

By Mr. CARTER (for himself, Mr. ANDERSON of Illinois, Mr. BOLAND, Mr. BRADEMAS, Mr. BUCHANAN, Mrs. CHISHOLM, Mr. COLLIER, Mr. COLLINS of Illinois, Mr. DENHOLM, Mr. DERWINSKI, Mr. FISHER, Mr. FORSYTHE, Mr. GRIFFIN, Mr. GUDE, Mr. HALPERN, Mr. HARVEY, Mr. HASTINGS, Mr. HORTON, Mr. KEMP, Mr. KUYKENDALL, Mr. LANDGREBE, Mr. MCCORMACK, Mr. MAZZOLI, Mr. MORSE, and Mr. PODELL):

H.J. Res. 723. Joint resolution to authorize the President to proclaim the month of January of each year as "National Volunteer Blood Donor Month"; to the Committee on the Judiciary.

By Mr. CARTER (for himself, Mr. PREYER of North Carolina, Mr. RHODES, Mr. ROBINSON of Virginia, Mr. ROSENTHAL, Mr. STAFFORD, Mr. STEELE, Mr. VIGORITO, Mr. WARE, Mr. WINN, and Mr. MORGAN):

H.J. Res. 724. Joint resolution to authorize the President to proclaim the month of January of each year as "National Volunteer

Blood Donor Month"; to the Committee on the Judiciary.

By Mr. DERWINSKI:

H.J. Res. 725. Joint resolution: Stable Purchasing Power Resolution of 1971; to the Committee on Government Operations.

By Mr. FREY:

H.J. Res. 726. Joint resolution to authorize and request the President to issue a proclamation designating July 20, 1971, as "National Moon Walk Day"; to the Committee on the Judiciary.

By Mr. WIGGINS:

H.J. Res. 727. Joint resolution authorizing the President to proclaim the period September 26 through October 2, 1971, as "National Home Fashions Week"; to the Committee on the Judiciary.

By Mr. MILLER of Ohio:

H. Con. Res. 340. Concurrent resolution expressing the sense of Congress with respect to the withdrawal of American troops from South Vietnam, and for other purposes; to the Committee on Foreign Affairs.

By Mr. RARICK:

H. Con. Res. 341. Concurrent resolution relative to placing of human right violations,

including genocide in the Soviet-occupied Latvia on the agenda of the United Nations Organization; to the Committee on Foreign Affairs.

By Mr. WYLIE:

H. Res. 485. Resolution declaring that the House rejects the findings and recommendations of the Commission on Obscenity and Pornography; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DON H. CLAUSEN:

H.R. 9256. A bill for the relief of Kyong Ok Goodwin (nee Won); to the Committee on the Judiciary.

By Mr. ANNUNZIO:

H. Res. 486. Resolution to refer the bill (H.R. 9217) entitled "A bill for the relief of James A. Boyajian" to the Chief Commissioner of the Court of Claims; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

REPORTS ON CLEARCUTTING ISSUE IN WEST VIRGINIA

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES
Thursday, June 17, 1971

Mr. RANDOLPH. Mr. President, the issue of clearcutting on our national forest lands is increasingly receiving greater attention through interested citizenry.

This practice which denudes the land and, in many cases, renders the land unfit for regeneration was begun on the Monongahela National Forest in West Virginia with the introduction of a new management in 1964—even-aged management. Citizens residing near the forest have been "up in arms" ever since as well as conservation organizations and professional foresters.

The Forest Service is well aware of the concerns of those opposed to clearcutting and it is fair to say that the Forest Service has made some minor concessions.

With regard to West Virginia, the controversy could be brought to an end if recommendations five and six of the West Virginia Forest Management Practices Commission were followed. They read as follows:

To implement the multiple use, sustained yield policy in national forests in West Virginia, we recommend that both uneven-aged and even-aged forest management be employed to manage the timber resource but with the greater emphasis placed on uneven-aged management. We believe full multiple use and sustained yield of all resources cannot be accomplished if even-aged management is used as the basic timber management system throughout the national forests.

As the main silvicultural technique to implement uneven-aged management, we recommend that the selection cutting system be used; that it be the primary and basic silvicultural technique used to manage the timber resource in national forests in West Virginia; and that it be the normal silvicultural technique employed where it can

feasibly and logically be used to accomplish the regeneration and harvest of the timber resource.

Chief Edward P. Cliff, in testimony before the Senate Subcommittee on Public Lands with regard to the Monongahela National Forest stated:

We used the even-aged system of management for the general forest areas there since 1964 based on research and experience in hardwood management in the eastern United States and in other countries.

Mr. President, as I noted earlier, the Forest Service has made some changes. However, I question how valid or extensive its research has been after I saw practiced on steep slopes, over wide areas and so close together I was not able to distinguish two cuts were actually present.

Ralph O. Smoot, a highly respected forester and a University of Michigan graduate, toured portions of the Monongahela with Burt Schorr, a staff reporter for the Wall Street Journal. Smoot spent 31 years with the Forest Service and was ranger on the Gauley Ranger District of the Monongahela. He also presented excellent testimony before the Senate subcommittee hearing.

Mr. President, I ask unanimous consent to have the article from the June 4 issue of the Wall Street Journal printed in the RECORD at this point.

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

FOREST SERVICE SMARTS UNDER CRITICS' CLAIM
IT HAS ALLOWED DAMAGE TO PUBLIC
TIMBERLANDS

(By Burt Schorr)

CAMDEN ON GAULEY, W. Va.—The government's green-clad foresters have changed from white hats to black hats.

In growing numbers, conservationists, sportsmen, members of Congress and plain old nature-lovers are lashing the U.S. Forest Service. The foresters, say their critics, have allowed timber companies to cut too many trees in the national forests at the expense

of recreation, wildlife development, watershed protection and natural beauty.

Ardent preservationists have been leveling such charges for years, but now criticism is also coming from members of the close-knit forestry establishment like Ralph O. Smoot whose opinions may carry much more weight.

Mr. Smoot, a past chairman of the West Virginia chapter of the Society of American Foresters, served for 31 years in the Forest Service himself, 10 of them near here in the Monongahela National Forest. He's convinced that his former government colleagues have been too permissive.

To prove his point, Mr. Smoot, whose home at Camden on Gauley overlooks the forest, guides a visitor along the dirt road that skirts the base of Black Mountain here. Off to the south, the Williams River rushes almost unseen behind a thick stand of sugar maples, basswood, ash and beech trees. On the opposite side of the road, though, the eye is affronted by a broad 50-acre swathe of cutover land stretching bleakly to a treeless skyline.

MORE THAN BEAUTY

Stepping nimbly between the dry limbs and toppled small trunks that litter the four-year-old cut, forester Smoot looks closely for signs of new tree growth. His verdict: "Other than (undesirable) beech-stump sprouts, reproduction is absent." Mr. Smoot theorizes that the slope may be too sunbaked because of its southern exposure. "If the cut had been only a half-acre across (and therefore shadier), it would have been filled with understory in a year's time," he adds.

There's more than natural beauty at stake in such stock-taking by Mr. Smoot and other Forest Service gadflies. The 97 million acres of commercial timber in the national forests yield 40% of U.S. timber production. And last year a Nixon task force recommended that to meet home construction needs the forests' timber output should be expanded 55% by 1978.

Wounded by allegations of lax stewardship, however, Forest Service officials are in the midst of timber management reforms that raise doubts about reaching that production goal. The foresters now are limiting the size of areas to be cut over, requiring greater distances between cuts and banning cutting on steep slopes. "Our whole problem has been letting the timber industry exert too much pressure," concedes one of the younger ad-

ministrators whom Forest Service Chief Edward P. Cliff has moved into policy posts in the past few years.

HIGHER LUMBER PRICES AHEAD?

The reform moves are already biting into timber output. The national forests' timber sales are now trailing slightly behind the level projected for the fiscal year ending June 30, and some of the service's top administrators expect a wider lag of about 10% in the coming year. Upward pressure on lumber prices could result.

The present forest furor centers on a practice known as clearcutting: leveling every tree in a track selected for timber harvesting. While government foresters have prescribed clearcutting for a half-century or longer, it was mostly applied to Douglas fir stands in the Northwest. Then, in 1964 when demand for government timber was surging, the Forest Service made it standard procedure in every one of its 154 forests. (The cut pointed out by Mr. Smoot here is one reflection of the 1964 directive.)

Clearcutting is defended by Chief Cliff and his staff as the most efficient way to harvest mature, over-age and diseased trees as well as to assure speedier regeneration of desirable species by allowing in maximum sunlight and moisture. The alternative of selective cutting, or gradual removal of only mature trees in a stand, has been deemphasized in recent years; the agency's research showed it limited replacement growth to less desirable, shade-tolerant species including balsam, and beech.

Many clearcutting opponents don't wholly disagree with Mr. Cliff, but they charge that government foresters have badly misused the technique. Leon S. Minckler, a former Forest Service researcher now on the faculty of the Syracuse University College of Forestry, believes such misuse has been widespread in Eastern hardwood areas.

SIDE EFFECTS CITED

"Clearcutting is an immediate esthetic disaster and full recovery is slow," Mr. Minckler recently told a U.S. Senate subcommittee. "Unless great care is taken, debris can clog streams, erosion can occur on the watershed, and stream-water temperature can be excessively increased. Furthermore, clearcutting excludes recreation from larger areas of land and tends to produce relatively uniform forests lacking the diversity needed for a good mix of wildlife."

Mr. Minckler even challenges the necessity of clearcutting to help establish the more valuable, shade-intolerant species like ash, cherry, oak and tulip poplar. "My research has shown clearly that this can be done by group selection or by cutting small patches," he testified.

Dissent of this sort prompted the West Virginia legislature to create a special investigating commission that last August recommended rather severe constraints on clearcutting in the Monongahela National Forest.

Even more embarrassing to the Forest Service was a University of Montana study of its administration of the Bitterroot National Forest astride the Montana-Idaho line. Headed by Arnold W. Bolle, the university's respected dean of forestry, the study group found that "quality timber management and harvest practices are missing."

Photographs with the report showed hillsides denuded by large clearcuts and gouged with deeply bulldozed terraces that resembled the aftermath of strip mining. The terraces were intended to prevent erosion and foster new growth, but sometimes they hurt more than they helped, the Bitterroot study concluded.

In April the Senate subcommittee that heard from Mr. Minckler also heard from more than 60 other witnesses, and most were critical of the way the Forest Service has been running things. The strong turn-

out has prompted subcommittee Chairman Frank Church, an Idaho Democrat, to plan a series of field hearings, including sessions in Syracuse, N.Y., and Portland, Ore.

One bill before the subcommittee offered by Wyoming Democrat Gale McGee, calls for a two-year moratorium on clearcutting and a reexamination of its effect on forests. The moratorium idea, which grew out of Wyoming conservationists' complaints that Medicine Bow, Bridger and Shoshone national forests in their state are being overcut, isn't given much of a chance. But it has attracted 14 co-sponsors and considerable public interest.

"People write us that for the first time they're noticing the practices in the forests near them and they don't like what they see," says a McGee aide.

The unaccustomed role of black hat has prompted some painful self-analysis by the proud and somewhat stiff-necked forester corps. As a result, a series of new orders has gone out from its Washington headquarters.

Emergency Directive No. 6 dated Sept. 16, 1970, for example, declares that "quality of work will not be sacrificed to achieve quantitative goals"—meaning that maximum timber output should not take priority over other national forest uses. A more recent memorandum covering the Bitterroot National Forest, though it authorizes continued clearcutting, imposes many restrictions, including an outright ban on cutting on slopes steeper than 27 degrees.

TWICE AS LONG, TWICE AS MUCH

There are signs of change in this West Virginia forest, too. At the Gauley Ranger District office near the town of Richwood, Monongahela Supervisor Frederick (Tony) Dorrell pores over a map of Glade Run, a 1,396-acre tract nestled between popular Cranberry River campgrounds. The map shows only four patches—the largest 23 acres and the total equaling 6% of the tract's acreage—marked for clearcutting. (Following a recommendation of the state investigating commission, the Forest Service has agreed to a 25-acre limit for clearcuts as the usual practice for the Monongahela.)

Hefting a thick analysis by wildlife, recreation and other experts on how to protect the nontimber uses of Glade Run, Mr. Dorrell observes: "It's taking us twice as long and costing us twice as much to prepare timber sales as before."

Skeptics like the conservationist Sierra Club's forester, Gordon Robinson, doubt that the Forest Service really has changed its basic timber management concepts. "They're hiring landscape architects, but that's like the military hiring chaplains," Mr. Robinson snorts. Government foresters themselves concede they have become most cautious about timber-cutting in forests like the Monongahela where public protest has been loudest; elsewhere they are bolder.

In the George Washington National Forest of Virginia just east of the Monongahela, a visitor finds scenes of clearcutting exceeding any seen here. Although citizens living close to the George Washington now have gathered more than 300 signatures on anticlearcutting petitions, the controversy there remains fairly quiet. And that's one of the reasons why clearcuts in the Virginia forest are generally permitted to stretch up to 50 acres in area, or twice the Monongahela's limit.

One thing the Forest Service and its critics can agree on is that the nation wouldn't be facing a recreation-vs.-lumber dilemma now if the agency's past budgets had received more sympathetic handling from Presidential budget officers. Lack of funds, both sides say, has prevented reforestation of 3.8 million acres of brushlands within the national forests plus thinning and other methods that would speed young timber growth on another seven million acres.

A committee of forest-industry representatives and conservation organizations recently recommended that a start on "high-level management" of the government forests, employing landscape architects and recreation specialists, would require \$552 million in the coming fiscal year; that's \$141 million more than the foresters were able to wheedle in President Nixon's budget request. The House Appropriations Committee is expected to vote some of the extra money, but how much isn't certain.

According to a draft program for the 1970s now under Forest Service consideration, however, the total cost of meeting the timber requirements envisioned by the Nixon task force is reckoned at a staggering \$13 billion to \$16 billion. This sum would cover a greatly expanded federal-state effort to plant trees on 22 million acres of non-federal forest land and research to develop less destructive timber harvest methods, possibly using helicopters.

STATEHOOD FOR NEW YORK CITY

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mrs. ABZUG. Mr. Speaker, in the past few weeks a movement to make New York City a State has been gaining momentum and enthusiastic support from residents of the city. When I announced formation of a committee for statehood in the wake of the State legislature's vendetta against our city and its needs, I had anticipated a favorable response, but I must say that I was astonished by the depth and breadth of support it elicited.

The phones have been ringing steadily in my New York office, with literally thousands of New Yorkers volunteering to circulate petitions to put this question on the November ballot. Among those expressing support are Representatives WILLIAM F. RYAN, SHIRLEY CHISHOLM, and JOSEPH ADDABBO, Borough Presidents Robert Abrams, Percy Sutton, and Sebastian Leone, members of the State senate, State Assembly, New York City Council, city commissioners, and representatives of community organizations, labor, educational and religious institutions, and many, many individuals.

This response was touched off by the recently adjourned session of the New York Legislature, which the New York Times in an editorial June 9 called "a sick, mean-spirited, heart-breaking session." The legislature, dominated by representatives from nonurban areas, ordered a 10-percent cut in welfare payments, approved an unconstitutional 1-year residency requirement for welfare, adopted a regressive sales tax increase—(New York City residents now pay a 7-cents sales tax), and as a final insult, passed a vacancy rent decontrolled bill for 1.3 million apartments while extending rent control to suburban areas like Westchester County.

Residents of New York City are rebelling not only against the punitive economic measures directed against them by the State legislature, but against a master-slave relationship in which the city is at the mercy of upstaters who decree how the city shall be run. New

York City provides more than half of the State's taxes and has half the State's population, but it has been shut out of political power.

New Yorkers are determined to have control over their own city. We are still discussing whether our move should be confined to the current borders of the city or whether it should also encompass the suburbs that are economic satellites of the city, but this is a question that can be settled by the people directly involved. At long last, however, we are bringing to the attention of the Nation the need to bring our political structures into harmony with political reality.

The vast majority of Americans live in cities, but are still under the domination of governmental units devised by our Founding Fathers who were rural in outlook and origin. As we approach the 200th anniversary of Nation's birth, it is time to recognize that America's people and strength are concentrated in the great metropolitan areas and they must have a considerably stronger and more independent role in Government.

The material follows:

STATEMENT BY CONGRESSWOMAN BELLA S. ABZUG, JUNE 1, 1971

Governor Rockefeller and his state legislature have disfranchised and disinherited the 8 million people of New York City.

Because of an outmoded political relationship, New Yorkers have stood by helplessly while a billionaire governor, a lobster wholesaler from Montauk and a lawyer from a small town near the Canadian border have joined in inflicting one grievous blow after another on our city.

For residents of New York City, this session of the legislature—and it is still going on—has been a disaster. It has decreed inhumane cuts in health services, education and welfare, slapped us with a higher sales tax, imposed an unconstitutional one-year residency requirement for welfare assistance, wiped out thousands of city jobs, and topped it all by ordering what amounts to the end of rental control or 1.3 million families—the only protection they have against raging inflation.

It is time for the city of New York and its elected officers to stop begging for what is rightfully ours. It is time for us to repudiate this humiliating relationship and to take the necessary steps to make New York City a State.

Let us put certain facts in perspective.

New York City is the only city in the entire nation which has half of its state's population, that contributes more than half of the state's income, that has an educational system, police force and fire department as large as the rest of the state combined, and that has a budget larger than that of the state.

There are 43 existing states with populations smaller than New York City's. Thus, if NYC were admitted to statehood, it would rank seventh among all the states in the Union.

NYC's current budget is \$7.8 billion, but it sends more than \$11.9 billion to the U.S. government and \$2.7 billion to the state. For every \$1 that NYC gives to the federal government, it gets back only 12.6¢. For every \$1 it gives to the state, it gets back 66¢. It gives more and more, even as its own needs and expenses grow.

Statehood for New York City would provide benefits that far outweigh any drawbacks. For example:

If NYC retained all the taxes it now pays to the state, it would have a net gain of almost \$1 billion.

It would have complete taxing authority.

It would not have to seek permission from Albany to tax commuters, who are now virtually free loading on our city, and it could work out a more equitable tax system that would not penalize the poor, small property owners and working people.

It would get a direct and larger share of federal revenues.

It would gain two U.S. Senators and strengthen the city's Congressional delegation in Washington.

Perhaps most important, it would help bring the political structure of our nation closer to the realities of American life. Most Americans live in cities, but they are ruled by a Congress and state legislatures that are dominated by men from small towns and rural areas. Urban America is where the people are. It's where the crises are. It's where the solutions to the problems that are convulsing our nation must be found.

Accordingly, together with other elected officials, some of whom are present here today and others of whom have expressed their support, I am announcing the start of a citywide petition campaign for a referendum to be placed on the November ballot. This will give residents of NYC an opportunity to say Yes or No to statehood for our city.

Simultaneously, those of us here and our supporters will be joining with representative people from throughout our city to set up a broadly based committee to work out the mechanism for calling a convention to write a constitution for our new State and to gain the necessary approval.

New York is the richest city in our nation. It is rich not only in money and resources, but in the diversity and cultural heritages of its people, in educational achievement, intellect, technology and extraordinary talent.

But we are told that our city no longer works.

We believe it can work—but only if the 8 million people who live here are freed from colonial bondage to the state, free to enjoy the wealth they create, free to develop a system of genuinely democratic government that meets their economic, social and cultural needs.

Statehood for New York City is an idea whose time has come. The time is now.

BELLA ABZUG PROPOSES PROGRAM LEADING TO STATEHOOD FOR CITY

NEW YORK, June 1.—Bella Abzug announced today a two-part program to "set in motion the machinery which can free New York City from its bondage to Albany and establish it as a new state."

Speaking at a news conference in her district office (252 Seventh Avenue), the Congresswoman from Manhattan's 19th C.D. proposed:

A city-wide referendum in November, 1971 in which the people of New York will vote on a proposition to petition Congress for admission to the union as a new state, in accordance with Article IV of the federal constitution;

The formation of a special planning committee to report on the feasibility and structure of a city constitutional convention to be held as soon as possible in 1971. The committee would be selected by an ad hoc group composed of city elected officials—congressional representatives, state legislators, borough presidents, councilmen and district leaders—plus union, business and community leaders.

Following the approval of the proposition in the referendum, Rep. Abzug explained, the constitution resulting from the convention would be offered to the people for adoption. Consent from the state would then be sought and Congress petitioned for admission.

Mrs. Abzug pointed out that, armed with the referendum vote and the constitution, the people would be in a position to exert strong pressure on the legislature and the Congress.

"A principal advantage of this plan," said the Congresswoman, "is that it would offer the people of our city their first opportunity to register their stand clearly on a simple question: Do they want New York City to become a state?"

"From all indications I have received from my district and from the contact I've had with other elected officials concerning their constituencies, there is every likelihood that the proposition will win strong approval in a referendum. After a long history of arrogant mistreatment by the Governor and the legislature, the patience of the people in this city reached a breaking point during the current Albany session. That point was passed when cruel budget cuts decimating vitally needed services were followed by legislation cynically dooming rent control in the city while retaining it upstate."

To implement her proposed plan, Mrs. Abzug announced that under the auspices and direction of the Committee to Establish New York City as a State, a group she is forming, petitions would soon be circulated to place the statehood proposition on the November ballot.

She also said that she is in contact with more than 250 elected officials and other leaders and is requesting them to meet as soon as possible to select a convention planning committee.

Mrs. Abzug reported that, although only announced this past holiday weekend, the Committee to Establish New York as a State was receiving fast growing support.

She said she had been in touch with the City Administration which looked favorably on the movement and encouraged her efforts.

"The committee," she said, "is intended to be as broad-based and widely representative as possible. This is an issue around which people can coalesce, whatever their political philosophy or affiliation. We are seeking Republicans as well as Democrats and independents, conservatives as well as liberals and—perhaps most important of all—large numbers of individual private citizens as well as public officials and community leaders."

"So today we are appealing to all those who wish to join this campaign for a better New York to join us. We intend to set up soon a separate committee headquarters but, in the meantime, those interested may contact my office, 252 Seventh Avenue, New York, N.Y. 10001. Tel: 924-5604."

Among those who have agreed to join the Committee to make New York City a State are:

Chairwoman: Congresswoman Bella S. Abzug, Congressman Joseph Addabbo, Mr. William Haddad, Congresswoman Shirley Chisholm, Congressman William F. Ryan

Borough Presidents: Robert Abrams, Bronx; Sebastian Leone, Brooklyn; Percy Sutton, Manhattan.

City Council: Carter Burden, Eldon Clingan, Monroe Cohen, Rudolph Di Blas, Al Frankenberg, David Friedland, Bertram Gelfand, Carol Greitzer, Kenneth Haber, Arthur Katzman, Donald R. Manes, Thomas Manton, Mario Merola, Robert Postel, Aileen Ryan, Barry Salmon, Leonard Scholnick, Saul Sharison, Theodore Silverman, Charles Taylor, Theodore Weiss.

State Senators: Abraham Bernstein, Jack Bronston, Joseph L. Galiber, Robert Garcia, A. Frederick Meyerson, Manfred Ohrenstein, Waldaba Stewart.

State Assemblymen: Albert Blumenthal, George Cincotta, Arthur Cooperman, Louis DeSalvio, Anthony DiFalco, Stanley Fink, Richard Gottfried, Stephen Gottlieb, Burton G. Hecht, Alan Hochberg, G. Oliver Koppell, Harry Kraf, Franz Leichter, Joseph Martuscello, Michael McCarthy, Melvin Miller, Peter G. Mirto, Armando Montano, Anthony Olivieri, William F. Passanante, Herbert Posner, Manuel Ramos, Frank Rossetti, Leonard Silverman, Leonard Simon, Mark Southall, Anthony J. Stella, Andrew

Stein, Stanley Steingut, John S. Walsh, Samuel Wright, Calvin Williams.

John Burns, Chairman, N.Y. State Democratic Party; Patrick Cunningham, Bronx County Leader; Meade Esposito, Brooklyn County Leader; Arnold Feinblatt, Chairman, Queens County N.D.C.; Jerry Finkelstein, Chairman, N.Y.C. Democratic Committee; Sarah Kovner, Vice-Chairman, New Democratic Coalition; J. Stanley Shaw, Chairman, Liberal Party Queens.

Democratic District Leaders: Humberto Aponte, Ellen Atkin, Frank Baroff, Helayne Baron, Simon Barsky, Patricia Beckert, Martin Begun, Henry Berger, Meriam Bockman, Jeff Brand, Arthur Brook, Joan Fernsteroock, David Friedland, Barbara Gelobter, Sheldon Glass, Robert Ginsberg, Len Gruber, Ray Gunther, Judy Harlan, Steve Jarema, Ernst Koller, John LoCircero, Joseph Mercurio, Jeanne Miles, Kenneth Mills, Maria Montalvo, Jerry Nadler, Martha Overall, Julia Paz, Corinne Pettey, Alex Rosenberg, Alice Sachs, Ralph Sherman, Ariene Stringer, Jerome Tarnoff, Barbara Taub, Saul Weprin, Paula Weiss.

New York City Commissioners: Benjamin Altman, Rent and Housing Maintenance; Amalia V. Betanzoo, Relocation and Management Services; Mr. Kretschmer, Environmental Protection Agency; Eleanor Holmes Norton, Human Rights Commission; Major R. Owens, Community Development Agency; Bess Meyerson, Consumer Affairs; Marvin Gersten, Comm. of Purchase.

State Committee: Natalie Gordon, Jane Miriam Friedlander.

Eugene S. Callender, President, N.Y. Urban Coalition; Judy Graham, Social Services Director, N.E.N.A.; Jerome Kolker, Manager, N.Y.C. Manpower Career Development Agency; Jose Kramer, Knickerbocker Tenants; Jose Morales, Chairman, LOGOS, Inc.

Labor: Leon J. Davis, President, Local 1199, Drug and Hospital Workers; Steve D'Inzillo, Business Representative, Local 306, Motion Picture Machine Operators; Henry Foner, President, Joint Board of Fur, Leather and Machine Workers Union; Moe Foner, Executive Secretary, Local 1199, Drug and Hospital Workers; Stanley Hill, President, Social Service Employees Union, Local 371; Robert Lewis, Counsel, United Electrical Radio and Machine Workers of America; David Livingston, President, District 65 ALA National Council Distributors Workers of America; Sam Meyer, President, Local 259, UAW; William Michaelson, President, United Store Workers; Felicio de Novellis, Manager, Joint Council No. 13 United Shoe Workers of America; Mac Sherman, President, Local 239, International Brotherhood of Teamsters; Sol Silverman, President, Local 140, Bedding, Curtain and Drapery Workers Union; William Nuchow, Secretary-Treasurer, Local 840, Brotherhood of Teamsters; William Michaelson, President, United Store Workers Union, Member, Hospital Corp. of New York.

Dr. William Birenbaum, President, Staten Island Community College; Bruce Buckley, Editor, Chelsea Clinton News; Jimmy Breslin, Joan K. Davidson, Marion Forer, Assistant Professor, Adelphi University; Frank Griffin, Publisher, Home Reporter (Brooklyn); John Guare, Jack Gilford, Madeleine Gilford, Sheldon Harnick, Joseph Heller, Dorothy Pittman Hughes, Chairman, Committee for Community Controlled Day Care; Saul Levitt, Burton Lane, Norman Mailer, Dr. Joseph Murphy, President, Queens College; Dr. David Newton, President, York College; Charles Reichenthal, Editor, Flatbush Life; Maurice Reichman, Former Commissioner, Rent Control and Housing Maintenance; Dr. Herbert Schueller, President, Richmond College City University; Blanche Schwartz, Principal, P. S. 70; Joseph Stein, Gloria Steinem, R. Peter Strauss, President, WMCA; Elizabeth Stecher Trebony, Director, Project FIND; Dr. Richard Trent, President, Medgar Evers College; Dr. Leonard Cavallo, Chairman East Harlem Comm. on Aging; Miss Laurel Bolgiano, Di-

rector, East Harlem Comm. on Aging; Mrs. Elma Harris, President, E. 119 Street Block Association; Mr. Aston Graves, Harold Holzer, Editor, Manhattan Tribune.

Rabbi Balfour Brickner, Director, Commission on Interfaith Activities; Rev. W. Sterling Carey, Executive Director, Metropolitan United Churches of Christ; Dr. Lawrence Durgin, Broadway United Church of Christ, Manhattan; Dr. Milton Galamison, Siloam Presbyterian Church, Brooklyn; Father Gerald Gallagher, Saint Clement Pope, Queens; Rev. Williams B. Gray, Parish of Trinity Church, Manhattan; Rev. John Hinkamp, Flatlands Dutch Reform Church; Rev. Calvin Marshall, Varick Memorial Methodist Church; Rev. Carl McCall, Chairman, Citizens Voter Education, Campaign of NY State; Rabbi Alan Miller, Society for the Advancement of Judaism; Rev. Howard Moody, Judson Memorial Church, Manhattan; Rev. Tilda Norberg, United Church of Christ, Staten Island; Rev. William Nye, Church of the Evangelists, Manhattan; Rev. Albert J. Petty, Unitarian Universalist Church, Flushing; Rev. Hugh Pickett, American Baptist Convention, W. Wesley Shrader, D.D., Madison Avenue Baptist Church, Manhattan; Gardner Taylor, Pastor, Concord Baptist Church, Brooklyn; Rev. Samuel L. Taylor, First Presbyterian Church, Brooklyn; Rev. George D. Younger, Acting Director, Metropolitan Urban Service Training; Rev. Joseph Zorawick, Pastor, St. Stephen Episcopal Church, Howard Box, Brooklyn Ethical Culture Society; Rabbi Steven Riskin, Lincoln Square Synagogue; Rabbi Philip Schechter, New Morning Community; Rabbi Edward E. Klein, Stephen Wise Free Synagogue.

[From the New York Times, June 5, 1971]

SUTTON SAYS THE CITY SHOULD BE A STATE TO AID "FRUSTRATED"

The "crushed," "frustrated," "powerless" citizenry of New York City needs a new governmental structure—the 51st state—Manhattan Borough President Percy E. Sutton said yesterday.

Mr. Sutton told the City Club at a luncheon that the proposal advanced earlier this week by Representative Bella S. Abzug, Democrat of Manhattan, to make the city a state could, if realized, bring enormous benefits to the city.

Whether the drive fails or succeeds, he said, it is "inevitable" that New York City will undergo "a centralizing of governmental resources in a regional government and a decentralizing of government's delivery of services on a local neighborhood level."

The Borough President conceded that to become a state New York City had to leap two formidable hurdles: The creation of a constitutional convention in New York State and consent of the legislature to cut New York City loose.

Mr. Sutton was introduced by Robert Conrad, a lawyer and president of the 79-year-old City Club of New York.

The 50 members and guests at the luncheon, all but three of them men, demonstrated by their questions to Mr. Sutton after he spoke that the city-state idea was at least seriously to be considered.

Mr. Sutton said he favored the abolition of the City Planning Commission "except as a coordinating body." He proposed that the elected Community Boards take over the commission's planning power.

Opponents of this idea, he said, include municipal unions and upstate New Yorkers. But he said the latter might, with the city's secession, eventually say, "Good riddance."

[From the New York Post, June 2, 1971]

TO STATEHOOD

(By Pete Hamill)

Statehood for New York City is not, of course, a new idea. Years before Norman

Mailer and Jimmy Breslin raised the cry in the 1969 mayoral election, statehood had even been demanded by William Randolph Hearst, among others. Most of the time, the idea has been treated as if it were some quite hilarious joke, especially by reporters who live in New Jersey. But it is no longer a joke. The ruthless performance of upstaters and suburbanites in the Albany zoo this year has shown once and for all that this city must press for statehood or die.

Congresswoman Bella Abzug held a press conference yesterday to "act in motion the machinery which can free New York City from its bondage to Albany and establish it as a new state." She was dead serious and so were the people who are supporting the move: Congresswoman Chisholm and Congressman Addabbo, Manhattan Borough President Sutton, Assemblymen Blumenthal, Stein, Simon, and Gottfried; Councilmen Merola, Clingan, Weiss, Katzman, Salmon; Councilwomen Greitzer and Ryan; R. Peter Straus of WMCA; Eugene S. Callendar of the New York Urban Coalition, and a number of other distinguished citizens. There isn't a little old lady in sneakers in the bunch.

Congresswoman Abzug brought her special capacity for rage to the argument, reminding us that the people of this city are having their fates decided by "a billionaire governor, a lobster wholesaler from Montauk and a lawyer from a small town near the Canadian border." This triumvirate—Rockefeller, Duryea and Brydges—has slashed health services and education, increased our sales tax, attacked welfare in an absolutely punitive manner and pushed through "vacency decontrol," which will force thousands of middle-class families out of our town.

Bella reminded us of some figures: New York City sends more than \$11.9 billion to the federal government and \$2.7 billion to the Albany government. For every dollar that goes to Washington, 12.6 cents comes back. For every dollar sucked out of the town by Albany, 66 cents comes back. We have to go to Albany to literally beg for some of our own money; if we could only hold on to all the taxes we now pay to the state, the net gain would be \$1 billion.

As a separate state, New York would be able to levy its own taxes, such as the proposed tax on commuters who earn their living in our town but do not yet pay a fair share of its upkeep. At present, the Mayor of New York must go to Albany to levy such a tax, leaving the decision to the representatives of the very people he is trying to tax. We have had to go to Albany to obtain permission for a fourth police platoon, as if that is any concern of people from Endicott or Corning. We had to go to Albany for permission to allow our sanitation men to issue tickets. We have to get permission from these people to decide how much we can spend on cops and firemen. This is a process of humiliation which a great city should no longer have to endure.

What if we were a separate state?

Right off, we would have two Senators to fight for specifically city interests, and a more cohesive Congressional delegation. We now have more people than 43 other states, but unequal representation in Congress. Our share of the federal pie (that is, our share of our own pie) would come to us directly instead of being funneled through the Albany apple orchard and the richest city on the earth would be able to stand straight and deal with its own problems.

It should be unnecessary, after what has been done to us at this session of the legislature, but it has to be repeated: statehood is not a joke, it is dead serious. A Committee to Make New York City a State has been formed with headquarters at Congresswoman Abzug's district office (252 Seventh Av., Tel: 924 5604). The plan is to collect enough signatures to put statehood to a referendum this November.

The people on the committee need money.

They also need volunteer help, especially lawyers who can research the mechanical and constitutional problems involved. (How did Virginia and West Virginia pull it off? What is the precedent in Puerto Rico, which remains in colonial status because Puerto Rican voters turned down statehood in a referendum? Are there other possible city-states, such as Los Angeles, New Orleans, Houston, San Francisco-Berkeley-Oakland?) This is a campaign that must be run city-wide, breaking through all conventional political lines; those clowns in Albany don't care if you are a liberal, a conservative, a middle of the roader, a Republican, a Democrat, a Bircher or a Communist. If you are a New Yorker, that's enough for them to grin their shark's grin and proceed to put you in harm's way.

It's time to do the deed at last, with the seriousness and drive and energy that propel all desperate human beings. If you have any doubts, just ask yourself one question: isn't it time we had a Governor?

[From the New York Times, June 2, 1971]

MRS. ABZUG OPENS DRIVE FOR 51ST STATE

(By Alfred E. Clark)

Representative Bella S. Abzug, charging that New York City was "in bondage" to the state government in Albany, announced yesterday a campaign to make the city the 51st state.

The Manhattan Democrat said an organization was being formed to seek a citywide referendum in November on a proposition petitioning Congress to admit the city to the Union as a new state. The change, she said, would be carried out in accordance with Article IV of the United States Constitution.

Mrs. Abzug, who represents the Lower East and West Sides, accused Governor Rockefeller and the Republican-controlled Legislature of having "disfranchised and disinherited eight million people of New York City."

DIFFICULTIES CONCEDED

Mrs. Abzug acknowledged that the Constitution required approval by the legislature and Congress before the city could become a separate state. But she said she would not let difficulties stand in her way.

At a news conference at her office at 252 Seventh Avenue, she called for the formation of a committee to report "as soon as possible" this year on the feasibility and structure of a city Constitutional Convention.

"The committee would be selected by an ad hoc group composed of city elected officials, such as Congressional representatives, state legislators, Borough President, Councilmen and district leaders, as well as union, business and community leaders," she said.

A strong mandate from city voters in November, she said, would make it difficult "for any Legislature to deny their will." Mrs. Abzug said that among those supporting her plan were Representatives Shirley Chisholm of Brooklyn, Joseph P. Addabbo of Queens, both Democrats, and a number of other Councilmen, state Legislators and district leaders.

A statement by Mario Merola, Bronx Democrat, declared that the Legislature, by its actions, "had breathed new life into the idea of making the city a separate state."

"When a state government, dominated by farmers and fishermen and political opportunists, can turn its back on a city in crisis," he said, "it is time to take a serious look at the prospects for obtaining control of our own destiny."

Manhattan Borough President Percy E. Sutton also backed Mrs. Abzug's plan, saying that recent state laws on rent decontrol and welfare "gravely damage" the city.

In an ironic vein, Representative John M. Murphy, who represents Staten Island and part of Brooklyn, said in Washington:

"New York City should secede from the

State of New York and the Union; we should then declare war on the United States, and before fighting begins, surrender unconditionally. We should then apply for foreign aid."

The Constitution provides that:

"New states may be admitted by the Congress into this Union, but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislature of the states concerned as well as of the Congress."

[From the New York Post, June 3, 1971]

A BRONX CHEER FOR THE CITY

As advocates of making New York City a separate state seek support for their proposal, a group of Bronx legislators have done them one better: they say the Bronx should form its own city.

"The Bronx should secede from New York City and its Manhattan-oriented Administrations," Assemblyman Anthony J. Mercorella (D-Bronx) said yesterday. "We should go back to Mother Westchester."

"After all, the Bronx is the only part of New York City that's really in the United States," he said. "All the rest are on islands."

FIFTY-ONE SPONSOR BILLS

Meanwhile, in Albany, 51 Assemblymen have co-sponsored a bill to create "a separate state within the five counties of New York City," and one Manhattan Assemblyman urged New Yorkers to refuse to pay the New York State telephone tax to demonstrate support for the secession campaign.

The Bronx secessionists—Mercorella and Assemblyman Manuel, Ferdinand J. Mondello, Burton G. Hecht, Armando Montano and Anthony J. Stella, all Democrats—threatened to take with them "the Bronx Zoo, the Hunts Point Market—the world's largest—and those fine cultural institutions, Fordham, New York University and Lehman College . . . plus Yankee Stadium."

Mercorella complained, "Everybody passes through the Bronx, but nobody stops here." He said the City Planning Commission "relegates our future to being an industrial suburb of Manhattan."

He urged the Bronx's 1.5 million residents to "give the rest of New York City the Bronx cheer."

On the question of the city forming its own state, Assemblyman Leonard M. Simon, (D-Brooklyn), introduced a bill yesterday to put before state voters a referendum on whether New York City should be permitted to form its own state. The final decision rests with Congress, which needs the consent of the state before it can act.

NEED 76 VOTES

Simon's 50 co-sponsors were mainly New York City Democrats. The bill would need 76 votes to pass the Republican-controlled Assembly.

Simon was optimistic about approval of his plan by upstate voters. "They want to get rid of us on an amicable basis," he said.

Assemblyman Richard N. Gottfried (D-Man.), said he would send a check for the amount of the state tax on his phone bill to Rep. Bella Abzug's Committee to Make New York a State. He urged all city residents to follow his example.

[From New York Magazine]

WHAT WE CAN DO TO STOP ALBANY FROM MILKING US DRY

(By R. Peter Straus)

If you're already tired of hearing about the urban crisis, you're in for a very bad time indeed in the weeks ahead. According to Mayor Lindsay, this is the year of the crunch. No more dire warnings about what will happen to the next budget unless Albany injects

some more state aid. This year—mainly because welfare is up and tax receipts are down—the mayor has been talking about a deficit of \$300-million in the current budget, the one that takes us to June 30. And that doesn't include the price the city will have to pay to get new contracts with its sanitationmen, firemen and policemen.

The budget for next year is being drawn up by Mr. Micawber. The superagencies have submitted their carefully padded requests, but the mayor need not offer a total until mid-April. He speaks of a billion-dollar deficit, but not of new revenues to close the gap. Something, presumably, will turn up.

If so, it will have to turn up in Albany—or Washington. The state holds the city's purse-strings, and the federal revenue-sharing President Nixon keeps talking about will be routed to New York City by way of Albany, if at all. As a state in its own right, the city might be free to deal with John Lindsay's budget crunch. With Albany calling the shots, it can't.

The mayor made tentative noises last year about "payless paydays"—which would certainly produce workless workdays too. He also promised to drop 500 provisional employees from the city payroll—which he can do because provisionals aren't under the great umbrella of civil service. "As in business," the mayor announced recently to a group of business executives, "when the crunch comes, the only immediate way to save money is to fire people."

That kind of captain-of-industry line may go down well with the roast beef lunch in a ballroom at the Waldorf. But the people who go to these lunches don't die in municipal hospitals because there aren't enough nurses. They don't live in crumbling tenements with broken boilers that the city doesn't even have the manpower to inspect, let alone fix. And they don't belong to a union that started contract negotiations from the premise that a patrolman's salary should jump from \$10,000 to \$16,000 in two years—with a four-day week thrown in. The municipal unions aren't likely to hold still for massive payroll cuts.

If the city can't hold down expenses, it will have to increase income. Traditionally that means begging in Albany—either for more state aid or for more taxing powers. In spite of his cool relationship with nearly everyone in Albany from the governor on down, John Lindsay has been a remarkably successful beggar. His first year in office, he got Albany's approval for the city income tax. Last year he led the state's big-city mayors in a fight to let local governments skim more money off the top of the state's tax revenues—a fight the mayors won, at least on paper. But that was last year, when the governor was running for re-election.

This year, Governor Rockefeller's poor-mouthing rivals Lindsay's. The governor has, in fact, grabbed the mayor's timeworn script and substituted "Washington" for "Albany" in the scene where somebody comes to the rescue. Only federal revenue sharing can save us, according to the governor, and if we don't get it, we're supposed to put the blame on the New York Congressional delegation—which just happens to be the only sizable body of politicians in the state where Democrats are still in the majority. "Those congressmen are our representatives and they're where the money is," the governor said the other day. "If they haven't got the money, they've got to get the money. There isn't any other chance."

Revenue-sharing simply means that Washington would set aside some of its tax revenues and send them back—no strings attached—to be spent by state and local governments. Rockefeller has promoted this idea incessantly from the time he was re-elected in November. What he had in mind was a \$10-billion federal pie to be cut up among the states, which he figured would give New York about \$1 billion. By a funny

coincidence, \$1 billion would just about make up the difference between the \$7.9 billion Rockefeller says the state must have from current revenues in the next fiscal year and the \$6.8 billion it can count on at present tax rates. But President Nixon's revenue sharing plan offers only a \$5-billion pie, and there's no telling whether Congress will buy even that.

It says something about the political problems ahead for federal revenue sharing that Rockefeller isn't counting on it right now. Instead, in the fiscal 1972 budget he laid before the taxpayers on February 1, he called for drastic tax increases totaling \$1.1 billion.

Worst of all for us city slickers, the governor informed New York City and the rest of the state's local governments that they would get nothing new in the way of state aid. They will get the aid Albany promised last year, but that won't come up to expectations because one of the formulas was tied directly to the state's revenues, which are down because the whole economy is down. So New York City will get \$31 million less under this program than it figured to get a year ago.

In the long run revenue-sharing may well be the solution to the fiscal squeeze on the states and cities. The beauty of the idea is that the guy who gets to spend the money doesn't have to take the rap for the taxes that bring it in. If you just look casually at the figures the Treasury Department has put out to drum up support for the Nixon Administration's revenue sharing plan, it's not hard to see why the idea appeals to the governor. New York State, with about 9 per cent of the nation's people, is down for almost 11 per cent of the pie. And better yet—if your vantage point is Albany—is the knowledge that 49 per cent of the money that comes back from Washington under revenue sharing is going to stay right there in Albany, while the leftovers are passed through to local governments like North Tonawanda—and New York City.

Dig further into the Treasury's figures, however, and revenue sharing looks a lot less attractive, even from Albany's point of view. According to the Internal Revenue Service, the taxpayers of New York State contribute about 18 per cent of all federal revenues. (The figure would be higher if it included the income taxes of people who work in New York but don't live here.) Since those are the revenues that would be shared under the Nixon plan, or any other that Congress writes into law, it's obvious that revenue sharing is less than the millennium for the State of New York if anything under 19 per cent of the shared funds comes back to us. The bill Nixon is backing provides less than 11 per cent. Any questions?

Of course, if your desk happens to be in City Hall rather than the state capital, the defects of revenue sharing—at least the Nixon brand—are even more visible. The city's annual expense budget is normally bigger than the state's by at least half a billion dollars; yet for every three dollars the city would get under the Administration's revenue sharing plan, the state would get four. That's all very well if you see the nation's problems as concentrated at the state level rather than in the cities, but not many city dwellers are about to buy that eyewash. They know better.

The irony is that if it weren't for the big cut the state skims off the top, New York City would actually do rather well under the revenue sharing formula by comparison with other local governments. In fact, 69 per cent of all the funds to be shared at the local level in New York State would come to the city. In short, the Nixon plan to share the wealth only confirms what New York City and the rest of the nation's overburdened cities already know too well: Under the federal system, they exist only by the sufferance of their sovereign states. As always, the line

from Washington to city hall runs through the statehouse.

New York is almost a textbook example of colonialism in reverse—the mother territory around New York Harbor oppressed and exploited by the hinterland up the Hudson. New York State tells the city how much it must spend on welfare, the city's biggest and fastest-growing budget item. And, as Mayor Lindsay pointed out a few weeks ago, local governments within New York State have to pay more of the total welfare bill than they do in any other state. In 25 states, according to the mayor, the local share of welfare expenditures is 1 per cent or less; yet New York City must carry 25 percent of the welfare load here.

After setting the levels of support the city must provide for welfare and other services, the state insists that the city must balance its budget. And if the city is forced to impose new taxes to do it, the state must be begged and cajoled into giving its approval beforehand. The city's transit fare is set by a board whose members are controlled by Albany. Its property tax exemptions are mandated by Albany. The very hours its policemen may work are dictated in Albany.

And what kind of representation does the city have in Albany? Well, if New York City's choice had been elected governor, Mayor Lindsay would be dealing with Governor Goldberg. (In the five boroughs, Arthur Goldberg outran Rockefeller by 17,000 votes.) The New York City delegations in both houses of the State Legislature are outnumbered by upstate and suburban members. Both houses are controlled by the Republicans, although the city's legislators are overwhelmingly Democratic. In the Senate the Republicans are led by Earl Brydges, a Bible-quoting lawyer who lives in a distant suburb of Niagara Falls. The speaker of the Assembly is Perry Duryea, a lobster wholesaler from Montauk, on the farthestmost tip of Long Island. Isn't it about time we had a man with clout in Albany?

It's true that some of the most influential state legislators come from the metropolitan area. Assembly Majority Leader John Kingston, like Speaker Duryea, is from Long Island. The chairman of the most important single assembly committee, Ways and Means, is Willis Stephens of Putnam County, Lieutenant Governor Malcolm Wilson, who presides over the Senate, used to represent a Westchester district there. But the urban core itself? Forget it. Even the committees on New York City affairs are headed in both houses by men from a suburb within the city limits: Staten Island.

Obviously these chairmen have their own constituencies; none of them has any compelling reason to concern himself with the more unpleasant aspects of New York City. The result is that taxes from the city continue to subsidize the rest of the state. The independent Citizens Budget Commission produced some figures last year to show that the subsidy isn't as grossly unfair to the city as it used to be; New York City got about 45 per cent of all state aid in 1967 as against 37 per cent in 1960. The city, though, is still more than paying its way, chipping in about 47 per cent of the total state tax bill in 1967. But there's a lot more to the state budget than cash aid to local governments. For instance, of the \$354-million budget last year for the State University, only \$28-million benefited students from New York City—a stingy 8 per cent of the total. By comparison the city got a real break on state transportation funds—\$18 million out of \$143 million, or 13 per cent. All told, Citizens Budget Commission research showed the city gets only 33 per cent of the visible benefits from the "State Purposes Fund."

So Norman Mailer and Jimmy Breslin were right over a year ago when they ran for office: The city would have millions if it could snap the strings that tie it to Albany.

Instead of wondering whether the mayor can talk the governor into a little more state aid, and instead of speculating on the likelihood of a federal revenue sharing plan that would put the money in the cities, why couldn't we take more direct action? Why not—legally, democratically and responsibly—bring the statehouse here to the city? If New York City were a separate state—an idea that's not exactly unfamiliar to faithful readers of *New York*—it would get every penny it's entitled to as a city under the President's revenue sharing formula, plus millions that would otherwise go to Albany.

The legal steps that would have to be taken on the way are easy enough to define: a constitutional convention to form the city-state, a citywide referendum on the new constitution, approval by simple majority of both houses in the State Legislature, and, finally, recognition by Congress. The first two steps should be easy. But if the colonialists in Albany are really squeezing the city dry, why should they stop as long as there's a drop left? Mailer and Breslin never came up with a convincing answer. Yet there is one.

To begin with, there are strong emotional pressures on both sides of the city line for city and state to go their separate ways, and hang the expense. For every Brooklynite like Pete Hamill, furious because the city needs a go-ahead from Albany to change its police shifts or the way it chooses school principals, there's a burgher in Herkimer or Painted Post raging because he thinks his taxes are supporting a bunch of welfare chiselers, truants and flag-defilers—not to mention long-haired bomb-throwers, multi-father households and assorted liberationists of all sexes—down here in Sodom. It is still possible, believe it or not, for upstate legislators to lose elections because they're suspected of being soft on New York City. Since their constituents think the city is costing them money rather than the other way around, they should be pleased to see the city go.

In any case, it's not the North Country and the Finger Lakes and the Southern Tier that are really gorging on state tax money that ought to be spent on the city's problems. It's the suburbs. A study by Social Science Research Associates, a mini-think tank connected with the State University of New York in Albany, found that the city spent \$739 of its own money for each student in the public school system four years ago, and got an additional \$379 per student from the state. The Long Island suburbs spent considerably less from their own school taxes—only \$602 per student—but the state more than made up for that by contributing an additional \$524 per student—\$145 per student more than it gave the city. Those same suburbs get 36 per cent of their total budgets from the state: the city gets only 31 per cent.

Albany not only discriminates against the city in passing out school aid; it also tailors the city's taxes to favor the commuter who earns his living in the city and takes his paycheck home to Rockville Centre or Dobbs Ferry. In the first place, the city resident pays city tax on all his income, while the commuter pays only on what he earns in the city. And in the second place, while the resident is getting hit for as much as 2 per cent of his total income, the daytime visitor is paying a maximum of 3/4 of a per cent on his net earnings. If you make \$4,000 a year, your tax is so small that it really doesn't make much difference—about \$2.88 for a resident family of four versus \$2.50 for one with a commuting breadwinner. But let your income go up to \$30,000 and the city will grab \$260 of it if Daddy takes the Independent subway to work from Forest Hills and only \$75 if he rides the Long Island Railroad from Great Neck. No wonder the city fights an uphill battle to keep its prosperous

young families from fleeing to the suburbs. Aside from all its other problems, the city's income-tax structure—controlled by Albany—beckons the affluent earner to move out.

The city might not be able to tax commuters at all if the Democrats hadn't won control of the State Assembly for the 1966 session in a special election, the state's first under "one man, one vote" ground rules. Naturally the suburban Republicans in the Senate would have preferred a tax on city residents alone, but the city Democrats in the Assembly wouldn't buy it. The Senate finally settled for lower tax rates on commuters.

So if the suburban legislators have that kind of muscle in Albany, how can the city get the leverage to pry itself loose from the rest of the state? Like this: Sooner or later the voters in upstate counties like Chemung and Chenango are going to discover that something has happened to suburban counties like Nassau and Westchester: they're getting more like the city every day—which means, in upstate eyes, that they're no longer part of the solution; they're part of the problem. The town fathers from the eastern tip of Suffolk County saw this quite clearly a few years ago, and their towns—then barely touched by urban sprawl—tried to secede from the county's heavily developed western half. Once the upstaters realize that it's no longer enough to vote against the city, their Republican alliance with the suburbs will begin to crack. And that opens up a bizarre prospect: a coalition of city and upstate legislators that would last just long enough to set the city free from Albany for good.

The arithmetic is right. Even though the census takers keep telling us that more people now live in the suburbs than in either the cities or the sticks, New York City still holds nearly half the seats in each house of the State Legislature—26 out of 57 in the Senate; 70 out of 150 in the Assembly. If the city delegation stands fast for statehood, it will take only three upstate votes (out of a possible nineteen) in the Senate and six (of a possible 51) in the Assembly to get the required bill passed. Even if a few renegades bolt the city delegation, there ought to be enough upstate votes to do the job.

But the city had better act quickly. Within the next year or so the Legislature must draw new district lines for its members, taking into account the population shifts confirmed by the 1970 population shifts confirmed by the 1970 census. The city is bound to lose some seats in that reapportionment; the suburbs are bound to gain. If the city can't round up the upstate votes for statehood now, they'll be a lot harder to find after 1972.

As a separate state, with its own two senators and a single-minded Congressional delegation, the city might even be able to do something to change the federal aid formulas that now discriminate against big cities. Within the Department of Housing and Urban Development programs in cities of less than 50,000 people are eligible for federal funds up to three-quarters of the total. But if the city is bigger than that, Washington won't pay more than two-thirds of the bill.

Federal programs often limit spending in any one state to 12.5 per cent of the total federal appropriation. At least one HUD program sets an even lower quota: 10 per cent. As two states instead of one, our New York

¹ The scheme fell through, ironically, because the state constitution says no new county can be formed unless it has enough people to have an assemblyman all its own; the seceding towns couldn't make it. But the federal Constitution imposes no such requirement for new states.

and their New York would have a shot at 20 or 25 per cent of the federal pot instead of fighting over half that much.

So revenue sharing isn't the only chance for us, Governor Rockefeller. Our new state wouldn't have to plead for Albany's permission to tax commuters' incomes at the same rates residents must pay—as New York State now taxes the incomes of commuters from New Jersey, Connecticut and elsewhere. So the city's revenues would go up at no cost to the people who live here. The city thus would profit from statehood and so would the upstate areas beyond the commuter belt—and together they have the power to legislate statehood for the city. The old emotional objections are no longer valid, if they ever were. New York isn't the most populous state anymore, so who cares whether it stays in one piece and ranks second or splits up and comes in sixth and eighth? What matters is the most magnetic of cities—first in trauma, but first in talent too—should be able to solve its own problems (or fail to solve them) without harassment from a lot of out-of-towners who don't even know how to pronounce Houston Street.

[From the Daily Mirror, June 2, 1971]

BELLA OPENS NEW DRIVE TO TURN CITY INTO STATE

Charging that the nation's largest city is "in bondage" to its state Legislature, Congresswoman Bella S. Abzug announced a program yesterday that aims to gain statehood for New York City.

The Committee to Establish New York City as a state, a group she began forming over the weekend, will collect petitions for a referendum to be put on the November election ballot asking Congress to admit the city into the union, Mrs. Abzug said.

There also will be a committee set up to plan the feasibility of a city constitutional convention as soon as possible this year.

"Governor Rockefeller and his state Legislature have disfranchised and disinherited the 8 million people of New York City," the Congresswoman said at a crowded news conference in her office. "Because of an outmoded political relationship, New Yorkers have stood by helplessly while our billionaire governor, a lobster wholesaler from Montauk and a lawyer from a small town near the Canadian border have joined in inflicting one grievous blow after another on our city."

Mrs. Abzug was joined by a group of about a dozen city and state legislators at the news conference, and her statement announcing the statehood bore the names of more than 45 political leaders, ranging up to members of Congress who back the proposal.

The developments that convinced so many people to work for the city's statehood, Mrs. Abzug said, came in this year's session of the legislature in Albany, which she termed a "disaster."

That session, she said, "Has decreed inhumane cuts in health services, education and welfare, slapped us with a higher sales tax, imposed an unconstitutional one-year residency requirement for welfare assistance, wiped out thousands of city jobs and topped it all off by ordering what amounts to the end of living, of rent control for 1.3 million families—the only protection they have against rising inflation."

To questioners skeptical about the possibility of statehood for New York City, the Congresswoman insisted the proposal was "realistic." Norman Mailer, the author, used statehood for the city as his principal campaign theme in a losing race for mayor in 1969.

Although Mrs. Abzug predicted a large plurality of support for statehood in any voters' referendum held in the city, she said a successful campaign "might take a couple of years."

Applying provisions of the U.S. Constitution governing admission of new states to the union, approval of the New York state legislature would be necessary for any such application by New York City. Manhattan assemblyman Franz Leichter, who was present at the news conference, said, however, that many upstate legislators have a "sick attitude" about the city and would approve a split in the state.

Mrs. Abzug, who noted the secession of West Virginia from Virginia at the time of the Civil War was not approved by Virginia's legislature, said the constitutional issues raised questions that could be argued, particularly because of what she said was "arrogant and cruel" treatment of the city's needs by the legislature.

[From the New York Post, June 2, 1971]

MAYOR IN NEW PLEA FOR CITY PLAN

(By Robert Vane)

Mayor Lindsay, shaking his fist not only at Albany but at state governments generally, continued to seek support today for his proposal that big cities be allowed to govern themselves.

"Despite all Constitutional safeguards," he told the 65th annual convention of the Municipal Finance Officers Assn. at the Americana, "there is absolutely nothing to protect New York City and its 8 million residents from the travesty currently under way in Albany."

Establishment of "national cities" by federal charter, he said, might be the answer for big cities currently "at the mercy of anti-city forces and their domineering state legislatures."

HISTORY BACKS IT

As an example of what he called growing "massive public resistance" to state power over big cities, he cited the campaign to transform New York City into the nation's 51st state.

Proponents of this campaign have been quick to draw historical parallels:

"Parliament and George III wouldn't let us go either," says Assemblyman Richard Gottfried (D-Man.) in a not-too-subtle reference to the Legislature in Albany and Gov. Rockefeller. "But we managed to do it anyway."

Rep. Bella Abzug (D-Man.), the leader of the new statehood drive, compares the "revolutionary spirit" of the original 13 Colonies with the "mood of independence in our city today."

GEORGE AND ROCKY

Mrs. Abzug also sees a strong resemblance between the British monarch, George III, and Gov. Rockefeller in their "tyrannical attitude and their utter disregard . . . for the needs of the people."

And, she concludes, the city's payment of \$2.7 billion a year in taxes without an adequate return is tantamount to "taxation without representation," a familiar refrain of the American War of Independence.

The major legal obstruction to secession, Constitutional experts say, is Article 4, Section 3, of the U.S. Constitution, which declares in part that ". . . no new state shall be formed or erected within the jurisdiction of any other state . . ." without the consent of the Legislature of the state as well as the Congress.

Thus the Legislature in Albany itself would have to approve the city's accession and that body is no more likely to grant such an unprofitable divorce than it is to give a large share of state aid to the city.

Even in the event of the state's approval, secession supporters would still have to face Congress, another improbable adherent to statehood for the city. As one observer put it, "Congress would not take kindly to two more New York senators."

[From the New York Post, June 10, 1971]
 THAT WAS THE YEAR THAT WAS
 (By Steven Marcus)

ALBANY.—Last March, while the Republican majorities in the Legislature were cutting \$760 million from Gov. Rockefeller's proposed budget, the administrative aide to a liberal Democratic Assemblyman put up a hand-lettered sign on the wall next to her desk.

"Season's Greetings from Nelse and the Gang," the sign said. "Happy 1969."

That year, in the view of most liberal politicians, was a very bad one for the Legislature. It was a year in which the Republicans rammed through—and Gov. Rockefeller signed—a budget that made cuts in welfare and Medicaid benefits despite outcries that the people who could afford it the least were being hurt the most.

But the 1971 legislative session, which ended early yesterday morning, may be viewed by critics as even more regressive.

"NO TEARS LEFT"

During the five months the lawmakers were here, the Republicans virtually rearranged the Governor's budget to reduce his proposed tax increases. They cut welfare payments by 10 per cent, the state's revenue sharing program by three per cent, raised the eligibility for Medicaid and reduced many of its benefits.

They also adopted a one-year residency requirement for welfare recipients. Last week, during the debate on a bill to provide more aid to non-public schools, Assemblyman Franz S. Leichter (D-Man.) rose tiredly from his seat to oppose it and said: "So many outrages have been committed this session that I really have no tears left."

But if the Democrats were unhappy, the Governor had reason to be, too.

Fresh from winning a fourth term in office by the largest plurality in his political career, Rockefeller saw his previously tight control over the Republicans sharply diminished. A conservative faction in the party, strongly supported by Assembly Speaker Duryea who has his eye on the 1974 gubernatorial race, refused to fall in behind the Governor.

POUND OF FLESH

When Rockefeller said that the conservatives had got their "pound of flesh" by cutting his budget and vowed to lead a fight to restore some of the money, Duryea refused to go along.

In addition, the Governor's power plant sitting bill was killed along with his proposals for reducing penalties for marijuana possession, compulsory health insurance, gun control and no-fault automobile insurance.

No one is certain yet whether the Legislature has taken a swing to the right or whether it is simply reacting to the bleak fiscal climate.

But there is speculation here that the recession is likely to continue and that the Governor will be forced to ask for more tax increases.

"It should be quite a session next year," one Assemblyman said.

Here is a rundown on the action the Legislature took on some of the major bills before it:

State budget

Approved a \$7.7 billion budget for the fiscal year that began April 1. The budget increased taxes by \$475 million, including an increase in the state sales tax from 3¢ to 4¢ on the dollar and a \$168 million hike in business taxes.

Increased the legislators' annual expense allowances—known as "lulus"—from \$3000 to \$5000. Also provided new and increased allowances for committee chairman and ranking minority Democrat.

New York City

Passed a \$525 million tax-authorization package that also provide a state guarantee for an extra \$100 million in federal aid.

Authorized the city to issue \$300 million in bond notes to meet the deficit in its budget for the current fiscal year.

Set up a commission to investigate the city's structure, management and fiscal controls.

Passed a bill requiring the state controller to audit the finances of the city, Rochester and Buffalo.

Authorized the city to acquire Yankee Stadium for \$24 million.

Passed a plan under which 1.3 million apartments would become decontrolled when voluntarily vacated by their tenants.

Killed a bill authorizing 25¢ tolls on the four East River bridges and the doubling of tolls on the Triborough Bridge and Tunnel Authority bridges and tunnels, with the surpluses to go to the Transit Authority and the Long Island Railroad. William Roman, chairman of the Metropolitan Transportation Authority, said that as a result of this, the subway fare is certain to increase next year.

Killed a pension bill for 121,000 municipal employes that would have cost an estimated \$30 million a year.

Constitution

Passed the Governor's proposed community development article, which will appear on the ballot this fall and would permit the state to help finance housing and other construction in the state, especially in urban core areas.

Ratified the federal Constitutional amendment lowering the voting age to 18 in all elections. Killed the proposed state amendment that would have done the same thing.

Killed the proposed repeal of article 11, section 3, of the state Constitution, which prohibits direct or indirect aid to church-related schools.

Transportation

Passed the proposed \$2.5 billion transportation bond issue, also to be voted on in November. It would provide \$1.15 billion for highways, \$1.35 billion for mass transit and \$200 million for mass transit upstate.

Authorized the MTA to sell \$30 million in bonds to finance land acquisition and improvements for developing Stewart AFB in Newburgh in to a cargo and general aviation airport.

Authorized a high-speed rail link between Manhattan and Kennedy Airport.

Authorized construction of new highways in New York City.

Elections

Postponed the date of primary elections this year to Sept. 14.

Eliminated the ban on the sale of liquor on primary and general election days.

Increased the city council districts in New York from 27 to 33. This is expected to provide more black and Puerto Rican representation.

Health and Welfare

Passed a series of welfare changes proposed by the Governor, giving him tighter controls over the welfare system. These include a one-year residency requirement; a requirement that an employable adult on welfare accept a public works job and the stripping of the state Board of Social Welfare of its regulatory powers by transferring them to the Social Services Commissioner, who is directly responsible to the Governor.

Killed a bill to repeal the state's liberalized abortion law and replace it with the old law that permitted abortions only if the mother's life was in danger.

Environment

Passed a bill banning the use of phosphates in detergents by June of 1974.

Authorized New York City to create an administrative tribunal to handle violations of the city's laws on waste disposal and noise and air pollution.

Education

Increased state aid to public schools by \$156 million and aid to non-public schools by \$33 million.

Provided an additional \$15 million for the SEEK programs at the city and state universities.

Housing

Passed a bill to permit banks to give 20-year mortgages for up to 75 percent of the purchase price to buyers of cooperative apartments.

Labor

Extended unemployment insurance benefits from 26 to 39 weeks.

Gambling

Passed a bill to permit the state's Off-Track Betting Commission to study and . . .

[From the Herald, June 6, 1971]

DOES THE CITY NEED THE STATE?

(By James R. Gaines)

This is the year of the Crunch. You can almost feel the clamp girdling the City somewhere around midtown; the pressure is there, the Legislature upstate sweating, straining to draw out the fiscal blood of the city. You can see the early signs of fission down around City Hall as administration officials scramble madly, stuffing yellowed state-aid programs into steel-reinforced briefcases, making ready for the penultimate crack.

With an expression imprinted on the minds of city-dwellers as a wry smile. Governor Rockefeller engineered a cynically obvious last-straw maneuver to abolish rent control for 1.3 million city families while he extended it for the rest of the state.

But this most recent coup is only a sign of the times. The city has been taking a financial brow-beating from its sovereign in many breathtaking new ways for many years. Only this year, as it happens, is the year of the Crunch.

How does it happen? How is it that the City of New York stands impotent while "a billionaire governor, a lobster wholesaler from Montauk and a lawyer from a small town near the Canadian border join in inflicting one grievous blow after another on our city?" as Representative Bella Abzug put it this week.

EXPLOITATION IN REVERSE—BACKLANDS BLEEDING THE CITY

The wry smile appears before our minds and vanishes.

The fact of the matter is that in America we are both unaccustomed to and find utterly distasteful any trace of colonialism or political oppression in our society; we despise the idea so much, in fact, we are apt to miss it when it is happening to us.

But it's true. As numerous local politicians and journalists are pointing out, New York City has become a prime example of a new kind of colonialism which is affecting many large cities; the exploitation of a state's popular and cosmopolitan capital by its backlands capital.

The State Legislature, for example, sets the level at which New York City must support welfare and other services in its jurisdiction. If the need for such programs grows beyond the capacity of the city to fund them, obviously new taxes or sources of aid must be sought. And while the state is belligerent about granting more taxes to the city, it is downright intractable about granting more aid. What happens? The Crunch.

The state sets transit fares, property tax exemptions, even the hours put in by unionized city employes. But when it comes

around to contract negotiation time, Albany doesn't want to hear about it.

As a result, every year the city has to go to Albany for aid, slinking like a panhandler. All told, Mayor Lindsay has been a pretty slick beggar, but even he couldn't pull off what is needed. Crunch.

Still, one would think the Legislature would have something to say about the city's pinch. And they do, which is part of the problem.

New York City's delegation is a minority in both houses of the Legislature. Both Senate and Assembly are predominantly Republican, while the city delegation is Democratic. Senate Leader Earl Brydges, referred to above by Abzug as the lawyer from a Canadian border town, is alleged to quote the Bible regularly, almost pathologically, and wouldn't be caught dead going soft on New York. The Assembly speaker, Perry Duryea, the "lobster wholesaler from Montauk," has his own constituency too, one which lives as far out on Long Island as it can get.

There is, in fact, no delegate with much clout who either comes from Manhattan or takes the problems of strictly urban living as his own. Even the heads of the Senate and Assembly committees on New York City affairs are from Staten Island.

LEGISLATIVE DISAPPORTIONMENT, THE FACTS OF STRIFE

The blemishes on the complexion of this Legislature are truly revolting, not to mention harmful, to city residents. For instance, of the \$354 million State University budget last year, New York students saw only \$28 million, about eight per cent. Of the \$143 million transportation budget, the City got what is, by comparison, a whopping \$18 million or 13 per cent.

New York City, with half the state's population, its own budget exceeding that of the state by half a billion dollars, and bearing the lion's share of the state budget on its back, reaps only 33 percent of the benefits of the "State Purposes Fund," according to research done by the City Budget Commission.

Combined with the historical reality of the legislature's make-up is the pressing fact that this year NYC is getting \$31 million less from Albany than last year because the scale used to determine the appropriate amount of aid is joined to the state's revenues, which have been sliding downward with the economy.

Crunch. Crunch.

Albany sees the solution to New York City's crisis in the revenue-sharing program now before the Congress. As Rockefeller has said, "those Congressmen are our representatives and they're where the money is. If they haven't got the money they've got to get the money. There isn't any other chance."

Of course, if revenue-sharing dies he might just add that the blame must rest with our Congressmen; he might say, with a straight face, that they are the only predominantly Democratic body in the state.

It's simple to understand why the revenue-sharing plan is so attractive to Albany. With nine per cent of the nation's population, the state will be eligible for 11 per cent of the take. They will also be allowed to keep 49 per cent of the money kicked back to the capital, leaving the crumbs to be picked up by localities like Fishkill and New York City.

But a deeper look exposes a fiscal can of worms for the city. For every dollar that gets to City Hall, Albany will get \$1.34. That would be all right if Rockefeller got an extra 34 cents worth of the city's problems too, but he won't. He'll make a profit by keeping them right where they are.

Simply put, the revenue-sharing plan just illustrates the problem, it changes nothing. The city must still make its own way; it must

still exist only by the benign tolerance of its aloof sovereign; it must keep suffering the consequences.

And crunch again.

HOPE SPRINGS ETERNAL THE 51ST STATE

The only real hope, lost somehow in the hilarity of the Mailer-Breslin bar-hopping mayoralty campaign in 1969, is to make New York a state. Funny, it still brings to mind an old Marx Brothers scenario, but the concrete proposals presented this week by Bella Abzug were set forth in the gravest of terms, no cracks allowed. It quickly prompted enthusiastic and thoughtful support from both politicians and significant private citizens, none of them in it for laughs.

Charging the state with "overt and covert hostility towards residents of the City of New York, Congresswoman Shirley Chisholm, Manhattan Borough President Percy Sutton and New York Urban Coalition Chairman Eugene Callender have joined with Bella to push hard for the city's secession from New York State, among many others.

Representative Chisholm said Tuesday she had been "thinking about this for a number of years on the basis of my own experience in the New York State Assembly, where I saw the division between localities upstate and localities downstate. Each year the same symphony of hostilities is played. To me the solution is the city becoming a state."

She feels that the city's economically and emotionally oppressed minorities, the ones who die in city hospitals because of health budget cutbacks and live in decaying and infested tenements, would be "especially benefited because it's they who get the shortest end of the inadequate services stick."

Sutton said the same day, "the enactment of the budget cuts, the one year welfare residency requirement, and the decontrol of rents are all acts by the state legislature that will gravely damage the City of New York. The fact that such destructive legislation could become law is clear evidence that New Yorkers have no significant degree of control over their own destiny.

"I would like to see New York City, and perhaps the entire New York Metropolitan Region, become a separate state."

Callender said Tuesday he thought city-statehood "a great idea" during the Mailer campaign, "but I think the recent behavior of the New York State legislature has made it even more imperative."

The Abzug campaign to de-crunch the city was also endorsed on Tuesday by numerous state and local representatives and civic organizations.

Part of the reason the plan was so quickly endorsed, and by so many, is that the proposals outlined at Bella's news conference were thoroughly cogent, historically valid, and entirely feasible.

Many people have strange associations with the idea because it was so poorly supported by Mailer and Breslin. Actually, though the procedures provided for by the Constitution are straightforward and their success quite plausible.

First will come a special planning committee session to investigate the feasibility and structure of a city constitutional convention to be held as soon as possible in 1971, composed of officials elected in the city, serving both state and local government.

There will be a city-wide referendum in November, 1971, in which the people of New York will vote on a proposition to petition Congress for admission to the Union as a new state in accordance with Article IV of the U.S. Constitution.

Article IV stipulates "New states may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of

two or more States, or Parts of States, without the Consent of the Legislature of the States concerned as well as of the Congress."

Then the constitution which results from the city convention will be offered to the people for adoption, after which the state legislature would be approached for their consent.

Finally, the United States Congress would be petitioned for admission.

The many obstacles which are expected to appear and interfere with the program's smooth passage into law do not include a lack of historical precedent.

In 1791, both Vermont and Kentucky were formed out of existing states: New York and Virginia respectively. Later, Maine split off from Massachusetts and, in a dispute over secession just prior to the Civil War, West Virginia chose to secede, in effect, from Virginia.

This last example provides the statehood campaign with quite a broad precedent, in fact. For, although the Supreme Court never recognized the secession of Virginia from the Union, and although the Virginia legislature never gave consent to West Virginia's statehood, when the war ended there was one more state in the union. The sovereignty of West Virginia was, therefore, self-appointed; the territory formed its own legislature, gave its own sanction, and broke itself off.

However, though many advocates of the statehood plan feel the highest hurdle will be the State Legislature, there is a persuasive argument that the Virginia precedent will never have to be used, even if it could be.

Even admitting the sadistic glee with which the Albany politicians put it to New York, admitting as well the enormous financial contribution the City sends to Albany every year, even so there is an enormous psychological impetus among upstaters to rid themselves of what many of them feel is a concrete urban white elephant.

As New York journalist Peter Strauss has pointed out, "for every Brooklynite like Pete Hamill, furious because the city needs a go-ahead from Albany to change its police shifts or the way it chooses school principals, there's a burgher in Herkimer or Painted Post raging because he thinks his taxes are supporting a bunch of welfare chiselers, truants, and flag-defilers—not to mention long-haired bomb-throwers, multi-father households and assorted liberationists of all sexes—down here in Sodom."

Also, as the Republican coalition between New York's suburbs and upstate localities begins to weaken, as the outback starts to see that Westchester, Suffolk, Nassau and the like aren't as out-back as they are and, in fact, are becoming more city-oriented and costly to the state every day, there could well be a shuffle. And the result could just be a "strange-bedfellow" alignment between city and upstate officials on the very subject of letting New York City go its own way.

CITY HALL REACTION AND A NEED FOR SPEED

Since Tuesday, Mayor Lindsay has been standing quietly by, but certainly watching this development with great interest. Recently, at a meeting in Cleveland, he proposed that the nation's 25 largest cities, those with populations over one-half million, be made sovereign "national cities." He has cited the recent Abzug plan so far only as another example of the frustration of New York city-dwellers rather than as one of a workable and desirable alternative.

It is certain that if statehood is to be, it had better come soon. A reapportionment to make the legislature's complexion justify with the population shift indicated by the 1970 census is due. It is certain to create more seats for the suburbs and less for the city. So 1972 could be a bad year.

As of now the city, with its suburbs, has a majority in both Houses of the legislature,

26 of 57 in the Senate and 70 of 150 in the Assembly. If the urban delegation unifies behind the statehood concept, passage will require only three Senate votes and six Assembly votes from upstate. And even if the city delegation splits slightly, indications are that enough upstate votes could be mobilized to let the city break away.

After all, some of the symbolic impact of the move has been eliminated: New York isn't the biggest state anymore. There's less status to be lost since many upstaters have lost their belief that it was really ever worth it anyway.

GOAL OF STATEHOOD TO STOP HURTING PEOPLE

But most important, in a city where people really did die today, yesterday, the day before, because of short-sheathed health care programs, tottering tenements in ghettos made intolerable by the constant threat of drug addiction and crime, and the real emotional devastation caused by living a jungle-life that, to many, borders on the insane, this kind of a city must assure the rights given the individual by the constitution by shouldering the responsibility assigned by civil law and basic ethical imperatives (as the state is unresponsive) to obtain for itself the capacity to make things right. At the very least it must alleviate inexcusable degradation, even if it means pointing the crunch the other way.

"Nothing is more powerful than an idea whose time has come," a 19th century tenet recently reiterated by Representative Abzug. But the idea which emerges out of all the others emerges for knowable and understandable reasons, to which the idea must be held accountable.

Statehood for New York City is such an idea. It fills a gap which has been widening for years; it calms, at least a little, a storm of economic and social problems which have taken their toll of the quality of life here in the city.

Like the bamboo tree which bends in the hurricane and does not break, let's hope the statehood program can soothe a deteriorating city, and let a ravaging squall become the renewing winds of change.

[From the New York Times, June 9, 1971]

FOR NEW "NATIONAL CITIES"

(By John V. Lindsay)

It is no longer reasonable to say that under our federal system cities must continue only as supplicants to their states. Cities like Houston and Detroit and Philadelphia are each larger than fifteen of the 50 states. And the budget of my own city is larger than the budget of New York State.

It is time that we rethought the role of these cities in the American governmental system. It is time for us to recognize that they are "national cities," with a unique role to play in our national life and deserving a prominent status in our political structure.

The Federal Government should charter a number of "national cities" with a grant of special powers.

Under their charter, national cities could deal directly with Washington on matters of trade, finance and social welfare. They could receive broader federal financial support in order to ensure functions of national responsibility. They could have independent authority on issues of local concern and urban development.

There are parallels in federal law for a national cities charter.

In the area of corporate law and finance, the Federal Government has responded to high-priority needs with the creation of federal corporations and nationally chartered banks. The Federal Deposit Insurance Corporation was set up across state and local lines to guarantee bank deposits at a time of economic crisis. T.V.A.—the Tennessee Valley Authority—was established to generate the power for the development of an important

region. Amtrak has just moved to operate our declining railroads.

These are different from a national cities' charter, which would probably require a constitutional amendment to authorize this change in our federal structure. But evolution and change have been the strength of our constitutional system.

The charter for national cities would fill the unique need of great urban centers for that measure of independence and stability so desperately lacking at the present time.

Our cities are already corporate entities—but chartered by the states. They perform services for the states, but far more importantly, they fulfill vital federal functions. Their claim to national status is strong and clear. The 25 American cities with over 500,000 population certainly qualify as national cities. Perhaps others would, too.

I know this would confirm the sense of many of us in these great cities that our futures are linked to one another far more than to the governments of our states. We have only recently discovered that Seattle and Baltimore, Atlanta and Milwaukee, San Francisco and Pittsburgh have inherited a common national legacy. Despite state differences—despite a long history of regional competition for national resources, we have learned, as the NATO countries have, that the things that unite us are more important than the things that divide us.

A national cities charter would free these cities from the restraints imposed by unresponsive state governments. It would lift the inequitable burdens and restrictions imposed by state legislatures under the domination of anticity interests. And it would formalize the Federal responsibility for the national scope of urban development.

This is not to suggest that we can "solve" our urban problems by a mere change in structure. The needs of the working man denied marginal security, the jobless veteran, the pressured pensioner, the welfare mother, and the harried commuter in our cities involve the whole range of vital urban services—police, fire, sanitation, health, education, jobs, and recreation. Obviously, a new structure is only a beginning.

This is not to suggest, either, that the three-tiered concept of American federalism is not relevant to the issues of the seventies. It is, and should remain the basic pattern of American government.

But a national cities charter does suggest that after nearly 200 years of the American experience, we have understood the changes that have occurred not only in our own country, but in world civilization.

There are, of course, other fundamental defects in the present structure of our cities. Looking outward to the suburbs, we see the irrationality of present city boundaries as a tax base and a service area. The move toward metropolitan and regional government is spreading. Looking inward, we find that city governments with a million citizens can be remote and unresponsive to their residents. We need a more compact unit of government at the neighborhood level to rebuild a sense of urban community.

Ideally, we might dream of redrawing the map of America so that each national city becomes a metropolitan government which incorporates smaller neighborhood government units. That would be a new metropolitan federalism—with a national, regional and neighborhood government. Some of us have looked longingly at the structure of London for such a model.

But American history, geography and law make that dream unreal for most of our cities. Instead, we will respond to the need for metropolitan and neighborhood government in our own local ways. There will be a mix of structures and arrangements. But we can meet the overriding need for national commitment with a new national cities policy.

Recently, I toured the Brownsville section

of my own city with a group of twelve other big-city mayors. Seeing the empty shells of abandoned buildings and the ruins of a once thriving community of 170,000 people, the Mayor of Seattle, Wes Uhlman, said to me: "God, it looks like Dresden after World War II."

I could not help but think that if it were Dresden, it would have long since been rebuilt with substantial American support. Indeed, I have sometimes wondered, if Brownsville had been discovered in Burma, whether our national Government would not have responded far faster and with greater generosity that it has, so far, here at home.

America's \$135 billion commitment to foreign aid, including the Marshall Plan, was not only an act of generosity. It also marked the real end of American isolationism. A commitment to a national cities policy would be no less significant—for it would signal the end of America's bias against its own cities.

[From the Manhattan Tribune, June 12, 1971]

THE NEW BATTLE FOR STATEHOOD: BELLA ABZUG: "WE ARE THROUGH BEGGING!"

(By Edith Spiegel and Harold Holzer)

What could William F. Buckley and Bella Abzug possibly have in common?

The Greeks had a word for it: city-state. Back in ancient history—the 1965 mayoralty campaign, to be exact—Conservative candidate Buckley proposed that New York City establish independence and become a sovereign state.

His call received only limited attention. Buckley lost, but the proposal did not.

Throughout the next half-dozen years, and especially when the Republican-dominated state legislature was in heated session debating home rule for the city, the idea was revised. But never seriously.

Now, six years after the Buckley defeat, Rep. Bella S. Abzug of Manhattan has rallied new support for the old proposal. But this time she has brought to the argument the support of: two fellow congressmen, the Borough President of Manhattan, two state senators, four assemblymen, six city councilmen, and 33 more noted city dwellers from the fields of politics, communications, literature and labor.

This time Mrs. Abzug has won the encouragement of the man who defeated Buckley in 1965—Mayor Lindsay.

This time she brings to the fight the anger of New Yorkers over what they feel is new short-changing by the state legislature.

This time—from all indications—the effort looks real, and local leaders are for the first time talking about the "inevitability" of statehood for New York City.

Not since the civil war have cries for secession been heard so often.

Not since the Boston tea party have the slogans of rebellion been revived so regularly.

And not since the farmers of Western Virginia called a meeting to establish independence has any part of any state so vehemently threatened secession.

Six years have transformed a flighty issue into a dead serious battle. The difference in 1971, the experts note, is six-fold.

(1) The unrelenting struggle the city has experienced in Albany this year to secure money and win the "right" to tax.

(2) The passage, this session, of a vacancy decontrol bill (over the objections of most all city legislators) that makes the first serious dent in New York's tough, 20-year-old rent control code.

(3) The apparent inevitability of repeal of the Blaine amendment—or the bypassing of the Blaine to win aid to parochial schools.

(4) The "pension controversy"—which has resulted in strikes and stallions.

(5) The Assembly passage of the one-year residency requirement for welfare (over the objections, again, of city legislators).

and (6) the leadership, in the new struggle for independence, of Congresswoman Abzug, whose nickname, "Battling Bella," was earned by fighting uphill battles—and winning them!

In leaderless times like these, the major difference that can either make or break a political issue is not what is said, but who says it. A strong voice is needed, and Mrs. Abzug, literally, has it. Her gut reaction to the latest Albany "massacre" has become a rallying cry.

"No taxation without representation," yelled the Congresswoman from the 19th. And the cry rang out like a shot heard 'round the city. "It's time for us to get self-government," Rep. Abzug declared at a press conference last week. "We have been deprived of that right far too long. Fact is, we've got to bring history up to date. The state was formed by rich farmers and they can't continue to run a modern city with totally different problems—it's a total anachronism!"

Mrs. Abzug did more than just throw her ideas out to the public, to wait for them to act. "This is a practical matter," she told the Tribune. "And that's why I've started with a petition campaign."

"By their outrageous rejection of our city's plea for help," Mrs. Abzug said at her press conferences, "Governor Rockefeller and the state legislature have disinherited the people of New York City. We are through begging. We have no alternative but to assert our independence from state bondage and to take the necessary steps to create a new state of the City of New York."

"Since the legislature cynically killed rent control for the people of NYC and retained it for up-staters, the dam has burst. I have received hundreds of calls from outraged citizens demanding action."

Mrs. Abzug plans now to get enough signatures to get a city-wide statehood referendum on the ballot this November.

If the city votes approval of a proposition to petition Congress for Statehood, Mrs. Abzug would work to call a constitutional convention. A new constitution would then be offered to the people, and their consent would trigger a demand to Albany for independence, and a petition to Congress for admission as the 51st state.

"Not the 51st state," The Congresswoman corrected. "Look—there are 43 states smaller than New York City. So I would like to think of us as the 8th state rather than the 51st."

Already seeing ahead to independence, Mrs. Abzug added, "Once we get expansion we can begin to put our own city together. We can model our own government, take care of our own funding."

She emphasizes that Mayor Lindsay's plan for a "national city" is not "inconsistent with our idea. But it is more complicated. It would require an amendment to the constitution. And statehood is a much shorter route."

Mrs. Abzug asks for the support of all her constituents. "The people of New York must get involved in the campaign. They must get community leaders to respond. Let's see some storefronts come up around the city. Most of all we need money—money for ads in newspapers and for funding."

To lead the way, Mrs. Abzug is forming a special planning committee to report on the feasibility and structure of a constitutional convention. The offices of the committee are in the Congresswoman's own office at 252 Seventh Avenue.

"The committee," she said, "is intended to be as broadbased and widely representative as possible. This is an issue around which people can coalesce, whatever their political philosophy or affiliation. We are seeking Republicans as well as Democrats and independents, conservatives as well as liberals and—perhaps most important of all large numbers of individual private citizens as

well as public officials and community leaders."

Back at Bella's local office, awaiting the expected rush of support, the staff is busily researching American history for precedents. Starting with Mrs. Abzug's lead of the secession of West Virginia from the rest of Virginia during the Civil War, the researchers are checking out the necessity of consulting the legislature—although many supporters of the drive aren't convinced the rest of the state won't be glad to get rid of the city.

The researchers have discovered there were earlier supporters of statehood: William Randolph Hearst, Paul O'Dwyer, Norman Mailer and Jimmy Breslin.

The Abzug staff is sure of Mayor Lindsay's help—but Lindsay aides say the Mayor "believes in the positiveness of the city concept," and prefers his own plan of establishing National Cities.

Mark Corrigan, from the Mayor's office, explained that Mr. Lindsay feels there is precedent for chartering national cities in the examples of such Federal corporations as banks and TVA-type projects.

But the trend seems to be toward secession—and independent statehood.

From nearly all the local political leaders who have endorsed the Abzug demands come the same two responses: it must be done, and it can be done.

Percy Sutton, Borough President of Manhattan: "I would like to see New York City and perhaps the entire New York Metropolitan Region become a separate state. . . . Through statehood and decentralized local services, New York City will have available the resources to meet the needs of all people, and the average New York City resident will have a significant degree of control over his local environment."

Albert Blumenthal, Deputy Minority Leader of the State Assembly: "I'm 100 per cent behind the effort to secede . . . primarily due to all the frustrations of this year in Albany, the passage of legislation that has disregarded the needs of the city and in effect disenfranchised 8,000,000 residents."

Eldon Clingan, Minority Leader of the City Council: "The state has told us in effect that they're not interested in having us participate in making decisions. . . . Some of them have long maintained that we are a burden and they would be glad to be rid of us. But those farmers upstate may be reluctant to give up the rich cow they're been milking. But as one who grew up on a dairy farm. I know that if a cow is sufficiently fractious, you sell it, no matter how much milk it produces."

Carol Greitzer, Manhattan Councilwoman: "I'm in budget hearings right now and all I keep hearing are the cuts of essential facilities and programs. I suggest that people write to their legislators . . . if a large number of people can be mobilized it can't help but have a good effect on our cause."

Richard N. Gottfried, West Side Assemblyman: "I am henceforth withholding and refusing to pay the state tax portion of my telephone bill, and I am urging everyone else to do the same. I think eventually New York City will be an independent state—it's a matter of time, and a matter of how much blood will be shed. Brownsville was the first skirmish."

Manfred Ohrenstein, State Senator: "Right now we have to beg for the right to tax . . . the legislature is unwilling to do what we want, what we need. This makes it quite clear that while the city provides revenue, it has no say in its distribution, and no say in how much comes back to us. We've got to make sure the city can determine its own course."

Andrew Stein, Assemblyman: "We need to become the 51st state—or we need home rule. We shouldn't have to go to Albany and let men from Nassau and Niagara Falls tell us what to do."

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

THE 51ST STATE?

(By Joel-Philippe Dreyfuss)

Maybe they'll call it the State of New York City. Or the City-of-New-York State. Or maybe the City-State of New York.

Whatever the name, the latest secessionist rumblings out of City Hall are nothing new in New York politics. Rebellious talk about withdrawal from the state and even from the United States turns up regularly.

It has usually happened after the city has undergone a particularly strenuous ordeal with the Legislature in Albany.

The motivation for separating New York City from New York State has always been the same—money and home rule power—and it goes back to long before Norman Mailer's Mayoral campaign.

A long string of New York Mayors, beginning with Fernando Wood in 1861, chafed at the tight reins on the city's independence and sought statehood as liberation from tight-fisted upstate legislators.

The bitter battle between Mayor Lindsay and Governor Rockefeller over the city's latest budget proposals was in keeping with a 110-year tradition.

In 1861, Mayor Wood charged that "the political connection between the people of the city and the state has been used by the latter to our injury."

In 1971, Lindsay described the just-concluded legislative session as "chillingly anti-city" and said New York had been "short-changed again."

Rep. Bella Abzug (D-Man.) charged the city was "in bondage" to the state government and announced a campaign to make New York City the 51st state. Mrs. Abzug formed a committee and drew up a petition calling for a city Constitutional Convention. A strong mandate from the voters, she said, would make it difficult "for any Legislature to deny their will."

Manhattan Borough President Percy Sutton promptly hailed the campaign as "the dawn of a new era" and called for its expansion to other cities across the nation. "The development of New York City as a city-state would be meaningful in helping to bring political structure of our nation closer to the realities of American life," Sutton said.

Last Tuesday night, Mayor Lindsay announced plans to set up a commission to investigate the effectiveness of state government and examine the possibility for statehood. (It is clearly relevant to their respective roles that the Albany lawmakers, with Gov. Rockefeller's swift approval, had previously decided to investigate the city.)

The new state would rank ninth in population and last in land area. Without its namesake, New York State would drop from second to tenth in population.

The new city-state would draw one fifth of its work force from out-of-state and as the financial capital of the world would be soundly based, at least economically.

Many law experts agree that separation is constitutionally possible, but in terms of practical politics, they say, it just isn't going to happen.

To make New York City a state, the city would have to call for an election of delegates to a constitutional convention that would draw up a constitution.

After the constitution was approved by a citywide referendum (hurdle No. 1) it would be submitted to the Legislature for approval, (hurdle No. 2) then forwarded to Congress, which by a majority vote (hurdle No. 3) could admit New York City into the Union and provide for its election of Senators, Representatives and statewide officials.

The question now must be whether this latest effort will be more successful than secessionist movements of the past.

Mayor Wood wanted to pull out of the Union in 1861 not only because of displeas-

ure with Albany, but because Abraham Lincoln had just been elected President and he figured the United States was doomed anyway.

Loyalists on the City Council resisted the Mayor's efforts and when the Civil War started, Wood jumped on the Union bandwagon. But to no avail—he wasn't renominated for office.

William Randolph Hearst took up the cause in 1921, when there was widespread support for "Home Rule." The movement failed but the call for secession was established as a political lever against the chafing yoke of Albany legislators.

In 1928, Prof. A. G. Ogilvie, geographer at Edinburg University, revived the idea but expanded it to a "metropolitan state" which would include the growing suburbs of New Jersey, Connecticut, Westchester and Long Island.

"After the formation of this super-State," Ogilvie said, "the city would be able to carry out its present magnificent plan, a project which will transform it and double its population in 40 years."

While Mayor Jimmy Walker liked the idea, it was considered too cumbersome because the Legislatures of three states would have had to approve.

In 1939, Rexford G. Tutwell, the political scientist and FDR braintroster who was then chairman of the City Planning Commission supported statehood for the city and the issue began turning up with new regularity: 1941, 1943, 1949, 1951, 1956 . . .

In 1959, Senate Minority Leader Joseph Zaretzki suggested that New York City and Long Island compose a "South New York State" with the remainder of the state designated as "North New York."

During the heated debate, Assemblyman Bernard McDonnell of the Bronx retorted that his borough was the only part of the city that belonged to the continental United States.

"The rest of you," he told Manhattan, Brooklyn, Queens and Staten Island legislators, "are from offshore islands."

The issue of statehood flared briefly in 1963 and 1966 but came into the spotlight again with the 1969 candidacy of Norman Mailer, who presented detailed analyses of the financial inequity of the city and state.

The catch, of course, is, and always has been, Albany. Unless drastic changes occurred in the makeup of the Legislature, any proposal to separate the state from its most important city seems doomed to fail, and if, on the other hand, the Legislature were more responsive to the city's needs there would be no talk of separation.

Opposition to the plan would surely also come from other states, who would fear the precedent established in New York. Next might come Chicago, Los Angeles, Detroit, Atlanta, all possibly eager to sever ties with their mother states.

On Thursday, the Mayor's office released the text of a memorandum on statehood prepared by Leon Panetta, his executive assistant for intergovernmental affairs.

Panetta focused on the root of animosity between the city and state—finances.

He said the city generated \$2.799 billion in revenues for the state and got back only \$1.829 billion in all forms of state assistance. The net gain from Independence, Panetta calculated, would be almost \$1 billion.

The memo said exemptions from property taxes now granted by the state, about 30 percent of the city's total, would be eliminated and possibly reduce the tax burden on individual taxpayers.

"Statehood is not an unrealistic possibility, the report concluded. "Indeed it may well be the only sensible approach to governing New York City."

Governor Rockefeller called such talk "ut-

terly irrelevant," adding: "I think the idea is childish because it would destroy the city."

Experts on urban politics differ on the effects of statehood for New York City. Dr. Robert H. Connery, professor of government at Columbia University and a deputy city administrator during the Wagner Administration, said statehood for the city would be a "great mistake."

"The problems that are being faced are larger ones," he said. "There is more effort for metropolitan governments and even bigger units, not smaller ones."

Dr. Demetrios Caraley, of Barnard College, another expert on government, was pessimistic about the possibilities. "If New York City would profit, why would the Legislature approve it?" he asked. "It's all wishful thinking. You can't secede."

Caraley was more enthusiastic about another Lindsay proposal which received less attention when first presented at the NATO conference on cities in Indianapolis on May 27.

At the time, Lindsay suggested the creation of "national cities" of 500,000 or more population with more direct links to the federal government. The national cities, Lindsay said, would enjoy "broader financial support in order to insure functions of national responsibility."

"I think it makes a lot of sense," said Caraley, noting that such a procedure would avoid the entanglements of legal battles presented by separation of a single city.

It is curious that the new cry for separatism for the metropolis should come during a period when it is otherwise increasingly apparent to many students of urban affairs that urban sprawl into the suburbs and beyond calls instead for regional solutions to regional problems.

Many planners point out that the problems of the nation's large cities will not be solved by the simple act of divorce from their parent states. Ecology, transportation, air and water pollution, welfare and migration of the poor—all these problems transcend state boundaries and would continue to do so even if it were the city which became the state.

The rise of inter-state agencies such as the Port of New York Authority indicates to some urbanologist critics of secession that regional organization rather than the city-state is the answer.

When Mailer proposed statehood for the city in 1969, he even favored breaking city government down into smaller "Neighborhood" units, with their own laws, police departments and school systems.

The real issue is, of course, home rule power. Many New Yorkers resent a situation in which a city of 8 million with a \$9 billion budget must appeal to the Albany Legislature for permission to tax its own residents or consolidate its own agencies.

The State Constitution of 1894 gave the mayors of cities a "suspensory veto" on legislation affecting their property, affairs or government, but this veto, which could be overruled by the Legislature, was replaced in 1923 by a home-rule amendment granting limited legislative powers.

Legislative intrusions on their property was still forbidden without their consent or an emergency message from the Governor. Since 1938, when the emergency message provision was eliminated, the power of cities has not changed substantially.

Lindsay's proposal for "national cities" may help solve a problem that is not just limited to New York—the problem of communication between large urban areas and the federal government—but serious consideration of his proposal seems far off.

Only a month ago, before the Legislature acted on the city's tax package, Lindsay said that statehood was "totally impractical" and "not productive."

Is the Mayor's about-face just a continua-

tion of the use of statehood as political leverage or is it a genuine response to the urgent needs of a city whose reality has far outrun Fernando Wood's flight into fancy?

"As a free city, but with nominal duty on her imports, her local government could be supported without taxation upon her people. Thus we could live free from taxes and have cheap soup nearly duty free."

THE TRUTH ABOUT THE GULF OF TONKIN

HON. GEORGE MCGOVERN

OF SOUTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Thursday, June 17, 1971

Mr. MCGOVERN. Mr. President, the documents published by the New York Times relating to American military involvement in Indochina have clearly shown that the administration did not adequately inform the American people and the Congress about the policy it was pursuing there.

There is documentary evidence now available which indicates that as late as 1968, when the Foreign Relations Committee held hearings on the Gulf of Tonkin incident, high administration officials continued to deny the extent of American military involvement and planning at the time of the incident.

I believe that the Foreign Relations Committee should be enabled now to investigate the full extent of the deception practiced at its expense. The documents and summaries, as appeared in the New York Times, are sure to be helpful, but I would see no reason for further delay by the administration in providing the committee with the full documentation.

From the evidence now available, we can already identify some of the most flagrant efforts to deceive the American people. On February 20, 1968, Secretary of Defense McNamara told the committee that South Vietnamese operations against the north:

Were under the command of the South Vietnamese and were carried out by the South Vietnamese. There were no U.S. personnel participating in it, to the best of my knowledge.

But the documents printed and summarized in the New York Times show that from February 1, 1964, "an elaborate program of covert military operations against the state of North Vietnam" began—Pentagon quote. United States personnel were involved. The operations were directed, not by the South Vietnamese, but through a section of the Joint Chiefs of Staff called the Office of the Special Assistant for Counterinsurgency and Special Activities.

At other points in the hearings, Secretary McNamara denied knowledge of an advance draft of the Gulf of Tonkin resolution, prior to the actual incident, and of plans in late 1963 and early 1964 for extending the war into the north. In the first case, Mr. McNamara either was not frank in his answer or he was implicitly admitting that his own subordinates had escaped his control in preparing such a draft. In the second case, he was simply

not honest. The Times quotes a memo from Mr. McNamara to the President dated December 21, 1963 concerning CIA and U.S. military plans for operations in the north. He wrote:

They (the plans) present a wide variety of sabotage and psychological operations against North Vietnam from which I believe we should aim to select those that provide maximum pressure with minimum risk."

A careful examination of the Foreign Relations Committee hearings and related documents show, when compared with the documents in the New York Times, a consistent pattern of deception by the Defense Department about the state of American military preparations and planning prior to the Gulf of Tonkin incident.

There can be no excuse for failing to tell the truth years after the fact. The documents show that we became involved in Vietnam, not to protect that country, but for many extraneous reasons and mainly to prevent our own humiliation. Obviously that is why the Defense Department officials did not want to admit even later what they had done.

But I cannot understand why the present administration has joined in the effort to suppress the truth. Their actions implicate them in the conspiracy of silence.

Mr. President, for the information of Senators and the American public, I ask unanimous consent that the full text of the Foreign Relations Committee hearings on the 1964 Gulf of Tonkin incidents and supplementary documents be printed at this point in the RECORD.

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

GULF OF TONKIN, THE 1964 INCIDENTS
UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

The committee met, pursuant to notice, at 10 a.m., in room S-116, the Capitol Building, Senator J. W. Fulbright (chairman) presiding.

Present: Senators Fulbright, Sparkman, Mansfield, Morse, Gore, Lausche, Church, Symington, Dodd, Clark, Pell, McCarthy, Hickenlooper, Aiken, Carlson, Williams, Mundt, Case, and Cooper.

Also present: Senators Gruening, Morton, and Percy.

The CHAIRMAN. The committee will come to order.

The Committee on Foreign Relations is meeting this morning in executive session to hear the Secretary of Defense.

Mr. Secretary, I am very grateful to you for coming before the committee this morning in this executive session.

You have had a long and arduous experience in serving your country for some 7 years. I know from my own knowledge that it has been an extraordinarily gruelling tour of duty for you and I believe you have applied your talents and energy far beyond the call of duty. You appear to have survived remarkably well, I may say.

I recall with satisfaction the several meetings and conversations I have had with you during these 7 years. You have always been responsive and in good humor and, I for one, regret to see you leave the Government at this very perilous time in our history. I know, of course, that your new assignment is a very important one and I am sure you will discharge your responsibilities with efficiency and with honor.

I should like to add as a personal observation that I am very pleased that your lovely wife Marge has returned home from the hospital and I know that eases your troubles.

ESTABLISHING TRUTH OF TONKIN GULF INCIDENTS

My view of the purpose of this hearing is simply to review the decisionmaking process of our Government in time of crisis. I am interested only in establishing the truth about the Tonkin Gulf incidents of August 2 and 4, 1964. The purpose is not to assess blame on anyone, certainly not upon you. Personally, I have long since acknowledged publicly my own shortcomings in connection with the affair. I am a firm believer in the idea that to acknowledge my mistakes of yesterday is but another way of saying I am a wiser man today.

But this committee and the Government we hope will continue long after you and I are gone and there will be crises in the future and I think it will be helpful to future Senators and future Secretaries of State and even future Presidents if we review past decisions of importance and evaluate them in the light of subsequent developments. This is one of the ways we can help develop a wiser and more mature procedure and judgment in the future.

If this Nation cannot learn from its past performance and acknowledge where it has been wrong or insufficient to the task, then the United States will become servile to its past—and suffer for this servitude.

Mr. Secretary, you have shown your fondness for T. S. Eliot on other occasions, particularly Eliot's thoughts in "Little Gidding." You will therefore appreciate the thought behind Eliot's words:

"History may be servitude,
"History may be freedom."

Mr. Secretary, I believe all of us here share your own desire that the United States profit from its mistakes—not repeat them.

As is customary in these proceedings, you may have the opportunity to make an open statement if you desire, which I understand you have prepared. I would hope that in your statement you will describe the military and political situation as it existed during the spring and summer of 1964, in this country and in Vietnam. If you can refresh our memory about the background conditions relative to which the incidents of August 1964 took place, I believe it will be most helpful.

Before I yield to the Secretary, I should like to submit to my colleagues on the committee the suggestion that after the Secretary concludes his opening remarks, I should like to proceed with the questioning in accordance with the questions prepared by the staff in order to develop these complicated events and communications in as orderly a manner as possible. I shall, of course, be very glad to yield for questions or suggestions from the members as we go along, but I do believe if we are to understand these events and make an intelligible record, a systematic, more or less chronological approach, should be followed. After I have submitted the prepared list of questions, I shall call upon all members in the usual manner. I hope this is agreeable to the committee.

The Secretary does have a prepared statement which I understand he would like to read.

LETTER RELATING TO THE HEARING

I wish to put into the record also, Mr. Reporter, a copy of the letter relating to this hearing which was sent to the Secretary. (The letter referred to follows.)

FEBRUARY 7, 1968.

HON. ROBERT S. McNAMARA,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: I refer to our telephone conversation of yesterday concerning

your scheduled appearance before the Committee on the incidents in the Gulf of Tonkin.

As I said during our conversation, I appreciate your concern that your testimony be fully responsive to the wishes of the Committee. Therefore, I can understand your interest in the internal working paper done by the staff. As I said to you, however, the Committee does not wish at this time to release the staff study. Moreover, the information used in the staff study is drawn entirely from data provided by your office; so there will be no surprise there. At the same time, I know that the Committee staff does not have all information available to you on the Tonkin incidents. As I told you, however, I am enclosing a list of the documents your Department has supplied the Committee. If there are any questions about the material, please have your office contact the Committee staff.

In any event, the interest of the Committee is not in a discussion of the staff study, but in your testimony of August 6, 1964, and Ambassador Stevenson's statement to the United Nations of August 5 in light of any information your office may have acquired since the incidents in the Gulf of Tonkin.

Therefore, in the interest of a thorough discussion on February 20, the Committee will make available to your office a copy of the transcript of the testimony of August 6, 1964, (Ambassador Stevenson's presentation is, of course, a matter of public record.) I would hope that you will be able to review this transcript and bring the Committee up to date on what we now know of the incidents in the Gulf of Tonkin. The Committee is particularly interested in discussing what lessons have been learned about the problems of analyzing information in the midst of a crisis situation.

Finally, as I mentioned to you during our conversation, I would like to renew my request of January 8th that the Department of Defense provide the Committee at the earliest possible date with a report done by the Weapons System Evaluation Group on the subject "Command and Control of the Tonkin Gulf Incident, 4-5 August 1964."

I look forward to seeing you on February 20.

Sincerely yours,

J. W. FULBRIGHT, Chairman.

The CHAIRMAN. Mr. Secretary, my own view is that this statement of yours should not be made public until after the committee has had an opportunity to go through the hearings, and also to decide what it does about its own staff report and the hearings. This is an executive meeting and I hope that you will be willing to retain that. I realize there will be pressures upon you, as there are upon the committee, for release of these documents, but I would think it is premature to do so.

STATEMENT OF HON. ROBERT S. McNAMARA, SECRETARY OF DEFENSE; ACCOMPANIED BY GEN. EARLE G. WHEELER, CHAIRMAN OF THE JOINT CHIEFS OF STAFF, AND CAPT. H. B. SWEITZER, U.S. NAVY, MILITARY ASSISTANT TO THE CHAIRMAN, JOINT CHIEFS OF STAFF

Secretary McNAMARA. Mr. Chairman, I very much appreciate your personal kind wishes and compliments. It has been a most satisfying 7 years to me, made more so by the courtesy with which I have been treated by this committee on my numerous occasions before it.

I might also say I share T. S. Eliot's belief that history may be freedom, and I look forward to the development of our discussions here today in a way that will make it freedom and not servitude.

I do have a statement which I would like to present to the committee at this time, I have not released it to the press. I told my associates that we should not do so. We have submitted to the committee some 200 copies

of it so they may release it. I doubt very much that we will be able to withstand the pressures of the press today without releasing it. We have been deluged by requests for it.

RELEASING OF DOCUMENTS

Senator MORSE. Can I only say, Mr. Chairman, on a procedural matter, I quite agree with the Secretary. I do not think we ought in any way to place any restrictions on the Secretary in regard to releasing anything he wants to release. I know you did not so imply. But I think the judgment of the Secretary should prevail in regard to what the Department of Defense releases, and I think the judgment of the committee should prevail in regard to what we should release.

The CHAIRMAN. The only thing I was suggesting—

Senator MORSE. It is in keeping with the division of powers doctrine.

The CHAIRMAN. I thought it would be much fairer if we could arrange to release them simultaneously. For example, the staff report would present only one side of the picture, as would the Secretary's statement. I think it would be too bad if this goes out and nothing else. That is a matter for the committee to determine, I grant.

Senator MORSE. I still would not want to—I would personally not be a party to placing any restriction on the Secretary.

The CHAIRMAN. The point I am trying to make is that much of the information which we have is confidential and cannot be released. Whereas a great many of the documents to which the Secretary refers, but does not incorporate, are also confidential. I would submit that it is a very one-sided picture to release only the statement.

Senator MORSE. It is one-sided only if the committee leaves it that way.

The CHAIRMAN. I grant that. But it is only a matter of time. We have not had a chance to read the Secretary's statement. We only received this statement an hour ago and it is a matter of timing.

Senator MORSE. I understand.

The CHAIRMAN. Does the Senator object for the committee to have time to consider the statement?

Senator MORSE. I would only object as to placing any restrictions on the Secretary at all.

The CHAIRMAN. I do not consider it placing restrictions. It is a matter for us to arrive at an understanding as to when we do it.

Senator GORE. Mr. Chairman.

The CHAIRMAN. Yes?

Senator GORE. There is a question here. We are having an executive session. Could we not defer judgment on this until we have had a chance to read it?

The CHAIRMAN. That is what we normally do. That is what I was suggesting until we receive it; the committee makes up its own mind usually afterward, this afternoon, for example.

Senator GORE. The point I was attempting to raise, I find a great deal of appeal in what Senator Morse has said, but I think it must be interpreted in the light of the fact that we are dealing here with classified materials and having an executive hearing. The release of a statement in executive hearing, used in an executive hearing, has not, so far as I can recall, been done except by permission of the committee.

I remember one time when I was chairman of a subcommittee, Secretary Rusk was appearing, and the question of releasing his statement was submitted to the committee, and the committee voted unanimously to approve its release. I dare say it might do so—we might do so, after hearing this, but I would like to defer judgment on it.

The CHAIRMAN. That is all right.

PROCEDURAL RIGHT OF WITNESS

Senator MORSE. Can I take 30 seconds more? I do not want to be a stickler or make

a tempest in a teapot, but I do think, gentlemen, you are dealing here with a procedural matter that you should not set a precedent on. I do not think that at any time a committee of the Congress has the right to call into executive session a Cabinet officer or anyone who is really a spokesman for the administration and seek to impose any restriction on that witness in regard to anything that he says in that executive session in respect to his right to make any comment after the meeting is over or release any statement he wants to make after the meeting is over.

Speaking hypothetically, although the Secretary has made very clear his willingness to oblige you, I am not talking about his willingness to oblige but I am talking about what I consider to be a very, very important basic procedural right of the administration witness under the separation powers doctrine. I have never transgressed upon it knowingly, and I am not going to let the administration at any time transgress upon our corresponding right under the same doctrine. Therefore, I think we ought to deal with each other on the basis that we know what these respective rights are and seek to place no restriction on each other. That is my point.

I took the same position, you will recall, in the MacArthur hearings when there was an attempt, in my judgment, on the part of the committee then to infringe the rights of the administration under the doctrine there. I take the same position this morning.

Senator HICKENLOOPER, Mr. Chairman.

The CHAIRMAN. Senator Hickenlooper.

RESPONSIBILITY FOR RELEASING A STATEMENT

Senator HICKENLOOPER. I think we have a rather complicated situation here which is not necessarily one under the control of the Secretary or of the committee. It may be more under the control of the committee than of the Secretary.

I would say that the Secretary has no right whatsoever under our procedure to release a transcript of this record where members question the Secretary and answers come in. On the other hand, I would say this, that the responsibility of releasing a statement on the sole responsibility of the Secretary or any other administrative official is the responsibility of that official of that department. I am not so sure we can control it. We can control what we release. I think it is a matter of some kind of an understanding.

I am thoroughly sympathetic with what you have said, Mr. Chairman, about piecemeal releases of these things. I hate to read about them even though they have not been released—I hate to read about them in Time magazine or the New York Times or other papers of that kind, where we have to get some of our information from there. That makes us quite restless but apparently there is nothing we can do about it, and sometimes what goes on in this committee at least seems to be approximative in some of those news releases of certain columnists and so on.

So it is a problem that has its various facets. But so far as a straight statement of the Secretary, I would say that we have no authority to inhibit him from a straight statement he wants to make to the public on his own responsibility without regard to questions or answers or what anyone else has said, because when that occurs, then there is a dual responsibility there, not only on the questioner but the Secretary, and I hope we can control that.

But I do not know; it is a very difficult thing, and I am thoroughly sympathetic with the piecemeal—

The CHAIRMAN. I was not asserting any right to control it. It was merely a suggestion if there was some comity—

Senator HICKENLOOPER. If it is a question of comity, we can arrive at it.

The CHAIRMAN. He can keep it within his control.

Go ahead, Mr. Secretary.

NEWSPAPER REPORTS OF CLASSIFIED INFORMATION

Senator LAUSCHE. Mr. Chairman, having listened to what Senator Hickenlooper has just said, I feel obliged to make a statement that this body, vested with secret information of the most intimate character, dealing with the security of the United States, has been brought scandalously into disrepute by the frequency with which reports are carried in the newspapers of what is supposed to be done under closed executive meetings, and I do not feel content that we can wink at these leaks that are coming out of this committee. I am not satisfied with the statement that there is nothing we can do about it. Somebody is leaking things, whether it is a member. Members of the Senate, or whether it is members of the staff. I do not know who it is, but it is a terrible mistake that this body, related most intimately to matters that deal with the security of the United States, finds itself with newspapers reporting what takes place under confidential discussions.

It cannot be denied that these reports are being carried outside of the meeting. How do they get out? I think we ought to make an investigation. We ought to find out whether it is from the staff or where it emerges.

The whole world can laugh at us at what happened. It seems you do not need spies, all you have to do is look at the papers and fully you will find revealed what takes place confidentially in this room.

The CHAIRMAN. I wonder if we could get on with the testimony.

Senator AIKEN. I would like to observe that sometimes the leaks appear 2 or 3 days after they come out in the newspapers, which can hardly be in the category of a leak.

The CHAIRMAN. Let us get on.

Senator LAUSCHE. The chairman wants to get on with this matter, and I can understand why he would want to get on, but I will say to you with what you are trying to get on is not as significant as what I am trying to search out. Something is wrong with this committee.

Senator MORSE. Mr. Chairman.

The CHAIRMAN. I wonder if we could proceed.

Senator CLARK. Let us go ahead.

PLACING RESTRICTIONS ON ADMINISTRATION SPOKESMEN

Senator MORSE. We are not going to leave this record in this condition so far as the Senator from Oregon is concerned. I do not think we ought to take up the Secretary's time with quarrels of the committee, but, Frank, you were not here and you are not aware of what Senator Hickenlooper was talking about. We are not talking about what you are talking about. That was not raised. I had risen to the defense of what I think is a very important doctrine that always ought to prevail at our hearings when we have a Cabinet officer or anyone else from the administration here; namely, we should make no attempt to place any restriction on the spokesman of the administration regarding what he says to the press afterward and what he releases. The only suggestion was a very helpful intention by the chairman suggesting that the Secretary of Defense hold any statement when he goes out of this meeting such as releasing the testimony he is about to give us until we will have the whole record considered.

I only raised a point there, understanding the motivation of the chairman to be of the highest, that I would not support placing any restriction, under the separation-of-powers doctrine, on Secretary McNamara. That is how all this occurred. We were not talking, Frank, about the problem that you are raising, and I do not think we ought to be taking the time of the Secretary to be talking about that now. That is for us to handle in our own executive session.

The CHAIRMAN. Mr. Secretary, will you go ahead. I think we ought to proceed.

Senator LAUSCHE. I want to make this statement, and then I will close.

In the report that was filed by the staff, there was an addendum, and in the addendum there was stated that X contacted the staff and told about the truth that there were no missiles seen fired at our ships. Y spoke to the staff. Well, as a member of the bench for 10 years, when you begin offering that type of proof to establish a fact, I simply cannot accept it.

The CHAIRMAN. Proceed, Mr. Secretary.

STAFF STUDY REFUSED

Secretary McNAMARA. Mr. Chairman, I have sought in my statement to be as responsive as I can to what I believe to be the questions in the mind of the committee regarding the Tonkin Gulf incident. I have not had the advantage, however, or the privilege of exposure to the staff study that I know has been completed and circulated among you. I asked for that several weeks ago but was denied access to it, and I may, therefore, not entirely respond to all of the information that you wish to query me about. I will be very happy to take questions concerning the statement.

Senator MANSFIELD. Do I understand the Secretary requested a copy of the study and was denied?

The CHAIRMAN. That is correct. I also requested their command and control documents and it was denied.

Senator MANSFIELD. I was thinking of those in juxtaposition.

The CHAIRMAN. That is correct.

Senator GORE. Perhaps we can exchange those now. That might solve it.

The CHAIRMAN. I think we ought to go on. Go on, Mr. Secretary.

Secretary McNAMARA. Let me comment, Mr. Chairman. These are not to be equated. You can have any raw material we have. We tried to supply all of it to you. Some of it is very highly classified, and we assume you will treat it with the care that its classification deserves. We also are quite willing to let you have evaluation reports, but only after we have ascertained that the authors of those reports had access to all the appropriate information. It turns out that the author of this particular study you mentioned did not have access. I never heard of the study when you requested it. General Wheeler was not aware of it. The author did not query General Wheeler or me about the actions we took today, or the actions of the Joint Chiefs, the National Security Council, or those the President took.

I do not think you want evaluative reports sent over here that are incomplete. Any report we have, you have access to, but only after it has been properly reviewed as to its reliability.

Your staff study is quite a different matter. I consider it a very serious handicap to me in appearing before you today to address these issues that have been reviewed and addressed and considered in your staff study, evidence of which is examined in your staff study, which evidence has never even been brought to my attention, but if you are willing to go ahead with the hearing on that basis, I am.

The CHAIRMAN. All of the staff was based upon material that come from your office, all of it. We gave you a complete list of every document and everything we had received and it is available to you as it was to us.

ADDENDUM TO STAFF STUDY

Secretary McNAMARA. Senator Lausche has just stated it had an addendum to it that included information that was not available to me.

The CHAIRMAN. That was not used in the preparation of the staff study and it was purely an addendum of things that had happened outside of the documents which came from the Pentagon.

Senator LAUSCHE. Let me say, Mr. Chairman, that the addendum recited a number of contacts made by a staffman with persons unknown. Now it was offered as an addendum supposedly having an insignificant importance, but it is there. Three or four men who were supposed to have been in the Tonkin Bay are alleged to have said that there were no missiles fired. Who are the men? How did they contact them?

Senator COPPER. What weight was given to it?

Senator MANSFIELD. Mr. Chairman, I apologize for the interruption but I have to be up here on the floor.

The CHAIRMAN. I would hope the Secretary would be allowed to proceed.

Mr. Secretary?

ESSENTIAL FACTS ARE THE SAME TODAY

Secretary McNAMARA. Mr. Chairman, on August 6, 1964, I appeared before this committee and testified concerning the attacks in the Tonkin Gulf on the destroyers U.S.S. *Maddox* and U.S.S. *Turner Joy*, and our response to those attacks.

Over 3½ years have passed since that time. However, even with the advantage of hindsight, I find that the essential facts of the two attacks appear today as they did then, when they were fully explored with this committee and other Members of Congress.

The relevant events, and their significance, were the subject of intensive debate in the House and Senate. Both my testimony and that of other officials of the Government reported the evidence that established conclusively the occurrence of these attacks on U.S. naval vessels operating in international waters. This evidence was available to us at the time of the decision to make a carefully tailored response to the attacks. In my testimony, I noted that, while sonar and radar readings may be subject to interpretation and argument because of sea and atmospheric conditions, we had intelligence reports of a highly classified and unimpeachable nature which established, without question, that the attacks took place on both August 2 and August 4.

PART PLAYED BY U.S. NAVAL VESSELS

Also fully explored at the time was the question whether the attacks on the *Maddox* and *Turner Joy* were in any way provoked by or related to certain South Vietnamese naval activity which occurred in the period from July 30 to August 4. As I stated then, and repeat now, our naval vessels played absolutely no part in, and were not associated with, this activity. There was then, and there is now, no question but that the U.S. Government knew, and that I knew personally, the general nature of some countermeasures being taken by the South Vietnamese in response to North Vietnam's aggression. As I informed Congress, the boats utilized by the South Vietnamese were financed by the United States. But I said then, and I repeat today, that the *Maddox* and the *Turner Joy* did not participate in the South Vietnamese activities, that they had no knowledge of the details of these operations, and that in no sense of the word could they be considered to have backstopped the effort.

As the chairman noted in the Senate debates, he was informed that "our boats did not convoy or support or back up any South Vietnamese naval vessels" and that they were "entirely unconnected or unassociated with any coastal forays the South Vietnamese themselves may have conducted." He was so informed and the information was completely accurate. When the South Vietnamese conducted the first of their two naval operations against North Vietnamese targets during this period, the *Maddox* patrol had not even begun and the ship was at least 130 miles to the southeast. The attack on the *Maddox* on August 2 took place 63 hours after

completion of this South Vietnamese naval operation. When the South Vietnamese boats conducted their second foray, the *Maddox* and the *Turner Joy* were at least 70 nautical miles to the northeast.

Senator CASE. I wonder if you could go a little more slowly. It is a little hard to understand.

The attack made against them on August 4 was almost a full day after this second South Vietnamese operation.

The facts thus show today, as they showed 3½ years ago, that attacks occurred against our ships both on August 2 and August 4, that we had available to us incontrovertible evidence of these attacks when the decision was made to make our limited and measured response, and that these attacks were in no sense provoked or justified by any participation or association of our ships with South Vietnamese naval operations. I would like briefly to review these facts with you.

REVIEW OF FACTS OF ATTACK

On the 2d of August 1964, the U.S.S. *Maddox* was engaged in a patrol in international waters in the Gulf of Tonkin. At no time during the conduct of her patrol did *Maddox* depart from international waters, or engage in any hostile act. Yet, while she was 28 miles from the coast of North Vietnam, on a course away from as coast, *Maddox* was attacked by three North Vietnamese torpedo boats. At least three torpedoes were directed by the boats at the *Maddox*, as well as machinegun fire. The *Maddox* avoided all torpedoes and, together with aircraft arriving on the scene from the U.S.S. *Ticonderoga*, repelled the attack and sank or damaged the attacking craft.

The attack on *Maddox* took place in daylight. North Vietnamese reports of their plans had previously been obtained from an intelligence source. The attacking craft were clearly seen by *Maddox* personnel and were photographed. The launching of the torpedoes by these PT boats was also observed as were the torpedo wakes passing near *Maddox*. Machinegun fire from the attackers was also observed and, indeed, one bullet was recovered—it is in our possession and I have it here this morning if you wish to inspect it.

This was an unprovoked attack on a ship of the United States on the high seas. Nevertheless, no reprisal by the United States was undertaken. The *Maddox*, fortunately, had avoided significant damage itself, and inflicted damage on the attackers. Since no rational motive for the attack was apparent, we believed it possible that it had resulted from a miscalculation or an impulsive act of a local commander. After the second attack, the chairman commented in Senate debate that I had stated, after the first attack on the *Maddox*, that I did not expect it to be repeated. He also noted that this showed how wrong I was.

On August 3, the day following, a note of protest was dispatched to the North Vietnam regime at the direction of the President. It concluded with the words: "The U.S. Government expects that the authorities of the regime in North Vietnam will be under no misapprehension as to the grave consequences which would inevitably result from any further unprovoked offensive military action against U.S. forces." At the same time, the President made public his instructions to the Navy to continue and to add another destroyer to its patrols in the Gulf of Tonkin.

It was within this context that we received, at about 9:20 Washington time on the morning of August 4, information from an intelligence source that North Vietnamese naval forces had been ordered to attack the patrol.

Soon thereafter reports from the *Maddox* were received that the patrol was being approached by high speed surface radar contacts and that an attack appeared imminent. Other amplifying messages quickly followed and by about 11 a.m. we received a flash re-

port that our destroyers, then located some 60 to 65 miles from the coast of North Vietnam, were actually under attack. During this same time, intelligence sources reported that North Vietnamese vessels stated they had our ships under attack. Throughout the remainder of the morning and early afternoon, flash message reports of the engagement, some ambiguous and some conflicting, continued to pour in. Frequent telephone contact was maintained with the commander in chief of the Pacific Fleet, Hawaii. The President was kept informed of these developments.

CONTRADICTIONS EXAMINED AND RECONCILED

During this period, I had a series of meetings with my chief civilian and military advisers in which the apparent ambiguities and contradictions in the reports were examined and reconciled to our satisfaction. We identified and refined various options for a response to the attack, to be presented to the President. Among these options was the air strike against the attacking boats and their associated bases, which option was eventually selected. As the options were identified, preliminary messages were sent to appropriate operational commanders alerting them to the several possibilities so that initial planning steps could be undertaken.

In the early afternoon, the National Security Council met, at which time we briefed the participants, including the President, on the available details of the attack. Shortly thereafter, having received the advice of the Joint Chiefs of Staff, we recommended to the President, and he approved, a response consisting of an air strike on the PT and Swatow boat bases and their associated facilities. During all of this time, the message reports of the engagement from the ships, plus other information of a very highly classified nature received during the attack, were being reviewed to eliminate any doubt that an attack on the destroyers in fact occurred.

For example, I saw a message from the onscene task group commander which expressed doubts as to the validity of many of the sonar reports. I discussed this message by telephone with the commander in chief, Pacific, and informed him that, although we would continue with the preparations, the reprisal strike would not be executed until we were absolutely positive of the attack. He of course agreed and in a later telephone call informed me that he was satisfied, from all the reports he had on hand, that an attack on our ships had taken place.

Finally, at about 6:30 p.m., Washington time, the message to execute the strike was transmitted by the commander in chief, Pacific.

Those are the essential details. To recapitulate, on August 2, one of our destroyers was attacked by North Vietnamese naval forces without provocation while on patrol on the high seas. Since the destroyer suffered no damage and had repulsed and damaged her attackers, and since the possibility seemed to exist that the incident was an isolated act, no further military response was made. North Vietnam was warned the next day, however, of the "grave consequences which would inevitably follow" another such attack. Furthermore, the President announced that the patrol would continue and would consist of two destroyers. The next night, the two destroyers were also attacked without provocation on the high seas by North Vietnamese naval forces.

When these facts were established to the complete satisfaction of all responsible authorities, we responded with an air strike on the facilities which supported the attacking vessels.

ACCURACY OF DETAILS STILL QUESTIONED

Now, three and a half years later, there again seems to be debate about the essential

accuracy of the above account. The questions that appear now to be raised are the same as those considered and settled at the time:

Was the patrol in fact for legitimate purposes?

Were the attacks unprovoked?

Was there indeed a second attack?

If there was a second attack, was there sufficient evidence available at the time of our response to support this conclusion?

I would like to address these questions.

WAS PURPOSE OF PATROL LEGITIMATE?

First, was the patrol in fact for legitimate purposes?

Patrols of the nature of those carried on by *Maddox* and *Turner Joy* were initiated in the western Pacific in 1962. They were carried out in international waters along the coastlines of Communist countries in that area. They were open patrols and no hostile actions were ever taken by the U.S. forces involved. Provocative actions were avoided. The purpose was to learn what we could of military activity and environmental conditions in these parts of the world, operating in waters where we had every legal right to be. The primary purpose of the *Maddox* was to observe North Vietnamese naval activity in those waters, in view of the evidence we had of infiltration by sea by North Vietnam into South Vietnam. Other secondary purposes were area familiarization and observation by visual and electronic means of any other activity of military interest. We had the undisputed right to do this. In view of our assistance to South Vietnam, such observations were needed.

The suggestion has appeared incidentally that because *Maddox*, prior to commencement of its patrol, took aboard certain communications equipment, with personnel to operate this equipment, its patrol had some different and presumably more sinister purpose than others which had preceded it. This is simply not true. The mission of observation which I have outlined was to be fulfilled with the regularly installed equipment of the ships. The extra equipment brought aboard *Maddox* consisted in essence of standard shipboard radio receivers added to the ship's normal complement of such receivers in order to give an added capability for detecting indications of a possible hostile attack on the patrol.

The Congress, at the time of the debates on the Tonkin Gulf resolution, was aware that visual and electronic surveillance of the area was one of the purposes served by the De Soto patrol. Any suggestion now that the installation of passive radio receiving equipment changed the essential nature of the patrol is unwarranted.

I might add that virtually all of the De Soto patrols, since their commencement in 1962, had been outfitted with similar equipment for the same primarily defensive purposes.

WERE THE ATTACKS UNPROVOKED?

Second, were the attacks unprovoked?

Senator MUNDT. Are you defining the De Soto patrol?

Secretary McNAMARA. The term as I am using it here refers to the patrols in the Tonkin Gulf of which this was the fourth, one having occurred in 1962, one in 1963, and the third in the early part of 1964, and the fourth in August 1964. Actually it is a generic term covering a broader range of patrols in the western Pacific but as used in this paper it refers to the four patrols in the Tonkin Gulf.

Second, were the attacks unprovoked?

I have heard it suggested that the patrol provoked the attacks by intruding into the territorial waters of North Vietnam. The facts, I think, are these.

Prior to the first attack, on August 2, the *Maddox* had been engaged on its patrol since July 31. At no time during the conduct of

this patrol did the *Maddox* depart from international waters. It had been instructed to approach the North Vietnamese coastline no closer than 8 nautical miles and any offshore island no closer than 4 nautical miles. *Maddox* adhered scrupulously to these instructions. When the patrol resumed with *Maddox* and *Turner Joy*, the ships were instructed to remain at least 11 miles from the coast. These instructions also were followed. The United States recognizes no claim of a territorial sea in excess of 3 miles. This consistent position of the United States was emphasized at the close of the 1960 Convention on Law of the Sea in Geneva.

There have, however, been statements reported in the press that the *Maddox* entered into waters claimed by North Vietnam as territorial. Such statements have no basis in fact. At no time prior to the August 1964 Tonkin Gulf incidents did the North Vietnamese Government claim a width of territorial sea in excess of 3 miles. The North Vietnamese Government succeeded the French Government, which adhered to the 3-mile limit. Under the rules of international law, no claim by North Vietnam in excess of 3 miles would be assumed unless specifically made and published. It should be noted that Cambodia, a sister successor state, publicly adopted the French 3-mile rule on achieving independence. Later, it proclaimed a 5-mile limit. South Vietnam claims 3 miles. The first statement of North Vietnam which approaches a claim in excess of 3 miles occurred well after the attacks on September 1, 1964, in the form of a broadcast from Radio Hanoi in which it was stated, "The Democratic Republic of Vietnam declared that the territorial sea is 12 miles." No official documentary confirmation of the claim asserted in this broadcast is known to exist.

In short, at no time during the patrol did either of the destroyers leave the high seas and enter areas claimed by the North Vietnamese or recognized by the United States as national waters.

The question might be asked, however: Should not we as a practical matter have assumed a claim of 12 miles since this is the uniform position of the Communist countries? The simple answer is that Communist countries do not have such a uniform position: Cuba and Poland each adhere to the traditional 3-mile limit, while Yugoslavia and Albania claim 10 miles.

SOUTH VIETNAMESE OPERATIONS

Another point relating to "provocation" was discussed and disposed of during the debates on the Tonkin Gulf resolution and the hearings prior thereto, but, of late, it seems to have been resurrected. It is the suggestion that our patrol was in some way connected with certain reconnaissance and bombardment activities of South Vietnamese patrol craft against North Vietnamese.

I informed members of this committee of these activities of the South Vietnamese in an informal meeting on August 3, 1964, after the attack on the *Maddox*. The subject was again raised in lesser detail in my testimony before this committee on August 6, 1964. I pointed out that these raids were a legitimate attempt by the South Vietnamese to counter and retaliate against the systematic infiltration of their country by sea which had been carried out by North Vietnam for the previous two and a half years. I described the scope of that infiltration; that is, 140 known incidents between July and December 1961, an estimated 1,400 infiltrators having been landed in South Vietnam during that time.

With respect to the legitimacy of those South Vietnamese operations, you, Mr. Chairman, stated during the Tonkin Gulf floor debates:

"The boats that may have struck at the coastal areas of North Vietnam may have been supplied by us. We have been helping

South Vietnam arm itself. I do not know about the specific boats.

"I personally think this is a perfectly legitimate and proper way to defend oneself from the kind of aggression South Vietnam has been subjected to for years."

Senator Morse, at the hearing on August 6, specifically raised the question of a connection between our patrol and the South Vietnamese bombardment of two North Vietnamese islands which had occurred some two and a half days prior to the attack on the *Maddox*, and I responded that there was no connection. The two operations were separate and distinct. I informed you that our destroyers took no part whatsoever in the South Vietnamese operation. They did not convoy, support, or back up the South Vietnamese boats in any way. As I stated during the hearings:

"* * * as I reported to you earlier this week, we understand that the South Vietnamese sea force carried out patrol action around these islands and actually shelled the points they felt were associated with this infiltration.

Our ships had absolutely no knowledge of it, were not connected with it; in no sense of the word can be considered to have backstopped the effort.

That statement remains entirely accurate, I can confirm today that neither the ship commanders nor the embarked task group commander had any knowledge of the South Vietnamese action against the two islands or of any other specific South Vietnamese operations against the North. Higher naval commands were made aware of the operations by Commander, U.S. Military Assistance Command, Vietnam, in order to avoid mutual interference or confusion between our patrols and those operations.

DIRECTIONS TO U.S. DESTROYERS

Throughout the patrol conducted first by the *Maddox* alone and later by the *Maddox* and the *Turner Joy*, the U.S. destroyers were directed to remain in waters which would keep them from becoming operationally involved with the South Vietnamese activity. The restrictions this imposed on the patrol were such that, at one time, consideration was given to its abandonment. The task group commander knew only that certain South Vietnamese naval operations were periodically carried on in the area. He had no detailed knowledge of their type or of where or when they would be conducted. Indeed, his lack of knowledge was such that he mistakenly identified the South Vietnamese craft returning from their operation of July 31 as Soviet P-6 class boats.

In point of fact, our patrols and the shore bombardments by South Vietnamese forces were separated in both time and space. When South Vietnamese PTF's bombarded the islands of Hon Nieu and Han Me on the night of July 30-31, the *Maddox* had not even commenced her patrol, and was at least 130 miles to the southeast of the nearest of those islands. At the time of the attack on the *Maddox* on August 2, the South Vietnamese boats had been back at their base in Da Nang for almost 53 hours.

I learned subsequent to my testimony of August 6, 1964, that another South Vietnamese bombardment took place on the night of August 3-4. At the time of that action, the *Maddox* and *Turner Joy* were at least 70 miles to the northeast. The North Vietnamese attack on *Maddox* and *Turner Joy* on the night of August 4 occurred some 22 hours later.

I think it important, too, in dealing with this issue, to recall that the President had announced publicly on August 3 that our patrol would continue and consist of two destroyers. It is difficult to believe, in the face of that announcement, and its obvious purpose of asserting our right to freedom of the seas, that even the North Vietnamese

could connect the patrol of the *Maddox* and *Turner Joy* with a South Vietnamese action taking place some 70 miles away.

WAS THERE A SECOND ATTACK?

Now, thirdly, was there indeed a second attack?

I know of no claim that the attack on *Maddox* on August 2 did not occur. As for the second attack, the incident occurred on a very dark, moonless, overcast night. As would be expected under these conditions, some uncertainty existed, and to this day exists, about some of the precise details of the attack. But there should be no uncertainty about the fact that an attack took place. The evidence pertaining to the incident is reviewed in the following paragraphs.

On the evening of August 4, 1964, Task Group 72.1 consisting of U.S.S. *Maddox* and U.S.S. *Turner Joy*, with COMDESDIV 192 embarked in *Maddox* and acting as CTG 72.1, was proceeding on an easterly course in the Gulf of Tonkin at a speed of 20 knots. At about 7:40 p.m., Tonkin Gulf time,¹ the task group commander, Capt. J. J. Herrick, USN, observed on the surface search radar at least five contacts, which he evaluated as probable torpedo boats, located about 36 miles to the northeast of the two ships. At 7:46 p.m., *Maddox* and *Turner Joy* changed course to 130 and increased speed to 28 knots to avoid what the task group commander had evaluated as a trap.

Shortly after 9 p.m., both ships' radars held contacts approximately 14 miles to the east. These contacts were on course 160, speed 30 knots. At that time the two U.S. ships were approximately 60 miles from the North Vietnamese coast.

At about 9:39 p.m., both *Maddox* and *Turner Joy* opened fire on the approaching craft when it was evident from their maneuvers that they were pressing in for attack positions. At about this time, the boats were at a range of 6,000 yards from *Maddox* when the radar tracking indicated that the contact had turned away and begun to open in range. Torpedo noises were then heard by the *Maddox*'s sonar. A report of the torpedo noise was immediately passed to the *Turner Joy* by intership radio and both ships took evasive action to avoid the torpedo.

REPORTS OF EYEWITNESSES

A torpedo wake was then sighted passing abeam *Turner Joy* from aft to forward, approximately 300 feet to port on the same bearing as that reported by *Maddox*. This sighting was made by at least four of *Turner Joy*'s topside personnel: the forward gun director officer, Lt. (jg.) John J. Barry, USNR; the port lookout, Edwin R. Sentel, SN, USN; by a seaman who was in the forward gun director with the director officer, Larry O. Litton, SN, USN; and by a seaman who was operator of the after gun director, Roger N. Bergland, SN, USN.

At about 10:24 p.m., one target was taken under fire by *Turner Joy*. Numerous hits were observed on this target and it disappeared from all radars. The commanding officer and other *Turner Joy* personnel observed a thick column of black smoke from this target.

Later, 10:47 p.m., during the attack a searchlight was observed by all signal bridge and maneuvering bridge personnel including the commanding officer of U.S.S. *Turner Joy*. The beam of the searchlight did not touch the ship, but was seen to swing in an arc toward *Turner Joy* and was immediately extinguished when aircraft from the combat air patrol orbiting above the ships approached the vicinity of the searchlight. (Walter L. Shishim, QMCS, USN; Richard B. Johnson, SM1, USN; Richard D. Nooks, QM 3, USN; Richard M. Bacino, SM2, USN; and

¹ To convert local Tonkin Gulf time to e.d.t. subtract 12 hours.

Gary D. Carroll, SM3, USN, stationed on the *Turner Joy*'s signal bridge all made written statements that they sighted the searchlight.

The silhouette of an attacking boat was seen by at least four *Turner Joy* personnel when the boat came between the flares dropped by an aircraft and the ship. When these four men were asked to sketch what they had seen, they accurately sketched P-4-type boats. (None of the four had ever seen a picture of a P-4 boat before). (Donald V. Sharkey, BM3, USN; Kenneth E. Garrison, SN, USN; Delmer Jones, GMG SN, USN, and Arthur B. Anderson, FT SN, USN, are the four personnel from the *Turner Joy* who sighted the boat.)

In addition to the above, a gunner's mate second class stationed aft of the signal bridge aboard U.S.S. *Maddox* saw the outline of a boat which was silhouetted by the light of a burst from the 3-inch projectile fired at it. (Jose R. San Augustin GMG2, USN.)

The commanding officer of Attack Squadron 52 from the *Ticonderoga* (Comdr. G. H. Edmondson, USN) and his wingman (Lt. J. A. Burton), while flying at altitudes of between 700 and 1,500 feet in the vicinity of the two destroyers at the time of the torpedo attack both sighted gun flashes on the surface of the water as well as light antiaircraft bursts at their approximate altitude. On one pass over the two destroyers, both pilots positively sighted a "snakey" high speed wake 1½ miles ahead of the lead destroyer, U.S.S. *Maddox*.

Two U.S. Marine Corps personnel who were manning machineguns on U.S.S. *Maddox* saw lights pass up the port side of the ship, go out ahead, and pass down the starboard side. Their written statement asserts their belief that this was one or more small boats at high speed. (These were Matthew B. Alasre, SGT, USMC, and David A. Pronty, L/CPL, USMC.)

INTELLIGENCE REPORTS

In addition to the above, intelligence reports received from a highly classified and unimpeachable source reported that North Vietnam was making preparations to attack our destroyers with two Swatow boats and with one PT boat if the PT could be made ready in time. The same source reported, while the engagement was in progress on August 4, that the attack was underway. Immediately after the attack ended, the source reported that the North Vietnamese lost two ships in the engagement.

No one within the Department of Defense has reviewed all of this information without arriving at the unqualified conclusion that a determined attack was made on the *Maddox* and *Turner Joy* in the Tonkin Gulf on the night of August 4, 1964. Vice Adm. Roy L. Johnson, USN, commander of the U.S. 7th Fleet at the time, stated in his review of the combined chronology and track charts submitted by the task group commander:

"Commander, Seventh Fleet, is convinced beyond any doubt that *Maddox* and *Turner Joy* were subjected to an unprovoked surface torpedo attack on the night of 4 August 1964."

Adm. T. H. Moorer, then commander in chief, Pacific Fleet, concurred in that appraisal.

In Washington, the Director of the Joint Staff, Lt. Gen. David A. Burchinal, USAF, analyzed the incoming information from message traffic, with the assistance of the Joint Staff. He then gave his evaluation to the Secretary of Defense: "The actuality of the attack is confirmed."

In the face of this evidence, I can only conclude that many of the persistent questions as to whether or not an attack took place must have arisen from confusion between the August 4 attack and another incident which occurred on the 18th of September 1964; that is, about 45 days later. At that time, the U.S. destroyers *Morton* and *Edwards*

were patrolling, at night, in the Gulf of Tonkin, and initially reported themselves under attack. While the ensuing situation reports indicated the probability of hostile craft in the area of the patrol, it was decided at both the Washington and field command levels that no credible evidence of an attack existed. It should be noted that the intelligence source that confirmed the attacks of August 2 and 4 provided no evidence of any enemy action on September 18. In view of our unresolved doubts, no retaliatory action was taken. Many individuals who were not aware of all of the facts about all three incidents, that is, August 2 and 4, and September 18, have made the mistaken assumption that descriptions of the September 18 incident were referring to the second Tonkin Gulf incident. Aware of the negative findings on September 18, they have mistakenly assumed that there is serious doubt as to whether the "second" Tonkin Gulf attack in fact took place.

REPORTS FROM CAPTURED NORTH VIETNAMESE NAVAL PERSONNEL

As a final point on this issue, U.S. naval forces in the 3½ years which have elapsed since the August 1964 incidents have captured several North Vietnamese naval personnel. These personnel were extensively interrogated. One of these, captured in July 1966, stated he had taken part in the August 2, 1964, attack on the *Maddox*, and his account of that attack coincided with our observations. He professed no knowledge of the August 4 attack and said that he believed that PT boats were not involved in that attack. He stated the Swatows could have been used for that attack. His disclaimer of PT participation is contradicted by information received from a later captive. A North Vietnamese naval officer captured in July 1967 provided the name of the commander of a PT squadron. In intelligence reports received immediately after the August 4 attack, this commander and his squadron were identified by name and number as participants.

SUFFICIENT EVIDENCE AVAILABLE TO SUPPORT CONCLUSION

Now, finally, if there was a second attack, was there sufficient evidence available at the time of our response to support this conclusion?

Some of the details cited above, particularly the statements of eyewitnesses, although gathered immediately after the attack, had not reached Washington at the time that the reprisal air strikes were ordered executed. Sufficient information was in the hands of the President, however, to establish beyond any doubt then or now that an attack had taken place. Allow me to repeat again that information:

An intelligence report of a highly classified and unimpeachable nature received shortly before the engagement, stating that North Vietnamese naval forces intended to attack the *Maddox* and *Turner Joy*.

Reports from the ships that their radars indicated they were being shadowed by high speed surface vessels.

Reports from the ships that they were being approached by the high speed vessels and an attack appeared imminent.

Reports from the ships that they were under attack.

A report from the ships that searchlight illumination had been utilized by the attacking craft and that gunfire against the patrol had been observed.

A report that two torpedoes had passed close to the *Turner Joy* and that there had been positive visual sightings of what appeared to be cockpit lights of patrol craft passing near the *Maddox*.

An intelligence report stating that North Vietnamese naval forces had reported that they were involved in an engagement.

Reports from the US ships that they had sunk two and possibly three of the attacking craft.

An intelligence report stating that North Vietnamese naval forces had reported losing two ships in the engagement.

A report from the onscene task group commander that he was certain that the ambush had taken place, although precise details of the engagement were still not known.

A report from the commander in chief, Pacific, that he had no doubt that an attack had occurred.

All of this information was available prior to the time the Executive order was issued.

MONSTROUS INSINUATIONS

As a final point, I must address the suggestion that, in some way, the Government of the United States induced the incident on August 4 with the intent of providing an excuse to take the retaliatory action which we in fact took. I can only characterize such insinuations as monstrous.

The effective repulsion of the August 2 attack on the *Maddox* with relatively high cost to the small North Vietnamese Navy, coupled with our protest which clearly and unequivocally warned of the serious consequences of a recurrence, made us confident that another attack was unlikely. The published order of the President that the destroyers should continue to assert the right of the freedom of the seas in the Gulf of Tonkin, and setting forth the composition of the patrol, should have served to avoid any further misunderstanding. As the patrol resumed the ships were ordered to remain 11 miles from the coastline in lieu of the 8 miles ordered on the previous patrols, hardly indicative of an intent to induce another attack. As a matter of fact, on their own initiative the two ships approached the coastline no closer than 16 miles during their patrol. But beyond that, I find it inconceivable that anyone even remotely familiar with our society and system of Government could suspect the existence of a conspiracy which would include almost, if not all, the entire chain of military command in the Pacific, the Chairman of the Joint Chiefs of Staff, the Joint Chiefs, the Secretary of Defense, and his chief civilian assistants, the Secretary of State, and the President of the United States.

Mr. Chairman, that concludes my statement, and I will be very happy to try to answer any questions.

The CHAIRMAN. Thank you, Mr. Secretary.

I would like to have a few preliminary questions with regard to the situation under which this whole affair took place. I don't think they are very difficult to answer.

INTERNAL TROUBLES OF KHANH GOVERNMENT

Mr. Secretary, is it true that the government of General Khanh which overthrew the Minh junta in January 1964 was in serious trouble by the spring and early summer of 1964?

Secretary McNAMARA. I think there was considerable dissension among the members of the government, Mr. Chairman, and there was then and later a series of changes in the government as a result of that dissension.

The CHAIRMAN. Did you not say recently on "Meet the Press," and I quote: "Three and a half years ago the South Vietnamese forces were on the verge of defeat. The North Vietnamese and Vietcong forces were on the verge of victory."

Is that accurate?

Secretary McNAMARA. Mr. Chairman, if I said that, I misestimated the date. What I was talking about—I think later in that same broadcast I specifically referred to it, was July 1965. I should have said two and a half years ago. That was the reference I was making.

The CHAIRMAN. That is a quote from just 2 weeks ago.

Secretary McNAMARA. It may be, Mr. Chairman. I would have to have the full transcript of what I said. I believe I mentally deducted July 1965 from January 1968 and came to three and a half and it should have been two and a half. And I believe I also corrected that in the succeeding sentence, or later in the discussion. In any case, what I was talking about was July 1965, at the time the President made the decision to send the large increment of U.S. combat troops.

The CHAIRMAN. In July of 1964 General Khanh delivered a major address calling for carrying the war to the north. Did General Khanh press the U.S. Ambassador in Saigon for further U.S. involvements in the war in Vietnam, and particularly for a commitment to take the war into the north?

Secretary McNAMARA. Mr. Chairman, I would have to check the record on that. I don't believe he did.

The CHAIRMAN. Well, I think the record shows that in his speech, I don't know what reference you have—

Secretary McNAMARA. You asked did he press the U.S. Ambassador. I don't believe the record will show he did press the U.S. Ambassador to take the war to the north.

EXTENT OF U.S. PARTICIPATION IN SVN OPERATIONS AGAINST NORTH IN 1964

The CHAIRMAN. Mr. Secretary, would you describe the organization, the extent of U.S. participation in South Vietnamese operations against the north during 1964?

Secretary McNAMARA. I can't describe the exact organization although I will be happy to try to obtain the information for you.

The operations of the South Vietnamese against the North were carried out by South Vietnamese personnel, utilizing to some degree U.S. equipment. The boats, as I think I stated before this committee in August 1964, were, I believe, wholly supplied by the United States. I was going to say, in part; I think they were wholly supplied by the United States.

The United States was informed of the operations to insure that they did not interfere with patrols of the kind that we are describing now.

I believe, also, some U.S. personnel may have trained, or participated in the training, of some of the South Vietnamese personnel participating in the operations.

The operations, however, were under the command of the South Vietnamese and were carried out by the South Vietnamese. There were no U.S. personnel participating in it, to the best of my knowledge.

AMOUNT OF U.S. TRAINING AND SUPPLIES

The CHAIRMAN. Do you recall, what did America do beyond training and supplying the equipment, do you know? You should know.

Secretary McNAMARA. No. In the first place, I don't believe we carried on all the training, although I think there were some U.S. personnel participating in it.

In the second place, we did provide some of the equipment, but I don't believe we provided all of it.

Thirdly, we were informed of the nature of the operations but we did not participate in them and we did not command them.

The CHAIRMAN. The information provided by the Department of Defense reveals that the U.S. Navy trained South Vietnamese for interdiction missions against North Vietnam beginning in June of 1964. These missions included the bombardments of North Vietnamese positions from both the sea and air; did they not?

Secretary McNAMARA. I don't believe there were any air bombardment missions.

However, I would add, I don't believe the training started as your question implied, in June of 1964. I think it must have started earlier than that.

The CHAIRMAN. Well, it was at least by June of 1964 and possibly it did before that.

EXTENT OF U.S. PARTICIPATION IN TRAINING MISSIONS

I don't believe, however, that this committee or the Congress was informed of these training missions for this purpose; were they?

Secretary McNAMARA. When you say training missions, they weren't training missions. They were U.S. personnel. I don't know whether Navy, or Army, or some other service personnel—who were training them.

The CHAIRMAN. The point I wish to make is at that time we had not declared war or even a substitute for a declaration against North Vietnam, had we?

Secretary McNAMARA. No; certainly not.

The CHAIRMAN. Yet we did participate in the missions which were for the specific purpose of attacking the north?

Secretary McNAMARA. We did not participate in the mission.

The CHAIRMAN. No; in the training.

Secretary McNAMARA. In the training of personnel for that purpose. I made very clear at the time, if I may emphasize, Mr. Chairman, that we supplied the equipment to some degree for most missions and the public debate bore reference to my statement on that subject.

The CHAIRMAN. Yes.

SIZE OF U.S. MILITARY CONTINGENT IN SVN IN 1964

Can you give us the size of the military contingent in South Vietnam in the spring of 1964, approximately?

Secretary McNAMARA. Total U.S. military personnel in South Vietnam in the spring of 1964, I would guess, was on the order of 12,000 or 15,000.

Senator LAUSCHE. It must have been more than that because when President Kennedy lost his life it was 18,000, and he lost his life in 1963.

Secretary McNAMARA. I believe it was 16,000 at the end of 1963. I think it dropped a little bit, but it was on the order of 16,000, Senator Lausche.

In any case, I will check and clear the record.

DISCUSSION OF EXTENDING U.S. MILITARY ACTIONS TO NORTH

The CHAIRMAN. According to an article written by Hansen Baldwin of the New York Times in July of 1964, the Pentagon at that time was arguing in favor of extending the war into North Vietnam. Were there, in fact, recommendations by the U.S. military at any time from late 1963 until July of 1964 to extend the war into the north by bombing or any other means?

Secretary McNAMARA. Mr. Chairman, I would have to check the record on that.

When he says the Pentagon argued for extending the war to the North, I don't know who the Pentagon is—

The CHAIRMAN. Well, but—

Secretary McNAMARA. May I finish my answer?

I know it wasn't me.

The CHAIRMAN. Was it General Wheeler? Secretary McNAMARA. Whether there were any recommendations from the Chiefs recommending extension of the war to the North during that period, I can't recall. I will be very happy to check the record and put the proper answer in the record.

(The following answer was later supplied:)

"We have identified no such recommendation. A check of the records of the Joint Chiefs of Staff is continuing."

The CHAIRMAN. I wonder if General Wheeler knows that at this time?

General WHEELER. I don't believe so, Mr. Chairman. I think that the proper answer would be that there were certain intelligence

activities [deleted] but to the best of my knowledge and belief during that period there was no thought of extending the war into the North in the sense of our participation in such actions, activities.

The CHAIRMAN. You can supply any change?

General WHEELER. I will check for the record.

CONTINGENCY DRAFT OF SOUTHEAST ASIA RESOLUTION

The CHAIRMAN. Mr. Secretary, did you see the contingency draft of what became the Southeast Asia resolution before it was ready?

Secretary McNAMARA. Mr. Chairman, I read in the newspaper a few weeks ago there had been such a contingency draft. I don't believe I ever saw it. I called Mr. Bundy myself to ask him if he had any recollection that I ever saw it. He states he has no recollection that I did, and he believes I did not.

But I can't testify absolutely that I didn't. My memory is not clear on that.

The CHAIRMAN. Mr. Bundy told this committee that this draft was prepared some months before the Tonkin incidents in the hearing. You know that.

Secretary McNAMARA. I know that, but I don't think he said I saw it.

The CHAIRMAN. No, I was asking you, you don't think you saw it?

Secretary McNAMARA. I don't believe I saw it, and he doesn't believe I saw it.

The CHAIRMAN. Isn't it customary for the State Department to consult you on a matter of this kind?

Secretary McNAMARA. Well, if it was a working paper, and apparently that is what it was, no. It hadn't advanced to a point of decision within the Government.

SENDING UNITS TO SOUTH VIETNAM AND THAILAND

The CHAIRMAN. Mr. Secretary, the most immediate result of the Tonkin incidents were the deployment of U.S. fighter bomber aircraft into South Vietnam, into Thailand, and a movement of interceptors to South Vietnam; is that not so?

Secretary McNAMARA. I would want to check the movement, Mr. Chairman. I don't recall there were any movements after that. As you remember, we had the strike, the night of the 4th, and then I don't believe there were any other air strikes until February the following year, nor do I recall any movement of air units into Thailand or South Vietnam during the period.

May I check the record of that and then introduce the facts?

(The following answer was later supplied:)

"The records of the Department are being examined to determine which air units were moved to South Vietnam or Thailand between the Tonkin Gulf incidents and February 1965."

The CHAIRMAN. I think for the record that the attack was on the morning of the 5th, wasn't it, following—

Secretary McNAMARA. It was the 4th, sometime. The launch took place about 10 p.m., the night of the 4th.

The CHAIRMAN. You mean Washington time?

Secretary McNAMARA. Washington time.

The CHAIRMAN. Well, I was just trying to translate it.

Secretary McNAMARA. Right.

The CHAIRMAN. Local time the attack took place at night and of the 4th and we attacked approximately 10 or 12 hours later; is that correct, General?

Secretary McNAMARA. That is correct.

General WHEELER. It would be the morning of the 5th, Saigon time, Mr. Chairman.

The CHAIRMAN. General, maybe you can answer the question I just asked. Maybe you are more familiar with military equipment. Is it not true that fighter bombers were moved

into Vietnam and Thailand immediately after this took place?

General WHEELER. We moved some bombers in 1964, but I don't have the exact dates, but you are speaking particularly about aircraft. I would have to—

The CHAIRMAN. Fighter bomber aircraft.

General WHEELER. I would have to check that and supply it for the record.

The CHAIRMAN. I wonder if you would answer this and supply if you cannot now: Were these units alerted to impending movement prior to the Tonkin incidents?

General WHEELER. To the best of my knowledge, not, Mr. Chairman, but I will check that, also, and make sure.

The CHAIRMAN. Would you check whether or not you were considering sending these units to South Vietnam and Thailand prior to the Tonkin incidents?

General WHEELER. I will check that particular point.

(The following information was later supplied:)

"We have not identified any air unit which had been alerted for movement into South Vietnam or Thailand prior to the Tonkin Gulf incidents. A check of the records is continuing."

TIMING OF MILITARY DEPLOYMENT

Senator MORSE. Mr. Chairman, just to supply something for the record, I don't want to involve this, but I think it helps the Secretary, but we have the Secretary's testimony before the committee on August 6, 1964, in which he said:

"Certain military deployments to the area are, therefore, now underway. These include (a) transfer of attack carrier group from the Pacific coast to the western Pacific, (b) movement of interceptor and fighter bomber aircraft into South Vietnam, (c) movement of fighter bomber aircraft to Thailand, (d) transfer of interceptor and fighter bomber squadrons from the United States to advance bases in the Pacific, (e) movement of an antisubmarine force into the South China Sea, (f) the alerting and readying for movement of select Army and Marine forces.

"In the meantime, U.S. destroyers with protective air cover as needed, continue their patrol in the international waters of the Gulf of Tonkin.

"The moves we have taken to reinforce our forces in the Pacific are in my judgment sufficient for the time being. Other reinforcing steps can be taken very rapidly if the situation requires.

"This concludes my descriptions of the two deliberate and unprovoked North Vietnamese attacks on U.S. naval vessels on the high seas; of the United States reprisal against the offending boats, their bases and related facilities; and of the precautionary deployment and alerting steps we have taken to guard against any eventuality."

I just assume the chairman got his information from that testimony.

Secretary McNAMARA. I will be very happy to determine when those movements were first initiated, when the units were put on alert, and whether it occurred before the Tonkin Gulf incidents. I don't recall that information.

INTENSIFICATION OF U.S. INVOLVEMENT

The CHAIRMAN. Mr. Secretary, if there had not been a Tonkin incident would you have recommended to the President and Congress that the United States step up its military assistance to South Vietnam because of the security problem facing General Khanh?

Secretary McNAMARA. Mr. Chairman, I think it is a speculative question. I would have recommended, I believe, that if the level of infiltration continue to grow as it did—and it grew very substantially in the latter part of 1964—that we provide additional assistance.

The CHAIRMAN. But to be more specific, was there any plan for such an intensification of the U.S. involvement?

Secretary McNAMARA. No; not that I can recall.

The CHAIRMAN. Did it then include the bombing of North Vietnam?

Secretary McNAMARA. Not that I know of, Mr. Chairman.

I don't mean to say that contingencies and targets hadn't been examined, because they had been, prior to that time, but there was no plan for further buildup that I can remember, and no plan for the bombing of the north.

REASON FOR INTELLIGENCE-GATHERING VESSELS

The CHAIRMAN. Mr. Secretary, why was it necessary to send intelligence-gathering vessels into the Gulf of Tonkin in 1964?

Secretary McNAMARA. For the same reason that it was necessary to do so in 1962 and 1963, and in the early part of 1964. To obtain information on the environment of the gulf, the movement of North Vietnamese naval forces in the gulf, and certain military installations on the shores of North Vietnam.

The CHAIRMAN. Did we wish this information, want to have this information on radar installations in order to be better able to attack North Vietnam by air from our aircraft carriers offshore?

Secretary McNAMARA. I don't think that we wished to in 1964 for that reason any more than we wished it in 1963 or 1962, Mr. Chairman. I rather doubt that the people who were gathering the information had any basis for believing there would or would not be attacks on North Vietnam.

The CHAIRMAN. On August 6, 1964, in testifying for the Southeast Asia resolution, you described the patrols of the *Maddox* and *Turner Joy*—the ships involved in the incidents on August 2 and 4—as “engaged in a routine patrol in international waters of the Gulf of Tonkin.”

Was the *Maddox* engaged in an electronic spy mission similar to the *Pueblo*?

Secretary McNAMARA. I think that the equipment on the *Pueblo* was more sophisticated than that on the *Maddox*; at least I am told that by technical experts. The *Maddox* was engaged in the same kind of patrol that we carried on in the western Pacific 2 or 3 years prior to the time she was out there, and have carried on in many areas of the western Pacific since that time.

The CHAIRMAN. But was the purpose dissimilar to the *Pueblo*? It was an electronic spy mission, wasn't it?

Secretary McNAMARA. No; the purpose was not primarily electronic, and, as I say, I haven't compared, myself, item by item, the equipment on the *Pueblo* and the *Maddox*; but I am told the *Maddox* had much less sophisticated equipment and less of it, and was less capable, therefore, of electronic surveillance. Electronic surveillance was one of her missions, but was not the only mission by any means, nor was it the primary mission.

PRIMARY MISSION

The CHAIRMAN. What was the primary mission?

Secretary McNAMARA. The primary mission was to observe North Vietnamese naval patrols and the junk fleets in that area. We were concerned at that time, particularly, about infiltration by sea. As a matter of fact, it was a short time after that—about 2 or 3 months, I think—when the large U.S. sea patrol was established, known as Market Time operations.

Senator MANSFIELD. You mean North Vietnamese patrol; not U.S. patrols.

Secretary McNAMARA. No; but the large U.S. patrol known as Market Time Operation was a few months after the Desoto patrol, because of our concern about infiltration by sea from the North to the South; and the Desoto patrol, in August, among other

things, was collecting information that would lead to a consideration of the character of the infiltration from North to South. The Market Time patrols established by the United States after that, of course, took place off the coast of South Vietnam but they were based upon the kind of information that we obtained from Desoto patrols.

The CHAIRMAN. Mr. Secretary, in the orders, I mean that we obtained from the Pentagon, the *Maddox* was authorized in its missions, and I quote from the orders: “to stimulate Chicom-North Vietnamese electronic reaction.”

What does that language mean?

Secretary McNAMARA. It means that they turn on certain kind of equipment on board the *Maddox* which, in turn, leads the Chicom or the North Vietnamese to turn on the radars so that we can measure the radar frequencies, that was clearly one of their objectives.

The CHAIRMAN. That is what I meant. That is what I meant by electronic spy mission.

Secretary McNAMARA. Mr. Chairman, I said specifically that electronic surveillance was part of this mission, but it was not the primary mission. If you read further into those orders, you will find it.

INSTRUCTIONS TO THE “MADDOX”

The CHAIRMAN. And the *Maddox* was given orders to penetrate the territorial waters of North Vietnam and stimulate their electronic networks, assuming their territorial waters was 12 miles.

Secretary McNAMARA. Absolutely not. The *Maddox* was specifically instructed to stay out of territorial waters and was instructed to go no closer than 8 miles to the coastal area.

The CHAIRMAN. I said assuming their territorial waters was 12 miles.

Secretary McNAMARA. But you said the *Maddox* was instructed to penetrate territorial waters.

The CHAIRMAN. Assuming it was 12 miles.

Secretary McNAMARA. I want to just make perfectly clear the *Maddox* was not instructed to penetrate territorial waters assuming anything.

Senator LAUSCHE. What is the further language in that which gives the primary cause.

Secretary McNAMARA. Yes, I was just trying to find the specific cable, and if I may have a moment I will find it and read from it here.

I am reading now from the cable to the commander of CTF 72, which was the task force that the *Maddox* was part of, and this was sent on July 17, [deleted].

Paragraph 9 states “The primary purpose of this patrol is to determine, DRV,” meaning Democratic Republic of Vietnam, “coastal activity along the full extent of the patrol track,” that is the primary purpose and that was the charge given to the commander.

Now, paragraph 10:

“Other specific intelligence requirements are as follows: (a) location and identification of all radar transmitters, and estimate of range capabilities; (b) navigational and hydro information along the routes traversed and particular navigational lights characteristics, landmarks, buoys, currents, and tidal information, river mouths and channel accessibility, (c) monitoring a junk force with density of surface traffic pattern, (d) sampling electronic environment radars and navigation aids, (e) photography of opportunities in support of above. In addition, includes photography as best detail track would permit of all prominent landmarks and islands, particularly in vicinity of river and build-up areas, conduct coastal radar scope photography by ship which is transmitting from Point A which is the end of the mission.

“12. Specific search location identification requirements [deleted], to be conducted while the *Maddox* is in the Gulf of Tonkin, [deleted].”

Then it goes on to say additional intelligence guidance will be provided by the naval commander, Japan, and operational guidance will be provided by MACV, and so on.

So its mission was not primarily electrical surveillance but it also had that as one of its several items to be carried out, to be covered.

The CHAIRMAN. One of the ways to do this is to stimulate electronic reaction?

Secretary McNAMARA. Yes, by its own transmitting equipment.

The CHAIRMAN. This was true of the *Pueblo*, too, it is customary?

Secretary McNAMARA. Mr. Chairman, I am not sure of that. In the case of the *Pueblo*, I don't believe that during the majority of the voyage it was to stimulate the transmitters. I think quite the reverse, it was to collect information on the transmitters assuming they had not been stimulated by the *Pueblo*.

TERRITORIAL WATERS QUESTION

The CHAIRMAN. Well, now, you make the point that they did not give orders to go into the territorial waters, but, and I said assuming it is 12. You are basing it on the assumption it was three. But I notice the order told them to stay off the 12-mile limit of the coast of China, which was next door isn't that so?

Secretary McNAMARA. I think so.

The CHAIRMAN. I mean, the orders were to go to 4 miles off the islands and 8 miles off the mainland of North Vietnam, but to stay beyond the 12-mile limit of China which was just beyond, where this attack was predicated, is that not correct?

Secretary McNAMARA. I think that is correct. And I assume that the reason—I have not checked this—but I assume the reason would be that China at that time claimed a 12-mile limit which North Vietnam at that time did not.

The Chairman mentioned to me that the closest approach to China is 15 miles; yes, here it is.

The CHAIRMAN. Yes. Fifteen miles but South Vietnam it was 4 miles off the island.

Secretary McNAMARA. And 8 miles off the coast.

SIMILAR MISSIONS SINCE 1962

The CHAIRMAN. Did you state how many missions there had been of this kind since 1962?

Secretary McNAMARA. I believe this was the fourth. There was one in 1962, one in 1963, one in early 1964, and one in July 1964.

The CHAIRMAN. Similar to this one?

Secretary McNAMARA. Yes, I examined the tracks myself just to check that exact point and they are almost identical.

The CHAIRMAN. And with similar equipment?

Secretary McNAMARA. I am told they had similar equipment.

The CHAIRMAN. Mr. Secretary, were there several officers and men of the U.S. Military Advisory Command in Vietnam aboard the *Maddox*?

Secretary McNAMARA. No. They were invited, but they didn't accept the invitation.

The CHAIRMAN. Well, I thought our information indicated they were aboard.

Secretary McNAMARA. No, sir. The cables I have gone through are quite clear on that. They were invited, but they didn't believe that this was a patrol connected with their activities and they saw no reason, therefore, to participate in it. They participated, I believe, on board the third patrol, and found that they got so little out of it they didn't want to take the time to participate in a fourth, and, therefore, were not on board that patrol.

The CHAIRMAN. If they had the invitation they were aware of it, though?

Secretary McNAMARA. Oh, yes, indeed; they were aware of the patrol.

But they felt it had so little connection with their activities that they didn't choose to participate in it.

OPERATIONS OF SVN AGAINST NVN ON SPECIFIC NIGHTS

The CHAIRMAN. Could you give a brief description of the operations of the South Vietnamese against North Vietnam on the nights of the 30th and 31st of July, 1964, and the nights of the 3d and 4th of August of 1964? What were they doing?

Secretary McNAMARA. I can give you—it will be a brief description because I don't have all the information on it. But on the night of the 30th of July certain patrol boats of the South Vietnamese bombarded Hon Me and Hon Nieu, and on the night of the 3d of August certain patrol boats of South Vietnamese bombarded Rhon River in North Vietnam and Vinh Sonh radar in North Vietnam.

The CHAIRMAN. That is what was called Operation 34.

Secretary McNAMARA. It was called a 34A operation.

The CHAIRMAN. And they did bombard the coast on those 2 nights?

Secretary McNAMARA. They did.

The CHAIRMAN. During your testimony of August 6, 1964, you state:

"Our Navy was not aware of any South Vietnam actions, if there were any."

Do you think after reviewing the case that that is an accurate statement?

Secretary McNAMARA. Well, if you go on in the same paragraph, Mr. Chairman, I think it is an accurate statement.

The CHAIRMAN. How is it accurate?

Secretary McNAMARA. Because you are talking about the commanders of these ships, and whether the ship commander knew enough about the South Vietnamese operation to place their ships in some way in support of those operations, and the fact is that the ship commanders didn't know about the South Vietnamese operation as to target or time. They knew so little about it that one of them on the 31st of July, just as he was starting his patrol, sent a report of vessels that he observed on radar, and I guess visually as well, which he identified as Soviet P6 vessels, when, in fact, they were vessels of the South Vietnamese 34A operations.

I simply mention this to indicate how little they knew about it.

Beyond that, one of my own staff members, called Captain Herrick, who was the commander of the *Maddox* and *Joy* task force, I asked him specifically if he knew of the targets or dates or details of the operations, and he said he did not.

KNOWLEDGE OF THE OPERATION

Senator GORE. Will the chairman yield there?

It seems to me it wasn't so important a commander of a destroyer knew about it, that the command of the operation—the central question is whether the command of the operation knew about it. The *Maddox* was following detailed instructions as to where it was sailing. So it seems to me it is not whether the captain of the *Maddox* knew about it. It was whether the Navy knew about it.

Secretary McNAMARA. Well, I stated at the time that the Government knew about it, and I specifically testified on August 3, before this committee, in informal session, and on August 6, in formal session, that our Government knew about it. But it is important that the commanders on the scene did not know about it because they had great latitude as to where their ships were to be at particular times. They were allowed to orbit at particular points and shift the time schedule of their position along a 200- or 300-mile coastal track within their own discretion, and even if a

higher command may have known something and tried to plan it could not have been carried out successfully if the local commanders were not informed of the details of the operations.

NAVY CLAIMED NO KNOWLEDGE OF OPERATION

The CHAIRMAN. I think to complete the record, I ought to read what was said at that time before this committee. And I quote:

"Our Navy played absolutely no part in, was not associated with, was not aware of, any South Vietnamese action, if there were any. I want to make that very clear to you. The *Maddox* was operating in international waters, was carrying out a routine patrol of the type we carry out all over the world at all times. It was not informed of, was not aware of, had no knowledge of, and so far as I know today has no knowledge of any South Vietnamese actions in connection with the two islands, as Senator Morse referred to."

That is page 23 of the transcript of hearings.

Senator MUNDT. Was this the Secretary?

Secretary McNAMARA. Yes.

The CHAIRMAN. It was the Secretary's statement at that time.

Senator COOPER. I have a question.

The CHAIRMAN. Yes.

Secretary McNAMARA. May I just—

COMMANDERS KNOWLEDGE OF SOUTH VIETNAMESE ACTIONS

Senator COOPER. Were you stating as a fact, as you knew it at the time of your testimony that the commanders of the ships did not know that the South Vietnamese vessels had attacked the two islands?

Secretary McNAMARA. Yes; exactly so.

Senator COOPER. Do you still say as a result of your investigation that your statement was correct?

Secretary McNAMARA. That is correct, and the third sentence and the fourth sentence of the quotation read by the chairman makes that very clear. The *Maddox* was operating in international waters, was carrying out a routine patrol of the type we carry out all over the world at all times. It was not informed of, was not aware of, had no evidence of, and so far as I know today has no knowledge of any possible South Vietnamese actions in connection with the two islands that Senator Morse referred to. That was my belief then, it is my belief today.

Since the testimony was given, I have had, as I said, one of the members of my staff talk to Captain Herrick personally, and he certifies that was true then.

Senator MORSE. I want to make this comment on the Secretary's comment. The general proposition laid down in the testimony, and I quote, was "Our Navy played absolutely no part in it, and was not associated with it, was not aware of any South Vietnamese actions, if there were any."

Well, the *Maddox* doesn't speak for the Navy, in general.

Secretary McNAMARA. No.

DOUBT AS TO LACK OF NAVY KNOWLEDGE OF OPERATION

Senator MORSE. You go on to say the *Maddox* was operating in international waters but I am still in doubt even in your testimony this morning as to whether or not the Navy was oblivious to the South Vietnamese action.

Secretary McNAMARA. Senator Morse, I think there is an ambiguity in that sentence. I am quite prepared to say that to you in one respect. I will comment on this in a moment, but I want to emphasize that the Navy played no part in, and was not associated with these South Vietnamese actions.

Now, maybe you would say, "Well, even that is too strong a statement," because later in my testimony that same day I stated we had supplied the boats. Maybe that is a "part in it," but it is not "a part in it" in the sense

that it was of concern, and I think quite properly of concern to you at the time, and it is not a part of it in the sense that we were addressing. We didn't command the operation, we didn't associate the *Desoto* patrol with it, and the particular question at issue at the time was did the *Desoto* patrol commanders know of it; they did not.

Senator MORSE. I only want to say at the time I had information that was given to me that the Navy was aware of it and that there was a maintenance of radio communication with Saigon on the part of our Navy during the time of the attack, and that is what I brought out at the time, and I was seeking to find out whether or not that was true or false.

Secretary McNAMARA. And I stated at the time that we knew of the operation, we knew of the fact that operations of that kind were carried on. Periodically, future programs for such operations were transmitted to higher headquarters above Saigon, including the Pentagon. Beyond that the Navy had worked out an arrangement—and I am not sure I mentioned this at the time, although I think I may have—but it is a fact that the Navy had worked out an arrangement between the separate commands in the Pacific, the Saigon command on the one hand, and the 7th Fleet Command on the other, to insure that these operations stayed out of each other's areas, and the commanders of the ships on patrol were specifically instructed to stay away from certain geographic areas in order to avoid interference or association with the 34A operations of the South Vietnamese.

The CHAIRMAN. Well, on that point, there is one cable which shows the following, and I quote from a cable to the *Maddox*:

"The above patrol will (a) clearly demonstrate our determination to continue these operations, (b) possibly draw NVM—that is North Vietnamese navy—PGMS (patrol boats) to northward away from the area of 34A operations, (c) eliminate De Soto patrol interference with 34A operations."

It is unusual that, having received that cable, that the *Maddox* did not know what 34A was.

Secretary McNAMARA. The *Maddox* did know what 34A was, no question about that. But *Maddox* was not associated with 34A, was not playing a part of it, was not planning to draw forces away from it.

Senator MORSE. I thought you said they did not know anything about it.

Secretary McNAMARA. Now wait a minute, I did not say they did not know anything about it.

Senator MORSE. You said "were not aware of."

EXTENT OF KNOWLEDGE OF DETAILS OF ACTION

Secretary McNAMARA. They were not aware of the details is what I said, of the attacks, as to location, or as to time, and unless one is aware of that, you cannot properly plan a diversionary effort.

Now, since we are on that subject, may I mention some other points that bear on it. I have already mentioned that they knew so little about it that they identified certain of the 34A ships as Soviet vessels. They very much wanted to avoid interference with it, and CINCPAC fleet advised MAC/V that they would make every effort to give him 36 hours' notice of changes in the time schedule of the patrol at certain points, in order to allow MAC/V to change the suggestion that he might make regarding location of 34A attacks. MAC/V came back and said that they had worked out with the South Vietnamese adjustments to assure that 34A operations would prevent interference with the patrols.

Senator MORSE. Could I read one—

Secretary McNAMARA. May I just continue? Senator MORSE. I thought you were through. I am sorry.

TWO OPERATIONS SEPARATE

Secretary McNAMARA. I am simply trying to develop the point that every possible effort was made to keep these two operations separate.

In the message on the 1st of August, the commander of the task force, which included the *Maddox*, stated that he thought that in view of the hostile intent of the North Vietnamese they should consider stopping the patrol, and the 7th Fleet stated, "You are authorized to deviate from itinerary" any time that the risk appears too great.

(Subsequently the chairman inserted in this record the full text of the cable cited by Secretary McNAMARA, as follows: "1. Ref Alfa Bravo and Charlie noted. When considered prudent, resume itinerary IAW ref Delta. You are authorized to deviate from itinerary at any time you consider unacceptable risk to exist. Keep Alcon advised.")

Again later the same day on the 2d the commander of the 7th Fleet directed the *Maddox* to retire from the area to avoid hostile fire.

Senator LAUSCHE. What date was this?

Secretary McNAMARA. This was on the second.

On the second they also put in restrictions on hot pursuit that were much more severe than we normally apply in situations like this. The U.S. vessels were not allowed to carry on hot pursuit of enemy vessels closer than 11 miles from shore and the aircraft were not allowed to carry on hot pursuit closer than 3 miles from shore.

Again on the second, MAC/V told the commander of the 7th Fleet to keep the De Soto patrol clear of a designated area. Later on the third, MAC/V sent another request that the De Soto on patrol be moved even farther north to stay farther away from the area the South Vietnamese were planning to operate in.

Also on the third, later in the same day, the commander of the 7th Fleet reported his intention to terminate the patrol on the evening of August 4 in order to move it away from the area and avoid any possibility of conflict with 34A.

I mention this simply to tell you that the higher commands were knowledgeable about the 34A and De Soto and took every possible action to separate the two.

BASIS OF STAFF STUDY DISCUSSED

Senator LAUSCHE. It is regrettable that our staff study contains none of these facts which negative all that is in our secret report.

The CHAIRMAN. Well, I will say—

Senator LAUSCHE. It is a tragedy.

The CHAIRMAN. I will say to the Senator we requested all relevant documents, and Mr. Nitze—

Senator LAUSCHE. But it is thoroughly apparent that none of this material is relevant to any of the papers I have before me. All of the paper is directed to show that there was falsehood presented.

The CHAIRMAN. The paper contains all of the information supplied to the committee, and we could not put in what they did not supply, and there is no selection as far as the documents supplied, and I had a meeting with Mr. Nitze—

Senator LAUSCHE. Well, the paper which I have before me has nothing justifying the action that was taken. All that I have in my paper is material showing that the action should not have been taken.

The CHAIRMAN. I wish to make it clear, I had a meeting with Secretary Nitze and Senator Russell at Secretary Nitze's request, and we discussed this matter, and Senator Russell advised Secretary Nitze that he thought that the Department of Defense should make available to this committee—to this committee, which met jointly with the Armed Services Committee when this matter was heard

in 1964—and he told Mr. Nitze he should make available relevant documents to these incidents, and it was my understanding he would make those available with one sole exception which I have already described to the committee. If those documents are not in here, it is because the Department of Defense did not supply them to us upon request of all relevant documents. Not being aware of them, we could not ask for them specifically, but we have asked for other documents specifically, but not these because we did not know about them.

Secretary McNAMARA. Mr. Chairman, may I simply say that four of the facts that I just stated to you were supplied to the committee. Others may have been. But I can check from my list in front of me that four of the statements I made, the committee, was aware of. Whether they are in your report, I do not know. I do not have access to the report.

Senator LAUSCHE. Will the chairman point out a single statement in this report to the committee that shows that there is in it anything justifying the action that our U.S. Government took? Every statement in this secret report tends to prove that we should not have done what we did, and I cannot understand how we did it.

Senator GORE. I respectfully submit that is not an accurate statement.

Senator LAUSCHE. It is pretty substantial.

Senator CLARK. Mr. Chairman, I do not think this discussion is seemly. I think we ought to proceed in a normal manner. You ought to wait until your turn.

Senator LAUSCHE. If he will quit, I will get my turn.

Senator CLARK. He is your chairman. You owe him some courtesy and you are not giving it to him.

CABLE FROM "MADDOX" TO THE FLEET COMMANDER

The CHAIRMAN. I will go on with the record. On the 3d of August some 15 hours before the second incident the operational commander of the *Maddox* and the *Turner Joy*, who was aboard the *Maddox*, sent the following cable to the commander of the 7th Fleet: '(a) Evaluation of info from various sources indicates that the DRV (Democratic Republic of Vietnam) considers patrol directly involved with 34-A operations. DRV considers U.S. ships present as enemies because of these operations and have already indicated readiness to treat us in that category. (b) DRV are very sensitive about Hon Me. Believes this is PT operating base and the cove there presently contains numerous patrol and PT craft which have been repositioned from northerly bases.'

Secretary McNAMARA. Mr. Chairman, may I comment on this specific cable?

The CHAIRMAN. Yes.

Secretary McNAMARA. Two points: First, we can find no basis for the commander making this statement, that the DRV considered the De Soto patrol directly involved in 34-A operations.

Second, Herrick himself now states he can recall no basis for coming to that conclusion.

Third, the PT boat officer that we captured and interrogated in July 1966 told his interrogators that it was clear in his mind that the De Soto patrol was separate from 34-A operations.

The CHAIRMAN. Well, you are not saying this cable was not sent.

Secretary McNAMARA. I simply stand on what I said, Mr. Chairman. Of course the cable was sent.

The CHAIRMAN. You are not saying it was not sent.

Secretary McNAMARA. But I am saying it is a complete distortion of the fact to leave the record indicating that the commander of the *Maddox* task force had any basis whatsoever for believing that North Vietnam confused

34-A and De Soto. He did not have the basis. He now says he did not have the basis, and a North Vietnamese captured since that time states that North Vietnam distinguished between the two operations.

The CHAIRMAN. Well, at the time, all I am saying—I am not going into his mind, this is what he is saying.

Secretary McNAMARA. I am perfectly happy to have it on the record along with my refutation.

The CHAIRMAN. That is all right.

Senator WILLIAMS. Did you want to say something at this point?

COULD "MADDOX" HAVE BEEN OPERATING 4 MILES OFF COAST?

Senator WILLIAMS. The question in my mind, Mr. Secretary, is that you say the *Maddox* was operating with substantial freedom in this area with no knowledge of the operation of the plans of the South Vietnamese. Would it not have been conceivable or possible that it could have been operating 4 miles off the coast of one of these islands during the attack?

Secretary McNAMARA. No.

Senator WILLIAMS. What would have prevented it?

Secretary McNAMARA. No, because as the cables submitted to the committee showed, the commander of the 7th Fleet and the U.S. commander in Vietnam had an arrangement under which the position of the *Maddox* on its patrol was to be submitted to Vietnam so that the South Vietnamese could plan their operations to stay away from the patrol.

Secondly, the commander of Vietnam had said to the commander of the 7th Fleet, "In addition to knowing where you are, we would like you to stay away from certain particular places," and he, on two occasions during the period of patrol, gave to the commander of the 7th Fleet, who in turn passed it on to the commander of the *Maddox*, specific instructions to stay out of certain areas.

I recall one of the areas was an area set by a line between 17 degrees and about 17 degrees, 50 minutes north and a line running north-south into which area the patrol was not to penetrate, and later that restricted area was substantially expanded to everything south of 19 degrees, 10 minutes.

Senator WILLIAMS. That is all.

FULBRIGHT LETTER TO NAVY SECRETARY IGNATIUS

The CHAIRMAN. I think we should put in the record the fact that I sent a letter on January 12 to Hon. Paul R. Ignatius requesting one of the cables relating to this question. I say this with regard to the Senator from Ohio's observations. I will ask the reporter to put it in the record, this is January 12. I might read it. It is very difficult to translate it except by those familiar with the symbols that are used by the Navy:

"In the message sent by CTU72.1.2 to AIG-171 dated [deleted] the following sentence is included: 'RCVD info indicating attack by PGM/P-4 imminent. My position 19-10.7 N 107-003 proceeding southeast at best speed.'"

The reply to that—I will put the whole letter in—Mr. Ignatius replied that:

"With respect to your letter to me of January 12, it is my understanding that the points you raised were discussed at length in a meeting with Secretary Nitze, Senator Russell, and yourself. There is nothing further I can add to these discussions."

In other words, it was not supplied to the committee although it was requested.

(The letters referred to follow:)

JANUARY 12, 1968.

HON. PAUL R. IGNATIUS,
Secretary of the Navy,
Washington, D.C.

DEAR MR. SECRETARY: As you are well aware, over the past few months the Department of Defense has been providing the

Committee with information and materials on the incidents in the Gulf of Tonkin. One of the cables you provided on November 24 has given rise to a particular question.

In the message sent by CTU 72.1.2 to AIG 181 dated [deleted] the following sentence is included:

"RCVD INFO indicating attack by PGM/P-4 imminent. My position 19-10.7N 107-003 proceeding Southeast at best speed."

The staff of the Committee is unable to determine from the text whether the information in question was received from shipboard radar as the chronology of the *Turner Joy* would indicate or through special intelligence means such as interception of North Vietnam messages.

Would you please provide me the information necessary to clear up this point. If the information comes from a communication intercept, I would appreciate having the text of that intercept as well as any other intelligence interceptions relating to the second incident in the Gulf of Tonkin.

Sincerely yours,

J. W. FULBRIGHT, *Chairman,*

THE SECRETARY OF THE NAVY,

Washington, D.C., January 16, 1968.

Hon. J. W. FULBRIGHT,

Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: With respect to your letter to me of January 12, it is my understanding that the points you raised were discussed at length at a meeting with Secretary Nitze, Senator Russell and yourself. There is nothing further I can add to those discussions.

Sincerely,

PAUL R. IGNATIUS.

Secretary McNAMARA. Mr. Chairman, I am confused on that. The message that you read from has a date code of [deleted]. My information is that it has been supplied to the committee. Am I in error on that?

The CHAIRMAN. Mr. Bader, has it been supplied?

Mr. BADER. Senator, we have the message. Senator MANSFIELD. We have?

Mr. BADER. The letter reads in part as follows:

"The staff of the committee is unable to determine from the text whether the information in question was received from shipboard radar as the chronology of the *Turner Joy* would indicate or through special intelligence means such as an interception of North Vietnam messages."

"Would you please provide me the information necessary to clear up this point?"

This was the crux of the letter. We are unable to determine the source of the information referred to in the cable. Therefore, we had no way of evaluating it.

STAFF CLEARANCE FOR CERTAIN INTELLIGENCE INFORMATION

Secretary McNAMARA. We have some problems, because the staff has not been cleared for certain intelligence and we are under specific written instructions from the President, as are all executive departments, not to furnish such intelligence to uncleared personnel.

Senator LAUSCHE. I do not understand that. The members of our staff are not cleared?

Secretary McNAMARA. Certain members of congressional staffs have requested clearance, others have not, and we are under instructions from the President in writing not to submit intelligence to individuals that have not been cleared other than to Members of Congress.

Senator LAUSCHE. May I ask the chairman, are all the members of our staff cleared?

The CHAIRMAN. All of those who have worked on this matter, but he is talking of a special classification of intelligence communications.

Secretary McNAMARA. I do not believe any member of the staff has been cleared for

certain kinds of intelligence relating to this incident.

Senator LAUSCHE. Of the Foreign Relations staff?

Secretary McNAMARA. That is correct, on specific items of intelligence.

The CHAIRMAN. I might say for the information of the committee, Mr. Bader was cleared at one time for such intelligence information. He has not been cleared subsequent to that, and I assume—you say they do not carry their clearance?

Secretary McNAMARA. Mr. Chairman, I do not know the rules of clearance. All I know is that because of receiving these written instructions from the President, I made a personal effort to find out who had been cleared and who had not been cleared, and there was no member of this staff cleared on the registries of the FBI, the Central Intelligence Agency, or the Defense Intelligence Agency—cleared for this kind of intelligence.

Senator GORE. Mr. Chairman, could we know what particular classification that is? I had not heard of this particular super classification.

The CHAIRMAN. The staff, Mr. Marcy, and Mr. Holt are cleared for top secret information. This is something I never heard of before either. It is something special with regard to intelligence information. However, Mr. Bader was cleared for that.

Secretary McNAMARA. If the staff would wish to request clearance, I am sure the Government would do it.

Mr. MARCY. All of the members who are here submitted renewal requests for top secret clearance recently and, so far as I know, all of those requests have been granted.

Secretary McNAMARA. But that is not the issue. Clearance is above top secret for the particular information involved in this situation.

Senator CASE. Mr. Chairman, may I clear this up in my own mind?

The CHAIRMAN. Yes.

Senator CASE. On this particular request for information, it was denied on the ground of lack of clearance.

Secretary McNAMARA. Yes.

Senator CASE. I see. That was made clear; there was no question.

Secretary McNAMARA. I do not know that that was made clear, but that was the reason.

Senator CASE. I think it is important to know whether the committee was told that information was not being given it and for what reason.

The CHAIRMAN. I told the committee that Mr. Nitze showed me one message—

(Subsequently the chairman inserted in the record the following paragraph from the staff study dated January 17, 1968:)

"In late December Under Secretary of Defense Paul Nitze asked to see Senator Fulbright. At that meeting Mr. Nitze presented for Senator Fulbright's eyes only a cable from special intelligence which he said was "conclusive" evidence that the *Maddox* and *Turner Joy* had been attacked. The staff has not seen this information and has no way of judging whether this particular piece of information is the conclusive piece of evidence that will demonstrate without doubt that the *Maddox* and *Turner Joy* were actually attacked."

Senator CASE. Is that the one you are talking about?

The CHAIRMAN. At this particular moment I think that is the one we are talking about. There may be others.

Senator CASE. This is not a question where we were not given information and we were not told that we were not being given it.

The CHAIRMAN. I would like to go through these. I want to try to make the record and then let the members engage their own time.

WHY DID "MADDOX" NOT BREAK OFF PATROL?

Mr. Secretary, why was the *Maddox* ordered to go within what the North Vietnamese be-

lieved to be their territorial waters and why, once the *Maddox* had received information that the North Vietnamese were in an uproar about the activities of the *Maddox*, did the ship not break off its patrol?

Secretary McNAMARA. Mr. Chairman, as I explained earlier, the North Vietnamese had not claimed waters beyond 3 miles, so I do not think the question is pertinent.

TERRITORIAL LIMIT DISCUSSED IN MAY 1966 HEARING

Senator MORSE. Could I put in the record at that point, because I am confused about this—I take you back to page 24 of the May 24, 1966, executive hearings. The chairman was examining Mr. John McNaughton and on the top of page 24 he first quoted from Secretary McNamara's testimony of August 6, 1964:

"As part of that, as I reported earlier to you this week, we understand the South Vietnamese Sea force carried out patrol action around these islands and actually shelled the points they felt were associated with this infiltration. Our ships had absolutely no knowledge of it, were not connected with it, and in no sense of the word can be considered to have backstopped the effort."

That is the quote from Secretary McNamara. Now to quote the chairman on May 24, 1966:

"First, I want to ask you: had your ships within days before the incident gone within territorial limits recognized by North Vietnam?"

Mr. McNAUGHTON. Within the 12-mile limit, Mr. Chairman.

The CHAIRMAN. That is the territorial limit.

Mr. McNAUGHTON. I think that it is. If that is the case, the answer is "Yes".

The CHAIRMAN. That had been the limit.

Senator FELL. May I interject for a moment. Is 12 miles the territorial limit that we recognize?

Mr. McNAUGHTON. No, sir, it is the one—the chairman, I understood the chairman to say territorial limits recognized by North Vietnam.

Mr. U. ALEXIS JOHNSON. Claimed by North Vietnam.

The CHAIRMAN. That is right. Many countries have different ones.

Senator MCCARTHY. Texas claims the 12-mile limit.

The CHAIRMAN. They vary, but they claimed 12 miles. But our ships had gone into it.

Mr. McNAUGHTON. Yes, sir; that is correct."

I still think it is a little vague, but we certainly—and in those hearings—asked the Defense Department if they were within the 12-mile limit.

You now say they did not claim the 12-mile limit, and we were advised they did.

Secretary McNAMARA. Senator, if I understood, the testimony you read from were the hearings of May 24, 1966.

Senator MORSE. That is right.

Secretary McNAMARA. I do not believe during the hearings of 1964 any of us stated that North Vietnam claimed a 12-mile limit. I believe further that it is rather ambiguous in the testimony you read as to whether it was Mr. McNaughton or the chairman who was stating North Vietnam claimed the 12-mile limit; but to the extent Mr. McNaughton either stated or acquiesced in the chairman's statement of it, he was wrong.

IDENTITY OF CLEARANCE STATUS

Senator GORE. Mr. Chairman, would you please clear up the exact identity of this clearance status that is something superior to top secret and whether or not the President's letter applied only to this particular operation? I would like to be informed. I never heard of this kind. I thought top secret was top secret.

The CHAIRMAN. I am not sure that I can do

it justice. I never heard of this clearance before. But at the meeting I attended, which is referred to, and is referred to in the staff report, with Mr. Nitze, he said that this particular message was beyond top secret, and it has to do with intelligence communications, and that was the reason he could not give me that particular communication. He allowed me to look at it. It was a very short message; I think it was only about a paragraph, and I read it very rapidly. He said this was beyond top secret, and only a few people are allowed to see it. I was given to understand it relates to what is called an intercept, and it is my information, well, my memory, that he stated this was the conclusive evidence upon which the Pentagon relied beyond all doubt that there was an attack upon our ships on the 4th of August.

Senator GORE. Excuse me, what is the classification, what is the name of it?

Senator SPARKMAN. "Eyes only."

Senator MANSFIELD. Does this have to do with codebreaking or things of that sort?

Senator GORE. No; that is not it.

Secretary McNAMARA. Mr. Chairman, may I try to answer it?

The CHAIRMAN. The Secretary can do better than I can.

Senator MANSFIELD. Or General Wheeler seems to want to say something.

The CHAIRMAN. Or General Wheeler.

TYPES OF CLEARANCES

Secretary McNAMARA. Mr. Chairman, let me comment on this first. Senator Gore asked, "Does this instruction from the President apply only to this incident?" The answer is "No." All of the executive departments, because of recent security violations in this country, have been instructed to tighten up on security, with their own personnel and with all other personnel. All of the executive departments have been instructed to observe strictly the appropriate clearance procedures. They are many. There are a host of different clearances. I would guess I have perhaps 25. There are certain clearances to which only a handful of people in the Government are exposed. There are others with broader coverage, and overlapping coverage, and it is not really a question of degree of clearances. It is a question of need to know, and need to know clearances apply to certain forms of data.

Now, there is a top secret clearance that covers certain kinds of information, and is a rather broad clearance and is related to a level of clearances starting for official use only, rising through confidential and secret and top secret and generally speaking that is a pyramidal clearance. There is another clearance, Q clearance, that relates to certain categories of information.

There is another clearance which is the special intelligence clearance we are talking about, that relates to intercept information, and it is this latter clearance in particular that is at issue here, and the staff members of this committee have not been cleared for that kind of information. So far as I know they have not requested clearance. If they do request clearance, we will be happy to consider it.

The President instructed me specifically to make information available to members of the committee—Members of the Congress, whether they are cleared or not. I have the information here with me this morning and I will be happy to go over it with you, but I will have to ask individuals in the room, staff members and others, who are not cleared to leave the room when I do it.

Senator GORE. Because it deals with intercepts.

Secretary McNAMARA. It deals with intercepts.

Senator GORE. Ambassador Goldberg discussed the intercepts at the U.N. on television.

Secretary McNAMARA. But the problem here involves an intercept with the particular traffic involved. Our intelligence analysts have gone over this and have stated the area is a danger to us in certain kinds of intercept material and disclosure of it. [Deleted.] We are under instructions to deny it other than to Members of Congress and others properly cleared.

Senator PELL. Mr. Chairman, the fact we have publicly stated that intercept information confirmed the location outside North Korean territorial waters of the *Pueblo*, which has strengthened our case to this effect, has this not thrown into the public domain quite a portion of the fact that we have access to this kind of intelligence?

Secretary McNAMARA. The intelligence analysts believe not. Well, I do not want to get into a further discussion until the room is cleared of those not authorized to handle it. We would run the risk of compromising intelligence sources if disclosed.

NORTH VIETNAM TERRITORIAL LIMIT CLAIM

Senator SPARKMAN. Mr. Chairman, may I ask just one very brief question. Going back to this 12-mile limit, I believe you said in your paper, did you not, that sometimes following the Gulf of Tonkin incident, North Vietnam did claim through a radio dispatch a 12-mile limit?

Secretary McNAMARA. They did, Senator Sparkman.

Senator SPARKMAN. But that was the first time they had stated it.

Secretary McNAMARA. That is correct.

Senator SPARKMAN. I think that might explain the difference between 1964 and 1966.

Secretary McNAMARA. It might well.

WHY DID "MADDOX" NOT BREAK OFF PATROL?

The CHAIRMAN. I forgot that. Did you reply to why the *Maddox* did not break off the patrol when they believed they had stimulated—according to this cable, they said that the North Vietnamese regarded them as hostile and an enemy and that they were very sensitive about Hon Me. Why did they not break off at that point?

Secretary McNAMARA. I am not certain I know which particular message you are referring to.

The CHAIRMAN. The one I read.

Secretary McNAMARA. Yes. Can you give me the time date group on it? I think I have it here, and it is [deleted] and in that particular message he was speculating on North Vietnam's interpretation of his operations. He did not at that point consider the risks sufficiently high to break off the patrol.

You will recall that later the following day he did state that he believed it might be advisable to break off the patrol, but he had not reached that point of judgment then.

The CHAIRMAN. Well, that was his judgment. Why did his superiors not order him to break it off in view of that cable if they did not wish to provoke an incident?

Secretary McNAMARA. Because we were on the high seas and operating legally and entirely within our rights. The President stated publicly that we would continue to carry out the patrol in international waters in a legal fashion.

The CHAIRMAN. Here, this is the—have you identified that now?

Secretary McNAMARA. Yes.

The CHAIRMAN. I read from a cable from the operational commander of the two ships sent some 15 hours before the second incident:

"(a) Evaluation of info from various sources indicates DRV considers patrol directly involved with 34A ops. DRV considers U.S. ships present as enemies because of these ops and have already indicated their readiness to treat us in that category. (b) DRV very sensitive about Hon Me, believe this is PT operating base, and the cove there presently contains numerous patrol and PT

craft which have been repositioned from northerly bases. (c) Defense against PT's very difficult when in close proximity to Hon Me in that they can hide behind it until the opportune moment and start their run leaving very little time for tracking and spotting and allowing no international water working space for aircraft. (d) Under these conditions 15 minutes reaction time for obtaining air cover is unacceptable. Cover must be overhead and controlled by DD's at all times."

It seems to me it is very clear they thought they were extremely exposed and in a dangerous position and were requesting authority to break off.

Secretary McNAMARA. No, I beg your pardon, Mr. Chairman, they specifically did not request authority to break off, and, had they wanted to break off, they would have requested it. Those were their orders, and later in the sequence of messages you will find that they did not suggest breaking off.

The CHAIRMAN. Maybe I overstated it. At least they did not even want a 15-minute delay in aircraft. They wanted the aircraft right over them.

Secretary McNAMARA. That is clear.

The CHAIRMAN. They thought they were pretty exposed.

Secretary McNAMARA. Oh, yes; I do not dispute that.

WERE WE IN TERRITORIAL WATERS?

Senator LAUSCHE. Mr. Chairman, are you trying to prove—

Senator MUNDT. What is the date of that?

Secretary McNAMARA. August 3.

The CHAIRMAN. It is shortly before the attack.

Senator LAUSCHE. Mr. Chairman, are you trying to prove we were in territorial waters?

The CHAIRMAN. I am trying to get the truth of what took place, that is all, Senator.

Senator LAUSCHE. Well, I would be able to follow you better if I can learn—

The CHAIRMAN. What this means will have to come later. I cannot tell what the answers are. All I am trying to do is develop the truth.

Senator LAUSCHE. Let me finish my question.

Are we trying to prove that because we were not in international waters but in territorial waters that North Vietnam had the right to shoot at us?

The CHAIRMAN. I am not a witness, Senator. I do not propose to answer those questions. I am trying to develop a case of what happened.

WARNING SHOTS FIRED BY "MADDOX"

Mr. Secretary, as to the attack of August 2, 1964, your testimony states that the *Maddox* first fired "three warning shots before taking the North Vietnamese torpedo boats under fire."

Is there such a thing as a warning shot between naval combatants?

Secretary McNAMARA. Mr. Chairman, I do not know. I would be happy to check with the Navy and answer the question for the record.

(The following was subsequently supplied:)

"There is a difference of opinion as to the use of warning shots between combatants. Obviously, a commanding officer would only have recourse to such shots under very special and compelling circumstances."

The CHAIRMAN. Well, a former admiral communicated voluntarily to this committee, Adm. Arnold True, said he was a destroyer commander during quite a number of years. He said that this is not a recognized procedure between naval combatants.

General, do you know anything about this?

General WHEELER. I am not a naval officer, Mr. Chairman.

The CHAIRMAN. I understand.

General WHEELER. However, I would submit this, that we were not at war with North Vietnam, and I would think that rather than

the commander opening fire directly on approaching vessels in daylight that, as a precautionary measure, he might very well have fired warning shots rather than firing directly at them.

The CHAIRMAN. I may add that a gunnery officer aboard the *Maddox* when asked about the so-called warning shots, was quoted as saying, and I quote, "Oh, no. We were definitely aiming right at them because the speed factor was there. We did not want to waste much time in spotting our shots."

Then the logs of the *Maddox* reveal that the *Maddox* simply opened fire on the patrol craft. That is what the log reports.

Secretary McNAMARA. Did we furnish you the testimony from the gunnery officer, Mr. Chairman?

The CHAIRMAN. Where did it come from, Mr. Bader?

Mr. BADER. Mr. Secretary, that quotation is not from material provided by the Defense Department.

Secretary McNAMARA. Is that in the staff study? I would like to have the name of the gunnery officer in order to check the testimony. I am not familiar with it. I never heard it or saw it. I would like to have it and I will check it. May I have it, Mr. Chairman?

The CHAIRMAN. I do not have the name. Senator LAUSCH. I do not have the name.

Mr. BADER. I have it right here.

Senator LAUSCHE. Is this one of the x's in the addendum?

Mr. BADER. It is a newspaper quotation from a gunnery officer.

(Subsequently the chairman inserted the following information in the record:)

"Lieutenant Raymond P. Connel, gunnery officer aboard the *Maddox*, quoted in AP dispatch in the *Arkansas Gazette*, July 16, 1967."

The CHAIRMAN. Mr. Secretary, considering the fact that the *Maddox* was heading for an island recently attacked by South Vietnamese raiders using U.S. equipment, is it not possible that the North Vietnamese could have concluded the United States had a role and had remained in North Vietnamese waters and to attack the island again?

Secretary McNAMARA. I think not, Mr. Chairman. My reasons are twofold. First, Vietnamese radar could track our vessels and 34-A vessels and, therefore, knew they were separated by time and distance.

Secondly, as I mentioned to you earlier, prisoners that we have since captured indicate that they knew that these were separate operations.

WHY AIRCOVER WAS PROVIDED IN TONKIN INCIDENTS

The CHAIRMAN. Mr. Secretary, in your recent "Meet the Press" interview you stated that the *Pueblo* was not given air cover and an armed escort because this would have been provocative to the North Koreans. Yet in the case of both incidents in the Gulf of Tonkin, American aircraft carriers provided air cover.

If in the case of the *Pueblo* air cover and protection would have been provocative, why would not the same term apply in the Gulf of Tonkin, particularly since the *Maddox* and the *Turner Joy* had orders that would take them within what the North Vietnamese considered to be territorial waters?

Secretary McNAMARA. First, the North Vietnamese did not consider them to be territorial waters, as I have pointed out on several occasions this morning.

Secondly, there is a major difference between the situation with the *Pueblo* off the coast of North Korea and the situation of the *Maddox* and *Joy* off the coast of North Vietnam.

North Vietnam at that point, in fact, was infiltrating several thousand armed person-

nel a year from North to South Vietnam, and there was reason, therefore to protect our craft, a reason that was not present in the case of the *Pueblo*.

The CHAIRMAN. Well, it was present, but you did not recognize it because they took the ship, did they not?

Secretary McNAMARA. Well, the same reasons were not present, Mr. Chairman.

Senator MUNDT. Will you yield?

The CHAIRMAN. Yes, I will yield.

NORTH KOREAN INFILTRATIONS INTO SOUTH KOREA

Senator MUNDT. Were not the North Koreans infiltrating people into South Korea? Secretary McNAMARA. Not several thousand.

Senator MUNDT. In this Blue Palace incident?

Secretary McNAMARA. Not several thousand a year, Senator Mundt, nor was North Korea at the time of the *Pueblo* incident carrying out direct, and from its capital, armed attacks upon the people and the political institutions of South Korea to the extent as that North Vietnam was then doing against South Vietnam.

Senator HICKENLOOPER. If I may observe there, it is my understanding North Koreans went through the American lines and we did not do anything to stop them, but they do not go through the ROK lines. The Koreans stop them, the South Koreans, and they attacked Seoul.

Secretary McNAMARA. On the point of whether we are stopping the North Korean infiltrators or not stopping them, and whether our record compares favorably with South Korea's, I cannot testify. But I will be happy, Senator Hickenlooper, to check.

(The desired information will be supplied at a later date.)

Secretary McNAMARA. Now, on the question of the relations between North Korea and South Korea, on the one hand, and North Vietnam and South Vietnam, on the other, there is just a major difference in the situation in Southeast Asia in 1964 and that in North and South Korea today.

Senator HICKENLOOPER. I should not have asked it. I got that information from a soldier who has been over there for quite a little while.

Secretary McNAMARA. It may be correct, but I am not familiar with it.

Senator HICKENLOOPER. He seemed to know what he was talking about. But I do not know.

Senator MUNDT. Is it your position that the attack by the North Koreans on the Blue Palace was not a planned attack on the high Korean Government?

Secretary McNAMARA. No, Senator Mundt, my position is very simple. There is a major difference between the situation in the North and South Korea today, on the one hand, and that which existed in Southeast Asia between North Vietnam and South Vietnam, on the other, and I will be very happy to take some hours of the committee's time to document it.

EVIDENCE OF NORTH VIETNAMESE INFILTRATION INTO SOUTH QUESTIONED

Senator MORSE. Mr. Chairman, I do not want to argue the point now, but as the Secretary knows, I always have believed in pretrial hearings and giving advance notice of your case. But, if I understand you now, Mr. Secretary, your position is that prior to the Tonkin Bay incidents there was heavy infiltration of North Vietnamese forces into South Vietnam. I have just asked Mr. Marcy to have someone go to work on our hearings, because unless I have lost all power of recollection, it is my recollection that prior to the Tonkin Bay incident the administration, through an administration witness, testified to a committee, and we will find it on the record, there was no infiltration of North Vietnamese forces into South Vietnam

prior to Tonkin Bay. You will find one administration witness who says they did not have any evidence of a single cadre. He pointed out that South Vietnamese had been sent to North Vietnam for training, but they had gone back. But the administration could not give us any proof that North Vietnamese forces had infiltrated into South Vietnam, and I want to tell you so in order that we may discuss it later.

Secretary McNAMARA. Senator Morse, I think, without arguing the point of whether there was evidence of North Vietnamese forces, meaning formal units of its military service, infiltrating from north to south, there was ample evidence of infiltration from North Vietnam to South Vietnam of thousands of people sent from the north to the south to subvert the government of the south, and operating there in the south for that purpose under the direct control and literally the hour-by-hour direction of Hanoi.

Senator MORSE. Military personnel? Secretary McNAMARA. Military personnel.

Senator MCCARTHY. Mr. Chairman, may I ask a question?

The CHAIRMAN. Yes.

TRANSMISSION OF INFORMATION TO SVN NAVY

Senator MCCARTHY. Was the information that our destroyers were gathering transmitted to the South Vietnamese Navy for its use?

Secretary McNAMARA. I cannot answer the question.

Senator MCCARTHY. Well, you must know that.

Secretary McNAMARA. No, I do not know that.

Senator MCCARTHY. You cannot answer that? If we get information that would be helpful to the South Vietnamese Navy, we would give it to them?

Secretary McNAMARA. I do not say we would not. I simply cannot answer it.

Senator MCCARTHY. If we were transmitting it, wouldn't it be the equivalent of an act of war against North Vietnam? In other words, you were not just out gathering information for the files of the Defense Department, were you?

Secretary McNAMARA. We were gathering information that we needed to assist the South Vietnamese in reducing the adverse effect on them of the infiltration from north to south by sea, and I so stated.

I further stated, and I stated this at the time, it was part of the public debate at the time, that we were furnishing to South Vietnam the boats they used.

Senator MCCARTHY. I know. Secretary McNAMARA. Whether we gave information or not, the fact is—

Senator MCCARTHY. The question of the time lapse, and so on, has become much less important. If you picked up information one day and gave it to them, and the next day South Vietnam took military action, it becomes almost a part of the same naval operation.

Secretary McNAMARA. Whether we gave information to them or did not give information to them, we did supply boats, and that was known on August 6, at the time. I think it is extremely unlikely that we gave any information from the patrol to the South Vietnamese in the time interval such as you suggested. It is possible that over a period of weeks or months we may have. But I am certain we did not in a matter of hours or days after the collection of the information.

WHY INTELLIGENCE SHIP WAS OFF NORTH KOREAN COAST

Senator MCCARTHY. I was interested in your comparison of the situation of the difference between North and South Vietnam as contrasted to North and South Korea. So, therefore, the protection given the destroy-

ers can be quite different from that of the *Pueblo*. What was the role of the *Pueblo*?

It is the relationship between North and South Korea was so much better, why do we have a spy ship off the coast, which we assume was helping South Korea?

Secretary McNAMARA. We have patrols that we are carrying out all over the world in the air and on the sea, international waters and international airspace, collecting information that would be of benefit to us in protecting our security. That was the mission of the *Pueblo*.

Senator McCARTHY. Shouldn't we—

Secretary McNAMARA. Pardon me, Senator, if I may finish.

Secretary McNAMARA. Yes.

Secretary McNAMARA. That was the mission of the *Pueblo*, and it is the mission of literally thousands of reconnaissance flights that we carry out, and many seaborne missions that we carry out each year.

Senator McCARTHY. Would it not seem to be more provocative to have a ship like the *Pueblo* there if supposedly the relations between North and South Korea were reasonably good, and we were not as directly involved as we were in South Vietnam? Isn't this a kind of unnecessary intrusion of American power?

Secretary McNAMARA. No. I think American ships, when it is in our interest should move any place in international waters—

Senator McCARTHY. Spy any place they want to, but take the consequences.

Secretary McNAMARA. I believe—

Senator McCARTHY. Get the information.

Secretary McNAMARA. If you want to change the entire legal basis—

Senator McCARTHY. I am not going to change anything.

Secretary McNAMARA (continuing.) Of operations of the sea, that is your prerogative.

Senator McCARTHY. Well, there really are not any, as you know. I mean everybody claims different things.

Secretary McNAMARA. Of course, there are. Let us not say there is not a basis.

Senator McCARTHY. We do not have to go into it now.

Secretary McNAMARA. We will go into it.

Senator McCARTHY. Well, we won't.

Secretary McNAMARA. We will.

Senator McCARTHY. I would like to ask my questions. He is not answering the question I wanted to ask him.

The CHAIRMAN. Let him try, and then you can respond.

Senator McCARTHY. I do not want to go into the law of the sea.

Secretary McNAMARA. Mr. Chairman, may I simply ask permission to respond?

Senator McCARTHY. Yes.

The CHAIRMAN. Go ahead.

Secretary McNAMARA. May I ask permission to respond for the record, because the question I was answering Senator McCarthy several minutes ago—I do not want to ask the reporter to go back and find it—but it did attribute to me a statement for the record, and I want to correct my own statement for the record.

The CHAIRMAN. Do you want to do it now?

Secretary McNAMARA. I would like to do it later.

Senator McCARTHY. I will take it all out.

Secretary McNAMARA. No, I want to leave it in, but correctly.

Senator McCARTHY. I did not get a chance to finish it with you. I have no objection to our spying for our own purposes, but I say if we have a spy ship picking up information and then transmitting that information to another country which is engaged in hostilities with a nation on which we are spying, then we are not quite so pure as we represent ourselves to be. That is the point I wanted to make.

DO UNITED STATES TRANSMIT ITS INFORMATION TO SOUTH KOREA?

With reference to the *Pueblo* off the coast of North Korea, I think it is somewhat the

same thing that applies to the destroyers. It was really in that sequence that I wanted to ask the question, Mr. Secretary.

Secretary McNAMARA. What was the question?

Senator McCARTHY. All right. We can say—you say—America has the right to do it. That is fine, I think we have, too. But it becomes different if we pick up information that should be ours, and we then transmit it to another country like South Korea, which, in turn, uses it against North Korea. Then our ship picking up the information is not quite in the same immune position as it would be if it were picking up information for our use alone. That is my question.

Secretary McNAMARA. That is a statement not a question, but I will let it stand, and I would be happy—

Senator McCARTHY. That was the point I wanted to make.

Secretary McNAMARA. I disagree with the statement. I do not think it is factual.

Senator McCARTHY. It is a question. I ask—

Secretary McNAMARA. What is the question?

Senator McCARTHY. Two questions I asked. Let us answer them.

Secretary McNAMARA. Let the reporter go back and read the question.

Senator McCARTHY. I will ask the question, first of all, about the destroyers, as to whether the information they were picking up would be transmitted to South Vietnam.

Then I tried to ask the same question with reference to the *Pueblo*, that is all. I said if it was doing this—and you said there was a difference in the relations between North and South Korea from those of North and South Vietnam—if the *Pueblo* was picking up that kind of information, and giving it to South Korea, the justification for that action, it seems to me, would be less clear than the justification for what might have been taking place off the coast of South Vietnam. That is all.

Secretary McNAMARA. Let me rephrase it and see if I state your question properly, and then I will see if I can answer it.

USE OF U.S. INFORMATION FOR SVN NAVAL OPERATIONS

Your first question was whether information picked by the destroyers *Maddox* and/or *Joy* while the 4th DeSoto mission was taking place in the Tonkin Gulf was transmitted to the South Vietnamese.

Senator McCARTHY. Well, not immediately. I want to know whether that information was being used to give direction to South Vietnamese naval operations, not necessarily on the same day or the same 2 days, but as part of the pattern of operation.

Secretary McNAMARA. Well, to the best of my knowledge, it was not transmitted at the time. It was not transmitted shortly thereafter and, so far as I know, it was not used in the planning of the South Vietnamese operation. I do not know the latter for a fact. I will check it and answer it for the record.

(The following was subsequently supplied:)

"We have found no evidence that any information gained on the DeSoto patrols was used in the planning of the South Vietnamese operations."

Senator McCARTHY. All right.

TRANSMISSION OF INFORMATION TO SOUTH KOREANS

Secretary McNAMARA. Your second question—the same question with respect to the *Pueblo* in relation to South Korea. To the best of my knowledge, the *Pueblo* did not break radio silence from the time it moved on station, some time around January 10, to approximately January 22 and, therefore, could not during that period have transmitted any knowledge to the South Koreans. I am not aware that we had any plans, had the *Pueblo* voyage been completely success-

ful, to transmit any knowledge to the South Koreans.

Senator McCARTHY. That answers the question. I am sorry we had the confusion over the question.

CARRIERS IN THE TONKIN GULF AREA

The CHAIRMAN. Mr. Secretary, what carrier was in the Gulf of Tonkin when this affair started?

Secretary McNAMARA. Pardon me, Mr. Chairman?

The CHAIRMAN. What carrier, aircraft carrier—

Secretary McNAMARA. I believe the *Ticonderoga* was there.

The CHAIRMAN. Was a second carrier moved in shortly before the second incident on the 4th?

Secretary McNAMARA. Mr. Chairman, my memory is faulty, I do not recall. I will be happy to answer it for the record.

The CHAIRMAN. Do you know, General Wheeler?

General WHEELER. At the time of the first incident, the *Ticonderoga* was in the Tonkin Gulf area. The *Constellation* was in Hong Kong, and we started to sail her south from Hong Kong toward the Gulf of Tonkin.

The CHAIRMAN. Shortly before August 4?

General WHEELER. Before August 4.

The CHAIRMAN. Had she arrived in the Gulf of Tonkin by August 4?

General WHEELER. She had not, sir. She was still outside the Gulf of Tonkin.

WHY IT WAS NECESSARY TO GO CLOSE TO COAST

The CHAIRMAN. Mr. Secretary, according to the orders sent to the *Maddox* and *Turner Joy* the ships were directed to go toward the North Vietnam coast and then retire to sea at night. The track of the ships took them within 8 nautical miles of the North Vietnam coast, and 4 nautical miles of the North Vietnamese islands. Why was it necessary to go so close to the coast?

Secretary McNAMARA. Just a minor point, Mr. Chairman. I think the *Maddox* was authorized to go as close as 8 miles, not directed to go to 8 miles, and I believe the *Joy* when it was added to the *Maddox*, was restricted to an area no closer than 11 miles, and in the latter case the *Maddox* and the *Joy*, operating under the restriction of no closer than 11 miles, did not actually go closer than 16 miles. The purpose of allowing such a proximity to the coast was, of course, to obtain the maximum amount of information on coastal activities.

The CHAIRMAN. They went as close as 4 miles to the islands, did they not?

Secretary McNAMARA. Yes, I am not sure they went as close as 4 miles, but they were authorized at least on July 30, to go as close as 4 miles.

The CHAIRMAN. They were authorized, and they were authorized to go no closer than 15 miles from the coast of Communist China; is that correct?

Secretary McNAMARA. That is correct.

OUR LEGITIMATE RIGHTS IN INTERNATIONAL WATERS

The CHAIRMAN. According to the cables the Defense Department sent to the committee, the commander in chief of the Pacific Fleet sent a message to the *Maddox* and *Turner Joy* on August 4, stating that the termination of the patrol after 2 days as called for in the operational plan, "Does not in my view adequately demonstrate the U.S. resolve to assert our legitimate rights in these international waters."

What did the commander mean by this? That is a quote from his statement.

Secretary McNAMARA. Well, the portion that is the quote, of course, does not indicate the ship went within the territorial waters of North Vietnam. I would simply like the record to show that it did not enter the waters claimed as territorial waters by North Vietnam or recognized as territorial waters by the United States.

The commander you referred to was sim-

ply responding to a suggestion from the task force commander or intermediate headquarters—I have forgotten which suggested that the patrol be terminated, and the commander you referred to said in his opinion, it should not be terminated, in view of the present President's statement of August 3, that we would continue to operate the patrol in international waters.

If we then terminated it, it would appear to him that we were changing the directive as made public by the President.

The CHAIRMAN. And he did not think it adequately demonstrated our resolve to assert legitimate rights.

Secretary McNAMARA. I think that is exactly the language he used.

The CHAIRMAN. That is the language from the cable.

Secretary McNAMARA. Yes.

Senator MORSE. May I refer to that cable a moment, the cable you just cited?

The CHAIRMAN. Yes.

Senator MORSE. Mr. Secretary, don't forget in paragraph 2 of that cable he said, "Accordingly."

According to paragraph 2 of that: "Accordingly, recommend following adjustments in remainder of patrol schedule. Provided paragraph T2, reference B in order to accommodate commander, U.S. Military Assistance Commander in Vietnam. Request patrol ships remain north of latitude 19-10 north until 060600H—to avoid interference with 34A OPS. Four August patrol from points Delta to Charlie remaining north at 19-10 north."

Then later in the cable, he says, "The above patrol will clearly demonstrate our determination to continue these operations."

"B. Possibly draw NVN (North Vietnamese Navy) PGNS (patrol boat) northward away from the area of 34A OPS.

"C. Eliminate DeSoto patrol interference with 34A OPS."

CONNECTION OF "MADDOX" AND "TURNER JOY" WITH SVN FLEET

Here you get from the commander of the fleet out there, specific reference to the operations of the South Vietnamese attacking boats with instructions to our destroyers. That is where you lose me, unless there is some break in my thinking, that is where you lose me if it is the contention that we were not using the *Maddox* in connection in some way with the attacks.

It is only my premise, and I am not reaching any final conclusion until I hear all of the record—I hope I am too good a lawyer for that—but it seems to me that these cables that we got from your own Department show that instructions went out to the *Maddox* and to the *Joy* in relationship to 34A, and they were being used.

Now, if they were, does that make any difference whether they were on the high seas or not, if they were acting as a provocateur, if they were in fact cooperating with the South Vietnamese boats? You are not arguing, are you, that the North Vietnamese had no right to attack them on the high seas?

Secretary McNAMARA. I am arguing, Senator Morse, that the reason for the change in the area border from which area the *Maddox* was to be restricted was designed by the U.S. commander in South Vietnam to further separate the *Maddox* from the 34A operations in order to assure that there was less reason for anybody, including the North Vietnamese, to associate the two.

I am arguing further that the North Vietnamese themselves have stated that they did not confuse the two.

Senator MORSE. Well, Mr. Secretary, you give us the testimony of a captured prisoner or two, which does not bespeak what the naval operators of North Vietnam not captured were thinking. After all, when you are using a prisoner as a witness, you are certainly not using the best witness.

POSITION OF DESTROYERS IN 34A PROJECT

You see, one of the things that disturbs me is that I think the cablegram itself shows that we were trying to draw those North Vietnamese boats away from the South Vietnamese boats in order to give the South Vietnamese boats greater freedom of action, and that if that is not involving our destroyers in the 34A project, I do not know what it is.

I think we were using them as a decoy.

Secretary McNAMARA. Senator Morse, had we been using them as a decoy we would not have so substantially increased the restricted area.

This move to north of 19 degrees 10 minutes was a move of about, I would say, 90 miles moving the northerly boundary of the restricted areas farther and farther away from the 34-A operations.

Senator MORSE. It is a pretty good decoy if you are trying to get the North Vietnamese boats to follow them.

Secretary McNAMARA. No, because then the North Vietnamese boats knew that our boats had no hostile intent and played no hostile role. They knew that from having tracked them the previous nights, and they knew that from previous patrols, so there was no basis for this assertion by the author of that cable and, by the way, he said it would possibly draw them to the north. There was no—

Senator MORSE. Possibly in that context could be interpreted as hopefully.

Secretary McNAMARA. In any case it was not possible and it was not a plan, and it was not the purpose of the DeSoto Patrol, and the Joint Chiefs had never considered that, and would never have approved that purpose, nor was the patrol carried out in such a way to permit such a purpose to be achieved.

Senator MORSE. It is most unfortunate you had them anywhere near there while the South Vietnamese attacks were going on because you opened yourself, I think, to just this kind of an interpretation of the messages.

The CHAIRMAN. Could I say to the committee that the Secretary has a luncheon engagement, and I thought we would adjourn at 12:30. The Secretary has agreed to come back at 2:30 if that is agreeable to the committee. We will have our floor vote around 1 o'clock.

FURTHER PRISONER IN 1967

Could I ask this, Mr. Secretary, I wonder why were we not given the fact that you had another prisoner in 1967? They told us about the prisoner in 1966, but Mr. Nitze never indicated you had a further prisoner in 1967 who testified. I think you should have notified us of that.

Secretary McNAMARA. I think so, too. Mr. Chairman, I must say I wish we had. We would have avoided some of the controversy because the testimony of a 1966 prisoner was not nearly as comprehensive or as illuminating on the participation by North Vietnam in the August 4 attack as was the testimony of the prisoner of July 1967 which, I think, came to light only within the past few days.

The CHAIRMAN. I see.

Senator LAUSCHE. Mr. Chairman, may I have just 1 minute?

The CHAIRMAN. The Secretary wants to go.

Secretary McNAMARA. Mr. Chairman, I am quite happy to stay longer if the committee wants me to. I would be delighted to that, and also come back later this afternoon.

The CHAIRMAN. We will go to a quarter of one if you like.

Senator LAUSCHE. Yes.

WHAT IS OBJECTIVE OF THIS MEETING?

I would more clearly be able to see what is sought to be proved if I knew the objective of this meeting. One, were we trying to prove we were in territorial waters of North Vietnam and, therefore, North Vietnam had the right to shoot at us?

Two, are we trying to prove we were not shot at and that we initiated the shooting under a misapprehension of the facts?

Two avenues are sought to be followed, and there is nothing clear in what has been developed this morning after two and a half hours of what the real objective of this meeting is.

It looks to me as if it is trying to put the United States in a bad light and the North Vietnamese in a good light, and I cannot subscribe to that.

Senator MORSE. Mr. Chairman, could I say something about procedure?

The CHAIRMAN. Senator Morse.

Senator MORSE. It is easy in situations such as this for sincere men with some different viewpoints trying to find out, to check their own viewpoints against the evidence that the Secretary of Defense can offer us, to take the position that we are trying to put our country in a bad light, as Senator Lausche suggests.

There is no basis for that at all. I think this is so important that we try to find a way of reaching an understanding with regard to the Gulf of Tonkin.

I am not convinced by anything the Secretary has said this morning that we followed the proper course in regard to the *Maddox* and the *Joy* in reference to this incident, and that is why we want his answers to these cables, and we want the supplements to these cables of information we do not have, anything that he can give us.

There is still every reason for my continuing to believe that we followed an unwise course of action in the Tonkin Bay incident, and that we do not have clean hands in regard to what happened over there. It just happens to be my honest opinion. But that does not mean I am not going to change it before this hearing is over.

So the procedural point I make, Mr. Chairman, I think we ought to continue. I think this has been very beneficial. Each person will get his turn to discuss this.

I think you have done a magnificent job in carrying out this meeting. We ought to meet this afternoon, but whatever hours the Secretary has indicated are necessary would be of assistance to us. I am not so sure that you can finish it this afternoon. If you cannot, we ought to meet tomorrow morning. This is the last opportunity that we will have to talk to the man, who is the best witness in regard to helping us get the facts because he was Secretary of Defense at the time, and I hope that there will be no attempt to restrict the chairman or any other member of this committee from taking the time we need to carry out what we think our duty is.

Senator GORE. Mr. Chairman, could I have a half minute to answer, to attempt to answer, Senator Lausche's question?

The CHAIRMAN. Yes.

EXAMINATION OF TONKIN INCIDENTS

Senator GORE. Before you entered the room, Senator Lausche, the chairman stated the purpose of the hearing was to develop as fully as possible the true facts relating to the incidents in the Gulf of Tonkin in the process of examining the decisionmaking process of the United States in a crisis; is that correct?

The CHAIRMAN. That is correct.

Senator GORE. Now, the country, rightly or wrongly, has taken itself—has been taken into a war that has proved rather disastrous, and it is important not only from the context of history but for the future of our country to examine this particular incident and develop the truth. Insofar as I am concerned, I share in the objective the chairman stated, as the chairman stated it.

The CHAIRMAN. That is correct. This resolution has been interpreted by the administration as a "functional equivalent" of a declaration of war under the Constitution.

I do not accept that definition, but in any case that is what Under Secretary of State Katzenbach said.

It seems to me how one makes a decision that inspires a functional equivalent of a declaration of war is very important to the country and to this committee.

Senator LAUSCHE. The paper that was submitted in the last 2 weeks, and which I read, premised its judgment or its implied recommendations on the claim that we were never fired upon, that there was proof of those on the ship who said, "We saw no torpedoes," and the implication was that we initiated the firing.

Well, today I do not know, the questions are directed not to that, to proving that point, but to prove the point that we were in waters in which we were not allowed to be and, therefore, the Communists had the right to shoot at us.

I do not know which direction you are moving and in trying to establish some conclusions as a consequence of this meeting.

The CHAIRMAN. Mr. Secretary, then with your permission we will go until a quarter of one.

I would like to get through this because then each member will be called upon for his own questions. These questions are all based upon official documents which we have received, and that is why I thought it was important to address the initial questions to them.

I will go through one or two more before we adjourn.

NATURE OF INFORMATION RECEIVED BY "MADDOX"

Mr. Secretary, some 15 hours before the second incident on the 4th of August, the *Maddox* sent a message to the commander of the 7th Fleet stating that evaluation of information from various sources indicated that the North Vietnamese considered the patrol directly involved with the South Vietnam attacks on North Vietnam. These attacks, as has been stated, took place on the night of the 3d and 4th of August.

Could you tell us what the nature of this information that the *Maddox* received was?

Secretary McNAMARA. Mr. Chairman, I have already responded to that question. It was asked an hour or so ago, and I stated then that the *Maddox* had not received any information that would have supported such a conclusion.

Captain Herrick, the man who wrote the cable, testifies today he can recall no information that would have supported the conclusion and, as I mentioned, a North Vietnamese prisoner stated that the North Vietnamese separated the patrol from the operations, knew they were not connected.

Senator CASE. Was the cable sent?

The CHAIRMAN. Yes. This is a cable from the *Maddox*.

Senator CASE. No question about that, Mr. Secretary?

Secretary McNAMARA. Oh, no, no.

The CHAIRMAN. This was the language I mentioned.

Senator CASE. Is there a suggestion that somebody else other than the commander sent a cable?

The CHAIRMAN. No. Who was the commander?

Secretary McNAMARA. Herrick.

The CHAIRMAN. Where is he now?

Secretary McNAMARA. He is in this country.

The CHAIRMAN. What is his assignment?

Secretary McNAMARA. I think he is in the Norfolk area.

The CHAIRMAN. He was the then commander of the *Maddox*?

Secretary McNAMARA. He was the commander of the task force.

The CHAIRMAN. Who was commander of the *Maddox*?

Secretary McNAMARA. He was CTG 72.1 who

was superior to the commander of the *Maddox*. They embarked a task force commander onboard the *Maddox* in addition to the commander of the *Maddox* itself.

The CHAIRMAN. Just for the record, who was the commander of the *Maddox*?

Secretary McNAMARA. I do not know.

The CHAIRMAN. Commander Ogler? Secretary McNAMARA. Yes.

The CHAIRMAN. Who was commander of the *Turner Joy*? Barnhard?

Senator GORE. Who sent the cable?

Secretary McNAMARA. Herrick sent the cable.

Senator MORSE. Do I understand he was on the *Maddox* when he sent the cable?

Secretary McNAMARA. Yes.

Senator CASE. Now he says he did not have any—

The CHAIRMAN. Justification for it.

Secretary McNAMARA. This was speculation on his part, and says he has no basis for speculation.

The CHAIRMAN. What I was really asking for, he says from various sources, I assumed this to have been some of these messages that we have previously talked about.

Secretary McNAMARA. We have gone over all the messages and I know of no information in them that would lead to such a conclusion, so I can only conclude that it was sheer speculation, unfounded speculation.

Frankly, I have in my own mind an explanation of why he sent it, but I do not think it bears on the issue at hand, and I am not going to repeat it to you.

WHY WAS PATROL NOT BROKEN OFF?

The CHAIRMAN. For the record, why was the patrol not broken off if we were certain that the North Vietnamese considered our ships part of an attack on North Vietnam?

Secretary McNAMARA. We were not certain they considered it. We had every reason to believe that they did not believe our ships were preparing to attack North Vietnam.

The CHAIRMAN. They did not?

CABLE FROM THE PHILIPPINES

As to the second incident itself, I want to read a cable sent to Washington in the immediate aftermath of the second incident by the Naval Communications Center in the Philippines. I want to note, as background, that this naval facility had monitored all of the messages coming from the *Maddox* and the *Turner Joy* during the incident. The text of the message from the Philippines, after review of all the reports from the *Maddox* and *Turner Joy*, reads as follows:

"Review of action makes many recorded contacts and torpedoes fired appear doubtful. Freak weather effects and over-eager sonarman may have accounted for many reports. No actual visual sightings by *Maddox*. Suggest complete evaluation before any further action."

With a cable like this coming from the Philippines, it seems to raise a very serious question as to why, in view of this suggestion, at least some reasonable investigation or delay in time in order to clarify was not taken.

I think, Mr. Secretary, you will have to admit that this was a pretty clear warning that there were some uncertainties about the situation.

Secretary McNAMARA. Mr. Chairman, let me make sure we have the right cable so we can all be talking about the same thing.

The CHAIRMAN. Mr. Bader, bring the document.

Secretary McNAMARA. Give me the time date, let me get it from them.

[Deleted.]

The CHAIRMAN. Will you place it in time context?

Secretary McNAMARA. Yes. You say that is from the Philippines? My message in front of me indicates it is from the commander of the task force.

COMMUNICATION FROM PHILIPPINES SUGGESTS ATTACKS UNCONFIRM

Mr. BADER. It is from the Communications Center, Philippines to CINCPAC Fleet, and then it—

Senator GORE. Read it.

Mr. BADER. It is the same cable that the Senator just read:

"Review of action makes many recorded contacts and torpedoes fired appear doubtful. Freak weather—"

Secretary McNAMARA. Let me look at the cable because you may have misidentified it.

Senator GORE. Let him read it first.

Mr. BADER (reading):

"Freak weather effects and over-eager sonarman may have accounted for many reports. No actual visual sightings by *Maddox*. Suggest complete evaluation before any further action."

This is a copy of the original cable, Mr. Secretary.

Secretary McNAMARA. I just want to see the identification on the top.

General WHEELER. It is a relay from the commander of the task force.

Secretary McNAMARA. I think I am correct in saying this is a message from the task force commander. It is of some importance, as you will see later, who it came from. The underlying message is here. I will be happy to give it to you. It is exactly the same words.

Mr. BADER. Mr. Secretary, it is marked as NCS Phil.

Secretary McNAMARA. Yes, but that is the relay point. The message from the task force commander goes to the Philippines and then is relayed in here, and that message, therefore, is from the task force commander.

Now, the reason it is important—

The CHAIRMAN. I am not sure it makes it any weaker.

Secretary McNAMARA. I am not arguing. I just want to get the facts straight.

The CHAIRMAN. All right.

Secretary McNAMARA. Now, that message came in to us, I believe, at 1327 on the 4th of August, and it is a message from the commander of the task force stating that atmospheric conditions and sea conditions and other conditions cast doubt on some of the reports of firings, observations, and torpedoes.

Senator MORSE. Is that Herrick again?

Secretary McNAMARA. Yes.

Senator MORSE. He was on the *Maddox*?

Secretary McNAMARA. Yes.

Senator MORSE. And from the *Maddox* he sends this wire which raises questions of doubt.

Secretary McNAMARA. That is correct. At least, that is the way my message reads. It reads "From the Commander of Task Group 72.1," which is him.

Senator MUNDT. Would he be in a better position to know what happened?

SOURCE OF MESSAGE IS IMPORTANT

Secretary McNAMARA. Oh, yes, I am not disputing the point, I am just trying to get the record clear as to where the message came from, and it is important that he raised these points himself.

What would you think we would do when we got it? Well, obviously we were concerned, and we immediately began to examine it, and I have here a whole series of steps we took at that point as to what was done. I personally called Admiral Sharp and brought this to his attention, and said we obviously do want to carry out retaliatory action unless we are "damned sure what happened." Those were the exact words.

The CHAIRMAN. Did you see the cable?

Secretary McNAMARA. I am not sure I saw the cable or whether it was brought to my attention in an oral report. General Burchinal, who was then Director of the Joint Staff, was downstairs a floor below my office, and I had a number of telephone conversations

with him, and I do not know whether I saw the document or whether he reported it to me. But anyhow, I got the information, because I then called Admiral Sharp, and I have a transcript of that telephone conversation in which the specific words were, "We obviously don't want to carry out the retaliatory strike unless we are damned sure what happened." Then the instruction was to go find out.

Now, there is a lot of exchange here, Mr. Chairman. You may not want to take the time now to go into it.

Senator MUNDT. We had better wait until 2:30.

Secretary McNAMARA. If you do I am willing to go through it.

The CHAIRMAN. If you wish then, it is a quarter of 1, and we will just resume at this point, if that is agreeable.

Secretary McNAMARA. I will be happy to do that.

The CHAIRMAN. All right.

Secretary McNAMARA. Mr. Chairman, may I say I notice there were press out in front when I came in. It will be my intention to walk out there and say nothing.

The CHAIRMAN. That is mine, and I am going to say I have nothing to say, which is exactly what I am going to say.

(Whereupon, at 12:45 p.m., the committee recessed to reconvene at 2:30 o'clock the same afternoon).

[Afternoon session, 2:40 p.m.]

PRESS RECEIVES SECRETARY McNAMARA'S STATEMENT

The CHAIRMAN. The press says the Pentagon has released it.

Secretary McNAMARA. We have, Mr. Chairman.

The CHAIRMAN. In view of that, there are some here who said their people called them and they wanted it. You have some copies here.

Secretary McNAMARA. Yes, right. I will tell you what I did, Mr. Chairman. UPI 109, which came out about 1:22 this afternoon, after we had all left here, stated that a member of this committee said today one of the vessels involved in the 1964 Gulf of Tonkin incident penetrated North Vietnam's 12-mile limit. The information was given the committee by McNamara. That is just—

The CHAIRMAN. Who did that?

Secretary McNAMARA. I would rather not say. I have it here if you wish to read it, UPI 109. But that is just contrary to what I said this morning. I cannot stand without having what I said in my statement issued.

Senator COOPER. I have been asked if you said it. I said you did not.

The CHAIRMAN. It says Senator McCarthy said it.

Secretary McNAMARA. That is why I released it.

Mr. Chairman, I had instructed my people under no circumstances to release it and they did not release it until I issued the instructions to them.

The CHAIRMAN. When I went out I said I had nothing to say.

Secretary McNAMARA. So did I.

The CHAIRMAN. They said, "Are you going to have anything to say this afternoon?" I said, "Not so far as I know."

Senator SYMINGTON. Will the chairman yield?

Mr. Chairman, the Navy is up before the Armed Services Committee, and I plan to go back there. Before leaving, however, may I remind you that at a previous meeting I felt we first ought to have somebody discuss this matter, somebody from a "high classification" standpoint, CIA or DIA. We kicked that around a bit.

It is clear the Secretary himself was not alone responsible for the orders out there. Every Senator should have the right to know the full details of what went on, but I would

again point out the witness would not be the only one to make any decision.

I would express my regret that any member of the committee said anything to the press if there was agreement not to say anything.

If you will excuse me, Mr. Secretary, I would like to go back and listen to why we need all that money. [Laughter.]

Secretary McNAMARA. Thank you very much much, Senator.

Senator SYMINGTON. It is a lot.

The CHAIRMAN. Well, the committee will come to order.

NAVAL COMMUNICATION RECEIVED FROM PHILIPPINES

We were, when we adjourned, discussing—just for the record I will reread it, a report, a cable, or message that was relayed by the communications—Naval Communications Center in the Philippines, a message that had been sent by Commander Herrick of the task force. It reads:

"Review of action makes many recorded contacts and torpedoes fired appear doubtful. Freak weather effects and overeager sonarman may have accounted for many reports. No actual visual sightings by Maddox. Suggest complete evaluation before any further action."

To pin it down again, when was that message sent?

Secretary McNAMARA. I believe it was sent—the number date group is [deleted] meaning Greenwich time, and that would mean it was sent at—on the 4th of August at around 1:30 p.m. eastern daylight time.

The CHAIRMAN. What was local time?

Secretary McNAMARA. Local time would have been around 1:30 a.m., August 5.

The CHAIRMAN. Approximately 4 or 5 hours after the attack took place.

Secretary McNAMARA. Yes, perhaps 3 hours.

The CHAIRMAN. Is that approximate?

Secretary McNAMARA. Three hours.

The CHAIRMAN. Three hours afterward and it was received in Washington—

Secretary McNAMARA. Essentially a few minutes.

Senator GORE. If you will yield so that I may relate something.

The CHAIRMAN. Yes.

Senator GORE. One instruction to the task force was that it search the area for debris. Was this after the search for debris?

Secretary McNAMARA. Substantially before the search for debris. I have forgotten the exact times. I can give it to you or insert in the record. It was the following day that the search for debris was to take place.

(The following was subsequently added:)

"The instruction to search for debris was initiated at 5:11 p.m. e.d.t."

Senator GORE. In that connection, did they find any debris?

Secretary McNAMARA. I do not believe so.

Senator GORE. Thank you, Mr. Chairman.

The CHAIRMAN. As a matter of fact, this approximately 1:30 a.m. would be on the 5th, would it not? It would have been a.m. of the 5th.

Secretary McNAMARA. That is correct, local time if I said around 1:30, I meant around 1:20, Mr. Chairman.

The CHAIRMAN. 1:20.

Secretary McNAMARA. On the 5th.

The CHAIRMAN. The morning of the 5th.

Secretary McNAMARA. That is correct. Local gulf time.

The CHAIRMAN. That is right.

Well now, will you come back to that message. Did you have something to say?

Secretary McNAMARA. Yes, Mr. Chairman; if I may take a few minutes of your time, I would like to tell you of a sequence of conversation with respect to this subject. Because needless to say we were concerned about the question raised. Although the message itself does not state that he questioned

whether an attack had taken place, it did say that many reported contacts and torpedoes fired appeared doubtful. So we began then to correlate information and ask for further views and evaluations from the commander in chief of the Pacific.

CONVERSATION WITH PACIFIC COMMANDER

At roughly 2:45 Eastern Daylight Time, which is roughly an hour and 20 minutes later, the commander in the Pacific, or rather the commander of the task force, reported to the commander in the Pacific that he was certain that the original ambush was bona fide. This is a message on [deleted]. Details of the action present a confusing picture, but he had made positive visual sightings of cockpit lights or similar lights passing near the Maddox, and the Turner Joy reported two torpedoes passed near her.

Then, at 1500, roughly 15 minutes after the report I just gave you, I met, along with Secretary Vance, with the Joint Chiefs of Staff to review all of the evidence relating to the attack, to determine whether, in fact, an attack on the destroyers had occurred. We met for about 2½ hours discussing it, reviewing it, considering particularly the communications intelligence information we had available to us, and then at 1723, which was 2 hours 23 minutes after the meeting started, we received a telephone call from the commander in chief of the Pacific stating that in his opinion the attack had occurred.

I should have mentioned earlier that about 40 minutes before that telephone call, this is to say at 1640, the commander in chief Pacific had called in stating that he had received the information from the commander of the task group, saying that the commander of the task group was certain the original ambush was bona fide and had made positive visual identification of cockpit lights, and reporting that the Turner Joy had reported two torpedoes.

Then, as I say, about 43 minutes after that the commander in chief Pacific called back again while I was still in the meeting with the Joint Chiefs, stating that he was convinced the attack had occurred and that all were satisfied it had.

Then, at 1807, which was 34 minutes after that, the commander in chief Pacific called again, and I was present down in the Joint Chiefs quarters when the call came in. We discussed it, and he stated he was fully assured the attack took place. I stated that I was then convinced that it had, and I released the Executive order on the strike. So that between 1827 and 1807 we were reviewing the information that bore on whether an attack had taken place.

Senator GORE. Would you mind stating again what he said in the call at 1807?

Secretary McNAMARA. Yes. I spoke to the director of the Joint Staff and asked him to make certain that the commander in chief, Pacific was willing to state that the attack had taken place, and therefore that he was free to release the Executive order because earlier in the afternoon I had told him that under no circumstances would retaliatory action take place until we were, to use my words, "damned sure that the attack had taken place."

He confirmed that he believed the attack had taken place. I stated that after my further discussions with the Chiefs and reexamination of all of the evidence, particularly the communications intelligence, that I was convinced it had taken place and therefore he was free to release the Executive order.

COMMITTEE REQUEST FOR RELEVANT INFORMATION

The CHAIRMAN. Were these conversations—did we receive copies of these reports?

Secretary McNAMARA. I do not know that you did, Mr. Chairman.

The CHAIRMAN. It seems to me they are relevant to this situation. Why did we not?

Secretary McNAMARA. I do not know that anyone asked. Nobody asked me for them. But in any case I will be happy to see that you get such information.

The CHAIRMAN. We—I think we should have them. As I told you in the beginning, obviously we cannot know all that is available. It was my understanding with Secretary Nitze that all relevant communications would be made available. It seems to me this certainly should be made available. They do not involve any highly secret matters, and I think all of it should be made available.

Secretary McNAMARA. Mr. Chairman, I am quite happy to make it available to you. Nobody queried me about it. These were conversations I had with Admiral Sharp. I do not know all of the records that are available in the Department on such matters. But I know what I said to him, and I will be happy to check to see whether there are records.

(The check is in progress according to the Department of Defense.)

Senator LAUSCHE. What was Sharp in charge of?

Secretary McNAMARA. He was commander in chief of the Pacific at that time.

Senator LAUSCHE. Pacific.

Secretary McNAMARA. Yes, and had his headquarters in Hawaii.

The CHAIRMAN. I do not think I recall seeing any records of conversations of that kind, Mr. Bader; did we?

Mr. BADER. I did not hear.

Mr. MARCY. No, sir; we did not have any conversations.

The CHAIRMAN. I think we should have all of those that are relevant to this situation. It was my understanding that we were to be given those, with the sole exception of that one communication that you said was an intercept.

Secretary McNAMARA. Mr. Chairman—pardon me, sir.

Senator LAUSCHE. May I put a question at this time, Mr. Chairman?

The CHAIRMAN. Sir?

Senator LAUSCHE. May I put a question?

The CHAIRMAN. Yes.

Senator LAUSCHE. The report that was submitted to us by the staff indicated that the commander of the Pacific sent a communication back to the commander of the 7th Fleet asking that a careful check be made to make certain that there was an attack and that communication indicating that the commander of the Pacific was in doubt has been used as the basis of a charge that there was no attack made. Will you comment on that?

Secretary McNAMARA. Yes.

DOUBT ABOUT ATTACK

The commander in the Pacific at one point was in doubt—I do not believe as to whether an attack had been made, but as to the character of the attack and the details of the attack and his doubts occurred for at least two reasons: First, because he had received a copy of the message that we referred to a moment ago, message [deleted] from the commander of the task force reporting questions about certain of the details of the incident, and, secondly, the commander in the Pacific expressed doubts because I, having seen the same message, called him on the telephone and said I had seen it. I had doubts as to the details. I wanted him to examine them, supply me additional evidence and, to use my words, "be damned sure that no retaliatory action was taken until any doubts as to what went on were eliminated, at least to the point of justifying retaliation."

Senator LAUSCHE. Then the use of the commander of the Pacific's communication to the commander of the 7th Fleet, asking for extreme caution was the consequence of talks which you had with the commander of the Pacific that no retaliatory action be

taken unless it was damned certain that there was an attack.

Secretary McNAMARA. That was one of the two contributing factors, the other being the cable he had gotten from the commander of the task force.

Senator LAUSCHE. I might say that the report filed with the committee, the secret report, predicated doubts about the alleged—about the attack, because the commander of the Pacific asked for further information wanting to make certain.

Senator GORE. Mr. Chairman, I must say again that is not an accurate statement. I would like my friend from Ohio—

Senator LAUSCHE. Point out where it is not an accurate statement.

Senator GORE. I will not take the time now, but I will be glad to do it privately.

Senator LAUSCHE. Point out where it is not, because that is the communication that went through.

Senator GORE. My friend from Ohio is all emotional about this.

Senator LAUSCHE. I certainly am.

Senator GORE. But it is not an accurate statement. I will be glad to point it out to you privately.

Senator LAUSCHE. Yes.

The CHAIRMAN. Proceed, Mr. Secretary.

Secretary McNAMARA. Mr. Chairman, that covers my comment on the details of the incident.

The CHAIRMAN. Is it understood you will make available all of the conversations during this period relative to this attack?

Secretary McNAMARA. That we have a record of; yes, I am not certain, Mr. Chairman, how much record we have. Generally speaking, there are no records made of telephone conversations in the Defense Department other than communications that happen to go through a very special channel, which is the channel of operational command. I do not allow any recordings, I have none in my office, and there are no recordings made of conversations in any other offices of the building with this single exception of the operational command channel.

I do not know how much of this will be recorded. I will have to examine it to see.

The CHAIRMAN. What is the source of your statement there?

Secretary McNAMARA. The source of my statement is my memory of what I myself said and did, since I am reporting on my own conversations.

The CHAIRMAN. I see.

Secretary McNAMARA. May I say one further thing? A moment ago someone mentioned that you understood you had been given all information excepting for one communications in intelligence message. There were many communications intelligence messages that bore on this, at least nine, that I would like to acquaint you with this afternoon. I do not—if we have misled you to believing there was only one, I regret it. I am just commenting on the statement that someone made a moment ago.

CLASSIFICATION OF COMMAND AND CONTROL STUDY

The CHAIRMAN. Are these matters you are talking about now in the study that was prepared, the command and control study, which was not given to us?

Secretary McNAMARA. I do not know how much of it was in there. It does not bear a communications intelligence classification. I do not know why it does not. It is classified top secret. If it were to be—if it were based on communications intelligence and referred to it, it would have to be more highly classified. I myself cannot explain whether he did or did not have access to it. I have asked people to look into it. This is one of the problems I have with it. We do not know exactly what access the author had to all the information available. I know he did not talk to me. I know he did not talk to General

Wheeler. I do not believe he talked to others who participated in the decisionmaking and evaluating process.

The CHAIRMAN. If I can clear up a point, did you agree this morning to make that study available to the committee?

Secretary McNAMARA. If the author of it had access to raw material such as to allow him to give a balanced picture of it—and I frankly do not know—it is a very long, long detailed study. I understand it was for the purpose of examining some of the procedures of the Joint Staff. The Chairman of the Joint Chiefs was not aware of it. I have not been aware of it. Neither one of us has yet had time to examine it in detail. I cannot tell you to what degree the author was acquainted with all of the facts relating to the incident. I know he was not acquainted with the facts I had in my mind because he did not ever talk to me about it.

Senator GORE. Mr. Chairman, if the chairman will yield.

The CHAIRMAN. Yes.

Senator GORE. Well, even though that be the case, it seems to me it would contribute to the probity of this procedure if we had the report and study, together with such information as the Secretary and his assistants think was lacking by reference or availability to the author. I hope the committee is going to dig quietly and thoroughly into this whole proposition because this is a very fundamental question about the decisionmaking process, and a question of war or peace.

The CHAIRMAN. It is.

Senator GORE. And I would hope that the Secretary would make it available, together with such deficiencies as in his view it suffered.

VERIFICATION OF INCIDENT WAS ADEQUATE

The CHAIRMAN. That raises a question, Mr. Secretary, that is after the incident in September I understand you convened a formal inquiry into that incident, is that not right?

Secretary McNAMARA. I think that I first sent out certain representatives of my own on an informal basis to check—to see whether there was sufficient basis for questioning whether the incident took place, and then later asked the Navy to set up an investigating group, Mr. Chairman.

The CHAIRMAN. That was not done on the August 2 one.

Secretary McNAMARA. No.

The CHAIRMAN. Why not?

Secretary McNAMARA. Or August 4.

Because the information was persuasive that it took place. I myself had doubts as to the incident of September 18 right from the beginning of the set of reports we received on it. It was not preceded by, nor accompanied by, nor followed by intelligence reports of the kind that we had available to us on both the August 2 and August 4 incident.

The CHAIRMAN. Is that all you have then to say on that matter from Commander Herrick?

Secretary McNAMARA. Yes, sir, it is.

The CHAIRMAN. Who was the sonarman on the *Maddox* to whom he refers—an overeager sonarman—do you know?

Secretary McNAMARA. I do not know whether he said man or men.

The CHAIRMAN. It says man.

Secretary McNAMARA. I can find out the name of the man.

The CHAIRMAN. I just thought you had it there. If you could supply it for the record.

Secretary McNAMARA. Surely, I would be happy to.

(The following information was supplied:)

To the best of our knowledge, his name is David E. Mallow, Sonarman Third Class.

The CHAIRMAN. You said this morning Commander Herrick is in Norfolk.

Secretary McNAMARA. Norfolk, I believe. I believe the message says "men," not "man," "overeager sonarmen."

The CHAIRMAN. Was there more than one? Secretary McNAMARA. Well, at least the message says "men."

TIME OF ORDER FOR ATTACK

The CHAIRMAN. When was the order you mentioned a moment ago, the executive order—

Secretary McNAMARA. Execute order.

The CHAIRMAN. When was that issued?

Secretary McNAMARA. When was it what, sir?

The CHAIRMAN. When did you authorize it to be sent?

Secretary McNAMARA. At—

The CHAIRMAN. What time?

Secretary McNAMARA. 1807 eastern daylight time, August 4.

The CHAIRMAN. Which would be?

Secretary McNAMARA. 6:07 p.m.

The CHAIRMAN. Out there?

Secretary McNAMARA. Which would be in the morning out there.

The CHAIRMAN. Just 12 hours different, is it not?

Secretary McNAMARA. That is right, exactly; 6:07 a.m. August 5, gulf time.

The CHAIRMAN. Right. That was approximately 8 or 10 hours after the attack.

Secretary McNAMARA. That is right.

The CHAIRMAN. I will proceed with these others.

A review of the communications sent by the *Maddox* and *Turner Joy* during and after the incident on August 4 suggests that there was much confusion on the ships and contradictory information coming from the ships. Are you personally satisfied that the evidence then available of the second attack on these vessels was so conclusive that it was reasonable for the United States to retaliate by sending 64 sorties against North Vietnam?

Secretary McNAMARA. I am, Mr. Chairman, and in answer to the question, rather than take your time, I would like to have inserted here the first full paragraph on page 19 of my statement including the 10 or 11 bits of evidence available to me at the time the executive order was sent establishing beyond any reasonable doubt that the attack took place.

(The following information was subsequently supplied:)

"Some of the details cited above, particularly the statements of eye witnesses, although gathered immediately after the attack, had not reached Washington at the time that the reprisal air strikes were ordered executed. Sufficient information was in the hands of the President, however, to establish beyond any doubt then or now that an attack had taken place. Allow me to repeat again that information:

"An intelligence report of a highly classified and unimpeachable nature received shortly before the engagement, stating that North Vietnamese naval forces intended to attack the *Maddox* and *Turner Joy*.

"Reports from the ships that their radars indicated they were being shadowed by high speed surface vessels.

"Reports from the ships that they were being approached by the high-speed vessels and an attack appeared imminent.

"Reports from the ships that they were under attack.

"A report from the ships that searchlight illumination had been utilized by the attacking craft and that gun fire against the patrol had been observed.

"A report that two torpedoes had passed close to the *Turner Joy* and that there had been positive visual sightings of what appeared to be cockpit lights of patrol craft, passing near the *Maddox*.

"An intelligence report stating that North Vietnamese naval forces had reported they were involved in an engagement.

"Reports from the U.S. ships that they had sunk two and possibly three of the attacking craft.

"An intelligence report stating that North Vietnamese naval forces had reported losing two ships in the engagement.

"A report from the on-scene Task Group Commander that he was certain that the ambush had taken place, although precise details of the engagement were still not known.

"A report from the Commander-in-Chief, Pacific that he had no doubt that an attack had occurred."

COMMAND AND CONTROL REPORT

The CHAIRMAN. The committee has information that the Department of Defense has a report on the operational command and control procedure during the second incident. Our information is that this study includes the text of communications between President Johnson and Admiral Sharp and others during the period when the critical decisions were being made. I understand that you have reviewed this study yourself; is that correct?

Secretary McNAMARA. Which study are we talking about, Mr. Chairman?

The CHAIRMAN. I did not know there was but one, on the operational command and control procedures, the one to which we have already referred.

Secretary McNAMARA. I have not read the entire study. It is a very thick document, I first learned of it a few days ago when you asked for it. I asked my staff to get it for me at the time. They did. I glanced through it. It raises lots of questions, one, because its classification is not high enough to indicate that it covers all of the intelligence information which contributed significantly to our conclusion that an attack took place and, two, I know that the author of it did not discuss with me, and I am told he did not discuss with General Wheeler, events which took place during the day, and there are certain events which took place during the day that only General Wheeler, or I, or the President, or one or two others whom the author did not contact, had knowledge of.

I am not aware, for example, of any communication between President Johnson and Admiral Sharp.

General Wheeler, do you know of any?

General WHEELER. I know of none, sir.

The CHAIRMAN. Who was the author?

Secretary McNAMARA. What was the author's name?

General WHEELER. Ponturo. He was an employee of the Institute for Defense Analysis.

The CHAIRMAN. How do you spell his name?

General WHEELER. I do not know. I would say P-o-n-t-u-r-o.

The CHAIRMAN. Ponturo. Is he still there?

General WHEELER. Yes; he is, sir.

Senator GORE. Mr. Chairman, do I understand he made an unauthorized study or was it authorized?

STUDY NOT BROUGHT TO THE ATTENTION OF PENTAGON CHIEFS

Secretary McNAMARA. He made a study for one of the sections of the Joint Staff on certain procedures and operations that that section was interested in. The study was not brought to the attention of the Chiefs and it was not brought to my attention, and I am not familiar with how he made it or what access he had to information that bore on the attack.

Senator GORE. Are copies widely distributed in the Department?

Secretary McNAMARA. Not to my knowledge.

Senator GORE. How many are there?

Secretary McNAMARA. I do not know.

The CHAIRMAN. General Wheeler, do you know about that?

General WHEELER. In the first place, this was not a study. It was a critical incident report. I understand that there were some 40

copies made. It was never coordinated within the Joint Staff. It has been the practice within the Joint Staff to have a series of examinations of staff procedures, and this was one of the inputs to the methodology of improving our staff procedures, Mr. Chairman.

The CHAIRMAN. Is this the only attempt to bring together these various elements in one place? Is there any other study?

General WHEELER. I know of no other, Mr. Chairman.

The CHAIRMAN. This is it. If there is one, this is it.

General WHEELER. This it is, and, as I say, until a request was made the other day, just like Mr. McNamara, I had never heard of this study or critical incident report or whatever you want to call it. And it had never been reviewed by the Joint Chiefs. It had never been subjected to cross check within the Joint Staff, and, as the Secretary indicates, scanning it, which is all I have had time to do, I find errors of fact and I believe omissions that would be pertinent to any definitive study of the operation.

The CHAIRMAN. Would either of you be willing to inform the committee as to what you do or you have observed in this report or do you wish not to?

Secretary McNAMARA. I would rather not, Mr. Chairman, because I have not had time to read this. I have been testifying before committees of Congress in the last 2 weeks and this is a document of great length, and I have not read it.

General WHEELER. I have read maybe a half dozen pages, Mr. Chairman, and that is all. And any comment I make would be incomplete and maybe misleading.

The CHAIRMAN. All right.

Does either the study of your own knowledge indicate there were considerable delays in receiving information from the ships and that as time went on there was increasing evidence throwing doubt on whether there had been an attack at all?

Secretary McNAMARA. Absolutely not.

Mr. Chairman, I would like at some point, subject to your permission, to review in detail the communications intelligence information which was very important in its effect upon our interpretation at the time of other evidence we received and very important in its influence on our decision at the time that an attack had taken place.

Senator MORSE. I think that is very important.

The CHAIRMAN. Pardon me?

Senator MORSE. I think it is very important whenever you want to have the Secretary do that that it be done.

The CHAIRMAN. I do, too.

SPECULATION ON NUMBER OF TORPEDOES FIRED

In the reports of the attacks from the ships on August 4, the figure of 22 torpedoes is given as the number of torpedoes fired at the *Maddox* and *Turner Joy*. How many North Vietnamese patrol boats would have had to have been 65 miles at sea at the time of the incident in order to fire 22 torpedoes?

Secretary McNAMARA. I do not know, Mr. Chairman. I am not entirely sure how many torpedoes each of the boats carried, but we had reason to believe at the time that there were not a large number of torpedo boats participating in the attack.

The CHAIRMAN. Then the report that there were 22 is still in error.

Secretary McNAMARA. I think it probably was. The report that came in from Admiral Sharp, after he began his investigation of the details, stated that the *Turner Joy* reported two torpedoes passed near here.

The CHAIRMAN. I think we have been told by someone that a PT boat carries two torpedoes. Does your staff know about that?

General WHEELER. That is correct.

The CHAIRMAN. Is that not correct?

General WHEELER. That is generally.

The CHAIRMAN. Does a Swatow boat carry torpedoes?

Secretary McNAMARA. A Swatow does not carry torpedoes.

Senator MORSE. Could I ask a question there, because you raised it, and I was going to ask the Secretary later.

On page 17 of your statement this morning you said:

"In addition to the above, intelligence reports received from a highly classified and unimpeachable source reported that North Vietnam was making preparations to attack our destroyers with two Swatow boats and with one PT boat if the PT could be made ready in time."

Before I jump to a conclusion, I thought that if the Swatow boats attacked, they would attack with torpedoes but apparently they make some other kind of attacks.

Secretary McNAMARA. They have guns, but they do not have torpedoes, Senator MORSE.

Senator MORSE. Do they have heavy-caliber guns?

Secretary McNAMARA. No; relatively light, 37-millimeter guns, and it was this information that we had available to us that caused us to question some of the reports of numerous torpedo attacks.

The CHAIRMAN. It is unusual for a Swatow with a 37 millimeter to attack a destroyer with 5-inch guns anywhere under any circumstances, is it not?

ORDER FOR SWATOWS TO ATTACK

Secretary McNAMARA. Well, Mr. Chairman, I am prepared today to show you the order to Swatows to do that.

Senator MORSE. How fast can they go? Can they catch a destroyer?

Secretary McNAMARA. Yes.

General WHEELER. They can do 43 knots.

Senator MORSE. They can?

Senator PELL. Excuse me; if I may interrupt for one second. You mean there is available, there can be shown to us, an operational order directing a small light ship armed only with machineguns to attack a destroyer?

Secretary McNAMARA. Yes.

The CHAIRMAN. Do you wish to do it at this point?

Secretary McNAMARA. Yes, I will have to ask the room be cleared of all personnel for special—

The CHAIRMAN. Why do we not finish these and then we will come to that. I did not know that was necessary.

Secretary McNAMARA. Very good.

The CHAIRMAN. Did the North Vietnamese use shipboard radar during the attack?

Secretary McNAMARA. I believe the answer is "Yes," but I cannot say for sure.

General WHEELER. Yes; there is one message which talks about being painted by what they thought was a skinhead radar, and the skinhead is a name for a type of radar, a surface-search radar, which is carried on a Swatow-class vessel.

The CHAIRMAN. Skinhead is a strange name. What does that mean for a layman?

General WHEELER. All it is, it is a surface-search radar.

The CHAIRMAN. Surface search.

General WHEELER. Yes.

The CHAIRMAN. And you are saying that the Swatow did have skinhead radar?

General WHEELER. They do have them, and, as I say, there is one message in the events leading up to the attack. The commander reported that he thought he had been contacted by a skinhead-type radar.

The CHAIRMAN. What was that message from? Who was it from?

General WHEELER. I will have to locate it, Mr. Chairman.

The CHAIRMAN. Do we have that message?

Mr. BADER. Senator, that is the summary of the attack from the ship itself.

The CHAIRMAN. This is from the *Maddox*.

Mr. BADER. It is from the *Turner Joy*. But this is a summation.

General WHEELER. (reading):

"The commander of Task Force 72.1 reported at (deleted) hours position of vicinity of Point Delta, suspect Red Shadow 15 miles to west. Skinhead radar detected on same bearing."

The CHAIRMAN. What is the time of that message?

General WHEELER. It would be roughly, 2:30 in the morning, eastern daylight time.

Captain SWITZER. The daytime group is (deleted) Zulu.

The CHAIRMAN. The time, the local time?

General WHEELER. The local time would have been around 1430.

The CHAIRMAN. Is that 2:30?

General WHEELER. Around 2:30 in the afternoon.

The CHAIRMAN. A.M.

General WHEELER. No, p.m. I gave it to you first in eastern daylight time.

The CHAIRMAN. You mean long before the attack?

General WHEELER. Yes.

The CHAIRMAN. This was very early in the game, before—

Captain SWITZER. It is the afternoon. The attack took place that evening.

The CHAIRMAN. This was about 6 hours before the attack took place?

General WHEELER. Roughly.

The CHAIRMAN. Is that correct?

General WHEELER. That is correct.

The CHAIRMAN. It was the afternoon of the 4th at approximately 2:30. I thought it was afterward. Read that again. I am getting the picture now.

General WHEELER. It said:

The commander of the task force reporting his position as being in the vicinity of Point Delta. Suspect shadow 15 miles to west, skinhead radar detected on same bearing.

The CHAIRMAN. Is that the only evidence of a radar being used?

General WHEELER. I cannot answer the question.

LOCATION OF TORPEDO BOAT

Senator GORE. Mr. Chairman, Point Delta is close to the Vietnamese coast, and I do not know what would be unusual about a torpedo boat or some other Vietnamese craft being at that point.

The CHAIRMAN. How close is it to the island?

Senator GORE. It is not—if you look on your map, it is not near the island. It is up here.

The CHAIRMAN. At the top.

Senator GORE. Just judging from this distance, I would say it is maybe 12 miles or 15 miles, something like that, from the coast.

The CHAIRMAN. I see. What I was trying to understand in my question here and I will ask if the North Vietnamese used shipboard radar during the attack. Yours is long before the attack, 6 hours before the attack.

General WHEELER. Then I responded incorrectly, Mr. Chairman. I do not recall any message reporting anything during the attack. I wanted to make the point here. Since you asked about radar, I was making the point that shipboard radar associated with Swatow type vessels were in the vicinity—

The CHAIRMAN. I see.

General WHEELER. Of the task group.

Senator GORE. Mr. Chairman, would there be anything particularly significant about a Vietnamese Swatow boat being within the coastal—

General WHEELER. The only point I am trying to make, Senator, is this: He reported he suspected a shadow 15 miles to his west, a vessel that was shadowing him and using radar to keep him under detection.

Senator GORE. If he was near the Point Delta which I am advised here was 11 miles east of the Vietnam east coast, and if he observed a Swatow some miles west of them,

that would mean that he observed maybe, if that is what it was, a Vietnamese Swatow somewhere along the Vietnamese coastline.

General WHEELER. This would be possible, yes, sir.

Senator GORE. What would that indicate?

General WHEELER. The point I am trying to make, Senator, is that he felt he was being shadowed by this vessel. The vessel was following him and tracking him, keeping him under observation.

Senator GORE. Would that be unusual if a U.S. vessel were 11 miles off the Vietnamese coast, would it be unusual for a Vietnamese Swatow or gunboat to be watching somewhere between him and the coast?

General WHEELER. Well, I would say that in the past De Soto patrols there had been intermittent contacts but not the steady contact that the task force commander was reporting.

Senator GORE. I do not wish to be niggling about it, but it just does not seem to me it shows anything.

The CHAIRMAN. Let me see if we can get to this. If during the attack the *Maddox* and *Turner Joy* detected this radar, they would report that, would they not, during the attack?

General WHEELER. I am not sure, Mr. Chairman. I cannot answer the question.

MEANS OF LOCATING AMERICAN VESSELS

The CHAIRMAN. Let me ask you, if there was no radar, how would these patrol craft manage on a dark night, which the Secretary has already described, to find the *Maddox* and *Turner Joy* 65 miles at sea, how would they possibly locate them without radar?

General WHEELER. They could be using some variety of radar, which is one way of doing it. I have some naval officers here. Maybe they could advise me better as to other ways they might do it.

The CHAIRMAN. Would radar be the normal way for this kind of a boat to locate another?

General WHEELER. I have been given three answers. They could track on the wakes of the destroyers, they could have been vectored by radars on the shore, or they could have been vectored from Swatows over the horizon.

The CHAIRMAN. Well, in the *Turner Joy's* communication of the 5th, it is hard to identify this, the date time is [deleted] says this: "Estimate the PT's attack originally. However must admit two factors defer. No ECM"—which I take it is electronic activity—activity from PT boats. However, tactics seem to be to bore-sight on wake thus accounting for lack of radar signals. No sonar indications of torpedo noises even that which passed down side. Self noise was very high."

In other words, he is saying there was no radar signal during the attack. He says no sonar indication or torpedo noises, even that which passed downside. Self-noise was very high. We gather from other messages that when these destroyers rev up to 30 knots or more, that it interferes with the operation of the sonar; is that correct?

General WHEELER. That is my understanding.

The CHAIRMAN. That is my understanding from this. So it would indicate there was no radar during the attack.

Mr. Secretary, I will try to get on with this. Are you satisfied that the command and control techniques then used were adequate and that the President had such reliable information available to him that he could reasonably have ordered the air strikes against a nation with which we were not at war?

Secretary McNAMARA. Yes, sir, I am.

SCOPE AND RETALIATION

The CHAIRMAN. Why did the United States consider it necessary to retaliate against

North Vietnam in a manner so completely disproportionate to the nature of the offense?

Secretary McNAMARA. Mr. Chairman, I do not believe it was disproportionate to the offense. We had had two attacks on U.S. naval vessels operating on the high seas in an entirely legal fashion. One of the attacks occurred after a warning from the President that we would continue to operate in those waters in a legal fashion and that a further attack would have grave consequences. The attack itself was very limited in character; it was directed against the bases of the attacking boats and their petroleum support facility. It was not followed by any further actions.

The CHAIRMAN. How many missions were flown against the installations on the shore? Secretary McNAMARA. I cannot give you the answer from memory, but I will be happy to insert it here.

(The following information was supplied:)
"64 attack sorties were flown against the installations."

The CHAIRMAN. Well, there were 64, were there not?

Secretary McNAMARA. I do not recall the number.

The CHAIRMAN. Why do you call 64 missions such a limited attack occurring within hours after that? I think that is a very vigorous attack.

Secretary McNAMARA. It is a limited response because we attacked such low-value targets as the bases of the PT boats instead of the much more important military targets that lay within the range of those 64 flight paths.

The CHAIRMAN. Why did we not take the issue to the United Nations before retaliation?

Secretary McNAMARA. We had no reason to believe the United Nations could have acted in any effective manner.

The CHAIRMAN. Why did we not protest to the International Control Commission as the North Vietnamese did on July 31, 2 days before the first incident, when Hanoi formally protested the attacks on its islands?

Secretary McNAMARA. Because the International Control Commission has a record of failure in investigating incidents of this kind and has consistently refused to extend its operation to the point where it can investigate them effectively.

Senator LAUSCHE. May I ask a question?

The CHAIRMAN. Yes.

Senator LAUSCHE. Do you know of any incident in which the International Control Commission, I think made up of Canada, Poland, and India, has taken action when requested so as to bring about a settlement of disputes.

Secretary McNAMARA. I know of none. I know of some cases, some of them quite recent, where it has even refused to accept outside help offered to it when the ruler of the nation in which it is located has asked that it increase the effectiveness of its investigation.

ROLE OF THE UNITED NATIONS

Senator LAUSCHE. Have we gone to the United Nations asking it to intervene in South Vietnam and has the United Nations in any event intervened?

Secretary McNAMARA. The United Nations has not taken effective action with respect to South Vietnam although we have on many occasions indicated our willingness to have it act in the situation.

Senator LAUSCHE. Why has it not taken action?

Secretary McNAMARA. Senator Lausche, I can only conclude—

Senator LAUSCHE. Well, Russia will not permit it to do it.

Secretary McNAMARA. Yes.

Senator LAUSCHE. So the questions why we did not go to the International Control Commission and why we did not go to the United

Nations are answered by the fact that neither of those agencies have ever exercised the authority assigned to them.

The CHAIRMAN. I do not wish to argue about it.

Senator LAUSCHE. But your questioning implies—

The CHAIRMAN. I do not think it is correct. I think your statement is quite in error.

Senator MORSE. We never submitted a resolution to the United Nations that meets the law—never.

The CHAIRMAN. It is not the issue in this case about Vietnam. The North Vietnamese did protest after the attack on the 31st, which was just a few days before, to the ICC.

Mr. Secretary, when was the decision made to bomb North Vietnam?

Secretary McNAMARA. The executive order was released at 1806, I believe, 1807.

The CHAIRMAN. That is the issue.

Secretary McNAMARA. On the 4th of August. The CHAIRMAN. When was—was there no consideration of this prior to that time?

Secretary McNAMARA. No decision was made prior to that time, Mr. Chairman. The consideration of it, the discussion of it, had proceeded all day long starting at the Department of Defense level at about 10 o'clock that morning.

The CHAIRMAN. And the decision to execute it was deferred until after the attack, but the orders were already made, is that right?

Secretary McNAMARA. No, sir; consideration of it was not even undertaken until we received a message indicating that the North Vietnamese had issued orders to initiate the attack. The discussion of it took place during the attack and after the attack, and the executive order was issued after we were certain in our own mind that the attack had taken place and that it was intentional.

The CHAIRMAN. So that you are certain that no decision was made to attack North Vietnam prior to the issuance of the executive order.

Secretary McNAMARA. I am positive of that.

The CHAIRMAN. General Wheeler told us during the August 6 hearings that the North Vietnamese patrol boats were found dead in the water at their base as the U.S. aircraft attacked. If the North Vietnamese had actually attacked the *Maddox* and *Turner Joy*, why would they leave offensive patrol craft tied up at the dock without any alert?

General WHEELER. I suppose they presumed since we had not retaliated against them after the first attack on *Maddox* that we would not retaliate when they had a second attack, Mr. Chairman.

Senator LAUSCHE. May I on that item comment. Why did we leave the *Pueblo* unprotected and unguarded when we were in there?

The CHAIRMAN. Well, I remember from your testimony it strikes me that they are extraordinarily stupid. If after having attacked at approximately 9, 10 o'clock in the evening, that all those boats are in their berths only a few miles, 60 miles away without any alert at all, sitting there quite vulnerable to destruction from attack—I would not do that.

General WHEELER. I would say there were two factors, Mr. Chairman. The one I mentioned a moment ago and the other would be the speed with which we retaliated. In other words, had they anticipated retaliation, they probably did not anticipate that we would be quite as prompt.

Furthermore, vessels which had taken part in the attack would undoubtedly have had to replenish after having gotten back to port.

BRIEFINGS ON NORTH VIETNAMESE TARGETS

The CHAIRMAN. Were the patrols and crews that participated in the attack against the North Vietnamese oil depots and patrol bases briefed on their targets prior to the incidents of August 4?

General WHEELER. No, sir; I do not see how they could have been.

The CHAIRMAN. Do you know anything, Mr. Secretary?

Secretary McNAMARA. No, I would say exactly the same thing, Mr. Chairman.

The CHAIRMAN. You say they were not.

Secretary McNAMARA. I do not know how they could have been. There was no plan to attack those targets, no decision to attack them. I do not know any reason why the crews would have been briefed on those targets.

General WHEELER. I was not present for a portion of the day because I had been absent in New York, and I did not get back to Washington until 4:30 of the afternoon—

The CHAIRMAN. What day is this?

General WHEELER. This was the day of the 4th, Mr. Chairman. In my absence the Secretary had met with the JC's on a couple of occasions, and when I returned I found that my colleagues were engaged in discussing the types of targets that might be struck and so on. As I recall, they had recommended a series of targets which in turn were recommended to the Secretary, and the targets, after having been modified, were the ones that were finally approved for strike. So I do not see how the pilots could possibly have been briefed prior to the time.

Secretary McNAMARA. Refresh my memory on this. Am I not correct in saying that the time of the strike was influenced in part by Admiral Sharp's statement that he would need time to brief the pilots and load the aircraft?

General WHEELER. That is correct—and load the aircraft.

Secretary McNAMARA. I think we can find that in some message. I believe I remember reading it or hearing it at the time.

General WHEELER. In fact, he said it would be tight, if I recall correctly.

The CHAIRMAN. How long does it normally take to brief—strike that.

How many planes were engaged in making the 64 strikes? There were 64 missions according to the information we have.

General WHEELER. There were about 59 aircraft, all told, Mr. Chairman, that engaged in the operation, and there was a total of 59 in the first wave, and 21 in the second wave on a recycle.

The CHAIRMAN. How many targets were there?

General WHEELER. There was a total of six all told, I believe.

Senator LAUSCHE. Mr. Chairman, many I ask a question?

The CHAIRMAN. Just as soon as he finishes.

General WHEELER. Six.

The CHAIRMAN. Six targets.

General WHEELER. Yes.

The CHAIRMAN. How long does it normally take to brief a crew of 59 on a mission?

General WHEELER. I would say that in a case like this you have to get out target materials and so on, and that you would want at least an hour in order to do it, Mr. Chairman.

The CHAIRMAN. Well, how would you account, Mr. Secretary—well, pardon me—yes, Senator?

PRESIDENTIAL APPROVAL FOR ATTACKS

Senator LAUSCHE. Did the President approve these attacks upon the Vietnamese patrol bases?

Secretary McNAMARA. Oh, yes, Senator Lausche. The President was kept informed fully during the day. I was just checking my diary last night as to the number of calls and meetings I had with him and it exceeded 11 during the day and it was late in the afternoon that he approved the attacks.

The CHAIRMAN. Did the President also order a series of additional measures such as sending aircraft into South Vietnam and fighter-bomber aircraft into Thailand?

Secretary McNAMARA. Yes.

The CHAIRMAN. And following that the President came to the Congress, the Senate

of the United States, Congress of the United States, asking for the passage of the resolution.

Secretary McNAMARA. Yes; that is correct. The CHAIRMAN. When does your diary show that the President authorized the attack, what time?

Secretary McNAMARA. I think it was about 6 o'clock in the afternoon that his final authorization was made. It had been tentatively authorized subject to the final information on the details of the incident earlier in the afternoon. We met some time shortly after 3, and then I talked to him five times after that and it was in the last conversation that it was authorized at about 6 o'clock.

The CHAIRMAN. Six o'clock on the evening of the—

Secretary McNAMARA. August 4.

The CHAIRMAN. Of the 4th, which would be 6 o'clock on the morning of the 5th in Vietnam.

Secretary McNAMARA. That is correct.

The CHAIRMAN. Yes.

Mr. Secretary, how do you account for the fact that the North Vietnamese boasted of their attack on the *Maddox* on August 2 and yet vehemently denied that there had been an incident on August 4?

Secretary McNAMARA. I cannot answer the question, Mr. Chairman. Their damage may have been greater on the 4th than it was on the 2d, I just do not know.

The CHAIRMAN. Do you have any idea, General Wheeler?

General WHEELER. I have no idea, Mr. Chairman.

EVIDENCE FROM CAPTURED NORTH VIETNAMESE OFFICER

The CHAIRMAN. A North Vietnamese commander who was a squadron commander of the North Vietnamese patrol craft told U.S. investigators after his capture that the North Vietnamese had attacked the *Maddox* on August 2 but that there had been no attack on August 4.¹ This denial was consistent with interrogation reports of several other members of a North Vietnamese naval vessel who were captured by the United States in 1966.

How can we account for this denial when this particular officer gave the United States valuable information that led to the destruction of a number of North Vietnamese installations? In other words, the report we have shows that he did give you quite a lot of information which was very useful in your attacks but he denied there was any attack at all on the 4th?

Secretary McNAMARA. First, Mr. Chairman, I believe I am correct in saying he was not a squadron commander. This is of some importance because the name of the squadron commander was given to us a year after the interrogation you speak of by another North Vietnamese naval officer whom we captured. We had evidence at the time of the attack that a man by that name participated in the attack and we have the boat number that he was operating from, and it was stated that that boat participated in the attack, so I think that the statement you made is erroneous.

Second, I do not believe he stated there was no attack on the 4th. I think he said he had no knowledge of such an attack.

Third, I do not believe that it is correct to say that his statement was consistent with information of others from other captives whom we interrogated. I am not aware that that is true. It is possible it is true, but I would have thought it would have come to my attention if it was. I am not aware of it.

And finally, most importantly, as I mentioned to you earlier today, in July of 1967 we captured an individual of some rank in

the North Vietnamese Navy who gave us the name of the squadron commander in charge of the PT boats participating in the August 2 attack, and it is that name that we had reported to us as having participated in the August 4 attack at the time of the attack, and it is his boat by number that we had reported to us as having participated in the August 4 attack at the time of the attack.

The CHAIRMAN. Will you give us the second report—

Secretary McNAMARA. Yes.

The CHAIRMAN (continuing). That you got in 1967?

Secretary McNAMARA. I would be very happy to.

The CHAIRMAN. For the record, I want to complete it, and read what the Navy's own report has to say with regard to this interrogation.

"Extensive interrogation of all potentially—"

this is from the report of the Navy—

"Extensive interrogation of all potentially knowledgeable sources reveals they have no info concerning an NVN attack on U.S. ships on 4 August 1964. They state definitely and emphatically that no PT's could have been involved. They do have knowledge of a U.S. air attack on 5 August in which at least one and possibly three* Swatow PGM's were sunk by ACFT in vicinity of the Gianh River (17-43N/106-30E). Slight damage was also inflicted by ACFT on 2 PT's this date as stated Ref. Alfa.

2. The possibility that Swatows could have committed the 4 Aug attack has also been carefully explored. Here again, however, all sources disclaim any knowledge of such an attack. Based on the experience of interrogations thus far it is very possible that PT boat crews in general might not have heard of this attack since they apparently have little contact with other ship types. On the other hand, source [deleted] obviously has traveled in higher circles and has proved himself exceptionally knowledgeable on almost every naval subject and event of interest. Yet he specifically and strongly denies that any attack took place. When pressed further on this issue he states that if such an attack did take place, it could have been committed by Swatows.

Senator LAUSCHE. Will you comment on that?

Secretary McNAMARA. Yes. I think, Mr. Chairman, we should stop here and get into this communications intelligence because it bears on this issue and I am afraid that the record will be distorted unless we introduce it at this point.

The CHAIRMAN. All right.

Secretary McNAMARA. With your permission I would like to do so and I would like to ask those who have not received clearance for special intelligence other than the Members of Congress to leave the room if they would.

The CHAIRMAN. All right.

(Discussion off the record.)

The CHAIRMAN. Mr. Secretary, I would like to ask, I know that your time is very limited—do I understand that you do not wish to come back again at any time before the committee before you leave?

Secretary McNAMARA. Mr. Chairman, if the committee feels that it is essential that I return, I will in some way or other try to return, but I look at the 10 or 11 days that lie ahead of me. I don't see how it is possible.

The CHAIRMAN. We may not.

I would like to ask a few questions.

POSSIBLE APPEARANCE OF OTHER WITNESS

Is there any objection on the part of the Department to our having Commander Herrick who was commander of the task force appear before the committee?

*Note: From earlier interrogation source stated that Swatows are neither designed nor intended for missions against large ships.

Secretary McNAMARA. None, no objection.

The CHAIRMAN. Mr. Ponturo, is that his name?

Secretary McNAMARA. In this case—

The CHAIRMAN. Ponturo. Is he still in the Department?

Secretary McNAMARA. He is not an employee of the Department so far as I know. He is an employee of an outside agency, the Institute for Defense Analysis. I don't know whether it would be appropriate Mr. Chairman, for him to appear.

The CHAIRMAN. Then you have nothing to do about it.

Secretary McNAMARA. We have something to do about it because the Institute for Defense Analysis is under contract to the Defense Department; but I just can't answer your question.

The CHAIRMAN. Put it this way: the Defense Department will not raise any objection to his appearing; is that correct?

Secretary McNAMARA. I don't know his qualifications, I don't know just how much he knows about this. I am very reluctant to see witnesses appear for the Defense Department who are not qualified to testify fully and completely on the questions raised to them. I am quite happy to have Commander Herrick appear and testify on anything that relates to his activities there because I know he was present and is a qualified witness.

I don't know Ponturo, I never heard of him. I haven't the faintest idea what his qualifications are. I know nothing about the man and, hence, I am reluctant to say we concur in his appearance.

The CHAIRMAN. It is strange he would be given access to all these papers and be given the duty to prepare a report without having him cleared.

Secretary McNAMARA. I can only tell you I lack knowledge.

The CHAIRMAN. General Wheeler, you know nothing about it?

General WHEELER. I know nothing of him, sir. At one time in the operations of the J-3, this is the operation division of the Joint Staff, certain employees of IDA were in there assisting and looking at the Joint Staff operations with an idea of helping us to improve them, and this gentleman was one of several at some time or another who assisted.

The CHAIRMAN. They would be of the highest clearance. They wouldn't allow him to assist without being cleared.

General WHEELER. It would depend on what type of operation they are working on, Mr. Chairman. If he were operating in the communications intelligence field he would have to have the necessary clearances. I mean we grade them according to whatever they have to do.

STATUS OF COMMAND AND CONTROL REPORT

The CHAIRMAN. I understand the grading. You have seen this report, Mr. Stempler wrote the committee, with regard to this document, "It is an internal paper of the Joint Chiefs of Staff, is currently under review by the Chairman," that was January 23. I just want to try to get where we stand with regard to this matter. You have had all the time—or do you want more time or will you make it available? I want to know what to instruct the staff.

Secretary McNAMARA. I think I covered that this morning.

The CHAIRMAN. You will make it available? Secretary McNAMARA. I simply stand on what I said.

The CHAIRMAN. I have forgotten what you said. Will you refresh my memory?

Secretary McNAMARA. What I said was that I was not familiar with the report, I am not familiar with the man, and I don't know the degree to which he had access to all of the information that is required to obtain a proper understanding of the incident. I know he didn't have access to some of it; he didn't talk to General Wheeler about his participa-

¹Identified in a Navy publication as a "division commander" of a "torpedo boat division."

tion, and he didn't talk to me about my participation. There is information that he could not have obtained regarding the incident unless he talked to General Wheeler or me, or to the President or one or two others who had been in on the discussions, and under these circumstances I am not willing to release a report until I know more about it.

General WHEELER. Furthermore, I don't know, but I am informed that Mr. Ponturo's report has no communications intelligence in it. I don't know whether he is cleared or not, and that is one of the weaknesses of the report.

Secretary McNAMARA. At least it doesn't have a communications—

The CHAIRMAN. Could you clear this up for us? Could you inform the committee, give us a memorandum on what the situation is? Could that be done?

Secretary McNAMARA. We will be happy to. The CHAIRMAN. In the near future?

Secretary McNAMARA. Yes.

Senator GORE. And the location now of the 40 reports, the 40 copies?

Secretary McNAMARA. Surely; I don't know where they are.

The CHAIRMAN. I don't care where they all are, but I would just like to get one of them.

Senator GORE. Let's know where they are. You will find some in the Rand Corp.

The CHAIRMAN. I have been told there was a very responsible scientist who was well informed about and working in Defense Intelligence by the name of Fubini. Do you know such a man?

Secretary McNAMARA. I do indeed, although I don't think he was working in Defense Intelligence.

The CHAIRMAN. Well, do you trust him? Is he a trustworthy man?

Secretary McNAMARA. He is a very able individual in his field, which is electrical engineering and associated subjects.

The CHAIRMAN. Assuming he did have knowledge of this matter, do you have any objection to our calling him?

Secretary McNAMARA. No, I have no objection to his being called. He is a private individual now not working for the Defense Department.

Let me simply say this, I am certain he didn't have full and complete knowledge of this incident.

The CHAIRMAN. Well, he may have had some knowledge.

Secretary McNAMARA. He was at that time, he would have been Deputy Director of Research and Engineering. He was not a part of the intelligence organization.

The CHAIRMAN. Yes, but as a man, you regard him as a trustworthy American?

Secretary McNAMARA. I do indeed, but I don't regard all trustworthy Americans as competent witnesses on the Gulf of Tonkin incident.

COMMITTEE CONTACT WITH OTHER INTERESTED PERSONS

The CHAIRMAN. As a result of the committee's review and the general interest in this subject, there have been certain individuals, civilian and military, who have sought out the committee or the staff. There also have been newspaper reports based on press interviews based on officers and men on the *Turner Joy*. I refer to an AP report in July 1967, for example, which was well before this committee had any idea of review. Have any military or civilian employees been disciplined in any way for talking to the press communicating with this committee or otherwise breaching security?

Secretary McNAMARA. None to my knowledge. As a matter of fact, we have leaned over backwards to avoid talking to certain of the individuals to whom the committee has talked, to avoid any indication that we might in any way have disciplined them or pressured them in relation to what they would say to us or to the committee.

The CHAIRMAN. Are you aware of a commander who voluntarily called up and came to a member of the staff of this committee, talked, at his request, with the chairman and a member of the staff, and the next day was picked up and sent to a psychiatric ward?

Secretary McNAMARA. No, sir; I am not aware of that incident.

The CHAIRMAN. Would you believe it if I told you it is a truth?

Secretary McNAMARA. Well, I would not believe that we would penalize a man in any way for talking to this committee, assuming he told the truth. I think it would be a monstrous act if we sent a man to a psychiatric ward even if he told a falsehood to the committee, and I can't believe it was done. I will be very happy to investigate it.

Senator MORSE. How do you mean, Mr. Chairman, that he was requested to take a psychological examination?

The CHAIRMAN. That is right. And he was examined by this place, I can't—it slips my mind at the moment—but this was all initiated by him, we had nothing to do with it. I mean we didn't initiate it. I never heard of him. He called a member of the staff and requested to relieve, as he said, himself of a burden. He was, the next day, taken for a psychiatric examination but after the examination he was found to be fit, and returned to duty. It seemed to me to be a very ominous thing if a man like this would be picked up like he was.

Lastly—

Secretary McNAMARA. Mr. Chairman, may I simply say on that if there is any feeling on the part of the committee that the examination of this man by psychiatric personnel was in retaliation for his report to the staff, I will personally have the Inspector General analyze the case and I will promise to discipline anyone who took action of that kind.

The CHAIRMAN. I am not really seeking to discipline anyone, but it seemed to me it was an unusual circumstance that the next day after he came over, and this man had been in the so-called flag plot of the Pentagon during the incidents referred to here, and he felt it was on his conscience, and he had been in the Navy a long time, and I am sure your people, some of them know about it, and I would interpret it since he was picked up the next day, as being a gesture intended to intimidate him or anybody else who did such a thing.

Secretary McNAMARA. Mr. Chairman, I will have the Inspector General investigate it and send a report to the committee. I can't believe that any individual, civilian or military in the Defense Department would behave that way with respect to any man whether he gave true or false testimony to the committee.

Furthermore, if the man you are speaking of is the man I am thinking about he was not assigned to flag plot at the time of the August 2 and August 4 incidents.

The CHAIRMAN. Well, he said he was. That is subject to proof, I guess.

JUSTIFICATION OF COMMITTEE INQUIRY

Lastly, it was, I think you said this morning—I don't have the quotation—that anyone who entertained a doubt about these events was engaged in a monstrous affair. Don't you agree that in view of the conflicting nature of the testimony, especially from the commander of the task force, that there was a reasonable justification for at least this committee inquiring into these incidents?

Secretary McNAMARA. First, Mr. Chairman, I don't think I said this morning that it was monstrous for anyone to retain a doubt about this. I think I said there is no doubt about the attack of August 2. That was one statement I made.

The CHAIRMAN. We don't allege that at all.

Secretary McNAMARA. I understand. I am saying what I said, and, secondly, I stated in the latter part of my statement that the insinuation or the suggestion that the Government of the United States induced the incident on August 4 with the intent of providing an excuse to take retaliatory action, I could only characterize as monstrous. That is quite a different thing from saying it is monstrous that anybody should doubt what happened.

The CHAIRMAN. Well, I don't think anyone, I don't believe anyone, certainly myself, entertained the idea this was a plot or a conspiracy.

The point really is, and I think there is evidence sufficiently to justify an inquiry as to whether or not the decisionmaking process, with all these conflicting reports coming in, is sufficiently accurate and reliable to justify taking such a decision to declare war on another country, which was the immediate outgrowth of this particular series of events.

Secretary McNAMARA. I didn't comment on that.

COMMITTEE ACTED WITH INCOMPLETE EVIDENCE

The CHAIRMAN. I think this committee, and certainly as chairman of the committee I think it was very unfair to ask us to vote upon a resolution when the state of the evidence was as uncertain as I think it now is, even if your intercepts are correct. Of course, none of those intercepts were mentioned to us, I don't believe, in the testimony on August 6. Your statement and General Wheeler's was without any doubt, any equivocation that there was an all-out attack.

I submit that even if you give the most favorable interpretations to these reports that it was far less than positive and unequivocal as your statement before the committee indicates.

This has been very serious to me and all members of this committee and the Senate.

We have taken what is called the functional equivalent of a declaration of war upon evidence of this kind, and action as precipitate as this was. Even the commander, that is one of the crucial cablegrams from the commander of the task force, recommended that nothing be done until the evidence was further evaluated. I read it this morning, I won't read it again.

But that alone almost, if I had known of that one telegram, if that had been put before me on the 6th of August, I certainly don't believe I would have rushed into action.

We met, if you will recall for 1 hour and 40 minutes, in a joint meeting of the Armed Services and this committee and we accepted your statement completely without doubt. I went on the floor to urge passage of the resolution. You quoted me, as saying these things on the floor. Of course all my statements were based upon your testimony. I had no independent evidence, and now I think I did a great disservice to the Senate. I feel very guilty for not having enough sense at that time to have raised these questions and asked for evidence. I regret it.

I have publicly apologized to my constituents and the country for the unwise action I took, without at least inquiring into the basis. It never occurred to me that there was the slightest doubt, certainly on the part of Commander Herrick who was in charge of the task force that this attack took place. He obviously had doubts, his own cablegram so states. That is the reason for it. I feel a very deep responsibility, and I regret it more than anything I have ever done in my life, that I was the vehicle which took that resolution to the floor and defended it in complete reliance upon information which, to say the very least, is somewhat dubious at this time.

Well, I just wanted to make that for the record.

Now, I think other members should have an opportunity.

Secretary McNAMARA. May I simply at this point make one very brief comment?

I don't believe Commander Herrick in his cable stated he had doubt the attack took place. He questioned certain of the details of the attack and, secondly, his questions—

The CHAIRMAN. Mr. Secretary—

Secretary McNAMARA. Pardon me, Mr. Chairman, secondly, his doubts was resolved that afternoon before the retaliatory action was taken.

The CHAIRMAN. I think he went much further than that. He advised you not to do anything until it had been reevaluated. I don't want to burden the record but it is a very strong statement.

Secretary McNAMARA. Nothing was done until it was reevaluated.

The CHAIRMAN. He says "Suggest complete evaluation before any further action."

Now, that is a very strong recommendation from a man on the scene in charge of the operation.

Senator GORE. Read it.

CHAIRMAN WOULD HAVE ACTED DIFFERENTLY IN 1964 WITH MORE EVIDENCE

The CHAIRMAN. If I had had enough sense to require complete evaluation I never would have made the mistake I did. If I had had notice of that particular cable in 1964 I think I would have had enough sense at least to raise a warning sign, and normally this committee does have hearings and questions. I don't know why, what possessed me, the background was such that I went along, of course I wasn't the only one. Both committees, except for the Senator from Oregon, unanimously accepted your testimony then as the whole story, and I must say this raises very serious questions about how you make decisions to go to war.

I mean, this is not a small matter that we are in, in Vietnam, and I think for the future, the least I can do and the committee can do, is to alert future committees and future Senates that these matters are not to be dealt with in this casual manner.

I felt very badly about it, about the matter. I must say that I don't blame you personally for this. These communications were very conflicting, and I don't think—I never meant to leave the impression that I thought you were deliberately trying to deceive us, but I must confess I think the evidence is very conflicting and warrants what Mr. Herrick suggested—time to evaluate what the evidence was—which we didn't do.

Well, I delivered myself.

Senator Mansfield, do you have a question? Secretary McNAMARA. Two points, Mr. Chairman, if I may, only 10 seconds.

One, the commander evaluated it that afternoon, concluded an attack took place and came to a conclusion before the retaliatory action was executed.

Two, I know of no evidence since that time that would support the conclusion this attack did not take place. That is all I have to say.

The CHAIRMAN. Well, there is evidence, you, yourself, I mean, the evidence of one captured man, there are a number of things depending upon credibility of the people.

It isn't all that clear cut.

Senator GORE. Mr. Chairman, there is at least evidence that a doubt existed even after the order went out, because the order to loose the retaliation we are informed went on at 6:30 and at 7:06 Admiral Moorer of CincPac cabled the *Maddox* and *Turner Joy* to report immediate confirmation of the earlier attack on them.

The CHAIRMAN. He still had evident doubt after the order had been given there or he wouldn't make the inquiry.

Secretary McNAMARA. This was simply a response to the earlier inquiry of Sharp who got the information by other channels before that time.

Senator Mansfield. Mr. Chairman, my remarks will be brief.

SECRETARY McNAMARA TESTIFIED IN GOOD FAITH

I felt at the time that Secretary McNAMARA when he was before us that he was being as candid and as honest as he could be in the light of all the facts which were at his disposal.

I still feel the same way, and I am happy that this additional highly confidential information was made available, and because to me it seems to establish a fairly close correlation between the intelligence and the reports sent back from this particular task force at that time.

Of course there are questions in all of our minds, I am sure there are still questions in the Secretary's mind.

But three and a half years ago is a long time, and you were under pressure, we were under pressure. Maybe we did some things that we wouldn't do if we would be more careful and that is the reason for that resolution of yours.

The CHAIRMAN. Don't call it mine. I didn't originate it. It was the administration's resolution.

Senator Mansfield. No, no, I am speaking of the resolution which is pending on the calendar as to which we will take up later this year.

The CHAIRMAN. I see. I thought you were talking about this commitment resolution. I apologize. [Laughter.]

Senator Mansfield. I wonder myself what I would say if 3½ years later I was called upon to testify. I am quite sure that I wouldn't do a very good job because I have a hard job remembering what goes on the week before, let alone what happened so long ago.

That is all I have got to say.

The CHAIRMAN. Senator Aiken, do you have any questions?

Senator Aiken. I hate to see Russia reaping so many benefits, that is all. We ought to do something about that.

The CHAIRMAN. That is, from the war you mean?

Senator Aiken. Yes.

The CHAIRMAN. Well, I do, too.

Senator Aiken. That is the only thing that came to mind. I have nothing to say. But, as I have said frequently, the last 3 years have gone by. The next 3 years, the next 3 months should be very interesting.

The CHAIRMAN. Is that all?

Senator Aiken. That is all.

The CHAIRMAN. Senator Morse?

Senator Morse. Mr. Chairman, I would have very, very many questions, if we were going to trial. We are not on trial. Time would not permit the asking of the questions if we were in trial, and I only want to say to the Secretary that I think he knows no matter how much I disagree I have an exceedingly high regard and respect for him.

I am sorry I shall so completely disagree.

NEW EVIDENCE DOES NOT ALTER SKEPTICISM

He has not said anything here today, a single thing today, that changes anything I said on the floor of the Senate in August 1964 and what I said in committee at the time in our very short hearing. I don't think we have been talking all day about what we ought to be talking about, the Tonkin Bay Resolution.

I think we ought to be talking about what preceded the incidents and what brought about the incident and our involvement in Tonkin Bay at the time. We have a right to have freedom of the sea. But a right with regard to it doesn't justify following the course of action or give the right to create it. As to comments that I made in August 1964, I didn't make them in a vacuum.

I was communicated with by sources at the Pentagon Building in whom I have high confidence, that raised a lot of doubts in my mind. I remember, I said, I don't have to have it in front of me but I paraphrase it, "You ought to get the logs because this Senator suggests you had better ask for the logs. You had better ask for some facts as to where those ships were and how they got there and what the knowledge of the Navy was in advance of the incident."

What I have heard here today verifies all the information I received before I ever said anything in August 1964.

You see, what I think we never come to grips with is what we were doing long before the 2d and the 4th, long before the incidents of Tonkin Bay. The fact we had this kind of a presence there, that we were stimulating the electronic devices of the North Vietnamese, that we were carrying on intelligence operations was wrong. The *Maddox* was, on this occasion, a spyship and quite a different body of international law applies to spy activities than applies to other activities. So I only want to say for the record that I don't think we should have been there and especially under those circumstances when the Navy and the administration knew that South Vietnamese naval vessels that we had furnished and the personnel whom we had trained were on their way in that period of time to bombard North Vietnam and its two islands. The *Maddox* and the *Turner Joy* were in the area, despite all our talk about the distances. The fact is that the North Vietnamese had no reason to believe that we were trying to keep separate the South Vietnamese boat operations and our patrol. They had no reason to know or believe that. We don't know what conclusions they reached. I think it would be a very reasonable conclusion if they thought there was a connection.

CONNECTION BETWEEN AMERICAN AND SOUTH VIETNAMESE OPERATIONS

I happen to think there was a very clear connection.

The very fact that you were electronically invading, so to speak, North Vietnam, while at the same time, in that series of time, the South Vietnamese boats were going to make their attack, put us, I think, in the position where the North Vietnamese and the rest of world, for that matter, would see some interrelation.

But I still go back beyond that.

What worries me is that we were at that time escalating, we were involving ourselves more and more in the difficulty in South Vietnam. We know from the record what the thinking was in the administration, having in their pocket a resolution ready to spring on us.

We have some evidence that the resolution, or a draft of a resolution was prepared before the Tonkin Bay incident ever occurred. It was to give to the President the authority that the Congress gave. I am willing to let history be the judge, eventually it will be recorded that it was a completely unconstitutional move.

You can't possibly give the President that power under the Constitution. That always has been the position that I have taken from the beginning of many aspects of this matter. With this preparation for bombarding North Vietnam. I want to say most respectfully, I think that wisdom dictated that we should have had the *Maddox* and the *Turner Joy* far removed from any area, high seas or not, that would possibly justify anybody making this connection. To be on the high seas and commit an illegal act on the high seas constitutes a form of aggression, constructive or actual, that was really our position, in part, in October 1962 during our conflict with Russia over her clear act of constructive aggression against us vis-a-vis Cuba.

So one of my bones of contention is that I don't think our hands are clear if we fall back on technical defenses of our rights on the high seas and making perfectly clear to North Vietnam we were going to enforce those rights.

The basic question is why were we following this course of action at that time in the Gulf of Tonkin when the South Vietnamese boats were going up there to make an attack? I think all the explanation of the Secretary, all the explanation of the administration just ducks that problem.

One of the reasons why we find ourselves so much isolated is because the world does not like this involvement we got ourselves into on a unilateral basis.

I only want to say we have had this information given to us. I, as a lawyer, don't question for a moment that it is subject to a considerable amount of attack and qualifications, just as I think Secretary McNamara's use of captured North Vietnamese prisoners isn't a very reliable source upon which to form a judgment. In fact, even in domestic law, as a lawyer I never thought too much about the stool pigeon testimony because too frequently it is not worth the lips that emit it.

ALL EVIDENCE SHOULD BE MADE AVAILABLE

But here we do have, and it bears on something you said, Senator Fulbright, we do have a communication. It is anonymous, it is true; but on the other hand, its content gives a pretty good idea of the reliability of the source. Although some of the ideas I don't agree with, I think the Secretary is entitled to hear it. I don't think we are fair with the Secretary if we have this kind of material in our records and don't discuss it with him. Just as I said this morning, as far as I am concerned, I think he should have every memorandum we have. I don't see why we should keep it from him.

As far as I am concerned, I would give him everything we have, and whatever help he can give to us in regard to it, I would welcome.

But we have this communication, received December 26, 1967. The letter is to this committee through its chairman. It reads in part:

"Getting the logs of the *Maddox* and the *Turner Joy* may be of some use to you in trying to get to the bottom of the Tonkin Gulf incident, but it really won't help much.

"What you most need is the record of events of communications passing through the national military command and control center. Most of them have probably now been destroyed.

"Whatever study was made on the basis of most of these records, fresh after the event, by the Weapons System Evaluation Group entitled 'Command and Control of the Tonkin Gulf Incident, 4-5 August 1964,' this document is Top Secret and it is very tightly held because it is based in part on the tape recordings of conversations over the phone of the President, the Secretary of Defense, Admiral Sharp and others during the period when the critical decisions were being made. Very probably an effort will be made to have all copies of the study destroyed when and if there is any intimation that you know of the existence of the study. The study will not disclose that the incident was a put-up job. It will disclose several embarrassing things, however.

"One is that the first attack, that on the *Maddox*, was very probably made because the NVN confused the *Maddox* with [deleted] operations which were covering SVN hit-and-run attacks against NVN coastal areas. This was probably due simply to lack of coordination.

"Another point will be that the attack on the *Turner Joy* the following day was indeed probably imaginary.

"After the first report of the attack there

was a report there probably had not been an attack at all. But the President was to go on the air to address the Nation about the retaliatory attacks that had already been planned, and after another flurry of confusion Admiral Sharp said there had been a real attack after all.

"At this point the Secretary of Defense decided to advise the President that the attack on the *Turner Joy* was real and to order the retaliatory attacks and go ahead with the speech because it was getting very late for the address to the Nation and, moreover, the retaliatory attack planes had been kept in a state of take-off readiness for the maximum time.

"It was clearly a case of making a definite decision when operational circumstances dictated haste but the facts suggested caution.

"One may wonder how much the Secretary of Defense, who is a man of honor and conscience, has worried about this since. Because later events all indicate that the second attack was at best a trick of false radar images.

"I am sure if I signed this I would lose my job, but if you proceed wisely, you should be able for the good of the country to learn the truth of all I have suggested here and much more.

"The Tonkin Gulf incident, upon the basis of which the resolution was so quickly obtained, was not a put-up job. But it was not the inexcusable and flagrant attack upon U.S. ships that it seemed to be, and that would have justified the resolution and retaliation had there been so. It was a confused bungle which was used by the President to justify a general course of action and policy that he had been advised by the military to follow. He, like the Secretary of Defense, was a prisoner. He got from them all the critical and decisive information and misinformation and he simply put his trust in the wrong people.

"One of the things your committee should really look into is the constant use of security regulations to conceal the blunders and the connivings in the field of national security.

"But I doubt that all the power of the United States Senate could ever penetrate far enough into the supersecret world to learn much about what goes on. Right now the JCS is refusing materials in their field wanted by people working on Vietnam for the Secretary of Defense, most obviously because they are fearful it would serve the Secretary of Defense's purposes, not theirs."

I want the Secretary to know that one must weigh that with great caution and circumspection and some doubt. It is only one of several memorandums or letters that we have in these files. We have a lot of signed material, but on this committee you have to weigh this and doublecheck it to see if there is any other evidence that bears out any of these contentions. We have plenty that bears out some of his contentions.

But I close, Mr. Chairman, by saying that the thing that is wrong with the whole case we have listened to today is that it doesn't go back far enough, back to 1954 when you have the Gavin report against involvement in Asia, where you have the Ridgeway support of the report.

Other military officers in the next few years will look askance at what we were doing, and yet the administration step by step gets us more and more involved.

NO LEGAL BASIS FOR AMERICAN INVOLVEMENT CLAIMED

So here we are now, involved over there by what the former Attorney General of the United States tries to justify as a kind of a functional declaration of war, which is of course pure nonsense legally.

This is what bothers me. I think we ought to go back to the beginning. We ought to

be devoting ourselves to trying to find out how we can honorably get out of the mess that we are in. We need some kind of a multilateral takeover to settle this war.

I wish he were still in the room because I quite agree with what the Senator from Montana himself said to the President, and his top foreign policy advisers in one conference. We have never submitted a resolution to the international bodies that have jurisdiction over this matter, if they would exercise their jurisdiction.

I don't see how we can ever expect them to exercise their jurisdiction unless we are willing to commit ourselves to abide by their jurisdiction provided they, in turn, will carry out their corollary responsibility to enforce the peace.

I am so concerned. I think history has got us recorded as engaging in what I think is the unilateral making of war. That is the great foreign policy mistake.

I am sorry I took as much time as I did, but I thought the record ought to show my respect for the Secretary. He doesn't share any of my views on this or my major premises, I am sure, that is where our great division is.

I am never going to support the kind of a military operation that we are engaged in over there, or the policy of this administration until it gets back to the Constitution and declares war. You know why we don't. You wouldn't have the world with you.

The CHAIRMAN. Senator Case?

Secretary McNAMARA. Mr. Chairman?

Senator MORSE. I think the Secretary should be allowed to say anything.

DENUNCIATION WITHOUT FOUNDATION

Secretary McNAMARA. Mr. Chairman, Senator Morse is certainly one of the most able advocates that it has ever been my fortune or misfortune to sit opposite. He has presented a case very powerfully.

I think it is built on an entirely false foundation, and I think the earlier testimony today indicates that.

There are certain legal points he has made which I am not qualified to comment on, but as a layman, I can't believe that there was a constructive act of aggression committed by the *Maddox* or the *Joy* and if there wasn't, they were acting entirely legally. As I understood what he said, he accepted the statement that an attack had taken place on the 2d and he was at least willing to recognize the possibility of an attack on the 4th.

He referred to an anonymous letter which made very grave charges, which I would assume the committee would want to expose.

I can't refute people who are faceless accusers. I know some of the statements in the letter are absolutely false. I don't make tapes of my conversations with the President. I don't know of anybody else in the Department who does.

I can't believe any study made by the Department refers to tapes of conversation with the President.

All of the investigations that I know of that have been made by the commanders involved in the attack of the 4th, after the attack, concluded that the attack did take place. So I think it extremely ill-founded for the anonymous writer to conclude that the attack was imaginary.

There are a number of other charges there that I would be happy to investigate if the committee wishes me to do so.

I think it would be very helpful if the individual could muster up enough courage to make his accusations, state his evidence openly, so we can discuss them and follow them down.

I don't have anything to hide.

DEFENSE DEPARTMENT POLICY RE INFORMATION

For 7 years I have tried not to hide the actions of the Department. We have disclosed more to our Nation and to our enemies, for

that matter, about the national security of this country and the factors that we take account of in protecting it than has ever been disclosed before. I believe in disclosure, and I believe that the truth will support itself, and I am perfectly prepared to have the anonymous accuser or anybody else come in and examine the raw material available in the Department that bears on this.

But I think, as does Senator Morse, that you do yourself a disservice and you do me a disservice by withholding information from me and expecting me to comment on information which has not been available to me.

The CHAIRMAN. This letter, I may say, was in no way included in the report and nothing in the statements based on it. It was in the addendum, as the Senator knows, and was volunteered as an anonymous message.

We had others that were not anonymous, but that is not a part of the report, and we did not question you about that today. That is the reason I didn't refer to it.

Senator MORSE. I thought I made clear in my statement I am not basing my case on this anonymous letter, but only giving you an idea of the kind of information which has been made available to the committee.

My case has nothing to do with what happened on the Tonkin Bay, on the 2d and the 4th.

It is what preceded it.

When I talk about an act of constructive aggression, my case is that I think there was clear knowledge of what the South Vietnamese boats were up to. I think the fact the *Maddox* and the *Joy* were kept in the Tonkin Bay, in close proximity to North Vietnam, justified the enemy in assuming that we were giving aid and abetting.

I think they did aid and abet by their very presence there. I think they created a problem with North Vietnam.

I think while the preparation for that bombardment was going on that the electronic stimulation of North Vietnam at that time couldn't be justified, and would justify North Vietnam striking back, and I think that is why, as I said in my speech in August 1964, we cannot escape the conclusion that we are to a degree a provocateur in this whole matter.

SECRETARY McNAMARA INFORMED OF SOURCES OF STAFF STUDY

The CHAIRMAN. I want to make it clear, too, that I did give the Secretary a complete list of all the documents which were the basis of the staff study. They are all available to him in the Department.

There is nothing else in the staff report except the staff views about the documents, which is not a matter in issue at all. It is the significance of the documents which we have read to you, and we gave you a complete list of everything we used. You had them available the same as we did. In fact, you have a lot more.

If there is any complaint, I will say that despite my understanding with Mr. Nitze, at least, the Department did not supply the committee by any means with all relevant documents which I had understood they had. Senator Case.

Senator CASE. Mr. Chairman, thank you. If I may, I would yield to the Senator from Kentucky because I have to go, and if I do not get back here before the Secretary leaves that is all right, too. But I do have to be away for the next few minutes.

I will yield to him and say, so far as the record goes, my concern is not about this incident, but about the use of this resolution subsequently in ways that were never intended by Congress. That is my basic concern.

The CHAIRMAN. Senator Cooper.

Senator COOPER. I will be brief.

I would like to say, first, that I appreciate the willingness of the Secretary to give

the committee his testimony. His testimony has been helpful and forthright. I would also like to say that I think the Secretary has been a faithful, able, and conscientious servant of our country.

Secretary McNAMARA. Thank you very much, Senator.

The CHAIRMAN. I will join him in that.

Senator MORSE. If you will permit me, I would say one of the most dedicated public servants I have experienced in my 23 years in the Senate.

Secretary McNAMARA. Thank you very much, Senator Morse.

Senator COOPER. As the Chairman has stated, his chief purpose and that of the committee in conducting this inquiry is to evaluate the effectiveness of decisionmaking decisions, which could bring about the involvement of American military forces, and the Nation's engagement in war. I think it is a proper inquiry.

It has also raised other questions, extreme charges and you have referred to one of them. In asking the question I am now propounding to you, I do not do so because I accept it. But it has been stated in some quarters that the administration did not have any information which would justify either retaliation or the submission of the resolution. It has been speculated that the incident was contrived to bring the resolution before the Congress.

As I understand it, you say, there is no truth at all in such a statement or speculation. Is that correct? That is my question.

Secretary McNAMARA. My answer is as you have indicated, Senator Cooper. There was nothing to it.

EXECUTIVE ATTITUDE REGARDING PROVOCATION

Senator COOPER. It has also been suggested that the incident was provoked in order to have a reason to come to the Congress. Was there ever any discussion or consideration of provoking an incident which would enable the administration to come to the Congress with the Tonkin Bay resolution?

Secretary McNAMARA. No, sir. The reverse was the case. Every reasonable effort was made to reduce what otherwise would have been illegal operations or reduce what were legal operations in order to avoid provocation. It was no intention to provoke an incident. We do not believe it did provoke an incident. It is inconceivable to me that a plan to provoke an incident could have been developed within the kind of government we have without this having been known to enough people for one of them to report authoritatively to the Congress that such was the case. There was, I can just state unequivocally, there was, no intent to provoke. Quite the contrary.

Senator COOPER. Now, turning toward the evaluation that was made on August 4, is it correct that you did consult on that day with the Joint Chiefs of Staff?

Secretary McNAMARA. Yes, sir. I did on numerous occasions during the day.

Senator COOPER. You have said that you consulted with other advisers. Would that include the Secretary of State?

Secretary McNAMARA. Yes. As a matter of fact, the matter was so urgent and so important that I asked the Secretary of State to join me at the Pentagon before lunch, on August 4, which he did. We met there for a considerable time with representatives of the Chiefs. I say representatives because the Chairman was not then present, being out of the city, and subsequently the Secretary of State and I met with the President at the White House, and on several other occasions during the day the Secretary of State and I directly or indirectly discussed our views with the President—indirectly only in the sense that we may have been on two telephones at the same time with the President.

Senator COOPER. Did you detail your rea-

sons for finding that an engagement had taken place?

Secretary McNAMARA. Yes, sir.

Senator COOPER. Acting upon the basis of information received from the destroyers themselves and also from intercepts, was there included a message from the commander of the *Turner Joy* before the retaliatory strike, reporting that there had been an engagement?

Secretary McNAMARA. Yes, sir. The commander of the Task Force 72.1, who was not the commander of the *Turner Joy*, but was the superior officer to the commander of the *Turner Joy*, and was on the scene on the *Maddox*.

Senator COOPER. There is a statement in the record, furnished us by the staff, which says that 3 hours before the retaliatory strike, the commander of the *Turner Joy* reported there had been an attack.

Secretary McNAMARA. That is correct. I simply wanted to differentiate between him and the commander of the task force.

CONFIRMATION OF ATTACK

Senator COOPER. At the time the decision was made to make the retaliatory strike, was any question raised or was there any in your mind that an engagement had not taken place?

Secretary McNAMARA. No, sir.

Earlier in the afternoon, because of some of the uncertainty as to the details of the engagement, I had said that we should not carry out any retaliatory strike until we satisfied ourselves that an engagement had taken place. We did so satisfy ourselves during the remaining hours of the afternoon, and that is not just my view. It is the view of every one of the key senior and civilian and military officials in the Department.

Senator COOPER. Accepting the fact of the engagement, and I do, there remains a question of judgment whether the scope of the engagement was such that a resolution should have been presented, and also whether in hindsight the Congress should have voted one.

You have said categorically that our ships were never in territorial waters. Is that correct?

Secretary McNAMARA. That is correct, sir.

Senator COOPER. That conclusion is based upon the statement that the United States did not consider territorial waters of North Vietnam to extend a distance beyond 12 miles?

Secretary McNAMARA. That is correct.

Senator COOPER. This is bound to be questioned, you know. What authority do you find for making that statement?

Secretary McNAMARA. The authority I cited in my statement based upon the lawyers of the Department who are familiar with the law of the sea, which is that unless a nation claims beyond 6 miles its territorial waters are not believed to be extending beyond that limit, and North Vietnam had not claimed beyond 3 miles before August 4, 1964.

Senator COOPER. There has been brought in question a statement you have made when you came before the committee to testify for the Tonkin Bay resolution, that the Navy was not associated with the South Vietnam 34A operations. You said further, "I must emphasize the *Maddox* did not know of these actions."

NAVAL KNOWLEDGE OF SOUTH VIETNAMESE OPERATION

Were you intending to say that the Navy had no knowledge of them or were you emphasizing that the *Maddox* had no knowledge of them?

Secretary McNAMARA. I was emphasizing the *Maddox* did not, Senator Cooper, because I knew at the time—as a matter of fact I informed the committee at the time—that I knew and the senior commanders in the Navy knew of the South Vietnamese opera-

tions, at least in terms of the general character of them.

At the time of the specific incidents of August 4, I did not know of the attack on August 3 by the South Vietnamese, but we knew of the operations, and some senior commanders above the level of the commanders of the task force did know the specific dates of the operations.

Senator COOPER. Questions have been raised about the patrolling of North Vietnam, Tonkin Bay, and an analogous situation in North Korea.

Is there communication in the Department between the naval authorities, between you and the President and the Secretary of State about patrolling these coasts when it involves the possibility of actions such as occurred in the Tonkin Bay and off North Korea?

Secretary McNAMARA. There is a special group set up, on which I am represented by the Deputy Secretary of Defense, and which includes comparable senior officials from the State Department, the CIA, and certain other agencies of Government before which must be presented every one of these missions for the approval of the members of that group.

If there is any difference of opinion among those members, the matter is to be brought to the attention of the Secretary of State and the Secretary of Defense. So the answer to your question is, "Yes."

I do not mean to say that the President is personally involved in this. But I am personally involved in it through my Deputy Secretary, and the Secretary of State is personally involved in it through a very high level representative of the State Department.

Senator COOPER. I would assume that such measures must be taken at times when necessary to protect the security of our country.

RISKS OF NAVAL INTELLIGENCE OPERATIONS

I do think, however, that there is a very serious problem involved when, as has been evidenced by the *Pueblo*, and when we are rather thinly spread, it seems to me risks are taken which result in incidents which humiliate our country and also place the United States in a position where there is danger of deeper involvement and not of our choice.

I assume that you look at these problems. But I give my own view that there should be the most thorough and immediate consideration of this problem undertaken—so that we will not become further involved.

I think that is all I have to say at present. Secretary McNAMARA. Thank you very much, Senator.

The CHAIRMAN. Senator Gore.

Senator GORE. Well, Mr. Secretary, it is painful to subject you to this interrogation after the sacrifices you have made for public service, and I regret that I do feel the necessity of doing so.

CLAIM THAT ADMINISTRATION HAS BEEN MISLEADING

I do not in any sense question your patriotism or your sincerity. On the other hand, I feel that I have been misled, and that the American people have been misled. Indeed, the statement that you released today does not fully comport with the testimony that you gave to this committee earlier today.

I cite one instance, the statement—well, when I say "testimony" I mean other than the prepared statement. I read from your prepared statement:

"In addition to the above—"

This is on page 17—

"Intelligence reports received from a highly classified and unimpeachable source reported that North Vietnam was making preparations to attack our destroyers with two Swatow boats and with one PT boat if the PT could be made ready in time."

The second sentence—I raise no question about the first sentence I just read, except

the characterization of the source as "highly classified and unimpeachable."

The second sentence:

"The same source reported, while the engagement was in progress on August 4, that the attack was under way."

I submit, Mr. Secretary, you have cited nothing from the intercepted message to support that.

Secretary McNAMARA. Let me put in at this point in the record, if I may, the four messages, starting with the first at [deleted] indicating there were two objectives, enemy attack vessels, located at a point at which the *Maddox* and the *Turney Joy* were located within 3,000 yards of them; and the second message, which stated that—

Senator GORE. Directing them to make ready for military operations.

Secretary McNAMARA. Make ready for military operations, again referring [deleted] and the third message indicating that the Swatow boats reported an enemy aircraft falling and enemy vessel wounded, and that message coming 12 minutes after our ships reported that they were being attacked.

The fourth message later reporting that they had shot down two planes and sacrificed two ships, and adding further details of the engagement.

I submit that any reasonable explanation of these messages leads one to the conclusion that the attack was underway, as I stated in my statement.

Senator GORE. Well, that interpretation is possible. Another interpretation is that this was an exaggerated report by the North Vietnamese commander, just as they exaggerated the losses of our planes.

But your statement released to the public is that the same source reported while the engagement was in progress on August 4 that the attack was underway. That is a flat-footed statement that nothing you have submitted today supports.

Secretary McNAMARA. I take issue with that, Senator Gore, and I think it is not proper to say that the four messages were just a report from a commander. These four messages were flowing back and forth among various stations.

Now, I am going further than I should in discussing this classified information.

Senator GORE. Well, your publicly released statement this is compounded by your flat-footed statement on page 5:

"During this same time, intelligence sources reported that North Vietnamese vessels stated they had our ships under attack."

Well, the same flatfooted statement is repeated. Nothing you have submitted supports this unqualified statement.

Secretary McNAMARA. Well, I differ on that, Senator Gore, and I do not think we should discuss this further unless we want to back into messages which I do not want to do in the room with uncleared people present.

Senator GORE. Then I would like to call to your attention, and I do not know what the committee wishes to do, but I think we have no choice but to make an incisive examination to reveal the actual facts.

Now, without identifying the messages to which I will refer on page 17 as to time, you quote the task group commander this way:

"Vice Admiral Roy L. Johnson, USN, Commander of the U.S. Seventh Fleet at the time, stated in his review of the combined chronology and track charts submitted by the Task Group Commander: 'Commander, 7th Fleet, is convinced beyond any doubt that *Maddox* and *Turner Joy* were subjected to an unprovoked surface torpedo attack on the night of 4 August 1961.'"

POSTMISSION EVALUATION NOT REVEALED

Now, what I wish to point out is not any inaccuracy there but the failure to reveal to the American people that this statement was made on August 14.

Secretary McNAMARA. Quite right.

The CHAIRMAN. August 14?

Senator GORE. August 14.

Secretary McNAMARA. That whole paragraph relates to postmission evaluation and, as I pointed out on page 19, some of the details cited above, particularly the statements of eye witnesses, although gathered immediately after the attack, had not reached Washington at the time the reprisal air strikes were ordered executed.

Sufficient information was in the hands of the President, however, to establish beyond any doubt then or now that an attack had taken place, and I cite the information available, and I do not include Admiral Johnson's report or Admiral Moorer's report or General Burchinal's report, all of which came in as a result of their evaluations of the reprisal attack.

Senator GORE. I understand. I have read this report, and I realized when I read it that the evaluation made was after the fact, after the attack had been ordered.

This goes to the matter that troubled this committee, and I will say troubles me—I won't speak for the committee, I will say it troubles me.

I do not hold that this was a rigged affair, but from all the testimony you have submitted here today the administration stands revealed as having acted very hastily and out of proportion to the provocation and, it seems to me, to further compound the thing you quote, let me see, you refer here to Lt. Gen. David A. Burchinal.

Secretary McNAMARA. Burchinal.

Senator GORE. It says he analyzed the information from message traffic with the assistance of the Joint Staff. You do not say when. He gave his evaluation to the Secretary of Defense, "The actuality of the attack is confirmed."

Now, you had sent out messages hours before the order to attack North Vietnam asking that that attack on our ships be confirmed. You got your confirmation from Lieutenant General Burchinal on August 7, 2 days after we had made an attack on North Vietnam. So this has gone out to the public today.

Now, I have said nothing publicly, so far as I know the chairman has said nothing publicly, but once again the facts have been twisted, Mr. Secretary.

FACTS ARE PRESENTED IN A STRAIGHTFORWARD MANNER

Secretary McNAMARA. No, sir; I beg your pardon, Senator Gore, the facts have not been twisted. I am talking about no one within the Department of Defense has reviewed all of the information which I later point out came in after the incident. All of these eyewitness reports came in after that. That is known to you, it is known to the members of the committee, it is known to others.

Senator GORE. But it is not known to the American people.

Secretary McNAMARA. I so indicated. I stated on page 19 that it was.

Senator GORE. It is not so identified.

Secretary McNAMARA. Also on page 19, I specifically listed the information available to the President at the time he ordered the retaliatory attack, and it does not include reports from Admirals Johnson or Moorer or General Burchinal. That is exactly the purpose of it.

Senator GORE. You bolstered the decision by stating conclusions reported after the fact.

Secretary McNAMARA. No, no.

Senator GORE. And you state twice that these highly classified and unimpeachable sources said that the attack was underway. We have had no such information. We have had corroborative evidence that might bear that interpretation.

Let me cite one other thing, if I may.

Secretary McNAMARA. May I first make clear that I did not indicate that Johnson's,

Moorer's, or Burchinal's evaluation took place before the retaliatory decision. I did indicate that they reviewed all of the information that I previously discussed, much of which, particularly the testimony of eyewitnesses, was taken after the retaliatory attack, which I stated on page 19 occurred after the retaliatory attack.

Senator GORE. Well—

Secretary McNAMARA. I worked until 8:30 last night trying to be certain this statement was accurate. I had some of the best lawyers in the Department to work on it, and I submit to you it is not misleading.

Senator GORE. Well, it is a difference of opinion. I say that there is nothing you presented today that supports your public statement that you had a report from a "highly classified and unimpeachable" source reporting that the attack was underway.

Secretary McNAMARA. Well, we just differ then on the meaning of words, Senator Gore.

Senator GORE. Well, let us see if we differ on this matter. Today in your statement you say this, and this is page 2:

"As I stated then and repeat now our vessels played absolutely no part in and were not associated with this activity. There was then and there is now no question but that the United States Government knew, and that I knew personally, the general nature of some countermeasures being taken by the South Vietnamese in response to North Vietnamese aggression. As I informed Congress the boats utilized by the South Vietnamese were financed by the United States. What I said then, and I repeat today, that the *Maddox* and the *Turner Joy* did not participate in the South Vietnamese activities and they had no knowledge of the details of these operations, and that in no sense of the word could they be considered to have backstopped the effort."

Now, here is what you said to the committee on the 6th:

"I would like to cover three points. First—"

The CHAIRMAN. Of August 1964.

Senator GORE. Of August 1964.

"First, our Navy played absolutely no part in, was not associated with, was not aware of any South Vietnamese actions, if there were any. I want to make that very clear."

NEW STATEMENT ALTERS TESTIMONY OF
AUGUST 1964

This was stricken from the record that was published. You state further, and I read again what was stricken from the record—

"It was not informed of, was not aware, had no evidence of and, so far as I know today, has no knowledge any, any possible South Vietnamese actions in connection with the two islands that Senator Morse referred to."

Now, in your statement today you modified that. You said they had no knowledge of the details of these operations. That was not the question at all. So there is a considerable difference in what you said to the public today on this point and what you said to the committee on August 6, 1964. I read further, and all I am reading here, Mr. Secretary, was stricken from the record.

Secretary McNAMARA. Could I interrupt you one moment, Senator Gore?

Senator GORE. Yes, sir.

Secretary McNAMARA. Possibly through oversight you omitted a very important sentence in that August 6, 1964, statement because you read a sentence that started with the word "It" when the word "It" in relation to what you said previously might have reflected back on the Navy, to mean the Navy, whereas it meant the *Maddox*, and the sentence you omitted was, "The *Maddox*, operating in international waters, was carrying out the routine patrol we carry out of the type we carry out at all times, it was not informed of it," meaning the *Maddox* was not informed of it.

Senator GORE. That is correct. The Department or you struck that from the record.

Secretary McNAMARA. I said the *Maddox*—

Senator GORE. It differs from what you said to the public today.

Secretary McNAMARA. I beg your pardon?

Senator GORE. Let me read two sentences.

Secretary McNAMARA. Let me make clear what this says and what the committee understood at the time, that the *Maddox* was not informed of, was not aware of, had no evidence of, no knowledge of any possible South Vietnamese actions in connection with the two islands that Senator Morse referred to. That was my belief then, it is my belief today, and I personally had the commander of the patrol called within the last 72 hours to check and make sure that my understanding was still correct, and he says he did not have knowledge then of the possible South Vietnamese actions in connection with the two islands Senator Morse referred to.

Senator GORE. Well, your first statement there is that our Navy played absolutely no part in—

Secretary McNAMARA. I think the word, when I say our Navy played no part, I think that is true; was not associated with, that is true. I said it was not aware of, I think that is ambiguous. I was using the word "Navy" referring to the task force. But I think that it is ambiguous.

Later in the paragraph I think it is clear I was referring in the whole paragraph to the task force. But I certainly agree with you that the word "Navy" in the first sentence is ambiguous.

UNITED STATES KNEW OF 34A OPERATIONS

Senator GORE. Well, of course, we know now from the cables that the *Maddox* was, in fact, informed of the 34 Ops.

Secretary McNAMARA. You do not know now that they had knowledge of—

Senator GORE. The details.

Secretary McNAMARA. (continuing). Possible—not details. You do not know now they had knowledge of what I said they did not have knowledge of, which is possible Vietnamese actions. You know very well that the Navy meant *Maddox* in this context in that first sentence because I myself reported that the Navy had furnished the boats to the South Vietnamese, and you, meaning the Congress, so reported in the congressional debate, so there could have been no misinterpretation then, and I do not think there is now of that paragraph.

Senator GORE. Well, I won't review the cables. They are already in the record.

There is another sentence which you spoke to the committee about on page 24 of the executive hearings that was deleted. I will read the whole sentence lest—and then I will identify what is stricken:

"I testified the other day that the American vessels were or the American vessel was, it as the *Maddox* at that time, was operating on a southerly course in routine patrol in international waters in this area."

The following part of the sentence is stricken, "and that vessel had absolutely no knowledge of any actions of any kind by the South Vietnamese in South Vietnam or outside of South Vietnam."

The cables certainly contradict that.

Secretary McNAMARA. I do not believe so, Senator Gore.

Senator GORE. Will you give me those cables?

Secretary McNAMARA. Yes, sir; I have them here, and I will be happy to see that they are inserted in the record right here. The cables instruct the commander of the *Maddox* to stay outside certain restricted areas. They do not tell him who is operating in the areas or against what targets or at what times. They simply say, "Stay north and east of a line between two points 17 degrees, 17 plus degrees, in such and such easterly longitude."

Later that instruction is modified to say, "Stay north of 19 degrees 10 minutes north."

Senator GORE. Well, Mr. Secretary, you said earlier that the commander of the *Maddox* knew what 34 operations stood for.

Secretary McNAMARA. I did not say, I think you will find in the record that I did not say that.

Senator GORE. Didn't he say that, Mr. Chairman?

KNOWLEDGE OF SHIP COMMANDERS LIMITED

Secretary McNAMARA. You will have to check the record and see that. I said he did not know the time schedule of operations or of the targets or of the details of the operations. He did know that he was to stay out of certain restricted areas. He knew the term "34-A" because it was included in a message that was sent to him.

Senator GORE. But did not know what it stood for?

Secretary McNAMARA. I do not believe he knew what it stood for, and he certainly did not know anything about these particular targets or dates or the nature of operations.

One good evidence of that is that he misidentified 34-A vessels as Russian vessels.

The CHAIRMAN. Didn't he later say in one of his cables that the North Vietnamese were very agitated about their presence there and regarded them as part of the 34-A operations, in one of the later cables? I think he said that is why he was apprehensive and suggested that they call off the further operation.

The cable—let me see, I think—let me see, this is very puzzling to me. Is this the one at the top? The cable from the *Maddox*, "The above patrol will"—this is to the *Maddox*—"clearly demonstrate our determination to continue these operations. Possibly draw North Vietnamese Navy patrol boats to northward away from the area of 34-A operations and eliminate DeSoto patrol interference with 34 operations."

Then, on the 4th of August, some 15 hours before the second incident, the operational commander of the *Maddox* and the *Turner Joy*, who was aboard the *Maddox*, sent the following to the commander of the 7th Fleet:

"Evaluation of info from various sources indicate that DRV considers patrol directly involved with 34A Ops."

"The DRV considers United States presence as enemies because of these ops and have already indicated readiness to treat us in that category."

"B. DRV are very sensitive about Hon Me. Believe this is PT operating base and the cove there presently contains numerous patrol and PT craft which have been repositioned from northerly bases."

I cannot imagine a commander who sent that saying that they considered him a part of the 34 operations without knowing anything about what 34 operations was.

Secretary McNAMARA. Well, I can only tell you what he tells us, which is that he did not know the nature of the 34-A operations, the targets, the times, the boats, the courses, or anything at that time.

The CHAIRMAN. The details.

Senator GORE. That was not what you told the committee though, Mr. Secretary.

Secretary McNAMARA. It is what I believe I told the committee, Senator Gore.

PUBLIC STATEMENTS BY THE ADMINISTRATION
DECEPTIVE

Senator GORE. You told the American people today they did not know about the details of the operation. What you said to the committee, back in 1964—let me find it:

"Our Navy played absolutely no part in, was not associated with, was not aware of, any South Vietnamese actions if there were any"

Secretary McNAMARA. First, let us get clear that is in the paragraph that was talking about the *Maddox*, and the word "Navy" is synonymous with the *Maddox* there.

Senator GORE. Well, we just read—

The CHAIRMAN. This paragraph is from the communication from the *Maddox*.

Secretary McNAMARA. Let me just take it step by step here because I had the same testimony said that the Navy had given boats to the South Vietnamese for this, for the purpose of Operation 34-A, so it is quite clear that the Navy in the generic sense and in the sense of the upper echelons of the Navy knew about 34-A, and my own testimony so indicated.

Senator GORE. May I interject something here?

Secretary McNAMARA. Surely.

Senator GORE. Also the *Maddox* received a cable that they could pick up a MAAG officer from South Vietnam, one of the advisory group in charge of 34 operations for any intelligence communication it wished to make.

Secretary McNAMARA. I do not believe that the MAAG officer was in charge of 34 operations. I think it was a MAC/V liaison officer.

The CHAIRMAN. It is MAC/V.

Senator GORE. What did the cable say? It was an advisory military officer to South Vietnam.

Mr. BADER. It simply said a MAC/V representative. It made no indication—

Secretary McNAMARA. It made no indication.

Senator GORE. What would he be if it was not a military adviser to South Vietnam?

Secretary McNAMARA. So far as the *Maddox* is concerned, he had no known relationship to 34-A but was presumably interested if he were there at all, and it turned out he was not interested enough to go, in sea infiltration, and the information the *Maddox* would collect in relation to it.

Senator GORE. For whatever it means, the commander of the task force was aware that if he wished some advice from an officer in, an American officer in South Vietnam, he could contact him.

Secretary McNAMARA. Not advice. He was aware that he could—

Senator GORE. Information instead of advice.

Secretary McNAMARA. Not even information. It was presumably for the purpose of the MAC/V benefiting from association with the intelligence collection patrol, and MAC/V believed it did not benefit enough from association with the intelligence collection patrol to send an officer on it, and it did not.

Senator GORE. Well, the reason I am pressing this point is that a point was made by a member of this committee at the time that the U.S. vessels *Maddox* and *Turner Joy* were conducting their patrols if not in conjunction with, at least in such a way and at such times over a period of 2 days here, that the North Vietnamese might reasonably assume that there was coordination between the South Vietnamese-operated vessels which we had furnished, and the crews which we had trained and advisers which we had supplied, that they could likely consider, and it was reasonable that they would consider, that our ships were sufficiently associated with the operations as to be possibly confused with the attack and, indeed, as you have today cited, the communication, the intercepted communication, of the North Vietnamese referred to our ships as enemy vessels.

PREPARATIONS FOR INTELLIGENCE PATROL

I now have the cable to the *Maddox*. You are going to have to read this, Mr. Bader. This is the original. I cannot read this.

Mr. BADER. "Embark COMVAN with personnel MAC/V rep"—a representative from the military assistance group in Vietnam—"and mobile photo unit photographer in Keelung, Taiwan. Offload personnel and equipment Keelung upon completion of patrol."

Secretary McNAMARA. Yes, and the MAC/V representative was, in effect, invited to par-

ticipate in the patrol, assuming that he might find it useful to obtain at first hand the intelligence information the patrol collected, because of MAC/V's concern about sea infiltration, a concern that later led within 3 or 4 months after that to the establishment of the U.S. naval patrol along the coasts of Vietnam to stop sea infiltration. In any case MAC/V did not accept the invitation. He did not feel he would benefit from it, and there was no MAC/V representative on board.

May I go back to the point you made that it is your belief that the DeSoto patrols on the 2d of July, 2d of August, and 4th of August were carried out in such a way that North Vietnam could reasonably assume there was coordination between them and operations 34A. I do not believe so for the following reasons:

At the time of the July 30 operation, 34A attack, the *Maddox* was 130 miles from the point of attack when it occurred. The attack on the *Maddox* occurred 63 hours after the 34A attack. At the time of the attack on the *Maddox*, the *Maddox* was 28 miles from the coast and steaming east. I see no basis on which the North Vietnamese could have concluded that that *Maddox* patrol was coordinated with the 34A operation.

Secondly, at the time of the August 4 attack on the *Maddox* and the *Turner Joy*, they were 70 miles from the Operation 34A attack when it occurred.

The attack on the *Maddox* and the *Turner Joy* appeared 22 hours after the 34A attack. At the time the *Maddox* and *Turner Joy* were attacked they were 60 miles from the coast and they were steaming east.

And, finally, I am informed by those who interrogated the prisoners, the North Vietnamese naval prisoners, we have captured subsequent to the attack, that North Vietnam knew the difference between the 34A operations and the DeSoto patrols and did not confuse the two.

Senator GORE. I have now found the telegram I was, the cable I was searching for, and this was on July 10.

"The Commander in Chief of the U.S. Forces in Pacific authorizes his fleet units involved in the DeSoto Patrol to contact Commander, United States Military Assistance Vietnam for any additional intelligence required for prevention of mutual interference with 34A Operations and such communications arrangements as may be desired."

That is what I was looking for.

Secretary McNAMARA. Yes. Well, that simply means that the commanders were trying to separate the two.

Senator GORE. But you tell us—

Secretary McNAMARA. May I just finish one second?

Senator GORE. Yes.

ATTEMPTS TO COORDINATE AMERICAN AND SOUTH VIETNAMESE PATROLS

Secretary McNAMARA. That the commanders were trying to separate the two, and the commander in chief Pacific instructed his subordinate commanders in the commander of Naval Forces Pacific, and the 7th Fleet they were authorized to contact the U.S. commanders in South Vietnam to obtain enough information on the 34A operations to plan the DeSoto patrol in such a way as to not conflict with it.

Senator GORE. I do not know why you belabor the point. I do not wish to belabor it further.

It is clear to me that our Navy and the commander of the task force knew of the 34A operations. He was advised, as I have just read, to contact the commander in chief of the military assistance in Vietnam for additional intelligence required. For what purpose? Prevention of mutual interference with 34A operations.

The chairman has just read a telegram from the commander of the DeSoto patrol, of the *Maddox*, referring to 34A operations.

Secretary McNAMARA. Senator Gore, may I interrupt you here one moment. I do not believe it is correct to say, as I understood you to say, that the commander of the *Maddox* was advised to contact MAC/V regarding 34A operations. I do not think that that cable is to the commander of the *Maddox*.

Senator GORE. Well, let me read it.

Secretary McNAMARA. Let us be sure, let me get the cable in front of me so I can be absolutely certain I know to whom it is addressed. What is the number of the cable?

Senator GORE. I do not know. I am reading from a summary here. It was on July 10, 1964. I do not believe I have—

Mr. BADER. I have the cable here, Mr. Secretary.

Senator GORE. Let the Secretary have it, if you will.

Mr. BADER. I want to make it clear for the record that this cable is to U.S. Fleet units, not direct to the *Maddox*.

Secretary McNAMARA. This is not the *Maddox*. This is from CINCPAC in Honolulu to CINCPAC Fleet, and it says:

"Desire you"—CINCPAC Fleet—"submit data required for the DeSoto patrol for the primary purpose of determining"—such and such, in designating type—"not mandatory it be employed. Desire patrol be scheduled to commence 1 August. Direct liaison is authorized with MAC/V for any additional intelligence." That is between CINCPAC Fleet and MAC/V and not between the commander of the *Maddox* or the *Maddox* patrol.

Senator GORE. We keep alternating from the commander of the task force and the Pacific commander, and it seems to me that is really not consequential because whoever was directing the operations knew of both operations, and they were occurring within a period of 3 days within the same gulf, and the point was made here—let me repeat—that this would give cause or provocation because of concern for any reasonable opposing country to assume that there was coordination. But then you have given a statement.

NORTH VIETNAMESE COULD DISTINGUISH "MADDOX"

The CHAIRMAN. Will the Senator yield? The Secretary said the North Vietnamese did not confuse the *Maddox* with 34 ops. I think that is true, because they knew it well enough that they certainly thought it was involved in or coordinated with it. That is, I accept the idea that they could tell the difference between the *Maddox*, which is quite a little ship, and a patrol boat.

But the wire, the cable, from the *Maddox* commander, that is, the commander of the task force, clearly indicates that the DRV, as he says, considers patrol directly involved with 34-A Ops. The word confused with—no one is contending they could not tell the difference between a destroyer and a patrol boat, but they were involved with or they were coordinating their actions; that is what this shows.

Secretary McNAMARA. Mr. Chairman, there have been several points raised by Senator Gore and you, and let me try to cover them, as I recall.

First, Senator Gore said it is not very relevant to whom the message is addressed. It is absolutely fundamental in relation to my testimony and in relation to the question of the degree to which the commander of the *Maddox* knew about 34-A, as to whether the cable from CINCPAC instructing CINCPAC Fleet to feel free to contact MAC/V went to CINCPAC Fleet or to the *Maddox*. If it went to CINCPAC Fleet it is not an instruction to *Maddox*. It is very relevant.

Secondly, the wire from the commander of the *Maddox* to which you referred, Mr. Chair-

man, as I explained this morning, was not based on any information available to him that he can now recall or that we know he had. I think it was sheer speculation, and an unfounded speculation, and a speculation that is disputed by other evidence.

Thirdly, there is no question but what the DeSoto patrol and the Operation 34 tracks and activities were separated in place and time by miles and times that I referred to a moment ago.

The North Vietnamese radar tracked both of them; we can be confident of that. They knew they were separated in place and time, but importantly, and most important of all, the North Vietnamese knew they had nothing to fear from our DeSoto patrol. This was the fourth one carried out. They were all carried out essentially in the same fashion and operating procedures. At no time did any of these patrols carry out hostile action. At no time did they contribute in any way to the success of the 34-A Operations and, therefore, there was no basis whatsoever for the North Vietnamese to consider them a part of or associated with 34-A Operations.

The CHAIRMAN. That is mighty hard to believe. In this same cable, the *Maddox* commander asks for cover overhead under the control of the destroyers. Even 15 minutes was not enough. Why would he be so concerned?

Senator GORE. He wanted them immediately overhead and under his command.

The CHAIRMAN. He wanted them immediately under control of the destroyer.

Secretary McNAMARA. Let me ask each of you gentlemen if you had been attacked yesterday, and you had knowledge that you were likely to be attacked again, would you be satisfied with less than immediate air cover? I would not, and he was not.

The CHAIRMAN. No, because of what he says here, because he considers him the enemy.

Secretary McNAMARA. Not because of what he says here, but because he was shot at. I happen to have one of the bullets in my pocket, 24 hours before. Here it is, right here. This came from the man who sent the cable. That is the reason why he was asking for a 15-minute-reaction air cover.

Senator GORE. You hold one bullet, and we sent 64 ships in retaliation.

Secretary McNAMARA. And there were—

Senator GORE. Airships.

Secretary McNAMARA. There were two separate attacks on U.S. vessels on the high seas.

Senator GORE. I do not think, Mr. Secretary, the second attack has been established by your testimony today at all.

EVIDENCE FOR SECOND ATTACK IS NOT SUFFICIENT

Secretary McNAMARA. All I can say is that that—

Senator GORE. I think there is more question now than when you came.

Secretary McNAMARA. All I can say, Senator Gore, is that those in the Department who had no responsibility for the retaliation, and who have examined the information, concluded beyond any shadow of their doubts that the second attack occurred.

Senator GORE. Let me state quite candidly my feeling of doubt and question. I hope that further inquiry will resolve these doubts and questions. I feel the Congress and the country were misled about the closeness of operation of DeSoto patrol and the South Vietnamese raids by vessels that we had furnished, by men we had trained, operating with the advice of our military advisers in South Vietnam. That is No. 1.

I know I have been misled. It may be partly my fault. I am not excusing myself.

Secondly, I feel that I was misled that this was an entirely unprovoked attack, that our ships were entirely on routine patrol.

The fact stands from today that they were intelligence ships; that they were under instructions to agitate North Vietnam radar, that they were plying close to the shore within 4 miles of the islands under orders in the daytime, retiring at night; that they were covered with immediate air cover which, in itself—that they were covered with military aircraft which you said on television the other day which would be provocative off of North Korea. Why it would not be provocative off of North Vietnam I do not know.

Thirdly, I think that from my tentative conclusion it is that the administration was hasty, acted precipitately, inadvisably, unwisely, out of proportion to the provocation in launching 64 bombing attacks on North Vietnam out of a confused, uncertain situation on a murky night, which one of the sailors described as one dark as the knob of hell; and, particularly, 5 hours after the task force commander had cabled that he doubted that there were any attacks, and recommended no further action be taken until it was thoroughly canvassed and reviewed. And yet you give to the American people the canvass that occurred, two canvasses, one on the 7th and one on the 14th, several days after the attacks.

So I think, Mr. Chairman, in view of all these facts, and in view of the statement that has been released which, I submit, is misleading in details which I have cited, and I have marked others as I went through, that we have no choice but to proceed further with the inquiry.

The CHAIRMAN. Senator Pell, you have been patient.

Secretary McNAMARA. Mr. Chairman, may I make one or two brief comments. I do not think you will want me to take time at 6:25 in the evening to respond in full to Senator Gore's comments, because I disagree almost completely with all of them, and I think the record or the testimony today will show why.

I do want to make two points, however, that the commander of the task force did not say he doubted there was any attack, as Senator Gore alleged. He specifically did not use that language, and I think the record should not be allowed to show that—

Senator GORE. Mr. Chairman, could I ask that his—

Secretary McNAMARA. Yes.

Senator GORE. I was paraphrasing.

Secretary McNAMARA. He raised a question about certain details, and we will put the exact message in here. It is at [deleted].

Mr. BADER. Mr. Secretary, I think I could read it for you again.

Secretary McNAMARA. No, we will just put it right in here.

Senator GORE. Let me read it. It is certainly better than the words that I have used:

"Review of action makes many reported contacts and torpedoes fired appear doubtful. Freak weather effects and over-eager sonar-men may have accounted for many reports. No actual visual sightings by *Maddox* suggests complete evaluation before any further action."

Yet 5 hours later we launch an attack with 64 planes on a little country.

Secretary McNAMARA. Because we have made a complete evaluation.

The point I want to make is he did not doubt there was any attack. He did not say so in his message.

WASHINGTON DID NOT HAVE ALL DETAILS OF ATTACK

The second point I want to make is that I did not state in my statement that we had information from Admiral Johnson or that we had Admiral Johnson's evaluation report or Admiral Moorer's evaluation report or General Burchinal's evaluation report at the time we made the decision regarding retaliation. I very specifically mentioned on page 19, I believe, that some of the details cited

above, particularly the statements of eye witnesses, had not reached Washington at the time the reprisal air strikes were executed, but information adequate to establish beyond any doubt that an attack had taken place was available, and I listed specifically what that was. I said allow me to repeat again that information.

Senator GORE. Thank you, Mr. Chairman. The CHAIRMAN. Senator Pell, you have been very patient.

Senator PELL. I have a couple of questions and one comment, if I may.

In your open, leased statement, you mentioned the figure of, first it was 8 miles and then withdrawn to 11 miles, of the patrol. What was the reason for choosing 11 miles as opposed to 12 or 13?

Secretary McNAMARA. I cannot say why it was 11. I think I can say why it was 8. They simply wanted to make it a little further away than it has been previously and, as you know, the patrol itself stayed 16 miles away, although it was authorized to go 11.

CONFLICTING CLAIMS OF TERRITORIAL WATERS

Senator PELL. Right.

I understand you presumed North Vietnam had a 3-mile limit because it was a successor country to France, which had had it.

I am disturbed here with the analogy of Korea because Korea is also, North Korea is also, a successor country to a nation that had a 3-mile limit, specifically, Japan.

And yet we have honored, as I understand, quite conscientiously, the 12-mile limit that North Korea has claimed. What is the reason for presuming or for not presuming that North Vietnam did not also have a 12-mile limit?

Secretary McNAMARA. Because in the case of North Korea they had previously stated a claim to territorial waters out to 12 miles whereas North Vietnam had not made any such claim. I want to emphasize, of course, we do not recognize North Korea's claim to 12 miles. The point here is that North Vietnam had not claimed 12 miles.

Senator PELL. Right.

Secretary McNAMARA. And, therefore, we were not operating within territorial waters claimed by them.

Senator PELL. It is not so much a question of recognizing or not recognizing. We do not willfully want to provoke more hostilities. I am sure you probably feel that way more strongly than any of us.

I was looking at the note that the North Vietnamese sent to the International Control Commission, on the 31st of July objecting to the 34A operations, calling it a violation of the sovereignty and territorial integrity of the DRV, and referring to them as acts of the Americans, and the Southern Administration. Then on August 5, they made an English language broadcast, in which they referred specifically to our destroyer, and said:

"On the afternoon of 2d August it (the destroyer) encountered our patrol boats between Hon Me and Lach Truong in our territorial waters. In the face of the provocations by the sea rovers, our patrol ships took action to defend our territorial waters and fishermen and chased the enemy ship out of our territorial waters."

This (this broadcast of August 5 stating that our destroyer was in their territorial waters on August 2 when we knew that, while she had gone to within 8 miles of the North Vietnamese main shore, her orders had permitted her to go no nearer)¹ would indicate to me that they had thought that 12 miles was their territorial limit. Would you believe that this broadcast supported that thought?

Secretary McNAMARA. It would indicate that they thought 3 miles or 12 miles?

Senator PELL. Twelve miles.

¹ Parenthetical statement subsequently added for clarification.

U.S. RECOGNIZED 3-MILE LIMIT

Secretary McNAMARA. I do not think it really led us to that conclusion. We believed up to that time they thought 3 miles was the territorial limit because they had not stated anything beyond that.

Senator PELL. You thought 12 miles up to that time?

Secretary McNAMARA. No; we thought 3 miles.

Senator PELL. Three miles, I am sorry.

Secretary McNAMARA. Was their territorial limit because they had not said anything to the contrary. It was not until September 1 that they did, to the best of my knowledge.

Senator PELL. I must say I agree with Senator Gore in his point that the retaliation seems large in proportion to the offense. I know from the old rules of land warfare that if you are engaged in hostilities or occupying a country, the rule of thumb given to a commanding officer is that you can retaliate 10 to one. If two of your men are killed by saboteurs or franc tireurs, you have recognized authority to kill 10 civilians for each one of your men. At least, this is what we were taught in World War II.

It seemed to me in these two attacks, one definite and one quite possible, we suffered no damage. Therefore, why did we feel we had to retaliate on the basis of almost infinity from the viewpoint of the damage we suffered?

Secretary McNAMARA. Well, the attack was, the retaliation was, against sites associated with the vessels that carried out the attacks on our ships. The crime was not measured by the amount of damage done. It was measured by the violation of our right to navigate freely on the high seas, and it appeared to us that the retaliation was controlled, limited, and quite appropriate to the character and type of attack upon us.

Senator PELL. This is obviously a question of, a very subjective question of, opinion, where some of us would disagree strongly with you. But that is past history.

I would commend you on the way you handled the *Pueblo* case, because, although you had so many similarities there, you apparently followed a completely opposite course from the *Maddox*. You did not have an air cover, kept out of the 12-mile limit, and did not over react.

Do you feel that the lessons of the *Maddox* and Tonkin Bay resolution may have had an effect on your reaction to the heinous seizure of the *Pueblo*?

Secretary McNAMARA. No. I think the *Pueblo* case was different in the history that preceded it as compared to the *Maddox*.

We had clear and convincing evidence that North Vietnam was directing military operations of the Vietcong in South Vietnam; was supplying men for those operations by sea as well as supplying military materiel in large quantities, both men and materiel; and, therefore, that there was greater risk for our operations in the Gulf of Tonkin than there was in the waters off of North Korea.

I think that is the reason for both a difference in the nature of the patrol and also for the difference in the response.

Beyond that, beyond the history leading up to the actions, I think one should also recognize in the case of the retaliation attack against the North Vietnamese patrol boat bases, that this occurred after the second attack, and after the President, following the first attack, had stated that we would maintain our right to operate on the high seas, and that interference with that right would carry with it the gravest of consequences. So I think the situation really was quite different.

Senator PELL. All right.

COMPARISONS WITH OTHER ATTACKS ON AMERICAN SHIPS

The CHAIRMAN. I wonder if he would elaborate on the distinction between these cases

and the *Liberty* where we were on the high seas and they actually destroyed the boat and killed 34 of the men.

Secretary McNAMARA. I think the major difference, Mr. Chairman, is in intent. There was no intent on the part of the attackers of the *Liberty* that has ever been disclosed to me from the Government of Israel to attack our ship.

The CHAIRMAN. That is more important than the actual destruction?

Secretary McNAMARA. I think so.

Senator PELL. I have the greatest sympathy with the officers of the ships. As one of the few people here who once stood watch underway and engaged in combat activities at night, I can see how the confusion comes. I think you can imagine it, as you read your statement, as you hear Senator Gore's questions. I still stick to my view that our Government's response was excessive to the offense, particularly as it has been delineated in the hearing.

My regard for you as an individual, remains very high. I am sure that in no way would you intentionally or are you in any way intentionally misleading us. But I still believe we can all be honorable men and yet differ as to the courses of the same actions and react differently.

Secretary McNAMARA. Thank you.

The CHAIRMAN. Is that all?

Senator PELL. Yes, sir.

The CHAIRMAN. Does the Senator from Missouri wish to ask a question?

Senator SYMINGTON. Again, Mr. Secretary, I am sorry I was not here more today. Most of the people on this committee are also on the Finance Committee, so they never schedule hearings for me.

As I understand it from the little that I heard this morning and have heard today, if there was a mistake, and you do not believe there was a mistake, it was an unintentional mistake; and there was no conspiracy, no effort to formulate something to mislead the American people so as to justify going into a more active state of belligerency with North Vietnam. Does that sum it up?

Secretary McNAMARA. It does.

My belief is that the first attack occurred, the second attack occurred. We had evidence of a second attack at the time of our decision to retaliate. We acted constructively to try to avoid provocation, and there is no evidence submitted then or now that indicates either provocation or planned provocation.

Senator SYMINGTON. Thank you.

PROBLEM OF DISCLOSING SOURCES OF INFORMATION

One other question. I noticed you mentioned in your statement, which I saw only a few minutes ago, intelligence reports of a highly classified and unimpeachable nature. If that has been released, does that release us from being more specific about what the information was?

Secretary McNAMARA. No, sir. While you were at the other committee hearing I read a report from General Carroll that emphasized the very serious penalties that we faced were the source of the information disclosed.

Senator SYMINGTON. From the standpoint of future military operations?

Secretary McNAMARA. From the standpoint of current military operations.

Senator SYMINGTON. Well, tomorrow is future. I am probably the least informed. I just have not had the time, but is it fair to say that the actions taken were taken on the basis of this highly classified unimpeachable source information?

Secretary McNAMARA. It was one of the major factors leading us to the conclusions that we came to.

Senator SYMINGTON. Do you think you would come to these conclusions without it?

Secretary McNAMARA. Yes.

Senator SYMINGTON. That is an interesting answer.

It was not the deciding factor, but it justified the decision.

Secretary McNAMARA. It did.

Senator SYMINGTON. Is that correct?

Secretary McNAMARA. It did.

Senator SYMINGTON. I have no further questions, Mr. Chairman.

The CHAIRMAN. Mr. Secretary, I apologize for going so long.

RELEASE OF TESTIMONY CONSIDERED

In view of your release of your statement, do you have any objection to the committee, if it so decides, to release this transcript?

Secretary McNAMARA. Only as much information, Mr. Chairman, in the transcript that ought to be removed is that which refers to sources of data, and so on. But subject to that, I would be delighted to see it released.

The CHAIRMAN. This was one reason why I objected to releasing your statement until we had had an opportunity to see what the hearing would develop. But I think you can understand that it is going to be rather difficult to refrain from making public a major part, if not all, of this transcription order to give a balanced picture of the whole affairs, don't you?

Secretary McNAMARA. Mr. Chairman, I am sure you will recall I explained why my statement was released. I released my statement because there was an absolutely incorrect newspaper report of my testimony this morning issued.

Senator GORE. Mr. Secretary, you released an incorrect statement, at least one that is not in conformity with your testimony today.

Secretary McNAMARA. Senator Gore, I am sorry you hold that opinion. It is not held by others who have reviewed my statement in great detail. But I think it is perfectly clear that there was a newspaper report released at 1:22 this afternoon that was an absolutely false report on what I said this morning on a very important issue, and I do not suggest that a member of the committee made a false statement. I simply say that the newspaper report falsely reported what I said this morning.

Senator SYMINGTON. It is most unfortunate if he did.

The CHAIRMAN. I, of course, have no knowledge of that either, but I do not think it is all that important when he said it was in territorial waters.

LOCATION OF AMERICAN SHIPS DISCLOSED

Secretary McNAMARA. He did not say it was in territorial waters. I should not say he said, the newspaper report said he said I said it was in territorial waters. I did not say it was in territorial waters. It is a most important point, and I could not stand with that—I made every effort—I delivered 200 copies of that statement to this committee this morning. I specifically instructed my people not to release it. We leaned over backward.

The CHAIRMAN. What I mean, there is nothing at all critical if you had stated that you did not say they were in territorial waters. But you released the whole statement, and that 20-page statement, which is a slight escalation.

Secretary McNAMARA. All I can say I told you, Mr. Chairman, why I did it.

The CHAIRMAN. I can understand why you did it. But you released the entire statement. There was no reason why you could not have stated to the press that you did not say they were in territorial waters, which would have been a direct denial of what was said. All, or even the report of the newspapers, all he said was they were in the territorial waters.

Now, there has been this general feeling around of 12 miles. We recognized 12 miles in Korea. We carefully recognized or at least we avoided going within 12 miles of Communist China, and if he said it, I think it was an inadvertence, because of the great

discussion that has been placed about North Korea and the *Pueblo*, and I regret it was said.

If Senator McCarthy, was quoted in the press report.

Secretary McNAMARA. Mr. Chairman, may I read it to Senator Symington? I would like him to know, if I may read it.

The CHAIRMAN. You can give it to him. Secretary McNAMARA. Read the first two lines pencil bracketed, Senator Symington.

In view of the *Pueblo* case, in view of the controversy over whether we were or were not in territorial waters with the *Maddox* and the *Joy*, it was absolutely essential that that be corrected, and corrected quickly and precisely, and that is why the statement had to be released.

The CHAIRMAN. I see no objection to your saying you did not say it was in territorial waters.

NORTH VIETNAMESE CLAIM IS UNDERSTANDABLE

The exchange that Senator Pell read, it is quite clear that the North Vietnamese believed you were in territorial waters. They did not come right out and say, "Our 12-mile territorial waters," but if you were in the area which the record shows you were, they believed you were in their territorial waters. I have no way of knowing whether they never had expressed 12 miles. That requires research. I do not know whether your lawyers have done a complete research, and are positive that in the last 10 years they have never claimed 12 miles or not. That is a matter that has never been brought up before.

Actually there was an assumption, because of these other cases that 12 miles was what they claimed. We have not, the staff has not, had an opportunity to make any inquiry at all on that point.

But I think publication of your statement puts a great deal of pressure on the committee to release the transcript, and I do not propose, of course, to do it without action of the committee, but I think it does make it very difficult for us.

Senator GORE. Mr. Chairman, great reliance has been placed, the Secretary has placed great reliance, it seems to me, upon this unidentified, unimpeachable, highly classified source. Twice in his statement he has quoted that source as reporting something which the evidence does not support. So I do not know what the committee does now. I think we must plow forth and get to the full truth and make a report to the people.

The CHAIRMAN. I understood the Secretary to say to the Senator from Missouri that this highly classified information was not an absolutely essential basis for the decision. Even without those reports he would still have made the same decision, so that might make it easier to simply delete that evidence. I do not know.

Well, I do not know what the committee, in its wisdom, will decide to do. I certainly do not feel authorized to release the transcript. I do not propose to do it until the committee considers the matter. But I was just inquiring while the Secretary is here, as to what his attitude is toward releasing of the transcript.

Secretary McNAMARA. Mr. Chairman, after eliminating those particular aspects of it that would compromise our intelligence collection sources, I would be delighted to see it released.

WOULD DISCLOSURE JEOPARDIZE OUR SECURITY?

The CHAIRMAN. Mr. Secretary, I do not like to take issue with you, but it is awfully hard for me to believe that 3½ years after that this is of any significance to current security. It is just incredible. [Deleted.]

Secretary McNAMARA. Mr. Chairman, I am quite prepared to have this issue presented to the Foreign Intelligence Board and rely

on their decision. I simply tell you that the intelligence, senior intelligence, directors of our Government, CIA, DIA, NSA, state categorically that it would be a serious compromise of intelligence sources.

I am quite prepared to have my acceptance of their statement judged and overridden by a decision of the Foreign Intelligence Board, and I will put it up to them if you wish.

The CHAIRMAN. Of course, you raise this very difficult question that confronts us all along, and it seems to me the executive branch takes the position that the Congress has no function to play in foreign relations and in making war; that we should do anything and everything that the executive—

Senator SYMINGTON. Mr. Chairman, if I may, when this question of the Tonkin Gulf episode came up I did suggest that we get somebody knowledgeable [deleted] and have him come before the committee, so we could get an independent slant on what the damage might be. Frankly, I did not know what it was or would be.

We are losing 300 or 400 men a week now, and should be careful. I did make that suggestion, before the two Secretaries went on "Meet the Press" 3 or 4 weeks ago; and still think it then was a good suggestion. I would hope the Chair and the committee would give consideration, not as decisive, but as something that should be considered.

The CHAIRMAN. The Senator says he has not read it. But if he reads the Secretary's statement which has been released, it is quite definite, I think, to anyone [delete].

Senator SYMINGTON. I must say that was my impression when I just read it.

The CHAIRMAN. It is a highly classified source. That is the only thing it could mean [deleted] and for us to say it a second time does not seem to me to add anything to it [deleted].

Senator GORE. Mr. Chairman, it is nearly 7 o'clock.

The CHAIRMAN. I move we adjourn. Senator GORE. I suggest you and the Secretary talk about this privately.

The CHAIRMAN. I move we adjourn. Senator SYMINGTON. I second that motion. Secretary McNAMARA. If you want my opinion, I agree with the chairman.

(Whereupon, at 6:50 p.m., the committee adjourned.)

THE GULF OF TONKIN, THE 1964 INCIDENTS PART II

A. INITIAL EXCHANGE OF LETTERS AFTER FEBRUARY 20, 1968 HEARINGS

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., March 1, 1968.

HON. CLARK M. CLIFFORD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: When Secretary of Defense McNamara appeared before the Committee on Foreign Relations on February 20, 1968, to review the incidents which occurred in the Tonkin Gulf in August 1964, he agreed to provide the following information for the record:

1. The exact number of American troops stationed in Vietnam at the end of 1963.
2. Whether recommendations were made by the Joint Chiefs of Staff to extend the war to North Vietnam.
3. The number and location of air units deployed to Southeast Asia between August 5, 1964, and February 1965.
4. Measures taken, if any, by American troops to prevent infiltration by North Korean troops into South Korea.
5. The status of the command and control report evaluating the Tonkin Bay incidents.

I enclose a copy of this testimony for your information. [Omitted here.]

In addition, could you provide me with the document referred to by Secretary McNamara in which North Vietnam, on September 1, 1964, declared that her territorial seas extend 12 miles.

I would also appreciate having the names and affiliations of all men aboard the *Maddox* in July and August 1964 who were not part of the regular crew.

I am grateful for your attention to this matter.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., April 4, 1968.

HON. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Secretary Clifford has asked me to reply to your letter of March 1, 1968. The following is provided in answer to the correspondingly numbered questions contained in your letter:

1. 16,263.
2. During the first part of 1964 prior to the Tonkin Gulf incidents of August, the Joint Chiefs of Staff examined several possible types of military action which might be brought against North Vietnam in order to deter that country from continuing its aggression against South Vietnam. Contingency planning for these actions was taken. However, no definitive recommendation for extending the war to the north had in fact been made by the Joint Chiefs of Staff.

3. See enclosure (1).

4. See enclosure (2).

5. The Chairman of the Joint Chiefs of Staff has again reviewed the status of the so-called command and control study to which your letter refers. He confirms the fact that this was an internal study and one of a series directed to the mechanics of the national military command system. It was not intended to be, nor does it constitute, a comprehensive evaluation of the incidents themselves. It was not prepared for review by the Chairman of the Joint Chiefs of Staff. As you have previously been informed, the author of the study did not have access to sources of information that would be essential to an overall evaluation of the incidents. In light of the foregoing, the study is not considered appropriate for dissemination outside the Department.

In response to your additional requests, enclosure (3) is an opinion by the Judge Advocate General of the Navy as to the breadth of the territorial sea claimed by North Vietnam. Paragraph 8 of that document and enclosure (2) thereto is the source of Secretary McNamara's statement as to the North Vietnamese "claim" made on September 1, 1964.

Enclosure (4) gives the names and affiliation (at that time) of all men aboard *Maddox* in July and August 1964, who were not part of the regular crew.

Sincerely,

PAUL C. WARNKE.

ENCLOSURE (1) TO LETTER FROM ASSISTANT SECRETARY WARNKE, APRIL 4, 1968
AIR UNITS MOVED TO SOUTH VIETNAM AND THAILAND BETWEEN TONKIN GULF INCIDENTS AND END OF FEBRUARY 1965

The chronology regarding the movement of air units to South Vietnam or Thailand between the Tonkin Gulf incident (August 4, 1964, and February 1965) is listed below:

August 4, 1964

(Dates authorized by the Secretary of Defense)

Type of Number of aircraft, beginning and destination

KB-50, 4 Yokota Air Base, Japan, Takhlil Air Base, Thailand.

B-57, 36 Clark Air Base, Philippine Islands, Bien Hoa Air Base, South Vietnam.

F-100, 4 Clark Air Base, Philippine Islands, Takhli Air Base, Thailand.

RF-101, 2 Misawa Air Base, Japan, Tan Son Nhut Airfield, South Vietnam.

F-102, 6 Clark Air Base, Philippine Islands, Da Nang Airport, South Vietnam.

F-102, Clark Air Base, Philippine Islands, Takhli Air Base, Thailand, Tan Son Nhut Airfield, South Vietnam.

F-105, 18 Yokota Air Base, Japan, Korat Air Base, Thailand.

August 7, 1964

C-123, 16 CONUS, Tan Son Nhut Airfield, South Vietnam.

September 4, 1964

RB-57E, 2 CONUS, Tan Son Nhut Airfield, South Vietnam.

February 7, 1965

Vietcong attack Pleiku.

Flaming Dart I (reprisal strike) authorized by President. 49 7th Fleet aircraft attack Dong Hoi area north of DMZ.

February 8, 1965

COMUSMACV ordered redeployment of following air units as a precautionary measure against possible Vietcong reprisal attacks:

Type of Number aircraft, beginning and destination

F-100, 18 Da Nang, South Vietnam, Takhli, Thailand.

F-105, 12 Da Nang, South Vietnam, Korat, Thailand.

B-57, 10 Bien Hoa, South Vietnam, Clark Air Base, Philippine Islands.

February 9-28, 1965

No additional deployments.

ENCLOSURE (2) TO LETTER OF APRIL 4, 1968
COMPARISON OF 2D U.S. DIVISION AND ROK DIVISION, DMZ INCIDENTS AND CASUALTIES

1. Approximately three-fourths of the Korean DMZ firing incidents and nearly one-half of the DMZ firefights occurred in the 2d U.S. Division sector. Of 438 DMZ firing incidents during 1967, 359 occurred in the 1st U.S. Corps (GP) sector; 333 in the 2d U.S. Division zone. Of the total incidents 123 were actual firefights. Seventy-four of these were in the 1st U.S. Corps (GP) sector, 56 in the 2d U.S. Division.

2. The U.S. troops are involved in firing incidents much more frequently than the [deleted] ROK divisions deployed on the DMZ and U.S. casualties were higher than the average ROK DMZ division. During 1967, 16 U.S. troops were killed and 63 were wounded while the [deleted] ROK DMZ divisions suffered a total of 73 troops killed and 165 wounded in DMZ actions for an average of eight killed and 18 wounded per ROK division.

3. The 2d U.S. Division also accounted for more North Korean casualties than the average ROK division. Thirteen North Koreans were killed and two captured in the 2d U.S. Division sector while 75 North Koreans were killed by the [deleted] ROK DMZ division. It is impossible to determine the total number of infiltrators or the percent of those effectively neutralized.

4. There are several reasons accounting for the high level of activity in the 2d U.S. Division area. The division lies astride the main approach from North Korea to Seoul. This route is the shortest, has some of the best transportation lines, and flat terrain leading to Seoul. This area is therefore subject to many attempts to infiltrate agents into Seoul and deeper into Korea.

5. There is also political motivation for concentrating on the 2d U.S. Division. North Korea gains more by hurting and embarrassing an American unit than a ROK unit. These missions also serve to test U.S. reac-

tion to North Korean hostilities, and to support Pyongyang's propaganda theme that the presence of U.S. troops in Korea is the cause of current tension [deleted].

6. [Deleted.]

ENCLOSURE (3) TO LETTER OF APRIL 4, 1968

MEMORANDUM FOR THE SECRETARY OF THE NAVY
FROM THE OFFICE OF THE JUDGE ADVOCATE
GENERAL, DATED FEBRUARY 1, 1968

Subject: North Vietnamese territorial waters.
Enclosure:

(1) DNI message to ALUSNA, Saigon, dated May 1, 1963.

(2) International law file note concerning foreign broadcast intercept service No. 42 of September 1, 1964.

(3) [Deleted.]

1. The following information is submitted concerning the breadth of the territorial sea claimed by North Vietnam.

2. During the period between acquiring independence from French control and the Tonkin Bay incident of August 1964, North Vietnam issued no public announcement of a new claim to a territorial sea broader than the 3-mile claim of the French. Enclosure (1) dated May 1, 1963 noted:

"According best information, DRV has not publicly proclaimed limits of territorial seas or baselines and points from which measured. Absence of such proclamation possibly due fact DRV did not participate in 1958 or 1960 Conferences on Law of Sea. In absence of such a proclamation, it is assumed they possess the 3-mile limit established by international law. However, there is good possibility DRV will subscribe to 12-mile limit claimed by other Communist nations if issue were raised."

3. When the Sixth Committee of the United Nations General Assembly approved a resolution calling for a conference to consider the International Law Commission's draft articles on the Law of the Sea to be held in the spring of 1958, the French delegate, Mr. Pinto, stated that France wanted to maintain its traditional position in favor of a 3-mile limit. Furthermore, the prepared study for the U.S. delegation to the Second United Nations Conference on the Law of the Sea (1960) listed France as claiming a 3-mile territorial sea and further stated that she desired the least possible extension via any compromise that may arise.

4. Cambodia, a state previously under French rule, stated that although Cambodia had no legislation of its own on maritime law drafted since gaining its independence, it applied the principles of French law. This statement was contained in a letter of April 2, 1956, from the Minister of Foreign Affairs, Cambodia, and appears in the American Journal of International Law, volume 50 on page 1044. This letter further stated that Cambodia follows the rule of French law, under which the territorial sea has a breadth of 3 miles. Parenthetically, it is noted that Cambodia subsequently has increased its territorial seas claim.

5. It is a general principle of international law that the legal system of the former state remains in force in the territory of the succeeding state until modified by municipal legislation of the new sovereign or by the international conventions that have created the new state. The Geneva Accords are silent on the point of territorial seas, and as noted above North Vietnam has not made public any proclamation on this matter prior to the Tonkin Bay incident.

6. It is concluded therefore, that foreign states were entitled to rely on the application of the French claim of 3 miles in regard to the extent of the North Vietnamese claims to territorial sea limits. The fact that a sister successor state, Cambodia, publicly adopted the French 3-mile rule gives further justification to this reliance.

7. The United States was further free to rely on this position in view of the official announcement of the United States contained in the statement of Ambassador Arthur H. Dean, chairman to [sic] the American delegation to the Law of the Sea Convention in which he stated at the closing session of the 1958 conference in part as follows:

"We have made it clear that in our view there is no obligation on the part of states adhering to the 3-mile rule to recognize claims on the part of other states to a greater breadth of territorial sea. And on that we stand. (U.N. Conference on the Law of the Sea; Department of State Bulletin, June 30, 1958.)"

8. Even after the Tonkin incident, it is debatable whether Hanoi has made an official assertion sufficient to place other nations on notice of a 12-mile claim. Enclosure (2) reveals that Hanoi made a claim to 12 miles, on September 1, 1964, in a radio broadcast concerning the Tonkin incidents but no documentary substantiation of this claim appears to exist.

9. [Deleted.]

10. As a matter of fact, all Communist countries do not claim a 12-mile territorial sea. Examples are Cuba and Poland which claim 3 miles and Yugoslavia and Albania which claim 10 miles.

11. In summary, Indochina under French control had a 3-mile territorial sea. When North Vietnam became independent, it made no attempt to modify this 3-mile claim until after the Tonkin Bay incidents. Even following these incidents, North Vietnam has not officially promulgated a 12-mile claim, but only most informally indicates that it presently claims 12 miles.

WILFRED HEARN.

DIRECTOR, NAVAL INTELLIGENCE MESSAGE TO SAIGON, DATED MAY 1, 1963, (ENCLOSURE (1) TO MEMORANDUM FOR THE SECRETARY OF THE NAVY)

FM: DNI

To: Alusna Saigon.

Info: CINCPACFLT, North Vietnamese International Waters.

A. Your 010339Z (NOTAL).

1. According best information, DRV has not publicly proclaimed limits of territorial seas or baselines and points from which measured. Absence of such proclamation possibly due fact DRV did not participate in 1958 or 1960 Conferences on Law of Sea. In absence of a proclamation, it is assumed they possess the 3-mile limit established by international law. However, there is good possibility DRV will subscribe to the 12-mile limit claimed by other Communist nations if issue were raised.

2. DRV and CHICOMS have two known agreements:

(a) "Maritime Transport Agreement" signed December 12, 1956, permits ships of both nations to use each others ports and facilities; gives preference to ships carrying goods and passengers; offers to exchange information on port facilities.

(b) Fishing agreement signed April 25, 1957, believed renewed in 1962, deals exclusively with exchange of mutual fishing rights.

INTERNATIONAL LAW FILE NOTE CONCERNING BROADCAST TRANSCRIPT SERVICE No. 42 OF SEPTEMBER 1, 1964 (ENCLOSURE (2) TO MEMORANDUM FOR THE SECRETARY OF THE NAVY)

Vietnam (North) T. W. Claim

Foreign broadcast intercept service 42 of September 1, 1964. North Vietnam radio Hanoi stated concerning Gulf of Tonkin incident: "DRV declares the territorial sea is 12 miles."

[Deleted.]

ENCLOSURE (4) TO LETTER OF APRIL 4, 1968
MEN ABOARD THE "USS MADDOX" IN JULY AND
AUGUST 1964, WHO WERE NOT PART OF THE
REGULAR CREW

Name, rate, branch and duty station

Allaire, Matthew Brian, Sgt, USMC, First
Composite Radio Co., Kaneohe Bay, Hawaii.
Atchison, Ronald Stephen, CT2, USN, Naval
[deleted] Activity, Taipei, Taiwan.

Delaney, Samuel Warren, Sgt, USMC, Naval
Communication Station, San Miguel, Philip-
pines.

Bolton, Victor James, CT2, USN, Naval [de-
leted] Activity, Kamiseya, Japan.

Burdette, Harvey Nelson, CT2, USN, Naval
[deleted] Activity, Taipei, Taiwan.

Dixon, Thomas Luvern, CT2, USN, Naval
Communication Station, San Miguel, Philip-
pines.

Gaughan, Thomas Anthony, Sgt, USMC,
First Composite Radio Co., Kaneohe, Bay,
Hawaii.

McMahan, Arthur Blane, Cpl, USMC, First
Composite Radio Co., Kaneohe, Bay, Hawaii.

Moore, Gerrell Dean, Lt, USNR, Naval [de-
leted] Activity, Taipei, Taiwan.

Prouty, David Alexander, Cpl, USMC, Naval
Communication Station, San Miguel, Philip-
pines.

Stanton, James Harold, Cpl, USMC, First
Composite Radio Co., Kaneohe Bay, Hawaii.

Zimbelman, Lyle, Jr., CT1, USN, Naval [de-
leted] Activity, Taipei, Taiwan.

Mitchell, Dennis Edward, CT1, USN, Naval
Communication Station, San Miguel, Philip-
pines.

De Courley, Charles D., CT2, USN, Naval
Communication Station, San Miguel, Philip-
pines.

O'Rourke, Richard L., CT3, USN, Naval
Communication Station, San Miguel, Philip-
pines.

Bahm, Jack C., CT3, USN, Naval Communi-
cation Station, San Miguel, Philippines.

B. THE DEPLOYMENT OF AIR UNITS

During the February 20, 1968 hearing the
Chairman asked General Wheeler to check
whether the United States was considering
sending air units to South Vietnam and
Thailand prior to the Tonkin incidents. Gen-
eral Wheeler said he would check that partic-
ular point.

The following information was later sup-
plied and included in the published version
of the February 20 hearing:

"We have not identified any air unit which
had been alerted for movement into South
Vietnam or Thailand prior to the Tonkin
Gulf incidents. A check of the records is
continuing."

Subsequently the Joint Chiefs of Staff
provided the following information on the
further check of records:

**AIR UNITS ALERTED FOR MOVEMENT TO SOUTH
VIETNAM AND THAILAND PRIOR TO THE TONKIN
GULF INCIDENTS**

"The Joint Chiefs of Staff have not iden-
tified any air unit which had been alerted
for movement into South Vietnam or Thai-
land prior to the Tonkin Gulf incidents."

C. TERRITORIAL SEAS

On the question of the territorial seas
claimed by North Vietnam the February 1968
hearings contained the following text:

The CHAIRMAN. Mr. Secretary, why was the
Maddox ordered to go within what the North
Vietnamese believed to be their territorial
waters and why, once the *Maddox* had re-
ceived information that the North Viet-
namese were in an uproar about the activi-
ties of the *Maddox*, did the ship not break
off its patrol?

Secretary McNAMARA. Mr. Chairman, as I
explained earlier, the North Vietnamese had
not claimed waters beyond 3 miles, so I do
not think the question is pertinent.

Senator MORSE. Could I put in the record
at that point, because I am confused about

this—I take you back to page 24 of the May
24, 1966, executive hearings. The Chairman
was examining Mr. John McNaughton and on
the top of page 24 he first quoted from Sec-
retary McNamara's testimony of August 6,
1964:

"As part of that, as I reported earlier to you
this week, we understand the South Viet-
namese sea force carried out patrol action
around these islands and actually shelled the
points they felt were associated with this in-
filtration. Our ships had absolutely no
knowledge of it, were not connected with it,
and in no sense of the word can be consid-
ered to have backstopped the effort."

Senator MORSE. That is the quote from
Secretary McNamara. Now to quote the
Chairman on May 24, 1966:

"First, I want to ask you: Had your ships
within days before the incident gone within
territorial limits recognized by North Viet-
nam?"

"Mr. McNAUGHTON. Within the 12-mile
limit, Mr. Chairman.

"The CHAIRMAN. That is the territorial
limit.

"Mr. McNAUGHTON. I think that it is. If
that is the case, the answer is 'Yes'.

"The CHAIRMAN. That had been the limit.

"Senator PELL. May I interject for a mo-
ment. Is 12 miles the territorial limit that
we recognize?"

Mr. McNAUGHTON. No, sir, it is the one—the
Chairman, I understood the Chairman to say
territorial limits recognized by North Viet-
nam.

"Mr. [U. ALEXIS] JOHNSON. Claimed by
North Vietnam.

"The CHAIRMAN. That is right. Many coun-
tries have different ones.

"Senator McCARTHY. Texas claims the 12-
mile limit.

"The CHAIRMAN. They vary, but they
claimed 12 miles. But our ships had gone
into it.

"Mr. McNAUGHTON. Yes, sir; that is cor-
rect."

Senator MORSE. I still think it is a little
vague, but we certainly—and in those hear-
ings—asked the Defense Department if they
were within the 12-mile limit.

You now say they did not claim the 12-
mile limit, and we were advised they did.

Secretary McNAMARA. Senator, if I under-
stood, the testimony you read from were the
hearings of May 24, 1966.

Senator MORSE. That is right.

Secretary McNAMARA. I do not believe dur-
ing the hearings of 1964 any of us stated
that North Vietnam claimed a 12-mile limit.
I believe further that it is rather ambiguous
in the testimony you read as to whether it
was Mr. McNaughton or the Chairman who
was stating North Vietnam claimed the 12-
mile limit; but to the extent Mr. McNaugh-
ton either stated or acquiesced in the Chair-
man's statement of it, he was wrong.

As a supplement to this report the com-
mittee includes the following excerpt on the
matter of 1964 "assumptions" as to North
Vietnam's territorial seas taken from an in-
terview with the Honorable Cyrus Vance
who was Deputy Secretary of Defense in
August of 1964. This excerpt contains an ex-
change over the question of North Viet-
namese territorial seas between Secretary
Vance and Richard Fryklund of the Wash-
ington Evening Star. The interview took
place over the Voice of America on Satur-
day, August 8, 1964 (one day after Senate
approval of the Southeast Asia Resolution).

RICHARD FRYKLUND. Is there any dispute
about the Tonkin Gulf being international
waters? Do, for instance, Communist China
and North Vietnam claim the gulf as their
territorial waters?

Secretary VANCE. Not to my knowledge. I
think that they do claim a 12-mile limit as
opposed to a 3-mile limit, but there is no
claim that the Gulf of Tonkin is territorial
waters.

RICHARD FRYKLUND. Does the United States
recognize the 12-mile limit?

Secretary VANCE. No, it does not. The
United States recognizes 3 miles as the terri-
torial limit.

RICHARD FRYKLUND. Do our naval units
ever sail closer than 3 miles to the shore?

Secretary VANCE. They do not.

RICHARD FRYKLUND. Are they under spe-
cific orders not to?

Secretary VANCE. They are.

JACK RAYMOND. Well, the real issue here

is, I think, do they sail closer than 12 miles?

Secretary VANCE. They have sailed—

JACK RAYMOND. They have.

Secretary VANCE. Sailed closer than 12
miles.

D. SUBSEQUENT EXCHANGE OF LETTERS

MAY 29, 1968.

HON. CLARK M. CLIFFORD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: Over the past few
weeks the staff of the Foreign Relations Com-
mittee has been assembling what will be-
come the final record of the Gulf of Tonkin
hearing with former Secretary of Defense Mc-
Namara on February 20, 1968. This process
involves the final submission by the Depart-
ment of Defense of material for the record
asked for by the committee during the hear-
ing and not available at the time the tran-
script was published.

One such piece of unfinished business was
brought to my attention last week. This con-
cerns the interrogation reports of North Viet-
namese naval officers. After reviewing the
records and examining the inserts submitted
by the Defense Department on May 6, I wish
to bring to your attention what I believe to
be an important and disturbing discrepancy
between the published record and the docu-
mentation offered on May 6 to support Mr.
McNamara's statement now in the public
transcript.

The apparent discrepancies I refer to below
may simply be a matter of misinterpretation
on the part of the committee staff or an over-
sight on the part of your staff. Whatever
the circumstances, I feel it is necessary to
clarify the issue and set the record straight
if indeed there are discrepancies.

The point at issue is the relative weight
the public should give to two interrogation
reports of two North Vietnamese naval offi-
cers captured by U.S. forces. These two naval
officers had knowledge of the August 4 in-
cidents in the Gulf of Tonkin.

The record of February 20 shows [pp. 74-
75] that I introduced into the record the text
of an official U.S. Navy interrogation report
on a North Vietnamese naval officer captured
by U.S. forces in 1966. This naval officer
stated after his capture by U.S. forces that
the North Vietnamese had indeed attacked
the U.S.S. *Maddox* on August 2, but there
was no attack on August 4 of the U.S.S. *Mad-
dox* and the U.S.S. *Turner Joy*. The interro-
gation report I quoted, stated in part:

"Extensive interrogation of all potentially
knowledgeable sources reveals that they have
no information concerning a NVN attack on
U.S. ships on 4 Aug. 1964. They say definitely
and emphatically that no PT's could have
been involved * * * possibility that Swa-
tows could have committed the August 4
attack has also been carefully explored. Here
again, however, all sources disclaimed knowl-
edge of such an attack."

Because the Department of Defense had
sent this interrogation report to the com-
mittee at my request, Mr. McNamara chose
to refute this testimony in the following way:

"As a final point on this issue, U.S. naval
forces in the 3½ years which have elapsed
since the August 1964 incidents have cap-
tured several North Vietnamese naval per-
sonnel. These personnel were extensively in-
terrogated. One of these, captured in July
1966, stated he had taken part in the Au-

gust 2, 1964, attack on the *Maddox*, and his account of the attack coincided with our observations. He professed no knowledge of the August 4 attack and said that he believed that PT boats were not involved in that attack. He stated that Swatows could have been used for that attack. His disclaimer of PT participation is contradicted by information received from a later captive. A North Vietnamese naval officer captured in July 1967 provided the name of the commander of a PT squadron. In intelligence reports received immediately after the August 4 attack, this commander and his squadron were identified by name and number as participants."

When I raised the question with Mr. McNamara as to why the committee was not given the information that the Department of Defense had knowledge of an interrogation report of another prisoner taken in 1967, Secretary McNamara replied:

"I must say I wish we had. We would have avoided some of the controversy because the testimony of a 1966 prisoner was not nearly as comprehensive or as illuminating because of the participation by North Vietnam in the August 4 attack as was the testimony of the prisoner of July 1967 which, I think, came to light only within the past few days."

At my request, the Department of Defense on May 6 provided the committee with the interrogation report Mr. McNamara described as the basis of this "comprehensive" "illuminating" report on the 1967 prisoner. It is important to point out that this second interrogation report in Mr. McNamara's opinion contradicts the information received from the earlier captive and adds substantial proof to the Defense Department's contention that the August 4 attack had actually taken place. The May 6 inserts state that the 1967 prisoner was a "senior captain in the NVN Navy and that he provided the new and important information of the identity of a North Vietnamese commander and his squadron. Again according to the insert of May 6, the identity of this commander "was a mystery, since it is an uncommon name." Fitting this new information in with what Mr. McNamara described as "intelligence reports of a highly classified and impeccable nature" the Department of Defense contends it now has additional proof not only that the attack took place but the prior testimony of the naval commander whose testimony was used by the committee was wrong.

The staff of the Foreign Relations Committee has now read the 1967 interrogation report and the letter of enclosure, and compared this information with the large study of the interrogation of the 19 North Vietnamese Navy personnel taken in 1966. I invite you to comment on the accuracy of the following conclusions drawn from the comparisons of these two texts:

(1) The name of the commander of the torpedo boat battalion was not a "mystery" until 1967. The July 1966 report from which the committee drew its own information contains the name of the commander of the torpedo squadron in question. Thus, this information was available to the Department of Defense long before the second interrogation report.

(2) The source of the second report Secretary McNamara made so much of was indeed a senior officer in the North Vietnamese Navy. However, he was in the political cadre in the naval headquarters, and according to the Defense Department's own report "had no knowledge of navigational methods and/or naval tactics." Moreover, despite the emphasis given to his second interrogation report given by Secretary McNamara the source never said that there had been an attack on August 4. The entire contribution of the second source was to give the Department of Defense the name of a man already known. Therefore, the second report added nothing substantial to the Defense Department's case.

(3) What the material provided on May 6 does not contain is that the officer who was second in command of the squadron mentioned in the second interrogation report was the naval officer whose testimony the Foreign Relations Committee used on February 20. And this officer said that there was no attack on August 4.

In sum, I can see nothing in the material provided on May 6, which in any way contradicts the information used by the committee. Moreover, I find the Defense Department's contention that this second interrogation report provides comprehensive and illuminating information on the August 4 attack as totally without foundation.

I would appreciate it if you would ask your staff to review the May 6 information in light of Mr. McNamara's testimony of February 20 and the interrogation reports provided the committee dated August 9, 1966.

Sincerely yours,

J. W. FULBRIGHT, *Chairman.*

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., June 17, 1968.

HON. J. WILLIAM FULBRIGHT,
*Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: Secretary Clifford has asked that I reply to your letter of May 29, 1968, concerning apparent discrepancies between the published Gulf of Tonkin hearing report and the documentation, provided you by the Department of Defense on May 6, 1968, supporting Mr. McNamara's statements at the February 20, 1968, open hearings (and again in closed session).

Reexamination of the NVN PT boat exploitation report shows that the discrepancy noted in your letter was a result of an oversight in the Department of Defense due to changes in cognizant personnel, through normal duty rotation, from 1964 to 1968.

As you know, the interrogation of the 19 NVN naval personnel, captured in July 1966, was initially reported in 91 SITREPS (copies of which were provided to you as enclosure (1) of SECNAV's letter dated December 18, 1967). The SITREPS, which did not contain the name of [deleted] were processed by personnel who were primarily concerned with identifying intelligence of tactical value. These personnel had not been directly involved in the 1964 incidents and were not directed to look for information correlating with those events. When the finalized interrogation report became available in August of 1966 the significance of the name [deleted] was overlooked among 150 NVN naval personalities listed. From that time until the initiation of your November 16, 1967, inquiry, there was no Department of Defense requirement to review material on the 1964 incidents.

As a result of the Senate committee's recent inquiry into the Tonkin Gulf incidents, it was necessary for personnel who had no close familiarity with the 1966 interrogations to research the files and become familiar with all the data. The later interrogation report, based on a 1967 capture, which mentioned the name of [deleted] (enclosure (1) of my letter of May 6, 1968) did not come to the attention of these personnel until early January 1968. The key point of this new report was not the source's own knowledge of the events of August 1964, but the fact that he identified [deleted] as the individual mentioned in the sensitive evidence which was shown to you and Senator Russell by Secretary Nitze on December 14, 1967, but which was not made available to your staff because of classification. This information provided the basis for Mr. McNamara's statements on February 20, 1968, and was indeed illuminating as it was the first time that any one familiar with the [deleted] message of [deleted] mentioning the name [deleted] had been furnished with

information identifying that individual. The listing of [deleted] name in the final report of the interrogations of 1966 was not noted within the Department of Defense until mentioned in your letter of May 25, 1968.

I hope that this information will satisfactorily respond to the questions that you have raised.

Sincerely,

PAUL C. WARNKE.

SELF-DETERMINATION OF THE BALTIC PEOPLES

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. YATRON. Mr. Speaker, it is with great concern that I urge the U.S. President to bring the issue of the liberation of the Baltic States before the United Nations. This action is requested pursuant to House Concurrent Resolution 416—89th Congress—unanimously passed by the House and the Senate, which urges the President to bring the Baltic States' question before the United Nations and requests the Soviet Union to withdraw from Lithuania, Latvia, and Estonia.

I insert House Concurrent Resolution 416—89th Congress—and the paper entitled "Self-Determination of the Baltic Peoples" in the RECORD:

SELF-DETERMINATION OF THE BALTIC PEOPLES

RED TERROR IN LITHUANIA, LATVIA AND
ESTONIA

The Soviet Union invaded the Baltic States on June 15, 1940, and took over Lithuania, Latvia, and Estonia by force of arms. These three peace-loving republics have been suffering in Russian-Communist slavery for more than 30 years.

At a time when the Western Powers have granted freedom and independence to many nations in Africa, Asia and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia, and Estonia whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

The Balts are proud peoples who have lived peacefully on the shores of the Baltic from time immemorial. For instance, this year marks the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251.

The Lithuanians, Latvians, and Estonians have suffered for centuries from the "accident of geography." From the West they were invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Balts, it should be kept in mind, are ethnically related neither to the Germans nor the Russians.

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into the Baltic republics and annexed them in June of 1940. In one of history's greatest frauds, "elections" were held under Red army guns. The Kremlin then claimed that Lithuania, Latvia, and Estonia voted for inclusion in the Soviet empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Balts were dragged off to trains and jammed into cars without food or water. Many died of suffocation. The pitiful survivors were dumped out in the Arctic or Siberia. The Baltic peoples have never experienced such an extermination and annihilation of their people in their long history through centuries as during the last three decades. Since June 15, 1940, these three nations have lost more than one-fourth of their entire population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet Russian occupation, however, the Balts have waged an intensive fight for freedom. During the period between 1940 and 1952 alone, some 30,000 Lithuanian freedom fighters have lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of the Baltic resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

This year marks the 30th anniversary of Lithuania's successful revolt against the Soviet Union. During the second part of June of 1941 the people of Lithuania succeeded in getting rid of the Communist regime in the country: freedom and independence were restored and a free government was re-established. This free, provisional government remained in existence for more than six weeks. At that time Lithuania was overrun by the Nazis who suppressed all the activities of this free government and the government itself.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania, Latvia and Estonia by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Governments of the Baltic States. Since June of 1940, when the Soviet Union took over Lithuania, Latvia and Estonia, all the Presidents of the United States (Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon) have stated, restated and confirmed our country's nonrecognition policy of the occupation of the Baltic States by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering Baltic peoples to get rid of the Communist regimes in their countries.

The case of the Baltic States is not a question about the rights of self-rule of Lithuania, Latvia, and Estonia, since this is established beyond any reasonable doubt, but the question is how to stop the Soviet crime and restore the freedom and independence of these countries. The Select Committee of the House of Representatives to Investigate the Incorporation of the Baltic States into the U.S.S.R., created by the 83rd Congress, after having held 50 public hearings during which the testimony of 335 persons was taken, made a number of recommendations to our Government pertaining to the whole question of liberation of the Baltic States. According to the findings of this House Committee, "no nation, including the Russian Federated Soviet Republic, has ever voluntarily adopted communism." All of them were enslaved by the use of infiltration, subversion, and force. The American foreign policy toward the Communist enslaved nations, the aforesaid House committee stated, must be guided by "the moral and political principles of the American Declaration of Independence." The present generation of Americans, this committee suggested, should recognize that the bonds which many Americans have with enslaved lands of their ancestry are a great asset to the struggle against communism and that,

furthermore, the Communist danger should be abolished during the present generation. The only hope of avoiding a new world war, according to this committee, is a "bold, positive political offensive by the United States and the entire free world." The committee included a declaration of the U.S. Congress which states that the eventual liberation and self-determination of nations are "firm and unchanging parts of our policy."

The United States Congress has made a right step into the right direction by adopting H. Con. Res. 416 (89th Congress) that calls for freedom for Lithuania and the other two Baltic republics—Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this very important legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union, is surely intolerable.

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the first and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

COMPREHENSIVE NOISE CONTROL

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. BRASCO. Mr. Speaker, hearings are being held this week by the Subcommittee on Public Health and Environment of the Committee on Interstate and Foreign Commerce to consider legislation to effect noise abatement.

As I am strongly in favor of this leg-

islative package, I wish to have the testimony I presented to the subcommittee included in the RECORD at this time.

The testimony follows:

Mr. Chairman, we will have all become aware of air, water and thermal pollution. Now the time has come to turn our attention to the growing intrusion of yet another form of pollution that erodes the quality of life as surely as any of the others. Noise pollution can and does harm people as surely as any illness that medicine has yet diagnosed.

It is conceivable that excessive noise can act as a triggering agent for physical ailments such as ulcers and allergies, as well as for mental illness. Emotional well-being can be terminated by growing noise levels. The time has come for real attention and legislative action to blunt this threat, which grows daily.

Our daily decibel diet of horns, sirens, motorcycles, garbage trucks, typewriters, jackhammers, air compressors and a series of other noise-producing machines is rapidly approaching the intolerable in major metropolitan areas. One recent survey showed that the average decibel reading for a New York City street corner at rush hour is 95. Many medical experts believe that continuous exposure to anything above 85 can cause hearing loss. A Federal study indicates that environmental noise is doubling every decade. So far, the efforts to fight this have been few and relatively ineffectual, except in the case of some jet aircraft noise.

Yet the fault must be singled out and described. We live by a technology that prizes mechanical over human considerations. Industrial manufacturers can design products to minimize noise. People are awakening to the realization that they do not have to helplessly tolerate such assaults upon their persons without striking back.

The City of New York has been taking the lead in the struggle against noise. Already its efforts are bearing fruit. Yet this is merely a beginning. Major comprehensive legislative action is required. For all these reasons I vigorously support and enthusiastically endorse a package of anti-noise legislation introduced by my colleague, Mr. Ryan of New York.

One measure fully funds the Office of Noise Abatement and Control created by the Clean Air Act Amendments of 1970. A \$30 million authorization was provided for. No funds have been provided up to now.

A second measure broadens the functions and responsibilities of this office. It would be able to make grants in the anti-noise field. Research and demonstration projects would also be authorized. Noise standards could then be established for any class of products found hazardous. Federal programs relating to noise would be coordinated.

Another measure provides for identification of noise-producing machinery. The fourth bill amends the Occupational Safety and Health Act to set noise standards in industry in order to ensure the health of workers presently exposed to intolerable levels of noise. In this case, an 80 decibel limit for prolonged exposure to this type of noise.

All of these measures are sensible, necessary and reasonable. True sound deadening will cost money. Any such improvement must bear a price tag. Yet it is impossible to evade the necessity for such action any longer. The quality of life is not just a phrase. People require their quiet times just as they do other forms of sustenance.

Further, noise, like other forms of pollution, knows no boundaries. It usually crosses any and all political boundaries as if they were nonexistent. For this reason, as well as the others I have already alluded to, anti-noise measures are a proper area for Federal interest and action.

Metropolitan areas in particular are affected. As noise levels within them escalate, life becomes increasingly intolerable for their residents. As this is an urban nation, once again the need for swift Federal action is obvious. I believe that the Congress must involve itself swiftly and comprehensively before the situation becomes even worse.

An excellent precedent was set by the Congress in the recent decisions to withdraw further Federal funding for the SST. Prominent among the arguments advanced by foes of the aircraft was the sonic boom problem. People will not tolerate such an increase in noise levels.

By enacting this comprehensive package of legislation, we move ahead on various fronts, ranging from research and grants to identifying noise polluting devices and setting industrial noise standards. I urge approval of this legislation by the Committee.

SENSITIVITY TRAINING IN THE ARMY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. RARICK. Mr. Speaker, the Army has now adopted a new dimension—not training to repel an enemy but sensitivity training to brainwash its own troops—a collectivist cell, group activity.

Sensitivity training, in spite of mounting evidence as to its harmful effects, continues to be promoted for use in many youth groups and sometimes on a mandatory basis in certain public schools, police departments, and other government agencies.

While it is claimed that the goals of sensitivity training or group criticism are openness of communication, elimination of prejudice, trust, and love, it has been proven that a breakdown in communication, fear, mistrust and hatred too often result from such a practice.

The Army is now using sensitivity training on its troops in a futile effort to promote racial equality, brotherhood, tolerance, and love.

In an article in Army Times of June 16, Sp4c. John McMichael tells about a sensitivity training program in which soldiers of the 3d Infantry Division in Germany are involved.

I insert the Army Times article at this point:

SENSITIVITY TRAINING OPENS MINDS IN 3D DIVISION

(By Sp4 John McMichael)

SCHWEINFURT, GERMANY.—Reach out and touch another man.

Tell him what you think about him and the color of his skin and then listen to what he has to say about you. Begin to understand.

Twenty-four 3d Inf Div soldiers who participated in recent sensitivity training designed to promote racial harmony here claim this method works. Divided into groups, they spend 2½ days of "meaningful communication" at Ledward Barracks Education Center.

"The experience was definitely thought-provoking," said PFC Thomas Witchey, HHC, 1st Bde. "It gave us many insights which were previously nonexistent or just blurred.

"And there was a feeling of good will all around."

"I communicated with the members of the group on a level I'd never achieved with the men in my battalion," said 1st Lt. Nicholas Temple, 2d Bn, 64th Armor, who considers the program "a must for officers."

"I learned a great deal that I feel will help me in leading the men," he said.

The training was led by Jack Peters, former Aschaffenburg education director who has been conducting General Education Development (GED) sensitivity sessions in the 3d Div area for about eight months. It involves an encounter group—in this case, a dozen soldiers dressed in civilian clothes and sitting in a circle.

After introducing themselves, the men broke into biracial pairs and one at a time each individual closed his eyes and felt his partner's head and face. The consensus was "I just touched another man. There was no difference."

One man was then selected to stand in the center of the circle and ask another man to join him. He asked him why he had come to the meeting, what he thought about the group, how he felt about standing in the center. This continued until everyone had a chance to be in the middle and question someone.

With the group better acquainted, this process was repeated, except this time the man in the center expressed any negative feelings he had toward the individual he selected. In this way, the members got a glimpse of what they really thought of each other.

Anyone who had been quiet up to this time was then chosen to stand in the center and the entire group stated their feelings toward him and gave him a chance to talk back. The group tried to show the man they were interested in him.

Finally, each person walked around the group. Looking each member in the eye and without using words, he tried to convey his feelings toward that man with gestures.

At the session's end, the men discussed what had occurred.

"I was nervous when we started but as things progressed I became familiar with the other group members. I learned a lot about myself and others," said Sp4 Leonard Crump, HHC, 1st Bde.

"After awhile, you realize that if you put yourself wholly into the program, you gain a tremendous understanding of other people's feelings."

MSgt. Andrew Moses, 2-64th Armor, said: "The program gave me a feeling of confidence and trust in my fellow man. Now, I go out and really talk to my neighbors. I'm actually concerned about how they feel."

Several of the group members expressed a willingness to lead or join in future groups. Sp4 John Yaegerhof, HHC, 1st Bde., said: "I'd like to extend this opportunity for a wonderful experience to others."

Further GED sensitivity training is planned at Ledward, said Floyd Exeter, Schweinfurt educational director. The program has been going on for several months in Aschaffenburg where men of the 1st Bn, 4th Inf, and 1st Bn, 7th Inf are experiencing the sessions squad by squad.

A SUMMARY OF THE PROVISIONS OF H.R. 1, SOCIAL SECURITY AMENDMENTS OF 1971

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. GOLDWATER. Mr. Speaker, there have been many questions raised about

our burgeoning welfare system. I present a summary of the provisions of H.R. 1 which outlines some of the major features of the bill:

SUMMARY OF PROVISIONS—H.R. 1 SOCIAL SECURITY AMENDMENTS OF 1971, AM.

Provisions relating to the social security cash benefits program:

1. Five percent increase in benefits effective June 1972.

2. Automatic benefits increase: Social Security benefits would be automatically increased according to the rise in the cost of living. Increases could occur only once a year, provided that the Consumer Price Index increased by at least 3 percent and that legislation increasing benefits had not been enacted or become effective in the previous year. Social Security contribution and benefit base would accordingly be automatically increased according to the rise in average wages covered under the Social Security program (if wage levels had gone up sufficiently). Also, in any year in which an automatic benefit increase becomes effective, the exempt amount under the retirement test would be automatically increased by the same percentage. First possible increase effective January 1973.

3. Special minimum benefit: A special minimum benefit would be provided for people who worked for 15 or more years under Social Security. The benefit would be equal to \$5 multiplied by the person's years of coverage under the Social Security system, up to a maximum of 30 years. The highest minimum benefit under this coverage would be \$150 for a person with 30 or more years of coverage. The special minimum would not be raised under the automatic benefit increase provisions. Effective January 1972, 500,000 people would increase their benefits and \$60 million in additional benefits would be paid the first full year.

4. Increased widows and widower's insurance benefits: Widows or widowers (including those already on the rolls) would be entitled to benefits equalling 100 percent of the amount the deceased would be receiving if still living. Benefits applied before age 65 would be reduced according to the widow's age at the time of application. Effective January 1972, 3.4 million people would receive increased benefits on the effective date, and \$728 million in additional benefits would be paid in the first full year.

5. Increased benefits for those who delay retirement beyond age 65: A worker's old-age benefit would be increased by 1 percent for each year (1/12 of 1 percent for each month) in which the worker does not receive benefits because he is working after age 65. No increased benefits would be paid under the provision to the worker's dependents or survivors. Effective based on earnings after 1970, 400,000 people would receive increased benefits; \$10 million the first full year.

6. Age-62 computation point for men: Under present law, the method of computing benefits for men and women differs in that years up to age 65 must be taken into account in determining average earnings for men, while for women only years up to age 62 must be taken into account. Also, benefit eligibility is figured up to age 65 for men and up to age 62 for women. Under the bill, these differences, which provide special advantages for women, would be eliminated by applying the same rules to men as now apply to women. Effective in three annual steps, becoming fully effective for men reaching 62 in 1974 and after, \$6 million in additional benefits would be paid in the first full year.

7. Additional dropout years: One additional year of low earnings—in addition to the five years dropped under present law—for each 15 years of covered work could be dropped in computing the average month-

ly wage on which benefit amounts are based. Benefits based on the earnings of people who reach age 62 or die after 1971, or whose first month of entitlement to disability insurance benefits is after December 1971. \$16 million in additional benefits would be paid in the first full year.

8. *Computation of benefits based on combined earnings:* A working married couple each of whom had at least 20 years of covered earnings under the program after marriage could have their earnings for each year combined up to the maximum amount of taxable earnings for that year. If they elected to have their earnings combined, each member would receive a benefit equal to 75 percent of the benefit based on their combined earnings. Payments to the surviving spouse based on the combined earnings would continue at the 75 percent rate. The provision would be an alternative to the present law, and would apply only if higher payments would result. Effective only for people who attained age 62 in or after January 1972.

9. *Liberalization of the retirement test:* The amount that a beneficiary under age 72 may earn in a year and still be paid full social security benefits for the year would be increased from the present \$1,680 to \$2,000. The bill would provide for a \$1 reduction for each \$2 of all earnings above \$2,000; there would be no \$1-for-\$1 reduction as under present law. Also, in the year in which a person attains age 72 his earnings in and after the month in which he attains age 72 would not be included as under present law, in determining his total earnings for the year. Effective after 1971. Additional benefits amounting to \$484 million would be paid in the first full year.

10. *Reduced benefits for widowers at age 60:* Widowers under age 62 could be paid reduced benefits (on the same basis as widows under present law) starting as early as age 60. Effective January 1972.

11. *Childhood disability benefits:* Childhood disability benefits would be paid to the disabled child of an insured retired, deceased, or disabled worker, if the disability began before age 22, rather than before 18 as under the present law. In addition, a person who was entitled to childhood disability benefits could become re-entitled if he again becomes disabled within 7 years after his prior entitlement to such benefits was terminated. Effective January 1972. 13,000 additional people would become immediately eligible for benefits on the effective date, and \$14 million in additional benefits would be paid in the first full year.

12. *Continuation of student's benefits through end of semester:* Payment of benefits to a child attending school would continue through the end of the semester or quarter in which the student (including a student in a vocational school) attains age 22 (rather than the month before he attains age 22) if he has not received, or completed the requirements for, a bachelor's degree from a college or university. Effective January 1972. 55,000 students would have their benefits continued beyond age 22, and \$16 million in additional benefits would be paid, in the first full year.

13. *Wage credits for members of the uniformed services:* Present law provides for a social security noncontributory wage credit of up to \$300, in addition to contributory credit for basic pay, for each calendar quarter of military service after 1967. Under the bill, the additional noncontributory wage credits would also be provided for service during the period January 1957 (when military service came under contributory social security coverage) through December 1967. Effective January 1972. 130,000 additional people would receive larger benefits on the effective date, and \$39 million in additional benefits would be paid in the first full year.

14. *Reduction in waiting period for disability benefits:* The present 6-month period throughout which a person must be disabled before he can be paid disability benefits would be reduced by one month (to 5 months). Effective January 1972, 950,000 people would receive increased benefits, and \$105 million in additional benefits would be paid, in the first full year.

Provisions relating to medicare, medicaid, and maternal and child health:

1. *Extending health insurance protection to disabled beneficiaries:* Health insurance protection under XVIII would be extended to persons entitled to monthly cash benefits under the social security and railroad retirement programs because they are disabled, after they have been entitled to disability benefits for at least two years. Effective July 1972. About 1.5 million disabled social security and railroad beneficiaries would be eligible for both hospital benefits and physician coverage under medicare. About \$1.85 billion in benefits would be paid on behalf of disabled beneficiaries in the first full year of the program.

2. *Hospital insurance for the uninsured:* People reaching age 65 who are ineligible for hospital insurance benefits under medicare would be able to enroll, on a voluntary basis, for hospital insurance coverage under the same conditions under which people can enroll under the supplementary medical insurance part of medicare. Those who enroll would pay the full cost of the protection—\$31 a month at the beginning of the program—rising as hospital costs rise. States and other organizations, through agreements with the Secretary, would be permitted to purchase such protection on a group basis for their retired (or active) employees age 65 or over. Effective January 1972.

3. *Amount of supplementary medical insurance premium:* The supplementary medical insurance premium will be determined as under present law for months through June 1972 (\$5.30 through June 1971 and \$5.60 from July 1971 through June 1972.) Thereafter, the Secretary of Health, Education, and Welfare would, as under present law, determine and promulgate for each year a monthly enrollee premium for both aged and disabled. However, the enrollee premiums would be increased only in the event of the enactment of legislation providing for a general benefit increase or in the event of an automatic general benefit increase. In any given year, the premium would rise by no more than the percentage by which cash benefits had been increased across the board in the interval since the premium was last increased. The premium amount paid by the beneficiary would never exceed one-half of total program costs. Effective July 1972.

4. *Change in supplementary medical insurance deductible:* The Medicare part B deductible, currently \$50 per year, would be increased to \$60. Effective January 1972.

5. *Automatic enrollment for supplementary medical insurance:* People entitled to hospital insurance benefits would be automatically enrolled and covered for supplementary medical insurance benefits unless they indicate they do not want to be enrolled for such coverage. Effective January 1972.

6. *Incentives for comprehensive care under medicaid:* Incentives would be created for States to contract with health maintenance organizations or similar facilities. At the same time, disincentives would be provided to discourage prolonged stays in institutions. Specifically, there would be—

(a) an increase of 25% (up to maximum of 95%) in the Federal medicaid matching percentage to States under contract with HMO's or other comprehensive health care facilities;

(b) a decrease in the Federal medical assistance percentage by one-third after the

first 60 days of care in a general or TB hospital;

(c) a reduction in the Federal percentage by one-third after the first 60 days of care in a skilled nursing home unless the State establishes that it has an effective utilization review program;

(d) a decrease in Federal matching by one-third after 90 days of care in a mental hospital and provision for no Federal matching after 275 additional days of such care during an individual's lifetime except that the 90-day period may be extended for an additional 60 days if a doctor certifies that the patient will benefit therapeutically from such an additional period of hospitalization; and

(e) authority for the Secretary to compute a reasonable cost differential for reimbursement between homes and intermediate care facilities. Effective July 1, 1971, except that the reasonable cost differential provision would be effective January 1, 1972.

7. *Determination of payments under medicaid:* Families eligible for cash assistance would have a deductible under medicaid equal to one-third of the family's earnings above \$720 (after deducting the earnings of school children and any costs of required child care) less the difference between the medicaid standard and the payment standard, if any, in that State. All States would be required to impose such a deductible. Any family with income below the State medicaid standard would be eligible for medicaid assistance. Effective July 1972.

8. *Limits on costs recognized as reasonable:* The Secretary of Health, Education, and Welfare would be given authority to establish and promulgate limits on provider costs to be recognized as reasonable under medicare based on comparisons of the cost of covered services by various classes of providers in the same geographical area. Hospitals and extended care facilities could charge beneficiaries for the costs of services in excess of those that are found necessary to the efficient delivery of needed health services except in the case of an admission by a physician who has a financial interest in the facility). Effective July 1972.

9. *Limits on prevailing charge levels:* Physicians' charges determined to be reasonable under the present criteria in the medicare, medicaid, and maternal and child health law would be limited by providing: (a) that after December 31, 1970, medical charge levels recognized as prevailing may not be increased beyond the 75th percentile of actual charges in a locality during the calendar year elapsing prior to the start of the fiscal year; (b) that for fiscal year 1973 and thereafter the prevailing charge levels recognized for a locality may be increased, in the aggregate, only to the extent justified by indexes reflecting changes in costs of practice of physicians and in earnings levels; and (c) that for medical supplies, equipment, and services that, in the judgment of the Secretary, generally do not vary significantly in quality from one supplier to another, charges allowed as reasonable may not exceed the lowest levels at which such supplies, equipment, and services are widely available in a locality.

10. *Limits on skilled nursing home and intermediate care facility costs:* The average per diem costs for skilled nursing homes and intermediate care facilities countable for Federal financial participation under medicaid would be limited to 105 percent of such costs for the same quarter of the preceding year. Increases resulting from higher labor costs due to minimum wage legislation would not count in computing the cost figure. EFFECTIVE JANUARY 1, 1972.

1. *Payments to health maintenance organizations:* Medicare beneficiaries could choose to have all covered care, except emergency services, provided by a health main-

tenance organization (a prepaid group health or other capitation plan). The Department of Health, Education and Welfare would contract with such organizations, and would reimburse them on a monthly per capita basis at a rate equivalent to 95% of the estimated per capita costs of medicare beneficiaries in the area who are not enrolled in such organizations. Profits accruing to the organization, beyond its retention rate for nonmedicare members, would be passed on to the medicare enrollees in the form of expanded benefits. **EFFECTIVE**—Accounting periods beginning after JUNE 30, 1971.

12. *Reductions in care and services under medicare*: The states would be permitted to eliminate or reduce the scope and extent of health services which are optional under the Federal medicare statute, e.g., outpatient drugs, eyeglasses and dental care. States would have to provide the same dollar amounts for their required health services.

13. *State determinations of reasonable hospital costs under medicare*: States would be allowed to develop methods and standards for reimbursing the reasonable cost of inpatient hospital services. Such costs could not exceed medicare rates. **EFFECTIVE** July 1, 1972.

14. *Physical therapy and other therapy services under medicare*: Under medicare's supplementary medical insurance program, up to \$100 per calendar year of physical therapy services furnished by a licensed physical therapist in his office or the patient's home under a physician's plan would be included in covered charges. Hospitals and extended care facilities could provide physical therapy services under part B to inpatients who have exhausted their days of hospital insurance coverage. **Effective** January 1972.

15. *Grace period for paying medicare premium*: Where there is good cause for a medicare beneficiary's failure to pay supplementary medical insurance premiums, an extended grace period of 90 days would be provided.

16. *Three-year limitation on medicare enrollment dropped*: Eligible beneficiaries would be permitted to enroll under medicare's supplementary medical insurance program during any prescribed enrollment period. Beneficiaries would no longer be required to enroll within 3 years following first eligibility or a previous withdrawal from the program.

17. *Collection of medicare premium by the railroad retirement board*: Where a person is entitled to both railroad retirement and social security monthly benefits, his premium payment for supplementary medical insurance benefits would be deducted from his railroad retirement benefit in all cases. The Railroad Retirement Board is given authority to choose the carrier for part B benefits for its beneficiaries.

18. *Chiropractors' services*: The Secretary of Health, Education, and Welfare would conduct a study of the desirability of covering chiropractors' services under medicare, utilizing the experiments and experience under the medicare program. A report on the study, including the experience of other programs paying for chiropractors' services, would be submitted to the Congress within 2 years after enactment of the bill.

In order to finance the changes in the OASDHI program as amended by the bill, the limit on taxable earnings would be increased to \$10,200 effective January 1972.

PROVISIONS RELATING TO ASSISTANCE FOR THE AGED, BLIND, AND DISABLED

The existing Federal-State programs of aid to the aged, blind, and permanently and totally disabled would be repealed, effective July 1, 1972, and a new, totally Federal program would be effective on that date. The new national program is designed to provide financial assistance to needy people who have reached age 65, or are blind or disabled and would be established by a new Title XX of the Social Security Act. The program would

be administered by the Social Security Administration through its present administrative frame work and facilities.

1. *Eligibility for and amount of benefits*: The Secretary would establish the circumstances under which gross income from a trade or business, including farming, is large enough to preclude eligibility (net income notwithstanding). In addition, people who are in certain public institutions, or in hospitals or nursing homes getting medicare funds, would be eligible for benefits of up to \$25 a month. People who fail to apply for annuities, pensions, workmen's compensation, and other such payments to which they may be entitled would not be eligible.

2. *Definition of income*: In determining an individual's eligibility and the amount of his benefits, both his earned and unearned income would have to be taken into consideration. The definition of earned income would follow generally the definition of earnings limitation of the social security program.

3. *Exclusions from resources*: Individuals or couples cannot be eligible for payments if they have resources in excess of \$1,500. The following items would be excluded from resources:

(a) The home to the extent that its value does not exceed a reasonable amount.

(b) Household goods and personal effects not in excess of a reasonable amount.

(c) Other property which is essential to the individual's support (within reasonable value limitations).

(d) Life insurance policies (if their total face value is \$1,500 or less). Other insurance policies would be counted only to the extent of their cash surrender value.

4. *Rehabilitation services*: Disabled and blind beneficiaries would be referred to State agencies for vocational rehabilitation services. A beneficiary who refused without good cause any vocational rehabilitation services offered would not be eligible for benefits.

3. *Optional State supplementation*: A State which provides for a State supplement to the Federal payment could agree to have the Federal Government make the supplemental payments on behalf of the State. If a State agrees to have the Federal Government make its supplemental payments, the Federal Government would pay the full administrative costs of making such payments, but if it makes its own payments, the State would pay all of such costs. States could but would not be required to cover under medicare persons who are made newly eligible for cash benefits under the bill. The Federal government, in administering supplemental benefits on behalf of a State, would be required to recognize a residency requirement if the State decided to impose such a requirement.

PROVISIONS RELATING TO FAMILY PROGRAMS

The present program of aid to families with dependent children (AFDC) would be repealed effective July 1, 1972, and two new totally Federal programs would take effect on that day. The new programs would be adopted for a period of five years (through fiscal year 1977) in order to give Congress an opportunity to review their operation before continuing them in subsequent years. The new programs would be established by a new Title XXI in the Social Security Act. A description of the two new programs follows:

Families in which at least one person is employable would be enrolled in the Opportunities for Families Program, administered by the Department of Labor. Families with no employable person would be enrolled in the Family Assistance Plan administered by the Department of Health, Education, and Welfare.

A. Opportunities for families program:

1. *Registration for employment and training*: Every member of a family who is found to be available for work by the Secretary of Health, Education, and Welfare would be re-

quired to register for manpower services, training and employment.

Every person who registered (other than a volunteer) would be required to participate in manpower services or training and to accept available employment. An individual could not be required to accept employment however—

(a) If the position offered is vacant due to a strike, lockout, or other labor dispute;

(b) If the wages and other employment conditions are contrary to those prescribed by applicable Federal, State, or local law, or less favorable than those prevailing for similar work in the locality, or the wages are less than an hourly rate of $\frac{3}{4}$ of the highest Federal minimum wage (\$1.20 per hour under present law);

(c) If membership in a company union or non-membership in a bona fide union is required;

(d) If he has demonstrated the capacity to obtain work that would better enable him to achieve self-sufficiency, and such work is available.

2. *Child care and other supportive services*: The Secretary of Labor directly or by using child care projects under the jurisdiction of the Department of Health, Education, and Welfare, would provide for child care services for registrants who require them in order to accept or continue to participate in manpower services, training employment, or vocational rehabilitation.

The Secretary of Labor would be authorized funds to provide child care by grant or contract. Families receiving such services might also be required to pay all or part of the costs involved. A total of \$488 million would be authorized for child care services in the first full year.

Health, vocational rehabilitation, family planning, counseling, social, and other supportive services (including physical examinations and minor medical services) would also be made available by the Secretary of Labor to registrants as needed.

3. *Operations of manpower services, training and employment programs*: The Secretary of Labor would develop an employability plan designed to prepare recipients to be self-supporting. The Secretary would then provide the necessary services, training, counseling, testing coaching, program orientation, job training, and followup services to assist the registrant in securing employment, retaining employment, and obtaining opportunities for advancement. Provision would also be made for voluntary relocation assistance to enable a registrant and his family to be self-supporting. Public service employment programs would be used to provide needed jobs. Public service projects would be related to the fields of health, social service, environmental protection, education, urban and rural development and redevelopment, welfare, recreation, public facility and similar activities. The Secretary of Labor would establish these programs through grants or by contract with public or nonprofit agencies or organizations. The law would provide safeguards for workers on such jobs and wages could not be less than the higher of the prevailing or applicable minimum wage or the Federal minimum wage. Federal participation in the costs of an individual's participation in a public service employment program would be 100% for the first year of his employment, 75% for the second year, and 50% for the third year.

States and their subdivisions that receive Federal grants would be required to provide the Secretary of Labor with up-to-date listings of job vacancies. The Secretary would also agree with certain Federal agencies to establish annual or other goals for employment of members of families receiving assistance.

4. *Allowances of individuals participating in training*: An incentive allowance of \$30

per month would be paid to each registrant who participates in manpower training (States would have the option of providing an additional allowance of up to \$30). Necessary costs for transportation and similar expenses would also be paid.

5. Utilization of other programs: The Secretary of Labor would be required to integrate this program as needed with all other manpower training programs involving all sectors of the economy and all levels of government.

6. Rehabilitation services for incapacitated family members: Family members who are incapacitated would be referred to the state vocational rehabilitation service. A quarterly review of their incapacities would usually be made. Each such incapacitated individual would be required to accept rehabilitation services that are made available to him, and an allowance of \$30 would be paid him while he receives such services. (States would have the option of providing an additional allowance of up to \$30). Necessary costs for transportation and similar expenses would also be paid.

B. Family assistance plan:

1. Payment of benefits: All eligible families with no member available for employment would be enrolled and paid benefits by the Secretary of Health, Education, and Welfare.

2. Rehabilitation services and child care for incapacitated family members: Family members who are unemployable because of incapacity would be referred to State vocational rehabilitation agencies for services. A quarterly review of their incapacities would usually be made. Such persons would be required to accept services made available, and would be paid a \$30 per month incentive allowance plus transportation and other related costs. (States would have the option of providing an additional allowance of up to \$30.) Child care services would also be provided if needed to enable individuals to take vocational rehabilitation services.

C. Determination of benefits:

1. Eligibility for and amount of benefits: Family benefits would be computed at the rate of \$800 per year for the first two members, \$400 for the next three members, \$300 for the next two members and \$200 for the next member. This would provide \$2,400 for a family of four, and the maximum amount which any family could receive would be \$3,600. A family would not be eligible unless it had countable resources of \$1,500 or less.

If any member of the family fails to register, take required employment or training, or accept vocational rehabilitation services, the family benefits would be reduced by \$800 per year.

Benefits would be determined on the basis of the family's income for the current quarter and the three preceding quarters.

After a family has been paid benefits for 24 consecutive months a new application would be required which would be processed as if it were a new application.

The Secretary could determine that a family is not eligible if it has very large gross income from a trade or business.

Families would have to apply for all other benefits available to them in order to be eligible.

2. Definition of income: Earned income would follow generally the definition of earnings used in applying the earnings limitation of the social security program.

3. Exclusions from resources: A family cannot be eligible for payments if it has resources in excess of \$1,500.

4. Meaning of family and child: A family would be defined as two or more related people living together in the United States where at least one of the members is a citizen or a lawfully admitted alien and where

at least one of them is a child dependent on someone else in the family.

No family will be eligible if the head of the household is an undergraduate or graduate student regularly attending a college or university. Benefits would not be payable to an individual for any month in which he is outside the United States.

The term "child" means an unmarried person who is not the head of the household, and who is either under the age of 18 or under the age of 22 if attending school regularly.

5. Optional State supplementation: If a State decides to supplement the basic Federal payment, it would be required to provide benefit amounts that do not undermine the earnings disregard provision. A State could agree to have the Federal Government make its supplementary payments on behalf of the State. If a State agrees to have the Federal Government make its supplemental payments, the Federal Government would pay the full administrative costs of making such payments, but if it makes its own payments the State would pay all of such costs.

States could but would not be required to cover under medicaid persons who are made newly eligible for cash benefits under the bill.

The Federal Government, in administering supplemental benefits on behalf of a State, would be required to recognize a residency requirement if the State decided to impose such a requirement.

D. Procedural and general provisions:

1. *Payments and procedures:* The Secretary would be permitted to pay the benefits at such times as best carry out the purposes of the title and could make payments to a person other than a member of the family or to an agency where he finds inability to manage funds. The Secretary's decision would be subject to hearing and review.

The family benefits could not be paid to an individual who failed to register, or take work, training or vocational rehabilitation. Cash advances of \$100 or less could be paid if an applicant appears to meet all the eligibility requirements and is faced with a financial emergency.

The Secretary may arrange for adjustment and recovery in the event of overpayments or underpayments, with a view toward equity and avoiding penalizing people who were without fault. People who are, or claim to be, eligible for assistance payments, and who disagree with determinations of the Secretary, could obtain hearings if they request them within 30 days.

2. *Child care:* The Secretaries of Labor and Health, Education, and Welfare are each given the authority and responsibility for arranging day care for their respective recipients under the Opportunities for Families Program and the Family Assistance Plan who need such day care in order to participate in training, employment, or vocational rehabilitation. Where such care can be obtained in facilities developed by the Secretary of Health, Education and Welfare, these would be utilized.

3. *Obligations of parents:* A deserting parent would be obligated to the United States for the amount of any Federal payments made to his family less any amount that he actually contributes by court order or otherwise to the family. And parent of a child receiving benefits who travels in interstate commerce to avoid supporting his child would be guilty of a misdemeanor and subject to a fine of \$1,000, imprisonment for 1 year, or both.

OTHER RELATED ASSISTANCE PROVISIONS

1. Effective date for adult assistance and family programs: Major changes made in the assistance programs would be effective July 1, 1972. The child care provisions would become effective upon enactment of the bill.

The amendments which provide benefits to families where the father and mother are both present, neither is incapacitated, and the father is not unemployed (the "working poor") would become effective January 1, 1973.

2. Prohibition against participation in food stamp program by recipients of payments under family and adult assistance programs: The bill would amend the Food Stamp Act of 1964 by providing that families and adults eligible for benefits under the assistance programs in this bill would be excluded from participation in the food stamp program.

3. Limitations on increases in State welfare expenditures: States would be guaranteed that, if they make payments supplementary to the Federal adult or family programs, it would cost them no more to do so than the amount of their total expenditures for cash public assistance payments during calendar year 1971, to the extent that the Federal payments and the State supplementary payments to recipients do not exceed the payment levels in effect under the public assistance programs in the State for January 1971. The value of food stamps would be taken into account in computing whether the guarantee would go into effect if the State pays in cash the value of food stamps. Most States would save money under the provisions of the bill; this provision would guarantee that no State would lose money.

4. Limitation on Federal expenditures for social services: The Federal Government would continue to provide 75% matching funds to the States for child care and family planning services on an open-end appropriation basis. Federal matching for other specified social services would be limited to the amounts appropriated by the Congress.

5. Increase in Federal matching-WIN program: Effective immediately the Federal matching under the WIN program would be increased from 80 to 90%. This provision expires June 30, 1972.

HARD FACTS DISPUTE NIXON CREDIBILITY GAP

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. MYERS. Mr. Speaker, Roscoe Drummond, writing in the Philadelphia Inquirer, has some timely observations about one of the most loosely used terms today—the credibility gap—which he calls "one of the most poisonous epithets in American politics."

I call the attention of my colleagues to the Drummond column headed: "Hard Facts Dispute Nixon Credibility Gap." The full text follows:

HARD FACTS DISPUTE NIXON CREDIBILITY GAP
WASHINGTON.—"Credibility gap" is becoming one of the most poisonous epithets in American politics.

It is being used so loosely, so unfairly and often so falsely, that some effort ought to be made to look at the facts and to try to discover whether the accusers are not doing as much—if not more—to create distrust of government as the accused.

Take the state of the economy. Early this year the Nixon Administration made a prediction that the U.S. gross national product (GNP) would reach \$1,065 trillion by the end of 1971. A Cabinet spokesman foresaw a steady upturn in business activity and a steady downturn in inflation.

And did they get hit on the head with the

credibility gap epithet! MIT Professor Paul A. Samuelson, a Nobel Prize-winner in economics who was an adviser to President Kennedy, leapt into the gap with cries of "poppycock," "ludicrous," "cynical" and "comic opera."

Now Prof. Samuelson is saying that in . . . of new favorable trends he expects a period of "uninterrupted economic gains."

After the first-quarter figures showed a GNP gain of \$30.75 billion Dr. Samuelson revised his forecast for the 1971 GNP by \$10 billion—from \$1.045 trillion of last fall to \$1.055 trillion currently—thus now moving his estimates half-way to the Administration's \$1.065 trillion.

Other economists are doing the same, raising their estimates nearer to what only a few months ago they branded "poppycock." It isn't poppycock to David R. Francis, the coolly nonpartisan business and financial correspondent of the Christian Science Monitor. He writes:

"There had thus developed a big gap between what the public thinks of the recovery and the fact, which is that the economy shows many signs of moving ahead at a rapid rate."

Yes, there's been a credibility gap—but who's been creating it?

Take the state of public opinion on Vietnam withdrawal.

Who doesn't know that by 68 percent to 20 percent the American people say they favor the proposal that all U.S. troops be out of Vietnam by the end of this year? This is what most Americans think that most Americans think, and when the President says he is steadily winding down the war, the critics cry "credibility gap" on the ground that he isn't winding it down as fast as they contend the public is demanding.

It is certainly true that when asked whether they would like to see all forces withdrawn by Dec. 31 of this year most people say yes.

But is that all of it? Consider these facts:

When the same Opinion Research Corp. asked the same people if they favored such withdrawal if "this meant a Communist takeover of South Vietnam," they voted 55 percent no, 29 percent yes.

When asked if they would favor a 1971 withdrawal if it threatened the lives or safety of U.S. prisoners of war held by North Vietnam, the same people voted 75 percent no, 11 percent yes. When asked: "Do you support President Nixon in his plan to end the war in South Vietnam?" the replies were 72 percent yes, 18 percent no.

There has been a credibility gap on how the American people want to get out of Vietnam, but it is now evident that it has been created mostly by the failure of the pollsters to ask the revealing questions and the zeal with which so many politicians take the one poll which suits their purpose.

NATIONAL DEFENSE

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. PRICE of Texas. Mr. Speaker, this afternoon the House is continuing its extended debate over whether to authorize \$21.9 billion for Department of Defense activities for the coming fiscal year.

A hue and cry has been raised by some Members of this body for a so-called re-ordering of national priorities. This carping worries me greatly because it repre-

sents a trend in our society, and a dangerous trend at that. It appears that a growing number of Americans are increasingly becoming more willing, and even anxious in fact, to bleed our national defense capabilities in the name of "reordering national priorities."

Contrary to what some would have us believe, though, determining the size and composition of the defense budget does not really involve assigning relative priorities between national defense and domestic programs, between guns and butter. Rather, decisions on the size and composition of the defense budget should only involve a consideration of the needs of national survival, and nothing more. In this process, the key question that should be raised and raised often is, "What is needed for the survival of our Nation?"

Mr. Speaker, the American people and their public officials must never forget that the ability of this Nation to survive in the future will not depend on how well it has managed its domestic resources and domestic programs. It will depend instead on whether this Nation has been successful in avoiding and frustrating the forces of darkness which would involve us in a devastating war with the Soviet Union or Red China. Thus, if we fail in this endeavor, we fail in everything. And the American ideals and way of life which we hold so dear will have come to naught but dust, and radioactive dust at that.

It is to prevent this kind of conflagration that we need to maintain an impregnable national defense system. We must possess a level of strategic and conventional military strength sufficient to deter would-be aggressors. Regrettably, however, the facts indicate that the Soviet Union is steadily upgrading and augmenting its military might, and the Chinese Communists are striving to do likewise. Thus the strategic balance of power, which, for many years following World War II, hung solidly in favor of the free world, has started to move slowly in the other direction.

When one considers all the elements in national military nuclear and non-nuclear force levels of the United States, the Soviet Union, and Red China, this Nation still possesses a powerful and very believable deterrent to any World War III. But military experts and strategic analysts point out with chilling objectivity and clarity that the Russian military war machine is expanding its research, development, and production to such levels that unless the United States takes significant countermeasures, this Nation will be reduced to a second best military power. In fact, in certain significant respects during the past 5 years the fine balance of strategic power has actually shifted in favor of the Soviet Union.

Mr. Speaker, in an effort to highlight the most significant aspects of the Soviet and Chinese Communist threat, I have, with the cooperation of Defense Department officials, compiled an up-to-date breakdown of their offensive and defensive strategic capabilities, as well as the current state of their research and development activities.

RUSSIAN STRATEGIC CAPABILITIES

I. ICBM FORCE

The expanding Soviet strategic threat is reflected in the rapid growth of their ICBM inventory. In only 4 years, the Soviets have increased their ICBM force by a factor of five. The result is an ICBM force of more than 1,440 launchers, compared with our fixed ICBM force of 1,054 launchers, a U.S. force that peaked out at this level over 5 years ago.

With regard to the apparent slowdown in the deployment of the Soviet's SS-9 launch system, this condition has now been offset by the recent revelation that the U.S.S.R. is constructing new missile silos. Secretary of Defense Melvin Laird stated, in this connection:

There is evidence of construction of a large missile system . . . It is difficult at this time to say whether it is a modified version of the SS-9 or a new ICBM system.

A. SS-7 AND SS-8

Since initial deployment in the early 1960's the Soviets have developed a number of ballistic missile systems. Two of the earlier systems, the liquid fueled SS-7 and SS-8, were deployed in only limited numbers. Their retention in the ICBM inventory emphasizes the Soviet propensity to hold onto older, proven systems, even as new systems are deployed.

B. SS-11

The SS-11 is one of the three ICBM systems still being actively deployed. It is deployed in larger numbers today than any other Soviet system, in excess of 900 launchers part of which are associated with MR/IRBM fields. Flight testing of modifications to the SS-11 commenced in 1969 and has included tests of a new reentry vehicle with penetration aids and multiple reentry vehicles as likely possibilities.

In 1968 deployment of SS-11's at MR/IRBM complexes in the western U.S.S.R. was begun. These missiles with variable range capabilities could be targeted on both United States and the NATO area of western Europe.

Last August, Secretary Laird revealed that two extended range tests of this system, into a Pacific Ocean impact area, may have carried as many as three reentry vehicles.

C. SS-13

The SS-13, savage, is the Soviet's first operational solid propellant ICBM. Deployment thus far has been limited, and U.S. weapons analysts are uncertain about SS-13 force goals. Again, as with the SS-11, an active test program continues for this system.

Today, the combined SS-11 and SS-13 force accounts for more than 1,000 launchers.

D. SS-9

Last, but by no means least, of the ICBM systems currently being deployed is the powerful SS-9 system.

The SS-9 is the largest and most versatile missile in the Soviet ICBM inventory. Silos for about 300 of these large, liquid fueled systems are completed or under construction.

The missile is capable of a variety of strategic roles. As an ICBM, the SS-9 is capable of delivering a single 25 megaton

warhead, or combinations of smaller megaton range multiple warheads.

Multiple reentry vehicle tests, using the SS-9 booster, were initiated in 1968. As already tested, the system can carry three 5 megaton warheads to a range of over 5,000 nautical miles. Another variant of the SS-9 has been tested as a fractional orbit bombardment system, or FOBS.

The actual extent of diversification in the operational deployment of the SS-9 system cannot be determined. It can be stated with assurance, however, that this large payload missile, with its proven versatility, provides a variety of options for strategic deployment or employment.

E. ICBM GROWTH

The Soviets have already surpassed the United States in numbers of land-launched ICBM's and deployment is continuing. Of even more significance is the advantage held in total payload and the current emphasis on multiple reentry vehicle testing. Significantly, last year's research and development ICBM testing by the Soviets constituted the greatest activity since the beginning of their ICBM program. Although we are uncertain of their future force goals, based on the level of activity in recent years, the Soviets could achieve a force of well over 2,000 hardened ICBM's by 1975.

II. MR-IRBM FORCE

The Soviets have also deployed over 650 liquid fueled medium- and intermediate-range missile launchers. These launchers, designated the SS-4 and SS-5, are mainly deployed along the western U.S.S.R. border. Although MR/IRBM force has remained fairly constant over the past 10 years, there are indications that it may be replaced by a solid fueled mobile system, such as the Scamp.

While not a direct threat to the U.S. mainland, the MR/IRBM force, including refire capability, does represent more than a 1,000 missile threat to our overseas bases and to our allies.

III. SLBM FORCE

In less than 5 years Soviet sea-launched ballistic missile capabilities have tripled. This growth is similar to the growth in the ICBM area.

A. OLDER SUBMARINES

The first ballistic missile-carrying sub, the Z-class, was operational in the mid-1950's. This was followed by the G-golf and then the H-hotel class. The hotel class was the Soviet's first nuclear-powered ballistic missile submarine. The missiles associated with these three-tube submarines have ranges on the order of 500 nautical miles.

B. YANKEE-CLASS SUBMARINES

By far the most significant factor in the expanding sea-launched ballistic missile threat has been the development of the Yankee-class nuclear-powered ballistic missile submarine. Like U.S. Polaris subs, the Yankee carries 16 missiles each, with a range of about 1,300 nautical miles. At least 17 of the Y-class boats are considered to be operational. It is believed, however, at least another 15 are presently being outfitted or under

construction at two separate facilities, and that the production rate is about seven to eight per year.

In addition, testing is underway on a new, longer range missile that could double the submarine's present strike range. This new naval missile may be the Sawfly which was first publically displayed in a 1967 Moscow parade.

III. SLBM GROWTH

Today, the United States still has the advantage in numbers of sea-launched ballistic missiles but the Soviets are rapidly closing the gap. With an estimated construction rate of 7-8 Yankee subs per year, the Soviets could at least equal our Polaris and Poseidon force within the next few years.

IV. BOMBER FORCE

Bombers play a vital role in the Soviet arsenal. Since 1965 a long-range aviation force of about 90 bombers has been maintained.

A. HEAVY BOMBERS

The heavy bomber force, composed of bears and bisons, is being maintained at about 195 aircraft. Of this number, 50 bisons are normally utilized as tankers.

Although the United States stopped heavy bomber production about 7 years ago, the Soviets only recently discontinued production of the Bear, a turbo-prop bomber.

A significant portion of this force can carry air to surface missiles and be refueled in flight.

B. MEDIUM BOMBERS

The Soviet medium bomber force, consisting of blinders and badgers, totals about 700 aircraft. Although the Badger was first introduced in 1953, some have been modernized by the addition of air to surface missiles.

A limited production continues on the Blinder, which is a swept-wing, supersonic medium bomber, powered by two turbojet engines. If deployed at northern U.S.S.R. staging bases, the medium bombers could be a potential threat to the United States.

C. FUTURE BOMBER

While older systems are continually updated with modifications, the Soviets continue to develop newer and improved aircraft.

The Soviet supersonic transport has been flying for 2 years. While there is no known direct military application for the craft, the Soviet SST could provide valuable engineering data for a follow-on strategic bomber. In this connection, a new prototype strategic bomber is now flying in the Soviet Union. It is believed to be a variable sweep wing, supersonic aircraft, with improved range over the Badger and Blinder.

D. BOMBER STRENGTH

The long-range bomber force has remained fairly constant during the past 6 years after the allocation of about 400 aircraft to its naval arm in the early sixties. They continue to maintain this large strategic bomber force, despite predictions that it would be phased down.

Many will recall Mr. Khrushchev's famous remark in 1957:

Bombers are obsolete. You might as well throw them on the fire.

In view of Russia's continued reliance on the manned bomber, one wonders whether Khrushchev made this comment as a matter of conviction or in an effort to influence U.S. national defense policy.

RADARS

Soviet radars, which number in the thousands, provide complete warning and interceptor control throughout the U.S.S.R. These radars, which span the full usable frequency spectrum, incorporate all the latest advancements in electronic counter-countermeasure technology. In addition, they have recently embarked upon an extensive program to improve their ability to detect low flying bombers using land, sea, and air-based radars.

I. AWACS

A new airborne radar is mounted on the moss, which was developed from the TU-114 transport version of the Bear bomber. This airborne warning and control system, AWACS, can extend Soviet detection of penetrating bombers by about 200 miles, and even without advanced techniques, could detect low altitude aircraft against the background of a calm sea.

FIGHTER PLANES

The Soviets maintain an impressive force of more than 3,000 fighter interceptors. Most, including the older MIG-17, MIG-19, and MIG-21, have a good all-weather capability. To keep this force modern, the Soviets have introduced a new fighter aircraft on an average of one per year.

An example is the Fiddler, a large, long-range interceptor which became operational about 5 years ago. If used in conjunction with the AWACS, it could provide a patrol capability well beyond Soviet borders.

I. FLAGON

The Flagon is a small, fast point defense interceptor which has been in service about 2½ years.

II. THE FOXBAT

The Foxbat is a relatively large aircraft capable of speeds in the mach 3 region. When introduced over 5 years ago, the Foxbat claimed three world speed records, as well as altitude and payload records. Today, this aircraft officially holds two world speed records over a closed circuit course. It was recently deployed as an interceptor and may enter the tactical aviation inventory this year. If employed as a tactical aircraft, it is believed that the Foxbat will retain its primary role as an interceptor and fulfill a specialized secondary reconnaissance role.

ANTISUBMARINE WARFARE

Soviet defenses are also growing on the seas—witness the production of two large helicopter carriers: The *Moskva* and her sister ship, the *Leningrad*. These ships probably carry sophisticated electronic gear for detection and tracking of enemy submarines, and rely on armed helicopters to perform the kill. Both ships have operated extensively in the Mediterranean, and the *Leningrad* has

been noted as far north as the Kola Peninsula. The *Leningrad* also played a prominent role in the large-scale Soviet naval exercise, Okean, in April and May 1970. This single naval operation was, incidentally, the widest in scope ever attempted by any navy—involving about 200 ships in a single, integrated operations plan involving three oceans and nine adjoining seas.

ANTISUBMARINE AIRCRAFT

In addition to using helicopter carriers in an ASW role, the Soviets have developed several long-range, land-based aircraft for this mission. There aircraft the mail and the may are probably equipped with a high resolution radar, as well as magnetic anomaly detection gear. Both can carry ASW torpedoes and depth charges.

Additionally, the Soviets could configure their longer range naval version of the Bear bomber for this ASW mission. With such a platform recovering in Cuba, as the Soviets have done with the reconnaissance version, the entire north Atlantic could be covered routinely.

AIR DEFENSE FORCE

A full appreciation of the growing Soviet threat requires an examination of defensive as well as offensive strategic forces. Today, the Soviet Union literally bristles with defensive systems ranging from anti-aircraft artillery to antimissile missiles.

They probably spend at least twice as much as the United States for defense. They are, qualitatively speaking, equal, and in terms of in-being, operational forces, quantitatively greater than the United States.

By way of illustration, with a land area not quite three times that of the United States, they have from five to 20 times as many radars, surface to air missiles, and interceptors.

Probably more important, however, is their continuing program to improve air and missile defenses across the board, coupled with significant progress in anti-submarine warfare.

I. BALLISTIC MISSILE DEFENSE

Turning now to ballistic missile defense, the Soviets have considerable activity underway. The Moscow system consists of 64 launchers, divided among four complexes, and was begun 5 years ago. At the same time, construction began on several giant supporting radars, about 900 feet long and 90 feet wide. These powerful radars, designated the hen house, provide early warning acquisition and tracking functions.

This first-phase Soviet ABM deployment around Moscow has been described by a DOD spokesman as a "relatively complete ballistic missile defense." He also stated that there is "no reason to doubt the effectiveness of this system."

II. ABM RADAR—ACQUISITION

A second large radar, nicknamed Dog House and standing hundreds of feet tall, is located near Moscow. It is probably a more accurate system designed to provide refined data for improved battle management.

III. ABM RADAR—TRACKING

Final target tracking and missile guidance are probably provided by large, dome covered tracking radars, located in strategic locations throughout vital areas of the U.S.S.R.

IV. ABM SYSTEMS

The Moscow system interceptor, the Galosh, is a multistaged, solid/liquid fueled missile. It is believed to have a range of several hundred miles, can carry a 1- to 2-megaton nuclear warhead, and appears suitable for a high altitude area defense. As now deployed, it could give the Soviets a limited capability against our Minuteman or Polaris missiles on northern trajectories. Completion of this entire system is expected to be 2 or 3 years away when the half a dozen hen house installations around the Soviet Union are operational.

The Galosh missile, however, may not be the only ABM system in the Soviet inventory. The so-called Tallinn system employs the SA-5 missile and it has been said that "if the SA-5 system is given information from the large ballistic missile acquisition and tracking radars, then it could have considerable capability in making successful intercepts of incoming ballistic missiles."

In addition, testing of an improved ABM interceptor is underway. This ABM would loiter—that is, once fired it could coast out to a general intercept area, select its targets, restart, and maneuver to kill the incoming warhead.

Projection of Soviet R. & D. efforts with these new ABM components may find that, by the mid-seventies, the Soviets could have as many as 2,000 ABM launchers.

V. SAMS

Besides innumerable AAA weapons ranging up to 130 millimeters, there are on the order of 10,000 surface-to-air missile launchers in the Soviet Union in both fixed and mobile configurations. Their oldest operational system, the SA-1, is still deployed around Moscow.

The SA-2 is the mainstay of SAM defenses in the Soviet Union and pro-Soviet nations, including Cuba, North Vietnam, and the UAR. The good high-altitude capability of the fixed SA-2 system is complemented by the SA-3 system which has better low altitude capabilities. The SA-2 and SA-3 have figured prominently in the Mid-East.

The SA-4 and SA-6 are track mounted, mobile systems, ideally suited for defense of army field units. The SA-6 was first observed in the November 1967 Moscow parade and may be operational now or in the near future.

The SA-5 Tallinn System provides an excellent defense against extremely high altitude aircraft: and as a leading U.S. expert has pointed out, could have considerable capability to intercept ballistic missiles.

RESEARCH AND DEVELOPMENT

Quoting Dr. John S. Foster, the director of Defense Research and Engineering:

The Soviet Union is now about to seize world technological leadership from the United States.

He has based this conclusion on the comparative state of technology today between the two nations and the current level of R. & D. efforts. He believes that the United States still retains an overall edge in technology, but that this edge may exist in nonessential or irrelevant areas.

I. R. & D. PRACTICES

Soviet R. & D. practices can be characterized by three features:

They are bold in their approach to program concepts. Construction on the large Hen House radar, for example, actually began several years before a working interceptor to complement it was available.

The Soviets organize their system development about a few prototypes, most often pitting two teams of designers against one another. The wide variety and variations of U.S.S.R. fighter aircraft are examples of this methodology.

Third and last, they seldom abandon a proven piece of equipment or system, but instead rebuild or modify it to improve its usefulness or extend its life. Prime examples of this are the numerous modifications made to the Bear heavy bomber, and the versatility of the SS-9 missile.

II. R. & D. FUNDING FOR DEFENSE

Looking at military, space, and atomic energy R. & D., the United States is already behind about \$3 billion a year. In this regard, the Soviets have been expanding R. & D. expenditures by about 13 percent a year since 1960.

CHINESE COMMUNIST STRATEGIC THREAT

The Chinese Communists are apparently convinced that the possession of a strategic nuclear strike capability will act as a deterrent in preventing attacks on the Chinese mainland. They have also concluded that this power would greatly enhance their bargaining position throughout the world.

As a step toward attaining this goal, the Chinese have thus far achieved a modest nuclear capability. They have been conducting nuclear testing since 1964, and have to date detonated about a dozen nuclear devices. Most of these are believed to have been thermonuclear devices, including both air and possibly missile delivered weapons, with yields in the megaton class.

CHICOM ICBM

The Chinese have successfully orbited two satellites, one in spring 1970, and one in March of this year. The technology displayed in launching these approximately 400-pound payloads provides an insight into their missile potential.

Based on their demonstrated space technology, reduced range testing of an ICBM may have begun late last year. Following more extensive testing, an operational ICBM could become available as early as 1973 and be deployed in limited numbers by 1975.

CHICOM MR/IRBM

The Chinese have been testing a medium-range ballistic missile since the mid-1960's. The Soviet MRBM is much like the type given the Chicoms by the

Soviets in the early sixties. Using Soviet technology as a springboard, the Chinese have probably developed a medium-range ballistic missile of their own.

Emphasis in Chicom missile R. & D. may have shifted in 1970 to the development of an intermediate-range missile system. By the middle of this year, there could be a small number of MRBM's deployed and limited numbers of the IRBM could well be deployed within 1 to 2 years. On the basis of present estimates, a force of 80 to 100 MRBM's could be available by 1975.

CHICOM BOMBERS

The present Chicom nuclear delivery force consists of a limited number of medium-range bombers. These include about 10 B-29-type piston aircraft acquired from the Soviets in the late fifties and a small but growing medium-bomber force of Badger-type aircraft. Thus, at present rates, a significant number of medium-range bombers should be off the assembly line by the middle of next year.

CHICOM GROWTH

Though hardly comparable to Soviet growth, the Chinese threat does include improvements in all areas.

Their strategic bomber force, which has remained fairly constant since 1960, may add new medium-range aircraft and increase the existing inventory within a few years.

Missile deployment may have begun last year with medium-range ballistic missiles, followed with an ICBM at the earliest by 1973. By the mid-1970's, total missiles on hand could reach as many as 125.

CHICOM AIR DEFENSE

The Chinese Communists have over 3,000 fighter aircraft; mostly of Soviet design. However, the Chinese may now be capable of producing their own native aircraft in limited quantities. Supporting these fighter aircraft are nearly 1,500 air defense radars. In addition, key targets are protected by over 50 surface-to-air missile sites and nearly 4,500 anti-aircraft artillery weapons are deployed throughout the country.

Mr. Speaker, this information, taken in perspective, leads one to the inescapable conclusion that the growing Soviet and Chinese Communist strategic capabilities present a threat to this Nation that is immense indeed. The Soviets are still deploying at least three kinds of ICBM's and are diligently working on follow on improvements. The U.S. advantage in sea-based ballistic missiles is rapidly diminishing, and the Soviets may well surpass us with the advent of the new missile I referred to earlier, a missile that will double the range of the missiles carried by the Yankee-class submarines. Finally the Soviets are continuing to manufacture manned bombers and fighter planes, and are developing an advanced bomber as well.

I would point out that even though the Soviets already hold the strategic balance of power in defensive weaponry, they are deploying larger numbers and more advanced surface to air missiles and are upgrading their antisubmarine and ballistic missile defenses. Through extensive pro-

grams of research and development, the Soviets are striving to construct the world's finest technological base for furthering expansion of their strategic strength.

As regards the Chinese Communist strategic threat, the current evidence indicates that they are striving to augment their military forces and develop potent nuclear capabilities. Given their rate of development, the day may soon come when the Red Chinese will trade ping-pong diplomacy for nuclear diplomacy.

In conclusion, Mr. Speaker, I would urge my colleagues to carefully weigh the consequences of reducing the ability of this Nation to defend itself and its allies. After all we are dealing with fundamental questions of life and death. This Nation can protect itself only through strength, not through weakness. Defense needs must be fully met and fully funded.

STATEMENT OF AARON M. KOHN TO THE LOUISIANA STATE RACING COMMISSION

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. STEIGER of Arizona. Mr. Speaker, yesterday I was privileged to appear before the Louisiana State Racing Commission to testify on the involvement of Emprise of Buffalo, N.Y., and organized crime. Mr. Aaron Kohn, ex-FBI agent, 17-year-fighter of organized crime and nationally recognized authority delivered the following paper at the hearing. It is authentic, scholarly, and excellent.

The statement follows:

STATEMENT OF AARON M. KOHN, MANAGING DIRECTOR, METROPOLITAN CRIME COMMISSION OF NEW ORLEANS, INC., TO THE LOUISIANA STATE RACING COMMISSION, JUNE 16, 1971

First, I should like to express appreciation to the Racing Commission for diligence in initiating this investigation after I wrote the Commission Chairman, Mr. L. A. Holland, on March 9, 1970, transmitting certain information concerning the alleged involvement of Emprise Corporation with organized crime figures, and urged that a thorough probe be made of their influence on Louisiana race-tracks. The Commission, having no investigative staff of its own, referred the request to the small, newly created, Organized Crime Intelligence Unit of the State Police. Subsequently, the same police unit was assigned investigative responsibilities for the Joint Legislative Committee Investigating Organized Crime and Corruption. During the Legislative Committee hearing on March 18, 1971, State Police Officer James S. Howard made a preliminary report about the ownership of Jefferson Downs, Inc. principally by John G. Masoni and Emprise Corporation, as well as by the Daytona Beach Kennel Club, in which Masoni Emprise are also owners. He also testified to information in the Congressional Record concerning the financial alliance of Emprise Corporation with various individuals identified as Cosa Nostra figures. Officer Howard's testimony was unreported by most of the press.

For the past three months the State Police Intelligence Division, aided by some additional personnel, has intensified and ex-

panded its investigation in an admirable way. It is notable that this is the first time the Racing Commission, or any other State body, has had available to it the services of an intelligence-gathering unit with the dedication and professional commitment which now exists in this still inadequately-staffed special division of the State Police.

I will not burden your time or this record with repetition of data you undoubtedly will receive in great detail from Congressman Sam Steiger and from reports of the State Police Intelligence Division, which has researched and briefed most of the Crime Commission records on Jefferson Downs, Emprise and related files.

However, as citizen observers, from the public interest viewpoint, I should like to briefly trace some of the history of Jefferson Downs, its relationship to Emprise and to organized crime influences.

From its beginning as Magnolia Park, the Jefferson Downs track has been troubled with financial problems, bankruptcy, hurricane, fire and the intrusions of organized crime. The abuse of legitimate track operations by corrupt officials, professional gamblers and the Marcello organization were the subject of testimony before the U.S. Senate Permanent Subcommittee on Investigations during August, 1961. Use of the track to further illegal gambling continued thereafter until it was rendered unfit for further use at the old location. The track was frequently in trouble with the Jefferson Parish Health Officer, Dr. Isadore Yager, who threatened to close it because of hazards to the health of nearby residents. And throughout that history, Emprise and its subsidiary, Sportservice, has been an active part of the track operations.

The present controlling ownership of Jefferson Downs, its concessions and property, has gradually evolved from a series of take-overs by Emprise which somewhat typify its evolution into economic dominance of race-track business in this nation and elsewhere.

Jefferson Downs started as Magnolia Park, Inc. incorporated in Louisiana on July 16, 1953 to operate as a harness racing track. Emprise, through its subsidiary, New Orleans Sportservice, Inc., took over concessions and loaned money to the owners.

In 1956 we were informed that Sportservice unsuccessfully applied to the Racing Commission for permission to operate flat racing at the track.

In April 1957 Felix Bonura, as president of Magnolia Park, Inc., announced plans to issue \$200,000 additional stock to reopen the track for flat racing. In August, 1957, the Racing Commission approved night flat racing dates for Magnolia. On September 18, 1957, the Magnolia secretary announced the track would reopen on October 3, and that "We're getting all the money we need from Sportservice," which reportedly had agreed to lend Magnolia \$300,000. The track did open, and our Crime Commission promptly received information that it was swarming with illegal bookies.

Magnolia didn't receive the promised money, never developed operating stability, and on October 16, 1957, filed a voluntary petition for reorganization under Chapter X of the Federal Bankruptcy Act.

On November 3, 1958, the trustee, Richard B. Montgomery, Jr., filed a plan for reorganization, supported by the Securities and Exchange Commission. The plan recommended that the concession contract with Sportservice be rejected, and U.S. District Judge J. Skelly Wright agreed this would be in the best interest of the track.

Sportservice opposed the reorganization plan, and was represented in Louisiana by two attorneys from Buffalo, New York, Robert P. Leacy and Arnold Weiss.

The plan provided that Magnolia would be reopened as Jefferson Downs with ownership in a corporation headed by C. Ray Edmonds,

who had been running tracks at Sioux City, Iowa and elsewhere. Edmonds reportedly had already been involved with John Masoni and the Jacobs family (Emprise) at a dog track in West Memphis, Arkansas.

The attorneys for Sportservice claimed they had, in fact, advanced over \$200,000 to Magnolia while operating the concessions there. Thomas Lupo, now a stockholder in Jefferson Downs, temporarily replaced Sportservice as the concessionaire with L & R Concessions. Sportservice filed a \$1 million suit for breach of contract.

While the reorganization controversy proceeded, in August 1958 the Racing Commission received an application to reopen the track for racing in early 1959. Commission Vice Chairman Dalgre was then quoted in the press as saying that Commission Chairman J. M. "Pete" Menefee told him Governor Earl Long wanted the request approved. This was publicly denied.

In a hearing before Judge Wright on January 21, 1959, there was testimony that Sportservice attorney Robert Leacy had said "We are not at all concerned with the plan, only with the concessions. No damn state commission is going to push us around. If we don't get the concessions, we will fight the plan". The Court was also told that the State Racing Commission had disapproved Sportservice as the concession operator for Jefferson Downs. Sportservice attorney Arnold Weiss was quoted as saying he would "take steps to change that". Thereafter, I was informed that Leacy admitted paying \$10,000 to Governor Earl Long and a similar amount to Racing Commission Chairman "Pete" Menefee on behalf of Sportservice, to protect their interests.

On December 22, 1958, the reorganization plan was submitted to stockholders, creditors, and debenture holders. On November 1, 1960, the trustee reported that the plan had been approved, but with certain changes. One such change was: "The objections to the plan which were filed by New Orleans Sportservice, Inc., were settled by accepting New Orleans Sportservice, Inc. as the concessionaire and the approving of its contract with Magnolia Park, Inc., which was then assigned by the Trustee to Jefferson Downs, Inc."

Thereafter, John Masoni moved into ownership and presidency of Jefferson Downs. C. Ray Edmonds was moved out. Emprise loans and stock purchases increased, until today Emprise directly and indirectly controls every aspect of Jefferson Downs' finances and management.

The growth of Emprise Corporation, and the Jacobs family, from concessionaires in burlesque houses to an international conglomerate of vast proportions challenges the imagination. And challenging to responsible decision is the parallel record of organized crime alliances and deceptive practices of Emprise as has been documented by Congressman Steiger. Emprise Corporation has investments in or control of about 40 race-tracks, roughly 450 sportservice concession contracts, various sports arenas and stadiums. Through their conglomerate business network the Jacobs family has also acquired interest in a professional basketball team, the Cincinnati Royals, and their employees are at virtually every professional football game. They have operating units in at least ten major league baseball stadiums, eight professional football stadiums and many minor league parks. Racetrack operators, including concessions and track ownership extend to 25 states, Puerto Rico, Canada, England and Columbia. They have subsidiaries in Italy. They operate food and drink concessions in hundreds of theaters across the nation, parking lots, airport services, restaurants, bars and lounges.

Emprise has frequently been charged with giving false or deceptive information to government agencies.

For example, after it had been denied by Emprise Attorney Lawrence P. D'Antonio, when Jeremy Jacobs, President of Emprise, testified at a hearing of the Arizona Racing Commission on March 2, 1970, he admitted that Emprise had supplied the money with which J. J. Isaacson had purchased Tucson Turf Club stock.

The Arizona Auditor General reported that Emprise used false income figures when requesting tax concessions from the Arizona Legislature.

The U.S. Securities and Exchange Commission alleged that the Tucson Turf Club filed "false and misleading" documents, concealing ownership of over 3/5 of the stock by Emprise.

About nine months after Jeremy Jacobs swore that he had no business dealings with ex-convict Irwin Wiedrick in a Delaware track, Emprise filed a suit in Dade County, Florida in which the Wiedrick relationship was admitted.

Emprise ownership and financial transactions repeatedly tie them to underworld figures.

The "Silent Syndicate" by Hank Messick describes specific situations in which large amounts of money moved between the Cleveland syndicate and Sportservice, helping to bankroll each other's needs.

Illinois records document the activities of Emprise in that State's racetracks, including joint concession interests with racketeer Frank "Buster" Wortman at Cahokia Downs, and financial involvements with ex-convict Irwin "Sam" Wiedrick.

The partners of Emprise at the Hazel Park track in Michigan include key figures in the Detroit area Cosa Nostra, as identified by the Attorney General of the United States in 1969. These include Anthony J. Zerilli, President, and Jack W. Tocco, Vice President, as well as Dominic P. Corrado, a Director of the Hazel Park Racing Association. Four of the nine Directors of Hazel Park are now under federal felony indictments and a fifth has been connected with illegal gambling. Members of the Zerilli organization have been prosecuted in recent years for interstate gambling, bankruptcy fraud, embezzlement, illegally taking goods from bonded areas, tax evasion, fraudulently securing FHA and SBA loans, evading payment of taxes on hand-book operations, interstate transportation of firearms, intimidation of a Federal officer, liquor law violations, counterfeiting, obstruction of justice, interstate racketeering, loan-sharking and illegally bringing aliens into the United States.

Emprise owns 156,555 shares, or about 12%, of Hazel Park and it controls the concessions, including parking.

The Zerilli mob, bossed by Anthony's father, Joseph, were considered the most notorious prohibition era hoodlums in the Detroit area. They eventually took over domination of the rackets from the Purple Gang. In characteristic organized crime pattern, they dominated gambling and other rackets while increasingly moving into legitimate-front enterprises. The money which Anthony Zerilli invested in Hazel Park he admitted receiving from his father, the Cosa Nostra Boss. Anthony is married to the daughter of the deceased Mafia Don Joseph Profaci.

Hazel Park has been the target of scandals and investigations. U.S. Internal Revenue in Detroit raided 12 syndicate gambling centers July 1, 1966, and four jockeys and a trainer were allegedly involved. A State Racing Commissioner resigned.

The Michigan Attorney General, Frank J. Kelley, asked for a grand jury probe of horse-doping, bribery and conspiracy at Hazel Park. He charged that public officers, state employees and persons licensed by the Racing Commission were involved in a conspiracy at the Hazel Park track.

The common interests of Emprise with the Detroit Zerilli Cosa Nostra Family becomes

particularly dangerous in Louisiana because of the apparent close relationship between the Marcello organization here and the Zerillis.

Police intelligence has established past direct contact between Carlos Marcello, Anthony Zerilli and the Hazel Park track.

Frank Caracci's conviction on three counts for conspiracy to bribe a federal tax agent was upheld earlier this month by the U.S. 5th Circuit Court of Appeals. An associate of the Marcello mob, he has a long history of corrupt operation of New Orleans strip-clubs, and as a pinball gambling racketeer. In September 1969 he was arrested with others in connection with a sports betting operation in Houston.

Earlier in 1969, in May, Frank Caracci was at the Spaghetti Palace, in Roseville, Michigan, a suburb of Detroit. This restaurant is owned by Anthony Zerilli and frequented by other members of the Detroit Mafia. With Caracci was Frank Profaci, brother-in-law of Zerilli and son of a former Cosa Nostra boss, Joseph Profaci. Also with them was Nicholas J. Graffagnini of Metairie, Louisiana who then had 16 horses running at Hazel Park, and whose horses race on Louisiana tracks.

I remind the Commission of the many ways in which Carlos Marcello has been able to manipulate and influence corruptly on behalf of his interests, direct and indirect. Recent legislative committee hearings have documented some of the pattern. He, or his associates, have attempted, or have wormed their way into every race track in this State. Former Racing Commissioner Antoine Ashy resigned after disclosures of his relationship with Vincent Marcello, and with illegal gambling at Evangeline Downs. Carlos Marcello tried to buy his way into the original Jefferson Downs, and sought to have the new track built on his Churchill Farms property. Marcello-connected gamblers have frequented and been ordered off the Fair Grounds track. People in the Marcello organization breed and run racehorses. And the Marcello mob includes major figures in illegal gambling, including horserace betting.

And as Carlos Marcello told a candidate for election in Jefferson Parish, he makes contributions to political campaigns with the understanding that he will expect favors for his friends when they get in trouble.

Marcello also has a history of taking over control of various enterprises, as does Emprise, by increasing investment, some concealing ownership behind front men.

In the Eastern District of Michigan, federal court docket #45236, indictments for Bankruptcy Fraud were returned against 15 defendants. Of eight of them officially identified as important in the Cosa Nostra, two are officers of Hazel Park.

They are charged with "scam" operations which have typified planned bankruptcy frauds by organized crime groups in recent years—an increasingly serious problem.

An indictment returned by a federal grand jury in the Central District of California, on February 26, 1971, makes serious charges in 10 felony counts against Emprise Corporation, two other owners of Hazel Park, (Anthony Zerilli, Peter Bellanca) and others.

The extensive California indictment alleges that Emprise owners Louise M. Jacobs, Max M. Jacobs and various others conspired and acted in concert with those indicted, to create an intricate web of false ownership of a Las Vegas gambling casino, and to deceive the Nevada State Gaming Commission, a regulatory agency as is the Louisiana Racing Commission.

Also indicted with Emprise and Zerilli were a former Michigan judge, Arthur J. Rooks, and Jack Shapiro, manager of the Frontier Hotel and Casino in Las Vegas.

In March of this year the FBI, the U.S. Attorney and a federal grand jury probed into wiretapping allegedly used to obstruct

the Arizona Racing Commission's investigation of the Emprise Corporation ownership interest in six Arizona dog-tracks. It had been disclosed that one of the Commissioners who later resigned, Al Marth of Phoenix, had assured Emprise's local partners that the licenses being challenged would be renewed. Wiretaps reportedly had been installed on the office and home phones of Racing Commission Chairman John Goodman; on the phones of Congressman Steiger and his administrative assistant, Michael Jarvis; on the residence phone of Arizona Republic reporter Don Bolles; and on other phones. The wiretaps admittedly had been arranged by an investigator, George H. Johnson, employed by the Funk-Emprise interests in Arizona.

The wiretapping was being done about one year ago while the Arizona Racing Commission was considering renewal applications for joint operations of the six dog tracks and Prescott Downs by Emprise Corporation and Funk racing interests.

In Arizona, Emprise apparently is co-owner of eight tracks. In 1967 they took over the Phoenix Trotting Park when the former owner became insolvent. Thereafter legal pressure was brought in an effort to recover previously paid taxes totalling \$203,000.

Arizona State Auditor General Ira Osman prepared an analysis for that State's Legislative Budget Committee which showed that the Emprise-Funk tracks had expended \$281,682 in their efforts to retain racing rights there in 1970. This included payments to lawyers, public relations consultants and others, including the wiretapping investigator. Part of the money went to a New York PR man, Hal Antin, apparently for directing an unsuccessful campaign to prevent reelection of Congressman Steiger, a courageous and tireless opponent of rackets influence on horseracing.

In 1968, the U.S. Attorney for Southern District of New York, Robert M. Morgenthau, Jr., subpoenaed Louis Jacobs, of Emprise, to question him before a federal grand jury concerning business dealings with Gerardo "Jerry" Catana, reputed successor to Vito Genavese and boss of New Jersey's LCN organization, and with Meyer Lansky, notorious international racketeer figure. Jacobs resorted to various legalities to avoid questioning, and died before he could be interrogated. Thereafter his wife and sons took over direction of Emprise.

The Bally Manufacturing Corporation of Chicago, formed by merger with the Lion Manufacturing Company, calls itself the largest producer of slot machines and one of the biggest manufacturers of pinball machines in the world. It boasts that it supplies about 90% of the one-armed bandits used in Nevada.

Bally machines, of the pinball payoff type, are a serious organized crime problem in Louisiana, where they are operated in violation of the law. Thousands of these machines have created law enforcement problems all across the state. The powerful influence of the pinball racketeers was disclosed in our recent Legislative Committee hearings and was further evidenced by their ability to block every effort to pass a law which would ban them here.

It is, therefore, important for your Commission to know that Sportservice or Emprise has had a major financial interest in the Bally Company.

According to official records in Nevada and New York State, an officer of Bally Manufacturing Company admitted that he and Louis Jacobs of Emprise each acquired 25% of the stock of Bally at a time when Irving Kaye and Abe Green each bought 12½% of the stock. Kaye is a partner of Jerry Catana in the Kaye Manufacturing Company, Brooklyn. Abe Green either works for, or is a

partner of, Jerry Catana in the Runyan Sales Company, coin device distributors in the East. As mentioned before Catana has been officially identified as Boss of the Northern New Jersey Cosa Nostra, and successor to Vito Genavese in the National LCN Commission. Although Jacobs reportedly sold out his interest in Bally to his partners in 1964, it is significant that he again formed economic alliances with major figures in organized crime.

It appears reasonable to conclude from the extensive Emprise record, of which I have mentioned brief extracts, that they and their affiliate companies are given to deception and organized crime alliance. This is a particularly dangerous combination to entrust with authority to operate a racetrack, which is an endless source of such law enforcement problems.

For example, the Fair Grounds expends between \$300,000 and \$350,000 on security measures during a racing season, I am told. They frequently ban from the track such notorious Marcello-connected gamblers as Sam DiPiazza and Frank Timphony. Carlos Marcello was, and probably still is, considered persona non grata at all tracks which belong to the Thoroughbred Racing Protective Bureau. It is not logical to expect that track management will ban their friends, or friends of friends.

There is need for another important consideration, in view of the deceptive patterns of Emprise. It must be remembered that food and beverage concessions handle a major part of the money expended at the track. Parimutuel mechanically records the betting handled. But the concession business is all cash, without reliable record keeping devices. The concessionaire, Emprise's Sport-service, can if so inclined make any arbitrary report on income. Opportunities for tax-cheating are great. Only completely reliable and ethical management can be depended upon to not take advantage of these opportunities. In that connection, it should be noted that the Fair Grounds operates its own concessions.

We strongly urge, on the basis of the information in possession of the Racing Commission, that it refuse to license racing to the present ownership of Jefferson Downs. And that it not grant such authority until ownership is in the hands of more acceptable proprietors, who will first have been thoroughly checked out by the State Police Intelligence Division.

It may well be that, as in the case of the Fair Grounds, local ownership and management of both track and concessions, carefully screened, will result.

INTER-AMERICAN ASSOCIATION FOR DEMOCRACY AND FREEDOM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. FRASER. Mr. Speaker, I am associated with the Inter-American Association of Democracy and Freedom in New York City. Mr. Francis R. Grant, secretary general of this organization, has for many years devoted himself to exposing and protesting the activities of dictatorships in the Americas. The road he traveled has been rocky, but he has continued his public efforts.

The following article explains some of the problems facing the association presently. I commend this article to my colleagues:

"WE SURVIVED"—MAY 1950—MAY 1971, A FRANK APPEAL TO NORTH AND LATIN AMERICANS WHO STILL BELIEVE THAT DEMOCRACY AND FREEDOM MAY BE SAVED IN THE AMERICAS

(By Frances R. Grant, Secretary General)

This month, May 1971, the Inter-American Association for Democracy and Freedom marks the twenty-first year since it was founded at the historic meeting in Havana.

It was the Abbé Sleyes who, when he was asked how he had served the French Revolution, answered, "We survived."

There are times in human history when sheer survival is an achievement. For men must pit their courage, compassion, integrity, hope and even desperation against the unremitting forces which would destroy men's freedom and pursuit of happiness.

Yes, we survived. But we wonder whether the North and Latin American friends of democracy and freedom have ever considered the price of that survival for the few—the very few—who shared our responsibilities in this period of augmenting tyrannies.

During these 21 years, the IADF has again and again protested and exposed the oppressions by Latin American dictators; it has been the constant advocate for help and the release of the thousands of political prisoners in Latin America, men and women robbed of their freedom, constantly subjected to torture and frustrated in their just demands for juridical redress. In these 21 years thousands of political exiles from Latin American tyrannies have turned to us for help in obtaining political asylum; in their immigration problems; in their lack of work, and, as much, in their need for friendship and moral fortifications against indignities which beset fighters for freedom in alien lands, when deprived of their country and their birthright.

The IADF has played many roles in this "coming of age." And the struggle is now more intense, in a present moment when there are not only the overt tyrants, but also the amorphous and anonymous foes of freedom, who cross all boundaries and all continents to vitiate the individual's right to dignity and happiness.

However, this appeal is not intended as a paean for self-glorification. For already, the democratic leaders of Latin America, who bore the brunt of the struggle against the dictatorships—Venezuela, Colombia, Argentina, Peru, Cuba, Honduras, Nicaragua, Haiti, the Dominican Republic, Brazil, Paraguay—have given their testimony to the past and present role of the IADF in their struggle.

Instead this Appeal is directed to the needs of the present struggle and to all who would save Democracy and Freedom in the Americas that they join us in an Army of Survival, so that liberty may not be stifled in the Americas.

For ourselves—and there are still, alas, too few—we are determined not to leave the field of battle nor lose the war by default. But we ask all friends of democracy and freedom in the Americas, to stand up and be counted, and help us in the struggle ahead.

REPRESENTATIVE DWYER'S CEASE-FIRE PROPOSAL

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mrs. DWYER. Mr. Speaker, in my remarks today in support of the Nedzi-Whalen amendment to the Military Procurement Authorization bill, I referred to a newsletter I issued a year ago which

explains in detail my proposal for a U.S.-initiated cease-fire as a means of ending the war in Southeast Asia.

I include the text of that newsletter as a part of my remarks:

JUNE 4, 1970.

A "THIRD WAY" TO END THE WAR

For me, the experience of these four or so weeks since U. S. troops moved into Cambodia—the sudden and startling (but completely understandable) way this event gripped our minds and emotions, the more than 2,000 letters and telegrams which constituents were moved to send me, the nearly 1,000 more constituents who felt the compulsion to come to Washington for lengthy discussions with me and my staff—has served above all to confirm three fundamental truths:

First, that almost all Americans want to end the war in Indochina and withdraw American forces as soon as possible;

Second, that we are sharply and often bitterly divided about the means we believe most desirable for accomplishing these objectives—with the division generally polarized around two main strategies: (a) unilateral U.S. withdrawal as of a fixed date sometime in 1971, and (b) President Nixon's policy of gradual withdrawal over a time span long enough to Vietnamize the war; and

Third, and most important, that a third alternative, a "third way"—acceptable to both groups—must be found in order not only to end the war but to end it in a way that will restore national unity here at home.

A FIVE-POINT TEST

In order to be acceptable, this "third way" of ending the war must, I suggest, meet these tests: (a) lead to the earliest possible halt to the killing and destruction, (b) protect the safety of American forces and assure their early withdrawal, (c) assure the simultaneous withdrawal of North Vietnamese forces, thus precluding any appearance of American "sell-out" or "surrender," (d) provide a realistic chance for a political instead of military solution to the war through resumption of meaningful negotiations in Paris, and (e) offer a maximum opportunity for the Vietnamese people themselves to determine their own fate.

Few Americans, despite our present differences on the war, would dispute these objectives, I suspect. Just as surely, however, neither immediate withdrawal nor gradual withdrawal-plus-Vietnamization could be expected to achieve more than two or three of the five objectives at most. This is especially true of the first, for either immediate or gradual withdrawal would undoubtedly perpetuate the fighting and the killing—though ultimately, at least, without direct U.S. participation.

I recognize that we may finally have no other option but withdrawal of some kind, but with national unity and the ending of a horrible war at stake, I believe we have both a moral and practical obligation to seek the best possible solution so long as it may be open to us, a solution that meets all the tests I have suggested.

THE "THIRD WAY": A CEASE-FIRE

A cease-fire is the way—the "third way"—a cease-fire that is mutually binding and enforceable.

But to be effective—to have a chance to lead to a peaceful settlement of the war on the five-point basis I've proposed—the cease-fire must be credible. And to be credible it must be more than talk, or a gesture, or a "you go first" proposal, or an ultimatum. We, the United States, must take the initiative and we must do so in a way that will convince the communists, the rest of the world, and especially ourselves that we really mean it.

For about four years now, as many of you

know, I have been proposing such a cease-fire initiative—a series of initiatives, if necessary—in newsletters, speeches, statements, and in letters and personal conversations with Presidents Johnson and Nixon, their chief advisors, and my Congressional colleagues. But never before have the timing and the circumstances—and the need—seemed so immediate and right and hopeful.

Briefly, the "scenario" for my plan goes this way. As soon as feasible—the completion of our withdrawal from Cambodia would seem particularly appropriate—the President would publicly announce that as of a date and time certain all aggressive action by U.S. forces (air, land and sea) would cease for a limited period of time (two or three days, perhaps) long enough to allow the North Vietnamese and Vietcong to join in the cease-fire either tacitly or officially.

THE KEY: REPEATED INITIATIVES

If they did so, a UN or other ad hoc international truce supervision force would be ordered into South Vietnam to monitor the cease-fire and the withdrawal of all foreign forces—a move which, in turn, would undoubtedly simulate effective negotiations. If the communists refused to accept or abide by the cease-fire, we would, of course, reserve the right to defend ourselves against attack. But at the same time, the President would announce that the U.S. would repeat the cease-fire initiative in two weeks time. If that, too, failed, it would be repeated a third and fourth time—until the communists were convinced the U.S. was serious about ending the war.

The combination of a U.S. initiative and the declared intention to repeat that initiative would, I believe, make the difference between cease-fire proposals which have been mere gestures and the real thing.

If one accepts the premise, as I do—because I believe it inescapable after all these years—that there is no ideal or certain solution to the war, that whatever we do may not be adequate or lasting or completely satisfactory, then the wisdom of trying for a cease-fire becomes compelling, for these, among other, reasons:

(1) we would know whether it would work, or could work, in a relatively short time—a matter of weeks;

(2) if it did work, we would have an improved chance to win objectives in Southeast Asia we all want;

(3) if it didn't work, all our other options would still be open and, more importantly, we would be considerably more unified as a result of the experience of making an open, demonstrably genuine, and wholehearted effort to end the war.

NOTHING TO LOSE, MUCH TO GAIN

In other words, we have little or nothing to lose and potentially a great deal to gain by trying this cease-fire idea or something like it.

UNITED STATES CALLED NEGLIGENT ON POISON

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. DANIELS of New Jersey. Mr. Speaker, I would like to call my colleagues' attention to a May 30, 1971, Washington Post article dealing with the action taken on the initial test of the new Occupational Safety and Health Act of 1970.

On the one hand, it is gratifying to note that some action has been taken to alleviate a hazardous working condition.

Indeed, the Washington Post refers to this precedent case as "an historic first in the fight for a cleaner and safer workplace." However, it is painfully disturbing to read accusations that the Labor Department may have been lax in meeting its responsibility to protect workers.

The Occupational Safety and Health Act is a long-awaited piece of legislation of vital importance to millions of workers. Thorough and successful implementation of this act will appreciably rectify many of the grievous dangers which have historically beset the workingman.

It is our responsibility to oversee the execution of this legislation, and I would like to take this opportunity to make it quite clear that we will most assuredly meet that responsibility.

The text of the article follows:

UNITED STATES CALLED NEGLIGENT ON POISON

(By Morton Mintz)

A physician-chemist yesterday accused the Labor Department of leisured handling of a complaint of "imminent" danger from concentrations of poisonous mercury vapor at the Allied Chemical Corp. plant in Moundsville, W. Va.

The department "neglected its legal responsibility to protect workers," Dr. Sidney M. Wolfe of the Medical Committee for Human Rights said in a letter to Labor Secretary James D. Hodgson.

The complaint of "imminent" hazard—the first made under the new Occupational Health and Safety Act—was filed by the Oil, Chemical and Atomic Workers International Union, AFL-CIO, on May 14. Friday, 14 days later, the department ordered the plant to stop exposing its workers to dangerous mercury fumes.

One worker is in a hospital with tremors and other classic signs of mercury poisoning. The Washington Post disclosed in yesterday's editions. Eight others have filed for workmen's compensation on the ground of claimed mercury exposure. In addition, a Public Health Service official said that urine specimens taken from several workers show above-normal mercury levels.

Officials of Allied Chemical, which produces chlorine at the Moundsville facility, said there is no evidence of mercury poisoning among the employees, on the basis of tests in their own and other laboratories.

In the letter to Secretary Hodgson, Dr. Wolfe said the department's delay in acting on the May 14 complaint, "considering the imminence of the danger involved," has been "phenomenal." Not until May 19 did a department inspector survey the plant, Wolfe said.

The most exacting tests could have produced results "in 1 or 2 days," but as of May 26 "the results still were not available and no action had been taken," the letter continued. The results became available Friday. That day, the department ordered the contamination eliminated by next Wednesday.

YOUTH PHYSICAL FITNESS

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. BYRON. Mr. Speaker, each year the U.S. Marine Corps sponsors a youth physical fitness program in secondary schools throughout the Nation. This program, conducted in support of the Presi-

dent's Council on Physical Fitness and Sports is based on the five-exercise physical fitness examination used in Marine recruit training and has been well received by coaches, principals, and students.

This year, more than 300,000 students representing over 1,300 high schools, participated in the program. Twelve teams, having previously won regional championships, competed for national honors on June 17. One of these teams, North Hagerstown High School, is from the Sixth Congressional District. In light of their excellent efforts in reaching the final competition, I would like to take this opportunity to recognize those students who participated for YPF honors—

Mr. James W. Brown, Hagerstown, coach.

Mr. Allen R. Bennett, Hagerstown, son of Mr. and Mrs. Vernon Bennett.

Mr. Edward B. Coles, Hagerstown, son of Mr. and Mrs. Edward W. Coles.

Mr. Ronnie Krowl, Hagerstown, son of Mr. and Mrs. John Krowl.

Mr. Lee Mumma, Hagerstown, son of Mrs. Louise R. Mumma.

Mr. Eugene K. Ridenous, Hagerstown, son of Mr. and Mrs. John F. Ridenour.

Mr. George D. Russell, Hagerstown, son of Mr. and Mrs. George W. Russell.

They are all to be congratulated for a job well done.

AIRPORT AND AIRWAYS SYSTEM IN THE UNITED STATES

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. PETTIS. Mr. Speaker, as a currently rated commercial pilot and former airline pilot I have a strong feeling, that the American public little realizes the inadequacy of the airport and airways system in the United States.

No country in the world can match our aviation technology, why then have we not given the American public the safety to which it is entitled when it uses the airports and airways of America?

Recently, John J. O'Donnell, president of the Air Line Pilots Association appeared before the Subcommittee on Transportation and Aeronautics of the Interstate and Foreign Commerce Committee of the House. I commend his remarks to my colleagues. He makes a lot of sense:

STATEMENT BY JOHN J. O'CONNELL

I am John J. O'Connell, President of the Air Line Pilots Association.

Our Association represents 31,000 airline pilots of 39 commercial airlines and 12,000 stewards and stewardesses of 22 U.S. commercial airlines.

I appreciate this opportunity to appear before your Committee to express the serious concern the members of our Association have regarding the Department of Transportation's appropriations request for fiscal 72.

In recognition of your Committee's important mission and the limited time available for all participants who wish to be heard, I will confine my remarks to two important areas seldom understood by persons other than pilots who fly the system and have the safety of their passengers as their prime con-

cern—men who must perform without all of the available safety tools of the trade.

(Supplementary data important to the documentation of our position is offered for the record.)

Let me emphasize this one point. Air Line Pilots Association members concur wholeheartedly with the feelings being expressed here before your Committee. We are shocked by the violation of trust that is being perpetrated on the aviation community, users of the airport/airways system, and the public itself whose taxes are being collected for the prime objective of purchasing a modern, safe and efficient airport/airways system.

We, who command and fly the airliners of this nation, have for many years fought for maximum safety within the airport/airways environment; many times without audience until tragedy struck.

On numerous occasions, prior to today, we have testified before Congressional leaders and groups. We have appealed for action that would eliminate or reduce substantially the waste of lives, equipment and property resulting from inadequate or antiquated equipment, while new more efficient tools are available but not installed.

The need for funds to upgrade the nation's air transportation system inspired our Association to vigorous action in support of Airport/Airways Trust Fund legislation last year. It is our judgment that distribution of these funds as designated by Congress could have been weighted more heavily to insure airports will be safer for the final approach and the landing phases. But, the important thing is the fund was created. We are proud of having made an important contribution to this major legislative action and look forward to working with Congress on future modifications and requirements that may develop.

During the past ten years there were 19 fatal and 32 non-fatal accidents resulting in 587 deaths and a monetary loss of over \$111 million during non-precision landing approaches. These are approaches airline pilots are required to make when the runway to be used does not have a precision instrument landing system (normally referred to as an ILS).

Gentlemen, today in this great nation of ours approximately 90% of the runways of our 530 air carrier airport system do not have instrument landing systems and other important landing aids required for precision approaches. Yet these are the runways airline pilots are required to use in good weather and bad.

Almost as many runways do not have Visual Approach Slope Indicators (normally called VASI). These lighting systems are designed to provide the pilot with a visual track to follow to the runway touchdown position when visibility permits.

ALPA research shows that approximately 1,722 runways used by airline pilots on a continuing basis do not have either precision instrument landing systems (ILS), visual approach slope indicators (VASI) or runway end identification lights (REIL). The latter provides positive visual identification of the runway threshold under poor visual conditions.

Ironically, after we had reviewed the ten-year accident history data, two tragic accidents involving airliners occurred during the past four days. Again, these accidents point up the tragic cost of these inadequacies which still have not been corrected even though the remedies and the equipment have been available for a decade.

How would anyone in government explain to the loved ones of 49 persons aboard the Air West DC-9, lost last weekend, that a contributing cause to death is a system that will permit two jet aircraft to be on a collision course on different flight plans, several miles above the earth?

How can anyone really explain or excuse

the death of 28 persons aboard the Allegheny Airlines' propjet last Monday that was attempting a non-precision approach at the New Haven airport? The airport manager is quoted as saying the crash "would not have happened if the airport had an instrument landing system."

Another accident still haunts us. It occurred at Huntington, West Virginia, last November and it is still under investigation by the National Transportation Safety Board. There were no survivors among the 75 passengers and crew of a chartered Southern Airways DC-9 that impacted on a hilltop in restricted visibility during a non-precision approach. That airport did not have a full instrument landing system, now it does—75 lives too late.

I could name other similar accidents, two at Bradford, Pennsylvania, one at Charleston, West Virginia. All suffered from the lack of precision landing system services at the time. These are terrible losses, too costly in lives to excuse. But still there is pitifully little action.

I emphasize again, the fact that only about 10% of the runway approaches used by U.S. airliners do have complete instrument landing systems which give the added margin of safety the air traveling public deserves.

To place ILS systems on the remaining unprotected 90% of the runways—not now programmed for such installation by 1981—will cost \$250 million additional. The systems are proved and the manufacturing capability is available. All we need is \$250 million in trust funds and simplification of government paper work to speed the installation of these systems at these unprotected runways.

Let me draw comparison for a moment. We have been told the reason such systems have not been installed is due to lack of funds. Now, you the Congress have provided the National Air Transportation modernization trust fund to remedy this situation. Still the money has not been designated for ILS installations. Only 310 systems are installed, 1,810 are needed as of now.

However, the FAA finds time and energy to plan for modernization and enlargement of its private aircraft fleet. It intends—with Congressional approval, I assume—to spend more than \$123 million for its aircraft fleet by 1981. This figure, of course, does not include the operational costs of its present roster of 90 aircraft.

Let's look at the breakdown of these costs.

[In millions]

Airways Checking Aircraft (Including Modification and Electronic Packages)	\$69.2
Research and Development Aircraft	10.1
Flight Training Aircraft (Including Modifications, Simulator and Avionics)	44.2

The total planned new aircraft procurement amounts to \$123.5 million. This money alone would finance more than half of the ILS systems needed—would accelerate achievement of an acceptable safety level for the total system. Perhaps with fleet operational savings we could achieve a goodly portion of the remaining \$126.5 million needed to complete the package. More importantly, such redirected priorities may save the lives of another 587 passengers and prevent the loss of another \$111 million-plus investment by 1981. *This is the real price we cannot afford to ignore any longer.*

We realize airways and approach systems require checking and monitoring. But there are other ways that are less expensive than a fleet of aircraft larger than 80% of the airlines they are supposed to assist.

The need to spend \$44 million for aircraft and simulators for flight training of FAA personnel is a facade, a game of blind man's bluff.

Is anyone (other than FAA) foolish enough to suggest that an FAA inspector of limited

airline experience, if any at all, who received at best minimum flying in these high performance jet aircraft, qualified to judge the competence of a highly skilled professional airline pilot, whose very day-to-day survival depends on his skill and judgment?

The number of deaths that have occurred during flights that FAA inspectors have been aboard during training and proficiency check rides compared to the total training hours spent in the air by airline pilots does not reflect increased safety by their presence. It is the collective judgment of the 31,000 airline pilots I represent, that the man who checks them and judges their proficiency should be at least as qualified and experienced as they are. Such a system is like having a law student judge the competence of a supreme court justice.

Therefore, we believe FAA should return to the airline check airman and FAA designee system similar to that now in effect for non-jet aircraft.

Mr. Chairman, if trust funds are to be diverted for administrative and operational purposes, I condemn the practice and place the responsibility for future accidents squarely upon the shoulders of those responsible for such decisions.

I have shown that we are woefully short in the approach landing area alone. There are many other safety related programs that could move forward as well, if the trust fund money is applied according to the intent of Congress.

Testimony prior to this hearing in these chambers, has defended the Administration's plan to siphon off the funds for other than facilities and airport/airways modernization purposes.

In recent statements reported in Aviation Daily (June 3, 1971) Secretary of Transportation John A. Volpe appeared to contradict himself as to the real intentions of the Department. He is reported to have said in the National Aviation System Planning Conference speech that "all monies from the aviation trust fund that are used in the special transportation special revenue sharing fund will be used to further aviation. The integrity of the aviation trust fund will not be violated."

At a May 10 seminar he reported that President Nixon has proposed setting up a special transportation fund amounting to nearly \$3 billion a year to be allotted to state and local governments. . . . Under the proposal, funds will come from four sources—highway trust fund, airport trust fund, urban mass transit appropriations and finally general revenues. The report quoted him as saying "those funds which derive from urban mass transit revenues must be spent for the furtherance of urban mass transportation. The remainder of the transportation special revenue sharing fund may be spent for any other type transportation project selected by local officials."

This information clearly illustrates the double-talk that has been coming from the Administration in regards to diversion of aviation trust funds.

The 43,000 members of the Air Line Pilots Association deplore the intention of the Administration and urge this committee and the United States Congress to make sure that legislative restraints are placed on such free-wheeling interpretations of an otherwise very clearly defined bill. Such budgetary subterfuge is an insult to the Congress and the American people.

We endorse the provisions of HR7072 and similar bills and urge speedy passage.

Your action will hasten the day when all air carrier airports serving the air traveling public will have modern, safe facilities and equipment. It will provide the pilots who man those planes with confidence that their passengers will be delivered on-time, safely under good weather and bad. When they break out of the fog at 200 or 100 feet, at

160 or 170 miles per hour, they will be confident that the runway threshold is there where it should be for a safe landing. Anything less than the best and the safest airports and approach systems will be measurable in accidents and deaths that are now preventable.

You and I will have room for little pride in our great FAA fleet, if one more preventable accidents takes your life or mine—or those of your loved ones, friends and constituents.

Trust fund money must be spent for better airports and airways facilities and equipment.

Thank you.

SUPPLEMENTARY DATA
(Submitted for record with statement by John J. O'Donnell)

SUMMARY COST ESTIMATES: ILS, VASI AND REILS FOR ALL RUNWAYS NOT PRESENTLY EQUIPPED AND FAA AIRCRAFT COST FIGURES PROGRAMED TO 1981

	Cost (in millions)
Existing conventional ILS.....	310
Conventional ILS proposed to 1981..	325
Replacement ILS proposed to 1981..	454
Total ILS by 1981.....	1,089

¹ Numbers and estimates based on National Aviation System plan 1972-81 made by FAA, March 1971.

Airline Airports Estimated, 530.
Runway ends (estimated two runways/airport average), 2120.

Conventional ILS Runways in 1971, 310.
VASI and REIL Equipped in 1971, 88.
Runways without ILS in 1971, 1810.
Approximate airports without ILS in 1971, 300.

Runways without ILS, VASI or REIL in 1971, 1722.

As of 1971—Estimated cost to equip each runway not so equipped: ILS—1810x243,000=\$439,830,000; VASI & REIL—1722x(20,000 VASI 10,000 REIL) \$51,660,000.

As of 1971—Estimated cost to equip each airport not so equipped: With One ILS—300x243,000 \$72,900,000.

Cost of 779 ILSs Programmed to 1981: \$189,400,000.

Estimated additional cost of ILS for all runways ends at 1981: \$250,430,000.

Programmed cost of FAA aircraft fleet to 1981 (not including existing fleet), \$123,500,000.

Airways Checking Aircraft, Modification & Avionics, \$69,200,000.

Research & Development Aircraft, \$10,000,000.

Flight Training Aircraft, Modifications, Simulators & Avionics, \$44,200,000.

INDIVIDUAL COST OF FAA FACILITIES AND PROGRAMED INSTALLATIONS TO 1981

	Total Number by 1981	Establishment	Annual operating cost
Conventional full capability ILS (CAT II type).....	635	\$282,000	
Replacement low activity airport ILS.....	454	138,100	\$29,000
Localizer plus 1 marker.....		85,600	15,000
Air traffic control tower (16-hr. day).....	525	200,000	128,000
ASR/ATCRBS.....	273	1,050,000	348,000
Full approach light system with flashers.....	1,080	200,000	
Medium intensity approach light system (MALS/RAILS).....		65,900	37,000
VASI 4 box (average).....	469	20,000	
TVOR.....	148	80,000	
VOR.....	905	187,000	
TACAN/DME.....	905	39,000	
REIL.....	354	10,000	

¹ From FAA Correspondence and National Aviation System Plan, 1972-81, made by FAA March 1971.

LOGISTICS/JOB SUPPORT AIRCRAFT (F. & E. ITEM)

	On hand 1970	Anticipated 1981
L-1329.....	1	0
TV-2 Lockheed.....	1	0
G-159.....	1	0
C-123.....	1	0
DC-3.....	4	0
BE-80.....	4	0
BE-65.....	2	0
BE-55.....	4	0
Light turboprop.....	0	12
Light turbojet.....	0	4
Medium jet.....	0	1
Medium turboprop.....	0	1
Total.....	18	18

New Aircraft Funding Needed, \$27.2 Million.

NEW RESEARCH SUPPORT AIRCRAFT (F & E ITEM)

- Number by 1981, 6.
- Funding Needed by 1981, \$18.3 Million.
- Heavy Turboprop, 1.
- Light Turboprop, 3.
- Twin Turbine Helicopter, 1.
- Long Range Jet, 1.
- Old CV-580 (retained), 1.

FAA PROGRAMMED COST OF AIRCRAFT PROCUREMENT BY TYPE AND USE FROM 1972-1981

FAA aircraft fleet—Number and cost summary program

Number Aircraft at present, 90; New 1972-1981, 53; On Hand 1981, 62.
New Aircraft Funding Needed by 1981, \$123.5 Million.

Funding by type use 1972-1981

- Airways Aircraft Program (Facilities and Equipment), \$69.2 Million.
- Research and Development Aircraft, \$10.1 Million.
- Flight Training Aircraft (F&E), \$44.2 Million.

	On hand 1970	Inventory 1981
Flight inspection aircraft (F. and E. item) 1970-81: ¹		
C-135.....	2	0
CV-580.....	4	0
T-29 Convair.....	3	0
DC-3.....	43	0
Light turbo.....	0	21
Light turbojet.....	5	5
Heavy turbo.....	0	1
Total.....	57	27

	On hand 1970	Inventory 1981
Flight training aircraft (F. and E. item): ²		
B-720.....	1	1
B-727.....	1	1
DC-9.....	1	1
L-188.....	1	0
DC-3.....	2	0
STOL.....	0	2
Light twin.....	0	2
Light turbojet.....	0	3
Total.....	6	10

¹ New aircraft funding needed, \$69,200,000.
² New aircraft funding needed, \$44,200,000.

SUMMARY

Nonprecision approach accident statistics, 10 years, 1961-1970

- Number of People killed, 559.
- Number of Fatal Accidents, 18.
- Number of Non Fatal Accidents, 32.
- Estimated value of aircraft damage..... \$58,000,000
- Estimated insurance cost of people killed..... 28,000,000
- Estimated additional costs of loss of revenue, insurance and investigation..... 25,000,000
- 50 Accidents at \$500,000 each.....

Total..... 111,000,000

U.S. AIR CARRIER FATAL ACCIDENTS—UNDERRUN—NONPRECISION APPROACHES, 10 YEARS, 1961-70

Date	Location	Air carrier	Aircraft	Damage	Fatalities	Date	Location	Air carrier	Aircraft	Damage	Fatalities
Nov. 8, 1951	Richmond, Va.	Imperial	L-049	Destroyed	77	Aug. 10, 1968	Charleston, W. Va.	PAI	FH-227	do.	35
Dec. 14, 1962	Hollywood, Calif.	FTL	L-1049H	do.	8	Oct. 25, 1968	Hanover, N.H.	NEA	FH-227	do.	32
Nov. 29, 1963	Morgantown, W. Va.	Prudue	DC-3	Substantial	1	Dec. 24, 1968	Bradford, Pa.	AAA	CV-580	do.	20
Mar. 12, 1964	Miles City, Mont.	FAL	DC-3	Destroyed	5	Jan. 6, 1969	Bradford, Pa.	AAA	CV-440	do.	11
May 7, 1964	San Ramon, Calif.	PAC	F-27	do.	44	Mar. 13, 1969	Minchumina, Alaska	WCA	DHC-6	do.	1
Nov. 15, 1964	Las Vegas, Nev.	BAL	F-27	do.	29	Oct. 10, 1970	McGuire AFB, N.J.	SAT	L-100	do.	3
Nov. 8, 1965	Constance, Ky.	AAL	B-727	do.	58	Nov. 14, 1970	Huntington, W. Va.	SOU	DC-9	do.	75
Apr. 22, 1966	Ardmore, Okla.	AFA	L-188	do.	83	Dec. 28, 1970	St. Thomas, V.I.	TCA	B-727	do.	2
Oct. 20, 1967	Constance, Ky.	TWA	CV-880	do.	69						
June 13, 1968	Calcutta, India	PAA	B-707	do.	6	Total					559

U.S. AIR CARRIER NONFATAL ACCIDENTS—NONPRECISION APPROACHES, 10 YEARS, 1961-70

Date	Location	Air carrier	Aircraft	Damage	Date	Location	Air carrier	Aircraft	Damage
Feb. 18, 1961	Stuttgart, Germany	PAA	DC-7	Substantial.	Apr. 27, 1965	Ponce, P.R.	CBA	CV-340	Do.
Feb. 25, 1961	Houston, Tex.	BNF	B-720	Do.	May 18, 1965	Knob Noster, Mo.	AAXICO	DC-6A	Destroyed.
Mar. 26, 1961	St. Louis, Mo.	TWA	B-707	Do.	Sept. 14, 1965	Stevens Point, Wis.	NCA	DC-3	Substantial.
July 5, 1961	Bismarck, N. Dak.	FAL	DC-3	Do.	Oct. 16, 1965	Charlotte, N.C.	EAL	DC-7	Do.
Oct. 10, 1961	Des Moines, Iowa	BNF	CV-340	Do.	Mar. 21, 1966	Norfolk, Va.	FTL	CL-44D	Destroyed.
Nov. 19, 1961	Tri-cities, Bristol, Tenn.	PAI	DC-3	Do.	June 29, 1966	Mojave, Calif.	AAL	B-720B	Substantial.
Nov. 23, 1961	Morgantown, W. Va.	LCA	DC-3	Do.	Oct. 22, 1966	New Orleans, La.	DAL	DC-8	Do.
Dec. 2, 1961	Jacksonville, Fla.	DAL	DC-7	Do.	Oct. 5, 1967	Kansas City, Mo.	UNI	DC-6A	Do.
Jan. 26, 1962	Fort Lauderdale, Fla.	NWA	B-720B	Do.	Nov. 1, 1967	Great Falls, Mont.	FAL	CV-340	Do.
Apr. 27, 1962	Manila, Philippines	PAA	B-707	Do.	Jan. 1, 1968	Oxford, Miss.	SOU	M-404	Destroyed.
Aug. 6, 1962	Rocky Mount, N.C.	PAI	M-404	Do.	Jan. 28, 1968	Benton Harbor, Mich.	NCA	CV-440	Substantial.
Dec. 21, 1962	Grand Island, Nebr.	FAL	CV-340	Do.	Mar. 20, 1968	Evansville, Ind.	DAL	CV-440	Destroyed.
May 28, 1963	Manhattan, Kans.	STD	L-1049G	Destroyed.	Sept. 27, 1968	Cherry Point, N.C.	UNI	DC-7C	Do.
June 5, 1964	La Guardia, N.Y.	NEA	DC-6B	Substantial.	1969	None in category			
July 16, 1964	Richmond, Va.	EAL	DC-7B	Do.	Jan. 11, 1970	Harlingen, Tex.	TXI	DC-9	Substantial.
Sept. 22, 1964	Sacramento, Calif.	WAL	B-720	Do.	Aug. 8, 1970	Acapulco, Mexico	MOD	CV-990	Destroyed.
Jan. 21, 1965	Weyers Cave, Va.	PAI	M-404	Do.					

AIRLINE AIRPORT SUMMARY
(May 1971)

A list of the airline airports in the United States, including Puerto Rico and the Virgin Islands, showing the number of runway ends, ILS, localizers, VASIs and back-course approaches. In this summary the following is shown:

Airports, 578.
Runway Ends, 2,200.
ILS, 280.

Localizer only installations, 19.
VASI (including AVASI), 119.
Back courses with approach procedures, 50.

The above list includes all airports having

runways at least 4,000 feet in length. "Runway ends" includes only those runways of 4,000 feet or more in length.

NOTE.—The sources for the airport listing are the ALPA "Master Airport List" and the World Aviation Directory; the Jeppesen Manuals provided the data.

Location	Number of runway ends	Number of ILS	Number of LOC	Number of VASI	BC
Alabama:					
Anniston	2	0	1	0	0
Birmingham	4	1	0	1	1
Decatur	2	0	0	0	0
Dothan	4	0	1	0	0
Gadsden	4	0	0	0	0
Huntsville	4	1	0	0	1
Mobile	6	1	0	0	1
Montgomery	6	1	0	0	0
Muscle Shoals	4	0	1	0	0
Tuscaloosa	4	0	0	0	0
Total	40	4	3	1	3
Alaska:					
Adak	4	0	0	0	0
Amchitka	2	0	0	0	0
Anchorage	6	2	0	3	0
Aniak	2	0	0	0	0
Annette Island	2	1	0	0	0
Attu	2	0	0	0	0
Barrow	2	0	0	2	0
Barter Island	2	0	0	0	0
Bethel	12	0	0	1	0
Bettles	12	0	0	0	0
Big Mountain	12	0	0	0	0
Cape Lisborne	12	0	0	0	0
Cape Mewenham	12	0	0	0	0
Cold Bay	4	1	0	1	1
Cordova	2	0	0	1	0
Dillingham	12	0	0	0	0
Fairbanks	2	1	0	1	1
Fairwell	14	0	0	0	0
Fort Yukon	12	0	0	0	0
Galena	2	0	0	2	0
Gulkana	2	0	0	0	0
Gustavus	4	0	0	0	0
Haines	12	0	0	0	0
Homer	2	0	0	1	0
Iliamna	12	0	0	0	0
Juneau	2	0	1	1	0
Kenai	2	0	0	1	0
King Salmon	4	1	0	2	0
Kodiak	6	0	0	1	0
Kotzebue	2	0	0	1	0
McGrath	2	0	0	0	0
Middleton Island	12	0	0	0	0
Moses Point	2	0	0	0	0
Nome	4	0	0	1	0
Northway	2	0	0	0	0
Port Heiden	4	0	0	0	0
Shemya	4	0	0	0	0

Location	Number of runway ends	Number of ILS	Number of LOC	Number of VASI	BC
Alaska:					
Sitka	2	0	1	2	0
St. Paul	2	0	0	0	0
Tanana	12	0	0	0	0
Umat	2	0	0	0	0
Unalakleet	12	0	0	1	0
Utopia	12	0	0	0	0
Yakutat	4	0	0	0	0
Total	114	6	2	22	2
Arizona:					
Flagstaff	2	0	0	0	0
Grand Canyon	2	0	0	0	0
Kingman	2	0	0	0	0
Page	2	0	0	0	0
Phoenix	4	0	0	1	0
Prescott	6	0	0	0	0
Tucson	4	0	0	0	0
Winslow	4	0	0	0	0
Yuma	8	0	0	0	0
Total	38	0	0	1	0
Arkansas:					
El Dorado	6	0	0	0	0
Fayetteville	2	0	0	0	0
Fort Smith	4	1	0	0	1
Harrison	2	0	0	0	0
Hot Springs	4	0	0	0	0
Jonesboro	6	0	0	0	0
Little Rock	6	1	0	0	1
Pine Bluff	2	0	0	0	0
Texarkana	4	1	0	0	0
Total	36	3	0	0	2
California:					
Apple Valley/San Bernadino	2	0	0	0	0
Arcata	4	1	0	1	0
Bakersfield	4	1	0	0	0
Blythe	6	0	0	0	0
Burbank	4	1	0	0	0
Chico	2	0	0	0	0
Crescent City	4	0	0	0	0
Fresno	4	1	0	0	1
Imperial	2	0	0	0	0
Inyokern	2	0	0	0	0
Lancaster	2	0	0	0	0
Long Beach	10	1	0	0	1
Los Angeles	8	4	0	2	0
Marysville	4	0	0	0	0

Location	Number of runway ends	Number of ILS	Number of LOC	Number of VASI	BC	Location	Number of runway ends	Number of ILS	Number of LOC	Number of VASI	BC
Merced	2	0	0	0	0	Sun Valley/Hailey/Ketchum	2	0	0	0	0
Modesto	4	0	0	0	0	Twin Falls	2	0	0	0	0
Monterey	4	1	0	0	0	Total	32	2	0	0	0
Oakland	8	2	0	0	1	Illinois:					
Ontario	4	1	0	0	1	Alton	4	1	0	0	0
Oxnard	2	0	0	0	0	Bloomington	2	0	0	0	0
Palm Springs	2	0	0	0	0	Champaign	6	1	0	0	0
Redding	4	0	0	0	0	Midway	12	1	1	0	0
Riverside	2	0	0	0	0	O'Hare	12	5	2	3	2
Sacramento	6	1	0	0	1	Danville	4	0	0	0	0
Salinas	4	0	0	2	0	Decatur	6	1	0	0	0
San Diego	4	1	0	0	1	Galesburg	2	0	0	0	0
San Francisco	8	2	0	1	1	Marion	2	0	0	0	0
San Jose	4	1	0	0	1	Mattoon	2	0	0	0	0
San Luis Obispo	4	0	0	0	0	Moline	6	1	0	0	1
Santa Ana	2	1	1	0	1	Mt. Vernon	2	0	0	0	0
Santa Barbara	4	1	0	0	0	Peoria	6	1	0	0	1
Santa Maria	4	0	0	0	0	Quincy	6	1	0	0	0
Santa Rosa	4	0	0	0	0	Rockford	6	1	0	0	1
South Lake Tahoe	2	0	0	1	0	Springfield	6	1	0	0	1
Stockton	2	1	0	0	0	Total	84	13			
Visalia	2	0	0	0	0	Indiana:					
Total	140	21	1	7	11	Bloomington	2	0	0	0	0
Colorado:						Columbus	4	0	0	0	0
Alamosa	2	0	0	0	0	Evansville	6	1	1	0	1
Colorado Springs	6	1	0	2	1	Fort Wayne	6	2	1	1	2
Cortez	2	0	0	0	0	Indianapolis	4	0	0	0	0
Denver	6	2	0	2	2	Kokomo	4	0	1	0	0
Durango	2	0	0	0	0	Lafayette	2	0	0	0	0
Grand Junction	4	1	0	0	0	Marion	2	0	0	0	0
Gunnison	2	0	0	0	0	Muncie	4	0	0	0	0
Hayden	2	0	0	0	0	Richmond	4	0	0	0	0
Lamar	2	0	0	0	0	South Bend	8	1	0	0	1
Montrose	2	0	0	0	0	Terre Haute	4	1	0	0	1
Pueblo	8	2	0	0	1	Total	50	6	2	1	5
Total	38	6	0	4	4	Iowa:					
Connecticut:						Burlington	4	0	0	0	0
Bridgeport	6	0	0	0	0	Cedar Rapids	4	1	0	0	1
Groton	6	0	0	0	0	Clinton	2	0	0	0	0
New Haven	4	0	0	1	0	Des Moines	4	1	0	0	1
Windsor Locks	6	1	0	1	1	Dubuque	4	0	0	0	0
Hartford	2	0	0	0	0	Fort Dodge	4	0	0	0	0
Total	24	1	0	2	1	Iowa City	4	0	0	0	0
Delaware:						Mason City	4	0	0	0	0
Wilmington	8	1	0	0	0	Ottumwa	4	0	0	0	0
Total	8	1	0	0	0	Sioux City	6	1	0	0	1
Florida:						Waterloo	6	1	0	0	1
Daytona Beach	2	1	0	0	0	Total	46	4	0	0	4
Fort Lauderdale	4	1	0	0	0	Kansas:					
Fort Meyers	4	0	0	1	0	Dodge City	4	0	0	0	0
Gainesville	6	0	0	0	0	Garden City	8	0	0	0	0
Jacksonville	4	1	0	0	1	Goodland	2	0	0	0	0
Key West	2	0	0	0	0	Great Bend	6	0	0	0	0
Melbourne	4	0	0	0	0	Hays	2	0	0	0	0
Miami	8	2	0	3	2	Hutchinson	4	1	0	0	1
Ocala	2	0	0	0	0	Liberal	6	0	0	0	0
Orlando	4	1	0	0	1	Manhattan	2	0	0	0	0
Panama City	4	1	0	0	0	Parsons	6	0	0	0	0
Pensacola	4	1	0	0	1	Salina	4	1	0	0	1
St. Petersburg	6	1	0	0	1	Topeka	6	1	0	0	1
Sarasota	4	0	0	1	0	Wichita	6	1	0	0	1
Tallahassee	4	1	0	0	1	Total	50	3	0	0	3
Tampa	6	2	0	0	2	Kentucky:					
Vero Beach	4	0	0	0	0	Bowling Green	2	0	0	0	0
West Palm Beach	4	1	0	1	1	Frankfort	2	0	0	0	0
Total	76	13	0	6	10	Lexington	2	1	0	0	1
Georgia:						London	2	0	0	0	0
Albany	4	0	0	0	0	Louisville	6	2	0	1	2
Athens	4	0	0	0	0	Owensboro	2	0	0	0	0
Atlanta	8	3	0	2	1	Paducah	4	0	0	0	0
Augusta	4	1	0	0	0	Total	20	3	0	1	3
Brunswick	6	0	0	0	0	Louisiana:					
Columbus	2	1	0	0	1	Alexandria	4	1	0	0	1
Macon	4	1	0	0	0	Baton Rouge	6	1	0	0	1
Moultrie	4	0	0	0	0	Fort Polk	2	0	0	0	0
Rome	6	0	0	0	0	Lafayette	4	1	0	0	1
Savannah	6	1	0	0	1	Lake Charles	4	1	0	0	1
Valdosta	6	0	0	0	0	Monroe	6	1	0	0	0
Waycross	6	0	0	0	0	New Orleans	6	1	0	0	1
Total	60	7	0	2	3	Shreveport	4	1	0	0	1
Hawaii:						Total	36	7	0	0	6
Hilo	4	1	0	1	0	Maine:					
Honolulu	6	1	0	1	0	Auburn	2	0	0	0	0
Kahului	4	1	0	0	1	Augusta	2	0	0	0	0
Kauiua	2	0	0	1	0	Bangor	2	1	0	0	0
Kamuela	2	0	0	0	0	Bar Harbor	2	0	0	0	0
Lanai	2	0	0	0	0	Portland	4	1	0	1	0
Lihue	2	0	0	0	0	Presque Isle	4	0	0	0	0
Total	22	3	0	3	1	Rockland	4	0	0	0	0
Idaho:						Total	20	2	0	1	0
Boise	4	1	0	0	0						
Burley	4	0	0	0	0						
Coeur D'Alene	6	0	0	0	0						
Idaho Falls	4	0	0	0	0						
Lewiston	4	0	0	0	0						
Pocatello	6	1	0	0	0						

Location	Number of runway ends	Number of ILS	Number of LOC	Number of VASI	BC	Location	Number of runway ends	Number of ILS	Number of LOC	Number of VASI	BC
Maryland:						Missoula.....	6	0	0	0	0
Baltimore.....	6	2	0	1	2	West Yellowstone.....	2	0	0	0	0
Hagerstown.....	2	0	0	0	0	Total.....	60	2	0	2	1
Salisbury.....	6	0	0	0	0	Nebraska:					
Total.....	14	2	0	1	2	Alliance.....	8	0	0	0	0
Massachusetts:						Chadron.....	4	0	0	0	0
Bedford.....	4	1	0	2	1	Columbus.....	2	0	0	0	0
Boston.....	8	2	0	1	0	Grand Island.....	6	0	0	0	0
Hyannis.....	4	1	0	0	0	Hastings.....	2	0	0	0	0
Martha's Vineyard.....	2	0	0	0	0	Kearney.....	6	0	0	0	0
Nantucket.....	4	1	0	0	1	Lincoln.....	6	1	0	0	1
New Bedford.....	4	1	0	0	0	McCook.....	2	0	0	0	0
Worcester.....	4	1	0	0	0	Norfolk.....	4	0	0	0	0
Total.....	30	7	0	3	3	North Platte.....	6	0	0	0	0
Michigan:						Omaha.....	6	1	0	0	1
Alpena.....	6	0	0	0	0	Scotsbluff.....	6	0	0	0	0
Battle Creek.....	8	1	0	0	0	Sidney.....	2	0	0	0	0
Benton Harbor.....	2	0	1	0	0	Total.....	60	2	0	0	2
Cadillac.....	2	0	0	0	0	Nevada:					
Detroit (Metro).....	8	3	0	0	0	Elko.....	2	0	0	0	0
Detroit (Willow Run).....	10	1	0	0	1	Ely.....	4	0	0	0	0
Escanaba.....	2	0	0	0	0	Fallon.....	2	0	0	0	0
Flint.....	6	1	0	0	0	Las Vegas.....	8	1	0	0	0
Grand Rapids.....	2	1	0	0	1	Reno.....	4	1	0	0	1
Hancock.....	4	0	0	0	0	Total.....	20	2	0	0	1
Iron Mountain.....	2	0	0	0	0	New Hampshire:					
Ironwood.....	2	0	0	0	0	Berlin.....	2	0	0	1	0
Jackson.....	2	1	0	0	0	Keene.....	4	1	0	1	0
Kalamazoo.....	2	1	0	0	1	Laconia.....	2	0	0	1	0
Lansing.....	4	1	0	0	1	Lebanon.....	2	0	0	1	0
Manistee.....	2	0	0	0	0	Manchester.....	4	1	0	0	0
Marquette.....	2	0	0	0	0	Total.....	14	2	0	4	0
Menominee.....	2	0	0	0	0	New Jersey:					
Muskegon.....	4	1	0	0	0	Atlantic City.....	6	1	0	0	0
Pellston.....	4	0	0	0	0	Cape May.....	2	0	0	0	0
Pontiac.....	2	0	0	0	0	Newark.....	4	2	0	2	0
Saginaw.....	4	1	0	0	1	Teterboro.....	4	1	0	0	0
Sault Ste. Marie.....	2	0	0	0	0	Trenton.....	4	1	0	0	0
Travers City.....	4	0	0	0	0	Total.....	20	5	0	2	0
Total.....	88	12	1	0	7	New Mexico:					
Minnesota:						Albuquerque.....	8	1	0	1	1
Bemidji.....	4	0	0	0	0	Carlsbad.....	6	0	0	0	0
Brainerd.....	4	0	0	0	0	Clovis.....	4	0	0	0	0
Duluth.....	6	2	0	2	1	Farmington.....	4	0	0	0	0
Fairmont.....	2	0	0	0	0	Gallop.....	2	0	0	0	0
Hibbing.....	2	0	0	0	0	Hobbs.....	6	0	0	0	0
International Falls.....	2	0	0	0	0	Roswell.....	6	1	0	0	0
Mankato.....	2	0	0	0	0	Sante Fe.....	6	0	0	0	0
Minneapolis.....	6	3	0	1	3	Silver City.....	2	0	0	0	0
Rochester.....	4	1	0	0	0	Total.....	44	2	0	1	1
Thief River Falls.....	2	0	0	0	0	New York:					
Winona.....	2	0	0	0	0	Albany.....	4	1	0	0	1
Worthington.....	2	0	0	0	0	Binghamton.....	4	1	0	0	0
Total.....	38	6	0	3	5	Buffalo.....	4	2	0	0	1
Mississippi:						Elmira.....	6	1	0	0	0
Columbus.....	2	0	0	0	0	Glens Falls.....	4	0	0	0	0
Greenville.....	4	0	0	0	0	Islip.....	6	1	0	0	1
Greenwood.....	4	0	0	0	0	Ithaca.....	2	0	0	0	0
Gulfport.....	6	1	0	0	0	Jamestown.....	4	1	0	0	0
Hattiesburg.....	4	0	0	0	0	Massena.....	4	0	0	0	0
Jackson.....	4	1	0	0	0	La Guardia.....	4	3	0	3	1
Laurel.....	4	0	0	0	0	Kennedy.....	8	4	0	4	0
Meridian.....	4	1	0	0	0	Ogdensburg.....	2	0	0	0	0
Natchez.....	6	0	0	0	0	Olean.....	2	0	0	0	0
Oxford.....	2	0	0	0	0	Plattsburg.....	6	0	0	0	0
Passagoula.....	6	0	0	0	0	Poughkeepsie.....	2	0	0	0	0
Picayune.....	2	0	0	0	0	Rochester.....	8	2	0	0	1
Tupelo.....	4	0	0	0	0	Saranac Lake.....	6	0	0	0	0
Vicksburg.....	2	0	0	0	0	Syracuse.....	4	1	0	0	1
Total.....	56	3	0	0	0	Utica.....	4	1	0	0	1
Missouri:						Watertown.....	4	0	0	0	0
Cape Girardeau.....	4	0	0	0	0	White Plains.....	6	1	0	0	0
Columbia.....	2	0	0	0	0	Total.....	94	19	0	7	7
Jefferson City.....	2	0	0	0	0	North Carolina:					
Joplin.....	6	1	0	0	1	Asheville.....	2	1	0	1	0
Kansas City (Municipal).....	4	1	0	0	0	Charlotte.....	4	1	0	0	0
Kansas City International.....	4	2	0	0	2	Elizabeth City.....	4	0	0	2	0
Kirksville.....	2	0	0	0	0	Fayetteville.....	4	1	0	0	0
St. Joseph.....	6	1	0	0	0	Greensboro.....	4	1	0	0	0
St. Louis.....	8	2	0	0	2	Hickory.....	4	0	0	0	0
Springfield.....	4	1	0	0	1	Kinston.....	4	0	0	0	0
Total.....	42	8	0	0	6	New Bern.....	4	0	0	0	0
Montana:						Raleigh.....	4	1	0	0	0
Billings.....	6	1	0	0	1	Rocky Mount.....	2	0	0	0	0
Bozeman.....	6	0	0	1	0	Southern Pines.....	2	0	0	0	0
Butte.....	6	0	0	0	0	Wilmington.....	4	1	0	0	1
Glasgow.....	4	0	0	0	0	Winston-Salem.....	2	1	0	0	0
Glendive.....	2	0	0	0	0	Total.....	44	7	0	3	1
Great Falls.....	6	1	0	0	0	North Dakota:					
Havre.....	2	0	0	0	0	Bismarck.....	4	1	0	0	0
Helena.....	2	0	0	1	0						
Kalispell.....	6	0	0	0	0						
Lewistown.....	4	0	0	0	0						
Miles City.....	4	0	0	0	0						

Location	Number of runway ends	Number of ILS	Number of LOC	Number of VASI	BC	Location	Number of runway ends	Number of ILS	Number of LOC	Number of VASI	BC
Devils Lake.....	4	0	0	0	0	Knoxville.....	4	1	0	0	0
Fargo.....	4	1	0	0	1	Memphis.....	6	2	0	1	1
Grand Forks.....	4	0	0	0	0	Nashville.....	6	1	0	1	1
Jamestown.....	4	0	0	0	0	Shelbyville.....	2	0	0	0	0
Minot.....	4	0	0	0	0	Total.....	34	6	0	3	3
Williston.....	2	0	0	1	0	Texas:					
Total.....	26	2	0	1	1	Abilene.....	6	1	0	0	1
Ohio:						Amarillo.....	4	1	0	2	1
Akron.....	6	1	0	0	1	Austin.....	4	1	0	1	1
Cincinnati.....	6	2	0	2	2	Beaumont.....	6	1	0	0	1
Cleveland.....	10	4	0	1	1	Big Spring.....	2	0	0	0	0
Columbus.....	8	2	0	0	2	Borger.....	2	0	0	0	0
Dayton.....	6	2	0	0	2	Brownsville.....	8	0	1	0	0
Findlay.....	4	0	0	0	0	Brownwood.....	4	0	0	0	0
Lima.....	2	0	0	0	0	College Station.....	6	0	0	0	0
Mansfield.....	4	1	0	0	1	Corpus Christi.....	2	1	0	0	1
Toledo.....	2	0	0	0	0	Dallas.....	6	2	0	2	2
Youngstown.....	4	1	0	0	1	El Paso.....	6	1	0	0	0
Zanesville.....	4	0	0	0	0	Fort Worth.....	4	1	0	0	1
Total.....	56	13	0	3	10	Galveston.....	6	0	0	0	0
Oklahoma:						Harlingen.....	8	0	0	0	0
Bartlesville.....	2	0	0	0	0	Houston.....	6	1	0	1	1
Duncan.....	2	0	0	0	0	Laredo.....	2	0	0	0	0
Enid.....	6	0	0	0	0	Longview.....	6	1	0	0	0
Lawton.....	2	0	0	0	0	Lubbock.....	4	1	0	0	1
McAlester.....	2	0	0	0	0	Lufkin.....	4	0	0	0	0
Muskogee.....	2	0	0	0	0	McAllen.....	2	0	0	0	0
Oklahoma City.....	6	1	0	1	1	Midland.....	8	1	0	0	1
Ponca City.....	2	0	0	0	0	Paris.....	6	0	0	0	0
Stillwater.....	6	0	0	0	0	San Angelo.....	6	1	0	0	1
Tulsa.....	8	2	0	0	0	San Antonio.....	4	2	0	0	1
Total.....	36	3	0	1	1	Temple.....	4	0	0	0	0
Oregon:						Tyler.....	6	1	0	0	1
Astoria.....	4	0	0	0	0	Victoria.....	8	0	0	0	0
Baker.....	6	0	0	0	0	Waco.....	6	1	0	0	1
Corvallis.....	4	0	0	0	0	Wichita Falls.....	6	1	0	1	1
Eugene.....	4	1	0	0	0	Total.....	152	19	1	7	16
Klamath Falls.....	6	1	0	0	0	Utah:					
Medford.....	4	1	0	0	0	Cedar City.....	4	0	0	0	0
North Bend.....	6	0	0	0	0	Moab.....	2	0	0	0	0
Ontario.....	2	0	0	0	0	Ogden.....	6	0	0	0	1
Pendleton.....	6	1	0	0	0	Salt Lake City.....	6	1	0	1	1
Portland.....	2	1	0	0	1	Vernal.....	2	0	0	0	0
Roseburg.....	2	0	0	0	0	Total.....	20	1	0	1	1
Salem.....	4	1	0	0	0	Vermont:					
Total.....	54	7	0	0	1	Burlington.....	2	1	0	0	0
Pennsylvania:						Montpelier.....	2	0	0	0	0
Allentown.....	4	1	0	0	1	Newport.....	4	0	0	0	0
Altoona.....	2	0	0	0	0	Rutland.....	2	0	0	0	0
Bradford.....	4	1	0	0	0	Total.....	10	1	0	0	0
DuBois.....	2	0	1	0	0	Virginia:					
Erie.....	2	1	0	0	1	Blacksburg.....	2	0	0	0	0
Franklin.....	2	0	0	0	0	Charlottesville.....	2	0	1	0	0
Hazleton.....	2	0	0	0	0	Danville.....	6	0	0	0	0
Johnstown.....	4	0	0	0	0	Hot Springs.....	2	0	1	1	0
Lancaster.....	4	1	0	0	0	Lynchburg.....	2	1	0	0	0
Middletown.....	2	1	0	2	1	Newport News.....	4	1	0	0	1
Philadelphia.....	6	1	0	1	0	Norfolk.....	6	1	0	0	1
Phillipsburg.....	4	0	0	0	0	Richmond.....	6	1	0	0	0
Pittsburgh.....	8	2	0	1	0	Roanoke.....	4	1	0	0	0
Reading.....	6	1	0	0	0	Staunton.....	2	0	1	0	0
Wilkes-Barre.....	2	1	0	0	1	Washington National.....	6	2	0	4	0
Williamsport.....	4	1	0	0	0	Dulles International.....	6	2	0	1	0
Total.....	58	11	1	4	4	Total.....	48	9	3	6	2
Puerto Rico: San Juan.....	2	1	0	0	1	Virgin Islands:					
Rhode Island: Providence.....	6	1	0	1	0	St. Thomas (Truman).....	2	0	0	1	0
South Carolina:						St. Croix (Hamilton).....	2	0	0	1	0
Charleston.....	4	1	0	3	1	Total.....	4	0	0	2	0
Columbia.....	4	1	0	0	1	Washington:					
Florence.....	4	0	0	0	0	Bellingham.....	4	0	0	0	0
Greenwood.....	6	0	0	0	0	Ephrata.....	6	0	0	0	0
Greer.....	2	1	0	0	1	Hoquiam.....	2	0	0	0	0
Myrtle Beach.....	2	0	0	0	0	Moses Lake.....	4	1	0	0	0
Spartanburg.....	6	0	0	0	0	Olympia.....	4	0	0	0	0
Total.....	28	3	0	3	3	Pasco.....	6	0	0	0	0
South Dakota:						Port Angeles.....	4	0	0	0	0
Aberdeen.....	2	0	0	0	0	Pullman.....	2	0	0	0	0
Brookings.....	2	1	0	0	0	Seattle (Boeing).....	2	1	0	1	0
Huron.....	2	1	0	0	0	Spokane.....	4	1	0	0	1
Mitchell.....	4	0	0	0	0	Tacoma International.....	4	1	1	0	0
Pierre.....	2	1	0	0	1	Walla Walla.....	6	0	0	0	0
Rapid City.....	2	1	0	0	1	Wenatchee.....	6	1	0	0	0
Sioux Falls.....	4	1	0	0	1	Yakima.....	6	1	0	0	0
Watertown.....	4	0	0	0	0	Total.....	60	5	1	1	1
Yankton.....	2	0	0	0	0	West Virginia:					
Total.....	26	3	0	0	2	Beckley.....	2	0	0	0	0
Tennessee:						Bluefield.....	2	0	0	0	0
Bristol.....	4	1	0	0	0	Charleston.....	4	1	0	0	0
Chattanooga.....	4	1	0	1	1	Clarksburg.....	2	0	0	1	0
Clarksville.....	4	0	0	0	0	Elkins.....	4	0	0	0	0
Crossville.....	2	0	0	0	0	Huntington.....	2	1	0	0	1
Jackson.....	2	0	0	0	0	Martinsburg.....	4	0	0	0	0

Location	Number of runway ends	Number of ILS	Number of LOC	Number of VASI	BC	Location	Number of runway ends	Number of ILS	Number of LOC	Number of VASI	BC
Morgantown.....	2	0	0	1	0	Sheboygan.....	2	0	0	0	0
Parkersburg.....	4	0	1	0	0	Stevens Point.....	4	0	0	0	0
Wheeling.....	4	1	0	1	0	Total.....	56	5	0	1	2
Total.....	30	3	1	3	1	Wyoming:					
Wisconsin:						Casper.....	8	1	0	0	1
Appleton.....	4	1	0	0	0	Cheyenne.....	6	1	0	0	0
Eau Claire.....	4	0	0	0	0	Cody.....	2	0	0	0	0
Green Bay.....	4	1	0	0	1	Jackson.....	2	0	0	0	0
Janesville.....	6	0	0	0	0	Laramie.....	4	0	0	0	0
La Crosse.....	6	0	0	0	0	Riverton.....	2	0	0	0	0
Madison.....	8	1	0	0	1	Rock Springs.....	4	1	0	0	0
Manitowoc.....	2	0	0	0	0	Sheridan.....	4	0	0	0	0
Milwaukee.....	8	1	0	1	0	Worland.....	2	0	0	0	0
Oshkosh.....	4	1	0	0	0	Total.....	34	3	0	0	1
Rhineland.....	4	0	0	0	0						

¹ Gravel runway.

WILLIAM D. HASSETT TESTIFIES ON REVENUE SHARING

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. KEMP. Mr. Speaker, public hearings on President Nixon's general revenue-sharing proposal will be concluded next week. Then the matter will be considered by the Ways and Means Committee in executive session.

From all indications this committee will reject the proposal. But such action would not necessarily mean the proposal's demise for the Senate appears to be unswayed by the unsympathetic Ways and Means Committee.

Moreover, the testimony by private citizens before Ways and Means has had its impact on the other body. Bill Hassett, an Amherst, N.Y. real estate company president is one of those whose voice will be heard throughout the Congress.

Bill is a member of the New York State Committee for Revenue Sharing and a director of the Buffalo area Chamber of Commerce and did a brilliant job in support of general revenue sharing before the Ways and Means Committee this morning.

I am proud to call attention to his testimony and include his comments at this point in the RECORD:

TESTIMONY OF WILLIAM D. HASSETT, JR., FOR NATIONAL CITIZENS COMMITTEE FOR REVENUE SHARING IN WASHINGTON, D.C., JUNE 17, 1971.

May I express my thanks to Chairman Mills and this Committee, for the opportunity of talking with you today.

First, I should like to tell you who I am, describe the area where I come from and what viewpoint I represent, so that you may evaluate my remarks about Revenue Sharing with more meaning.

I own and operate a Real Estate and Building Business in Buffalo, New York. We employ approximately 200 people. In addition to my basic business activities, I attempt to serve our area by Board of Director or Trustee Membership in the Buffalo Area Chamber of Commerce, the Marine Midland Bank—Western, the area's largest; Canisius College, the area's largest independent institution of higher education; the United Fund, and many other charitable or civic institutions. I try to be both a businessman, and a responsible citizen.

Our area, Buffalo and Erie County, lies at the Western end of New York State. Unfortunately, many people identify New York State only with New York City, 450 miles to the East. Few realize that Buffalo and Erie County has a population of over 1,100,000 persons, and is larger than 15 of the States in this nation. It is a major metropolitan area.

As to viewpoint, my thoughts are borne out of the practical experience of any hard working businessman. I started my company, have achieved some success, and grapple with the problems of furthering it—trying to make it grow.

I tend to look ahead, and view problems as an inevitable part of life. It's the solving of problems, that creates opportunities—and will set a future way of life for my children, your children and all of our grandchildren.

Now I have spent this rather lengthy time in orientation, to try to establish a common perspective; so that I might ask you of the committee to share a viewpoint with me—to freshly, and simply, view today's discussion of problems and proposed solutions, from a young but seasoned—an optimistic but practical point of view.

I am neither a theoretician nor an economist. But as a businessman who works daily with industry, retailers, office users, housing developments and governments, I am keenly aware of the difficulties all of these areas of endeavor encounter in doing business, and providing needed services in our metropolitan area. As a businessman, I am convinced, that the revenue sharing proposals which you are considering would be of great benefit to my community and others, larger and smaller, throughout the country. Let me attempt to illustrate this in specific terms by using Buffalo/Erie County as an example of the problem, and then showing the effect of Revenue Sharing.

The City of Buffalo has come to a point where it cannot raise more general revenue from its existing taxable base. It has run full up against its constitutional limit. New York State, which last year returned to our area \$204,000,000 of the tax dollars it collected in the Buffalo Metro area, cannot supply more State Aid. We cannot look to the State for the kind of increases in State Aid we need. The State itself, has needs that must go unmet due to fiscal pressures.

The city's present budget will not allow it to maintain present municipal services without more revenue. Layoffs and cutbacks are being explored and planned, in many essential phases of city services, including Police, Fire, Educational, Sanitation and other areas. Only this year's sale of its reversionary rights to the Greater Buffalo Airport, coupled with a sales tax increase, that pushed this tax in the city to a total of \$.07 on the dollar, has permitted the city to maintain these services to-date.

And just maintaining them at present levels, has not been enough to stem the outflow

of people from the city, and industry from the city and the area, with resulting unemployment. Major plant closings in our area totalled 21 in the four years 1966 to 1969, but another 22 in the last 16 months. This alarming rate has more than doubled. Unemployment has soared from 3.5% in early 1968 to over 6.5% through the first five months of 1971.

Industry will not remain or expand in an area where not only the quality, but worse, even the continuance of essential services is in question. Industry will not remain or expand in an area when paying the limit of taxation, still does not insure the providing of services. People do not wish to remain, or build for their family's future, in an area of declining services and opportunities, coupled with increasing costs.

And what of the towns and villages in the rest of the county? They mirror the city. For example, property taxes in Amherst, an immediate suburb, have gone up over 40% in the last three years.

The health and progress of the suburbs is directly related to the city which they surround. Buffalo's problems are interwoven with the county as a whole. And the county, city, the towns and the villages, the state, all need more general revenue, which they cannot adequately derive from presently fully taxed sources.

I have used my home to illustrate. Unfortunately, this set of circumstances is not unique to Erie County and Buffalo. It is a national problem, requiring national response, program and action.

I've set out the Buffalo area's problem.

What would the administration's plan do for the Buffalo/Erie area? Under the proposed \$5 Billion Dollar funding available nationally for the first full year, the City of Buffalo would receive back \$4.8 Million of tax dollars collected in Buffalo by the Federal Government. The rest of Erie County would receive an additional \$7.5 Million.

For the city, this could be converted into salaries for 85 policemen, plus 50 firemen and two new fire stations, plus 170 teachers, plus operational funds for 40 needed playgrounds, plus new day care facilities and services for 700 children of lower income families whose parents need and want to work—and with these benefits established, we still would not have used more than one-half of Buffalo's allotment of general Revenue Sharing funds. The balance could be used for other needed programs that cannot now be funded. We would gain these programs and people with our equitable share of funds collected in our area, but now distributed elsewhere, despite our crying need for more help at home. Similar examples can be shown for the county, towns, villages and state. I've confined this illustration only to the city.

This would be the effect in our community and so many others in this nation. Communities that today cannot maintain let alone improve services; communities that

are losing their taxpayers—and whose only present alternative is to tax still further, in an attempt to retain them—that's an unworkable alternative!

To use the popular governmental phrase—that's counterproductive!

But general Revenue Sharing is a workable solution—an equitable one—and a simple one. Others more technically knowledgeable than I have testified to this fact before your committee, in two Presidential Study Commissions, and many other forums showing strong bipartisan support. I have not dealt in the mechanics; therefore, but in the effective desirability from a businessman's point of view.

We have two major newspapers in our area, each independently and locally owned. I think that's something of a rarity these days. It's a further rare instance, when they solidly agree on a major issue.

Well, they both *strongly* endorse the passage of a Revenue Sharing Program.

The Courier Express in its lead editorial on June 11th said, "We can only hope that—members of the Mills Committee will strive mightily to report this bill out".

The Buffalo Evening News in its lead editorial on June 3rd also strongly endorsed the concept of Revenue Sharing.

Both papers commend the holding of these hearings, and I've earlier expressed my gratitude for your allowing me here. But that same editorial and I respectfully raise this further question. I quote again,

"The House Ways and Means Committee, while 'thoroughly convinced' that something must be done to give financial aid to the cities, still insists that 'there has to be an alternative' to revenue sharing. Why, pray tell, does there have to be an alternative? Why not revenue-sharing?"

To finish on the same theme with which I began, I've asked you to look at this matter not as members of Congress only, but as citizens, businessmen, familymen.

I urge you to avoid polarizing your position, and rejecting this concept today because you've rejected it yesterday, last month or last year. I urge you to meet your responsibility in the *present* time, by giving this plan to the *nation* for its future.

True, it is not a panacea, not perfect. Solving imperfections that may develop, however, will be the happy problem of coming ranks of lawmakers; more importantly of future ranks of the peoples of this nation. *But*, they can't improve, what they don't have.

As a businessman, representing free private enterprise, I strongly feel our future domestic economy depends in great measure, on the action of this committee and this Congress.

Therefore, I urge you, to bring this legislation to the Congress for a vote—It's *your* responsibility.

KUZNETSOV HAILS RADIO LIBERTY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. CRANE. Mr. Speaker, at the present time there are some in this country who are questioning the important work being done in Eastern Europe and the Soviet Union by Radio Free Europe and Radio Liberty.

For millions of men and women these voices from the West provide the only alternative to the distorted government-controlled news issued by official Communist state radio stations.

The Communists themselves admit that the influence of these Western stations has caused them to provide more factual information to their citizens. The Soviet newspaper, *Komsomolskaya Pravda* for May 29, 1971, said this of the conclusions which Soviet propagandists should draw from the work of Radio Liberty:

The reports which we publish must deal more frankly with the unfavourable features and developments in our society. It is always better for us to analyse them ourselves than to wait for commentaries by various "voices" (i.e. foreign radio stations) which reach our public in one way or the other . . . Our reports on events in the West should be less superficial. Talk of the "bared teeth of savage imperialism" fail to impress many people in these days.

The Soviet writer, Anatoli Kuznetsov, fled from Russia to England in order to achieve the freedom of expression which was denied to him in his native land.

In a letter to the London Daily Telegraph for June 7, 1971, he criticizes those in America who would alter or eliminate the important services rendered by Radio Free Europe and Radio Liberty. He notes that—

If it were not for the broadcasts by Radio Liberty, Soviet propaganda would continue unhindered in its work of deceiving the population with rosy pictures of life in the Soviet police-state and denunciations of "imperialism" in the West.

Of American critics, he points out that—

American Senators permit themselves to make very far-reaching declarations without having very much information at their disposal.

Mr. Kuznetsov's letter is one which I share with my colleagues, and I include it in the RECORD at this point:

RUSSIA AND RADIO LIBERTY

SIR: I understand that the work of the two American-supported radio stations, Radio Liberty and Radio Free Europe, which are based in Munich and broadcast to the countries of the Communist world is shortly to come under discussion in the United States and that certain changes are proposed in their status.

The first person to raise the question of the sources from which these stations are financed was Senator Clifford Case, but now Senator William Fulbright has raised his voice against their very existence.

The statements made by these two Senators were greeted with delight by the official Soviet propaganda machine, which could scarcely have dreamt of receiving support from such high quarters. A logical consequence of this was a "trial balloon" in the form of an official protest by the Polish Government to the West Germans about the continued presence of Radio Free Europe on German territory.

I could say a great deal about how essential a part of life and how great a source of hope for Soviet citizens is Radio Liberty, whose broadcasts I listened to regularly until I left the Soviet Union in the middle of 1969.

But my views on this subject may very well be considered biased. Let me therefore quote from a Soviet newspaper, *Komsomolskaya Pravda* for May 29, 1971. Discussing the conclusions which Soviet propagandists should draw, from the work of Radio Liberty, the paper said:

The reports which we publish must deal more frankly with the unfavourable features and developments in our society. It is al-

ways better for us to analyse them ourselves than to wait for commentaries by various "voices" [i.e. foreign radio stations] which reach our public in one way or the other, directly or by roundabout means. Our reports on events in the West should be less superficial. Talk of the "bared teeth of savage imperialism" fail to impress many people in these days. We must go more deeply into things for our young people.

This unexpected comment by a Soviet newspaper contains everything—an admission that Radio Liberty provides true factual information, confirmation that it reaches a wide circle of listeners and, moreover, the statement that the Soviet Press compares very unfavourably with Radio Liberty.

The above quotation makes it quite clear that Soviet propaganda does not provide information of an "unfavourable" nature and that it limits its account of life in the West to talk of the "bared teeth of imperialism."

On top of all that we cannot avoid the conclusion from what the Soviet newspaper says that, if it were not for the broadcasts by Radio Liberty (the station most violently attacked in the article), Soviet propaganda would continue unhindered in its work of deceiving the population with rosy pictures of life in the Soviet police-state and denunciations of "imperialism" in the West.

Were it not for Radio Liberty it would never have occurred to them to revise, however little, their Stalinist ideas.

It is at first sight a strange situation: American Senators cast doubt on the value of Radio Liberty and Radio Free Europe, while the Soviet Press has no doubt at all about their effectiveness.

But it is really not so strange, because the Soviet propagandists know precisely what those radio stations transmit and how their broadcasts are received, while American Senators permit themselves to make very far-reaching declarations without having very much information at their disposal about the subject under discussion.

A. ANATOLI (KUZNETSOV).

BIG BUS BILL

HON. FRED SCHWENGL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. SCHWENGL. Mr. Speaker, the tactics used by the bus and truck lobbies to secure passage of legislation allowing wider and heavier vehicles is well known to many of us. However, the story written by Mr. George Anthon in the Des Moines Register for May 30 is one of the best articles that has been written documenting these tactics.

The amazing fact brought out by the article is the brazen admission by officials of the American Trucking Association—ATA—that they do in fact, utilize "whipsaw tactics" to play one State against another. It seems to me that this admission is all the more reason why we need to be especially firm on the size and weight legislation here at the Federal level.

Questions were raised by the truckers in the past as to whether opponents of the Federal size and weight legislation lacked faith in the judgment of the various State legislatures. In view of the ATA tactics and strategy revealed in the Register article, it seems to me that some skepticism in this regard is certainly justified. The article follows:

TRUCK LOBBY FOCUSES ON IOWA'S LAW—ASKS APPROVAL OF 65-FOOT UNITS

(By George Anthan)

WASHINGTON, D.C.—Truckers are making a major effort this year to clear a coast-to-coast route through the upper Midwest for 65-foot-long twin trailer-truck combinations (double-bottoms), officials of the American Trucking Association (ATA) have confirmed.

Iowa, astride one of the country's most important east-west Interstate highways, is a focal point of this effort. Trucking officials said most states east and west of Iowa allow the longer double-bottom trucks.

Also, state trucking organizations, backed by the ATA, are seeking approval for 65-foot double-bottom trucks in Wisconsin and Minnesota, and in several southern states.

Officials of the trucking industry said the longer twin-trailer trucks are vital to the economy of the industry. They say rising costs due to inflation have made more efficient trucks necessary, and that the 65-foot double-bottom vehicles not only contain much more space for freight, but are more economical in that a trailer can be loaded for a certain destination and dropped off there. The tractor and the other trailer then can continue on to another destination.

AAA OPPOSITION NOTED

Officials of the American Automobile Association (AAA), the leading national opponent of larger and heavier trucks and buses, says the current trucking effort is a continuation of "their divide-and-conquer tactics of the past."

James J. Gudinas, an AAA transportation economist, said, "The truckers could not get their requests through Congress, and the plan now is to get the states to expand their maximum limits, then point out to Congress that federal standards are too low."

The AAA has argued that bigger trucks and buses pose a serious danger to occupants of passenger cars, and that the larger vehicles also cause more damage to pavements than they pay for through taxes.

The ATA has countered by saying that if the trucking industry is not allowed to move freight more efficiently, prices of freight and subsequently of most consumer goods will increase. These increases, the trucking industry contends, will hit small towns especially hard since it already is uneconomical to haul freight to many less-populated areas.

Gudinas said, "When they get something passed in one state, then they go to the next and say, 'You're standing in the way,' or argue, 'Your state is losing economically by not allowing these larger trucks.'"

A spokesman for the ATA acknowledged that this is used by state trucking organizations, and he called it the "whipsaw" tactic.

He explained privately that this means "when one state passes a law changing truck sizes, by natural process the people (truckers) in the next state are going to say, 'We should have that, too.'"

"WHIPSAW" TACTICS CITED

He said that under the "whipsaw" theory, trucking industry officials in the various states cite gains that the industry has made in other, nearby states.

"In a sense, whipsaw is a national policy, and in a sense it's not," he said. "It's not written down or anything like that. We (ATA) don't tell the state organizations what to do."

Another ATA official said of the state-by-state efforts to get favorable truck law changes:

"It's an argument that's used. After all, nobody's running a truck for fun. This service reflects in consumer costs. If you don't run economically, you drive up the costs."

Iowa is important, ATA officials said, "because if you want to start out in the East now you can run 65-foot twin-trailer combinations on the Massachusetts and New York thruways. There's a small gap in Penn-

sylvania of 20 or 30 miles (Pennsylvania does not allow double bottoms) so the combination must be broken, hauled across singly, then re-assembled. Then, Ohio, Indiana and Illinois allow 65-foot twin trailers."

At this point, ATA officials said, the coast-to-coast truckers must swing south through Missouri and Kansas because of the Iowa prohibition.

This denies long-distance trucks the use of Interstate 80 through Iowa. Nebraska allows the 65-foot double-bottoms.

(The Iowa Senate Thursday voted 28 to 19 to permit 65-foot-long trucks on any four-lane highway in Iowa. The bill awaits consideration by the Iowa House.)

A bill to allow the 65-foot double-bottom trucks is pending in Tennessee, and one has been defeated in Mississippi.

In Georgia recently, a state commission recommended legislation to allow 65-foot double-bottom trucks, citing "the necessity for keeping Georgia competitive with other states in freight transportation facilities." However, strong public opposition developed and the Georgia bill was dropped.

SNEAK ATTACK

In Louisiana last year, the House of Representatives passed a bill to keep livestock off the highways. However, the Louisiana Motor Club, affiliated with the AAA discovered the measure contained a provision to allow twin-trailer combination trucks; there was a public protest, and the measure died.

In Pennsylvania, there currently is no move aimed at permitting double-bottoms, but the legislature is considering a bill to increase the single trailer length from 40 to 45 feet.

Indiana, the State Motor Truck Association is seeking an increase in gross weight per truck from the present 72,000 pounds to 73,280, the current federal limit for Interstate highways.

James Nicholas, secretary-treasurer of the association, recently argued, "Indiana should get in step with her neighbors," referring to the fact that Illinois and Kentucky already have raised the limit to 73,280 pounds, and Ohio has increased it to 78,000 pounds.

Nicholas was quoted by local newspapers as saying recently, "Other states let much larger trucks use their roads. It helps their economy. Are we to say Indiana is inferior to other states?"

Iowa currently allows 60-foot double-bottom trucks, but ATA officials said any twin trailer combination shorter than 65 feet is not feasible.

They said this is because the trailers come in standard lengths of 27 and 28 feet. Two of these trailers, plus the space between them, plus the length of the tractor unit require a minimum of 65 feet, they said. A total of 31 states allow 65-foot double-bottom trucks.

SCHWENDEL MAJOR FOE

The AAA's Gudinas and Representative Fred Schwengel (Rep., Ia.), a major opponent of larger trucks and buses, said they believe the industry is concentrating on the double-bottom issue because of two major national defeats suffered in 1968 and 1969.

Bills backed by the U.S. Transportation Department that would have increased truck sizes and weights were defeated in those years.

One industry-oriented magazine last fall blamed the defeats on Schwengel, on newspaper coverage, on AAA opposition and on railroad lobbyists in Congress.

Schwengel said he has been "fighting hard against these bills in Congress, because once they get permissive legislation on the federal level, then they go to the states and say 'Congress has okayed this; the state should not stand in our way.'"

Schwengel currently is fighting a bill in Congress to increase bus widths from 96 inches to 102 inches.

"I also know about their whiplash," Schwengel said. "I know the truckers have tried to defeat me in my campaigns."

A POSITIVE VIEW OF HIGHER EDUCATION IN TEXAS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. PICKLE. Mr. Speaker, in the Declaration of Independence from Mexico, the founders of the Republic of Texas charged the Government of Mexico had "failed to establish any public system of education—although it is an axiom in political signs, that unless a people are educated and enlightened, it is idle to expect a continuance of civil liberty, or the capacity for self-government."

Such was one of the keys in the founding of the State of Texas, and today one of the finest manifestations of that early dedication to education is the University of Texas System—now home of one of the top 32 libraries in the world—only five of which reside in this country—home of 23 of the highest ranking graduate programs in this Nation, home of six general academic institutions housing 70,000 students at present and preparing to handle 150,000 students by 1980, of four medical schools, and of numerous other graduate and specialty schools, including the McDonald Observatory, the M.D. Anderson Hospital and Tumor Institute, and the new L. B. J. School of Public Affairs.

The university is rapidly taking the lead, as well, in producing prominent young scholars, leading the country in Woodrow Wilson national fellowships, and a leader in the coveted Rhode's scholarships and Fulbright - Hays scholarships and fellowships.

And this university is meeting the challenges which face all our universities today—the challenges posed by this country's first politically oriented student body and what their presence means for freedom of speech and for the need to allow students to study in quiet and researchers to research in peace.

This morning, as our guest at the Texas Breakfast Club, the dynamic and highly respected University of Texas system chancellor, Charles A. LeMaistre, outlined how this great university system is meeting these challenges—meeting them head on. He said:

I must tell you that I did not accept the chancellorship to preside over the demise of the University of Texas.

His strong words hold a forceful hope for a reasoned balance in the new environment in which higher education has found itself in the past few years.

Mr. Speaker, I would like to insert Chancellor LeMaistre's remarks in the RECORD at this time:

A POSITIVE VIEW OF HIGHER EDUCATION IN TEXAS

(By Dr. Charles A. LeMaistre, Chancellor, University of Texas)

For almost a year now, I have had the privilege and responsibility of serving the vast

University of Texas System, first, as Chancellor-Elect, and then, since January 1, 1971, as Chancellor. In that year, I have spoken to many groups, and responded to questions of all varieties. While the groups have varied widely in their areas of primary interest, I find that there is an almost alarming sameness in the essence of their questions. In my experience, people of all persuasions and of all outlooks are concerned about higher education, its image and its future. There is an *aura of negativism* about higher education which continues to concern me very much. I spoke of this concern over a year ago in a commencement address at Austin College—an excellent private institution in Sherman, Texas. I would like to quote a few sentences from that address.

"Colleges and Universities across the land are being sorely tested and critically evaluated as worthwhile instruments of society. Education's ancient place of honor in civilized society hangs in the balance. Uncontrolled unrest on the campus is already accepted as a clear indictment of the value of education by many who once professed belief in the necessity of a college education.

"The 'confidence crisis' in education was not invited by premeditated action, but rather by inadvertent past failures on the part of academic leadership. We have allowed the purposes of higher education to become so vague as to invite misuse and the subsequent outrage of the American society."

I must admit that in the year since I made that statement the "confidence crisis" in higher education has, if anything, become more acute. From a personal observation I can tell you that it is most difficult to sell a *positive and constructive* message about higher education to the general public in a time of such negativism. The result has been a public image which is more negative than positive, more defensive than offensive, and more attuned to explaining the antics and demands of a few attention seekers—than insuring positive progress for the *massive numbers* of dedicated students on our campuses.

It is for these dedicated students, unequalled in quantity or quality by any preceding group of young Texans, that higher education must cast off the cloaks of defensiveness and apology. Aggressive action must replace reaction if we are to meet the educational needs of these young Texans and, in so doing, fulfill the visions of greatness found in our Texas Declaration of Independence.

Aggressive leadership will lead to constructive change in education and change does not always serve an individual personal need. Yes we can expect some personal unhappiness as changes occur and we have already seen some. However, for every scholar who has left expressing dissatisfaction and discontent with the present academic environment, equal numbers—and of at least equal quality to the teaching process—have arrived here, drawn by the new challenge and greater potential of the University of Texas System. The very fact that we are removing the decay and critically evaluating the worth of our offerings has resulted in an overwhelming interest by faculty elsewhere.

I am fully aware that developing a positive approach may not be easy. To be sure higher education has positive programs making outstanding contributions to education and society—but higher education is not attuned to telling its story. First, no personnel concerned with public relations are employed by our State agencies. Second, a forum or medium is not always available to tell the story.

Let me now begin to accentuate the positive: A few facts and figures about the University of Texas System will serve as background for our later discussion.

There are six general academic institutions, the University of Texas at Austin, El Paso,

Arlington, Dallas, San Antonio, and Permian Basin. Three of these are developing schools, having been authorized by the 1969 session of the legislature. In effect we are presently creating three new academic universities, an unprecedented task in Texas, in order to be prepared for twice as many college students by 1980, approximately 150,000 in number in the University of Texas System alone.

There are four medical schools—Dallas, Galveston, San Antonio, and a new component in Houston. From an entering capacity of 2.60 in the mid 60's, these four units now enroll about 430 entering medical students, and are authorized by the Board of Regents to expand this entering capacity to 800 students by 1980. In the decade of the 80's, Texas will produce in 10 short years more physicians than are now in practice in the State. No other state can approach this record.

There is a dental school in Houston and another in San Antonio. When fully developed, these units will enroll 275 freshman students, almost tripling the University's current output of dentists.

Incidentally, our Houston Medical School and our San Antonio Dental School began teaching students within one year after Legislative authorization, a feat unequalled elsewhere in the Nation.

Since 1967, the System-wide nurse education program has grown from a primary base in Galveston to expanded units in Austin, San Antonio and El Paso—nurse production is currently doubled and soon will be quadrupled, as new units in Houston and Ft. Worth are developed.

To meet the needs of a State with disgraceful epidemics of diphtheria in its urban communities, with five urban areas ranking high in venereal disease, with serious problems in nutrition, and basic environmental problems, the Legislature activated a School of Public Health in the UT System to produce the manpower to protect the public's health. We need only to look at some of our other major problem areas to further appreciate the need for this school; clear air, water quality, overpopulation, preventive health services, drug abuse, etc.

To meet the need for teachers in health manpower there is the graduate school of biomedical sciences at Houston.

Last but not least are two institutions which perhaps illustrate the diversity of the System:

The M.D. Anderson Hospital and Tumor Institute—one of the foremost cancer research and treatment facilities in the world—and

The Institute of Texan Cultures—A living symbol of the inter-cultural background and heritage which represents Texas today.

This "laundry list" does not include several outstanding research and educational facilities which operate administratively as part of a general component: For example—McDonald Observatory attached to The University of Texas at Austin—an essential base for exploration of the moon, with the world's third largest optical telescope;

Marine Science Institute attached to The University of Texas at Austin;

Bureau of Economic Geology at Austin;

Bureau of Business Research at Austin;

Environmental Health Engineering at Austin;

Population Research Studies at Austin;

The new Lyndon Baines Johnson School of Public Affairs at the University of Texas at Austin;

Schools of Social Work at Austin and at Arlington;

Institute of Urban Affairs attached to the University of Texas at Arlington;

Social Science Research Center at El Paso;

Air Quality Management at Houston;

Marine Biomedical Institute attached to the University of Texas Medical Branch;

Nutrition Program at Galveston; and

Poison Control Center Consultation at Galveston and a federally funded project: The Regional Medical Program directed from the System Administration.

Thus, it is obvious that the University of Texas System has made an impressive beginning to fulfill one of the responsibilities which is generally accepted to be a legitimate role of the University—that of public service.

Let me conclude the statistics by stating that the University of Texas System represents a State resource which has:

\$1,500,000,000 in total assets;
\$250,000,000 in annual operating expenses; and

\$70,000 students entrusted to our educational responsibility—growing to 150,000 by 1980, and 3,500 full-time faculty, and over 20,000 employed staff.

For those of you who are "bricks and mortar" oriented, we have \$100,000,000 of construction under contract and \$300,000,000 on the drawing boards.

As we look ahead to the rapidly changing decade of the 70's—the higher education community is fast realizing that the historical and traditional role of the ivy-covered university will not satisfy the current demands of society. The university must further share its expertise and special resources with those who bear the primary responsibility for the solution of society's problems and demands.

Let me focus briefly upon what is probably your primary interest—UT Austin—to assure you that it is performing well in its academic responsibilities.

Last May at the El Paso meeting of the Board of Regents, Chancellor Harry Ransom, to everyone's regret and surprise, decided to step down as the administrative head of The University of Texas System to devote full time to the area of library acquisitions and endowments. As Chancellor Emeritus, he is working harder than ever and is constantly available for imparting his great knowledge, wisdom and experience. To him belongs the credit for the recent worldwide publicity that cited The University of Texas Library as one of the top 32 in the world. Of that 32, only five are in the United States, and one is at your University in Austin.

Probably the most significant high point from a prestige standpoint came toward the end of 1970. A rating of graduate programs by the American Council on Education placed 23 of the University of Texas at Austin's graduate programs among the highest ranking programs in the nation. Four were in the top five in the nation in their respective fields—Linguistics, German, Botany, and Spanish—and four others were in the top ten—Pollution Biology, Civil Engineering, Geology, and Classics. One of Dr. Spurr's main goals, he tells me, will be to not only maintain this position, but to improve it in the years ahead.

In addition, coveted Rhodes scholarships for study at Oxford were won by two UT students. And UT was third only to Harvard and Yale to the number of the Rhodes recipients. UT led the nation in independent study awards from the Woodrow Wilson National Fellowship Foundation. Three Austin students and one at The University of Texas at El Paso received these awards. Only a hundred students throughout the United States received these awards.

I could continue with examples of progress like the Lyndon Baines Johnson Presidential Library dedicated on May 2 before a remarkable assembly of prestigious personalities. That complex on The University's eastern edge will be a Mecca for research specialists in political science, government, economics, and history for many, many years to come. Time is running short and I must conclude.

The all-out assault to erode and destroy public confidence in the leading educational institutions will, I fear, continue.

Those of us who feel a responsibility to ensure the continued positive development of higher education must join me in agreeing that:

The university must protect freedom of thought, freedom of inquiry, freedom of discussion for all—not just the radicals;

That the external forces designed to impair or intimidate dissent, debate, or expression cannot be tolerated;

That the university should not be converted to a political institution;

That freedom to run from "Rhetoric of Riot" must stop now; and

Those who hold these positions—and I most assuredly do—can expect personal and public abuses of unimagined portions as the attempt is made to destroy public confidence in education's leadership.

I also must tell you that I did not accept the Chancellorship to preside over the demise of the University of Texas—nor do I wish to associate myself in any way with those who daily attack the American University System. It is my intent to return education in Texas to its ancient place of honor and to accomplish this without delay. We no longer will resort only to defensive tactics. We intend to be aggressive in re-establishing the rightful place of higher education in Texas.

This, then, is where we stand today. As we seek a solution (both individually and collectively) to the problems of higher education, perhaps it would be well if we remembered the words and the actions of the handful who met at the primitive village of Washington on the Brazos to give voice not only to their yearnings for freedom, but also to the visions of greatness they sought for Texas. They realized that education is a hallmark of greatness for any society. In the Declaration of Independence from Mexico those founders of our State charged the government of Mexico as follows:

"It has failed to establish any public system of education, although possessed of almost boundless resources (the perfect domain), and although it is an axiom in political signs, that unless a people are educated and enlightened, it is idle to expect a continuance of civil liberty, or the capacity for self-government."

May I repeat for emphasis "unless a people are educated and enlightened it is idle to expect a continuance of civil liberty or the capacity for self-government" an axiom that is as pertinent to the problems of Texas in 1971 as it was when those famous words were first penned. When, in the future, our Texas society stands in the light of historical judgment, these words from the Texas Declaration of Independence, and more importantly, the actions of generations of Texans to implement them must stand as our greatest achievement. May we in the days to come measure our words and our deeds against the words and deeds of those who founded the State of Texas.

DEATH CLAIMS DRUMMER BEN POLLACK

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. HUNGATE. Mr. Speaker, I would call attention to the death of the band leader Ben Pollack who gave an opportunity to many of the jazz artists of this country. The article follows:

DRUMMER BEN POLLACK, EARLY CHICAGO JAZZMAN

(By Hollie I. West)

Ben Pollack, the drummer who headed the first big band in which clarinetist Benny

Goodman played, hanged himself Monday in the bathroom of his home at Palm Springs, Calif. He would have been 68 on June 22.

Authorities said Mr. Pollack had left two notes complaining of despondency over financial and marital problems. His body was found late Monday by a friend who lived in a nearby trailer park.

One of the first well-known native Chicago jazzmen, Mr. Pollack first gained prominence with the New Orleans Rhythm Kings, recording with them between 1922 and 1924. The ensemble played in the style of New Orleans black musicians and exerted primary influence on a coterie of white musicians in Chicago.

Mr. Pollack formed his own band in California in 1925. The group included Goodman and trombonist Glenn Miller, who were to lead two of the most popular swing era bands in the 1930s.

Mr. Pollack planned to build a first-rate jazz band that would perform sharply executed arrangements of current popular material instead of presenting long improvisations on jazz tunes in the New Orleans jam session style. The idea was to modify the New Orleans style by making the band's music sound impromptu but set it in a context of formally worked-out patterns.

Miller and Joseph (Fud) Livingston composed and arranged for the band. Goodman's first solo on record—"He's the Last Word"—was for a Pollack band date in December, 1926, when the clarinetist was 17.

Despite the attractiveness of the musical approach, the idea failed because Mr. Pollack bowed to commercial concessions. As time went on, he called for less improvisation and added violins to keep the group working. Goodman carried out an updated version of the idea in his orchestra in the late 1930s.

Mr. Pollack's various groups worked frequently between 1925 and 1940. Later band alumni included Jimmy McPartland, Jack Teagarden, Charlie Spivak, Yank Lawson, Harry James and Muggsy Spanier. Although Mr. Pollack was not a major musician, he was significant as a discoverer of talent.

The musician opened a restaurant in Hollywood in the 1950s but remained in music until the mid-1960s. By 1965 he had given up performing and was running a restaurant in Palm Springs in partnership with his sister.

He was divorced in 1957 by Doloris Robbins. They had no children.

NATIONAL HOME FASHION WEEK

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. WIGGINS. Mr. Speaker, I have today introduced a resolution proposing National Home Fashion Week commencing September 26, 1971. Few concerns facing Americans today are more compelling than the quality of our physical environment. We are all concerned with the earth and our environment being neglected and polluted. We all agree that it is terrible. However, few of us have questioned why we have become so neglectful of it.

A noted expert on human behavior—Dr. Bruno Bettelheim, a psychologist and founding member of the National Academy of Education, and a fellow and diplomat of the American Psychological Association—says it is a result of the settings in which we are brought up as children. If we grow up in a setting—

an environment—that is deeply meaningful to us, and that we can cherish, we will, as adults, treat any environment with respect and appreciation. If, on the other hand, our setting during those impressive years does not have a personal meaning to us, it is not likely our environment will be important to us as adults.

This Nation stands on the threshold of a new lifestyle. We are involved in planning cities, combatting pollution, preserving the landscape, and perfecting transportation. We must also concern ourselves with other areas affecting how we live, and that includes the interior spaces in which our citizens spend the majority of their time.

There is no computer in this highly technological society which can measure the influence a home has on the quality of life. Nor is it likely that there ever will be any systematic means of judging the specific effects of the home on "health of our society."

However, it is roundly accepted in America, that the home is vital to our way of life. Yet, ironically, it tends to be overlooked in our priorities.

I propose a National Home Fashions Week, to begin September 26, 1971, to bring national attention to the importance of the home. I feel very strongly that no period in history has had greater reason to "design" the environment, nor better means for doing so. Let us put the home in its proper perspective.

THE CONNECTICUT INTERN PROGRAM

HON. LOWELL P. WEICKER, JR

OF CONNECTICUT

IN THE SENATE OF THE UNITED STATES

Thursday, June 17, 1971

Mr. WEICKER. Mr. President, Congressman STUART McKINNEY, Congressman ROBERT STEELE and I are currently sponsoring a unique intern program for young people throughout the State of Connecticut. For each of 9 weeks during the summer, we are bringing about 50 students, all under the age of 21, to Washington to view all aspects of their Government firsthand. I have asked each of the students to write a brief essay on their experiences, and I intend to submit a number of them for the RECORD as the summer progresses. The program began last week, and the essays I have received so far demonstrate a firm grasp of the workings—both good and bad—of our system of Government.

Mr. President, I ask unanimous consent that two of the essays written by members of last week's group be printed in the RECORD.

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

A FEW THOUGHTS . . .

(By Carol Buckland of Farmington, Connecticut)

The two-headed mythical character Janus, the gate-keeper, not only stares forward of the future, but also faces back towards the past. In many ways, Washington, D.C. is like Janus: the gate-keeper of American democracy, it strains for the future while still

firmly entrenched in the traditions of the past.

Because of this, the Connecticut Intern week in Washington is a study in dichotomy: memory and reality, old and new, and fascination and frustration.

Talking about this program, Senator Weicker said that even if interns come out of this week criticizing the "system", they will at least have some knowledgeable basis for doing so. I have never believed in "my country right or wrong, my country". To me, the best attitude has always been "my country right, keep her right; my country wrong, make her right". After spending the past five days in D.C., I feel I am not only more capable of making a judgment about government but also more able to do what can and has to be done.

This week was my third trip to Washington, but it was the first in terms of getting past the marble and reaching the men, of seeing this city as a political battlefield—both compelling and frightening—instead of as a multi-million dollar monument.

The fascination was in the people and the aura of power that surrounds them. As Hans Morgenthau said, all politics is, of necessity, a struggle for power. Washington and its inhabitants reflect this.

I especially enjoyed the opportunity of talking with and questioning people like Mr. Hildebrand and Mr. Nidecker. Whether speaking with Congressman Steele at 11 p.m. in his office or watching Senator Byrd evoke the memory of a Roman statesman by admitting his ambition as well as his love for the legislative body he serves, I had the feeling that the interns were being spoken to not only as interested listeners, but also as students who must learn because they will soon take on their teacher's responsibilities.

Beyond the listening, there was a great deal of watching and seeing. The Supreme Court, the Lincoln Memorial, the Washington Monument all stood as testament to the past and standards for the future. The white marble stands, pure and symbolizing an intent to act with integrity, but it also calls to mind the white hair of men who once walked boldly toward the future but now cling weakly to the past, refusing to see that today, in a world which is constantly going forward, to even stand still is the same as going backwards.

Most impressive, however, was the Senate which seems like a great arena where men fight with words and ideas instead of fists and violence. The debate on the draft bill was watching history being made, and, hopefully, a better future being hammered out.

But there was frustration also. To quote Bob Dylan: "Come Senators, Congressmen, heed ye the call. Don't stand in the doorway, don't block up the hall, for he who gets hurt will be he who has stalled." Watching and listening, I had the feeling that there is stalling: the seniority system, the tangle of reports, memorandums, and applications and the constant tightrope of compromise for over-all good versus personal conviction. There was also the repetition of the struggle between the experience of the past and the energy of today. All too often, in its web of committees, power-dealing and tradition, Washington, D.C., seems to be using yesterday's tools to shape the resources of today for use tomorrow.

Still, despite the obvious weaknesses, it is clear that there are strengths to bolster them. One of the greatest strengths is the youth of the people of this program. People are not always young chronologically, but youthful in their orientation.

John Kennedy, in his inaugural address, said, "Ask not what your country can do for you, but what you can do for your country." I think, in the Connecticut Intern Program, the process worked both ways: our country, through Washington, opened its doors both symbolically and physically, showing the

federal system "warts and all." On the other hand, we, the interns did our part by coming with an open mind, wanting to learn both the good and the bad.

Hopefully, and it would be the most meaningful part of this program, I can take what I've learned and do something—both for myself and my country.

AN ESSAY

(By Gregory Patti of Bethel, Connecticut)

To most people, Capitol Hill is a mystical Olympus where gods in high places decide the fate of nations and the future of humanity. Until recently I could have been included in their number, as I had never met a Senator first hand, or attended a session of the legislature.

Due to my participation in the Connecticut Intern Program of Senator Lowell P. Weicker and Congressmen Stewart McKinney and Robert Steele, however, my sense of perspective has been drastically altered. It has become clear that those who sit and rule the nation are not gods, but men—fallible human beings, flawed in some measure as all are flawed, yet men who have a duty to perform under difficult circumstances and adverse conditions.

One fact is clear. In certain respects these men are above other men. To them, government is a sacred thing. In the words of one high member of the Senate, the Honorable Robert Byrd, "I love the Senate. To me it is one of the greatest organs of the government created by our fathers." I now share this sentiment not simply in terms of the Senate, but in terms of the entire process of government.

Most tourists visit the monuments, see the Potomac, tour the Capitol, and say "I have seen our government in action." Nothing could be further from the truth. Such an approach still tends to sanctify our legislators—it still hides them in a cloud of secrecy and an aura of infallibility. However, we have met them in personal contact. They have addressed us and answered our questions. They have graciously contributed their time and effort to enable us to observe the true government—the committees, the hearings, the debate, the staff and office work. We have seen them, not in full dress with neatly combed hair, but with loosened ties and rolled-up sleeves reading mounds of documents, making telephoned inquiries, and coping with the real problems of the nation. Occasionally they err. Occasionally they voice opinions with which we disagree. But they listened to our reasons, and we heard theirs, and we realized that they are making a supreme effort to govern well. Their motives are not all altruistic.

In this governmental system the legislators must do well in pleasing their constituents, or else they face defeat in the next election. But many of those who seek the Congress do so because they see ills in the nation and believe that they can help. They wish to legislate to eradicate bigotry and hatred, superstition and ignorance, poverty and hunger. Their attempts to improve the lot of man on earth are often futile. But they are no less noble for their failure, and in success, the members of Congress can feel proud that their existence on earth has had meaning—that their lives were not such that they leave behind them a world unchanged by their presence—that their efforts have made life for their fellows a bit more enjoyable, a bit more worthwhile.

Until now, these sentiments have seemed to be platitudes espoused by blind "patriots" who see no faults in our country. But now that I have seen and worked with our representatives, I realize that even with its flaws, Congress deserves these compliments. This is the greatest value of the program—this realization that our government, for all its failings, is essentially a good one.

In my mind, all other considerations in the

preparation of this program must be secondary to those which approach this end if the program is to provide the optimum benefit. Discussions, seminars, question-and-answer sessions, visits to congressional offices—all of these provide the key to understanding.

It is not the marble and the cold stone buildings which are the government of the nation. It is the corps of public servants who work inside them, who strive to pierce the deceit and fog of political maneuvering, who juggle facts and figures and balance them against the problems and attempt to find the answers in discussion and compromise that lead this nation. They are our greatest hope to achieve on earth some semblance of the peace, security and welfare of our people which the Preamble to their Constitution pledges their people.

THE WASTING DISEASE OF GIANTISM

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. EVINS of Tennessee. Mr. Speaker, the Nashville Tennessean, one of this country's great newspapers, carried an article on Saturday, June 12, 1971, on the "Wasting Disease of Giantism."

The article, by Anthony Lewis of the New York Times news service and carrying a London dateline, discusses a speech by Michael Young, the British sociologist.

The theme of Mr. Young's speech is—bigness does not work in either the private sector or the public sector.

Because of its particular relevance to many of this country's problems today, including the President's proposed reorganization of many huge Government departments into even larger ones, I place in the RECORD this article from the Nashville Tennessean. The article follows:

[From the Nashville Tennessean, June 12, 1971]

THE WASTING DISEASE OF GIANTISM

(By Anthony Lewis)

LONDON.—One of the most original thinkers in Britain is a sociologist named Michael Young. Sociologist is really too dusty a word: Young is a provoker of new social ideas and organizations. He started the consumer movement in Britain. His idea for education by television has flowered in the Open University. His book, "The Rise of the Meritocracy," showed in utopian satire how those who rise to power on merit may be as intolerant and stifling as the old aristocracy.

In a speech the other day Young sounded an important new theme. Or, rather, he transformed an old one by the fresh, almost paradoxical method of his argument. He made the case for smallness in human organization.

For a long time, he said, we have believed that bigness brings efficiency in business and government. To gain economies of scales we have accepted the remoteness and impersonality of large organizations.

"Whenever anything goes wrong," Young said, "growth is the stock remedy." The ailing automobile company is enlarged by merger. Government ministries are combined into a super-department. Local governments are expanded to cover larger areas. We build huge schools and universities.

But the remedy no longer works, Young said: "It is fine for computers and other ma-

chines. They thrive on size. But for a large complex of people the whole has become less than the sum of its parts . . . there is hardly a large organization in the country which has not gone downhill over the last quarter of a century."

He asked: Was the British post office as efficient as it used to be? Was the B.B.C.? The Labor party? The University of London? The Royal Air Force? He knew that his listeners would answer no. And he added some telling American examples: the Bell Telephone company, the U.S. Army, New York City, the University of California.

"Almost all large bodies," he said, "have become afflicted by a new wasting disease, gigantism."

Why does growth bring inefficiency? Young said the answer was simple. The old idea of individual freedom and integrity had grown stronger in our century, he said, and increased civil liberty and social welfare. But that made large organizations hard to manage:

"Bigness can only work if people are willing to accept orders coming from the top. This they are becoming less and less willing to do; orders seem to conflict with the old notions of human dignity in their new, even more individualist form."

"Big organizations had become aware of tain cooperation by communicating. But the problem," Young said. "They tried to ob- they had to spend so much time passing information up and down and sideways that nothing much else is done besides just communicating."

All those who have been in large bureaucracies will recognize the disease described by Michael Young. But his cure will still be hard for many to accept: "Seize every opportunity to reduce the scale of organization. Make things smaller, not bigger, in industry and in the public services, and often efficiency as well as humanity will be enhanced."

Britain does have some of the symptoms of gigantism, especially the tendency of politicians and businessmen to equate size to prestige. But things are not too bad. Local committees and controlling boards in many kinds of public affairs provide a human scale. And the small physical size of the country itself gives her a great advantage in encouraging community.

Young's analysis has more urgent and more poignant meaning for the United States. We are a continental country and have always been so proud of that—what middle-aged American does not remember thrilling in the sweep of America across the map? And in so many ways we have worshipped size: big business, Whitmanesque landscape, even giant apples and strawberries.

And now we know it does not work. The citizen begins to feel what Young articulates. The big businessman tries to find ways of allowing smallness and initiative inside the huge corporate structure. The federal government looks for new relationships with localities and states. There is a vague striving for "participation."

MISSION CHURCH CENTENARY,
1871-1971

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, today I urge the Members of the U.S. House of Representatives to join with me on the joyous occasion of the

centennial anniversary of the Basilica of Our Lady of Perpetual Help—Mission Church—which is located in my district in Roxbury, Mass.

The Mission Church is staffed by the Redemptorist Fathers and Brothers and the School Sisters of Notre Dame under the capable rector, Very Rev. Joseph F. Scannel, C.Ss.R.

At this time I would like to share with my colleagues and all those who read the record a brief history of the Mission Church.

ALL OUR YESTERDAYS—AND A PRAYER FOR
TOMORROW

(By Father Joseph E. Manton, C.Ss.R.)

While a savage snowstorm whirled outside, and almost nine hundred people filled the pews inside, the first sermon on Our Mother of Perpetual Help was preached in the original wooden Mission Church by Father Timothy Enright. That was January 29, 1871, the very day the church opened.

It was not the first time the black Redemptorist habit had been seen in Boston. Two years before, a group of Redemptorists from New York had conducted a mission in St. James, which was so spectacularly successful (eleven thousand confessions, for one thing) that Bishop Williams invited the Redemptorists to establish themselves in his diocese, preferably in the area known as Boston Highlands.

To this end Father Anwander and Father Helmprecht arranged a meeting with two laymen from Holy Trinity parish. Since they were all Germans (it is sometimes forgotten that the first five rectors of the Mission Church were German) they decided to meet for lunch at a German Beer Garden where a man could get some decent knockwurst and perhaps a foaming stein. The priests, incidentally, wore ordinary business suits because this was the day of the A.P.A.'s, the Know-Nothings, and other anti-Catholic organizations. Bigots would think twice before selling property to Papists.

During the course of the meal the waiter overheard them discussing possible properties and remarked that the very place where they were eating, Franklin Gardens, was available because its lease expired that same day and was not being renewed. So the Fathers looked over the land, liked it, and eventually purchased it. The Catholic Church at large is founded on a Rock, but Mission Church in its own way is founded on a Beer garden. Ironic, is it not, that on the very spot where people used to toss down steins of gurgling lager, now they drift in to take the pledge?

On the grounds of the Beer Garden stood the old Brinley Mansion. While George Washington may never have slept there, Charles Dickens did, on his lecture tour of America. What George Washington did do, was to plot the Battle of Worcester in the mansion's reception room. Some historians claim, too, that the first sullen rumblings against the Stamp Act were raised in the billiard room of this mansion. You could have read some of this on a huge, official bronze plaque that hung, outside the Rectory until one night last summer, when vandals pried it off and roared away in their car. (Probably a band of junkies who wanted to sell the metal for dope.)

The Fathers and Brothers were sleeping in that famous old Brinley House, now become the Rectory, after the exciting day when the cornerstone of our present church was laid in May, 1876. That night Brother Chrysostom stirred uneasily, thinking he smelled smoke. He opened his door and saw one wing of the house in flames. He pounded on doors, roused everyone (one Father sprained an ankle jumping out a window) and then rushed over to the church to set the bell

ringing frantically in the night. Firemen and parishioners united to save the building, though it was badly damaged. The Jesuits from Boston College, then situated in town, offered the five Redemptorists hospitality during the weeks when the house would be repaired. So, for quite awhile the Redemptorists lived with the Jesuits, and there are those who think the Redemptorists have never been the same since.

Other things we changed, too. Brookline Road became Tremont Street, and the rather rowdy name of Bunstead Lane was canonized into St. Alphonsus Street. It was 1910 before the twin spires with their booming bells and their illuminated crosses soared up like a double lighthouse over the rolling waves of Roxbury rooftops. The colossal dome has glowed with at least three themes during the course of the decades, namely, the Coronation of Mary, the Veneration of the Picture, and the present portrayal of four Redemptorist Saints, Alphonsus, Clement, Gerard, and Blessed Bishop Neumann.

The gorgeous mosaic of Calvary at the Purgatorian Altar was raised in memory of the men of the parish who gave their lives in the first World War. At that time more than a thousand stars dotted our giant service flag. How many parishes were so large fifty years ago that they could send off that many men to the colors?

In the beginning we were not even a parish, just a "Mission Church" with no authority to baptize or marry. In the course of years the Mission Church has become a famous Basilica. May she never become just a headstone over buried glory, an ecclesiastical fossil, a place where the tourist will prowl with a guide book instead of the worshipper kneeling with a prayer book! We do not think she ever will, but instead, go on flourishing, a dynamic, throbbing spiritual center, because her Patroness is the Mother of Perpetual Help, and perpetual means always!

I would like to include a letter from the Apostolic Delegate to Father Joseph Scannel which expresses the Blessings of our Holy Father, Pope Paul VI.

On the joyous occasion of the Centennial Anniversary of the Basilica of Our Lady of Perpetual Help (Mission Church), Roxbury, Massachusetts, our Holy Father, Pope Paul VI, graciously bestows his Apostolic Benediction upon you, the clergy and religious associated with you, the parishioners, and all who join in observing this happy event.

Much has been accomplished for the honor and glory of Almighty God during these past one hundred years; for this reason, there is joy and deep gratitude in the hearts of all who have been associated with the Mission Church. In the years to come, may Our Lord ever continue to draw the priests and people of the parish closer to Himself, the Way, the Truth and the Life.

To this Blessing of the Sovereign Pontiff, I wish to add my personal congratulations and good wishes. With sentiments of esteem and renewed felicitations, I remain

Sincerely yours in Christ,

LUIGI RAIMONDI,
Apostolic Delegate.

FLEET STILL SINKING

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. SCHMITZ. Mr. Speaker, Admiral Rickover stated:

Last year I gave this committee an omnibus assessment of what the Soviets were doing in the naval field. I stated that based on the facts available to me the Soviets were

capable of starting the biggest war there has ever been and that I was not confident the outcome of such a war would be in our favor. What this committee and the American people must realize is that I am not overstating the situation. In almost all respects the position of the United States as a naval and maritime power has continued to decline from what it was a year ago. The United States is weaker, and our weakness is the world's danger.

Mr. Speaker, Once a year the Joint Committee on Atomic Energy, composed of both House and Senate Members, meets to hear the testimony of the man responsible for the development of our nuclear powered naval forces. Admiral Rickover, a man of unimpeachable integrity and proven foresight, speaks frankly. From his unassailable position as the foremost genius in nuclear propulsion techniques he speaks his mind without fear of political reprisal. The facts he presents are those he considers important to national survival and his conclusions are not altered in accordance with the prevailing political expediency.

This year the admiral testified to the growth and operational improvements of the Soviet Union's surface and submarine forces and the continuing decline of the United States in both of these categories of naval strength. He reported that the Soviets now have more nuclear powered submarines than does the United States and that they are currently building three to four times as many new nuclear powered submarines as we are.

He pointed out that the Soviet submarine forces are remarkable not only for their quantity—they have almost three times as many submarines as does the United States—but also for their quality. Soviet submarines are becoming faster and faster and the Soviets now have 65 submarines which fire surface-to-surface cruise missiles. The United States does not have any of this type of sub which can lie undetected by radar and out of sonar range—underwater radar—and wreak havoc on surface vessels, or control "choke points" such as straits and canals, using tactical missiles. The admiral recommended that the United States give top priority to the construction of our own tactical missile firing submarine force.

The Soviets will match the United States in numbers of Polaris-type ballistic missile firing submarines by 1974, a year earlier than predicted last year. No Soviet submarines are of pre-World War II vintage and all are less than 17 years old, while 36 of the total U.S. submarine force are pre-World War II construction and almost half of our submarines are over 17 years old. Eight of the early U.S. nuclear powered submarines are not considered "first line" ships.

The admiral remarked on the fact that the Soviets have given away or scrapped diesel submarines of more recent make than some U.S. units which are still operational. He concluded that:

It will require heroic measures just to establish a submarine program that will halt further erosion of our position and enable us to hold our own in undersea warfare.

COMPARISON OF UNITED STATES AND U.S.S.R. SUBMARINE FORCES

Submarine type	Soviet Union	United States
Attack.....	1236	101
Cruise missile.....	65	0
Ballistic missile.....	50	41
Nuclear powered.....	192	92
Total submarine force.....	355	142

¹ Over.

The Soviets are matching the expansion of their undersea warfare capabilities with an equally impressive expansion of their surface fleet. In the last 5 years the Soviets have built over twice as many surface combatant ships as the United States. Many of these ships are armed with surface-to-surface missiles which give even a single frigate the capability to challenge an entire task force. None of our surface fleet is presently armed with surface-to-surface missiles which were specifically designed for that purpose.

While the United States has 249 major combatant ships, their average age is 16 years and over half are 20 years old or older. In the last 5 years we have reduced the total number of major U.S. surface combatants by 25 percent. The Soviets have 214 major surface combatant ships with an average age of only 10 years and less than 1 percent of these ships are over 20 years old. Most Soviet combatants are capable of higher maximum speeds than comparable U.S. classes. Soviet gun systems generally out-range that of their U.S. counterparts and surprisingly enough the Soviets are well ahead of us in many areas of electronic warfare.

The admiral summed up the current defense situation with his usual candor:

Now you may be able to fool the American people through public relations, but you can't fool our enemies that way. . . . The Russians know where we stand, but do the American people know where they stand?

UNPRECEDENTED REQUEST BY LOCKHEED SHOULD BE REFUSED

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. KEATING. Mr. Speaker, Congress is being asked to authorize an unprecedented Federal guarantee of a \$250 million loan to save an entirely commercial L-1011 plane for the Lockheed Aircraft Corp.

I do not feel that the Government should participate in this type of guarantee.

This request is unprecedented and should be refused. The arguments against such a loan militate against making such a guarantee.

First, there is no real assurance that this will be all the money required and Congress may be asked to double or triple the guarantee in times to come.

Second, this may set a precedent for the Government to perpetuate incompetent management.

Third, coming to the aid of Lockheed also means helping Rolls Royce, an English corporation, which in turn compounds the already severe balance of trade deficit.

Fourth, it was Rolls Royce's difficulty which precipitated Lockheed's problem and as yet, Rolls Royce has not met the specifications for the engine.

Fifth, it places a premium on under bidding your competitors and then when you are in trouble, asking the Government to bail you out. This is not fair competition to other companies making legitimate bids.

Sixth, making a loan to Lockheed indicates that if you are big enough and fail, the Government will come to your rescue. What about the small businessman who is encountering the same difficulty? Will the Government then determine which businesses will survive and which will be permitted to fail. How far can the Government interfere without distorting the free enterprise system?

Seventh, Lockheed does not have under contract sufficient planes to break even, or pay back the loan. They have firm orders for 110 and options for 68 more. They must sell 250 to 300 to break even. Lockheed traditionally has had a bad record and has not been financially successful in the commercial airplane area.

Eighth, Lockheed had a \$2 billion overrun in the C-5A cargo plane.

Ninth, Lockheed underestimated the cost and technical problems on the Cheyenne helicopter program.

Tenth, Lockheed had an overrun on the contract for the SRAM rocket motor.

Eleventh, no financial analyses have been made of the Lockheed Corp. by a Government agency. We do not know what alternatives have been considered.

Twelfth, the collapse of Lockheed would not jeopardize any defense projects.

It has been stated that the Reconstruction Finance Corporation guaranteed loans. However, in that instance, loans were limited to \$500,000 and were available to all solvent businesses unable to obtain credit through normal channels, and RFC was a separate corporation.

The Government cannot and should not intrude in the marketplace of a free economy in this manner.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadisti-

cally practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

THE BATTLE OF BLENHEIM

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. CARTER. Mr. Speaker, the war which has been waged for so long in Vietnam has caused great anguish, distress, and discontent within our country. The former Secretary of Defense, the Honorable Robert McNamara, the mastermind in the development of the famous Edsel, became so bemused and befuddled as to the cause and course of the present war that he ordered a reassessment to determine why we had gone into Vietnam and the events leading to our increased involvement.

Although he was master architect of this war, it seems that he, like "Old Kaspar" in the Battle of Blenheim, had lost the reason for our being in Vietnam to begin with. To refresh the memory of the Members of the House, I include in the RECORD "The Battle of Blenheim" by Robert Southey:

THE BATTLE OF BLENHEIM

(By Robert Southey)

It was a summer evening;
Old Kaspar's work was done,
And he before his cottage door
Was sitting in the sun;
And by him sported on the green
His little grandchild Wilhelmine.
She saw her brother Peterkin
Roll something large and round,
Which he beside the rivulet,
In playing there, had found:
He came to ask what he had found,
That was so large, and smooth, and round.
Old Kaspar took it from the boy,
Who stood expectant by;
And then the old man shook his head,
And with a natural sigh,
"Tis some poor fellow's skull," said he,
"Who fell in the great victory."
"I find them in the garden,
For there's many here about;
And often, when I go to plough,
The ploughshare turns them out;
For many thousand men," said he,
"Were slain in that great victory."
"Now tell us what 'twas all about,"
Young Peterkin he cries;
And little Wilhelmine looks up
With wonder-waiting eyes;
"Now tell us all about the war,
And what they fought each other for."
"It was the English," Kaspar cried,
"Who put the French to rout;
But what they fought each other for,
I could not well make out;
But every body said," quoth he,
"That 'twas a famous victory."
"My father lived at Blenheim then,
Yon little stream hard by;
They burnt his dwelling to the ground,
And he was forced to fly;
So with his wife and child he fled,
Nor had he where to rest his head."
"With fire and sword the country round
Was wasted far and wide,
And many a childing mother then,

And new-born baby died;
But things like that, you know, must be
At every famous victory.

"They say it was a shocking sight
After the field was won;
For many thousand bodies here
Lay rotting in the sun;
But things like that, you know, must be
After a famous victory.

"Great praise the Duke of Marlbro' won,
And our good Prince Eugene."
"Why, 'twas a very wicked thing!"
Said little Wilhelmine.
"Nay—nay—my little girl," quoth he,
"It was a famous victory.

"And every body praised the Duke,
Who this great fight did win."
"But what good came of it at last?"
Quoth little Peterkin.
"Why, that I cannot tell," said he;
"But 'twas a famous victory."
WESTBURY, 1798.

CUSTOMS' SEIZURES OF ILLEGAL DRUGS ON UPSWING

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. ROBISON of New York. Mr. Speaker, I have been noticing various reports in our Nation's newspapers relative to the increasing number of illegal drug seizures by the Bureau of Customs. In fact, during the first ten months of fiscal year 1971, drugs of abuse seized by the customs service amounted to 143,334.27 pounds, or over 70 tons. These illicit drugs would have sold for an estimated \$127,631,390.

This dramatic upswing in the seizures of illicit drugs is due in no small part to improved procedures and greatly increased examinations of cargo, mail and baggage coming into the United States. Commissioner Myles J. Ambrose and his excellent staff are certainly deserving of our commendation for the fine job they are doing.

One of the most recent drug seizures occurred in Puerto Rico where customs officials seized \$40 million of heroin. This seizure brings the total of heroin seized during fiscal year 1971 to over 854 pounds.

I am pleased to include, here in the RECORD, the Department of the Treasury release on this important seizure as further evidence of the excellent job being done by our Bureau of Customs:

CUSTOMS SEIZES \$30 MILLION OF HEROIN IN SAN JUAN

U.S. Commissioner of Customs Myles J. Ambrose today announced the seizure of 201 pounds of pure heroin worth \$30,300,000 at estimated street prices. The seizure follows Saturday's announcement of a \$23 million heroin seizure in Miami and the arrest of nine persons in Miami and New York.

The latest seizure was made at San Juan, Puerto Rico, by Special Agents of Customs, and resulted in two arrests. The heroin was found in hidden compartments of a 1967 Citroen car, that arrived in San Juan on May 29 via the Spanish vessel, "Saturstegui."

Arrested was Jean Joseph Tonarelli, age 37, an electrician employed by the city of Menasque, France. According to his passport, Tonarelli's home address is Aplies de Hte, Province 3, Bd., Fleming, France, which is near Belgium, and 85 miles from Paris.

Also arrested was Tonarelli's traveling companion, Miss Andre Josette Gayraud, age 36, whose home address is the same and who is also employed by the city of Menasque in Southern France near Marseilles.

Commissioner Ambrose said, "The present heroin seizures are a result of the intensified enforcement efforts of Customs to stop the flow of narcotics into the United States. The work of our Inspectors, Special Agents, and the Office of Investigations is showing meaningful results by gathering intelligence and developing smuggling conspiracy cases which contribute greatly to the efforts of the President and this administration to bring the present drug crisis under control."

Commissioner Ambrose stated that the Bureau of Customs had seized over 854 pounds of heroin during fiscal year 1971, more than the 710 pounds of heroin seized by Customs in the last five years.

THE TRAGEDY OF WAR

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. FRASER. Mr. Speaker, I received the following poem from Mr. Chester Johnson of New York City.

The tragedy in this war is many faceted. According to Mr. Johnson, this poem was written by Mr. John Stulett approximately 2 months before he was killed in Vietnam. It is marked by a cynicism that borders on despair. This intangible type of tragedy parallels the tragedy of his death. For these reasons alone we must halt the American involvement in this war.

The poem follows:

THE TRAGEDY OF WAR

The bullet rivets an eyeball and the eyes
stay blind, don't they, Dick?
Hands and eyeballs still fly off in all directions
forever from the unmercy of
Viet Nam.

While interpreter Suan Hue translated the long Viet Nam secrets, he held us like a good father holds his wildest sons with good stories—the hand blood gurgles now, but his fingers keep twitching to touch something, anything, nothing and that one severed hand dies in elephant grass at the front door to America's conscience. What does it mean?

We could suffer for your eyes too, Dick. But would you trade them for dead eyes in a second? You ask us over here to do it for you over there for nothing. What does it mean?

We'll end the war with honor, you say, Dick? Dying while we stand in line to leave is just like dying for no reason at all. How much longer? Every life's worth more than the death of the second it takes to die! What does it mean?

We have nothing new to tell you, Dick? What new way is there to save lives but to stop the killing?

A soldier dies in the puddle as I write this line, a hiding child convulses as you read it. The Killing is our wound-up clock!! tick tick, tick tick, trickling away blood, beautiful arms, my drunk buddies and beautiful slant eyes.

What does it mean? Stop and give you time, Dick?

If bullets catch up with that time we give, we've murdered lives that die in the time. We can't let go of the bullets until they fall short!

Go after death-seekers and men who blow out eyes by being slow!
On this wet hot rainy afternoon, slant eyes melt on elephant grass and a wrinkled man scratches his back up and down on a shrivelled hut—he doesn't have any arms left. What does it mean?
I'm afraid I know.

JOHN STULETT died April 12, 1971.

SPEECH OF CAPT. W. J. MADDOCKS, U.S. NAVY, AT CHANGE OF COMMAND, NAVAL WEAPONS STATION, YORKTOWN, VA.

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. DOWNING. Mr. Speaker, it has been my privilege to have attended many change-of-command ceremonies at the various military installations within my congressional district. Without exception I have mixed emotions at these functions—sadness for the retiring commanding officer and happiness for the new commander.

On June 12, 1971, Capt. W. J. Maddocks, commanding officer of the Naval Weapons Station at Yorktown, Va., was relieved by Capt. Boyd E. Gustafson. Both of these gentlemen are outstanding naval officers serving their country well in times of war and peace.

Captain Maddocks made an inspiring speech and I think my colleagues will be particularly interested in that portion of his remarks dealing with persistent efforts by some to discredit the military of our country. I ask that his speech be made a part of the RECORD for this purpose.

EXTRACTS FROM REMARKS OF CAPT. W. J. MADDOCKS, U.S. NAVY

Before I read my orders I would like to take this opportunity to thank all of those employees, military and civilian alike, who by their support and dedicated efforts made it possible for Yorktown to carry out its assigned mission despite continually increasing problems of reduced fundings, lowered ceilings, reorganization and consolidation, all at a time when, in fact, the load placed on Yorktown by the fleet has been increasing.

Through their efforts I found it possible to carry out the demanding responsibilities of command and, as a matter of fact, it has been most apparent that only through their teamwork and enthusiasm for service can the complex tasks assigned be properly accomplished.

That these last three years were difficult ones is an understatement. The most painful part being the greatly reduced ceiling, which meant that many employees, temporary and career, had to be separated. Yet despite these trying times, the future of Yorktown seems as bright today as it was three years ago. The station is, if possible, even more firmly established as a basic fleet support element and there is clear evidence that the mission is continually expanding and changing to keep step with the innovation and advances of our modern Navy.

Nevertheless it would be foolhardy indeed to assume easy sailing in the coming years. Certainly my successor will need the same support, loyalty and devotion that was accorded me if he too is to meet the challenges which we can see even now on the horizon.

I know that you will not fail him, that you will generate the same confidence as in the past, and that you realize that the success of the station, our Navy and our Nation is dependent upon selfless, sacrificing Americans both in uniform and civilian attire.

Contrary to the "now" generation, we have at Yorktown and at St. Juliens Creek Annex a team that has a broader view, a greater realization, and the wisdom to understand that greatness comes only from sacrifices and discipline, and that we are a great nation because so many patriots put their fellowman and their country ahead of their personal pleasures and comfort. I say to Captain Gustafson, how fortunate that these are the kind of people you will have in your command. While the world goes berserk outside the gates, you will find stability, sanity, understanding, compassion, respect and order inside.

And because you will have the very finest officers, petty officers, managers, supervisors and employees in your command, you can be sure that the station will not fail in the carrying out of the great responsibilities that are now transferred to your shoulders.

And just as they will support you, they will continue to merit the confidence that the community and the Navy has had in Yorktown, knowing full well that the mission of the station is both a critical and potentially hazardous one.

Now I would address these closing remarks specifically to the sailors and marines here today.

We know that a major drive is underway to discredit the military in this country. That it has been quite successful is common knowledge. To what limit it shall extend is a matter of grave concern to all Americans.

It doesn't take a professional historian to reflect that it has been the U. S. military that has preserved and deterred a third World War during the last 25 years, and that it has been this force that has successfully turned back communist expansion during this period.

Communism has found the U. S. military its chief obstacle to world domination just as the principles of democracy under God have been the chief challenge to atheistic communism throughout the world.

The communist game plan is well publicized—it says "do not engage in a direct confrontation with U. S. Armed Forces; seek victory through exploiting minority group problems, local wars of insurrection and guerrilla action; through psychological warfare destroy U. S. institutions, morality, family and religious discipline, weaken national fiber by encouraging the youth to reject traditional standards of morality and the American ethic, and finally, exploit the traditional liberal environment of the schools and colleges".

Aided and abetted by a variety of groups and individuals in the U.S., this plan has been successfully executed and you see its disastrous effect on our society today.

In my view, you men in uniform provide the only real strength in this nation and will once again become the final bulwark in the preservation of life in the American mold.

To you, to your strength, your loyalty and your willingness to make personal sacrifice will come this task—in not too distant future. I counsel you to be ready for it, to preserve your physical and mental strengths, to fortify your sense of values, your standards, your dedication.

For just as each of you has played an indispensable role in the effectiveness, security and safety of this station—you will have an even more important role in preserving our society.

Once again the lessons of the past are painfully realized. For the military "there is no substitute for victory" today as in the past.

I ask you to dwell on this, to keep it engraved in your minds—not only is there no

substitute for victory, but anything less than a winning strategy is devastatingly destructive to our fighting men, their officers and our military leaders.

Better that we abandon the military completely than to embark on such a venture again.

I ask you to keep in mind the foe that some would ask you to accommodate—a cowardly nation that would barter with humans for their political gain for the first time in modern civilized history—a nation that slaughtered millions of peasants in achieving internal control—a nation that drove other hundreds of thousands out to escape terrorism—a nation that grants no liberties whether it be freedom of speech, of the press, of worship or travel to its citizens—a nation that has deceitfully attempted unsuccessfully to hide the fact that it had armies conducting operations inside other neutral countries.

I ask you to recognize that you live in a Nation with by far the highest standards of living, personal freedom and comfort and that the basic struggle between the east and the west is because the east cannot come even close to these standards. I ask you to realize that the long range struggle is really part of a plan to make us give up these standards so that the communist hordes might be raised a miserable fraction.

I ask you to be proud Americans, proud of your heritage and your service—and finally I ask you to be part of an orderly change—for change is needed in every age—but change under law, order and the American system.

AMERICAN POLISH LANDMARK SOCIETY SUPPORTS A NATIONAL HISTORIC SHRINE TO THADDEUS KOSCIUSZKO

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. MINISH. Mr. Speaker, on June 9 of this year, I introduced in the House of Representatives a bill to maintain the home of Gen. Thaddeus Kosciuszko as a national historic shrine.

The measure, H.R. 9021, would authorize the first national memorial in the United States to a son of Poland. It is my belief that the establishment of Kosciuszko's home as a national shrine is an appropriate recognition for the courage and talent he contributed to America.

Since I introduced the bill, I have received a most gracious communication from the American Polish Landmark Society of Philadelphia, Pa. This letter explains why the site chosen for the national memorial to General Kosciuszko would be a suitable choice, and I share it with my colleagues in the hope they will see fit to support this legislation:

AMERICAN POLISH LANDMARK SOCIETY,
Philadelphia, Pa., June 12, 1971.

HON. JOSEPH G. MINISH,
Cannon House Office Building,
Washington, D.C.

DEAR MR. MINISH: I would like to add my support to your bill (H.R. 9021) providing money for the restoration and maintenance of a national shrine in memory of General Thaddeus Kosciuszko.

It's about time that our nation recognized the contributions that Kosciuszko made to the cause of American independence.

The house the Polish patriot occupied in

Philadelphia is a reminder of our country's beginnings. With its small rooms and pattern of red and black headers, it gives us a glimpse of the frugality which Kosciuszko had to endure in the 1790's. Anyone who sees the 18th century house on the northwest corner of Third and Pine streets in Philadelphia is struck by its tininess, and at the same time, feels a closeness with the past—a harmony with history—which remains with him long after he has left the quaint corner.

The Kosciuszko house is an example of an age gone by, an inspiration to all men who cherish freedom. It reminds us that Kosciuszko, despite all the fame and adulation he gained in his lifetime, remained a man of modest means. It shows that he did not fight in this country's struggle of independence for a big pot of gold.

My colleagues and I greatly appreciate your efforts on behalf of poor Kosciuszko.

Sincerely yours,

EDWARD PINKOWSKI.

THE RACKET IS SINFUL

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. DUNCAN. Mr. Speaker, the research of a University of Tennessee professor into the effects of noise on us humans has received, and certainly merited, national attention. Excessive noise is illegal in many cities, but it continues to increase at intolerable rates. Here follows what one Tennessee newspaper had to say on June 6:

[From the Knoxville (Tenn.) News-Sentinel, June 9, 1971]

THE RACKET IS SINFUL

Noise is injurious to health. Enough of it can cause deafness. Sonic booms can harm unborn babies.

But noise is more. It is shattering to the nerves. It can induce headaches. It riles the disposition. It interferes with television, phone calls, conversation, reading and sleeping. The economic losses from disrupted work must be staggering. And it is an inhumane invasion of privacy, which everybody these days keeps saying is so precious.

UT's Dr. David M. Lipscomb has been saying these things for a long time and now scientists all over the country are echoing his analyses and warnings, and adding views of their own.

All of them agree that most of such noises are unnecessary and that much of them are deliberate.

Now and then some public officials talk of doing something about all this. But the noise gets more deafening. Knoxville and other cities have laws, and so do many states, most declaring "excessive noise" to be illegal. But Knoxville's ordinances on noise are hardly ever enforced, unless some citizen or citizens file complaints; but inasmuch as neighbors or acquaintances are often the culprits, such complaints are rare.

Now, noise has grown into a national problem and President Nixon has sent to Congress legislation to give the Environmental Protection Agency power to coordinate research programs, set minimum noise standards, and require manufacturers to come up with quieter apparatus.

The National Industrial Pollution Control Council (whew!) has filed a report deploring noise from motorcycles (top culprits) and such other gadgets as snowmobiles, chain saws, boats, power mowers.

But what about buses, trucks, automobiles

without mufflers, ambulances, fire apparatus, sirens of all descriptions? Police cars and fire trucks in a hurry can be excused but even they don't need sirens so loud they blast the skin off every citizen for a mile around. Ambulances, it has been proved, don't need to speed in nine of 10 cases.

Maybe it's just our imagination, or maybe our nerves have had it, but the growing noise in Knoxville is becoming intolerable, especially from muffler-less automobiles and motorcycles. These blasting noise-makers, rigged to outshatter all competitors, even roar up and down Church Avenue past the Safety Building, or up and down Gay Street, past traffic officers, with nothing being done to stop them. And the residential neighborhoods, which once were quiet, have become particular targets of the hoodlums who operate such vehicles.

The Government's Office of Noise Abatement and Control (a branch of EPA) is making studies. OK, but if the noise isn't diminished pretty soon, the people in this country will be setting up a din everybody can hear—a din of protest! If they don't, the noise soon will have them out of their minds.

OFFICE OF EDUCATION APPROPRIATION

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. BELL. Mr. Speaker, I believe that there are no valid fiscal arguments against the higher Senate figure for the Office of Education appropriations when we view it in the perspective of the President's total fiscal year 1972 education budget.

We have been told that a Presidential veto would be the likely result if the Senate appropriations amount prevails.

But, Mr. Speaker, \$50 million out of a multibillion-dollar education appropriations bill is hardly sufficient to justify a veto.

The Senate figure is \$808 million higher than the House figure.

Of this \$808 million difference, \$758 million can be accounted for, leaving a real difference of only \$50 million: \$180 million in a fiscal year 1971 supplemental for college work study, \$60 million for Follow Through, \$3 million in pay raises, and \$15 million for HEA title III—or a total of \$258 million—were not considered by the House originally.

Another \$500 million can be found in money which was budgeted by the President, but which will not be authorized, for the emergency school aid program.

Anticipating early action on the Emergency School Aid Act authorization, which originally contained a fiscal year 1972 authorization of \$1 billion, the President included this \$1 billion in his fiscal year 1972 Office of Education budget and expected to request it in a supplemental. Since the authorization bill has not passed, however, and since fiscal year 1972 begins in 2 weeks, the original fiscal year 1971 authorization of only \$500 million has been pushed ahead to fiscal year 1972. The Senate has already passed the authorizing bill reflecting this \$500 million ceiling for fiscal year 1972.

What this means is that the President was willing to spend \$1 billion in fiscal

year 1972 for the emergency school aid line item, but because of the delay in enacting the authorization, the maximum he will be able to spend for this purpose in fiscal year 1972 is only \$500 million. This results in \$500 million "left over" in money earmarked for education which the President will not be able to spend exactly as he had planned. By taking this \$500 million in "free money" and applying it to the \$808 million difference between the House and Senate figures—and then counting in the other \$258 million that is already accounted for—the "difference" practically disappears.

Mr. Speaker, in prior years, some of us opposed education appropriations increases because of very real budgetary considerations.

But these budgetary problems do not exist this time.

And in view of the critical need for education funding, I see no reason not to support the additional \$808 million.

PETER C. LEMON, CONGRESSIONAL MEDAL OF HONOR RECIPIENT

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. CEDERBERG. Mr. Speaker, on Tuesday of this week, I was privileged to be present at the White House for the conferral of the Congressional Medal of Honor on one of my constituents by the President.

Sgt. Peter C. Lemon, of National City, Mich., represents the finest qualities of the American serviceman. During a time when service to one's country in the Armed Forces is being degraded, it is refreshing and reassuring to know that men of the quality of Sergeant Lemon serve their country with selfless devotion.

It was a real pleasure to have been able to be present for the presentation of our Nation's highest military award to this gallant young man. I want to commend him for his courage and wish him well for the future.

At this point, I would like to present the biography of Sergeant Lemon and the text of the citation accompanying his award:

BIOGRAPHICAL DATA

Name: Sergeant Peter C. Lemon, United States Army.

Organization at time of act: Company E, 2d Battalion, 8th Cavalry, 1st Cavalry Division, Republic of Vietnam.

Date and place of birth: June 5, 1950, Toronto, Canada.

Wife: Diane K. Lemon, Star Route Box 294U, National City, Michigan.

Parents: Mr. and Mrs. Charles R. Lemon, 536 Wilber Road, East Tawas, Michigan.

Civilian and military schools attended: Tawas Area High School, Tawas, Michigan; Advanced Individual Training Course, U.S. Army Training Center, Fort Polk, Louisiana; Recondo School at Nha Trang, Republic of Vietnam.

Summary of service: Entered the United States Army at Fort Knox, Kentucky, on February 25, 1969. Released from active duty on December 4, 1970.

Dates and organizations:
Feb. '69 to May '69: Company D, 10th Battalion, Fort Knox, Kentucky

May '69 to July '69: Company D, 3rd Battalion, Fort Polk, Louisiana

July '69 to Mar. '70: Company I (Airborne-Ranger) 1st Infantry Division, Republic of Vietnam

Mar. '70 to July '70: E Company, 2d Battalion, 8th Cavalry, 1st Cavalry Division, Republic of Vietnam

July '70 to Dec. '70: 2d Battalion, 61st Infantry, 5th Mechanized Division, Fort Carson, Colorado

Overseas service: Republic of Vietnam, July 1969 to July 1970.

Awards and decorations: Medal of Honor, Bronze Star Medal (with one Oak Leaf Cluster), Air Medal (with one Oak Leaf Cluster), Army Commendation Medal, Purple Heart, Good Conduct Medal, National Defense Service Medal, Vietnam Service Medal (with 2 Bronze Service Stars), Republic of Vietnam Campaign Medal with device (1960), Combat Infantryman Badge, Marksman Badge (with Automatic Rifle Bar), Expert Badge (with Rifle Bar).

The President of the United States of America, authorized by Act of Congress, March 3, 1863, has awarded in the name of The Congress the Medal of Honor to Sergeant Peter C. Lemon, United States Army for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty:

Sergeant Peter C. Lemon, (then Specialist Four), Company E, 2d Battalion, 8th Cavalry, 1st Cavalry Division, distinguished himself on April 1, 1970 while serving as an assistant machine gunner during the defense of Fire Support Base Illingworth in Tay Ninh Province, Republic of Vietnam. When the base came under heavy enemy attack, Sergeant Lemon engaged a numerically superior enemy with machine gun and rifle fire from his defensive position until both weapons malfunctioned. He then used hand grenades to fend off the intensified enemy attack launched in his direction. After eliminating all but one of the enemy soldiers in the immediate vicinity, he pursued and disposed of the remaining soldier in hand-to-hand combat. Despite fragment wounds from an exploding grenade, Sergeant Lemon regained his position, carried a more seriously wounded comrade to an aid station, and, as he returned, was wounded a second time by enemy fire. Disregarding his personal injuries, he moved to his position through a hail of small arms and grenade fire. Sergeant Lemon immediately realized that the defensive sector was in danger of being overrun by the enemy and unhesitatingly assaulted the enemy soldiers by throwing hand grenades and engaging in hand-to-hand combat. He was wounded yet a third time, but his determined efforts successfully drove the enemy from the position. Securing an operable machine gun, Sergeant Lemon stood atop an embankment fully exposed to enemy fire, and placed effective fire upon the enemy until he collapsed from his multiple wounds and exhaustion. After regaining consciousness at the aid station, he refused medical evacuation until his more seriously wounded comrades had been evacuated. Sergeant Lemon's conspicuous gallantry and extraordinary heroism, above and beyond the call of duty, are in keeping with the highest traditions of the military service and reflect great credit on him, his unit, and the United States Army.

"LEST WE FORGET"

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is

often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,500 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men haven't forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved. I insert the name of one of the captured.

Lt. (j.g.) Gary L. Anderson, U.S. Navy, 682482, Kane, Pa. Single. 1962 graduate of Wentworth Institute. The son of Mr. and Mrs. H. L. "Chip" Anderson, Cedar Rapids, Iowa. Officially listed as captured May 19, 1967. As of today, Lt. (j.g.) Anderson has been held captive in Southeast Asia for 1,489 days.

PLIGHT SUFFERED BY PEOPLE OF BALTIC STATES

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. FORSYTHE. Mr. Speaker, this week thousands of Americans of Baltic descent are especially reminded of the plight suffered by many of their freedom-loving relatives three decades ago.

This week marked the 30th anniversary of Soviet mass deportations, in June 1941, of tens of thousands of Baltic men, women, and children to Siberian slave labor camps.

Such large-scale deportations of Estonians, Latvians, and Lithuanians continued in the post-World War II period.

Lithuania was one of the first countries to experience the aggression of the Soviet Union. On October 10, 1939, a mutual assistance treaty was forced upon that small nation by the Russians, and she was forced to grant air bases and to admit Soviet garrisons.

On June 15, 1940, the Soviets occupied the country, and after a "rigged" election, Lithuania was declared a constituent republic of the U.S.S.R. just 2 months later.

And within a year, Lithuania lost about 45,000 people as they fled, were arrested, or deported. Some 30,000 members of the nation's intelligentsia were deported to Siberia on the night of June 14, 1941, and 5,000 political prisoners were executed when the Soviet forces hastily retreated under German attack.

Lithuania's suffering is only an example of the difficulties faced by all Baltic peoples. Resistance continues to this day, as a tradition handed down from father to son to grandson.

World opinion must be directed at any appropriate international forum to the denial of the rights of self-determination for the peoples of Latvia, Lithuania, and Estonia.

Their fight has been long and bitter and it still continues. As it does, we should help our fellow citizens to preserve their culture and continue their traditions within the framework of American life.

SECRET REPORT SUPPORTS PRESIDENT NIXON

HON. ROBERT McCCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. McCCLORY. Mr. Speaker, notwithstanding the efforts of the administration to prevent the New York Times from continuing to publish the Pentagon report on the war, the disclosures, so far, implicate the Kennedy and Johnson administrations in the disastrous Vietnam buildup.

Mr. Speaker, I respect the administration efforts to prevent classified information from reaching enemy hands. The Attorney General is doing only what, by law and by his deep concern for our national security, he must do. But, as an article by Richard Wilson in today's Washington Star indicates the Nixon administration is the beneficiary of the disclosures in the New York Times articles. Mr. Wilson's column follows:

SECRET VIETNAM REPORT A WINDFALL FOR NIXON

(By Richard Wilson)

Maybe the administration did not leak out the Pentagon's 2.5 million-word, 46-volume report on the incident of the Vietnam war but it is a windfall for President Nixon just the same.

The report in all its massive detail shows as nothing else could how the Kennedy-Johnson administrations took over the limited-risk commitments of the Eisenhower administration in Southeast Asia and made them into a large-scale, high-casualty war which Nixon is liquidating.

In this respect the Vietnam war wind-down is like the Korean war, a conflict undertaken in a Democratic administration and brought to an end in a Republican administration. It is somewhat ironic, but a tribute to the New York Times news judgment and enterprise, that it should have obtained and begun publishing such devastating documentation.

The Times has not admired the way Nixon has been getting out of the war but, by its own standards, it has even less reason to admire the way President Johnson's former Secretary of Defense McNamara, Gen. Maxwell Taylor, et al., got into the war.

In view of the record as it is now so painstakingly being set forth it is hard to imagine how the Democratic presidential candidates, who were right here on the scene but did not make known any opposition to the war in its incidence, could make any credible issue on the way Nixon is trying to end the mess on at least a half-way constructive basis.

To relate the Cambodian and Laos diversions in the process of withdrawal with the Kennedy-Johnson escalation seems particularly absurd. The college demonstrators and their professorial mentors can't be convinced that this is anything else but a sneaky Nixon version of McNamara's war, but more mature elements will certainly be able to see the difference. Protests which might have been valid at the end of the Johnson administration or at the Democratic National Convention have lost any semblance of a rational basis.

Nixon keeps saying that to end a war is easy but he is finding it hard as hell. It is hard to lose the illusions that led Johnson, McNamara and Taylor into commitments they could not fulfill. And it is even harder to emerge from this darkness of disillusionment into the light of a well ended war with concepts of honor and good purpose intact.

If we survive this one without shattered self-respect it will not be due to the forbearance now of those who remained silent when, in advance of the presidential election of 1964, great plans were afoot for the heaviest bombing operation the United States ever undertook. And in that year it was Barry Goldwater who was pilloried for being trigger happy!

There is enough blame to go all the way around. Nixon, as a private citizen and public man, supported the war. Johnson changed his mind about the bombing, finally bought escalation to a halt and began to entertain ideas for a winddown and withdrawal advanced by Clark Clifford.

Johnson will have his own story told in his memoirs soon to be published but it is not likely to alter the record of covert, clandestine and finally deceptive advancement into a major war which the Pentagon itself had written.

Where were the Democratic presidential candidates during the great deception? Sen. George McGovern was in the Senate—saying nothing. Harold Hughes was governor of Iowa—saying nothing. Edmund S. Muskie was in the Senate—saying nothing but now remembering that he had doubts. Hubert H. Humphrey was vice president and saying plenty—all of it in support of President Johnson's policy in Asia.

Nor are columnists who thought America could do what it put its mind to do exempt from blame. They suffered, too, from the World War II mentality that the United States had a mission and could carry it out for the betterment of world peace and security. Some who doubted the wisdom of the escalation, but agreed with the objectives, could see no alternative to supporting the adventure once it had begun.

The Nixon White House says it serves no constructive purpose to arouse anew the bitterness and recriminations bound to flow from the Pentagon's self-analysis. But maybe it will if it only slightly chastens those who now make Nixon's way out of the war more difficult by accusing him of the deception they so freely attribute to Johnson.

The contrast is sharp and clear. Nixon is getting out of the war that Johnson got into, and the record shows it.

SPEAK UP FOR AMERICA

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. FASCELL. Mr. Speaker, the Certified Plumbers of South Florida sponsor an annual contest for high school students in which participants have the opportunity to "Speak Up for America."

Many hundreds of Dade County high school students entered essays in the competition this year, and on May 18, 1971, the top 50 winners were honored at an awards banquet in Miami.

Four young men and one young lady carried away the top five awards with \$1,000 going to the winner. Runnersup, according to order of finish, received \$750, \$500, \$250, and \$125. In addition the first- and second-place essayists won an American Heritage Tour of Washington, D.C., along with their teachers and other adult leaders who contributed to the success of the program.

Included in this group are Mother Maria Assumpta, principal of Notre Dame Academy; Miss Lena McClure, a

teacher at Miami Senior High School; Mrs. Dorothy Massey, a teacher at Miami Norland Senior High School; Miss Margaret Bettendorf, a teacher at Notre Dame Academy; and Mr. Jeffrey Rosinek, a teacher at Coral Gables Senior High School. Mrs. Margaret Sims, the contest director, is accompanying the tour group as a representative of the Certified Plumbers of South Florida.

Rezo Magashazy, 17, son of Mr. and Mrs. Rezo Magashazy of 1429 SW. Third Street, Miami, and a senior at Miami High School, won the top prize of \$1,000. In his essay Rezo wrote:

America needs a revolution. Not a political revolution, but a revolution of ideas, a change of direction, a change of thinking. It needs less people to talk of others going hungry and more people who will provide jobs for the poor. People who have learned that peace does not come from the barrel of a gun, but through understanding and the realization of the universal brotherhood of man.

The second-place winner was Vincent R. Corvaia, 18, the son of Mr. and Mrs. Vincent Corvaia, Sr., of 16951 NE 18th Avenue, Miami, and a senior at Miami Norland High School. Vincent wrote:

I admit I would have liked to have lived in the wooden colonial days of Benjamin Franklin, when all of America was a dream. Maybe that's it. America, of course, is no longer a dream. It is really finally here. And growing dimmer to many. So the dream must be within ourselves. That's where the individual comes in. The loner. The Rod McKuen-Five Easy Pieces-Henry Thoreau-Captain America man. Searching for a dream within a dream. Taking advantage of my own country's freedom to find my own.

Victoria Simons, 17, the daughter of Mr. and Mrs. Arthur H. Simons of 269 Cranwood Drive, Key Biscayne, and a senior at Coral Gables High School, was the third-place award winner. In her essay, Victoria exhorted:

Take heart. Don't give up on this great country. Don't get wrapped in gloom and trapped in despair. Sure there are problems and problem kids, but, by and large, the new generation of Americans you have raised has not lack of faith in America, not lack of energy, not lack of commitment to the priceless heritage of freedom you have bequeathed to us.

Fourth-place winner Donald J. Painter, 17, and a senior at Hialeah High School, is the son of Mr. and Mrs. Donald Painter of 201 West 50th Street in Hialeah. Donald wrote:

We must arouse the sleeping giant that is the American spirit to attack our basic and fundamental problems with the same vigor and fortitude we displayed in two major wars, because, in a sense, we are fighting a war. We're fighting for the right to live in a free nation, to breathe clean air, to drink clean water, to have children, and to have grandchildren.

John R. Toggweiler, 18, the son of Mr. and Mrs. John H. Toggweiler of 1139 Robin Avenue, Miami Springs, and a senior at Miami Springs High School, won the fifth-place award. In his essay John observed:

As Americans, we are uninhibited in our search for truth. We are constantly exposed to new, innovative ideas which are absorbed into our life patterns. Our society is in constant flux, constantly changing to meet the demands of new times.

Mr. Speaker, I know our colleagues join in welcoming this distinguished group of students, teachers, and civic-minded citizens to the Nation's Capital. I am pleased to be able to call the attention of the House to the 1971 "Speak Up for America" essay contest winners.

Such a program, which involves our youth in thinking and writing about our Nation and its future, contributes a great deal to the necessary national dialog concerning the purpose and direction of the United States. The sponsors of the program, the Certified Plumbers of South Florida, including Chairman Russell J. Seiferth and Trustees R. F. Hildebrandt, Harley Lasseter, Jr., and Sam W. Long, deserve commendation for their efforts to promote that kind of communication.

NOISE: THE NEED FOR DECISIVE ACTION

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. ROSENTHAL. Mr. Speaker, we are living today in an age of intense concern with the quality of life and the quality of the environment where we spend that life. The air we breathe, the water we drink, the food we eat—all are objects of increasing concern. Another element in the quality of life is the topic of these hearings, noise.

Acoustics experts have said that everyone living in a city could be stone deaf by the year 2000 if noise levels keep rising at the present rate. Noise pollution has become a serious health hazard, according to evidence presented at last week's meeting of the International Standardization Organization in Geneva, Switzerland. Urban noise has been rising at the rate of 1 decibel a year, it was shown, and if it continues every urban dweller will be deaf by the end of this century, less than 30 years from now.

We are inundated with all kinds of noises, from all sources and all directions.

Noise, like so many other forms of pollution, is a product of our technological advancement. But this need not be. For far too long we have blindly accepted belching smokestacks, sewage-filled rivers and screeching machinery as signs of progress. We are just beginning to realize they need not be inseparable.

Pollution does not have to be the price of progress.

We have the know-how to clean the air, protect the water and quiet the noise. Too often, however, what has been lacking was the will to put that knowledge to work.

Noise is more than uncomfortable. It is debilitating. It can and does interfere with our sleep, our work and our leisure.

Studies have indicated that loss of efficiency due to noisy working conditions could be reducing our gross national product by several billion dollars a year. Billions more in potential workman's compensation claims are believed generated annually by noise-induced hear-

ing losses in perhaps as many as 15 million American workers.

The World Health Organization says industrial noise alone costs the United States more than \$4 billion a year in accidents, absenteeism, inefficiency and compensation claims.

There is evidence of a close relationship between noise exposure and body fatigue as well as psychological and social stresses.

Noise is one of the major problems in my congressional district. My district is in what may be the world's noisiest city, New York City. It was there that the fire department had to install louder sirens in order to penetrate the noise on the streets.

My constituents are neighbors of LaGuardia airport, one of the Nation's busiest. They suffer the consequences of decades of neglect of the noise pollution problem. Most of them have lived in New York City for many years. They live in established communities and not in hurriedly-assembled subdivision tracts. They were there before the jet arrived.

They used to live in comfortable, convenient neighborhoods which, while noisier perhaps than rural areas, nonetheless struck a reasonable balance between city hustle and bustle and suburban quietness. But today, that balance is gone. Now these people come home from their city jobs and find themselves beneath an intolerable roar as jetliner after jetliner screeches over their roofs.

These city dwellers have lost that balance of toleration which once existed in their neighborhoods. They find that their homes offer not less, but more, noise, more distraction, and more simple human discomfort than their offices in the heart of the city.

For too many years, I believe, we have passed the noise problem from one pair of reluctant hands to another.

We cannot afford to delay any longer. Some significant first steps have been taken by the Congress, although administration response in carrying out this mandate has been somewhat lacking. We in the Congress must continue to prod the administration and to increase our involvement in improving the quality of our environment and fighting noise pollution.

Unless we act now, we will soon reach a critical stage.

I am most disappointed with the aircraft noise provisions of H.R. 5275 and H.R. 5388, identical versions of the administration proposal, the Noise Control Act of 1971.

Not only does this legislation give inadequate attention to one of the major causes of noise pollution, but it places responsibility in the wrong hands.

This bill gives the administrator of the Federal Aviation Administration the authority to prescribe noise standards, rules and regulations applying to aviation. If the administrator of the Environmental Protection Agency feels those measures do not adequately protect the public, he has no power to change them; he may only request the FAA administrator to review them.

This is exactly the opposite of the way it should be. The FAA has acted with deplorable slowness in implementing the mandate of the Aircraft Noise Certification Act of 1968 (Public Law 40-411) and has consistently shown itself to be a poor leader in noise abatement.

The FAA is not the one to set noise standards; after all, its prime responsibility, under law, is to promote aviation, not protect the environment—that is the job of the Environmental Protection Agency.

EPA is, therefore, the proper agency to establish standards, rules, and regulations for noise, whether the source of that noise is aircraft, motor vehicles, industrial machinery, or whatever. Noise pollution is first and foremost an environmental problem.

I wish to speak a moment, in support of two other antinoise bills, Mr. Speaker, H.R. 6987, the Noise Abatement and Control Act of 1971, and H.R. 6989, the Noise Disclosure Act, both of which I am co-sponsoring.

The Noise Abatement and Control Act of 1971, H.R. 6987, would expand the functions and responsibilities of the Office of Noise Abatement and Control. It also would establish means for effective coordination of all Federal research and activities relating to noise and its control; establish noise standards; support noise research and control programs at all levels of government; establish a Federal policy of procurement and contracting which promotes noise control, abatement, and prevention; and establish a Noise Control Advisory Council to provide expert advice on noise.

Action of this nature is vital if we are to protect ourselves and generations to follow as well as protect our environment from the potential health hazards of noise pollution.

The Noise Disclosure Act, H.R. 6989, would require the disclosure of the operational noise level of machinery distributed in interstate commerce and require all noise-generating mechanical and electrical equipment to bear a label disclosing its operational noise level.

Such information would enable the purchaser, whether he is a major manufacturer or common consumer, to know the noise produced by a product he is purchasing. This is necessary if every citizen is to play his role in protecting the health of himself and others as well as protecting our environment.

I will have more to say on the subject of noise pollution, especially as it involves aviation, in the days and weeks ahead, including specific legislative proposals that will deal with immediate needs as well as long-term solutions.

MODERATION IS NEEDED

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. WYMAN. Mr. Speaker, moderation is sorely needed in this country; moderation and restraint.

A good example of the need is found in the extreme statements and positions taken by both right and left in their impatience with the status quo and their desire for change. There is a way to change things in this Nation but that way is by majority vote not by character assassination or violence.

Recently the left has taken to the same pattern of overstatement and exaggeration that characterized some who spoke in an earlier era. When directed toward such conscientious and devoted public servants as Dr. Foster of the Department of Defense or Hon. Melvin Laird, the Secretary of Defense, it constitutes an abuse of the right of free speech.

In this connection the following editorial by the distinguished Columnist Joseph Alsop is of interest:

[From the Washington Post, May 26, 1971]

LEFTWING MCCARTHYISM

(By Joseph Alsop)

It has long been pretty obvious that a new brand of McCarthyism was gaining ground on the left in this country. Even the late unlamented Joe McCarthy never attempted anything quite like the leftwing stormtroopers' organized attack on the instrumentation laboratory at MIT rather more than a year ago.

The new McCarthyism has now moved on, however, from the kind of outrage that took place at MIT, to the kind of direct attack on disliked government policymakers that was so common in the dreadful McCarthy years. A prime current target is the Pentagon's able director of defense research, Dr. John S. Foster.

The Federation of American Scientists is Dr. Foster's official attacker. This is an exceedingly odd organization. The Eisenhower-era chief of defense research, Dr. Herbert F. York, serves as a sort of glorified front man, precisely because of his past Republican associations.

There are other people linked to the federation who are relatively neutral figures, like Dr. George Kistlakowsky. But the moving spirits are men much further to the left, like Dr. Salvador Luria and Dr. George W. Rathjens, both of MIT, and both active encouragers of the attack on the instrumentation laboratory. Incidentally, this is now the independent Draper laboratory, because of the attack's partial success; and MIT has lost heavily thereby.

The federation's chief mover and shaker, finally, is the exceedingly leftwing political scientist from Princeton, Dr. Jeremy J. Stone. There is every reason to believe that Dr. Stone completely shares the views of his father, I. F. Stone. And I. F. Stone has not departed a quarter of an inch from the Soviet line on any foreign or defense policy question in the last two decades—including the Soviet line on Israel's role in the six day war.

Dr. Jeremy Stone is the director of the Federation of American Scientists. Rather recently, the federation prepared a bitter personal attack on the Pentagon defense research chief, Dr. Foster, in the guise of a supposedly scientific analysis of Soviet research and development. Rather naturally, Dr. Foster's friends wanted to get a copy as early as possible, to study the character of the attack.

In consequence, Dr. George Hellmeier, a White House fellow now on assignment to the Pentagon, called Dr. Jeremy Stone to request a copy. The request was at first refused, but Dr. Stone then asked who Dr. Hellmeier was. He replied that he was working in Washington on a White House fellowship. He was then asked whether he knew

an earlier White House fellow, known for his leftwing slant; and when he replied affirmatively, this seemed to act as a sort of password.

"You know," said Dr. Stone, after promising Dr. Hellmeier a copy of the federation's paper, "this guy Foster is dangerous." Dr. Stone went on that it was urgent to "zero in on Foster," in fact to "get Foster." In sum, the mask was dropped, and the ugly face of straight-out leftwing McCarthyism was nakedly displayed.

The attack on Dr. Foster has more recently been continued in the open, before the research subcommittee of the Senate Armed Services Committee. The controversy needs no special comment, except to say that Dr. Foster is undoubtedly correct that Soviet research investments are now much higher than U.S. research investments.

There are two other things that do need saying, however. To begin with, no experienced person can doubt that Dr. Robert Oppenheimer's opposition to an American H-bomb would have been supported by 95 per cent of U.S. scientists, if U.S. weapons policy had then been the public matter that it has become nowadays.

Even in their own fields, in short, scientists are seldom sound policy-makers; and this accounts for the positions taken by many able but politically woolly minded scientists. But the attempt to "get" John Foster, like the attack on the instrumentation laboratory, has another uncomfortable meaning, too.

The Draper instrumentation laboratory was, and still is, an invaluable and quite irreplaceable asset of this country's national defense. In quite another way, Dr. Foster is also an important asset of our national defense. The reason for this is simple.

Often almost alone in the government, the director of defense research has invariably put a tough-minded interpretation on such evidence as we have on Soviet defense developments. In just about every case, the tough-minded interpretation has turned out, in the end, to be the correct interpretation. So it would suit a lot of people to have Foster out of the way.

CHIEF BENEFICIARIES OF AMERICA'S BLESSINGS NAIVELY QUESTION THE SYSTEM WHICH MAKES THEM POSSIBLE

HON. DELBERT L. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. Latta. Mr. Speaker, a friend of mine has called my attention to Abigail Van Buren's column which appeared in the June 15 issue of the Washington Evening Star. After reading the article I thought that I should share a part of it with my colleagues since we seem to be living in a unique period of our history when many of the chief beneficiaries of America's blessings are naively questioning the system which makes them possible. The article follows:

DEAR ABBY: I heard a good one the other day and would like to share it with you: A hippie couple were walking down the street. They both had long hair and were dressed in typical hippie attire, complete with beads, sandals and Indian headbands.

The fellow said to the girl: "I'm going over and pick up my unemployment check. Then I'll drop in at the university to see what's holding up my check for my federal education grant. After that I'll pick up our food stamps. Meanwhile, you go over to the free clinic and check your tests, pick up my new

glasses at the health center, then go to the welfare department and apply for another increase on our eligibility limit.

"Then I'll meet you at 5 o'clock at the federal building for the mass demonstration against the rotten Establishment."

PHILADELPHIA KOSCIUSZKO RESOLUTION

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. EILBERG. Mr. Speaker, on Friday, March 26, I introduced a bill, H.R. 6759, in which I am deeply interested. It proposes to make the last residence in this country of the great Polish-American patriot, Gen. Thaddeus Kosciuszko, a national historic site. The Kosciuszko house is located near Independence Square in Philadelphia, a portion of which it is my honor to represent in Congress. I feel the enactment of this bill would afford fitting recognition to General Kosciuszko, who did so much in the cause of the American Revolution.

Additionally, I believe that the enactment of this measure, we are not only extending recognition to the efforts of a single patriot, but are honoring those of our fellow citizens who share his ancestral heritage. Indeed, we honor all the varied groups who have added their substance to the fabric of America, by thus memorializing Thaddeus Kosciuszko.

Related to this proposal, the City Council of the city of Philadelphia passed a resolution memorializing the Congress of the United States to enact legislation authorizing the secretary of the Interior to acquire and restore the 31 Pine Street house as a national shrine to Thaddeus Kosciuszko. It is with pleasure that I insert the letter of transmittal of this resolution from Paul D'Ortona, president of the Philadelphia City Council, and resolution No. 402, calling for the acquisition and restoration of the Kosciuszko home:

JUNE 9, 1971.

HON. JOSHUA EILBERG,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN EILBERG: I am enclosing herewith a certified copy of Resolution No. 402, entitled:

"Resolution memorializing the Congress of the United States to enact legislation authorizing the Secretary of the Interior to acquire and restore the 301 Pine Street House as a National Shrine to Thaddeus Kosciuszko."

This Resolution was adopted by the Council of the City of Philadelphia at a meeting held May 27, 1971.

Sincerely,

PAUL D'ORTONA,
President, City Council.

RESOLUTION No. 402

Resolution memorializing the Congress of the United States to enact legislation authorizing the Secretary of the Interior to acquire and restore the 301 Pine Street house as a National Shrine to Thaddeus Kosciuszko

Whereas, The National Park Service has recently listed, in the National Register of Historic Places, the three and one-half story

brick building at 301 Pine Street, Philadelphia, as a tangible reminder of properties worthy of preservation for their historic value; and

Whereas, This existing structure, built in 1775 by Joseph Few, a Quaker merchant and member of the Carpenters' Company, was the last residence in America of General Thaddeus Kosciuszko who dedicated his services to the cause of American independence; and

Whereas, In this brick building Kosciuszko recuperating from wounds suffered on a Polish battlefield in a vain attempt to free his land from foreign rule, held important meetings with Thomas Jefferson, John Adams and other patriots of the war for American liberty and independence; and

Whereas, This building, now vacant and rapidly deteriorating despite attempts to restore it, is greatly in need of measures to protect the shell of the dwelling by shoring up the floors and boarding up the windows and doors; and

Whereas, This historic dwelling is the only meaningful house left that is still associated with the name of one of the great colonial patriots of American independence; a dwelling which if lost, can never be recovered; therefore

Resolved, By the Council of the City of Philadelphia, That we hereby memorialize the Congress of the United States to enact legislation authorizing the Secretary of the Interior to acquire and restore the 301 Pine Street house as a National Shrine to Thaddeus Kosciuszko.

Resolved, That certified copies of this Resolution be forwarded to the President and Vice-President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the House of Representatives, the United States Senators from Pennsylvania and the entire congressional delegation of the Commonwealth.

ALL AMERICAN AID TO PAKISTAN MUST CEASE

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. GALLAGHER. Mr. Speaker, the Government of Pakistan has created a situation of unparalleled tragedy in East Pakistan by its military actions undertaken on March 25, 1971, and, according to all eyewitness reports, continuing to this day. The flood of refugees forced to flee to India—now some 5.7 million—is irrefutable proof of these actions, as I saw when I inspected refugee camps early in June.

It should not be forgotten that the leaders and supporters of the Awami League won the election in December. They won 167 of the 169 seats contested in East Pakistan, an absolute majority in the full country in an election everyone concedes was fair.

The sheer number of refugees threatens the stability of India, poses a threat to peace on the subcontinent and, in my opinion, compels a formal change in U.S. policy. If we assist the Government of Pakistan in any way in its effort to thwart the will of the majority, Communist-inspired groups may well replace the moderate leaders who won the election.

I believe the United States must suspend all military, economic, and food

assistance to the Government of Pakistan. According to all reports, the Army has flagrantly misused American aid in the past: for example, boats provided to alleviate the suffering caused by the flood and cyclone in November are now being used to transport troops on their raids throughout the countryside of East Pakistan. There is considerable doubt in my mind whether the populace in the East wing can recover sufficiently from its long-term distrust and recently created fear of the Army to accept aid administered solely by the military forces. According to testimony before my subcommittee, American and World Bank economic aid is all that keeps Pakistan from bankruptcy and it certainly allows the Army to finance its adventures in the East—now costing some \$2 million each day.

Mr. Speaker, this afternoon I had the distinct pleasure of hearing a speech at the National Press Club by the Foreign Minister of India, the Honorable Sardar Swaran Singh. He spoke eloquently and persuasively on the problems created for his government by the military adventures of the Government of Pakistan in East Pakistan and he stated many reasons which, in my judgment, argue for the adaptation of the House of my amendment to the Foreign Assistance Act of 1961.

My amendment, introduced in bill form on Tuesday, June 15, as H.R. 9160 would suspend all aid to the Government of Pakistan until international inspection teams have ascertained that Pakistan is cooperating in allowing the situation to return to reasonable stability in East Pakistan and that, as far as feasible, refugees are being allowed to return from India to reclaim their lands and properties.

In the CONGRESSIONAL RECORD of June 11 on page 19513 I discussed the many ramifications to world peace this situation poses. I spoke of the incredible flow of refugees and I would now like to report to my colleagues the most recent figures. The total number as of June 12 was 5,765,000, comprising 3,067,000 males and 2,698,000 females. This includes 907,000 children under 8 years of age. During April, immediately after the brutal actions of the Army inside East Pakistan, 56,000 each day came into India. During May and until the 5th of June the figure rose to 100,000 each day. Finally, from the 6th to the 12th of June the figure was 124,000 each day.

Any policy which generates this number of refugees—a number which is increasing rather than diminishing—must be the concern of all mankind. Aside from the obvious human misery which has been so compellingly documented in many photographs and descriptions in our press, it is also irrefutable evidence that the situation inside East Pakistan has not returned to normal. I think that H.R. 9160 would strengthen the hand of this administration in its desire to see stability returned to the area, for it would insist that all aid be channeled through international agencies and that our tax dollars would no longer contribute to the agonies and the clear threat to peace.

The Government of Pakistan must be made to fully and honestly cooperate in a normalization process. H.R. 9160 would suspend our bilateral aid and would make a powerful statement to the nations of the world that the idealism and the sincere desire of America to be truly humanitarian has not vanished. I urge my colleagues to join me in cosponsoring my bill when I reintroduce it early next week.

Mr. Speaker, I insert Foreign Minister Singh's speech of today and the text of my bill at this point in the RECORD.

SPEECH OF THE FOREIGN MINISTER OF INDIA,
SARDAR SWARAN SINGH

Mr. President, I value and appreciate the invitation to address the National Press Club. There is a special reason for this: I have come here to seek, together with your leaders, a just, peaceful and enduring solution of a problem which has been reported upon so well and in such detail by your Press. So I am happy to have this opportunity to speak to this distinguished gathering of the representatives of the American press who play such a vital role in shaping public opinion.

The tragedy of East Bengal looms large on the horizon of India today: it looms large on the horizons of Asia. It poses a grave threat to peace and progress in our region.

The facts of the situation in East Bengal are well-known to you. But I wish to draw your attention to the dangerous potential of this problem for us and for our region. We should also consider the consequences that the world may have to face tomorrow, if today, due to a sense of indifference or helplessness, or out of some misplaced feeling of delicacy towards the perpetrators of the tragedy, we permit the situation to drift further.

The concern and anxiety which this situation in East Bengal cause to us in India are not ours alone. They are yours too. The character and the magnitude of the happenings in East Bengal are such that they are bound to have repercussions beyond the frontiers of Pakistan and be a source of concern to the international community.

Besides, our two countries have a common commitment to democratic principles and values. These same values and principles are being brutally suppressed in East Bengal.

The suppression of democratic principles by the army in East Bengal, I would remind you, cannot be defended on the ground that it is an attempt to deal with a secessionist movement. The elections took place in Pakistan in December last year for an assembly to frame a constitution for that country. The Awami League, led by Sheikh Mujibur Rahman, swept the polls in East Bengal on a programme demanding greater control over State affairs within the Union of Pakistan. The Awami League's six-point manifesto for the framing of the constitution received overwhelming support of the people of East Bengal. The six-points were not a manifesto for secession or independence. The demand for independence of Bangla Desh came, it should be remembered, in the wake of the bloodbath which began on 25 March. The case is, therefore, clearly of a minority, equipped with gifts of money and arms from abroad, trying to undo, through the use of brute force, the verdict of popular vote.

One of the results of this rein of terror unleashed by the army is that 6 million people have fled their homes in East Bengal and have sought refuge in India. There is no end yet in sight to do this mass exodus. Each day some 100,000 East Bengalis are driven by the Pakistan Army across the border of East Bengal into our country. The dimensions of this exodus will, perhaps, better be understood if I say that we are receiving one refugee every second.

We offer these refugees such succor and

relief as we can afford. In our States bordering on East Bengal the schools of our children have had to be closed down to provide shelter for the refugees. Our health services are stretched thin and there are shortages of transport and tentage, food and medicine and other resources needed to cope with this grim tragedy. In the Indian State of Tripura today, there is one refugee from East Bengal to every two local inhabitants. West Bengal, already heavily populated, is groaning under the weight of this endless influx.

Clearly the humanitarian task of providing food, shelter and medicines must have high priority. The cost of relief will run into hundreds of millions of dollars. We had made a token provision of 80 million dollars in our budget for the current year; but even this token provision represents 30% of the additional tax burden which our people will have to bear this year.

While we are doing the best we can within our resources, the financial burden of looking after the refugees is clearly beyond our resources. We have welcomed such assistance as has been forthcoming from foreign governments, from voluntary organizations and agencies and from private citizens. Even though these contributions may not be very large, our Government and people appreciate the sentiments behind them.

Nevertheless, the task is a very large one, and we have our own pressing problems of poverty and unemployment to attend to. We, therefore, hope that the United States, a prosperous country of generous humanitarian instincts and, indeed, other countries of the world may, before long, address themselves more adequately to the problems and needs of relief.

But necessary as relief is, it is a palliative and not a solution to the problem which lies at the root of the situation. It is immediately necessary to stop further influx of refugees from Pakistan and that will come about only if the military action in East Bengal is ended forthwith. The international community must persuade and pressurize the government of Pakistan to that end.

Equally, conditions must be created for the return to East Bengal of those who were forced out of their homes and had to take shelter in India. The Government of Pakistan must be made to accept its proper responsibility for the rehabilitation of these refugees in their homes. In the meantime, their properties in East Bengal should be preserved and protected under international supervision pending their return.

The return and resettlement of refugees in their homes will obviously take a while and relief measures will be necessary and camps will have to be set up for the purpose. It seems to us that temporary relief camps should be set up in East Bengal itself and the refugees now in India should be transferred to these camps.

The Pakistan Government claims to have set up camps or reception centers in East Bengal; but refugees are not returning there because they, apparently, do not trust the Pakistan Government's declarations of amnesty. It is, therefore, necessary to restore their confidence that they will be well treated on return, that they will enjoy safety of person and property and that bona fide measures will be taken to rehabilitate them and protect their rights and interests. As a measure in that direction an area in Pakistan may have to be set aside for these temporary camps, to be administered by the refugees themselves under international supervision.

The basic problem is a political one; and it calls for a political solution. Without such a solution, the atmosphere of confidence and security, which is necessary for the return of refugees, will not be generated. There are

two essential prerequisites; first, the necessary political solution must be found urgently, and secondly, the solution to be effective and enduring must be in accord with the wishes of the people of East Bengal and their elected leaders. Any effort to set up a regime in East Bengal which is not truly representative will only prolong the agony, and harden attitudes and pose hazards to peace of the whole region.

We feel great concern for the personal safety and well-being of Sheikh Mujibur Rahman. He is a leader of very high stature and rare human qualities, who commands the affections of the entire people of East Bengal. We hope that the international community will spare no effort to persuade the rulers of Pakistan to release Sheikh Mujib and to join with him in search of a political solution acceptable to the people of East Bengal. He symbolizes the aspirations and hopes of 75 million people which were expressed as late as last December. These will not be extinguished by his incarceration.

We would urge the international community as a whole, and countries friendly to Pakistan in particular, to bring their influence to bear on the Pakistan Government for a political solution on these lines. Our views with regard to the grant of military aid to Pakistan are well-known. A situation has now arisen in which even the grant of economic aid to that country, in present circumstances, is bound to be used for the suppression of the majority of Pakistan's people. It is, therefore, not out of any ill-will for the people of Pakistan but in the desire that the agony of strife in Pakistan should end as quickly as possible that we urge that all countries should suspend all military and economic assistance to Pakistan till a political solution acceptable to the people of East Bengal is found.

I hope that the people of this country will understand and appreciate our grave anxiety over the situation in East Bengal. We in India have been at the receiving end of the results of the reign of terror and killings that has gone on in East Bengal since 25 March. The point has now reached where the actions of Pakistan's military government threaten to disrupt the economic, social and political fabric of our society and our State. These actions threaten to engulf our region in a conflict the end of which it is not easy to predict.

We have acted with patience, forbearance and restraint. But we cannot sit idly by if the edifice of our political stability and economic well-being is threatened.

In the 23 years since our independence, we have struggled to give economic and social meaning to our political democracy. We have not succeeded in eliminating poverty and hunger and disease from our land, but the lives of our people are a little better than they were 2½ decades ago. We have doubled our food production; we have vastly expanded the availability of education, medical care and the opportunities of work to our people. Our exports touched a high of 7% last year and our growth rate has moved up to 5% per annum. The United States has helped us in our endeavours, and I am sure you share our pride in these achievements.

After our general elections in February which gave our Prime Minister Indra Gandhi, and our party, the Indian National Congress, a massive verdict of popular support for our programmes, we were getting ready for a powerful assault on our economic and social problems. And then came this crisis of Pakistan's making which threatens to wipe out our gains and destroy the prospect of peace and progress for our children.

To any responsible government this would be an intolerable situation. Hence our anxiety that a political settlement should be forged in East Bengal which is acceptable to the Bengali people and their elected repre-

sentatives so that peace may return to that troubled land and the refugees who have come to our country should go back to their homes.

We face a grave situation; but we continue to have faith and hope that concerted and determined action of the world community will help find a satisfactory solution and lift the threat to India's stability and peace of the region. It was in that spirit that I undertook this tour which has brought me to Washington. I have found here understanding of our apprehensions and sympathy with our objectives.

Thank you Mr. President.

H.R. 9160

A bill to amend the Foreign Assistance Act of 1961 to suspend all assistance to the Government of Pakistan

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 620 of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to prohibitions against furnishing assistance, is amended by adding at the end thereof the following new subsection:

"(v) (1) All military, economic, or other assistance to the Government of Pakistan, all sales of military equipment, and all sales of agricultural commodities (whether for cash, credit, or by other means), under this or any other Act, shall be suspended on the date of enactment of this subsection.

"(2) The President shall take measures as may be necessary to assure that no military equipment provided by the United States to any other country shall be transferred to the Government of Pakistan. If the President determines that any such transfer has been made after the date of enactment of this subsection, he shall suspend all assistance under this or any other Act to the country making the transfer and shall suspend all sales of military equipment under the Foreign Military Sales Act to such country.

"(3) The provisions of this subsection shall cease to apply when the President reports to the Congress that international inspection teams have ascertained that the Government of Pakistan is cooperating fully in allowing the situation in East Pakistan to return to reasonable stability and that refugees from East Pakistan in India have been allowed, to the extent feasible, to return to their homes and to reclaim their lands and properties."

SHALL WE SHOOT THE TIMES?

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. HARRINGTON. Mr. Speaker, the Nixon administration has filed an injunction against the New York Times barring the newspaper from printing further excerpts of the Pentagon's study on the origins of U.S. involvement in the Vietnam war. But the injunction, on a higher level, is really against the American people because it demonstrates a callous disregard for the Nation's ability to make decisions based on all the information.

The Boston Globe in an editorial Wednesday makes this point very clearly. I would like to quote from a portion of that editorial now.

However strained the rationale may appear to be, what the government is saying, nevertheless, is that official conniving and duplicity or, perhaps, simple stupidity, are

none of the American people's business even when the cost is 55,000 American lives and a frightening torn country.

The editorial states further that the credibility in Government is sorely shaken, and I believe deserves to be. For in that report, all the lies are laid bare.

At this time, I would like to insert in the RECORD the complete editorial for the benefit of my colleagues.

[From the Boston Globe, June 16, 1971]

SHALL WE SHOOT THE TIMES?

There are some things which no government should or will confide to anyone outside of its own inner circle. This is not because all things are not indeed the citizen's business. They are and must be if government is to be the servant, not the master of the people. It is because the business of surviving as a nation may be at stake.

The nation's plans for resisting invasion clearly are and must be government's secret. The way to build an A-bomb or an N-bomb or even, who knows? an XYZ bomb is not ever going to be released to the nation's press, and the newspapers themselves would be the first to demand some official scalps were this to occur.

But certainly the New York Times's disclosures on the machinations and deceptions connected with American participation in the Indochinese war do not fit the description of a national security violation. It can be argued, to the contrary, that government efforts to prevent further disclosure are themselves a threat to the national security. However strained the rationale may appear to be, what the government is saying, nevertheless, is that official conniving and duplicity or, perhaps, simple stupidity, are none of the American people's business even when the cost is 55,000 American lives and a frightening torn country. The Times's disclosures pertain only to prior Administrations.

The Times's revelations, says the Department of Justice (and a Federal court has at least temporarily concurred), "will cause irreparable damage to the defense interests of the United States." On the contrary, however, irreparable damage is done to the nation when such disclosures are suppressed.

The people's confidence in either their government's integrity or its wisdom or perhaps both may be shaken all the more when government persists in the outlandish view that how the nation was conned into this war, and conned illegally at that, and how it could similarly be plunged into another, is none of the public's business. Where it is shown that past Presidents can and do err as grievously as has been demonstrated (either because they were too self-willed or were the victims of advisers) the motives of incumbent administrators who would conceal the facts then themselves inevitably becomes suspect.

The Nixon Administration takes the curious position that it was a breach of security to disclose that the Gulf of Tonkin resolution was drafted three months before the incident on which it was based. But the real outrage is the resolution itself and the suppression of this vital information until now. Had the Congress and the American people then known what they know now, we would have been out of Indochina long before this. The Nixon Administration's abhorrence of the disclosures does not exactly put to rest all doubts of the legitimacy of its own purposes in continuing the war into which the nation was apparently tricked.

Mr. Nixon speaks of saving the lives of American "boys," just as President Johnson did, and he is indeed bringing them home in numbers. But there are still more than 200,000 of them over there, and he stubbornly resists all efforts to bring them home now and thus save their lives.

In leaving them there he is prompted by the same dubious reasons that prompted President Johnson to send them there in the first place. If ever there were arguments that should convince wavering senators that passage of the McGovern-Hatfield resolution is vital, the Times's disclosures and the Administration's reaction to them is it. It is not only the integrity of the Johnson Administration that is at stake. It is the integrity of the Nixon Administration. The Times's disclosures of what happened four, five, 10 or 20 years ago "do irreparable injury to the defenses interests of the United States" in the same way that those interests were impaired by disclosures that George Washington's false teeth were ill-fitting.

What happens when a government bottles up legitimate information, or tries to, has been demonstrated time and again. It was not until 13 months had passed, for example, that the nation learned that peace was possible in 1964, if Mr. Johnson had wanted it, which he did not—and, seemingly, this Administration does not now because the time is not ripe. The Thieu government is not yet sufficiently entrenched.

The virtues of the fullest possible disclosures were put down in 1968 in the preface to a collection of his speeches by none other than the former Secretary of Defense Robert S. McNamara—and never mind that he was one of those who kept Mr. Johnson's secrets:

"The people of this nation, in whose name and by whose ultimate consent all high government officials serve, have both the need and the right to be thoroughly informed on decisions. The only narrow and necessary exceptions are those matters restricted by the irreducible requirements of intelligence collection or battlefield security."

The late President Kennedy was even more to the point after the Cuban Bay of Pigs fiasco on which the Times eliminated vital information in its exclusive account of the invasion then planned.

"If you had printed more about the operation," Mr. Kennedy later told Turner Catledge, then a Times editor, "you would have saved us from a colossal mistake."

The Times, in our view, has performed a singular public service, and should be rewarded rather than denigrated by the Nixon Administration. It is significant that no Administration official, and no one else for that matter, challenges the authenticity of the Times's revelations. The only Washington complaint is that it has unearthed facts which Washington wanted to keep locked in one of its dark closets.

The whole truth, when it is brought to light, can only help the people to know what they need to know, for their security and that of the nation.

CONGRESSIONAL MEDAL OF HONOR GROVE

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. ZABLOCKI. Mr. Speaker, on June 6, Wisconsin became the 12th State to dedicate an acre of land of the 52 acres set aside at Valley Forge, Pa., as a permanent memorial to the men who have received our Nation's highest award for bravery. The Congressional Medal of Honor Grove at Valley Forge has been established by the Freedoms Foundation to keep alive the records of gallantry and sacrificial devotion to duty that distinguishes these men. The grove is, as yet,

unfinished. It is, however, a truly great symbol.

Living trees are marked in perpetuity with the names of each of more than 3,000 Medal of Honor recipients. Only 47 men from Wisconsin have received this award, Mr. Speaker; and three presently reside in the State. They are Clayton K. Slack, or Ashland, Wisconsin's only recipient in World War I; Einar H. Ingman, of Tomahawk, Wisconsin's only living recipient of the Korean war; and Gary Wetzel, of St. Francis, a veteran of the Vietnam war.

Mrs. Douglas MacArthur was an honored guest at the dedication ceremonies on June 6. She emphasized that although the general was born and later resided in different States, she wanted her husband's plaque placed in the Wisconsin Medal of Honor Grove.

I share a feeling of pride with the citizens of Wisconsin that the men from our State who earned our Nation's highest award for valor since 1863 are being remembered in the Medal of Honor Grove. I am sure, Mr. Speaker, that the grove will become a national shrine of impelling and patriotic significance—a truly fitting memorial to our country's heroes. Its development deserves the full support of every American.

THE EAST BERLIN UPRISING

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. DERWINSKI. Mr. Speaker, it is fashionable these days to engage in talk about peaceful coexistence with international communism, the establishment of cultural exchanges, the construction of "bridges of understanding," and the opportunity of making a few extra dollars through trade. It would be a good idea, once in a while, to review the past. Such an occasion presents itself this afternoon.

It was on June 17, 1953, that an uprising occurred in the Soviet sector of Berlin, where construction workers had abandoned their tools a day earlier in protest against increased work quotas. Near-starvation helped to inspire the demonstrations that spread throughout East Germany and involved 200,000 people.

When the revolt of the protesting workers led to a general strike in East Berlin, the Soviet Union moved three divisions into the city, which was isolated from the rest of the world while army tanks were being used in an attempt to quell the disturbances. Soviet forces killed 16 persons, hundreds were injured, and thousands were arrested. Although movement between East and West Berlin had been partly resumed earlier, the state of siege to which the Soviet zone had been subjected did not end until July 9.

A propaganda victory was scored by the United States, which asked the Soviet Union to admit \$15,000,000 worth of

American food for free distribution to the hungry people of East Germany. Although the Communists spurned the offer, free food was made available in West Berlin. More than 1,000,000 food packages were distributed to East Germans on a come-and-get-it basis.

Conditions in East Berlin have not changed dramatically since the short-lived uprising of 18 years ago. The infamous Berlin Wall has been erected to keep East Germans from leaving, although many have nonetheless risked their lives in attempts at escape. Some have been successful, while others have given their lives in vain attempts to escape life under communism.

The people of East Berlin, many of whom remember the totalitarian brutality of national socialism, are no more enthusiastic about existence under communism than they were about life under nazism. Thousands have voted with their feet and moved to West Berlin and West Germany.

How can we in America speak about peaceful coexistence between the free United States and international communism, when the Berlin Wall eloquently demonstrates the lack of peaceful coexistence between the two sections of Germany, one behind the Iron Curtain and the other part of the free world? Why should we desire to establish cultural ties with a regime whose own people by the thousands have abandoned all their material possessions in order to begin life anew in the West? Who wants to build bridges of understanding with ruthless murderers whose hands are stained with the blood of many millions of God's creatures? Those who would abandon people to perpetual slavery in order to profit from trade with Communist Russia have learned nothing from the tragic events that took place during the summer of 1953.

Mr. Speaker, as the people's representatives in the popular branch of the Congress of the United States, let us not be seduced by the voices that call for coexistence with a regime that makes war upon its own people.

Let us pay no heed to suggestions that we build bridges of understanding with a country that found it necessary to build a wall in order to prevent thousands of its subjects from escaping. Let us disregard the pleadings of those who would fatten their bank accounts through dealings with the Soviet Union, deliberately forgetting that much of the materiel that is being used to kill Americans in Vietnam is being supplied by Moscow.

THE MARYLAND PORT AUTHORITY

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. BYRON. Mr. Speaker, July 1, 1971, marks the end of the independent existence of the Maryland Port Authority. On that date, the Maryland Port Authority will be absorbed by the Maryland

State Department of Transportation. The new organization under the department of transportation will be called the Maryland Port Administration.

For 15 years the Maryland Port Authority, under the direction of Mr. Joseph L. Stanton, directed the affairs of the Port of Baltimore. During that decade and a half, the MPA has transformed the port from an accumulation of deteriorating railroad piers into a modern, versatile facility that can handle anything from bauxite and radioactive elements to tobacco and grains, the chief commodities shipped through Baltimore in the 18th century. The MPA has been a prime mover in the city's rise as a container port, and it has worked to attract industry to the harbor-side. Beyond Baltimore, it has constructed piers at Cambridge, on the Choptank River, and has built a large marina at Crisfield.

The prime example of the MPA's port rejuvenation work, of course, is its Dundalk Marine Terminal. The authority purchased the land for the terminal—it was Harbor Field, Baltimore's pre-Friendship Airport—in 1961. From a crisscross of runways it created an ultramodern facility that has boosted Baltimore to the status of a major east coast container port and made it the country's leading importer of foreign automobiles.

The list of accomplishments of the Maryland Port Authority is very impressive. Joseph Stanton has run the authority well, always keeping in mind the needs not only of the community in Baltimore but the entire State of Maryland. I wish him and his staff continued success in their new positions with the Maryland Port Administration. I would also like to commend Mr. James H. Grove, of Frederick, who has served with distinction as a commissioner of the Maryland Port Authority.

ALASKA RESOLUTION COMMENDS THREE REPRESENTATIVES

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. BEGICH. Mr. Speaker, one of the most important issues facing Alaska is the settlement of the Native land claims. There has been much debate on this issue, both in Alaska and across the country.

There are various proposals which have been introduced in Congress that will provide a solution to the Native land claims question. Besides introduction of specific bills, several Representatives have devoted much time and energy to see that there is a proper settlement to the Native land claims.

The Alaska State Legislature has passed a resolution commending Representative WAYNE ASPINALL, of Colorado; Representative JOHN SAYLOR, of Pennsylvania; and Representative JAMES HALEY, of Florida, for their

concern and dedication to this question. The legislature has also expressed its confidence that largely through the efforts and devotion of these three men, a final settlement of the Native land claims will be forthcoming at the earliest possible time. I would like to take this opportunity to include a copy of that resolution into the RECORD so that my colleagues can be aware of Alaska's deep appreciation to these distinguished men:

SENATE RESOLUTION NO. 11, ALASKA STATE LEGISLATURE

Relating to Native land claims legislation

Be it resolved by the Senate:

Whereas settlement of the Native land claims is of the highest priority for the State of Alaska and its citizens; and

Whereas various proposals have been introduced in Congress which propose solutions to the Native land claims question; and

Whereas the U.S. Congress is divided, to a great extent, over the merits of these legislative proposals; and

Whereas irrespective of their views concerning what a proper settlement of the Native land claims should entail, three representatives have devoted endless hours to research, study, and the holding of hearings regarding the Native land claims; and

Whereas, as a result of their obvious interest and concern in seeking out all pertinent information and their willingness to listen to all persons and organizations concerned with the Native land claims, Alaska and Alaskans can only benefit from the fruits of this arduous task;

Be it resolved by the Alaska Legislature that it commends Representatives Wayne Aspinall of Colorado, John Saylor of Pennsylvania, and James Haley of Florida for their painstaking review and study of the Native land claims question and expresses its confidence that, largely through the efforts and devotion to duty of these three men, a final settlement of the Native land claims will be forthcoming at the earliest possible time.

Copies of this Resolution shall be sent to the Honorable Wayne Aspinall, the Honorable John Saylor and the Honorable James Haley, members of the U.S. House of Representatives; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

AUTHENTICATION

The following officers of the Legislature certify that the attached enrolled resolution, Senate Resolution No. 11, was passed in conformity with the requirements of the constitution and laws of the State of Alaska and the Uniform Rules of the Legislature. Passed by the Senate May 10, 1971.

JAY S. HOWARD,

President of the Senate.

Attest:

EMYLOU LLOYD,

Secretary of the Senate.

UNITED CEREBRAL PALSY OF NORTH CAROLINA CONDUCTS SUCCESSFUL FUND-RAISING TEL- ETHON

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. GALIFIANAKIS. Mr. Speaker, the United Cerebral Palsy of North Carolina

recently conducted a highly successful fund-raising telethon. Because of the fine services performed by this organization, I would like to share with my colleagues an account of their telethon and a description of the activities supported by the money which they raised.

This program was held for 18½ hours on May 1 through 2 at Reynolds Coliseum in Raleigh. Television stations WRAL in Raleigh and WECT in Wilmington carried it to viewers throughout the eastern half of North Carolina. Because of the large viewing audience which was reached through their efforts, \$207,000 in pledges were raised. This sum is believed to be the most money per capita of viewing audience that any cerebral palsy telethon in the country has raised.

The efforts of countless people went into the success of this telethon. Some 1,500 volunteers in 19 communities gave their time and talents to this production. Even such high state officials as Gov. Robert Scott and Secretary of State Thad Eure volunteered their services. On the local level, hundreds of children and various civic organizations collected money from their groups and in their neighborhoods.

This telethon was more than just a source of entertainment and a money-raising activity; it was also an educational program. In informing the public about cerebral palsy, it performed an invaluable service. For example, by watching the telethon which took place last year, a mother discovered that her own child had cerebral palsy. Because of this knowledge, the child was able to receive treatment and has since made a significant improvement.

The telethon also served to stimulate viewers to volunteer for various cerebral palsy projects in their own communities. As a result, more cases of cerebral palsy can now be treated.

The \$207,000 raised by this program will be put to good use. One-fourth of it goes to the national organization, the United Cerebral Palsy Association, located in New York. From there these funds will go to support research and training grants and clinical fellowships at hospitals and universities throughout the country. Just within my own district, Duke University, North Carolina State University, the University of North Carolina, and the North Carolina Cerebral Palsy Hospital in Durham have received over \$160,000 from the organization.

The rest of the money raised by the telethon will go to support the North Carolina cerebral palsy organization. Because of these funds, the organization will be able to expand its programs and services for the State. These services include counseling of people with cerebral palsy and their families, educational and vocational programs, and residential and custodial care. The organization also assists with home care problems and maintains a referral and followup service. Through the efforts of the United Cerebral Palsy of North Carolina, the cerebral palsied of our State are able to overcome some of the effects of their disease.

Telethons and other fund-raising projects depend on the generosity, care,

and concern of citizens in the various communities. The overwhelming response to this telethon indicates the interest North Carolina citizens have in eradicating this dreaded disease. I am proud of the concern expressed by the citizens of my State, and I salute the efforts of the United Cerebral Palsy Association of North Carolina.

REVENUE SHARING

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. DINGELL. Mr. Speaker, the Washington Post of June 15, 1971, carried a letter from former Secretary of Health, Education, and Welfare Wilbur J. Cohen in which he expressed his views on proposals for general revenue sharing.

So that my colleagues may have an opportunity to be aware of Secretary Cohen's views on this matter, I insert the text of his letter at this point in the RECORD:

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, misunder-

standing, 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 way 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 unpollitic, as those which existing proposals appear to advocate.

A MEMORIAL IN HONOR OF MARY MCLEOD BETHUNE

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mrs. CHISHOLM. Mr. Speaker, for 11 years the National Council for Negro Women has been endeavoring to obtain the funds necessary to erect a memorial in honor of Mary McLeod Bethune. The national council ran into difficulties in meeting their meaningful goal because of the changing priorities of black Americans, and the Congress granted extensions of their authorization in 1967 and again in 1970.

Today the goal of obtaining \$400,000 is within reach. As of this morning \$275,000 had already been received with a pledge of an additional \$100,000 from the women's division of the United Methodist Church. It is because of the near realization of this goal and the growing consciousness and awareness among citizens of the invaluable contribution of black Americans that I have reintroduced on Tuesday, June 15, 1971, the resolution to obtain an extension for 2 more years.

When completed, the Mary McLeod Bethune Memorial will provide for the Washington, D.C., black community a living symbol of this black woman's contribution by providing facilities for outdoor cultural and recreational programs for low-income families. There is little doubt that in death, as in life, Mary McLeod Bethune will serve her people and her country nobly.

She once told a group that she was leaving them "love, hope and the challenge to develop confidence in one another." The proposed memorial will forever enshrine these words and serve as a testimonial to her own selfless dedication to achieve a just society. The memorial will stand in Lincoln Park to remind us all of the black man's contribution to the life stream of America. It will inspire all Americans as she has inspired me to continue the fight for justice, dignity and equality which is ours to share. Today as we witness our country torn with hate, despair, and disgust of a people divided from each other it

becomes increasingly more important that we in Congress retain the same tenacity in seeing through the establishment of this memorial as she did in fighting for a decent life for all.

WHERE IT IS AT

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. CONTE. Mr. Speaker, Brookside School in-the-Berkshires recently held its 44th annual commencement exercises in Great Barrington, Mass.

Mr. George P. Lane, superintendent of schools of the Berkshire Hills Regional School District, was the commencement speaker for the occasion. Among those very much impressed by the address was Mrs. Helen M. Santelli of Southfield, Mass., who has requested that it be reprinted in the CONGRESSIONAL RECORD so that others may benefit from Mr. Lane's thoughts.

At this time, Mr. Speaker, I submit for the RECORD Mr. Lane's commencement address:

WHERE IT IS AT

I feel very honored, that I have been asked to address this forty-fourth commencement at the Brookside School. A few personal reflections—in my travels between schools—I often pass between Routes 7 and 183, and as I glance over the embankment this area always seems to strike me as having a very strange, yet special mystique about it.

Possibly, some of you may remember a play entitled "Brigadoon," which was later made into a film. In the beginning of this production it is very misty—and as the mist ascends there appears a very peaceful, tranquil hamlet tucked away between the hills.

I have ventured down into a hamlet such as this and have been very impressed by the beauty and the peacefulness which surrounds the area of the Brookside School. This area reminds me very much of places described by Thoreau in his writings.

In order to maintain this type of beauty and to keep a natural balance like this during these trying times; one must possess a very strong character and a great deal of insight. A person having qualities such as these is your own Doctor Altarez. Doctor Altarez and the members of his faculty are in my estimation all individuals possessing a great deal of vision. For here is a man, Doctor Altarez who actually grows younger each year—yet matures slowly.

This man handles the problems of today very optimistically. This is a man who has attempted through his forty-four years of teaching to emplant in the minds of youth the same vision, dedication and affection for life which he himself possesses. At this commencement exercise today—you the graduating class are the end result of your stay here at the Brookside School. I am sure that in your futures many of you will attain material rewards. However, as time passes your rewards will become more of a spiritual nature. I am sure that many times in the future you will continually reflect back to your association with Doctor Altarez and the staff of the Brookside School.

All commencement speakers at sometime during their speech have to set forth a challenge to the graduating class of the year—so far be it from me to begin setting any precedents. For these are challenging times—

and what times they are to be optimistic. How will you as individuals accept these challenges?

What kind of a citizen will you as an individual be? Will you be an unhappy, cynical human being, lacking loyalty and affection for your country?

Will you as an individual strive to meet the ideals of Doctor Altarez and become a person possessing loyalty and dedication to his country?

3. Are you as a person willing to participate in striving to make our supposedly not so great society—possibly a better one for all of us to live in? Or in other words are you willing to get involved—for if change is going to occur we must all be the type of person who is willing to strive for this change positively. Let us not have revolution simply for the sake of revolution. Let us all realize that at the end of the rainbow—there is indeed a pot of gold—and that we can all have a better country in which to live—if we are all willing to work for it.

4. How will you handle the problem of ecology—certainly your association here with the Brookside School has made you intensely aware of the beauty of nature. Will you be willing to work constructively in order to keep natural beauty in nature?

5. Will you as individuals be willing to carry forth the humanistic values from which you have been a part of, to others less fortunate and unaware?

6. Will you develop a sense of humor and be able to smile at life with its trials and tribulations?

7. Will you be willing to give rather than only take from the society in which you live?

I could make this speech longer—yet I cannot help but feel that in my closing you would probably get a lot more out of what I am going to read to you—a passage entitled "Desiderata" that was discovered in Saint Paul's Church in Baltimore in 1692 and is appropriate for all generations.

DESIDERATA

Go placidly amid the noise and haste, and remember what peace there may be in silence. As far as possible without surrender be on good terms with all persons. Speak your truth quietly and clearly; and listen to others, even the dull and ignorant; they too have their story.

Avoid loud and aggressive persons, they are vexations to the spirit. If you compare yourself with others, you may become vain and bitter; for always there will be greater and lesser persons than yourself. Enjoy your achievements as well as your plans.

Keep interested in your own career, however humble; it is a real possession in the changing fortunes of time. Exercise caution in your business affairs; for the world is full of trickery. But let this not blind you to what virtue there is; many persons strive for high ideals; and everywhere life is full of heroism.

Be yourself. Especially, do not feign affection. Neither be cynical about love; for in the face of all aridity and disenchantment it is perennial as the grass.

Take kindly the counsel of the years, gracefully surrendering the things of youth. Nurture strength of spirit to shield you in sudden misfortune. But do not distress yourself with imaginings. Many fears are born of fatigue and loneliness; Beyond a wholesome discipline, be gentle with yourself.

You are a child of the universe, no less than the trees and the stars; you have a right to be here. And whether or not it is clear to you, no doubt the universe is unfolding as it should.

Therefore be at peace with God, whatever you conceive him to be, and whatever your labors and aspirations, in the noisy confusion of life keep peace with your soul.

With all its sham, drudgery and broken dreams, it is still a beautiful world. Be careful. Strive to be happy.

FATHER'S DAY

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. CARNEY. Mr. Speaker, the third Sunday in June each year is set aside for honoring fathers, and I would like to take this occasion to join millions of Americans in expressing our gratitude and appreciation for the unique contributions of fathers to family and community well-being.

The credit for the first celebration of Father's Day belongs to Mrs. John Bruce Dodd of Spokane, Wash. The idea occurred to her as a suitable tribute to her own father who had successfully reared a family of six adolescents after the death of their mother. In 1909, she wrote to the Rev. Conrad Bluhm, president of the Spokane Ministerial Association, proposing that the third Sunday in June be set apart for honoring fathers. The association approved the proposal when it was submitted to its members, and the first celebration of the day was held in Spokane in June 1910. Sons and daughters were asked to wear red roses in honor of living fathers and white roses if their fathers were dead.

The day was a tremendous success, and Mrs. Dodd went on to form a Father's Day Association. Gradually, support gathered to make the observance national. In 1924, President Coolidge wrote to Harry C. Meek, president of a Lions Club which had sponsored a Father's Day celebration on the third Sunday in October:

As I have indicated heretofore, the widespread observance of this occasion is calculated to establish more intimate relations between fathers and their children, and also to impress upon fathers the full measure of their obligations.

President Wilson had antedated President Coolidge in recognizing Father's Day, however, when he pressed a button in Washington unfurling a flag on the platform at a Father's Day celebration in Spokane.

And in 1918, a Father's Day of a different kind was observed. At the suggestion of the Stars and Stripes, the official newspaper of the American Expeditionary Force, fathers at home wrote to their sons in France and the sons wrote to their fathers.

In the years that have followed, support for national recognition of Father's Day has continued to gain strength in Congress. The Senate passed a joint resolution designating the third Sunday of each June as Father's Day, in 1967, but the measure was not brought to the floor of the House. The report accompanying the Senate bill eloquently stated the need for national observance of this day:

The service rendered to the United States by the American father is a constant source of intellectual and moral strength which helps to perpetuate the highest values of our civilization and our Nation. The designation of an annual Father's Day would point up the genuine regard, appreciation, and love which fathers earn each day, and should be publicly and specially commemorated.

Pioneer fathers, those who began our Nation, having found themselves oppressed by tyrants and intolerance in Europe, had the courage to gather their families together and bravely set off across unknown seas to carve new homes out of the wilderness of an unexplored continent. It was fathers of families who led the way to a new world to find freedom, liberty, and tolerance. It was these fathers who at first hunted, and then cleared and tilled and planted to sustain their families.

Today the wilderness is gone, and we have reaped the fruits of their labors, but contributions to the Nation's greatness continue to be made by the fathers of our land. It is the fathers of today who are still making family life in a home the great civilizer of the world. It is in the home that fathers—with some help from mothers—are nurturing the most important factor in the strength of our Nation, our children.

I hope that all Americans will join in honoring fathers on this day.

A BREEDER REACTOR POWER PLANT BY 1980

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. DUNCAN. Mr. Speaker, I was pleased to see editorial support of a breeder reactor power plant. I would like to put in the RECORD the following such item from the Knoxville, Tenn., News-Sentinel of June 13:

A BREEDER BY 1980

The drive to build a breeder reactor power plant by 1980 got a much-needed boost the other day from President Nixon.

The President told Congress he plans to spend an extra \$27 million next year on nuclear research and expects to commit \$50 million in additional Federal funds toward a demonstration breeder reactor plant.

The plant probably will be built either in upstate New York, along the Susquehanna River in Pennsylvania or in Washington state.

The Government has been criticized in recent months by scientists who say the United States is trailing far behind the Soviet Union and Western Europe in breeder research.

As the President points out, the breeder reactor—which creates more fuel than it uses—is the best method now known for generating cheap, clean power.

Present nuclear plants will exhaust the nation's uranium supply before the turn of the century unless some way can be found to put the breeders into commercial use.

There are problems with nuclear power—the principal one being the threat, however remote, of runaway radiation from nuclear accident.

Nor is it certain that the electrical power industry will be willing to provide most of the money for the breeder plant, as the President proposes.

But breeder power is where we're headed if we hope to keep pace with the demand for energy. And 1980 is none too soon to get there.

THE LIBERAL "PREFERRED"
VETERANS GROUP

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. SCHMITZ. Mr. Speaker, the Vietnam Veterans Against the War—VVAW—have been portrayed to the American people as a sincere group of disillusioned "angry young men" with altruistic and relatively peaceful motivations. John F. Kerry, a member of the executive committee of the organization, has achieved nationwide wonderboy recognition overnight despite the fact that he speaks for only a miniscule percentage of Vietnam veterans—approximately 1,000 out of a total of over 2,500,000.

During the week of demonstrations held by the VVAW in Washington it was observed that many of these men were in direct violation of statute 10 United States Code section 771-774 which prohibits the wearing of a military uniform or distinctive portions of a military uniform by unauthorized personnel.

Kerry and his meager band have received assistance in their "peace" crusade from liberal establishment sources. For example, Kerry's much publicized Senate antiwar speech was written with the help of former Bobby Kennedy speechwriter, Adam Walinsky. TV time has been made available to Kerry by the liberal pressure group, Common Cause. But in addition to these "respectable" associations, the Vietnam Veterans Against the War have fallen in with some less savory bedfellows.

During House Committee on Internal Security hearings it was brought out that Al Hubbard, the executive secretary of VVAW—who masqueraded as an officer until discovered—writing on that organization's letterhead, sent a letter—April 20, 1971—to "friends" which read in part:

This is an appeal for the People's Coalition for Peace and Justice. Over the past months the People's Coalition has supported the Vietnam Veterans Against the War in many ways. The Coalition has made office space available at no charge, and permitted the use of all necessary office equipment such as mimeograph machines, stencil-making machines, folders and typewriters. They have loaned us cars, bullhorns, and public address equipment. Their staff has taken messages for us and joined fraternally in building our program. Now we can return this support.

It was interesting to note that the VVAW and the People's Coalition, the latter shown in testimony before the committee to have at least seven known members of the Communist Party on its steering committee, shared the same room at movement headquarters on Vermont Avenue.

While this group commands the national spotlight, another veterans organization advocating allied victory in Southeast Asia has worked for a year and a half to bring their message to the American people. Calling itself the National Committee for a Lasting Peace—NCLP—this organization which is quar-

tered in San Diego, is headed by Jim Cawdry—a former Army major—and Dan Johnson—a former Marine corporal. Johnson and Cawdry have appeared on more than 300 local radio and TV stations and have challenged Senator GEORGE MCGOVERN to debate the issue—he has not seen fit to reply. The NCLP has run up against a stone wall in its efforts to gain a national forum for its victory views.

Attempts to appear on the major nighttime talk shows to rebut antiwar critics have proved futile. ABC went so far as to state that victory in Vietnam—non-Communist victory that is—was not a significant view and therefore not worthy of air time.

Anyone who doubts that a bias exists among the national network news organizations need only examine the coverage given these two veterans groups. The almost infinitesimal Vietnam Veterans Against the War, representing hardly anyone, but having liberal establishment backing and revolutionary support, have been catapulted into national notoriety while the responsible advocates of victory in Vietnam continue to languish in relative obscurity.

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. RES. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"The question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"The question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within six days following the signing of the agreement: *Provided*, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

GEORGE ANASTAPLO: MILITARY MEN AND POLITICAL QUESTIONS—WHAT THE AMERICAN VISITOR CAN LEARN FROM GREECE TODAY

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. MIKVA. Mr. Speaker, Greece has been ruled by a corps of colonels ever since the military takeover in 1967. Four years later the citizens of Greece still have not been allowed to return to a constitutional government with the restoration of individual freedoms. In those same 4 years the Government of our country has callously ignored the present-day political realities is Greece. One can only speculate to what extent the attitudes and actions of the United States have helped perpetuate the tyranny under which the people of Greece suffer.

However, not everyone has grown to accept this loss of freedom. There are those in this country who are still aware of the sad plight of the citizens of Greece and who would have us remember and learn from the military takeover in Greece. One of these men is Dr. George Anastaplo. I would like at this time to submit to the RECORD an essay written by him—very appropriately—on Memorial Day of this year.

MILITARY MEN AND POLITICAL QUESTIONS: WHAT THE AMERICAN VISITOR CAN LEARN FROM GREECE TODAY

(By George Anastaplo)

(NOTE.—Dr. Anastaplo, who was born in St. Louis and now lives in Chicago, is Lecturer in the Liberal Arts, the University of Chicago, and Professor of Political Science, Rosary College.)

It should now be evident to all observers that American policy in Greece since April 1967 has been a dismal failure, so much so as to call into question as well the American understanding of and role in Greek affairs before the 1967 coup by a conspiracy of colonels who have exploited and dishonored the army in which they served.

One sees in Greece today how difficult it can be to restore constitutional government and liberty once they have been subverted. Nevertheless, one hears apologists in Greece for the colonels' dictatorial regime insisting there is indeed "liberty" in that country: "If you do what you are told, no one bothers you." Such an attitude accepts as trivial the sacrifice of the traditional political life, and liveliness, of the country, a sacrifice which is sadly apparent to the informed visitor who knew Greece in the better days of the "conservative" administration of Constantine Karamanlis (1955-63), the "liberal" administration of George Papandreou (1963-65), and the royalist administration of King Constantine II (1965-67), however troubled those administrations may have sometimes been.

It is instructive, I believe, to compare the 1965-67 crisis in Greece with the 1970-71 crisis in Canada. I found during my November 1970 and March 1971 visits to Montreal that the Canadian government has acted far more mildly than its invocation in October 1970 of the War Measures Act might have led an outsider to expect. It was evident to the visitor that, however excessive the response of the legitimate Canadian government may have been in October and however troubled the situation remains in Quebec Province to-

day, the Canadian resort to extraordinary powers was really temporary, unlike that of the usurping Greek colonels. (See my article, "Canada and the Dilemmas of Decent Men," Chicago Daily News, Nov. 26, 1970, p. 3 (reprinted in the Congressional Record, vol. 116, pt. 33, p. 44796).)

I also believe it instructive, in that it can help Americans see themselves better, to collect as I have done here some of the comments on contemporary Greece scattered through my forthcoming book on constitutionalism and freedom of speech. (This book, *The Constitutionalist: Notes on the First Amendment*, will be published in the summer of 1971 by the Southern Methodist University Press of Dallas, Texas.) I draw for the comments in my book upon my publications since 1967 about Greek affairs. (I have, during my recent trips to Greece, taken the precaution of having myself accredited as a foreign correspondent for American journals.)

The passages touching on Greek affairs, among which some repetition is inevitable, are taken in this order from the extensive notes of *The Constitutionalist*: I: chap. 6, n. 1, at pp. 564-86; II: chap. 7, n. 78, at pp. 643-44; III: chap. 8, n. 18, at pp. 680-81; IV: chap. 9, n. 34, at pp. 799-800; V: chap. 8, n. 57, at p. 698; VI: chap. 7, n. 67, at p. 627; VII: chap. 4, n. 101, at pp. 491-93; VIII: chap. 8, n. 161, at p. 754; IX: chap. 8, n. 179, at pp. 765-66. Slight modifications have been made (and cross-references have been eliminated) to permit these nine passages taken from my book to stand alone as a series of short essays. The rationale of this arrangement of passages should become apparent to the reader.

It should also become apparent to the reader that topical observations about Greece made by me in 1967 and 1968 remain all too relevant in 1971. Indeed, these dismal observations threaten to remain relevant for years to come, to the very brink of that revolutionary debacle to which the self-serving colonels are dragging Greece and her well-meaning but deluded allies.

However dismal the prospects may be these days for Greece and for the friends of Greece, the gallant Greeks at home and in exile who continue to defy their military tyrants are entitled to periodic recollections by us of how things really are in their distressed homeland. That is, they need to be reassured from time to time that it is not Washington alone who speaks for America.

I.

I have attempted, since the colonels' coup which imposed a tyranny upon Greece in April 1967, to apply to the affairs of that country what I have learned in my own. See, for an indication of what can and cannot be exported of "American freedom," my discussions of Greek affairs which have been reprinted in the daily *Congressional Record* at pages E1875 (Mar. 11, 1969), E2631 (Apr. 2, 1969), E2632 (Apr. 2, 1969), E5156 (June 23, 1969), E5978 (July 15, 1969), E6294 (July 28, 1969), and E10873 (Dec. 20, 1969), and in Volume 116 of the *Record* at pages E935 (Feb. 16, 1970), E1818 (Mar. 10, 1970), and S7535 (May 20, 1970).

Thus, I have had occasion to observe, in my "Guide to Contemporary Greece," *Congressional Record*, volume 115, part 16, page 21018:

"The most serious indictment one might make of pre-1967 Greece is that such people as [the colonels now ruling the country] were permitted to remain in the Army, that they were given an opportunity to seize power, that they could try to seize power and that they could get away with it. It is to be hoped that the Greeks, especially the legitimate political and military leaders of that country, have learned the appropriate lessons from that experience. One lesson is that de-

cent Greeks of all parties and allegiances have much more in common than any of them have in common with the kind of men who are apt to seize power if decent men are not moderate in their political differences. It is also to be hoped that the United States will be moved by this experience to reflect on whether its policies and attitudes in Greece helped prepare the ground upon which the colonels were able to execute their conspiracy."

A question often asked me is whether Americans should "support" the present Greek government by visiting that country as tourists, especially since it has been long established that that regime deliberately uses torture to secure power. Thus, a sensitive art historian (but not a Jew) who had conducted himself honorably in Germany during the 1930s has written me these observations (on the eve of his own visit to Greece in 1970):

"I wonder whether the poor people are happy or resentful with foreigners coming to Greece these days. In Nazi Germany we resented tourists happily coming to, say, Bayreuth to enjoy Wagner, with Hitler thrown in. How can one make clear that one visits Greece, the people, art, country, and not the colonels?"

There is a problem here since the colonels do parade the growth of tourism as proof of their success in making the country attractive to foreigners seeking a place where they can safely enjoy themselves.

I have visited Greece annually for almost a decade. I have never discouraged visitors since the colonels' coup (except members of my own family: I do not intend to offer the Greek tyrants, who have been rather displeased by my publications about them, an opportunity to seize hostages [on trumped-up charges] in order to coerce my "good behavior" either during my next visit there or upon my return home). But I have urged visitors to Greece not to go merely as self-centered or uninformed tourists: they should be prepared to make prudent but persistent efforts to talk to Greeks about the regime, to offer what information and comfort they can to that suppressed people (including lawful materials about Greece published abroad), and to publicize when they return home what they manage to learn about that country (especially since the support of our government has been essential to the continuation of the colonels' regime). That is, I have urged prospective visitors to Greece to do for that people what we would want done for ourselves in like circumstances: we can also learn thereby what to be vigilant about in our own community.

The position I have taken about visitors to Greece is essentially that indicated in a letter of mine published in the *Observer* (London), Aug. 14, 1960, during a six-month family camping tour of Europe in the spring and summer of 1960:

"I should like, as a recent visitor to the Soviet Union, to take issue with Mr. John Wain's suggestion that Western tourists provide that country with 'unpaid propaganda work when they get home'."

"Almost invariably the fellow tourists with whom my wife, children and I exchanged impressions at the end of each day shared our serious reservations about the dreary, uncomfortable, restricted and monumentally tasteless life the Russian people seem to have had imposed upon them. The tourists with whom we came in contact were young people using the camping facilities we lived in outside Minsk, Smolensk and Moscow."

"Visits by tourists provide a valuable source of information for both the West and the Russians. The eagerness of Soviet citizens to talk to and question visitors reflects their interest in the outside world."

"I should like to urge increased contacts of the kind that only tourists can make. I say this despite the fact I was expelled from the Soviet Union last month, midpoint in a

two-week visit, for having presumed first, to photograph and then to attempt to counsel three American and English students detained (and subsequently expelled) for allegedly distributing copies of the United States State Department exchange magazine, *Amerika*, on a Moscow street."

I was declared guilty during my trial (the afternoon of July 28, 1960) of having "subverted public order." (I myself had neither previously known the detained students nor attempted to distribute any of the magazines they did have: I got "involved" upon trying to suggest a prudent course of action for them to follow after the authorities pounced. Their rashness got us all in trouble—and gave us a valuable opportunity to confirm what I had heard about Russian police practices and judicial "procedures.") See, for more information about this episode, Anastasio, "Notes on the First Amendment" (University of Chicago Ph. D. diss., 1964), pp. 838-43, an appendix which is prefaced by an observation of Lord Cockburn's in 1853: "In a country like Russia where no one is safe in saying anything against the Government, or like America where every one seems to be safe in saying anything he pleases, obedience to the law is easy." (See, also, Malcolm P. Sharp, "The Conservative Fellow Traveller," *U. Chicago L. Rev.*, 30 [1963]: 704, 718-19.)

The Greece of the colonels is much more like Russia (of the Czars, both extinct and contemporary) than it is like America. The Greek tyrants, however, are more dependent upon and hence more responsive to American public opinion than are their Russian counterparts. See, e.g., my comparison of the effectiveness in Athens of American diplomats with the effectiveness there of foreign correspondents, which is found in a memorandum of October 12, 1970 (*Congressional Record*, volume 116, part 32, page 42624), "American Aid and Greek Tyranny." This memorandum was prepared as a result of my most recent adventures in Greece. (One does acquire a sense of some obligation toward a country which one visits often or from which one has otherwise gotten much.) These adventures saw me deported from Greece to Rome in September 1970 (for what I had written theretofore) and then invited by the Greek government to return after my fellow foreign correspondents in Athens had intervened on my behalf.

I should note that the efforts I have made to explain the Greek tyranny to Americans (who are partly responsible for the state of affairs there) have been endorsed by virtually every pre-1967 Greek leader, whether liberal or conservative, whether royalist or antiroyalist. (That is, the legitimate leaders of that country, unlike the colonels, do not regard my efforts as illegitimate "foreign interference in Greek domestic affairs.") I should also note that I did not concern myself with Greek political affairs before 1967, and do not expect to be obliged to continue to do so upon the reestablishment in Greece of genuine parliamentary government. I am afraid, however, that the colonels' regime (which is actively supported by most influential Greek-Americans) is likely to remain in power a long time: things have settled down to a dreary sameness, with little new to report from year to year. Tyrannies can be tiresome.

II

Fortunately for the cause of freedom, the men who are today most intent upon instituting repressive measures are also most likely to be negligent in the procedures they employ: that is, they are men who are not likely to be able to restrain and discipline themselves. Rather, they are likely to expose themselves and thus to put decent men on notice about what is going on.

The significance of an adherence by well-trained courts to traditional procedural standards is suggested by the remarkable de-

laying action that the South African judiciary was able to carry on for years against the full implementation of tyrannical legislation. See Lionel Forman and E. S. Sachs, *The South African Treason Trial* (London: J. Calder, 1967), pp. 41, 101, 109, 170, 211. (Consider the newspaper accounts, in early October 1970, of the recourse by the South African government to "the serving of [house arrest orders and public-gathering bans] on 19 Africans acquitted for the second time in Pretoria on Sept. 14." *Guardian* [London], Oct. 5, 1970, p. 4.)

In any event, it is somewhat reassuring that there does seem to be in the world of practical affairs some connection between vice and ignorance (or incompetence):

"The Report [on Torture in Greece issued in November 1969 by the European Human Rights Commission in Strasbourg] is a historic step in international human rights law, as it is perhaps the first time that an international body carried out such a thorough investigation of a police state. The horror of the situation emerges vividly from the Report, despite its legal and technical style. Another aspect that emerges is the extraordinary ineptitude of the Greek authorities in handling this case. Especially when the sub-Commission heard evidence in Greece, the confusion of the authorities is manifest. They let the jurists see some witnesses and places and then refused them others. Documents such as police ledgers and medical reports were patently falsified. The Greek government witnesses and lawyers seemed to believe that the argument, 'It is a communist lie' was a sufficient and effective rebuttal to the mass of evidence produced by the Scandinavians. It is clear that the Greek authorities, unaccustomed to the rule of law in their own country, were totally unprepared for the rigors of a proper hearing." [James Becket, *Barbarism in Greece* (New York: Walker & Co., 1970), pp. 107-8.]

I suspect the Russian authorities would be equally inept—but they, unlike the Greek government, are not dependent on Western support and can therefore ignore altogether such proceedings, thereby depriving both themselves and their people of salutary restraints.

III

The censor of publications can suppress on the basis of suspicion alone, to say nothing of whim. But the prosecutor of allegedly criminal writing must rely, if due process of law is at all respected, on more than mere suspicion to sustain his burden of proof. See Leo Strauss, *Persecution and the Art of Writing* (Glencoe, Ill.: Free Press, 1952), pp. 24-25. One finds in Mr. Strauss's discussion the usually unarticulated premises of the principal argument against "previous restraints."

I had occasion, during a visit in the summer of 1967 in Athens with the Helen Vlachou (the conservative Greek publisher who had refused to publish her newspapers under the colonels' censorship) to prepare at her request the following memorandum:

"Anyone familiar with the Anglo-American tradition of 'liberty of the press' appreciates the importance for friends of liberty of an insistence upon 'no previous restraints.' That is, the effort in the 18th and 19th Centuries to establish and secure the liberty of the press was, in large part, an effort to protect the right of anyone to publish whatever he chose without any prior control by government of the contents of such publication. It was accepted that there could be, when something was published contrary to the law of the time or disliked by the government of the day, prosecution of the offending publisher. But it was nevertheless thought that such prosecution was not as destructive of the common good or as offensive to personal dignity as a prior review by the government of the contents of publication. Indeed, some publishers have always preferred the safety

of censorship to the risk of undertaking the obligation of deciding in each case what could be responsibly and safely published.

"What is or should be prosecuted after publication depends on particular circumstances, both social and personal. It should be remembered that the censor's prior restraint may be completely arbitrary and without any challenge, while the punishment for publication has at least the safeguard (except in the most oppressive regimes) of some judicial process in open court. It should be remembered as well that self-regulation recognizes the dignity and sense of responsibility of the publisher

"In the best of all worlds, there would be neither censorship (previous restraint), nor any punishment for honest publication. But it is certainly important that there at least be no censorship, leaving the publisher free to run the risk of honest publication."

It is significant that these observations, drawing on the centuries-old Atlantic tradition, made sense to Mrs. Vlachou who had been obliged to work out similar arguments that summer on the shores of the Mediterranean. Mrs. Vlachou was arrested shortly after our meeting. Her account of her adventures is recorded in *House Arrest* (Boston: Gambit, 1970), which I reviewed for the *Chicago Sun-Times*, June 24, 1970, p. 47. I included in my review the following observations which, with appropriate adjustments to our circumstances, should be taken to heart as well by American conservatives and liberals alike:

"[Mrs. Vlachou] has, among other things, a gift for the apt image, as is indicated by her observation that the colonels have 'hijacked the country,' a seizure made possible by 'the arms NATO had confided to them to protect Greece from real danger.' This hijacking, it must be added, was also made possible by the imprudent feuding from 1963 to 1967 of the politicians, press and Palace of Greece. What makes Greece both exciting and vulnerable is the existence there of a sense of self-importance: each Greek is prepared to lead his country to glory; few are prepared to submerge themselves (except in the face of foreign invasion) to a common purpose. Liberals conveniently detected such an invasion in the maneuverings in Athens of the American C.I.A. Conservatives were more effective in conjuring up foreign threats, partly because of the distorting legacy in Greece of a cruel civil war a generation ago: they could, Mrs. Vlachou admits, publish 'whipped-up warnings of "Communist danger"—always a useful pre-election vote winner for the parties of the right, in which we [her newspapers] had also indulged.' That is, she seems to recognize now the irresponsibility of such thoughtlessly partisan tactics. She has yet to recognize in print the extent to which Greek liberals feared and resented (with some justification) the oppressiveness of the police, particularly outside Athens, an oppressiveness which Vassilis Vassilikos portrays so well in his novel, *Z*. But there were at least available in the world of *Z* unfettered journalists and jurists—unlike conditions in Greece today. Traditional political rivals in Greece do concede these days that they have much more in common with one another than any of them has with the colonels. However responsible Mrs. Vlachou may have been in contributing to the political paranoia and the self-righteousness of the colonels (they were among her most devoted readers), she was perceptive enough to see that such upstart extremists could not be the saviours of Greece—and she was courageous enough, while others preferred to see in the colonels a useful solution to a disruptive constitutional crisis, immediately to declare herself in opposition to them . . ."

See *Book World*, May 24, 1970, p. 5, for my critique of a book of one of Mrs. Vlachou's

political rivals, Andreas Papandreou, *Democracy at Gunpoint: The Greek Front* (New York: Doubleday & Co., 1970). (*Free Greek Voices*, a compilation edited by Mrs. Vlachou for publication in 1971 by Doric Publications Ltd. [10a Gayfere St., London], promises to be useful.)

IV

I spoke in September 1968, at a dinner in Athens sponsored by the Greek government for a party of visiting Americans, of the intimate relation between free discussion and a free ballot (see Edmund Burke, *Works*, World Classics [London: Oxford University Press, 1930], 3: 9, 12):

"We know that the most distinguished opponents of your proposed constitution—the politicians who we know have had popular followings for years—have been for some time under house arrest and will not be released before next Monday, and only then in order to be able to vote the following Sunday on the proposed constitution. It has been made clear to them that they are not to speak publicly against the constitution. How can it be said in such circumstances that a genuinely free referendum is being held, irrespective of how the balloting itself is conducted or comes out? . . . Yet, we have been told several times this evening that we are about to witness free balloting, that this is confirmed by the fact that some newspaper criticism of specific articles in the proposed constitution has been permitted. But we Americans know what a free election is. We know this from our own experience. We know what a free election feels like. We know what it sounds like. We know what it looks like. And we know this is not it.

"We Americans do know what to think when we see government resources and government personnel marshaled as they have been here in a massive (and no doubt successful) campaign to produce the desired result. This is no more a free referendum than similar exercises are free either in Spain or in Russia.

"And yet our host and his government have tried to persuade us that we are witnessing a genuinely free expression of the will of the Greek people. It seems important to them that Americans believe this. We Americans may not be informed enough about or familiar enough with Greek history and Greek affairs to be able to judge other claims of this government. But, as I have said, we do have the experience and the ability and the information to judge whether an election is truly free. And when we can see that this government claim about a free referendum, of which we have heard so much, is simply without foundation, what are we to think of all the other claims that we hear from the same government about what it has done for Greece, about what its motives are, about its innocence of deliberate torture of political prisoners, and about the imminent Communist danger from which it saved Greece by seizing power last year? Are we not entitled to judge what we may not know by what we can and do know?

"We have been speaking tonight of liberty. Liberty is what we Americans do know something about. And when an American visitor, who respects both the truth and Greece, is confronted as we have been at such length, not only tonight but ever since our arrival in Athens, by the insistence that liberty is to be found in Greece today, he is obliged to dissent, if he presumes to speak at all.

"If what Greek citizens have now is what you mean by 'liberty,' then we should all reconsider what we mean by 'the free world.'" [*Dissent in Athens*, *Notes on World Events* (Chicago Council on Foreign Relations), May 1969, pp. 3-4; *Congressional Record*, vol. 115, pt. 13, p. 16878.]

The vote on Sept. 29, 1968, "for" the colonels' constitution was 92 per cent.

v

The Deputy Prime Minister of Greece, Stylianos Pattakos, advised me in September 1970 that I had no right as an American citizen to advise the American government about its policy toward Greece. He berated me in the most violent terms when I challenged his insistence that all I was entitled to do in America was to vote for officials who would then do what they deemed necessary, without any "interference" from citizens. Indeed, our exchanges in the course of this semipublic debate in Athens were such (especially after I indicated I needed no lessons in citizenship from an army officer who had, in order to advance himself, substituted tanks for ballots) that it seemed for a while I would be expelled from Greece for the second time that month.

Whether I will ever be permitted to return (as a "foreign correspondent") to the Greece of the colonels remains to be seen.

vi

Fundamental issues with respect to the legitimate source of authority in a republic may be raised upon consideration of the proper relation between political and military policies. Thus, I observed in my article, "Swan Song of an Eagle: America in Greece," *Southwest Review*, 55 (1970): 105, 124-25 (reprinted, in part, in the *Congressional Record*, vol. 116, part 12, p. 16362):

"Even more serious for America than the deterioration of a valuable alliance between the United States and Greece is what our behavior with respect to Greece may reveal about how we conduct our affairs all over the world.

"If our political leaders, including our State Department experts, had a better idea of what they were doing, and were to insist upon their professional and constitutional prerogatives, our military people would be more likely to do their jobs properly. To some extent, the usurpation of political functions and judgments by military men may represent a sincere attempt on their part to take up the slack left by the incompetence, diffidence, or negligence of civilians. But our military are ill-equipped to make political judgments: in this they share the disabilities of the Greek colonels, who can seize and hold power but who do not really know what to do with it. Our military (if permitted to behave elsewhere as they have behaved, or as they seem to have behaved in Greece) can succeed only in undermining our traditional respect for them, that public trust and accompanying honor which most fittingly reward and sustain men who devote their lives to the defense of their country.

"Thus, we cannot be fair either to our military or to ourselves if we permit or require them to assume duties and make judgments for which they are not equipped. We are not realistic about the enduring sources of our influence and self-confidence as a republican people if we 'pragmatically' exclude from our calculations in our relations abroad considerations of either political integrity or human dignity."

It should be added, however, that our civilian leaders are ultimately to blame in Greece, as in Vietnam, for our failures.

vii

Does not the constitutional guarantee of protection to the states by the federal government against invasion and domestic violence relieve American state governments of the necessity of maintaining substantial armed forces and thereby make even more likely the success of republican government in each State (and hence in the United States as a whole)? Is not this arrangement equivalent to the "deep Ditch" that Gouverneur Morris saw as essential to the development and preservation of freedom in England. Thus, he records in his diary a Paris con-

versation with Lafayette (at the time of the French Revolution):

"I reiterate to him the necessity of restoring the nobility, at which of course he flinches and says that he should like two Chambers as in America. I tell him that an American Constitution will not do for this country and that two such Chambers would not answer where there is an hereditary executive. That every country must have a Constitution suited to its circumstances, and the State of France requires a (stronger) government than that of England. He starts at this with astonishment. I pray him to remark that England is surrounded by a deep Ditch and being only assailable by sea can permit many things at Home which would not be safe in different situations. . . ." [Gouverneur Morris, *A Diary of the French Revolution*, ed. Beatrix C. Davenport (Boston: Houghton Mifflin Co., 1935), 2: 72.]

See, also, Aristotle, *Politics* 2.10 (on Crete); Montesquieu, *Spirit of the Law* 18.5; Tocqueville, *Democracy in America* (New York: Random House, Vintage Books, 1954), 1: 169; *Federalist* (New York: Random House, Modern Library, 1937), pp. 23, 45-47, 79, 97-98, 153-54, 203, 266 (parallel to atomic weapons?); Max Farrand ed., *Records of the Federal Convention of 1787* (New Haven: Yale University Press, 1937), 1: 464-65.

My argument on the relation of federalism and freedom was dismissed by Lenin as a "prejudice which is very widespread, particularly among petty-bourgeois democrats." *Essential Works of Marxism*, ed. A. P. Mendel (New York: Bantam Books, 1961), p. 159.

It is evident in Morris's *Diary* that the English reliance upon the "deep Ditch" required an adequate navy, which in turn required the use of press gangs. Thus, press gangs and English freedom can be said to have gone hand in hand. Is the critical cost of American federalism that provincialism (affecting both education and administrative efficiency) which induces some to dismiss "states' rights" as "the first refuge of a reactionary"? Paul Samuelson, *Newsweek*, Feb. 13, 1967, p. 88.

I have elsewhere argued, in effect, that the North Atlantic Treaty Organization can be for Greece what the "deep Ditch" has been for England and what federalism is for us Americans:

"The political man knows that he must take into account the prejudices of his people. He takes account of prejudices both by changing them when he can and by conforming to them when he cannot change them. The [Greek] Army's, and to a lesser extent the [Greek] people's, fear about the present Communist threat to Greece has to be moderated. This, at least, can be altered, even though the memory and hence the effects of the fierce Communist atrocities of the Civil War (prepared for by the harshness of Metaxas and by the bestialities of the Germans and their collaborators) cannot be erased for generations. The Greek politician who seeks to contain politically the Greeks' blinding anti-Communism should exploit domestically the NATO assurances. That is, politicians of the Left should consider the advantages for them of them of the fact of such protection for Greece: properly explained, the NATO arrangement can be used to persuade Greeks that they are free to take domestic reconstruction far more seriously than any threat, foreign or domestic, from Communism." ["Retreat from Politics: Greece, 1967," *Massachusetts Review*, 9 (1968): 83, 110-11 (reprinted, with corrections, in the *Congressional Record*, Apr. 2, 1969, vol. 115, p. E2632).]

The critical cost to Greece of such assurances (which should permit the reduction of the disproportionately large Greek army) may be the prospect of further naive American meddling in the volatile maneuvers of Greek parliamentarians.

viii

Misplaced confidence in the military is good for neither military officers themselves nor the country they wish to serve. Cf. Morton Orodzins, *Americans Betrayed: Politics and the Japanese Evacuation* (Chicago: University of Chicago Press, 1949), pp. 242-43:

"With the first announcement of prohibited areas [on the West Coast during the Second World War], Attorney-General Francis Biddle appointed Thomas C. Clark as coordinator of the Alien Enemy Control program for the Western Defense Command. . . . In [one] respect, Mr. Clark disappointed his colleagues in Washington. They hoped that the promulgation of prohibited and restricted areas would quiet the rising clamor for mass evacuation [of Japanese and Japanese-Americans from the West Coast]; one of Mr. Clark's first jobs, they thought, would be to reassure the population that the new program provided adequate protection and that sterner measures were unnecessary. Mr. Clark's method of carrying out this part of his mission was one of reassuring the people that the military authorities were talking, and would take, all necessary measures. . . . Mr. Clark's attitude was expressed most graphically after Army authorities had been given full authority but before evacuation policy had been set: 'If the military authorities, in whom I have the utmost confidence, tell me it is necessary to remove from any area the citizens as well as the aliens of a certain nationality or of all nationalities I would say the best think to do would be to follow the advice of the doctor. Whenever you go to a doctor if he tells you to take aspirin you take aspirin. If he tells you to cut off your leg so you can save your body you cut off your leg. So I think it is up to the military authorities. . . .'"

I had occasion of 1968 (at the Greek government dinner in Athens referred to in Section IV, above) to comment on a similar argument made on behalf of the colonels:

"We have been told several times this evening [by government spokesmen] that Greek affairs of recent years required drastic medicine, that a doctor must sometimes prescribe harsh measures in order to save the life of the patient. But do we not all believe that an adult is entitled to select his own doctor, and to discharge him when he chooses? By what authority does the presiding doctor prescribe what is necessary for Greece? How can the Greeks be said to have selected him, when they did not even know who he was? What diploma does he have as a doctor? What proof of his qualifications is there aside from his self-serving testimony about himself? Certainly, we cannot accept as indicative of public approval of his regimen the fact that an unarmed people does not resist a determined government which is heavily armed." ["Dissent in Athens," *Notes on World Events* (Chicago Council on Foreign Relations), May 1969, pp. 1, 4 (reprinted in *Congressional Record*, vol. 115, pt. 13, p. 16878).]

ix

Are there not thoughtful men associated with the Joint Chiefs of Staff in Washington who realize that whatever expertise the military have, it does not equip them to make political judgments, perhaps not even general strategic judgments (for these are often vitally dependent on political judgments)? The military man as such may have the disability—and, indeed, may be good at his job partly because he has the disability—that President Kennedy thought particularly striking in Admiral Halsey: "Bull Halsey is the perfect man to send on a military operation. But he must never participate in the decision on whether or not to go." *Life*, July 10, 1970, p. 22A.

Illustrative of improper, and eventually

self-defeating, military influence with respect to political judgments by our government is the insistent and decisive role played by the Pentagon in determining our relations with Greece since the colonels took over in 1967. Thus, Senator Strom Thurmond introduced in Senate debate "an impressive document from the Department of Defense which clearly presents the vital need to maintain our aid to Greece." *Congressional Record*, vol. 116, pt. 16, p. 22011.) It is a remarkably shallow document, however influential it may have been in the Senate proceedings, a document which takes at face value everything the present Greek government claims. Even the people in our State Department, who were deluded for so long about the colonels' "intentions," now know better than that. (They know, for instance, that the colonel's government is regarded by many patriotic Greeks as "quisling." *Ibid.*, p. S13873 [Aug. 20, 1970].) Far healthier for the Republic are the spirit and standards reflected in the telegram sent by President Lincoln's Secretary of War to an eminently successful General Grant (Lincoln, *Complete Works*, ed. J. G. Nicolay and J. Hay [New York: Century Co., 1902], 2: 656):

"The President directs me to say that he wishes you to have no conference with General Lee unless it be for capitulation of General Lee's army, or on some minor or purely military matter. He instructs me to say that you are not to decide, discuss, or confer upon any political questions. Such questions the President holds in his own hands, and will submit them to no military conferences or conventions. Meanwhile you are to press to the utmost your military advantages."

**COMMUNITY NEED BE DAMNED—
THE INDUCTION OF URBAN PHYSICIANS**

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. BADILLO. Mr. Speaker, within the next few days we will witness the induction of a large number of young physicians into the Armed Forces. Most of these doctors will have recently completed their internships and intended to begin their residencies. While some may have been considering comfortable training and practice in private hospitals and suburban communities, many others had intended to continue working in urban, public hospitals and to continue providing urgently needed medical care and treatment to many persons unable to afford it. However, they are not being permitted to do so and large numbers of our urban poor and sick will have to fend for themselves.

At the Bronx Municipal Hospital Center in New York, for example, six resident physicians in medicine have been ordered to report for induction on July 1. These six physicians represent 35 percent of the resident physicians at the center. Their loss will result in a critical physician shortage of substantial detriment to the health care of a large number of my constituents in the Bronx.

A similar situation exists at the Harlem Hospital Center, an affiliated municipal hospital serving an area of approximately 400,000 persons in central Har-

lem, a community featured by desperate medical disadvantages.

Situations as I have just described exist in other urban public hospitals, both in New York City and elsewhere throughout the country. In Los Angeles County, Calif., the "doctor draft" will have the effect of reducing house staffs at certain hospitals by as much as 10 to 20 percent. Although there is a critical nationwide shortage of doctors, this desperate problem has apparently been ignored and once again we see the continuation of grossly distorted priorities. The administration has obviously chosen to disregard the fact that some 5,000 communities around the country are without doctors, that countless citizens will be deprived of the only available health care and the fact that many hospitals are forced to recruit foreign doctors in order to meet their needs.

As one urban medical director has noted, "In the complex setting of a municipal hospital, the delivery of medical care is heavily dependent upon house staff—interns and residents." Not only does the induction of interns and residents needlessly interrupt their medical training, but there is also the loss of their crucial services to the hospitals and communities. The loss of house officers may result in long-lasting staffing deficiencies as house officers are sought and hired during the fall of each year to begin on July 1. Thus, those residents and interns inducted next month simply cannot be replaced and health care and services will be cruelly denied to many of our constituents.

Mr. Speaker, the Selective Service System maintains that full consideration will be given to the doctor's community essentiality. In all candor, however, I have seen absolutely no evidence of this. Recently, for example, a young intern at the Montefiore Hospital and the Neighborhood Health Center in the South Bronx was classified I-A by his local board in Wisconsin, even though he had submitted a number of statements—including one from the Bronx borough president—attesting to his essentiality to that community. Countless similar examples can be offered to demonstrate that little or no concern is shown for the urgent need for health programs and personnel in our ghetto communities. Thus, even though many of my constituents and others living in urban poverty areas cannot afford the luxury of a private physician or clinic, their needs are callously disregarded.

The concept of community need or essentiality appears to be nothing more than a sham or cruel hoax and members of suburban draft boards seem to have little concern for the health crisis with which poverty-stricken urban dwellers are confronted. It is clear that the doctor draft will work a considerable hardship on our urban public medical facilities and the millions of persons served by them. It is equally clear that no action will be taken by the administration to halt this ill-conceived plan and to redirect its priorities. As a consequence, two community organizations in my district and two private citizens have in-

stituted a class action suit against the Director of the Selective Service System and other selective service officials with a view toward enjoining the induction of two physicians at the Bronx Municipal Hospital Center.

Mr. Speaker, I do not believe that many of our colleagues are fully aware of the ramifications of the impending induction of over 1,500 physicians, a large number of whom have been working and studying in public hospitals and have been providing dedicated and effective health care to many indigent persons. In order that we may more fully understand this impending crisis and take appropriate action, I submit herewith, for inclusion in the RECORD, a memorandum supporting the class action suit against the Selective Service System; statements from the Society of Urban Physicians and a director of the New York City Health and Hospitals Corp., attesting to the critical need for these physicians; and, my recent exchange of correspondence with the New York City Medical Advisory Committee, including its wholly unacceptable reply. I urge that our colleagues give this situation their fullest and most careful attention and that steps be taken to avert the health-care crisis with which we will soon be faced if these interns and residents are drafted.

[U.S. District Court for the Southern District of New York]

MORRISANIA COMMUNITY CORP. ET AL., PLAINTIFFS, AGAINST CURTIS W. TARR, ET AL., DEFENDANTS

(Civ.)

MEMORANDUM OF LAW

This memorandum is respectfully submitted in support of Plaintiffs' request for the maintenance of this action as a class action, pursuant to the provisions of F.R. 23 (c) (1), in support of the maintenance of this action notwithstanding the provisions of 50 U.S.C.A. App. § 460(b) (3), and further in support of Plaintiffs' request for temporary and permanent injunctive and declaratory relief.

FACTS

Plaintiffs Morrisania Community Corp., Hunts Point Multi-Service Center Corp., Robert Garcia and Dennis Gardner in this action are representatives and residents of the community of the Bronx. This community is largely dependent for adequate health care upon the services of Jacobi Hospital, and any interruption of such services furnished by Jacobi Hospital causes irreparable harm to the people of the Jacobi area who have no other source of adequate health care.

Plaintiffs Marc Greenwald and Andrew Rosenblatt are physicians practicing medicine at Jacobi Hospital, which is affiliated with the Albert Einstein Medical College, at which they are full-time graduate students in medicine. They, and other physicians similarly situated, have received Orders to Report for Induction pursuant to Special Call No. 46 for Physicians, Osteopaths, and other medical personnel. Deferments within the Selective Service System are available for doctors who are determined by the Medical Advisory Committees to be essential to the health care of the communities in which they work. (See Exhibit "G" to the complaint.) It is not known how these determinations are made, but it is known that registrant-physicians are not permitted to appear before the Medical Advisory Committees or otherwise to submit evidence to such committees.

Pursuant to the apparently binding recom-

mendations of the Medical Advisory Committees, Selective Service has deferred some physicians and has refused to defer others. No standards are published or known to plaintiffs concerning the way in which decisions are made by the Medical Advisory Committees.

Plaintiff Marc Greenwald is currently in receipt of an order requiring him to report for induction on July 1, 1971, which order has been postponed "pending advice of the Medical Advisory Committee." (Exhibit "E").

Plaintiff Andrew Rosenblatt is currently in receipt of an order requiring him to report for induction. Plaintiff Rosenblatt was recently advised by his Local Board that the Medical Advisory Committee had determined that he was "non-essential" and that he should report for induction as ordered. (Exhibit "F").

Other physicians throughout the nation have been ordered for induction and have had their eligibility for induction determined by Medical Advisory Committees. No procedures are available to any physician-registrant to challenge the opaque findings of the Medical Advisory Committees, nor is there any way at all that the affected communities, dependent for their health care upon these physicians, can cause evidence to be submitted to the Medical Advisory Committees. For these groups, Medical Advisory Committee actions are totally unchallengeable.

THIS ACTION IS APPROPRIATELY MAINTAINED AS A CLASS ACTION AND SHOULD BE GRANTED THAT STATUS

The class action device has been developed in part to facilitate the resolution of disputes where a large group of people exists and each member individually possesses a right common to all members of the group so that one adjudication concerning the nature of that right can be determinative for each member of the group. The court may, by this device, proceed to a decree where the interested parties are numerous to an extent which makes joinder by the normal rules impracticable or impossible. Class actions are further essential to prevent inconsistent judgments in areas where uniformity is required to insure efficiency and basic fairness.

The instant case is particularly suited to the class action procedure. It is clear that where government action is directly involved, access to basic rights, such as adequate health care, must be equally provided for all persons in the United States. The people of the Bronx Community, herein represented by plaintiffs Morrisania, Hunts Point, Garcia and Gardner, are entitled not to have their only access to adequate health care effectively terminated by government action based upon arbitrary determination of "essentiality" made by bodies to which those who speak on behalf of the community have no effective access. Each member of the Bronx Community served by Jacobi Hospital has an identical and equal right to adequate and proper health care and the people of that community cannot lawfully be deprived of adequate health care by government action which arbitrarily and effectively discriminates against their community. Such discrimination is exactly what has taken place in the instant case. The quotas of physicians to be inducted from various areas of the country are determined not by the Selective Service System but by the Medical Advisory Committees. Where some areas of the country are barely affected at all by the Physicians Draft, others, such as the area served by Jacobi Hospital, are threatened with the loss of up to one third of their residents in medicine. There is a clear and invidious discrimination being practiced against the people of the latter community.

50 U.S.C.A. App. § 454(j) requires that in allocating quotas of physicians to be induct-

ed, it is the obligation of the Medical Advisory Committee to "... give appropriate consideration to the respective needs of the Armed Forces and of the civilian population. . . ." An allocation of quotas for induction which fails to make this evaluation and which reflects such a failure is arbitrary, capricious and unlawful. As such, it infringes the right of the people of the communities discriminated against to receive proper and adequate health care. This discrimination is against each and every individual in the community depending on a community service hospital such as Jacobi. The persons served by Jacobi Hospital number in the hundreds of thousands and it is accordingly impossible for their right to health care properly to be adjudicated except by means of a class action to protect that right.

It is also appropriate for plaintiffs Marc Greenwald and Andrew Rosenblatt to seek to maintain this action on behalf of a class of physicians being drafted through the use of an illegal procedure. The drafting of a young man is an infringement by the government of his liberty and property, and as such can only be accomplished if the requirements of due process are rigorously observed. The procedure employed by the Selective Service System and the Medical Advisory Committee for the determination of quotas of physicians to be drafted, and further for the determination and the availability for induction of any particular physician violates due process requirements. These decisions are reached without an opportunity for an affected physician to present evidence in his own behalf concerning his essentiality or to confront witnesses and rebut evidence in opposition to his contention that he is essential to the community. He is provided only with an opaque conclusory determination made by a body whose composition, procedures and rules are unknown. In what amounts to a Star Chamber proceeding, the course of a young doctor's life is drastically affected and irrevocably determined without his being afforded an opportunity to speak in his own behalf. There is no access for registrants to the Medical Advisory Committees and no opportunity for a registrant or the institution in which he practices or the community in which he serves to gain the ear of the Medical Advisory Committee involved in order to present the case for the registrant's essentiality for the health care of that community.

Such a procedure violates our basic concepts of procedural fairness under the rubric of due process. It must be considered to be essential to due process that a young man be given an opportunity to speak in his own behalf before two years are excised from his life. Each and every doctor whose conscription is determined by such a system is denied essential due process and this action is accordingly appropriately maintained as a class action, since the procedure employed by Selective Service has affected or threatens to affect every doctor subject to the Military Service Act of 1967. Such a procedure, if wrong for one, must be wrong for all.

50 U.S.C.A. APP. § 460 (B) (3) IS NOT A BAR TO THIS ACTION

In the event that defendants should argue that 50 U.S.C.A. App. § 460 (b) (3) ousts this court of jurisdiction, plaintiffs urge that such a result is not possible concerning Class A and should not be allowed concerning Class B.

It is academic that to deprive a court of its power to review all acts of an administrative agency, a statute must be clear and unambiguous. *St. Joseph Stockyards Co. v. United States*, 298 U.S. 38 (1936). The language of 50 U.S.C.A. App § 460 makes clear that this section is meant to refer only to challenge to Selective Service actions by registrants and not to challenges to Selective Service action by other interested parties. Plaintiffs Morrisania, Hunts Point,

Robert Garcia and Dennis Gardner and the class they represent clearly cannot challenge the asserted legal actions of the Selective Service System either by way of *habeas corpus* or criminal defense. To read 50 U.S.C.A. App. § 460 (b) (3) to prohibit judicial review of the action of the Selective Service System at the behest of the members of Class A would be to preclude those persons from having any access whatever to judicial review. Thus read, the Statute must be unconstitutional and void under the Fifth Amendment. *Petersen v. Clark*, 285 F. Supp. 693 (N.D. Cal. 1968).

As to the members of Class B, and registrants in general, it is now well-settled law that pre-induction challenges to Selective Service action will be entertained by the courts where the action of Selective Service is blatantly lawless. *Oestereich v. Selective Service System*, 399 U.S. 233, 240 (1968); *Gutknecht v. United States*, 283 F. Supp. 945 (D. Minn. 1968), *aff'd*, 406 F.2d 494 (8th Circuit 1969), *rev'd.*, 396 U.S. 882 (1970); *Breen v. Selective Service System Local Board No. 16*, 284 F. Supp. 749 (D. Conn. 1968), *aff'd.*, 406 F.2d 636 (2d Circuit 1969), *rev'd.*, 396 U.S. 360 (1970); *Wolff v. Selective Service System Local Board No. 3*, 372 F.2d 817 (2d Circuit 1967). The actions here in question are so clearly without the scope of the Fifth Amendment and of § 454(j) as to constitute such blatantly lawless action as will give this court pre-induction jurisdiction.

The Statute requires that the court retain jurisdiction. A reading of 50 U.S.C.A. App. § 460 (b) (3) depriving the court of jurisdiction as to either class here involved would render § 460 (b) (3) offensive to the constitution and valid.

PRELIMINARY INJUNCTIVE RELIEF IS JUSTIFIED— PLAINTIFFS WILL SUFFER IRREPARABLE INJURY FROM THE ENFORCEMENT OF THE INDUCTION ORDERS NOW OUTSTANDING

The Community dependent upon Jacobi Hospital for virtually all of its medical care is immediately threatened by defendants' attempt illegally to induct members of Class B. Few greater harms can befall an urban, overcrowded, largely economically disadvantaged community than to have its primary source of health care removed or effectively crippled. Defendants threaten to remove nearly one-third of the residents in medicine serving the Jacobi area. The harm resulting to the community from this action cannot be measured and cannot be avoided in any way other than to retain members of Class B in the community performing their duties.

The members of Class B threatened with illegal induction are also in danger of suffering irreparable injury. Jobs must be abandoned, patients neglected, professional responsibilities untended; homes are uprooted and families dislocated. The harm is real; it is immediate; and it cannot be remedied other than by this court's order that the members of Class B thus illegally threatened with induction be protected by the issuance of a preliminary injunction pending the determination of this action.

CONCLUSION

For the reasons above stated this court should declare this action to be maintainable as a class action on behalf of both classes hereinbefore described. The rights sought to be protected herein cannot be so protected except by the issuance of a preliminary injunction as prayed for in the complaint. This action should not be held to be barred by Section 460 (b) (3).

Dated: New York, June 8, 1971.

Respectfully submitted,

JEREMIAH GUTMAN,

DONALD L. DOERNBERG,

Levy, Gutman, Goldberg & Kaplan, Attorneys for Plaintiffs. Office and P.O. Address: 363 Seventh Avenue, New York, New York 10001.

THE SOCIETY OF URBAN PHYSICIANS,
New York, N.Y., April 16, 1971.
Congressman HERMAN BADILLO,
Cannon Building,
Washington, D.C.

DEAR CONGRESSMAN BADILLO: The delivery of care in New York City's Municipal Hospitals is heavily dependent upon supervised house staff (interns & residents). In addition, it is hoped that the training of these young physicians will eventually lead to the choice of New York as their area of professional activity following the years of internship and residency. The Municipal Hospitals are currently faced with the prospect that the current selective service call for physicians may create a serious deficit in the number of house officers in key hospital services.

The loss of house officers may leave long lasting hospital staffing deficiencies. House officers are sought and hired during the winter of each year. House officers cannot be replaced at least until the following July. In cases involving the loss of a house officer late in the academic year there may be considerable difficulty in filling the position for as long as 18 months.

House officers come from varied areas throughout the country. The local quota considerations of draft boards may not take into account the needs of a far removed hospital and community. We are in need of focal attention for the specific physician needs of the New York City area. We ask your help in bringing the situation to the attention of the Office of Selective Service.

Sincerely,

GERALD E. THOMSON, M.D.,
Harlem Hospital Center.

NEW YORK CITY,
HEALTH AND HOSPITALS CORP.,
New York, N.Y., April 20, 1971.

Col. BENTLEY COURTENAY,
Madison, Wis.

DEAR COLONEL COURTENAY: I am a member of the Board of Directors, New York City Health and Hospitals Corporation. This public benefit corporation was established by the State of New York and is responsible for the management of the eighteen municipal hospitals in the City of New York. We are primarily concerned in our hospitals with the care of the poor and the indigent who are unable to obtain medical care elsewhere. Unlike the usual voluntary or community hospitals, our hospitals are staffed almost exclusively by our house officers; that is, our interns and residents. They provide the primary care for our patients.

I am therefore writing you this letter with regard to the above named physician, who, I understand, has received notice of induction. He is currently on our staff as an intern providing excellent care to the patients at Harlem Hospital. He has been appointed a first year resident which will increase his responsibility as of July 1st to care for more patients and also to train the interns who will be coming on board as of July 1st. His position is such that he will have great responsibility for many thousands of patients during the course of the year. Because of this late date, it will be impossible for us to find a replacement for Dr. —, and his loss would be such that there would be no doubt that many patients would suffer.

I can not stress the importance of Dr. — to the delivery of health care at Harlem Hospital. At best we are severely understaffed at all our hospitals and Harlem is one of the most understaffed. It is only through the long hours and devotion of men like Dr. — that the sick poor are cared for with any degree of modern medical concern. His loss to us would indeed inflict an undue hardship upon many patients for whom he is the responsible physician. I urge you to consider these factors and appeal to you on be-

half of the Hospital and the Corporation for your assistance in this matter.

If I can be of any further service, do not hesitate to contact me. Thank you for your considerations.

Very truly yours,

EDMUND ROTHSCHILD,
Director, New York City Health and Hospitals Corp.

MAY 26, 1971.

DR. GURNEY TAYLOR,
Medical Advisory Committee to the Selective Service System, New York, N.Y.

DEAR DR. TAYLOR: I am writing to express my deep, personal concern over the impending induction of a large number of young physicians who are currently serving in our urban hospitals.

For example, six young physicians working at the Bronx Municipal Hospital Center are to be inducted on July 1. These six doctors represent 35 per cent of the resident physicians and it will be virtually impossible to replace them. Although the Harlem Hospital Center is critically understaffed, young interns and residents there are scheduled to be inducted. Similar situations exist in many other city hospitals.

As a consequence of this disastrous situation, a very large percentage of my constituents, as well as other citizens of New York City, will suffer from severely reduced medical care or, in some instances, the total absence of such care. They simply cannot afford to secure medical assistance from private sources and must depend on these public facilities.

In view of the fact that you and the other members of the Medical Advisory Committee determine "community essentiality", I urge that you give this current situation your fullest, most careful and sympathetic consideration. Our community cannot afford to lose these doctors and serious disruptions in medical care will occur if they are precipitously inducted. There is certainly no question that the doctors in our public hospitals are working in the public interest and are essential to the community. It is only through the long hours and devotion of these young doctors that the sick poor are cared for with any degree of modern medical concern.

Sincerely,

HERMAN BADILLO,
Member of Congress.

NEW YORK CITY ADVISORY COMMITTEE OF THE NATIONAL ADVISORY COMMITTEE TO THE SELECTIVE SERVICE SYSTEM,
New York, N.Y., June 8, 1971.

HON. HERMAN BADILLO,
House of Representatives, Congress of the United States, Washington, D.C.

DEAR SIR: In reply to your letter of May 26, 1971, I can assure you that this Committee will always evaluate each registrant and his responsibilities very carefully before making a recommendation.

Thank you for your interest in this very important problem.

Sincerely yours,

GURNEY TAYLOR, M.D.,
Chairman.

NATIONAL DEFENSE PETROLEUM RESERVE

HON. SILVIO O. CONTE
OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. CONTE. Mr. Speaker, my distinguished colleague from Massachusetts,

MICHAEL HARRINGTON and I, along with 42 other House Members, are today introducing legislation to create a National Defense Petroleum Reserve—NDPR—to provide a realistic and economic alternative to the costly and discredited oil import quota system.

It is high time we ended present oil import quotas which cost U.S. consumers nearly \$6½ billion annually and which do not help, but, in fact, threaten our national security by the more rapid depletion of our limited oil reserves.

Under this bill, the President would be required to set aside Federal land with enough petroleum-producing capacity to protect the United States against a 1-year continuous interruption of oil imports from all those noncontiguous countries—excluding, therefore, Canada and Mexico—which he determines to be insecure. Wells would be drilled, gathering capacity installed, and all other necessary steps taken, so that, should these imports be halted, all we would have to do is turn a valve to replace the foreign oil. For the information of my colleagues, I am including at the end of my remarks a copy of the NDPR bill and a list of its cosponsors.

The bill is based on the recommendations of a recent study by two noted petroleum economists, Dr. Walter J. Mead of the University of California at Santa Barbara, and Dr. Philip E. Sorenson of Florida State University, which appeared in the CONGRESSIONAL RECORD for May 10, 1971, page 14085. After studying various alternatives to the quotas, I am convinced that a national defense petroleum reserve is the soundest, most economical method of safeguarding our national security in an adequate supply of oil. Its adoption would automatically obviate the need for quotas as soon as NDPR becomes operational. Moreover, this is a constructive response to our critical energy supply problem which the President recognized in his recent message to the Congress. Oil is now 40 percent of the Nation's energy.

This legislation reflects a true concern for the national security by encouraging more imports, but, at the same time, assuring we will not be at the mercy of any foreign supplier. And by insuring that we have enough reserves to protect us during an extended cutoff of foreign supplies, it would provide us with the best deterrent against the kind of tactics recently employed by the Persian Gulf governments to extract higher prices.

The list of cosponsors and bill follows:

LIST OF COSPONSORS OF THE CONTE-HARRINGTON BILL TO ESTABLISH A NATIONAL DEFENSE PETROLEUM RESERVE

Mr. Aspin.
Mr. Addabbo.
Mr. Badillo.
Mr. Blaggi.
Mr. Bingham.
Mr. Boland.
Mr. Burke of Massachusetts.
Mrs. Chisholm.
Mr. Cleveland.
Mr. Cotter.
Mr. Donohue.
Mr. Drinan.
Mr. Dulski.
Mr. Edwards of California.
Mr. Frelinghuysen.

Mr. Grasso.
 Mr. Halpern.
 Mr. Hawkins.
 Mrs. Heckler of Massachusetts.
 Mr. Helstoski.
 Mr. Hicks of Massachusetts.
 Mr. Horton.
 Mr. Howard.
 Mr. Jacobs.
 Mr. Keith.
 Mr. McKinney.
 Mr. Macdonald of Massachusetts.
 Mr. Matsunaga.
 Mr. Mitchell.
 Mr. Morse.
 Mr. O'Neill of Massachusetts.
 Mr. Rees.
 Mr. Riegle.
 Mr. Roybal.
 Mr. Ruppe.
 Mr. St Germain.
 Mr. Stafford.
 Mr. Steele.
 Mr. Stokes.
 Mr. Tiernan.
 Mr. Vanik.
 Mr. Wyman.

H.R. —

A bill to amend the Defense Production Act of 1950 to establish national defense petroleum reserves

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title VII of the Defense Production Act of 1950 (50 U.S.C. App. 2151 et seq.) is amended by adding at the end thereof the following new section:

"NATIONAL DEFENSE PETROLEUM RESERVES

"SEC. 720. (a) The President shall establish and maintain on the public lands of the United States, national defense petroleum reserves which shall have a petroleum-producing capacity sufficient to protect the United States against a continuous one-year interruption of the importation of petroleum from those foreign countries not contiguous to the United States which the President determines to be insecure sources. To carry out the provisions of this subsection, the President is authorized to enter into contracts and other agreements. For the purpose of this subsection the term 'public lands of the United States' means all lands to which the United States has title on the date of enactment of this section, including public lands, acquired lands, submerged lands, and lands within the area comprising the outer continental shelf (as defined in the Outer Continental Shelf Lands Act).

"(b) To the extent he deems it necessary or appropriate, the President may treat existing petroleum reserves established and maintained under other laws of the United States as part of the national petroleum reserves, and for this purpose, the President is authorized to acquire by purchase lands or increase the capacity of such existing petroleum reserves and to enter into contracts or other agreements in order to protect or increase the capacity of such existing petroleum reserves.

"(c) Nothing in this section shall be construed to require or authorize—

"(1) the cancellation or termination of any existing lease; or

"(2) the taking or use of any lands which are, on the date of enactment of this section, within the National Parks system or which are, on that date, parts of national forests, national seashores, game refuges, or any other lands which have been otherwise set aside for purposes of recreation, conservation, or public use.

"(d) Within 30 days after the close of each quarter, the President shall submit to the Joint Committee on Defense Production a report of the petroleum-producing capacity

in the reserves maintained under this section during such quarter.

"(e) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section."

(b) Section 717(a) of such Act is amended by striking out "(except sections 714 and 719)" and inserting in lieu thereof "(except sections 714, 719, and 720)".

KETCHIKAN SALMON DERBY

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. BEGICH. Mr. Speaker, I would like to bring a recent event to your attention that I believe describes and typifies many of the people who live in Alaska.

This incident has set an example for the community as a whole and since it was not an isolated incident, brings to the forefront the spirit and sportmanship displayed in our community during the Ketchikan King Salmon Derby.

Several times a year the Ketchikan Chamber of Commerce sponsors the Ketchikan Salmon Derby which brings fishermen from all over the world to this great fishing area. As the included article notes, Mrs. Walt Northrup caught a larger fish than anyone in the derby, but due to rather unusual circumstances, refused to even attempt to enter the fish into the contest. As Mr. Northrup, who is president of the Ketchikan Local of the Association of Western Pulp and Paper Workers said that the area in which they were fishing was an isolated one and there were no witnesses to the catch. They could easily have entered it for what would have been the top fish. Mrs. Northrup is a very avid fisherman and has won the top spot in the last three of four special derbies.

I believe that this type of sportmanship is most admirable and I include in the RECORD, the story as it appeared in one of Alaska's most distinguished newspapers, the Ketchikan Daily News:

SMEDLEY PULLS TOP FISH OUT OF DERBY

Dr. Dennis Smedley, who was the apparent winner of an \$8,500 cruiser in Ketchikan King Salmon Derby's special derby days, disqualified himself Tuesday. According to salmon derby chairman Shirley White, Smedley advised the derby committee that he learned another fisherman in his boat did not have a derby ticket when Smedley caught his 50-pound, eight-ounce king salmon. According to derby rules, all persons fishing from a boat with a derby entrant must have a derby ticket.

Smedley's disclosure moved Eldred Tisserand up to the top spot with a 44-8 fish caught in the first weekend of the special derby days which ran May 29-31 and June 5-6.

The derby committee met last night to check and verify results of the derby.

Smedley's fish was the second big one caught, but not qualifying for a prize. Sunday, Mrs. Walt Northrup caught a 54-pound king, but she did not enter the fish in the derby because it was attached to another line and pole. Mrs. Northrup snagged the line with the fish on it and reeled it in.

Northrups have offered to return the pole and line to whoever lost them if they can identify them and give the sad story on how

they and the biggest fish hooked during derby days were lost. The Daily News was unable to determine today if the pole had been claimed.

"I do not know a more honest man than Dr. Smedley, and if the Salmon Derby Committee could award a prize for true sportsmanship, Dr. Smedley would be the champ," stated Mrs. White. "The committee can only applaud his integrity."

Tisserand, with a 44 pound 8 ounce king is the winner of the first prize of a 21-foot Fiberform San Juan Cruiser, donated by the salmon derby committee and a Ross depth finder, donated by Nordby Supply Company.

Other winners were:

Tom Hogan, 42 lb. 06 oz.; William Taylor, 41 lb. 04 oz.; Al Berry, 39 lb.; Elvin Elkins, 38 lb. 04 oz.; Nancy Berry, 37 lb. 15 oz.; Harold Carpenter, 36 lb. 09 oz.; Fay Freeman, 36 lb. 09 oz.; Estelle Thompson, 34 lb. 13 oz.; William Kushnick, 34 lb.; William Weston, 34 lb.;

Charley Diamond, 33 lb. 13 oz.; Svarre Hazelquist, 33 lb. 12 oz.; Terry Anderson, 33 lb. 07 oz.; Paul McGarrigan, 33 lb. 05 oz.; Mike Clarochi, 33 lb. 03 oz.; Maxine Doyle, 33 lb.; Marilyn Groves, 32 lb. 03 oz.; Dorothy Lawrence, 31 lb. 11 oz.;

Stan Moberly, 31 lb. 04 oz.; Allene Tisserand, 31 lb. 04 oz.; Tony Guymon, 31 lb. 02 oz.; Bill Schofield, 30 lb. 15 oz.; Rose Northrup, 30 lb. 11 oz.; Gilbert Ruscher, 30 lb. 10 oz.; Pete Ruaro Jr., 30 lb. 07 oz.; Kenneth Perry, 30 lb. 03 oz.;

Isabel Mathias, 30 lb.; Gordon Adams, 29 lb. 14 oz.; Ernie Smeltzer, 29 lb. 12 oz.; Paul Brozena, 29 lb. 11 oz.; Harold Howard Jr., 29 lb. 08 oz.; Don Miller, 29 lb. 04 oz.; Art Williams Jr., 29 lb. 15 oz.; Agnes Chalcker, 28 lb. 10 oz.;

Norman Hundwin, 28 lb. 10 oz.; Bill Oliver, 28 lb. 08 oz.; Linden Cox, 28 lb. 04 oz.; James Martin, 28 lb. 04 oz.; Mary Hill, 28 lb. 04 oz.; Gene Maneman, 28 lb.; Doris Taylor, 27 lb. 13 oz.

Special bonus prizes were awarded in addition to the regular prizes. Winners were:

For the first salmon entered each day, May 29, Donald Hartwig; May 30, Duane Burnet; May 31, Jack Wilson; June 5, Jess Kiffer; June 6, Diana Tisserand.

For the first salmon entered each day over 25 pounds, May 29, Isabel Mathias; May 30, Dick Johnson; May 31, Muriel George; June 5, Andrew Frantz; June 6, Bill Schofield.

For the first king salmon entered opening day over 30 pounds, Maxine Doyle.

For the largest king salmon caught on Luhr Jensen lure, Donald Miller, 29 lb. 04. oz.

For the largest halibut entered Ray Packard, 115 lb. 12 oz.

For the most king salmon entered first weekend, Duane Burnet.

For the most king salmon entered second weekend, Doris Taylor, three.

For the highest total poundage halibut entered both weekends, Ray Packard, 115 lb. 12 oz.

None of the 159 entries matched the four random weights which were held in a bank vault. As a result the eight Penn 49 reels with a total value of \$240 will be held over for future promotion.

**CHOU EN-LAI SPREADS
 PROPAGANDA**

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. CRANE. Mr. Speaker, the current effort at "reconciliation" with Communist China has many of the earmarks of former campaigns by Communist

leaders to make themselves appear to those in the West as something other than what they really are.

Thus, although Communist China pursues its policy of stimulating revolutions through Asia, supplying guerrillas in such countries as Thailand, Burma, and the Philippines as well as in Vietnam, Laos, and Cambodia, its leaders attempt to impress foreign visitors with the fact that China is really a lover of peace, and that its international isolation is a result of America's imperialistic policies.

The Chinese seek far more than American recognition, admission to the United Nations, or increased trade. They seek total control over Taiwan, the expulsion of the Nationalist Chinese from the United Nations, and the elimination of American power and influence in Asia. It is clear that they seek a relationship to Asia analogous to that which the Soviet Union has with regard to Eastern Europe.

In order to spread this false idea that the Communist government in China is neither aggressive nor imperialistic, Premier Chou En-lai and other leaders are conducting a campaign of indoctrination toward the American people, using those few "friendly" Americans who are permitted into China as convenient vehicles.

Columnist Holmes Alexander, in a recent article in Human Events, describes such an attempt to brainwash two American college professors. He laments at this time:

Already some brainwashing is in evidence. President Nixon now politely calls Chou's country the People's Democratic Republic of China . . . Ping-pong diplomacy is the kind which turns too many Americans into appeasers and sycophants, and it's all a bloody shame.

Hopefully, our commitment to the people of Taiwan and the honor of America's obligations will not be tarnished. Hopefully, this administration will not permit itself to be indoctrinated as the professors described by Mr. Alexander allegedly did.

I wish to share this article with my colleagues, and insert it in the RECORD at this time:

USES AMERICAN PROFESSORS: HOW CHOU EN-LAI SPREADS HIS PROPAGANDA

(By Holmes Alexander)

By now, if not before, Premier Chou En-lai's table tennis diplomacy can be seen for what it is. He had two anti-war professors from the United States with him for more than two hours, and a week later Chou's Communist line was writhing through a front page story in several of our newspapers.

It would be hard for the city slicker from Peking to find a more effective way of duping gullible Americans into believing what he desires them to. His two visitors were Profs. Arthur Galston (Yale) and Ethan Signer (MIT). They are biologists, and must be presumed to know more about the science of living matter than the science of international politics. Galston and Signer are identified as being anti-war, and they had spent 17 days in Hanoi before giving 15 days to visiting Peking, Shanghai and Canton. Their outlook, and no doubt their credentials, were far more satisfactory to the Red governments of North Viet Nam and China than to the government of their own country. Chou had himself a couple of patsies who were intellectually-defenseless against his propaganda.

Mainland China stands—or should stand—with American officialdom about where Soviet Russia stood just after World War I. The analogy is useful. The Russian Revolution caused an abortive intervention by American troops, and the Chinese overthrow of its Nationalist leaders caused the relatively bloodless expulsion of American persons and interests.

During the pre-Roosevelt era when we didn't recognize Communist Russia, a few Americans were allowed into the Soviet Union, and one of them became a tireless huckster of Soviet-American "friendship." He was and is Cyrus Eaton, founder of the Pugwash Conferences, a apologist for Stalin and Khrushchev.

The recent death of Sen. Thomas Dodd (D-Conn.) reminds me that Eaton wrote to every Democratic senator around November 1958, asking for opposition to Eisenhower's nomination of Lewis Strauss as Secretary of Commerce.

Eaton disliked Strauss, who had been in Russia on a relief mission with Herbert Hoover, and there was a tinge of anti-Semitism in the man's relationship. This angered Dodd, a Catholic, who answered Eaton by saying that he'd never met Strauss but would now vote for his confirmation out of sympathy.

The anecdote is not quite pointless; it shows that Eaton, the special pleader for Moscow, was thoroughgoing in behalf of his foreign client. If the analogy holds up, the many special pleaders for Red China will show the same diligence. As they pass through Peking and return to this country in the months and years ahead, Chou will have acquired a host to speak for him, whereas Stalin in the main had only Eaton.

Already, with Galston and Signer bringing home their interview, Chou has a pair of sympathetic spokesmen. The message from Peking was that we will never achieve the bridge of government-to-government relationships until we connive at betraying the Nationalist government on Taiwan.

Chou referred to that island as China's "29th province," whereas it is more like an anti-Communist enclave on the order of West Berlin, a haven that is protected by American arms and pledges.

It is not hard to see why Chou would like to brainwash a large segment of Americans, causing them to look at Taiwan from his viewpoint. Already some brainwashing is in evidence. President Nixon now politely calls Chou's country the People's Democratic Republic of China, the name preferred by Chou, of course. A metropolitan newspaper in this town recently decided to leave off the identifying adjectives of Red and Communist when referring to the Peking regime. Chou's preference, again.

Ping Pong diplomacy is the kind which turns too many Americans into appeasers and sycophants, and it's all a bloody shame.

CONSERVATIVE MAJORITY ON CAMPUS URGED TO END ITS LONG SILENCE

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. DEVINE. Mr. Speaker, Walt Siefert of the College of Journalism at the Ohio State University recently wrote a letter to the editor, which appeared in the June 5 Columbus, Ohio Dispatch relative to the conservative majority on the campus and the need to "speak up."

Since most university professors are either vocal liberals or strangely silent, I thought it would be refreshing to share the views of a professor that does not wish to march down the road to socialism.

The letter follows:

CONSERVATIVE MAJORITY ON CAMPUS URGED TO END ITS LONG SILENCE

TO THE EDITOR: In 1930 I arrived at Kent State, wide-eyed and innocent, a true-believer in God and Man. Within six months a group of faculty Pagans had converted me into a raving radical, who shouted God is dead and the establishment doomed.

Not much has changed in academe since then. Most effective activists still lean to the left. Ohio State's late "Alternatives Committee," which had liberal solutions to everything, used to publish the names of its 150 members in the Lantern. Our conservative faculty activists could meet anytime in a telephone booth.

It's much the same with student bodies. Young liberals (or radclibs) control most student governments for the simple reason that they act to support their beliefs.

Campus liberals do their homework well. They constantly plot, meet, write, speak, campaign and elect—exerting power far beyond their numbers.

Campus conservatives have no clout. Though actually the majority (as proved by Ohio State University Poll results), they sit in the grandstands of life and let the liberals run with the ball.

I admire campus liberals. I do not admire campus conservatives, who expect to ride the freedom train forever without paying a fare. They do not plot, meet, write, speak, or elect anyone. They seem to think democracy is a spectator sport.

Now this traditional slanting of academe would be fine if colleges and universities were unilaterally autonomous. They aren't, however, and the ivied walls keep cracking from coast to coast.

The April OSU Alumni Monthly was devoted to this single question: "Are Americans losing faith in their colleges?" The answer was largely yes.

McGeorge Bundy, liberal president of the Ford Foundation, recently predicted that society will not forever support parasitic appendages that seem dedicated to destroy it.

Columnist Malcolm Muggeridge sees danger in the fact that most effective communicators (on campus and in the mass media) have "an anarchic, death-wishing temperament, with its built-in passion to be on the losing side."

Be this as it may, no one can deny that academe now lives in a goldfish bowl. In state after state the people and their legislatures are up in arms, scaling the ivory towers to squint inside. Waves of campus chaos have washed this ultimatum onto the academic beach: "Heal thyself or else!"

The answer, it seems to me, is for the academy to start presenting both sides of the American dream. As the liberals keep telling us, we still have lots of unfinished business, lots of poverty and injustice. But the big news about this nation is that we have less poverty and injustice than any other ever known. The old intellectual discipline of perspective should compel us to emphasize this truth.

Most perceptive students and alumni can recall at least a dozen professors who preached and practiced the liberal line. Few can name even one conservative.

If academe is to regain credibility, its long-silent majority of faculty and students must get into the act and end domination by the small, dedicated minorities who work to win. Then, perhaps, we shall be spared the spectacle of "student leaders" elected by less than 5 per cent.

As America nears its 200th birthday it stands alone in human history, with more freedom, food, clothes and shelter than the average family has ever known.

Somebody, somehow, must have done something rather right in this land.

I think it's time to tell that story.

WALT SEIFERT.

GUN CONTROL—ONE MAN'S STEP TOWARD SANITY

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. MIKVA. Mr. Speaker, the distinguished dean of the House and chairman of the Judiciary Committee, the gentleman from New York (Mr. CELLER), has recently introduced a comprehensive bill designed to cut the arms race which today rampages in the streets of America.

Opposition to such legislation is based primarily on emotional reluctance to yield up the romantic image of the American frontier. But rationality demands that we adjust to modern civilization and recognizing that the "Wild

West" was not a model for law and order then or now. Guns represent a real threat to the security of us all.

A poignant letter appeared in the Christian Science Monitor of June 11, 1971. It was written by a former policeman who used to be adamantly opposed to gun control. His letter explaining why he has changed his mind demonstrates an openmindedness which many of us in the Congress would do well to emulate.

The letter follows:

HANDGUNS

Your recent editorial urging the outlawing of handguns and the registration of other types was of great interest and compelling impact.

I seriously doubt if anyone has ever been more adamantly opposed to the gun registration efforts than I. As an avid hunter and former police officer, to whom the handling of guns was a common everyday experience, the constitutional right of the citizenry to bear arms was one which I staunchly supported. But, there comes a time . . .

After serious thought, I have reached the cogent conclusion that it is high time the citizens of this country outgrow their adolescent penchant for playing "cops 'n robbers," or "cowboys 'n Indians," and their preoccupation with violence, and proclivity for taking the lives of helpless animals, and begin expressing the maturity and humanity

which this period of history and development demands of intelligent, civilized peoples.

If the private, virtually unrestricted ownership of guns is allowed to continue, this Nation will face a threat from within, far more serious than any it has ever faced from without. It will become a "whited sepulcher, full of uncleanness," like the man who is so heavily armed he becomes a shell of armor containing nothing worthy of protection, but a mere container for combustibles ready to explode.

And, while the ownership of handguns should be restricted to the military and law enforcement agencies, and all others registered, this is not enough. Legislation must be enacted and *enforced*, which would greatly increase the penalty for a crime committed with any weapon. For this too is a necessary component in the fight to obliterate violence in our land.

There will be many who will hesitate, as did I, to take this step, but it must be taken. It has been said, "a journey of a thousand miles begins with but a single step." The time is here when we must fearlessly step forth and break trail in this direction. As we do so, we will see the path widen into a highway of progress toward the safety of all men. And, should we look back a short time hence, we'll find ourselves exclaiming incredulously, "What took us so long?"

WILLIAM W. BLANKS.

LOS ANGELES.

HOUSE OF REPRESENTATIVES—Friday, June 18, 1971

The House met at 12 o'clock noon.

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

Depart from evil and do good: Seek peace and pursue it.—Psalm 34: 14.

Almighty God, unto whom all hearts are open, all desires known, and from whom no secrets are hid, we bow our heads and open our hearts as we stand in Thy presence.

"We need Thee every hour:

Stay Thou near by:

Temptations lose their power

When Thou are nigh."

As we pray, may Thy spirit take possession of our minds and hearts, leading us to genuine solutions for the problems that face us both as individuals and as a nation. May ill will, injustice, and hostility come to an end, and may good will, justice, and peace arise to new life in us and in our world.

In the manner and manners of the Master of Men we pray. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 617. Joint resolution to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission.

U.S. CONFERENCE OF MAYORS URGES THE PRESIDENT TO SIGN THE ACCELERATED PUBLIC WORKS LEGISLATION

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

Mr. McFALL. Mr. Speaker, during the debate last Tuesday on the accelerated public works legislation, S. 575, my floor statement was not complete and did not include a list of witnesses heard by the Public Works Committee when the legislation was identified as H.R. 5376. This list was inadvertently omitted but did appear in the June 16 issue of the CONGRESSIONAL RECORD in the Extensions of Remarks section.

Last Wednesday, the U.S. Conference of Mayors, assembled in Philadelphia, urged the President to sign the accelerated public works legislation now on his desk for signature. I am glad to include at this point of the RECORD a copy of the U.S. Conference of Mayors' resolution:

ACCELERATED PUBLIC WORKS LEGISLATION

Whereas, unemployment is at its highest levels in nearly a decade; and

Whereas, because of the local financial crisis many cities are unable to construct urgently needed public works facilities; and

Whereas, the Congress has passed the Accelerated Public Works Act to provide \$2 billion to aid local localities in areas of high unemployment construct needed public works facilities; and

Whereas, the Accelerated Public Works Act in combination with the public service employment legislation will aid significantly in solving unemployment problems and upgrading the quality of municipal services. now, therefore, be it

Resolved, That the United States Conference of Mayors urges the President to sign the Accelerated Public Works Act; and be it further

Resolved, That the Conference urges the Administration and the Congress to appropriate and commit to local projects the full \$2 billion in assistance authorized in the Accelerated Public Works Act.

FREEDOM OF THE PRESS

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

Mr. RONCALIO. Mr. Speaker, when I offered my cosponsorship to the newsmen's privilege bill of 1971, H.R. 9027, I noted that the better part of my adult life has been spent in the pursuit of law and journalism.

I am, therefore, especially sensitive to any encroachment on the freedom of the press, which I consider vital to a free society. The Government cannot tamper with the freedom of the press without tampering with the right of the public to information essential for the operation of a democratic society.

Without touching here on the complex historical and legal consideration in-