy today we have the distinction being made between what is the effect of Vietnamization from its withdrawal side and from its political commitment side, the political commitment to the Thieu-Ky regime. Here, I think the American people have the right to have a question answered, and that is how long must we keep this so-called commitment that has been made, not by decree, not by a Senate resolution, or any act of the Congress, not by any action of the people of this country, but by a political policy sustained and maintained and perpetuated from the White House.

We have a right to know how long we will have to maintain American personnel there, and how many more men have to die in order to fulfill whatever that commitment might be.

Let me remind the Senator from Indiana that, as I am sure he is aware, on July 1, 1970, the President of the United States said this is an interview with Howard K. Smith:

> Now, by winning a just peace, what I mean is not victory over North Viet-Nam—we are not asking for that—but it is simply the right of the people of South Viet-Nam to determine their own future without having us impose our will upon them, or the North Vietnamese or anybody else outside impose their will upon them. . . . If the United States, after all of this effort, if we were to withdraw immediately, as many Americans would want us to do—and it would be very easy for me to do it. . . .

"It would be very easy for me to do it," said the President, about withdrawing American troops. But he went on to point out that it is the commitment he has to make sure the South Vietnamese Government can maintain itself.

Now, I think many people in this country think Vietnamization means withdrawal because we hear statistics in this Chamber day after day about how many troops were in Vietnam when this administration came into office and how many have been withdrawn. Therefore Vietnamization has been presented only in the context of withdrawal action.

The Senator and I both know the President has not been evasive at all. He has been very forthright and stated time after time that withdrawal is not the simple objective, but that he has some kind of commitment to the South Vietnamese Government that he has made as the President, and only as the President. I emphasize that without the authorization of Congress, which goes beyond the powers of the Commander in Chief in the Constitution; Congress has to pass on this kind of foreign commitment.

Mr. BAYH. If I might pursue that a bit further, as I look back on what happened on the floor of the Senate, I wish I could change my vote on the Gulf of Tonkin resolution. There has been much effort made to try to rationalize why certain individuals supported it and why others felt it was not wise. Some say it was wise at the time, and others say they voted for it only because of misinformation. I think any of us who read that resolution had to know we were giving rather broad power. Most of us realize that decision was a mistake. But we cannot undo that decision now. We cannot change what is past.

I remember the impression I received when I visited Vietnam in January 1968, almost on the day the Tet offensive broke out. That was a rather sobering experience. I came back with the feeling that what we had to do was to disengage ourselves from that military commitment and see if the South Vietnamese had the self-reliance that was required of them.

I felt then, and I felt until well into the term of the present administration that this was primarily a responsibility of the executive branch, particularly when we had a President who was elected after stressing the importance of his plan for peace. I would much have preferred to see the President sit down with President Thieu and say, "All right. This is what it is going to be, Mr. President, and this is why."

I became completely disenchanted with what this administration was doing not only with respect to South Vietnam but also with its invasion of Cambodia and Laos. It appeared we were following policies based on the misconception that in Vietnam we could have our cake and eat it, too. We made tragic mistakes, and they can only be compounded by ignoring the existence of those mistakes. We cannot undo past mistakes, but we can support the amendment of the Senator from Oregon to keep us from continuing them and from making future mistakes.

Mr. HATFIELD. Mr. President, once again I wish to express my appreciation to the Senator for his comments and I hope his comments will be carefully read by all of my colleagues.

When he mentions the President of the United States, I find it difficult to disagree and take exception. It is probably more difficult as a member of the same political party and as a personal friend.

Mr. BAYH. Let me say that the Senator from Oregon has exhibited unprecedented courage. It is much more difficult for a member of the President's own party to disagree with him. This is not a unique example of the Senator from Oregon's independence of judgment. But, as he knows, the Senator from Indiana has been highly impressed by the courage exhibited by the Senator from Oregon on the Vietnam problem, for it is a difficult legislative issue.

Mr. HATFIELD. I thank the Senator. I would like to add one thought in conclusion. I believe that here again we see an example of how a President very sincerely reviewed a situation and expected it to develop in a certain way. I wish to place in the RECORD what the President said on September 26, 1969, when he was asked to comment on a proposal then advocated by Senator Goodell of New York about setting a date certain. The President replied in these words:

> 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 wish to quote another statement in that same press conference:

> 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.

I believe the President had every commitment to that goal and objective, but obviously something went wrong. Obviously he could not achieve the goal that he was committed to at that time—dedicatedly committed.

So when we hear today that if we set a date by December 1971, the South Vietnamese will not be ready to take on their responsibilities, well, the President ex-

pected them to be ready by the end of 1970 or the middle of 1971 and they were not ready by that schedule. What is the schedule date, if it is not December 31, 1971? What date is it?

I think here again the Senator is assisting a great deal in this debate in putting his finger on this point of what date and what commitment we have to the Thieu-Ky regime. Is that cost more sacrifice of American prisoners and more spending of American money? I think we have a right to know. It is not telegraphing the enemy but it is telegraphing the American people, and I am of the opinion that that is their right. We are the ones being challenged, not the President. We are the representatives of the people who should demand and receive this information, or in the absence of it we should indicate the responsibilities that are ours under the Constitution to appropriate funds. That is the whole constitutional basis of this amendment.

The Senator has placed his finger on the responsibility we have.

Mr. BAYH. I concur wholeheartedly with the Senator from Oregon. I want to emphasize one additional point that we touched on earlier. That is in setting a date certain we would be conveying the message to the South Vietnamese people themselves prior to that election, so they could take steps necessary to put together the kind of government representative of what they want and not what we want or Thieu or Ky wants.

Mr. HATFIELD. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Oregon is recoginized for 15 minutes.

Mr. HATFIELD. Mr. President, last year the New York Times advised against the approval of the amendment to specify a date for withdrawal from Indochina. They did so because they believed the alternative way to withdrawal was through a negotiated settlement. However, like many others, the Times now asserts that under present policy, there is no hope for a negotiated settlement at Paris. Thus, they now recommend that the amendment before the Senate be passed as the best means for terminating this war. I ask unanimous consent that the New York Times editorial of last year and of today be inserted in the RECORD.

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

[From the New York Times, Aug. 31, 1970]

SOUND MOTIVE, DUBIOUS METHOD

The Senate will vote tomorrow on the Hatfield-McGovern amendment to set a timetable for ending the war in Vietnam, an objective devoutly wished by millions of Americans. The framers of the measure have labored responsibly and creatively to extend the deadline for withdrawal of American forces and to allow the President flexibility in applying that deadline.

The question the Senate must decide is whether adoption of the resolution will enhance the prospects of negotiating an honorable settlement in Paris and genuinely extricating the United States from its disastrous adventure in Vietnam.

It is an excruciatingly difficult question for those who deplore—as we do—the lack of candor and the outright deception practiced by this and the two previous Administrations with regard to the American involvement in this Asian morass. And there can be no doubt that in the course of this ill-starred adventure the Executive has often bypassed or ignored the Congress.

There is genuine danger for the American system in Vice President Agnew's reckless assaults on Senators Hatfield and McGovern and their allies, honorable men whose records refute his "pacifist" and "isolationist" labels. They have long agonized over ways to help free this country honorably from a fruitless and divisive involvement and they deserve better than to be attacked as architects of "a blueprint for the first defeat in the history of the United States."

The basic question remains, however: is this amendment the right way either to redress the imbalance of power in the Government or to advance the prospects for American withdrawal and peace in Vietnam?

The argument is used that the timetable in the amendment is roughly the one the President has set for himself; and that its passage would thus be a contribution toward a joint Executive-Legislative policy. But the President is careful to preserve his options and it seems unwise to fix a withdrawal schedule for him by law, even one that contains the loopholes now put into it by the measure's sponsors.

Most important, in our view, is the probable effect of a withdrawal deadline on the peace talks in Paris. Mr. Nixon insists that, despite the lack of a new negotiating brief, David Bruce has been given latitude to explore all possible avenues to a satisfactory settlement. It is just such vagueness that has caused many Senators to despair that American troops will ever be out of Vietnam unless Congress applies an independent prod.

A prod undoubtedly would be useful; the question is what kind it should be. That Hanoi has been stonewalking in Paris is no excuse for Washington's failure to take the initiative there.

Our own belief is that the best way to end the stalemate in Paris is through prompt United States sponsorship of a proposal for a standstill cease-fire by all forces in Vietnam. A Senate resolution to this effect might help to end the war. The Hatfield-McGovern plan, which differs merely in timetable from the Administration's Vietnamization objective, would only end the American involvement—and assure that the war goes on. For there will be little incentive for Hanoi to negotiate a settlement if the President is under Congressional mandate to meet a deadline for evacuation, however diluted.

The sponsoring Senators have labored overtime to make their amendment more reasonable and flexible, but we cannot believe that its adoption will bring closer the goal they seek.

[From the New York Times, June 15, 1971]

WITHDRAWAL WHEN?

The brusque rejection by the White House of former Defense Secretary Clark M. Clifford's proposal to set a fixed date for withdrawal of all American forces from Indochina in return for the release of American prisoners reinforces doubts about the Administration's policies in respect both to negotiation and Vietnamization.

White House spokesmen argue that Communist negotiators in Paris have not yet agreed to do anything more than *discuss* prisoner release after a withdrawal date has been set. But the Administration is evidently unwilling to test the contention of Mr. Clifford and others that Hanoi is indeed ready to accept such an arrangement. Furthermore, the President seems clearly to believe that the United States has not redeemed a pledge on which he has previously insisted as a condition of American withdrawal: "that we give the South Vietnamese a reasonable chance to defend themselves against Communist aggression." Many millions of Americans, including this newspaper, believe on the contrary that the United States long ago more than fulfilled whatever obligations it may have had in this respect.

If, after years of deep and direct American commitment, a one-million-man South Vietnamese army, trained and equipped by the United States, cannot now deal with a numerically inferior foe, it never will. The President's insistence that ultimate American withdrawal be contingent upon South Vietnamese self-sufficiency is a formula for indefinite involvement.

Speaking for the Administration in Senate debate the other day, Senator Dole of Kansas charged that the McGovern-Hatfield amendment, which in its present form closely parallels Mr. Clifford's proposal, would give away the leverage the President still possessed to obtain release of American prisoners. This might be a persuasive argument if realistic negotiations were going on for prisoner release. But as long as Mr. Nixon follows his present policy of withdrawing troops while pursuing the elusive goal of security for Saigon, it is the President who is giving away leverage while holding the prisoners hostage to an interminable conflict.

The failure of the Administration to adopt a more realistic negotiating position, as advocated by Mr. Clifford and others, materially strengthens the argument of supporters of the McGovern-Hatfield amendment, which will be voted on tomorrow in the Senate. Under the circumstances, while retaining our belief that negotiation represents the preferable way of terminating hostilities, we have been driven to the conclusion that the amendment ought to be approved as an expression by the Senate of this country's determination to bring an honorable and speedy end to this futile, wasteful and divisive war.

Mr. HATFIELD. Mr. President, I believe this further substantiates the fact that present policy has been given all reasonable time, and every reasonable chance to succeed in ending the war; but it has failed. The time has come for Congress to adopt the alternative now before us.

Mr. President, the Oregon Journal is a leading and distinguished newspaper in Portland, Oreg. In past years, its editorial policy on the war differed from my own view. Last year, for example, when an amendment to set a date for our withdrawal was offered before the Senate, the Oregon Journal took the position that the Congress should not adopt that proposal. However, like other newspapers, such as the New York Times, and like several State legislatures and like millions of Americans, the Oregon Journal now has advocated the passage of the amendment before us. Further, they make special note of the modification we have made with reference to the prisoner of war issue.

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

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

[From the Oregon Journal, June 11, 1971]

A REALISTIC WITHDRAWAL PLAN

Sen. Mark Hatfield has added an ultimatum feature to his controversial "Amendment to End the War" soon due for Senate debate. It turns that proposal from a vain

hope into a realistic plan which Congress should adopt.

His revision would force North Vietnam itself to make a clear choice—yes or no—on the troop withdrawal and prisoner of war issues.

In this sense, the revised amendment would remove the unrealistic unilateral approach of the original. It also would deal concisely with the most agonizing enigma to those who demand withdrawal—what to do about American prisoners.

As originally introduced, this year and last, the "Amendment to End the War" would insist that American troops get out of Vietnam by the end of this year. That is about all it said, save for a rather vague exception to deal with the prisoner issue.

The revision would set the same withdrawal date, but it would also do this: It would give North Vietnam just 60 days from the time of passage (and before withdrawal of most troops) to make arrangements for the return of prisoners.

Arrangements would be just that—specific plans. They must go beyond the best offer yet heard from the North Vietnamese, which is to discuss prisoner return after a withdrawal date has been set.

If North Vietnam does not respond as directed, Congress would be free to approve by joint resolution the policy of President Nixon. In other words, we would be where we are now, but so would the enemy.

This, then, is an amendment that has some reality to it. It places a burden of performance on the enemy. It doesn't rely on a promise almost certain to be broken.

It is an imaginative approach that is a credit to its authors, Hatfield and Sen. George McGovern, D–S.D.

It should be improved to guarantee the prisoner release. One means could be the transfer of prisoners to a neutral country prior to the withdrawal deadline. Another could follow the subsequent suggestion of former Defense Secretary Clark Clifford for the actual prisoner release within a specified time (Clifford said 30 days) after agreement was reached.

Whether this amendment will attract enough votes to pass is a question. An impressive string of amendments to the draft bill (to which Hatfield-McGovern is now attached) has been successfully resisted.

Hatfield's staff reports a nose count that is cautiously optimistic. Last year the original amendment, which lost 39–55, had 20 sponsors among the 100 senators, including only two Republicans. This year it has 30 co-sponsors, including five Republicans. Hatfield is counting on 39 votes, with another 12 or 14 senators undecided.

The vote is expected next Wednesday. The revision could, and should, attract enough votes to pass. It has made practical an impractical dream, made hopeful a hopeless scheme.

Mr. HATFIELD. Mr. President, it has been repeatedly stated, from many sources, on many occasions, that ending the war is something that poses great problems in logistics. We had the statement by Secretary Laird on television last Sunday indicating it would take a year to provide the time necessary to get the withdrawal completed, if withdrawal by a specific date became our commitment.

Mr. President, many Americans who want to see us terminate our involvement have wondered whether this can be done in the time period suggested by our amendment. Further, many have said that the President is withdrawing our troops, and he must know best how to accomplish that; therefore, who are we to presume that the withdrawal can be accomplished more quickly than the President's plan?

However, the President himself has indicated that a decisive, rapid, and complete withdrawal could come about if he chose to make that decision. On July 1 of last year, Howard K. Smith asked the President:

What authority do you have for keeping troops there other than protecting the troops that are there fighting?

The President answered:

. . . It isn't just a case of seeing that the Americans are moved out in an orderly way. If that were the case, we could move them out more quickly . . ."

And later, the President said:

If we were to withdraw immediately as many Americans want me to do—and it would be very easy for me to do it . . .

Thus, the President has acknowledged it would be possible to withdraw forces far more rapidly than at present if withdrawal were our only objective. On other occasions I have pointed out that this raised grave constitutional questions, for I do not believe the President has the constitutional authority to do anything other than withdraw the troops.

Today, however, I want to draw the attention of the Senate to an important study done by reputable experts on the logistics of withdrawal by December 31. The study has been done by Arthur L. Karp, Comdr. G. E. Everly, and James J. O'Leary. All are members of the Center for Naval Analysis.

I should like to read a summary of their biographies into the RECORD:

Arthur L. Karp is a graduate of M.I.T. (B.S. physics) and New Mexico State College (M.S., mathematics), and has studied at the University of California, Berkeley and the Georgetown University Law Center. He has done research at the Naval Ordnance Laboratory, the Hughes Aircraft Corporation, and the White Sands Proving Ground. Since 1956 he has been with the Center for Naval Analyses where he has directed studies on a number of problems of naval interest. He has also served as a systems analyst on the staffs of the Commander Seventh Fleet, Commander Task Force Seventy Seven, Commander-in-Chief Atlantic Fleet, and the Commandant of the Marine Corps.

Commander G. E. Everly, USN (Ret.), served on active duty in the U.S. Navy from February 1941 until September 1965. During World War II Cdr. Everly served on destroyer duty in the North Atlantic and submarine duty in the Pacific. In the postwar years his sea duties included command tours in both the destroyer and submarine forces. Cdr. Everly holds the Silver Star, Presidential Unit Citation, Navy Letter of Commendation (with combat "V"), and Submarine Combat Insignia (six successful patrols). In 1965, Cdr. Everly joined the professional staff of the Center for Naval Analyses.

James J. O'Leary is a graduate of Queens College (B.A. political science) and has studied at George Washington University. For several years he was an operations research analyst at Grumman Aerospace Corporation. Recently, he has participated in systems analysis studies at the Center for Naval Analyses.

Mr. President, these experts have concluded that the withdrawal of all our troops and of a substantial portion of our equipment is not only entirely possible by the end of the year, but is also the safest method for disengagement.

The authors point out that:

If our disengagement is protracted over a number of years, we can expect continued, substantial casualties and conceivably even a military disaster. However, a purely military withdrawal, with an established terminal date, could take place with very low risk.

Concerning the actual logistics involved, the authors discuss withdrawal by both sea and air. In summary, they demonstrate that only 44 of our 100 amphibious assault ships could easily accomplish the withdrawal in 4 months time. In fact, they suggest this lift could even be accomplished in 2 months. In making these projections, the authors allow 2 months time—until September—simply for planning the withdrawal.

Further, the study points out that if we choose to use aircraft to accomplish the withdrawal, then in only 1 month's time, one-third of our C–141's could airlift to Okinawa 61 percent more than the total number of troops expected to be in Vietnam on September 1—215,000.

Finally, the study points out that a major portion of all our equipment could be accomplished through the use of the ships under the Military Sealift Command that currently carry supplies to Vietnam.

Therefore, this definitive study makes it absolutely clear that if withdrawal is our only objective, that can be accomplished easily in a matter of months, and can be completed by the end of this year with time to spare.

I urge the Members of the Senate to study this document with care, and ask unanimous consent that it be printed in the RECORD.

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

THE WITHDRAWAL OF AMERICAN TROOPS FROM INDO-CHINA BY 31 DECEMBER 1971; CONSIDERATIONS OF SAFETY AND LOGISTICS

(By Arthur L. Karp, Cdr. G. E. Everly, U.S.N. (Ret.), James J. O'Leary)

It has been proposed that all U.S. military forces be withdrawn from Indo-China by the end of calendar year 1971. This paper examines two questions the proposal might raise:

(1) Can it be done safely?

(2) Can it be done at all?

A systematic military withdrawal over a relatively short time span is by all odds the safest method to withdraw U.S. troops from Indo-China. In fact, in the absence of a cease fire agreement, a conventional military withdrawal, in which combat and support echelons are withdrawn in a normal sequence as the forces conduct an orderly fall-back centered on a final port 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, as will be discussed shortly.

Stated in a somewhat overly simplified form, we have two basic options as to the method of our disengagement (again assuming no negotiated cease fire):

(1) A standard military withdrawal of all personnel timed to terminate on a specific date.

(2) Withdrawal of all or almost all combat troops, leaving essentially only support troops (probably about 50,000 men) to supply the South Vietnamese with those services which have brought about the current relatively favorable military balance, and which the ARVN cannot itself supply. These services include such central functions as close

air support (by helicopters and tactical air), artillery support, and airlift. Under this option, the remaining U.S. troops must depend on ARVN combat units for protection against NVA/VC harassment and assaults. Moreover, they would have to stay in South Vietnam, in a state of precarious dependence, for however many years the ARVN took to develop the desired level of skills and experience.

Administration policy appears to be Option #2. Public statements have been vague on the matter of U.S. protective forces remaining with an unspecified number of support forces. The possibilities for disaster are quite high. At best, if ARVN continues to improve and functions moderately efficiently in the years to come, enemy harassment-type attacks could easily keep the U.S. casualty rate above 100 per week for as long as we keep troops here. 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 deployed to a number of locations, in relatively small units. It is not too difficult to envisage a situation in which the President would be faced with an unhappy choice between a crash evacuation (with the possibility of a large number of casualties), reintroducing large numbers of U.S. combat units, or employing advanced (read nuclear) weapons.

Thus, if our disengagement is protracted over a number of years, we can expect continued, substantial casualties, and conceivably even a military disaster. However, a purely military withdrawal, with an established terminal date, could take place with very low risk. The principal reasons supporting this assertion follow.

(1) The war in Indo-China does not involve large numbers of opposing forces locked in fixed positions. Therefore, the initial break-off of contact would not be difficult. Furthermore, U.S. forces can withdraw from their positions without fighting a rearguard action against overwhelming enemy forces, as they had to do in Korea when the Chinese crossed the Yalu. In Vietnam, the U.S. force has a degree of mobility unsurpassed in military history. The mobility makes the initial break-off of contact a routine matter.

(2) The fall-back and withdrawal could take place with full tactical air support and complete air superiority. The air support would not need to diminsh as the force perimeters become small in the final stages. Our heavy bombers are based outside of Indo-China, we have tactical air in Thailand, carrier-based air is available in large quantity, and if needed during final stages, helicopter gun ships can be supported on some of the LPH's (helicopter assault carriers). For the past 2 years or more, the North Vietnamese forces have not been able to move as large units in South Vietnam, primarily due to U.S. air power and extremely effective, antipersonnel air-to-ground weapons. The situation would not change during the withdrawal. Air power would be overwhelming to the end. Hence, there is no realistic danger of large scale attacks during withdrawal.

(3) A date certain permits a coordinated fall-back on a final re-embarkation port while maintaining the proper ratio between combat and support forces at all stages of the withdrawal. The success of the operation would not be dependent upon the performance of the South Vietnamese forces. To whatever degree they can and do take over the defense of their country, the operation would, of course, be that much simpler. However, their success or failure in taking over the defense would not be a major factor affecting our successful withdrawal.

(4) The normal crucial stage of a 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 three-brigade covering force of 16,000 men with its artillery could be lifted out by helicopter in only 9 hours.[1] Thus, in this specific situation, there is no crucial final stage.

In summary, if withdrawal is viewed in purely military terms, a systematic, planned and vigorous military withdrawal is the safest way to disengage. Any other method could only result from political considerations and would impose greater military risks, allowing the number of American casualties to depend on the South Vietnamese performance. Once fully commited to other than a systematic military withdrawal, the U.S. will gradually lose control of the situation. A failure on the part of the South Vietnamese forces could confront the U.S. with the choice between very high casualties or re-entry into the country with a rescue force. A straightforward military withdrawal runs no such risks.

But do we have the logistic resources to withdraw some 255,000 men before the end of this year? This question is answered in appendices B and C. The basic assumptions of these appendices are:

(1) The withdrawal has to be accomplished for the most part after 1 September; June, July, and August are planning months in which the assumed withdrawal rate of 14,000 men per month is somewhat below its present level.

(2) No reserve aircraft or ships (except 2 aircraft ferries) are to be activated, nor are military postures elsewhere to be seriously affected.

[1] See appendix A.

In appendix B, it is shown that 44 of the fleet's 100 amphibious assault ships could, in the allowed 4-month period, easily lift the remaining U.S. military personnel from Vietnam to Okinawa. In fact, the lift could probably be accomplished in about 2 months.

Alternatively, the Military Airlift Command, using only one-third of its C–141 aircraft, could lift to Okinawa 61% more men in a single month than we expect to have in Indo-China on 1 September. Or instead, in 4 months, using the same aircraft, 54% more men than present could be airlifted to San Francisco. A third alternative would use one-third of the long-range aircraft in the Civil Reserve Air Fleet. This would suffice to accomplish the withdrawal to San Francisco in a few days over 2 months.

Appendix C shows that one-half of the ships controlled by the Military Sealift Command could lift the estimated quantity of equipment in Vietnam on 1 September to Okinawa in the allotted 4 months—without even using the capability of the amphibious force.

In summary, then, the task of removing all U.S. military forces from Indo-China by 31 December 1971 seems to be well within the capability of the military mobility forces that we maintain.

APPENDIX A

OUR ABILITY TO QUICKLY AND SAFELY EXTRACT THE COVERING FORCE

This appendix illustrates one method for quickly and safely extracting the combat force which covers the final withdrawal of U.S. troops from Vietnam. Such an operation can be done in a number of different ways depending on the resources made available and the circumstances that apply. The particular mode of extraction described here would be appropriate if hostile action were a problem—otherwise simple dockside embarkation would suffice.

To carry out the withdrawal, a portion of the amphibious assault fleet is made available. Table A–1 shows the composition of this fleet and the ships assumed to be assigned to the operation. Less than half of the active fleet (and no ships from the reserve fleet) are used. Of the newer ships with speeds of 20 knots or more, 27 of 53 ships are used. For only one category—LPH's—is more than 50 percent of the active ships used. Thus, the plan described in this appendix does not require that the Atlantic Fleet be seriously drawn down.

A covering force of 3 Brigades, each with 5 Maneuver Battalions and 1 Artillery Battalion, will be assumed. This force, roughly equivalent to a division is shown below to consist of almost 16,000 men and includes 54 howitzers, all to be helo-lifted from the withdrawal area.

TABLE A–1.—AMPHIBIOUS ASSAULT SHIPS ASSIGNED TO THE WITHDRAWAL OPERATION

Type and class	Number in active fleet [1]	Number assigned to withdrawal	Troop spaces per ship	Speed in knots
LPH: Iwo Jima	7	5	2,090	20.0
LPD:				
Austin-A	5	3	930	20.0
Austin-B	6	3	840	20.0
Raleigh-A	2	1	930	20.0
Raleigh-B	1	0	860	20.0
LSD:				
New	3	1	[2] 313	20.0
Thomaston	8	4	[2] 313	24.0
Casa Grande	3	0	[2] 226	15.4
LKA:				
Charleston	5	3	300	20.0
Tulare	1	0	135	20.0
Rankin	3	0	[3] 135	16.5
Andromeda	3	0	[3] 135	15.5
LPA:				
Paul Revere	2	1	[4] 1,500	20.0
Haskell	0	0	1,560	17.7
Bayfield	2	0	1,600	[5] 17.7
LST:				
Newport	13	6	430	20.0
Suffolk City-A	2	1	430	17.5
Suffolk City-B	5	2	575	17.5
Terrebonne Parish	14	7	395	15.0
Other (older)	15	7	147	11.6
Total	100	44		

Note: Data from Jane's 1970–71 (reference A–a) unless otherwise noted.
[1] Includes ships commissioned in "early" 1971; excludes ships commissioned in "middle" 1971 or later.
[2] LSD troop capacities based on reference (A–b).
[3] Not specified in Jane's; assumed to be the same as for Tulare class.
[4] Reference (A–c).
[5] Not specified in Jane's; assumed to be the same as for Haskell class.

A Separate Infantry Brigade consists of 2,196 men in headquarters and support units to which infantry or tank battalions are attached. (Reference (A-d)) The majority of the supporting units would be withdrawn before the last day. In particular, the Armored Cavalry Troop, the Aviation Company, the Engineer Company, and the Support Battalion are assumed to be gone. This leaves the Brigade Headquarters and Headquarters Company (287 men) and a Battalion of 105 mm towed howitzers (540 men). In addition, a Separate Brigade Medical Company (125 men) is attached. (Reference (A-e)) These remaining support units include 962 men and 18 howitzers. From 3 to 5 maneuver battalions are attached to the headquarters and support units to form a brigade. In this case, the maximum of 5 battalions will be assumed. Since each infantry battalion consists of 849 men, (reference (A-f)) the total strength of the Separate Infantry Brigade is 5,197 men.

To lift the whole covering force of 3 brigades, then, requires that 15,591 men and 54 howitzers be helo-lifted.

Each of the "Iwo Jima" Class LPH's (Amphibious Assault Ships) carries 20–24 CH–46 and 4 CH–53 helicopters and can berth 2,090 troops.[2] A complement of 22 CH–46 and 4 CH–53 helicopters and an average helicopter availability of 75% will be assumed. This results in 17 CH–46's and 3 CH–53's available per LPH or a total of 85 CH–46's and 15 CH–53's for all 5 LPH's. The CH–46's and 5 of the CH–53's would carry troops and 10 CH–53's would carry howitzers and other equipment.

Each CH–46A can carry 17 to 25 troops to a combat radius of 115 miles at 150 miles an hour.[3] For this paper, 21 troops per lift will be assumed. The CH–53A carries 38 combat equipped troops; a later modification, the CH–53D carries 64 in a high density arrangement. In this appendix, 38 troops will be assumed per lift. The CH–53 can also carry a 105 mm howitzer and carriage in lieu of troops. The CH–54 radius is given as 125 miles; the cruising speed, 170 miles per hour.

The helicopters from the 5 LPH's can simultaneously lift 1975 troops and 10 howitzers. For a one-way flight distance of about 50 miles, the round-trip flying time—at the slower CH–46 speed—is about 40 minutes. If 20 minutes is allowed for loading and unloading troops, refueling, etc., the cycle time is 60 minutes and the lift per hour is just the simultaneous lift capability, i.e., 1975 troops and 10 howitzers per hour.

Thus, in 9 hours (about 3 hours per brigade) the troop-carrying helicopters could lift out 17,775 men, somewhat more than the 15,591 men in the 3-brigade covering force. (Actual time to withdraw the covering force is from first lift-off to final lift-off of forces from Vietnamese soil. Thus, only 8 hours are required. On the other hand, some allowance should be made for sequencing waves; thus, the 9-hour estimate.) Similarly, the 10 CH–53 helicopters could, in the same 9 hour period, lift the 54 howitzers with 36 sorties to spare.

Are there spaces aboard the ships for this number of troops? The 5 LPH's carry 10,450 troops. These berths would be filled by 498 of the 662 CH–46 trips made during the nine hours. (Based on our assumptions 768 CH–46 trips can be made, but only 662 are needed to carry the troops not lifted by CH–53's.) The remaining trips could be made to LPD's. The LPD's have room for only about one operating helicopter at one time, so spacing helicopter arrivals 12 minutes apart; to give time for offloading, allows 5 arrivals per hour on each LPD, or 45 during 9 hours. This means a total of 315 landings could be made on the 7 LPD's assumed to be available—but only 299 are required after the LPH's are filled. Of these 90 could be CH–53's carrying equipment, leaving 45 CH–53 and 164 CH–46 arrivals with troops. This would mean a total troop delivery of

$$(45\times38)+(164\times21)=1710+3444=5154$$

The total of 5,154 troops on the LPD's plus 10,450 on the LPH's is 15,604; or just about the number to be lifted. And, the 7 LPD's can accommodate more than the 5,154 troops—6,240 in fact.

If more than 9 hours was allowed for the final extraction by helicopter, an even larger covering force would be possible. Alternatively, the 9 hour extraction time could be held constant and part of the covering force could be withdrawn over the beach, i.e., by landing craft, amphibious vehicles, and directly into beached LST's. The total troop capacity of the assault ships assigned to the withdrawal is 28,609 men. For a short trip (such as 4 or 5 days to Okinawa) this total capacity could be doubled by the time-honored method of "hot bunking".

REFERENCES FOR APPENDIX A

(A-a) *Jane's Fighting Ships, 1970–71*, McGraw-Hill Book Co., New York.

(A–b) *Staff Officers' Field Manual, Organization, Technical and Logistic Data. Unclassified Data*, Department of the Army Field Manual FM 101–10–1 dated January 1969.

(A-c) *Jane's Fighting Ships, 1968–69*, McGraw-Hill Book Co., New York.

(A-d) *Separate Infantry Brigade*, TOE 7–100G dated 31 August 1966.

(A-e) *Separate Brigade Medical Company*, TOE 8–147E in Army Field Manual FM 101–10–2 dated January 1965.

(A-f) *Infantry Battalion, Separate Infantry Brigade*, TOE 7–15G dated 31 March 1966.

(A-g) *Jane's All the World's Aircraft, 1970–71*, McGraw-Hill Book Co., New York.

APPENDIX B

WITHDRAWAL OF THE TROOPS

At the end of May 1971, there were still over a quarter of a million United States military forces in Indo-China. Table B–1 shows the breakdown of this force. This appendix shows that there is no difficulty in removing these men from Indo-China in accord with the proposed Hatfield-McGovern schedule.

TABLE B–1—*United States military personnel in Indo-China on 27 May 1971*

Army	200,100
Navy	11,300
Air Force	38,400
Coast Guard	100
Marine Corps	5,800
Total	255,700

Source: Department of Defense

To simplify the calculations, we shall ignore any special mobility resources the separate services have and merely treat the problem as if all the men were Army ground forces.

We assume that there is no increase in withdrawal rates before September. Thus, conservatively, only 42,000 men will be withdrawn in June, July, and August, leaving 213,700 men to be withdrawn in the 122 day period: 1 September to 31 December 1971.

First, we examine the capability of the amphibious assault fleet to move troops from Indo-China to Okinawa a distance of about 1600 miles (Saigon to Okinawa: 1,573 miles).

Table B–2 shows the number of round trips that can be completed in 122 days. A conservative approach has been used in choosing a speed of advance significantly less than the ships' sustained speed. The day and a half estimate for loading or unloading the ships is also conservative; amphibious assault ships can normally load or unload in a matter of hours—even without port facilities.

TABLE B-2.—NUMBER OF CYCLES IN 122 DAYS FOR A 3,200-MILE ROUND TRIP

Ship's speed capability (knots)	Assumed speed of advance (knots)	Round trip travel time (days)	Loading plus unloading time (days)	Number of round trips
20 or more	15	8.9	3	10.3
17.5	14	9.5	3	9.8
15	12	11.1	3	8.7
11.6	9	14.8	3	6.9

Table B–3 shows the total lift capability using the ships assumed to be available in the previous appendix (table A–1), i.e., 44 of the 100 amphibious assault ships in the active fleet. Note that the number of lifts in table B–3 is determined by rounding *up* the number of round trips computed in table B–2. This is because the ships are assumed to be ready to load on 1 September and because the last, incomplete round trip still counts as a lift since the troops are embarked. (Moreover, for the last trip, a half of a round trip will suffice since it delivers the troops to Okinawa.)

TABLE B-3.—NUMBER OF TROOPS THAT CAN BE LIFTED FROM INDOCHINA BY AVAILABLE AMPHIBIOUS ASSAULT SHIPS, SEPT. 1 TO DEC. 31

Ship's speed capability (knots)	Troop capacity per lift of available ships	Number of lifts	Total number of troops lifted
20 or more	23,235	11	255,585
17.5	1,580	10	15,800
15	2,765	9	24,885
11.6	1,029	7	7,203
Total			303,473

As can be seen, 44 of the 100 ships in the active amphibious assault fleet will easily suffice to lift 213,700 men from Indo-China. With some "hot bunking", certainly feasible for a 5 to 7 day trip, these 44 ships alone could provide well over twice the required lift capability.

At present, returning American troops are being flown out of Vietnam. This suggests an alternative mode of withdrawal.

Reference (B–a) states that on 1 July 1969 the airlift inventory of the Military Airlift Command (MAC) consisted of the following unit equipment (UE) aircraft:

C–124	48
C–133	38
C–141	242

In the posture statement for FY 1971 (reference (B–b)), Secretary Laird stated the following plan for the end of FY 1971 (i.e., 30 June 1971):

	Squadrons
C–133	2
C–141	14
C–5A	3

The C–141 estimate is based on the statement "[t]he C–141 force reached its programmed strength of 14 squadrons in FY 1968 and we plan to maintain the force at that level".

In reference (B–c), the FY 1972 posture statement, the strategic airlift capability at the end of FY 1972 is given as:

	Squadrons
C–141 (275 a/c)	13
C–5A (65 a/c)	4

It is not clear, comparing these references, exactly how many C–141 UE aircraft will be in the MAC inventory in the later part of this year. To be very conservative, however, we:

[2] In this appendix, ship data is from *Jane's Fighting Ships 1970–71*, reference (A-a).

[3] In this appendix, helicopter data is from *Jane's All the World's Aircraft 1970–71*, reference (A–g).

(1) make a low estimate of the number of UE aircraft (240),

(2) assume only one-third of these aircraft are available to lift out troops (80), and

(3) completely disregard any capability provided by the C–133 and C–5A aircraft in the MAC inventory.

Table B–4 shows that the assumed 80 aircraft could lift about 345,000 men from Indo-China to Okinawa in a single month. Alternatively, in 4 months over 330,000 men could be airlifted to San Francisco. These 2 cases represent, respectively 61% and 54% more men than the 213,700 expected to be in Indo-China on 1 September 1971.

In reference (B–c), Secretary Laird points out, "In a rapid deployment, we also rely on the approximately 330 commercial aircraft in the Civil Reserve Air Fleet (CRAF) to move troops and a portion of the worldwide resupply requirements". Reference (B–a) gives the long-range aircraft composition of the CRAF on 1 July 1969 as:

DC–8/CU–880	112
B707	240
Total	352

Assume that one-third of the lower estimate is made available for withdrawal, i.e., 110 aircraft. Reference (B–d) specifies the block speed for both aircraft as between 430 and 440 knots; assume 430. Reference (B–d) gives the number of passengers carried by the B707 as between 128 and 165 and between 139 and 219 for the DC–8. Assume 130 for both aircraft. Then, repeating the calculations of table B–4, results in an estimate of over 397,000 men lifted from Indo-China in 4 months. Putting it differently, one-third of the CRAF could fly all 213,700 men to San Francisco in a few days over 2 months.

Note that neither of these estimates use any tactical or military reserve airlift forces. Note also that the number of landings and departures should not overtax the available air facilities. In the most extreme of the above examples, there would be 80 landings and take-offs per day in Indo-China or only 3.3 per hour.

The estimates given above are in accord with past experience. In CY 1968, military and commercial aircraft carried military passengers overseas as indicated below:

CONUS to Worldwide	1,446,300
CONUS to RVN	574,100

Converting these figures to average rates for a 4-month period:

CONUS to Worldwide	482,000
CONUS to RVN	191,000

Thus, the suggested rate of withdrawal of 214,000 men in 4 months is only about 44 percent of the rate at which military passengers were flown overseas in 1968 and only 12 percent higher than the rate at which men were flown to Vietnam in that year.

TABLE B–4.—COMPUTATION OF C–141 AIRLIFT CAPABILITY

	Airlift to Okinawa	Airlift to San Francisco
A. Flying hours per day per A/C [1]	8	
B. Flying days per month per A/C [2]	28	
C. Flying hours per month per A/C (A×B)	224	
D. Block speed in knots [3]	415	
E. Miles per A/C per month (C×D)	92,960	
F. Round trip distance in miles from Saigon	3,146	13,756
G. Round trips per month per A/C (E÷F)	28	6.7
H. Number of A/C made available	80	
I. Troop capacity per A/C	154	
J. Lift capacity (troops) per month (G×H×I)	344,960	82,544
K. 4-month lift capacity troops		330,176

[1] One of the measures the Military Airlift Command took to meet Vietnam requirements was to increase its flying hour program to 8 hours per day per aircraft. (Reference (B-a).)
[2] Estimated, based on general data in reference (B-d).
[3] Reference (B-d).

REFERENCES FOR APPENDIX B

(B–a) *Logistic Support in the Vietnam Era*, Monograph 18: *Transportation and Movement Control*, A Report by the Joint Logistics Review Board.

(B–b) *Fiscal Year 1971 Defense Program and Budget*, Statement of Secretary of Defense Melvin R. Laird before a Joint Session of the Senate Armed Services and Appropriations Committee, February 20, 1970.

(B–c) *Fiscal Year 1972–76 Defense Program and the 1972 Defense Budget*, Statement of Secretary of Defense Melvin R. Laird before House Appropriations Committee, March 4, 1971.

(B–d) *Logistics Strategic Mobility Planning*, Headquarters, Military Traffic Management and Terminal Service, MTMTSR 700–1 of 18 March 1968.

APPENDIX C

WITHDRAWAL OF SUPPLIES AND EQUIPMENT

Troop withdrawal, in appendix B, was based on:

(1) 213,700 men to be withdrawn,

(2) all men assumed to be Army ground forces, and

(3) withdrawal to begin on 1 September 1971 and to be completed by 31 December.

This appendix, which examines the withdrawal of supplies and equipment, will use these same 3 estimates.

The chief problem is the withdrawal of vehicular equipment. In part, this is because vehicles are inefficiently stowed on a ship; they cannot be piled on top of each other like a stack of boxes. Also, for the particular situation being examined, a large quantity of supplies would not be withdrawn at all. Rations, ammunition, and much else would presumably be turned over to the South Vietnamese Army. What is not turned over, could be transported in the returning vehicles and need not be separately considered.

To exaggerate the difficulty of the task, and thus to err on the safe side, the force to be withdrawn will be treated as if it were composed entirely of mechanized infantry divisions.

The equipment for a mechanized infantry division consists of 125,842 measurement tons (MT's) of vehicles, impedimenta, and aircraft. (Reference (C–a)) Its aggregate strength is 17,994 men for a typical division. (Reference (C–b)) Thus, the 213,700 men to be withdrawn are equivalent to 11.9 mechanized infantry divisions with which we associate just under 1.5 million MT's of vehicles.

The Military Sealift Command (MSC) provides the nation's sealift capability, delivering much of the cargo that supports the overseas deployment of U.S. forces, including the troops in S.E. Asia. At present, based on references (C–c) and (C–d), the composition of the MSC break-bulk fleet is as shown in table C–1.

TABLE C–1.—COMPOSITION OF THE MSC ACTIVE AND AVAILABLE BREAK-BULK FLEET

	Speed range (knots)	Number of ships	Total capacity (millions of metric tons)
Nucleus fleet	15–18	22	.245
	20	1	.024
Time charters	20–25	16	.311
	15–17	68	1.103
Total			1.683

To allow for the inefficiencies involved in stowing vehicles, only 40% of the capacity shown in table C–1 will be considered useable. Moreover, only 50% of the ships will be assumed available. Thus, the available capacity drops to 20% of that shown in table C–1, i.e., 0.337 million MT's.

Assume, as in the previous appendix, that Okinawa is used as a staging point. Then the round-trip journey is about 3200 miles. Using a 14 knot speed of advance for all the ships, the steaming time will be under 10 days. Allow 5 days each for loading and unloading, making a total round trip time of 20 days. Thus, in the 122 days available, 6 to 7 lifts can be made. Using the lower estimate, this means 2.02 million MT's of vehicles withdrawn or about one-third more than the required 1.5 million MT's.

Note that the port capacities in South Vietnam would seem to be sufficient to handle this much capacity. Reference (C–e) gives the total through-put capacity for 13 South Vietnamese ports as 41,266 short tons of general cargo per day (quoting a MACV survey of February 1969). For 100 days, this amounts to 4.1 million short tons. Using the conversion factors for an average of all commodities (as given in reference (C–a)), this is equivalent to 10.7 million MT's. Using the factors for light and heavy vehicles, the equivalence is to 28.7 and 14.4 million MT's, respectively. These port capabilities compare quite favorably with the estimate of 1.5 million MT's of vehicles to be withdrawn.

Overland movement, of course, should be no problem. Most U.S. forces are located on or near the coast. Deeper forces are usually moved by helicopter. Moreover, South Vietnam is so narrow that the distances to be traversed are, in any case, quite small considering the movement time available (i.e., 50 to 100 days).

The only item of equipment that might be separately considered is the helicopter. There are perhaps 4,000 U.S. helicopters in South Vietnam today. (According to reference (C–f), the number of helicopters peaked at 3842 in May 1969.) The LPH's normally carry about 25 helicopters; for transport purposes, they should be able to carry at least 50 each or 250 for the 5 assumed to be participating. On 11 trips, then, they could withdraw about 2750 aircraft. In addition, there are 2 INDEPENDENCE-Class aircraft transports in the Navy reserve fleet. These are 32 knot ships which can carry 40 or more aircraft. (Reference (C–g)) They would suffice to withdraw another 1200 or so helicopters. (There are still another 13 aircraft ferries in the Navy reserve fleet. These are 18 knot ships and could carry over 30 aircraft each.) Thus, there appears to be no real problem in withdrawing the helicopters.

In table A–1, it was suggested that some 44 amphibious assault ships might be made available for the withdrawal. Except for the LPH's discussed in the previous paragraph, these have not yet been considered with respect to their capacities to withdraw vehicles. A very rough estimate should suffice.

It was shown earlier that one-half of the MSC-controlled fleet (about 54 ships) making 6 trips could lift about 2 million MT's of vehicles. The 324 ship trips can be compared to the 373 lifts made by the amphibious assault ships, exclusive of the LPH's and LPA. (Computed from tables A–1 and B–3.) Since the MSC ships lift about 2 million MT's compared to the requirement of 1.5 million MT's, it is clear, without detailed calculations, that the amphibious assault ships could, by themselves, withdraw at least a substantial fraction of the vehicles.

REFERENCES FOR APPENDIX C

(C–a) *Logistics Strategic Mobility Planning*, Headquarters, Military Traffic Management and Terminal Service, MTMTSR 700–1 of 18 March 1968.

(C–b) *Staff Officers' Field Manual. Organization, Technical, and Logistic Data. Unclassified Data*, Department of the Army Field Manual FM 101–10–1 dated January 1969.

(C–c) *Merchant Ship Register*, Military Sealift Command, Department of the Navy, MSC P504 dated April 1971.

(C–d) *Weekly Schedule of MSC Cargo Ships*, Military Sealift Command, Department of the Navy, MSC Report 3120–17 dated 4 June 1971.

(C–e) *Logistic Support in the Vietnam Era*, Monograph 18: *Transportation and Movement Control*, A Report by the Joint Logistics Review Board.

(C–f) *Logistic Support in the Vietnam Era*, Volume II, A Report by the Joint Logistics Review Board.

(C–g) *Jane's Fighting Ships, 1970–71*, McGraw-Hill Book Co., New York.

Mr. HATFIELD. Mr. President, in conclusion I would like to say simply this: In World War II, we withdrew over 800,000 American troops from Europe in a matter of a month. We had the capacity to execute that withdrawal without endangering lives or abandoning our equipment. So I think again that unless there is other evidence that we can rely upon, this represents the first analysis with careful study and detail involved, and it indicates clearly that such a withdrawal could take place in far less time than these generalized statements that we have heard.

I would ask any source, the President, the Pentagon, the Army, the Navy, the Secretary of Defense, or the manager of the bill—anyone who could—to come up with a detailed analysis that would match the precise data we have here on the question of how long it would actually take to withdraw our forces and equipment, and what sort of planning and logistics it would require.

I think we have a right to know in specific terms, and not just the generalities, "Oh, a year," or "Around 9 months" that we have been hearing from so many sources.

Mr. President, in presenting this analysis point by point, the proponents and advocates of this amendment have provided, not opinions, illusions, or generalities in response to the pointed questions that have been raised about our amendment, but we have presented data, statistics, and very definite analyses that have been evaluated, rather than generalities or appeals to emotion. I hope the Senate will see fit to agree to the amendment tomorrow.

Mr. STENNIS. Mr. President, I yield myself 5 minutes, or so much thereof as I may use.

My remarks now will pertain to the debate and the disposition of amendments tomorrow and for the remainder of the week. But as a preliminary matter, Mr. President, this debate has gone on now since the 6th day of May, if my memory is correct as to the exact date, and we have had, as I have understood, more than 150 amendments. A great number of them have been disposed of, and a great many of those remaining are duplicates or near duplicates.

We have already had three key votes as to the period of extension of the draft. One was for no extension at all, another was for 12 months, and a third for 18 months. The committee bill provides for 24 months.

We have one amendment still pending on this period of extension. There has already been an agreed time limit set on it. It provides for an extension of 20 months. That is the only one that I know of that has been filed dealing with the period of extension, though it is reported to me that one Senator has an amendment to provide for an extension of 22½ months. He and I are usually on the same side, but there will be a parting of the ways when he puts that one in.

At any rate, we have had very fine debates on all of them, and we have this termination of the war debate to be disposed of tomorrow. We have had amendments regarding the personnel levels and the ceiling on the draft. We have an amendment coming up, I think, if it is pushed, relating to the number of draftees that could be inducted in an emergency. We have other amendments passing on most of the major parts of the bill.

Mr. President, without going into the reasons again, I have emphasized from the beginning that our own safety and security here at home are at stake, and that, in my opinion, the safety of this Nation would be imperiled if we do not pass a realistic bill. This is not something that can be treated leisurely or indefinitely; the fact is that we do not have any real choice as to whether or not we pass a bill.

I have always opposed the imposition of cloture, but I have always said that if in my opinion the national security was ever involved, security should come first. I think it would be involved here, very definitely. I am not thinking in terms of the war in Vietnam nor the security of Western Europe. I am thinking about our own people here at home.

For that reason, I shall not only vote for cloture, but I shall encourage any colleague who feels that he possibly can join in when this motion is filed to do so, and I think it will be. Though I defer to the leadership in making that judgment, I think it will be filed next Monday.

That would mean, if cloture is imposed, that all pending amendments are caught up in it and, of course, will be disposed of, then, under rule XXII. I mention this now as the very opposite of a threat, but just to call the attention of anyone who has an amendment, to come on and let us see if we can not take it up tomorrow afternoon after this amendment is disposed of, when we shall have some time.

We can come in Thursday morning early and get busy on these matters, and Friday we can do the same thing. I am willing to get here very early, and stay for the full length of the debate, if there is really an effort to call up the amendments and get them disposed of. But there is no use for us to all stay here all these long days waiting for a plane to get here from somewhere so someone can vote, or waiting for anything of that kind that does not dispose of our business.

I do not want anyone to have an amendment of any kind that does not have a chance to be considered here, so long as it is offered subject to the interpretation that it is relevant and germane, and has to do with the point at issue. But I hope Senators will come in and get these amendments up, agree to reasonable time limits, and then get them disposed of, so that if cloture is imposed, it will not be to the detriment of anyone. It might be to his displeasure, but not to his detriment.

In disposing of this matter, I think we have got to meet the situation. We do not have a rule of germaneness in the Senate except in limited cases.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. I yield myself 5 additional minutes.

But if amendments keep coming in that are really repeaters or do not go to the major purposes of this bill, I would feel free, after a reasonable time, to move to table the amendment, and thereby get the business disposed of.

Now, Mr. President, I am glad to yield such time as——

Mr. BYRD of West Virginia. Mr. President, will the Senator yield first to the Senator from West Virginia?

Mr. STENNIS. Mr. President, I yield to the Senator from West Virginia, who has rendered fine service to all sides—I did not say "both sides," because this is a many-sided debate—during the weeks we have been here. I thank him.

Mr. BYRD of West Virginia. I thank the Senator for making these very pertinent remarks with respect to the need for getting on with action on amendments which have been offered, and certainly with reference to the amendments on which time agreements have been reached.

May I say that it will be the purpose of the leadership on this side of the aisle—and I am authorized to speak for the majority leader—to line up as many Senators as possible who have offered amendments and concerning which amendments time agreements have been entered into. We will line up as many as possible for action on Thursday and Friday, so that we will have a full day on Thursday. We will convene at 10 a.m. on Thursday—that order is subject to change, and if it is changed, it will be for an earlier hour rather than a later hour—and go as late as we can, as long as we are making progress, and come in at an early hour on Friday and continue until perhaps 3 o'clock in the afternoon on Friday.

I think we will be able to complete action on several amendments. We have a goodly number of amendments on which time agreements have been entered into.

So the leadership on this side of the aisle joins with the able manager of the bill in expressing the hope that Senators will be ready to offer their amendments and, hopefully, will be willing to reduce the time that has been agreed upon. For example, perhaps the time on amendments on which 3 hours have been agreed upon can be reduced to 2 hours or 1 hour on each amendment.

The manager of the bill will have the support of the leadership on this side of the aisle in the effort to press for action on as many amendments as possible on Thursday and Friday.

I will not impose further on the time of the manager of the bill. I ask whether the Senator would be willing at this time to enter into a unanimous-consent agreement on the amendment by the Senator from Iowa (Mr. MILLER). I have discussed this matter with the Senator, and it is my understanding that the mover of the amendment would be willing to agree to 20 minutes on the amendment, to be equally divided.

Mr. STENNIS. I have not seen the full text of that amendment, but it seems to me that it should be worth 15 minutes to a side. I will agree to that.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on the amendment (No. 156) by the distinguished Senator from Iowa (Mr. MILLER) be limited to 30 minutes, the time to be equally divided between the mover of the amendment and the manager of the bill.

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

The unanimous-consent agreement reads as follows:

Ordered further, That debate on amendment No. 156 by the Senator from Iowa (Mr. MILLER) be limited to 30 minutes to be equally divided and controlled between the mover of the amendment and the manager of the bill.

Mr. STENNIS. I say to the Senator that I know the general trend and substance of the amendment.

I thank the Senator for what he has said. May I ask the Senator, what is the program for Monday? I suggest that we open the doors early Monday morning and see which Senators really want to come here and have their amendments disposed of.

Mr. BYRD of West Virginia. Mr. President, in response to the inquiry, may I say that it will be the intention of the leadership on this side of the aisle to press on Monday and Tuesday in the same manner we hope to press for action on Thursday and Friday of this week. We hope that Senators will be ready with their amendments.

It is still the understanding of the leadership that a cloture motion will be offered on Monday; and, of course, under the rule, a vote would occur thereon the following Wednesday. But it would be the intention of the leadership to press for action in the meantime on as many amendments as can be called up and acted upon on Monday and Tuesday.

Mr. STENNIS. I thank the Senator from West Virginia.

In the event that Senators who have submitted amendments will not be present, unless there is some unavoidable circumstance which is explained, if necessary, I will feel free to call up the amendment and move to table it, because something must be done to bring this matter to a head.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. I yield myself 5 additional minutes.

Mr. BYRD of West Virginia. As always, the Senator is very reasonable and very courteous. He is putting the membership on notice as to his intentions.

On behalf of the majority leader, I should like to remind Senators that every effort will be made to reach rollcall votes on Thursday and Friday of this week and on Monday and Tuesday of next week on the amendments to H.R. 6531.

AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN MARITIME PROGRAMS—CHANGE IN MEMBERSHIP OF CONFERENCE

Mr. LONG. Mr. President, because of urgent duties of some of the Senators on the conference on H.R. 4724, a bill to authorize appropriations for certain maritime programs of the Department of Commerce, it is necessary to ask for a change in the membership of that conference.

I, therefore, ask unanimous consent that the chair be authorized to appoint the following conferees: Mr. LONG, Mr. HOLLINGS, Mr. INOUYE, Mr. GRIFFIN, and Mr. STEVENS.

The PRESIDING OFFICER (Mr. BEALL). Without objection, the Chair appoints Mr. LONG, Mr. HOLLINGS, Mr. INOUYE, Mr. GRIFFIN, and Mr. STEVENS as conferees on H.R. 4724 to replace the conferees who were appointed on that bill on yesterday.

Mr. STENNIS. Mr. President, I am glad to yield 5 minutes to the Senator from Virginia (Mr. BYRD).

The PRESIDING OFFICER. The Senator from Virginia is recognized for 5 minutes.

THE EFFECT OF THE VOTING RIGHTS ACT ON THE STATE OF VIRGINIA

Mr. BYRD of Virginia. Mr. President, the Voting Rights Act of 1970 is an unjust statute which singles out for discriminatory treatment a handful of States, nearly all in the South.

The law imposes Federal regulation on every phase of the electoral process in six Southern States.

No change in election laws, no matter how enlightened or progressive, may be made in these States without approval from the U.S. Department of Justice—which means that a Federal official may sit in judgment on the acts of the legislatures of supposedly sovereign States.

Today I noted that Shenandoah County in Virginia, a rural county of only about 23,000 inhabitants, is revising the boundaries of its 15 voting precincts.

Under the Voting Rights Act, that change probably will have to be reviewed by the U.S. Department of Justice. I think that is a good illustration of how far this act reaches in the Federal control over local affairs.

How ridiculous can Congress get?

Indeed, it appears that the law may provide the basis for a new form of discrimination between the North and the South, one quite similar to the pattern followed in school integration cases.

In the school cases, the Federal courts have imposed busing of students to achieve artificial racial balance in southern districts, while leaving unchanged the admittedly segregated patterns of school attendance outside the South. The senior Senator from Connecticut (Mr. RIBICOFF) has consistently called the Senate's attention to the hypocrisy of requiring racial balance in the South and doing nothing about it in the North.

Now an eminent law professor has suggested that a similar practice may be evolving in connection with the apportionment of representation in State legislatures.

Last week, the U.S. Supreme Court reversed an Indiana redistricting decision. The lower court decision had required establishment of single-member electoral districts, on the grounds that multimember districts diluted the voting strength of racial minorities.

The Supreme Court held that this was a theory not proven in fact.

Yet, only a few days earlier, the same Supreme Court had ruled that single-member districts were necessary to afford proper representation to black voters in a Mississippi county.

These decisions are of great importance in my State of Virginia, because Virginia's most recent reapportionment is now before a four-judge Federal court, and the question of single-member districts is one of the central issues.

Looking at the Mississippi and Indiana decisions, Prof. Robert G. Dixon, Jr., of the George Washington University Law School, made this comment in an interview with the Norfolk Virginian-Pilot:

> It seems to me, after reading Monday's decision, that this ruling says to the Virginia General Assembly: "If you were in the North, and not under the Voting Rights Act, you would be home free." But Virginia is under the Voting Rights Act, and that in itself could be considered a presumption of discrimination that the court found lacking in the Indiana case.

Professor Dixon also said that the Supreme Court may be constructing a "North-South model" on redistricting as it did in the school desegregation cases.

I think that Professor Dixon is correct in saying that the Voting Rights Act has been interpreted as "a presumption of discrimination." That is precisely what is wrong with the act, because it is a false presumption.

The laws of Virginia do not discriminate among voters. No such evidence has ever been presented. I repeat: No such evidence ever has been presented.

Furthermore, if there are instances of discriminatory voting laws in any of the States, the Voting Rights Act is not needed to strike them down. Discriminatory voting laws would violate the Constitution of the United States.

The Voting Rights Act already has created great harm and injustice. If it is now used to build up a whole body of discriminatory law, the harm and injustice will be multiplied.

This unwise, unjust law—the so-called Voting Rights Act—should be stricken from the statute books. All the 50 States should be treated alike. A few should not be singled out for unjust treatment.

Mr. STENNIS. Mr. President, I commend highly the remarks of the Senator from Virginia (Mr. BYRD) on this subject. I did not get to hear all of them but I got the substance. He is timely in pointing out the operation of the Voting Rights Act as being unfair and unjust, discriminatory and punitive. It is also humiliating. I am glad there are many other Senators who do not believe in it, either.

Mr. BYRD of Virginia. If Congress wants to pass such legislation, let it apply to all the 50 States. It is unfair and unjust to single out just a few States and have the law apply only to them.

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 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 JAVITS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, immediately following the remarks of the able Senator from Virginia (Mr. BYRD), the distinguished Senator from New York (Mr. JAVITS) be recognized for not to exceed 15 minutes.

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

ORDER FOR ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 a.m. tomorrow.

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

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I now announce the final quorum call for the day.

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.

RULE OF GERMANENESS WAIVED TOMORROW

Mr. BYRD of West Virginia. Mr. President, in view of the fact that there is a time limit on amendment No. 143, on which the Senate will vote by yeas and nays on tomorrow at not later than 5 p.m., I ask unanimous consent that the Pastore rule of germaneness be waived for the entire day tomorrow.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the Senator from New York (Mr. JAVITS) on tomorrow, there be a period for the transaction of routine morning business, not to exceed 15 minutes, and that the conclusion of the period for the transaction of routine business on tomorrow, the unfinished business, H.R. 6531, be laid before the Senate.

The PRESIDING OFFICER. Does the Senator wish the statements made to be limited to 3 minutes?

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that statements made during the period for the transaction of routine morning business on tomorrow be limited to 3 minutes.

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

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10:30 a.m. May the RECORD show that the change in the convening time has been authorized by the distinguished majority leader after a discussion with the Senator from Oregon (Mr. HATFIELD) and the manager of the bill, the Senator from Mississippi (Mr. STENNIS).

Immediately following the recognition of the two leaders under the standing order, the distinguished senior Senator from Virginia (Mr. BYRD) will be recognized for not to exceed 15 minutes. He will be followed by the distinguished senior Senator from New York (Mr. JAVITS), who will be recognized for not to exceed 15 minutes.

At the conclusion of those orders, there will be a period for the transaction of routine morning business with statements therein limited to 3 minutes, the period not to exceed 15 minutes, following which the unfinished business, H.R. 6531, will be laid before the Senate.

The pending business will be amendment No. 143, offered by the Senator from South Dakota (Mr. MCGOVERN), the Senator from Oregon (Mr. HATFIELD), and others.

A time agreement has been entered into and the time will be under the control of the mover of the amendment and the manager of the bill. A yea-and-nay vote is to occur thereon not later than 5 p.m. on tomorrow.

Amendments to the amendment may be offered in the meantime, and the time will be limited thereon to 1 hour on perfecting amendments or substitute amendments. The Senators in control of the time on amendment No. 143 may yield time under their control to any Senator who wishes to have additional time on any amendment to the amendment.

The Pastore germaneness rule has been waived for the entire day tomorrow.

Under the previous order, when the Senate completes its business on tomorrow, it will stand in adjournment until 10 a.m. on Thursday next. That order, of course, is subject to change.

Does the distinguished minority whip have anything further? If not, I will make the motion that the Senate adjourn.

ADJOURNMENT TO 10:30 A.M.

Mr. BYRD of West Virginia. Mr. President, I move in accordance with the previous order that the Senate stand in adjournment until 10:30 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 13 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, June 16, 1971, at 10:30 a.m.

NOMINATION

Executive nomination received by the Senate June 15, 1971:

DEPARTMENT OF DEFENSE

Robert F. Froehlke, of Wisconsin, to be Secretary of the Army.

HOUSE OF REPRESENTATIVES—*Tuesday, June 15, 1971*

The House met at 12 o'clock noon.

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

God is our refuge and strength, a very present help in trouble.—Psalm 46: 1.

Almighty and eternal God, source of life, fountain of love, and the giver of all goodness, we pause this moment to open our hearts unto Thee ere we continue the work of this day. We pray not for light burdens, but for strength to carry all our burdens; not for superficial answers to the questions life raises, but for clear insight to see the right and for courage to make the right come to life in our day.

Bless our Nation as she struggles to find the way to justice by all, to good will among all, and to freedom for all. Leave us not to walk our way alone, but now and always be to us a refuge and strength, a very present help.

In the spirit of Christ we pray. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate insists upon its amendments to the bill (H.R. 4724) entitled "An act to authorize appropriations for certain maritime programs of the Department of Commerce," disagreed to by the House; agrees to the conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LONG, Mr. PASTORE, Mr. HOLLINGS, Mr. GRIFFIN, and Mr. PROUTY to be the conferees on the part of the Senate.

CONGRESSIONAL MEDAL OF HONOR WINNER VISITS

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

Mr. SIKES. Mr. Speaker, it was my rare privilege and honor to welcome to my office today CWO Michael J. Novosel,