

products and associations of such producers, and for other purposes; to the Committee on Agriculture.

H.R. 12479. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. DONOHUE:

H.R. 12480. A bill to provide for uniform annual observances of certain national holidays on Mondays; to the Committee on the Judiciary.

H.R. 12481. A bill to provide incentives for the creation by private industry of additional employment opportunities for residents of urban poverty areas; to the Committee on Ways and Means.

H.R. 12482. A bill to encourage and assist private enterprise to provide adequate housing in urban poverty areas for low-income and lower middle income persons; to the Committee on Ways and Means.

By Mr. ERLBORN:

H.R. 12483. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

H.R. 12484. A bill to amend section 7701 of the Internal Revenue Code of 1954 to clarify the tax status of certain professional associations and corporations formed under State law; to the Committee on Ways and Means.

By Mr. FLOOD:

H.R. 12485. A bill to guarantee productive employment opportunities for those who are unemployed or underemployed; to the Committee on Education and Labor.

By Mr. FULTON of Pennsylvania:

H.R. 12486. A bill to facilitate the entry into the United States of aliens who are brothers or sisters of U.S. citizens, and for other purposes; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.R. 12487. A bill to amend the Securities Act of 1933 to exempt certain securities sold, given, or otherwise transferred to certain employees; to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN:

H.R. 12488. A bill to promote the general welfare, foreign policy, and national security of the United States; to the Committee on Ways and Means.

By Mr. PELL:

H.R. 12489. A bill to provide for uniform annual observances of certain legal public holidays on Mondays, and for other purposes; to the Committee on the Judiciary.

By Mr. STAGGERS:

H.R. 12490. A bill to amend title 38, United States Code, with respect to the manner of determining annual income for pension purposes of certain persons who are entitled to annuities under the Railroad Retirement Act of 1937, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 12491. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. TIERNAN:

H.R. 12492. A bill to expand the definition of deductible moving expenses incurred by an employee; to the Committee on Ways and Means.

By Mr. EDWARDS of California:

H.R. 12493. A bill to amend chapter 73, title 18, United States Code, to prohibit the obstruction of criminal investigations of the United States; to the Committee on the Judiciary.

By Mr. GOODELL:

H.R. 12494. A bill to establish a National Commission on Urban Living; to the Committee on Government Operations.

By Mr. HELSTOSKI:

H.R. 12495. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions of \$125 per month to World War I veterans, subject to a \$2,400 and \$3,600 annual income limitation; to provide that retirement income such as social security shall not be counted as income; to provide that such pension shall be increased by 10 percent where the veteran served overseas during World War I; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PRICE of Texas:

H.R. 12496. A bill to amend the Communications Act of 1934 to abolish the renewal requirement for licenses in the safety and special radio services, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PATTEN:

H.R. 12497. A bill to promote the public welfare; to the Committee on Rules.

By Mr. BELCHER:

H.J. Res. 797. Joint resolution to call upon the President of the United States to promote voluntary neighborhood action crusades by communities to rally law-abiding urban slum dwellers in preventing riots; to the Committee on Banking and Currency.

By Mr. COLLIER (for himself and Mr. Brown of Ohio):

H.J. Res. 798. Joint resolution to call upon the President of the United States to promote voluntary neighborhood action crusades by communities to rally law-abiding urban dwellers in preventing riots; to the Committee on Banking and Currency.

By Mr. DOWNING:

H.J. Res. 799. Joint resolution providing that the President is hereby authorized and requested to issue a proclamation that the first week of October 1967 is an appropriate time to commemorate the 50 years of service to the Nation by the Langley Research Center; to the Committee on the Judiciary.

By Mr. STRATTON:

H.J. Res. 800. Joint resolution to provide funds on behalf of a grateful nation in honor of Dwight D. Eisenhower, 34th President of the United States, to be used in support of construction and endowment of Eisenhower College, Seneca Falls, N.Y., as a distinguished and permanent memorial to his life and deeds; to the Committee on Education and Labor.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

278. By the SPEAKER: Memorial of the Legislature of the State of California, relative to return to the States for the purposes of public education a certain portion of Federal personal income taxes; to the Committee on Ways and Means.

279. Also, memorial of the Legislature of the State of California, relative to legislation affecting interstate taxation; to the Committee on the Judiciary.

280. Also, memorial of the Legislature of the State of Michigan, relative to the reinstatement of funds deleted from the appropriation for the lamprey control program; to the Committee on Appropriations.

281. Also, memorial of the Legislature of the Commonwealth of Puerto Rico, relative to the recent plebiscite on Commonwealth status; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ADDABBO:

H.R. 12498. A bill for the relief of Marjorie

Eileen Skeene; to the Committee on the Judiciary.

By Mr. ASHMORE:

H.R. 12499. A bill for the relief of Demetrios Passaris (Jimmy) Wilson; to the Committee on the Judiciary.

By Mr. DOW:

H.R. 12500. A bill for the relief of Miss Giovanna Lagana; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.R. 12501. A bill for the relief of Elgie L. Tabor; to the Committee on the Judiciary.

By Mr. MOORE:

H.R. 12502. A bill for the relief of Miss Elizabeth Schofield; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 12503. A bill for the relief of Dr. Choong Oi Reddy; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

146. The SPEAKER presented a petition of Henry Stoner, Avon Park, Fla., relative to the creation of a Committee on Subsidies, which was referred to the Committee on Rules.

SENATE

MONDAY, AUGUST 21, 1967

The Senate met at 11:30 o'clock a.m., and was called to order by the Hon. HARRY F. BYRD, JR., a Senator from the State of Virginia.

Rev. Collier S. Harvey, Jr., pastor, Tinkling Spring Presbyterian Church, Fishersville, Va., offered the following prayer:

Eternal God, as Thou didst guide Thy people of old with fire and cloud, make us sensitive to the evidences of Thy guidance in this our day. May we be able to discern Thy will amid the conflicting purposes and differing ambitions of this present hour. Remind us, O God, that Thou art the Creator and that we have been entrusted with the stewardship of that which Thou didst pronounce good.

We pray for wisdom and discernment for these elected to high office and grave responsibility. We pray for loyalty and concern on the part of those who have elected them. We pray also for that measure of justice for the good of all and of compassion for the needs of many which shall make the deliberations of this day a blessing to our land.

Lead us, O God, as Thy children and as citizens of this Nation to a deeper trust in the dimensions of Thy love for us and a richer faith in the fact that all things are possible unto Thee. We pray in the name of Christ, the way, the truth, and the author of abundant life. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,

PRESIDENT PRO TEMPORE,

Washington, D.C., August 21, 1967.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. HARRY F. BYRD, JR., a Senator from the State of Virginia, to per-

form the duties of the chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. BYRD of Virginia thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, August 18, 1967, be dispensed with.

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair recognizes the Senator from Pennsylvania [Mr. CLARK].

Mr. CLARK. Mr. President, I ask unanimous consent that I may yield to the Senator from West Virginia, without losing my right to the floor.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the address by the distinguished senior Senator from Pennsylvania [Mr. CLARK], for which an order has been previously entered, there be a brief period for the transaction of routine morning business and that statements made therein be limited to 3 minutes.

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

WAIVER OF CALL OF CALENDAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, notwithstanding rules VII and VIII, the call of the calendar of business be waived.

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

ORDER OF BUSINESS

Mr. KUCHEL. Mr. President, will the Senator from Pennsylvania yield briefly to me?

Mr. CLARK. Mr. President, I ask unanimous consent that I may yield to the Senator from California without losing my right to the floor.

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

THE GENIUS OF AMERICAN INSTITUTIONS—ADDRESS BY SENATOR KUCHEL BEFORE QUADRENNIAL CONVENTION OF RETAIL CLERKS INTERNATIONAL ASSOCIATION

Mr. KUCHEL. Mr. President, I had the honor last month to speak before the quadrennial convention of the Retail

Clerks International Association at Bal Harbour, Fla. I ask unanimous consent that a partial text of my comments at that time appear in the RECORD at this point.

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

THE GENIUS OF AMERICAN INSTITUTIONS
(Partial text of remarks by U.S. Senator THOMAS H. KUCHEL, before the quadrennial convention of the Retail Clerks International Association)

I am deeply honored to address the 25th Convention of the Retail Clerks International Association and to join in tribute to your half million members and to the enlightened leadership the Association has provided in the labor movement over the past 79 years. You have been quick to see new horizons. You have shown the way in the use of modern media and of educational and scholarship programs.

I am proud to share this platform with your President, James Suffridge, a fellow Californian, and a fellow Republican. He has led this organization in a policy of clean-cut non-partisanship. That policy has won the respect of my colleagues on Capitol Hill—in both Houses and on both sides of the aisle. The reputation of the Retail Clerks is high in Washington. Your people are known for labor statesmanship and fair play. You call your shots as you see them. That kind of political integrity is vital to the survival of our American democracy, and it has helped to make you the largest white-collar labor organization in the world. I am vastly proud to be able to say to you, in this, my fifteenth year in the United States Senate, that you and I have been able to agree on almost every one of your basic legislative goals.

It is because of institutions like yours that America has been able to move forward with human progress in human freedom. Ours is a society which openly tests its ideas, one against another, to determine what governmental road we should follow for the best interests of our people. This is the genius of our way of life. America could not long survive without these institutions which daily measure the critical elements of our society against the rule of reason, competition, negotiation and public weal.

Unquestionably one of the indispensable aspects of American economic life is our unique system of collective bargaining. Here the working man, whatever his skill, is able to exert his due weight in marketing his abilities through organization of those with similar skills. He and his family are able to gain their just share of our national product. It is a purely economic system divorced from party politics, as the Clerks have clearly recognized. Free collective bargaining requires no rigid political ideology, no elaborate party organization favoring labor or management. It does not seek to embroil one class against another. It does require the rule of reason. It is grounded on fair play. It is above party, beyond class. It is the logical counterpart of the American system of free competitive enterprise. Together, they are the fountainhead of American productivity.

The labor and the ideas of free men in a broad national market represent the high watershed of our national prosperity. They are also the major bulwark of our political system. I regret to say that there are still many Americans, even today, who fail to comprehend this point. They fail to see that without free collective bargaining our republic might long ago have been crushed between the extremes of socialism on the one hand and totalitarianism on the other. Man has yet to devise a better system than we have in America to bring ideas, resources and labor together in cooperation rather

than contention, in harmony rather than hate. Collective bargaining is, as it ought to be, here to stay.

My thoughts at this point can best be summed up by this quotation from a recent editorial in your periodical, the *Advocate*:

"The highest standards of morality and the teachings of science point toward the need to respect the rights of the human individual. Since human labor is inseparable from the laborer, to class such labor as a mere commodity is to ignore those rights. To defend these rights every union member, and indeed every citizen, needs to be aware and vigilant. Unhindered collective bargaining is a basic principle of a healthy economy and a free society."

How monstrous it is, my fellow citizens, to urge, as H.R. 333 does, that human labor be classed as an inert commodity and placed under our anti-trust laws.

Free collective bargaining and free competitive enterprise go together. They both require the protection and the oversight of a representative government. Our two great American political parties have a common duty, and a common cause to serve in this regard. As our economic system must be non-partisan, so our politics must not be doctrinaire. These two aspects of our American life leave us unfettered by inflexible and dated dogma. We are prepared to move and change.

Our nation has thrived on the concept of peaceful competition among the ideas and produce of men in the open market place. Our political system is a clear reflection of this American tradition. It provides for the necessary clash of ideas, the discussion and disagreement, the controversy and, finally, the decisions, with refinements or reasonable accommodations, necessary to make progress. Democracy continues to be the art of the possible.

Any vital institution must be prepared for change. That is an irresistible law of life. In the modern world we have heard much of the concept of change by "revolution". The wake of bloodshed left by this much-abused concept in many emerging nations has underscored, by contrast, the value of our own system of peaceful exchange of power from one political party to the other. This is the critical asset of a representative political system.

Every society must learn to move with the times or it becomes moribund. President Eisenhower said in his Second Inaugural Address:

"Across all the globe there harshly blow the winds of change. And we—though fortunate be our lot—know that we can never turn our backs on them."

Historically, any party which has become too doctrinaire or has become too narrow in its views has simply withered away. Party loyalty is a voluntary matter. The party which has accommodated to a variety of challenging ideas in a manner permitting it to contend peacefully against the other has been able to win the faith of the people.

This spirit generally pervades the chamber of the United States Senate, where I am proud to represent the people of California. The competition is hard, but it follows the basic ground rules of decency and fair play. While it continues to be possible for a few members to abuse the rules and stymie the work of the Senate, such antics are the exception. The rule of reason, at least in conduct, usually applies. So the competition permits a peaceful reversal of roles between majority and minority when the people so determine at the ballot box. It keeps alive for the minority the hope that it will become the governing party by proving to the voters what it considers the better wisdom and virtue of its own views. It allows for a loyal opposition and for overall cooperation among all Americans in times when national unity is needed.

The Senate, as an institution, is peculiarly

designed to give effect to the activities of the minority party. The conduct of business and the very traditions of the Senate provide a congenial atmosphere for opposing ideas. The manner of carrying on individual debate has provided an excellent means for venting minority or divergent views on the issue of the moment.

The Republicans in the Senate, like our Democratic brethren, are not a party unto themselves, but part of a broader organization seeking to discharge its responsibilities to, and acquire support from, the public. They are part of a political structure which competes to win local contests in many states, to seek control in state legislatures, to win governorships, to contest for a majority in the Congress, and which compete earnestly for the highest political office of all, the Presidency. The tension created by the two-party system in the United States forces into the foreground the basic goal of the minority party—that of consolidating the gains, liquidating the errors, laying down its own proposed milestones of progress, in order to represent a majority, rather than just a minority, of the American people.

Except in rare circumstances, the members of the majority party in control of Congress have at their disposal the resources of the Presidency and the Executive Administration. They control an immense apparatus of power and publicity. Only through the most determined efforts of communication can nationwide appreciation of the accomplishments of the minority ever be achieved. The minority party cannot rest content with mere self-laudatory remarks on the floor of the House or Senate. Its members must move out among the people themselves both to hear the concerns of the people and to make them aware of the response by the minority.

As you, my fellow citizens, well know, the theory on which this republic regenerates itself is that each political party represents, as it sees the light, the best interests of the American people, all the people. It would be a terrible disservice to our society if either or both our two parties were to attempt to pit class against class. We ought not to have, therefore, one party attempting to speak for labor and the other attempting to speak for management. It would be tragic if we ever had a white man's party opposed by a black man's party. It would be self-defeating for us to have one "liberal" party and one "conservative" party. In this experiment by human beings in the difficult art of living together in liberty and the pursuit of happiness, we need, all of us, to think of what is best for the country, what is best for the people as a whole.

The minority party to which your esteemed President and I belong has, in its resplendent past, fashioned and stood upon great principles, and has offered and seen elected great men. On occasion, it has faltered and faltered badly. So, too, has the Democratic party. But we want to make our minority party a party of courage and vision, in the Lincoln tradition of freedom, where men of good will from every walk of life, of every race and creed may together apply our philosophy to the problems of the day, and choose the best among us to be our standard bearer. That is the path our minority party must tread if it is to serve its high purpose and if it is to win elections.

The national press will frequently amplify one party's work, particularly when the legislative record is unmistakable. In 1964 and 1965, the Republican minority in the Senate played the commanding role in the enactment of civil rights legislation. On this issue, the opposition within the majority party was bitter and entrenched. Without the careful and tenacious effort of the Republican minority leadership, no legislation of consequence could ever have been passed. The offices of the minority leaders became, quite literally, the study and drafting cen-

ter from which the bills emerged which thereafter became law. It was clear where the credit lay for this accomplishment, and the press gave due recognition.

But the minority is not always so fortunate. In 1962, the Administration's Manpower Development and Training Act was moribund in the House. The obituaries were already in print. Revitalized and rewritten by House and Senate Republicans, an acceptable program was finally enacted into law. Yet, the majority party claimed the credit, and continues to do so today.

There are many ways in which a minority serves a useful purpose.

Our foremost task is the necessary duty of constructive opposition and of offering better alternatives, when we believe the ends which the majority seeks are laudable, but the means are inferior. A basic tenet of the Republican point of view is a responsible fiscal policy which demands a demonstration of the public interest before justifying any expenditure and which seeks to control expenditures generally in a manner consistent with a growing economy and a sound employment policy. A common sense approach to the Federal budget together with a clear set of public priorities is the essence of this idea.

In 1966, when the Republican leadership discovered that funds were already available to support certain aspects of the foreign aid program through the next fiscal year, the Republican minority in the Senate moved for an appropriate cut in the foreign aid authorization. This was supported by the Senate as a whole. That did not stamp the minority as isolationist, which it was not and is not. It simply stamped us as following a basic principle of national fiscal responsibility.

In 1967, the Republican party has been nearly unanimous in its objection to the Federal political campaign fund financing program supported by the Administration. The party as a whole, I believe, rejects the view that the Federal Government has a role to play in centralizing and directing funds to political campaigns of state and local organizations. Indeed, it is the vitality of these groups which provides the necessary counterweight to Federal power. My own prescription for immediate forward progress is my bill authorizing up to \$350 income tax deduction for a political contribution.

In the sponsorship of constructive alternatives, the Republican party must be interested in fostering individual initiative. Often Administration spending programs have been successfully countered by Republican proposals to encourage private enterprise through tax deductions. In the last Congress, Republican Senators Cooper and Carlson proposed bills to provide for encouragement of anti-pollution programs by this mechanism. In the 89th Congress and again in the 90th Congress, a large number of Republicans joined in sponsoring the proposed "Human Investment Act" to provide tax incentives to encourage industry to establish special job training programs to alleviate in twin evils of unemployment and limited opportunity resulting from curtailed education.

When I first came to the Senate 15 years ago, the Republican party had a majority of one vote. Regrettably, that position eroded over the years until the party held barely one-third of the seats. I think we get better legislation when the discrepancy in strength is not so large. Today the trend has been reversed, I am happy to note, with the arrival of five new men to begin to rebuild our ranks. Those five, Senators Hatfield, Percy, Brooke, Baker and Hansen, are stars who will be a credit to their country and to their party as well.

It is in the public interest for the opposition to demonstrate its vigor both in logic and in votes. It is not good that two-thirds of the Senate be members of one party. The Republican minority has played a vital role in checking excesses, in seeking to control spending and in spearheading the use of free

competitive enterprise in social development. Thus in 1966 the Senate adopted my own amendment to the laws governing the Poverty Program. This measure gave preference to the use of free competitive enterprise in alleviating the burdens of suffering and providing a new horizon of opportunity for the disadvantaged segment of our nation. It was ultimately accepted with substantial Democratic support.

Your organization, over the years, has been keenly interested in the health of its members and in the problems of health generally. From the beginning you have favored hospital insurance under Social Security, pay-as-you-go. So have I. And I can say to you truthfully that without the constructive interest and support of Republicans in the Senate and in the House of Representatives Medicare would not be the law today.

Last year the Congress of the United States finally recognized the fundamental inequity of treating workers in agriculture less favorably than those in industry. The national minimum wage law for agriculture was a proposal which I had repeatedly introduced in the Senate, with the official support of the Republican party of California. The bill which was passed last year by the Congress was essentially this proposal.

This year it is fair to say that there would not have been a Consular Treaty with the Soviet Union were it not for the overwhelming support of Republicans, and particularly of the Republican leadership, who joined to overcome a major assault on this international agreement originally proposed in the Eisenhower Administration, and which bore General Eisenhower's earnest approval.

There is, of course, an area of necessary bipartisanship. Since the time of Arthur Vandenberg, the United States of America has based its foreign policy on a broad range of national support. The actions of our Presidents, whether Republican or Democrat, have been based on a bipartisan approach to America's role in the world. It is necessary that our nation be united in the face of the seemingly never-ending crises erupting throughout the world. The Republican party has supported the American effort in resistance to aggression in Vietnam. It has maintained firm support of the Atlantic Alliance and of a strong policy of good will and partnership with the American republics of the Western Hemisphere.

In addition to the crucial questions of foreign policy, there are other fields where bipartisanship is essential. It is particularly necessary when any measure requiring a two-thirds vote comes before the Senate, for example, in the ratification of treaties or the breaking of a filibuster. The present rules of the Senate call for a two-thirds majority of those present and voting to put an end to the rule of unlimited debate. Bipartisan cooperation is necessary to overcome endless talkathons. And they occur, believe it or not, on a wide gamut of legislative proposals, always by a small group who know they don't have enough votes to prevail, so they decide to talk the proposal to death.

Bipartisanship is necessary in any area where the rules of the Senate are involved. Thus, Republicans have joined with members on the other side of the aisle in proposing a bill to provide for disclosure of the assets of Members of Congress, and candidates for Congress, their key staff members and ranking members of the Executive Branch on an annual basis. We believe that such legislation is in the public interest.

I have listed a broad range of achievement of the minority party. It is true that without votes legislation cannot be passed. The minority party through the continued pressure which it brings to bear can help keep the majority party responsible to the public will. The minority party, by anticipating issues and preparing its own legislative solutions, can seek public approval and force the majority to take action, even if its own meas-

ures fall to pass. It is this ability to innovate and come forward with new and dynamic proposals which keeps the American body politic healthy. It is true of Republicans and Democrats alike that a good proposal will meet support from both parties. My esteemed colleague, the Dean of Senate Republicans, George Aiken of Vermont, recently made the point:

"As Republicans, let us not be afraid of the 'me, too' charge which is sometimes leveled against us. If a Democrat says we need better health, I am not going to come out for poorer health just to disagree with him."

All responsible Republicans recognize the wisdom of his point of view. This mechanism works both ways—whichever comes up with the best approach to a modern problem will ultimately win support in the Senate—and at the polls.

The Republican party in Congress plays a vital role in keeping alive the possibility of change in the national Administration. Its role is to provide the counterweight in the delicate mechanism of our national political life, insuring that when the majority has spent its force there will be another element waiting and ready to keep the nation moving.

Like collective bargaining and free competitive enterprise, the two-party system is a vital institution in our American life. The give and take between opposing forces in the market place, as well as in the political arena, has permitted peaceful change; it has encouraged national growth. So, too, has our modern labor relations system.

America has forged the instruments of her society from the hard metal of human experience, from the triumphs and tragedies of experiments of many centuries. By applying the test of free human action our people have found an important answer to regulating life among peaceful and productive peoples who cherish human values. This, then, is the genius of American institutions—human reason and human freedom applied to the continuing struggle for growth and change, with a decent regard for the rights of others, prosperity and a better life for all.

DEMOCRACY IN GREECE—TOWARD A NEW BEGINNING

Mr. CLARK. Mr. President, the recent crisis in the Middle East must not overshadow the equally significant tragedy which has befallen Greece.

Last November, I visited this troubled land en route to the United Arab Republic, Jordan, and Israel; the report of my study mission, entitled "War or Peace in the Middle East" was distributed to all Members of this Body last April. In that report, which was released prior to the coup d'etat on April 21, 1967, I concluded inter alia that:

1. The justification for military aid to Greece is simply no longer there. The fact that we have given military aid to Greece for so many years should not blind the Congress to the desirability of terminating further military aid to Greece and Turkey and devoting far greater diplomatic efforts than we have hitherto to arms control and disarmament measures in the Northeast Mediterranean and Aegean area.

2. Our friendship for the Greek people should lead us to continue economic assistance on a limited basis, one which would be multinational to the maximum extent possible.

Unfortunately, the trend in U.S. policy toward Greece has been running in precisely the opposite direction in recent years: that is, military aid was continued as heretofore, while the Export-Import Bank has denied long-term credits to the

Bank of Greece for the development of the Greek economy. I do not, however, wish to dwell upon these specific policy decisions, as quite obviously, the Greek situation has changed rather dramatically since the military regime assumed power just 3 months ago.

The point I wish to emphasize, Mr. President, is that if the justification for military aid was no longer there before the recent coup, it is still less justifiable today. My concern now is no longer over the questionable effectiveness of the alleged partial embargo imposed on shipments of U.S. military equipment to Greece following the coup; an embargo designed to encourage the colonels, in Secretary Rusk's words to give "concrete evidence that the new Greek Government will make every effort to reestablish democratic institutions."

Instead, my overriding concern stems from the disturbing rumors that, despite the lack of "concrete evidence" that the junta is moving to restore democratic institutions, the full resumption of arms shipments to Greece is now being contemplated at the highest levels of our Government. The familiar argument is now being heard that the military junta—despite its lack of popularity among the Greek electorate—has nevertheless succeeded in establishing its control over the Greek nation and must be dealt with on the basis of vague assurances that the country will return to constitutional rule at some indefinite time in the future—the very distant future, one might add, if the colonels have any say in the matter. In short, the period of watchful waiting may soon give way to the policy of business as usual. We cannot indefinitely ignore a friendly government, it will be contended, whose internal politics the United States cannot presume to direct or control.

The great fallacy in this line of reasoning is, however, becoming increasingly obvious—particularly with respect to those states which depend directly upon the United States for their very survival. The practical impossibility of remaining neutral in thought, word, and deed was clearly illustrated just a few weeks ago when the State of Israel was seriously threatened by an Arab diplomatic offensive. Only certain misguided officials in our own State Department seem to be deluded from time to time by such professions of innocence on our part.

Greece's close identification with the United States was assured 20 years ago when the Truman doctrine was first adopted and the country was narrowly saved from a Communist takeover. Since the end of World War II, we have given billions of dollars in assistance to Greece—almost one and one-half billion in military aid alone. We have, therefore, a huge stake in Greece's political and economic destiny.

In reality, we are now faced with a regime in Athens which is both totalitarian and unpopular, enjoying—for the moment at least—the tenuous support of the Greek Armed Forces. Although a democratic constitution is promised, we have no tangible evidence it will be forthcoming in the foreseeable future. In the name of anticommunism and patriotism, the junta has imprisoned thousands of public servants and ordinary citizens,

imposed total censorship on the press, outlawed political opposition, and in a mood of petty vindictiveness, "added Melina Mercouri to the growing list of glories that were Greece"—in the words of the New York Times—by canceling, or pretending to cancel, or purporting to cancel, her Greek citizenship. Miss Mercouri's reaction succinctly summarized the popular Greek attitude toward Colonel Pattakos, member of the Greek junta, when she said:

I was born a Greek and will die a Greek. Pattakos was born a fascist and will die a fascist.

To most informed observers, Miss Mercouri has a far longer life expectancy than the regime of Colonel Pattakos and his cohorts, whose official public statements are tinged with a kind of puritanism, a pious fundamentalism worthy of the Salem witch trials, of almost 200 years ago, which is strikingly at odds with contemporary Greek and American character.

The implications for U.S. policy are clear: Inaction in this situation must inevitably be interpreted in the minds of most Greeks as acquiescence; and acquiescence—because of the nature of our relationship with Greece—as moral insensitivity and support. When the junta passes from the scene, as pass it will, the result will be a tarnished U.S. image and a diminution of U.S. influence in Greece, unless steps are taken now to disassociate the Government of the United States from those presently in power. To make this disassociation credible, moreover, a suspension of arms shipments to Greece pending a discernible move by the colonels in the direction of democracy, would seem to be a minimal requirement. I strongly urge the administration to take this step before it is too late.

Mr. President, to place the current Greek tragedy in its proper perspective, it may be well to review very briefly the recent political history of this embattled nation.

Following the defeat of the Communist insurgents in 1949, there was a need for a political environment in which liberal parties could emerge; some constructive political force had to fill the vacuum created by the total defeat of the Communists and the absence of strong modern Greek democratic institutions. Few farsighted Americans showed alarm over the emergence of a liberal party which disassociated itself from the outlawed Communist left.

The decade of the fifties witnessed a period of much-needed political stability and remarkable economic growth under the conservative leadership of Gen. Alexander Papagos and then Premier Konstantin Karamanlis. Eventually, however, the process of attrition set in—a process I might add which is characteristic of all truly democratic institutions—and the parties in opposition gained electoral power and influence—a trend which was accelerated by the unexpected resignation of Karamanlis in the spring of 1963.

The victory of liberal candidates of the Center Union Party in the parliamentary elections of 1964, and their acceptance by opposition leaders, indicated

that a viable democracy, with the ingredients of stability was now functioning, at least in an embryonic stage. There were, of course, factions which opposed these developments, and it is now clear that some conservative leaders, with close ties to the Greek Army, took great pains to persuade American diplomats in Athens to look upon the government of George Papandreaou with suspicion and disdain. This change in attitude, even if it was not accompanied by an official change in policy, was considered by many to reflect a growing disenchantment with the Center Union government by the United States. There is evidence to suggest that the fall of Papandreaou in July 1965 was accompanied by an almost total break in communications between American diplomats and leaders of the Center Union, one of Greece's largest political parties.

This dissatisfaction of American officials with the leadership of the Center Union is important because Greek politicians have become accustomed to probing the mood of American diplomats before taking a stand on issues affecting Greece's international position. Therefore, it was not difficult for the Greek public to believe that the United States would at least give silent approval to any political move against the Center Union in the name of anticommunism. After all, the public was being told that American policies in Vietnam were guided by the same principles that led us to intervene in Greece 20 years before—with the result that we are now supporting a military dictatorship in Vietnam as well as in Greece.

In this connection, I should like to call attention to the remarks of the distinguished junior Senator from Rhode Island [Mr. PELL], who was one of the first Members of this body to comment on recent developments in Greece. In an excellent speech which appears in the CONGRESSIONAL RECORD of May 4, the Senator stated:

When a government is brought down by force, the United States usually sits on its hands when a coup is staged by forces of the right, but when the overthrow is carried out by the left we condemn the action, and occasionally commit our power to reverse it. The reason for this difference in our reaction is clear enough. Rightist or conservative forces usually represent the status quo, so we tend to be more tolerant of their political activities, even when a constitutional government is the victim.

Since 1960, for example, the United States has given at least tacit approval, and in most cases quick recognition, to seven new regimes resulting from right wing, military coups in El Salvador, Korea, Burma, Guatemala, Ecuador, Ghana, and Indonesia. During the same period we supported only one left wing coup and that was in Yemen.

My guess is that we made the wrong choice there. This last comment is mine, and not Senator PELL's.

Mr. President, I wish to commend the Senator from Rhode Island for his perceptive observations and to associate myself with them.

The prospect of a victory by the Center Union in the elections scheduled for May 1967, was anathema to those Greek militarists who had profited by its downfall 20 months earlier. To the forces of the right, a victory by the Center Union—

even in a fair election—was unacceptable. Once this conclusion had been formed, all that was required was to find the right moment.

There is probably never a moment at election time when at least one faction in Greece is not formulating a plot of one kind or another. This is one unfortunate result of an extremely fragmented political community. But at the same time, only members of military factions could ever have a chance of illegally imposing themselves on the country, for it is they alone who have the power of the gun—a very persuasive force under any conditions.

Although we were aware last winter that a coup was being planned in military circles, we did not, of course, know exactly when or by whom they would be staged. Apparently our ignorance was shared by the entire Greek political spectrum, from the far left to the far right, including elements of the Greek military who were busy devising plots of their own, and even by the King. My concern, therefore, is not over an apparently unavoidable intelligence gap, but over our failure to make clear that the United States would regard any unconstitutional step as totally unacceptable.

We are now led by the State Department to believe that the United States, and indeed the world, is faced with a fait accompli. But there is a widespread feeling, both here and abroad, that our passive acceptance of this illegal government merely perpetuates a morally and intellectually bankrupt regime. Are we then not giving silent approval to measures which offend the American sense of decency?

The policy of the Department of State in the months following the coup has been based on an illusion; it relies on the premise that a partial suspension of military aid shipments will succeed in pressuring the Greek junta to broaden its political base and direct Greece toward a return to constitutional democracy.

Such a theory, however, ignores the realities of the situation: Officers now ruling Greece base their power on influence within the military establishment, and any movement toward eventual civilian rule places that power in jeopardy. Given this set of circumstances, the adoption of halfway measures obviously has not worked, and in my judgment it will not work. Indeed, there is a serious question in my mind as to whether a total embargo on U.S. military assistance will convince this junta that it is moving in the wrong direction; but perhaps others in positions of some influence will draw the appropriate conclusion.

At least a degree of firmness on the part of our Government, some tangible indication that we mean business, will be more likely to restore Greek democracy than the delicate, carrot-and-stick approach which has been employed to date. Such action will also have the desired effect of serving notice to the people of Greece and to the world at large that the United States does not in any way condone the assumption of power by a small, unrepresentative minority in a land which has been aptly described as

"the oldest democracy and the newest police state."

The nature of Greek politics is somewhat baffling to foreigners. It is still somewhat Byzantine, and as I stated in my report to the Committee on Foreign Relations in April of this year, following a trip there, "political leaders tend to represent family and regional rather than national interest." The monarchy plays a role unlike the throne in other European countries. Its mere existence has been a subject of public debate for over 50 years. Twice during this century, Greece has returned to a republican form of government. Thus, the philosophies of national parties are colored by attitudes their members hold regarding the responsibilities they feel a monarch should undertake, if any at all.

At the present time, young King Constantine is surrounded by ambitious and reckless men, who are using the prestige of his office to rule with an iron hand. This places him in a most precarious position, as any miscalculations on his part could once again rekindle the smoldering and hostile controversy over the status of the monarchy.

Nevertheless, the King does represent a unifying force which offers the best hope of restoring some semblance of political stability and order to the Greek Nation. It should be our policy to encourage him in this effort, rather than to undermine his position by accepting the present rulers as legitimate. For if the King is ever to assume the initiative in establishing a more representative government—a formidable task at best under the present circumstances—he will need all of the moral support he can muster from the United States. Thus far, such support has been barely discernible, if not altogether lacking.

Mr. President, the King of Greece is reported to be on his way to the United States for a conference with the State Department and, presumably, President Johnson.

I would hope that while he is here he would have an opportunity to learn something of the views of the American people on this issue, which I believe are in accord with the views expressed in this speech. I would hope that he would have an opportunity to talk with prominent Greco-American citizens and with members of the Committee on Foreign Relations. I hope he will not be so surrounded by representatives of his own junta, who no doubt will accompany him, and by representatives of the State Department, who will no doubt drastically disagree with what I have to say, that he will have no opportunity to find out for himself what people really think.

Mr. President, Greece is a relatively poor country. Its human and natural resources must be used as efficiently as possible in order for the Greek people to enjoy the minimum standards of prosperity. Over the past few years, Greece has made great strides in this direction, although she still concentrates too much of her national income on military affairs—perhaps as a consequence of the historic threat to her security posed by her neighbors to the north—Yugoslavia, Bulgaria, and to a lesser extent Albania, not to mention her traditional rivalry

with Turkey to the east over the island of Cyprus, or other historical grounds. This threat is, however, more historic than real under present circumstances, for despite the reappearance of mutual recriminations in the press of late, we have no real evidence of planned military aggression against Greece by any other Balkan state.

In fact, with U.S. participation and encouragement, considerable progress had been achieved in recent years toward the stabilization of Greece's relations with her Balkan neighbors within the framework of the Balkan Pact. Unfortunately, the military junta has now unilaterally terminated border arrangements with Yugoslavia and has suspended agreements by which that country used Salonika as a free port. Predictably, the result has been a noticeable increase in tension between Yugoslavia and Greece, which runs counter to U.S. objectives in the area.

Again, as I concluded in my Middle East report of last April:

The age-old reliance of the nations in this area on force and violence as the ultimate weapons to achieve their national ambitions must, in the long run, be eliminated if we are not to have a recurrence of those Balkan wars which have so often triggered larger conflicts; conflicts which, in a nuclear age, the world can no longer afford.

There are several steps our Government can take to assure the Greek people that we wish to adhere to the principles of our historic and sympathetic ties. First, we should use all proper powers of persuasion to insure due process of law for all those imprisoned as political enemies of the state. Second, we should acknowledge with all due respect the condemnation of this regime by other NATO allies, such as Denmark, and consider the merits of having proper NATO authorities review the impact that this recent coup will have on Greece's role in the alliance. Third, we should suspend all military assistance to Greece.

Mr. President, the United States did not instigate the coup of April 21, but neither did we do anything to prevent it. Let us not compound that error by continuing to drift into an alliance with another inept dictatorship. We are already handicapped with enough inept dictatorships all over the world. Let us act now, before we become once again the unintended victims of our own inertia.

Mr. President, on the 19th of August a news article appeared in the Washington Post under the byline of Leslie Finer. The headline is "Greek Trial Indicates Struggle Inside Junta."

This is a first-class account of a struggle for power which appears to be going on within the military junta now ruling Greece. Its outcome could decide whether the country returns to normal political life or comes increasingly under monolithic army control.

The article concludes:

Unlike the official leadership, the junior, more extremist group, is apparently not concerned with the fear that, by suppressing all moderate political opposition, it is making underground Communist opposition a certain alternative.

Mr. President, that is exactly what is happening in Greece today.

Mr. President, I ask unanimous consent that the article to which I have referred, entitled "Greek Trial Indicates Struggle Inside Junta," written by Leslie Finer, and published in the Washington Post, of August 19, 1967, be printed at this point in the RECORD.

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

GREEK TRIAL INDICATES STRUGGLE INSIDE JUNTA
(By Leslie Finer)

ATHENS, Aug. 19.—A struggle for power appears to be going on within the military junta now ruling Greece. Its outcome could decide whether the country returns to normal political life or comes increasingly under monolithic Army control.

On the one hand is the group of generals and colonels, whose declared promise is to restore parliamentary democracy. On the other is an unseen directorate, composed of junior officers, for whom any kind of politician or political activity is anathema.

This conclusion is difficult to escape in view of the astonishingly inept handling of the Averoff case.

On Wednesday Evangelos Averoff, Foreign Minister in the right-wing government of Constantine Karamanlis from 1955-63, was sentenced by a military tribunal to five years in jail for breaking emergency regulations. The next day it was announced that he would be granted a pardon.

[Averoff is expected to go free Monday, UPI quoted informed sources in Athens as saying.]

Now, almost before the storm of protest over the Averoff affair has died down, his former colleague in the Karamanlis government, George Rallis, will on Monday face a court-martial on the charge (which has now become almost comically notorious) of having some friends home for a drink without obtaining police permission for a party of more than five people.

When the police raided Rallis' house, he was caught playing bridge. But, unlike Averoff, he can claim that those present in excess of five were not invited but just happened to drop in.

With nothing much to lose, Rallis was expected at his trial to make a scalding political attack on the regime. But in view of the government's admission of error in the Averoff case, Rallis must think carefully what tactics to adopt.

The court too will face an embarrassing choice between a sentence which defiantly defends the justness of the previous one or weakly bows before the storm it generated.

It will not be surprising if the solution to the dilemma is found by the simple expedient of postponing the trial sine die.

In the long run, the Averoff incident may prove most damaging of all by the light it has shed on the power conflict within the regime.

When Averoff walked into court he was politely greeted by the military prosecutor, who assured him that he had nothing to worry about (in fact, the prosecutor asked for an acquittal).

The chairman of the court also (a permanent high-ranking Army legal officer) nodded to the defendant reassuringly, and conducted the trial in a manner which clearly presaged a verdict of not guilty.

But 90 minutes of argument behind closed doors failed to deter the junior officers of the bench from their purpose of passing a spiteful sentence.

The significance of all this lies in the clues to the people who had no hand in the persecution of a respected right-wing politician, and who were shocked when it happened.

One of these was King Constantine, who took the initiative in demanding a free pardon. Another was the civilian Prime Minister Constantine Kollas, who persuaded the government to agree to the King's demand.

It is likely that most, if not all, of the official military leaders of the regime were ignorant of the treatment handed out to Averoff till after the event.

Unlike the official leadership, the junior, more extremist group, is apparently not concerned with the fear that by suppressing all moderate political opposition, it is making underground Communist opposition a certain alternative.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous unanimous-consent agreement, there will now be a period for the transaction of routine morning business.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

A message in writing from the President of the United States was communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on August 19, 1967, the President had approved and signed the act (S. 1762) to amend section 810 of the Housing Act of 1964 to extend for 3 years the fellowship program authorized by such section.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 1282. An act to provide for the withdrawal of wine from bonded wine cellars without payment of tax when rendered unfit for beverage use, and for other purposes;

H.R. 2470. An act to provide for the free entry of certain scientific instruments and apparatus for the use of Tufts University, Mount Holyoke College, and the Massachusetts Division of the American Cancer Society; and

H.R. 6056. An act to amend the Internal Revenue Code of 1954 to provide rules relating to the deduction for personal exemptions for children of parents who are divorced or separated.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following communication and letters, which were referred as indicated:

COMMISSION TO STUDY SELF-DETERMINATION BY THE TRUST TERRITORY OF THE PACIFIC ISLANDS

A communication from the President of the United States, transmitting a draft of a joint resolution regarding the Status of the Trust Territory of the Pacific Islands (with accompanying papers); to the Committee on Interior and Insular Affairs.

REVISION OF SOFTWOOD LUMBER STANDARD

A letter from the Secretary of Commerce, transmitting, for the information of the Senate, an announcement relating to the revision of the softwood lumber standard (with an accompanying paper); to the Committee on Commerce.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITION

The ACTING PRESIDENT pro tempore laid before the Senate a resolution adopted by the Board of Supervisors, County of Los Angeles, Calif., favoring the enactment of legislation to decrease foreign aid appropriations, which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with an amendment:

S. 814. A bill to establish the National Park Foundation (Rept. No. 532).

By Mr. NELSON, from the Committee on Interior and Insular Affairs, without amendment:

S. 1972. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Emigrant New York Indians in Indian Claims Commission docket No. 75, and for other purposes (Rept. No. 536).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

H.R. 530. An act to provide that the United States shall hold certain Chilocco Indian School lands at Chilocco, Okla., in trust for the Cherokee Nation upon payment by the Cherokee Nation of \$3.75 per acre to the Federal Government (Rept. No. 535).

By Mr. BREWSTER, from the Committee on Commerce, without amendment:

H.R. 158. An act to amend section 209 of the Merchant Marine Act, 1936, so as to require future authorization of funds for certain programs of the Maritime Administration (Rept. No. 533).

By Mr. ERVIN, from the Committee on the Judiciary, with amendments:

S. 1035. A bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy (Rept. No. 534).

NOMINATION OF THURGOOD MARSHALL—EXECUTIVE REPORT OF A COMMITTEE (EX. REPT. NO. 13)

Mr. HART. Mr. President, as in executive session, from the Committee on the Judiciary, I report favorably the nomination of Thurgood Marshall, of New York, to be an Associate Justice of the Supreme Court of the United States, and I submit a report thereon. I ask unanimous consent that the report be printed, together with the minority views of Senators McClellan, Eastland, Thurmond, and Ervin.

The ACTING PRESIDENT pro tempore. The report will be received and the nomination will be placed on the Executive Calendar; and, without objection, the report will be printed, as requested by the Senator from Michigan.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HART (for himself and Mr. Magnuson):

S. 2321. A bill to supplement the antitrust laws of the United States in order to prevent anticompetitive practices, by providing for just compensation upon termination of certain franchise relationships; to the Committee on the Judiciary.

(See the remarks of Mr. HART when he introduced the above bill, which appear under a separate heading.)

By Mr. TYDINGS:

S. 2322. A bill to provide for a study with respect to the adequacy of legal services and programs in the United States; to the Committee on the Judiciary.

(See the remarks of Mr. TYDINGS when he introduced the above bill, which appear under separate heading.)

FRANCHISE COMPETITIVE PRACTICE ACT OF 1967

Mr. HART. Mr. President, on behalf of myself and the Senator from Washington [Mr. Magnuson], I introduce today, for appropriate reference, the Franchise Competitive Practice Act of 1967. In brief, this bill provides for just compensation to the franchisee upon termination of certain franchise relationships.

Franchising has enjoyed a tremendous growth since the end of World War II. Today almost any item or service which the public desires is available under a franchise program. The franchising system is of mutual advantage to the franchisor and franchisee. The franchisee is provided with an opportunity to become an "independent" businessman benefited by national advertising, know-how, proved bookkeeping methods, and so forth, without having to undertake the enormous financial burden required by a single business. The franchisor is able to organize a nationwide distribution system without the attending problems of employees, taxes, and so forth. The relationship is much like a partnership in which both parties gain or lose by the other's action.

The Antitrust and Monopoly Subcommittee has held three sets of hearings on franchising during the past 2 years. One thing that became clear was that the balance is tilted somewhat in favor of the franchisor. Numerous franchisees testified repeatedly that they constantly lived with the fear of arbitrary cancellation of the franchise and the preempting of established customers by the franchisor. When this occurred the franchisee was left with little or nothing to show for years of hard work and often the expenditure of all his savings. This bill would add the needed ounce to the franchisee's side of the scale so that a more perfect equilibrium would be obtained.

Without quoting the bill "in extenso" I would like to highlight its contents.

First, the bill would be applicable only to those franchisees who have a heavy dependence on one franchisor. Thus, franchisees for whom sale of the franchisor's products constitutes less than 25 percent of their annual gross sale would not have the benefit of the bill. Also, there must have been a commercial relationship between the parties for at least 1 year.

To encourage voluntary settlement of differences, the bill provides that where the franchise provides for fair and equitable arbitration of the items covered by the bill, the bill will not apply.

Section 3 of the bill provides that in the event of the termination without the consent of the franchisee, the franchisor shall become liable for: First, the purchase, at full and fair market value, of all or any portion of the buildings, machinery, materials, facilities, and equipment of the franchisee utilized in the marketing of the franchisor's products or services;

Second, the purchase of all or any portion of franchisee's inventory of goods and materials purchased by the franchisee in accordance with requirements of the franchisor, at franchisee's cost plus freight and cartage; and

Third, the payment to the franchisee of a sum equal to the reasonable value of the franchise, including the goodwill.

Section 4 provides that where the franchisor preempts the sale of goods or services previously sold by the franchisee, without the consent of the franchisee, the franchisor shall be liable for payment to the franchisee of a sum equal to the reasonable value of the customer's account, including goodwill.

Provision is made for the franchisee to bring action against a franchisor who has terminated the franchisee or preempted a customer without full compliance with sections 3 and 4 of the act and also provides for injunctive relief.

I cannot stress too strongly that it is not the intention of this bill to penalize a franchisor for the cancellation of a franchisee nor to bind a franchisor inextricably to a franchisee, but only to reimburse the franchisee for the time, money, and effort which have been expended in building up the business of the franchisee.

Although the franchisee is the one most apparently benefited by this bill, I feel that in the long run, it will be beneficial to the franchisor and the competitive process. It seems to me that in order to have a healthy atmosphere within which to operate a franchise system, there must be mutual obligations and benefits between the parties to the franchise. It would seem logical that if the franchisee were free from arbitrary action on the part of the franchisor, he would be able to better concentrate on operating an efficient business to both his and the franchisor's advantage. And if franchising is to create truly independent businesses and not become a form of vertical integration by contract, the franchisee must be allowed to operate free from worry about the economic effect on him of cancellation.

Mr. President, I ask unanimous consent that the bill be printed in full at the conclusion of my remarks.

The ACTING PRESIDENT pro tem-

pore. The bill will be received and appropriately referred; and, without objection the bill will be printed in the RECORD.

The bill (S. 2321) to supplement the antitrust laws of the United States in order to prevent anticompetitive practices, by providing for just compensation upon termination of certain franchise relations, introduced by Mr. HART (for himself and Mr. MAGNUSON), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 2321

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Franchise Competitive Practice Act of 1967."

SEC. 2. As used in this Act—

(a) the term "person" means a sole proprietor, partnership, corporation or any other form of business organization;

(b) the term "franchise" means a contract, agreement or understanding between two persons that involves a continuing commercial relationship between them and that grants to one person, hereinafter called "the franchisee", the right to offer, sell and distribute goods, services, or commodities manufactured, processed, distributed or (in the case of services) organized and directed by the other person, hereinafter called "the franchisor": *Provided*, That any commercial relationship in effect for less than twelve months or involving less than 25 per centum of the annual gross sales or receipts of the franchisee shall be exempt from the provisions of this Act.

(c) the term "terminate a franchise" means the ending of the franchise relationship by the franchisor by cancellation, within or without the provisions of the franchise, or refusal to renew the franchise upon expiration of the term thereof;

(d) the term "commerce" has the same meaning as in the antitrust laws of the United States; and

(e) the term "preempt" means the acquiring of the sale of goods or services to a customer which had for a period of at least six months prior to the pre-emption been a customer of the franchisee.

SEC. 3. The termination of a franchise by a franchisor without the consent of the franchisee, notwithstanding any terms or conditions of the franchise to the contrary, except as provided in section 5, shall render the franchisor legally liable for:

(a) the purchase from the franchisee, at full and fair market value, of all or any portion of the buildings, machinery, materials, facilities and equipment of the franchisee utilized in the marketing of the franchisor's products or services;

(b) the purchase from the franchisee of all or any portion of franchisee's inventory of goods and materials purchased by the franchisee in accordance with requirements of the franchisor, at franchisee's cost plus freight and cartage; and

(c) the payment to the franchisee of a sum equal to the reasonable value of the franchise, including good will.

SEC. 4. In those instances wherein the franchisor preempts the sale of goods or services to the customers previously sold by the franchisee, without the consent of the franchisee, the franchisor shall be legally liable for the payment to the franchisee of a sum equal to the reasonable value of the customers' account, including good will.

SEC. 5. In the case of existence of any franchise agreement between a franchisor and franchisee containing a formula for fair and equitable arbitration which provides for the arbitration of those items covered in section 3 and section 4 of this Act, the provisions

of section 3 and section 4 of this Act shall not be applicable thereto.

SEC. 6. Any franchisee may bring an action against a franchisor who has terminated a franchise or preempted a customer without full compliance with any of the provisions of section 3 or section 4 of this Act, in any district court of the United States in the district in which the franchisor resides or is found, or has an agent, without respect to the amount in controversy, and shall recover the damages by him sustained by reason of the franchisor's failure to comply with section 3 or section 4 hereof, and any other damages to which the franchisee may be lawfully entitled, together with the costs of the action, including reasonable attorney fees. In any such action it shall be a complete defense for the franchisor to prove that the franchise was terminated or the customer preempted by reason of the conscious malfeasance or willful failure of the franchisee to perform adequately, competently and in good faith the lawful duties imposed upon him by the franchise contract.

SEC. 7. Any franchisee shall be entitled to sue for and have injunctive relief in any court of the United States having jurisdiction over the parties, against cancellation of his franchise or the preempting of customers without full and complete compliance with section 3 or section 4 of this Act by a franchisor when and under the same conditions and principles as injunctive relief against threatened conduct that will cause loss or damage is granted by courts of equity, under the rules governing such proceedings, and upon the execution of proper bond against damages for an injunction improvidently granted and a showing that the danger of irreparable loss or damage is immediate, a preliminary injunction may issue.

SEC. 8. Any action brought pursuant to this Act shall be forever barred unless commenced within three years after the cause of action shall have accrued.

SEC. 9. No provision of this Act shall repeal, modify or supersede, directly or indirectly, any provision of the antitrust laws of the United States. This Act is and shall be deemed supplementary to but not a part of the antitrust laws of the United States.

SEC. 10. This Act shall become effective six months after the date of its enactment.

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1968—AMENDMENTS

AMENDMENT NO. 281

Mr. KENNEDY of Massachusetts submitted amendments, intended to be proposed by him, to the bill (H.R. 10738) making appropriations for the Department of Defense for the fiscal year ending June 30, 1968, and for other purposes, which were ordered to lie on the table and to be printed.

ADDITIONAL COSPONSORS OF BILLS

Mr. DIRKSEN. Mr. President, I ask unanimous consent that at its next printing the name of the senior Senator from New Hampshire [Mr. COTTON] be added as cosponsor of S. 2281.

This measure, Mr. President, will preserve the \$500,000 ceiling for small businesses. I have examined the most recent release of the National Federation of Independent Business and I am concerned at the unemployment that their members report that has resulted from the most recent increase in minimum wages. I am asking individual members of this association to furnish me an account of their own operation and the effect that the increase in minimum wage has had

on their own operation and what effect future coverage of their business and increased wage requirements would have on their business and employment. I hope that they will respond directly to me. As soon as this information is received, I intend to make it available to other Members so that they can see firsthand, the adverse effects increases in minimum wages have on the economy.

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

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from South Carolina [Mr. HOLLINGS], I ask unanimous consent that, at the next printing of the bill (S. 1796) to impose quotas on the importation of certain textile articles, the name of the Senator from New Jersey [Mr. CASE] be added as a cosponsor.

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

NOTICE OF RECEIPT OF NOMINATION BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the following nomination:

H. Rex Lee, of Idaho, to be an Assistant Administrator of the Agency for International Development, vice William O. Hall.

In accordance with the committee rule, this pending nomination may not be considered prior to the expiration of 6 days of its receipt in the Senate.

ORDER OF BUSINESS

Mr. SYMINGTON. Mr. President, I ask unanimous consent that I may be permitted to proceed for 10 minutes.

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

THE FUTURE OF GREECE

Mr. SYMINGTON. Mr. President, the question of our relations with the Government of Greece has been raised in this body. As chairman of the Foreign Relations Subcommittee that has to do with that part of the world, I would comment, since it seems to me that a fundamental principle in the conduct of foreign affairs by this country is involved—namely, how should the United States act toward foreign governments which are installed in circumstances not consonant with the basic political beliefs which the United States stands for.

One school of thought has it that the United States should adopt an implacably hostile attitude toward such governments, cutting off military and economic assistance in an effort to show the total disapproval of the American people of the regime in question. The purpose of such action is presumably to bring about a change in the government concerned, or at least a change in the basic conduct of that government, in order to have that government reflect standards more acceptable to the United States.

Another school of thought has it that the United States should indeed use its

influence in an effort to persuade authoritarian regimes, at least in countries closely connected with the United States, to moderate their actions in the direction of progress toward democratic processes; but that the likelihood of success in this direction is greater if the United States does not take an out-and-out hostile stance toward the government in question.

This second school of thought holds that the United States must indicate disapproval of dictatorial foreign regimes, but must not undermine American ability to exercise a moderating influence by completely removing the instruments of persuasion which we may possess in the country concerned.

Greece is the case in point. Some people would have us eliminate entirely our aid programs in that country in order to serve notice to the people of Greece and to the world that the United States does not condone in any way the assumption of power by an unrepresentative minority. The question is whether the situation in Greece would be changed for the better if such action were taken.

Our disapproval of the Greek regime, and of actions such as the unbelievable sentencing of former Foreign Minister Averoff to 5 years in prison for holding a social gathering in his home, has already been made clear to the Greek Government and the Greek people by public statements of the highest officials of our Government. In addition, the fact that a significant portion of our military assistance to Greece remains suspended is also well known in Greece; and the Greeks have been quick to grasp the significance of that fact.

There are those who believe that the suspension of remaining military assistance would have serious consequences for our relations with a NATO ally.

The effect it would have, however, would be upon the U.S. presence in Greece, since presumably, if the program were totally suspended, there would be no justification for keeping in Greece the military personnel involved in the administration of military assistance. We would thereby be depriving ourselves not only of an instrument of influence upon the Greek Government but of a significant portion of our representation in Greece—a major ally—at a time when relations with the Greek military are of great importance.

By both steps we would be lessening our ability to influence Greek officials.

Let us not forget that there have existed for a very long time special ties of friendship and mutual interest between Greece and the United States epitomized today in our NATO alliance. Among these have been the traditional bond of a common heritage; the achievements of the many American citizens of Greek origin; and the heroic contribution which Greece, with the assistance of this country, made to the common struggle against totalitarianism.

In the present situation, which we earnestly hope will be a temporary one, let us not forget these values.

Let nothing I have said be considered as approving the recent seizure of power in Greece by elements of the Greek military or actions which the junta has taken.

No American can be happy with the

unconstitutional seizure of power in a friendly country; but the picture in Greece is not totally black. The present Government has given evidence that it intends to honor Greece's commitments to NATO. Its membership in that alliance continues to be of great importance. Greece provided full and most welcome cooperation in the evacuation of Americans during the recent crisis in the Middle East. It has emphasized its desire to continue Greek friendship with the United States. It has promised the Greek people a new constitution, to be approved by plebiscite with general elections to follow. A respected committee has been established to revise the constitution by late fall.

With regard to political detainees—and this is a field in which our Government has been exercising the influence we have in Greece—the Greek Government has released about two-thirds of the people rounded up after the coup. Although censorship of the Greek press does continue, foreign publications circulate freely and the Government has declared its intention to eliminate domestic censorship in the near future. We must continue to urge the Greek Government to make further progress in this direction.

Special attention deserves to be given to the role of King Constantine, who has made it amply clear that he is not happy with the suspension of civil liberties in Greece, and has committed himself to work for a full return to constitutional government.

Thus the situation in Greece, as I see it, is not set in concrete. I think that U.S. policy toward Greece should also not be set in concrete. Greece has a lot to gain, and so does the United States, if our country maintains a flexible policy toward the present regime. If through the exercise of such a flexible policy—if we do not cut ourselves totally off from our means of influence in Greece—if through our urging and suggesting in the day-to-day application of normal diplomacy—if as a result of these actions and, of course, of the influence of the Greek people themselves, the course of political developments in that country reverts to constitutional, democratic procedures, then Greece and the United States and the free world will be the gainers.

But I believe that the likelihood of these developments taking place will be lessened if the United States develops a hostile posture toward the Greek regime and deprives itself of its means of influence in that country. Great powers should not make policy by slamming doors.

Let us clear our disapproval of what has been happening in Greece, but let us work to improve the situation within the framework of the traditional ties of friendship and common interest which connect our two countries.

The Greek people are not going to stand for being deprived of their freedom indefinitely. They are already on the road back to a constitutional situation. We are endeavoring to help them along that path, and I am confident that democracy will return to Greece.

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

Mr. SYMINGTON. I am glad to yield to the able Senator from Pennsylvania.

Mr. CLARK. I have listened with interest to the comments of the Senator from Missouri. He did not mention my name, but since his speech comes almost immediately after mine, on the same subject, I am sure that his speech will be read together with mine.

I should merely like to point out that, so far as I am concerned, I certainly am not advocating a break in relationships with Greece.

I certainly agree with that part of the Senator's speech in which he says that we should use all our influence in attempting to turn the present junta toward the ways of democracy. I think I should point out to the Senator that I advocated termination of military aid to Greece long before the coup took place, in the report I made to the Committee on Foreign Relations.

Finally, I hope the Senator will be lenient with me when I indicate some skepticism as to how sincere the present government is in its assertion that it intends to bring into being, within the foreseeable future, a constitution which has any remote similarity to the earlier Greek Constitution or, indeed, to the principles of democracy.

I thank the Senator for yielding.

Mr. SYMINGTON. Mr. President, I appreciate the remarks of the able Senator from Pennsylvania.

In no way was my talk to be construed as criticism of his position.

I was in Greece earlier this year. We have an able Ambassador there. The situation at that time was complicated. People who were supposed to be opposed to each other are now with each other. People who were supposed to be with each other are now opposed to each other.

My reason for making these few remarks this morning, after reading the thought-provoking speech of the distinguished Senator from Pennsylvania, is in the hope that we can work this situation out without losing our relationship and friendship with Greece. There are many governments around the world not in consonance with our ideas of what is democracy, and there are other countries that do not feel we have all the answers as to how they should govern themselves.

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

The ACTING PRESIDENT pro tempore. The time of the Senator from Missouri has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Missouri may be recognized for 5 additional minutes.

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

Mr. SYMINGTON. I am glad to yield to the distinguished Senator from Kansas.

Mr. CARLSON. Mr. President, I do not rise to take issue with the distinguished Senator from Pennsylvania. I did not hear his speech, but I have heard him discuss this problem in committee on previous occasions.

I do want to associate myself with the remarks of the distinguished Senator

from Missouri, with the hope that despite the fact that a military junta is in control of the government in Greece, we take a little time to see if we can work out an arrangement with that government, which I understand is moving toward constitutional government. I hope that we do not do anything today or in the near future which might result in action being taken by our Government that would somehow cause us to have a division of views and opinions with a country with which we have been associated for so many years.

The present Greek Government has officially stated that the purpose of the revolution was not to establish an authoritarian regime by abolishing democratic institutions, but to forestall their ultimate destruction by a Communist takeover and to work out as speedily as possible their restoration within a sounder and more vigorous constitutional frame.

I have had some contacts with Greek people, and I believe they are sincere in trying to work out a constitutional government, and I hope that they will accomplish it soon.

Mr. SYMINGTON. Mr. President, I thank the able Senator for his contribution. He is especially versed in this field, because he is one of the most respected of all members of the Committee on Foreign Relations.

Mr. YOUNG of Ohio. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield to the distinguished Senator from Ohio.

Mr. YOUNG of Ohio. Mr. President, I thank the distinguished Senator from Missouri for yielding to me.

I listened with great interest to the statement he made. It was shocking to me when in Greece, the cradle of democracy, some colonels and generals overthrown the duly constituted government. At that time, I expressed the feeling that if some rag-tag group in Greece, including some alleged Communists, had taken over by force, as did the Fascist-minded generals and colonels, our State Department officials would have immediately bestirred themselves and either intervened or threatened to do so, and would have had our 6th Fleet nearby to take action if necessary.

Mr. President, I compliment the distinguished senior Senator from Pennsylvania [Mr. CLARK], and I wish to associate myself with the views he has set forth.

With regard to the policy of officials of our State Department in connection with the fascist takeover in Greece, the Senator from Pennsylvania and the Senator from Missouri may be interested in a recent article in my newsletter. In the article, which is entitled "Greek Actress: Smart Gal," I stated:

Greece, the cradle of democracy, has gone fascist. General Patakos, Minister of Interior and a military junta member, is becoming a Greek Mussolini. This dictatorship has locked some 6,000 men and women behind bars as political prisoners.

I am glad to be able to report that I understand some of those men and women have been released.

I went on to say:

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Melina Mercouri, the lovely internationally-known Greek film star, spoke ill of the military junta. So, without trial, the bush-league Mussolini convicted her of anti-national actions, deprived her of her Greek citizenship and confiscated her property. She responded angrily, "I was born a Greek; I will die a Greek. General Patakos was born a Fascist and he will die a Fascist." The gal deserves more credit than the striped-trouser boys in our State Department. Sooner or later people throw out dictators. Our State Department would do well to keep this in mind instead of instantly recognizing dictators who overthrow constitutional governments.

Mr. President, I am glad this matter has been brought to the attention of the Senate and the country today. I am happy to have had the opportunity, along with the Senator from Missouri and the Senator from Pennsylvania, to express my views.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the able Senator from Connecticut [Mr. Dodd] be allowed to proceed for 15 minutes.

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

THE VIETNAM ELECTIONS: WHAT PROOF OF FRAUD?

Mr. DODD. Mr. President, during the past weeks charges have been made on the floor of both the Senate and the House that the South Vietnamese presidential elections were being turned into a "fraud" and a "farce" by the ruling military junta.

More than one Member took the stand that if the elections were not conducted in a satisfactory manner, we should start making plans to get out of Vietnam.

One speaker informed the Senate that there was really little to choose between the tyranny of communism and the tyranny of President Thieu and Prime Minister Ky. "Tyranny," he said, "wears many cloaks."

I want to appeal to my colleagues, and especially to those colleagues who have spoken on the matter, for somewhat greater deliberation, for a somewhat more careful attention to facts, before they pass judgment on the South Vietnamese Government and on the manner in which the presidential elections in that country are being conducted. I appeal to them not to be so quick to condemn, especially when there is so much at stake.

There is more than one previous situation in which it turned out that snap judgments made on the basis of fragmentary information turned out to be dead wrong and politically harmful.

I recall that in September 1963, at the height of the Buddhist crisis, a number of Senators rose to condemn the persecution of the Buddhist religion by the Diem government, and a resolution was even introduced calling for the cessation of foreign aid to the South Vietnamese Government if this persecution did not cease.

The misgivings expressed by a number of Senators at that time were un-

derstandable because there were many reports in the American press charging the Diem government with religious persecution.

There were, it is true, a number of experienced and highly reputable correspondents—foremost among them Marguerite Higgins of the New York Herald Tribune and columnist Joseph Alsop—who tried to warn us that the cries of religious persecution were a fraud and that, if the Buddhists did succeed in overthrowing the Diem government, it would inevitably result in a long period of chaos which would set the Vietnamese war back for many years.

Their voices, however, were drowned out by the far more numerous chorus of correspondents clamoring about the tyranny of the Diem government and the persecution of the Buddhist religion.

By sheer weight of numbers, these correspondents succeeded in convincing some of the most fairminded people I know that the Diem government was brutally persecuting the Buddhist majority in South Vietnam.

At the United Nations, 16 governments filed a statement with the Secretary General charging the South Vietnamese Government had been guilty of a "serious violation of human rights."

But then, in early October of 1963, at the urgent invitation of the Diem government, the General Assembly decided to send a factfinding mission to South Vietnam, which included two Africans, two Latin Americans, and three Asian representatives. And when this mission had completed its investigation, it turned out that there was, in fact, no persecution of the Buddhist religion as such. This was confirmed to me personally by Ambassador Fernando Volio Jimenez of Costa Rica, who introduced the motion calling for the setting up of the U.N. mission and served as a member of it. He told me they found no such persecution.

The Diem regime was not without its faults. It had forfeited the support of the intellectuals, and the highhanded manner of Diem's brother, Nhu, had inevitably resulted in a serious contraction of Diem's basis of popular support. But Diem was a man of integrity and dedication and national stature. He, more than any other person, had been responsible for pulling the country together in the period after the Geneva agreement. It was no less an authority than President Kennedy who described this performance as "the Diem miracle."

Diem was stubborn; but he could be reasoned with. Indeed, only a few days before his assassination, Diem agreed to institute all those reforms which the American Embassy considered advisable, and even agreed to exile his controversial brother, Nhu, to some remote diplomatic post. But it was too late.

The international hysteria that had been whipped up by all the exaggerated stories about the persecution of the Buddhist religion foreclosed the possibility of reforming the Diem government and led ineluctably to the assassination of Diem and Nhu.

If I recall the past in such detail, it is because I believe that the Diem experi-

ence has a lesson for us that is clearly applicable to the present situation in South Vietnam.

For some reason we are prone to criticize the shortcomings of our allies and friends far more than we criticize the faults of our enemies.

And, among our friends and allies, we are always far more prone to criticize governments which are under moderate leadership than governments which are under leftwing or even leftwing extremist leadership.

There has been far too much hypocrisy and far too much of the double standard in our approach to foreign policy.

I find it particularly difficult to understand the position of those who over the years voted to support the billions of dollars of aid we have given to the Tito dictatorship, the Polish Communist dictatorship, the Nasser dictatorship, the Sukarno dictatorship, and sundry other leftwing dictatorial regimes, and who now insist on nothing less than 100 percent democracy from the Government of Vietnam.

In my 13 years in Congress I do not recall anyone standing up and saying that, unless they had free and honest elections in those countries, we should not continue to help them.

I do not understand the position of those who insist on a 100-percent democracy for Vietnam and who have never asked for any democracy at all in their numerous votes of aid to leftwing dictatorships.

A number of Senators did protest against our recent involvement in the Congo crisis, arguing that we cannot afford to intervene in every single domestic crisis in countries in which we have an interest.

On this point they were completely right.

But, to my recollection, in the 2 years since the installation of the Mobutu dictatorship, not a single Member of Congress who has criticized the conduct of the Vietnam elections has risen to deplore the brutality of the Congolese dictatorship to its own people; its suppression of all political parties; its abrogation of all freedom of press; its imprisonment of scores of tribal chiefs and hundreds of political opponents; its rabid antiwhite, anti-European propaganda, which is unquestionably responsible for much of the racist violence in the Congo today; or its public execution of a former Prime Minister and four former cabinet ministers after a trial that made Stalin's show trials of the thirties look like paragons of juridical procedure.

Certainly, no one has suggested that we terminate all aid to the Congo.

I do not ask that we make as much allowance for the Government of South Vietnam as we are apparently willing to make for the Government of the Congo.

Nor do I take the stand that we should be prepared to condone any degree of tyranny in governments with which we happen to be allied.

The fact is that the South Vietnamese Government, in an exceedingly difficult situation, has been moving consistently in the direction of greater political freedom and representative democratic institutions.

Their performance is all the more remarkable because internal conflicts of all kinds, ranging from the traditional variety of civil war to the disguised aggression of the Communist-inspired wars of national liberation, ordinarily do not make for an expansion of democracy. On the contrary, for elementary reasons of security, such internal conflicts have, in previous history, invariably resulted in a contraction of democracy by the government in power.

This was the experience during our own Civil War, when President Lincoln suspended habeas corpus and when some 20,000 to 30,000 people suspected of sympathizing with the South were imprisoned without trial.

Logic suggests that in the case of the so-called people's wars of national liberation there should be even greater pressures to restrict democracy in the interest of security—because in such wars there are no fixed lines and the enemy is everywhere. These pressures unquestionably exist in South Vietnam today. But the fact remains that, despite these pressures, the government in power has been moving in the direction of more personal freedom and more democracy rather than in the direction of dictatorship.

Those who argue that the Vietnamese presidential elections are a fraud, have not to date produced any bill of particulars to support their argument.

Indeed, so far as can be judged, these accusations are based on a single incident which occurred a week ago Sunday in Quang Tri Province, when a plane bearing presidential candidates to a rally landed at the wrong airport and were not met by transportation.

The entire incident bears the hallmarks of the kind of gigantic snafu that sometimes occurs even in more advanced and politically experienced countries.

According to reports, the plane landed at an alternate airport because the airstrip at which it had originally been scheduled to land was affected by severe crosswinds. Transportation was already on the way to pick up the candidates and take them to their rally. But either the candidates refused to wait or the pilot refused to wait, and the result was that the plane returned to Saigon, with the angry civilian candidates charging that they had been sabotaged and humiliated.

The military government has expressed its regrets for the snafu, and has said that the failure of provincial officials to meet the candidates at the airport was due to an administrative lapse and was not intentional.

The statement of the government was confirmed by correspondent R. W. Apple, Jr., of the New York Times, who reported:

None of the outsiders present at Quang Tri City when the civilian candidates arrived to find no welcoming party, believed that the government conspired to embarrass or discredit the civilians.

Ambassador Bunker in a cable to the Department of State which was quoted by the Evans and Novak column on August 16, further confirmed that the incident was a combination of bad weather

and poor planning, "combined with impatience and suspicion on the part of the [civilian] candidates."

And yet it was this incident that triggered the angry outcries of "fraud" and "farce" on the floors of the House and Senate.

Dr. Phan Quang Dan, one of the best known and most respected of the civilian candidates, has urged his fellow candidates to overlook the so-called Quang Tri incident as a mistake and to get on with the job of campaigning. But a number of other candidates see an opportunity to press a propaganda advantage against the military junta, and they are apparently not prepared to abandon this advantage easily.

In this connection, I would like to quote briefly from an article by the well-known columnist Charles Bartlett which appeared in the Washington Star for August 12:

The South Vietnamese generals—

Said Mr. Bartlett—

have no temptation to rig the election because their Thieu-Ky ticket is certain to win . . . But they are far from certain that they are going to be able to ward off the appearance of roguery. Swarms of reporters have set out to find it (evidence of roguery), and the lesser candidates, who include some known rascals, can be counted on to supply grist for the journalistic mills.

To Mr. Bartlett's comment, it might be added that the exaggerations will probably not be confined to "lesser candidates" and "known rascals," for the simple reason that exaggerated statements and charges are a natural part of campaign politics in every country.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. DODD. Mr. President, thus, within the past few days Tran Van Huong, a former Prime Minister who has a reputation for integrity and who is generally considered the leading civilian candidate, charged that the government was engaging in wholesale intimidation in the Mekong Delta area. But Peter Braestrup of the New York Times, who went to the Mekong Delta to check out on the charges, found no support for them. He quoted Mr. Huong's local campaign manager, Doan Van Truong, as saying that he was puzzled by his candidate's charges.

Objectively speaking, there has been no government pressure or intimidation here at all.

Mr. Braestrup said that this assessment was repeated by others to whom he spoke in the area, including campaign managers for opposition candidates.

The accusation that the South Vietnamese military government is acting in bad faith is far more an assumption, therefore, than it is a supportable charge. It is an assumption, moreover, which completely overlooks the record of the Thieu-Ky government over the past year in particular.

It overlooks the fact that it was this same government which was responsible

for conducting the elections for the constituent assembly last September. These elections were closely observed, not only by some 500 members of the foreign press corps in Vietnam and the resident diplomatic corps, but also by special parliamentary delegations from Japan and Korea.

Overwhelmingly, the consensus of these observers was that the elections which brought out 81 percent of the eligible voters, were conducted in a fair and effective manner.

A tangible and highly impressive proof of their fairness was the fact that the military candidates, despite the moral support they received from the government, were in most cases badly beaten by civilian candidates. As proof that the military did not in any way intervene in the election, Dr. Phan Quang Dan pointed out to reporters that, in the voting at the Thu Duc Military Academy, he had received 2,800 votes while his military opponent had received only 700.

The assumption of fraud also overlooks the government's equally impressive record of fairness in the conduct of the village and hamlet elections this spring, in which approximately 80 percent of the voters again participated.

The assumption that the Thieu-Ky government is acting in bad faith also overlooks the cooperation which this government gave the Constituent Assembly; and the fact that, despite serious differences, it did not invoke the right to veto a single constitutional proposal of the Assembly.

It overlooks the fact that the government has lifted newspaper censorship and that some remarkably critical statements are now beginning to appear for the first time.

And it overlooks the impressive growth of political activity at every level, involving perhaps too many representatives of too many competing parties. The veteran Vietnam expert, Denis Warner, in an article in the Reporter magazine last November, said—I quote:

In the 17 years I have been regularly visiting this country through the years of the Bao Dai experiment, the Diem era, and the upheavals of the post-Diem era, there has never been such genuine political activity as there is today.

Finally, the assumption of fraud and bad faith overlooks the fact that the South Vietnamese Government has invited Congress to send observers to Vietnam so that Congress can satisfy itself that the elections are free and open to scrutiny by all.

Mr. President, there have been warnings enough and threats enough addressed by Members of both Houses to the Government of Vietnam. I, for one, take it for granted that this Government, on the basis of its record, will conduct the presidential elections in the same eminently fair manner in which it conducted the elections for the Constituent Assembly just 1 year ago, and the village and hamlet elections this spring.

But it is not enough that some of us should be satisfied of the fairness of the current elections. It is imperative that Congress as a whole, including the critics of our Vietnam policy, should be satisfied that these elections are fairly conducted.

For this reason, I consider it our moral and political duty to accept the invitation of the South Vietnamese Government to dispatch congressional observers to Vietnam, for the purpose of satisfying ourselves that the presidential elections will be conducted in a free and fair manner.

It is not right for Members of Congress to impugn the motivation and integrity of the South Vietnamese leaders—and then refuse their invitation to send our representatives to Vietnam so that Congress can receive from them a firsthand report on the conduct of the elections.

Who can blame Prime Minister Ky when he complained that there are people who are prepared to criticize the elections from a distance of thousands of miles, but who for some reason refuse to come to Vietnam so that they can see for themselves?

I am confident, as I have stated, that the elections in Vietnam will be fair by generally accepted democratic standards.

I do not say that there will be no local or minor irregularities.

But then, has there ever been an election in this country which has not witnessed a certain amount of irregularity, some of it admittedly of a minor nature, some of it regrettably of a fairly major nature?

In judging the conduct of the Vietnamese elections let us not judge it against the artificial and nonexistent standard of absolute perfection, because to do so would be the worst kind of hypocrisy.

Let us rather judge it, firmly but fairly, against the standard of elections as they really are, in our own country and in other democratic countries.

Let us be strong of faith and stout of heart and firm in our commitment to the freedom of the peoples of Southeast Asia. And let us not, for reasons both of morality and commonsense, abandon these peoples, or threaten to abandon them, to the ultimate tyranny of communism simply because their governments may not quite measure up to the mythical puritanical standard of absolute democracy.

Whatever its faults, the South Vietnamese Government is probably the only government in history which, in the midst of a bitterly fought internal war, has sought to encourage the development of democratic institutions and the expansion of personal freedom. This is no mean accomplishment.

Let us give this government the credit and confidence it deserves, while we let them know frankly of our hopes and expectations for the further enlargement of freedom in their country.

EXHIBIT I

[From the Evening Star, Aug. 12, 1967]

SAIGON STRUGGLES TO AVOID ASPECT OF ROGUE

(By Charles Bartlett)

The South Vietnamese military leaders are being obliged, for external consumption, to make an act of innocence out of an election that many are tempted to regard as an act of folly.

They are not at all sure they can carry it off. They have a sense of being pulled and hauled by the suspicions of about 600 visiting journalists, the complaints of the lesser candidates for president, and the exhortations from Washington to keep the campaign clean at all costs.

A stern admonition came recently from two White House emissaries, Clark Clifford and Gen. Maxwell Taylor, who warned that reports of serious fraudulence will disgust the American people and dampen their support for the war.

Clifford and Taylor pointed to the misadventures of the South Korean government, now almost paralyzed by a reaction against ballot-stuffing in the June elections to the national assembly. The opposition refuses to sit in the assembly until President Park concedes that the elections were totally rigged.

The South Vietnamese generals are confident they can avoid this pitfall. They have no temptation to rig the election because their Thieu-Ky ticket is certain to win. They believe they can unify the factions after the Sept. 3 election with a rousing move to reorganize the government to provide a new deal for South Vietnam.

But they are far from certain that they are going to be able to ward off the aspect of rogery. Swarms of reporters have set out to find it and the lesser candidates, who include some known rascals, can be counted on to supply grist for the journalistic mills.

Take the incident of the murder of a professor in the well-organized Dai Viet party. After his recent assassination in Nhatrang, his associates protested loudly that the government was setting out to kill off its opposition.

The investigation proved that the professor was killed in a restaurant where he encountered four students whom he had caught cheating in exams. It seems they felt he had humiliated them by tearing up their workbooks in class and so they took this opportunity to murder him. Politics was not a factor but the facts are running well behind the charges in the public mind.

The mechanics of electioneering are as little known to the candidates as to the public. All the obvious efforts have been made to afford equal access to the voters but a chorus of complaints is inevitable. Already some of the 11 slates are disgruntled at being flown about in a C47, which the government describes as the only aircraft available.

The generals had hoped to brighten the aspect of their election in the world's eyes by bringing in distinguished foreigners as observers. Formal invitations went out July 27 to the 80 governments with whom South Vietnam has diplomatic relations but the response has been disappointing.

Even the British are reluctant to participate in this exercise of democracy. They maintain that no Englishman of standing who is not a critic of the war will be willing to go out there. The French will have none of it and the Japanese don't want to be involved.

So it looks as if the generals will be left alone to do their best and by the standards of the advanced democracies, the election may have its rough spots. Their best hope of demonstrating democracy's toehold will be a strong showing by the opposition.

Advance estimates indicate that Thieu and Ky will get only about half the vote, considerably down from the 88 percent that President Diem registered in 1961. Although their hearts are not in it, the generals will undoubtedly put on a livelier campaign than the old mandarin, who was less responsive to proddings from Washington.

This is a new kind of endeavor in a war-torn country and it should not be judged too harshly. If Abraham Lincoln was right in 1861 when he said, "Those who can fairly carry an election can also suppress a rebellion," the generals may have more of an opportunity than they perceive.

Mr. President, I also ask unanimous consent to insert in the CONGRESSIONAL RECORD the following articles:

First, An article by Evans and Novak entitled "Debunking the Vote Fraud."

which appeared in the Washington Post on Wednesday, August 16, 1967.

Second. An article by Roscoe Drummond entitled "Viet Critics Ignore U.S. Faults," which appeared in the Washington Post on Wednesday, August 16, 1967.

Third. An article by William S. White entitled "Drive Aims at Bipartisan U.S. Policy," which appeared in the Washington Post on Wednesday, August 16, 1967.

Fourth. An article by Denis Warner entitled "Vietnam Prepares for Elections," which appeared in the Reporter magazine on August 11, 1966.

Fifth. An article by Denis Warner entitled "South Vietnam's Political Awakening," which appeared in the Reporter magazine on November 17, 1966.

Sixth. An editorial in the Washington, D.C. Sunday Star entitled "Let's Give the Thieu-Ky Ticket a Chance," which appeared on August 20, 1967.

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

[From the Washington Post, Aug. 16, 1967]

DEBUNKING THE VOTE FRAUD

(By Rowland Evans and Robert Novak)

The vital importance to the Johnson Administration of a reasonably clean election in Vietnam was underscored last weekend in a confidential cable from Ambassador Ellsworth Bunker.

Deeply worried by the clamor in Congress over alleged irregularities in the campaign for President, Bunker methodically knocked down one charge after another that the military junta running South Vietnam has systematically subverted the electoral process.

But while rebutting most charges, Bunker (who also was chief U.S. pollwatcher at the successful 1966 presidential election in the Dominican Republic) had words of caution.

Some critics, he told the President, expect a standard of conduct in the Vietnamese election that even an election in the United States could not meet.

For example, he cited complaints that the military's candidates for President and Vice President—Gen. Nguyen Van Thieu and Air Marshal Nguyen Cao Ky—should have resigned their present positions in the government before the presidential campaign began. Not so, said Bunker, adding:

"The President and the Vice President of the United States do not resign to run for reelection."

Bunker dealt with the most publicized charges of intimidation by the junta against the 10 civilian tickets running against Thieu and Ky. The charge: when these civilian candidates arrived by air for a scheduled campaign appearance in Quangtri city, in northern South Vietnam, their plane was arbitrarily deflected to the small town of Dongha. Finding no reception committee or transportation, they angrily left and accused the regime of deliberate sabotage. Said Bunker in his cable to the White House:

"A strong crosswind (at Quangtri) convinced the pilot that a landing would be dangerous. He went to the nearest field (at Dongha) nine miles away. No one was present to meet the candidates. A convey sent from Quangtri arrived 15 minutes after they had left."

According to Bunker, the sensational incident was a combination of bad weather and poor planning, "combined with impatience and suspicion on the part of the (civilian) candidates."

Although Bunker did not again refer to this "suspicion" of the civilian candidates, that aspect of the presidential race in Vietnam is worrying the Johnson Administration perhaps more than anything else.

They are worried less about proof of campaign discrimination and sabotage turning up before the Sept. 3 vote. What really concerns the White House is the prospect that if the Thieu-Ky ticket wins, as everyone assumes, defeated civilian candidates will then charge a vote steal and blacken the credentials of the new government.

How dangerous this could become for the Johnson Administration was hinted at in the U.S. Senate last Friday. Two Administration Democrats—Sen. Stuart Symington of Missouri and Sen. John Pastore of Rhode Island—indicated their continued support of the U.S. commitment in Vietnam would depend on whether the election was clean or fraudulent.

Thus the Administration is now making an all-out effort to convince American politicians the election will be reasonably untainted. U.S. leaders have been pointing toward the election for more than a year as proof that South Vietnam is learning to govern itself and has advanced far enough to trust the will of the people.

If the defeated candidates in the Sept. 3 election charge wholesale fraud and corruption, the enormous political investment that the Johnson Administration has made in the election could be wiped out overnight. And that would further erode the waning support that Mr. Johnson now has for his Vietnam policy.

Considering this backdrop, Bunker's cable has deep significance. Nobody has a better reputation for integrity than senior diplomat Bunker to judge whether the Sept. 3 election is reasonably free and fair. Consequently, his strongly-worded message to the President was taken at the White House very seriously as evidence that the charges of corruption have been exaggerated.

In Bunker's words, it is grossly unfair to judge the Vietnam election campaign against "a standard of perfection which does not prevail even in the United States and which cannot reasonably be expected anywhere, particularly in a nation at war without democratic experience and traditions."

[From the Washington Post, Aug. 16, 1967]

VIET CRITICS IGNORE U.S. FAULTS

(By Roscoe Drummond)

The Senate critics of the Vietnam war are throwing away balance and perspective in maligning the South Vietnamese election before the voting.

A year ago most of them were saying that Vietnam had so little experience and tradition in democratic ways that it couldn't even elect a Constituent Assembly to draft a constitution and even if a constitution was written the generals would never accept it.

They were all wrong—all the way. Now the U.S. critics are complaining, because they see some signs that South Vietnam is not likely to hold a perfect election, that there is fumbling in the campaign and maybe flaws and shortcomings in the voting procedures.

Wouldn't it be more fair, more wise, and more mature for the critics to measure the Vietnamese election not against some standard of theoretical perfection but against the flaws and shortcomings of actual American political practices?

When you look at it that way, you get quite a different picture. For example:

Press coverage—Peter Braestrup of the New York Times reports from Saigon: "There have been few complaints of a 'one-party press' since the censorship was lifted." But the woes of the one-party press constituted a central theme of Adlai Stevenson's presidential campaign in 1952 and his complaints had substance.

Radio coverage—Vietnamese editors and even anti-Ky politicians frankly say that "balance has been maintained by the government-run media." The minority party spokesmen in the United States—usually the Republicans—have complained scores of

times that the networks treat them unfairly and give all the breaks to the President. In Paris last week was anyone given equal time on TV to reply to General de Gaulle?

The ubiquitous Ky—A fair complaint is being made that Premier Ky is taking advantage of his position to put in "non-political" appearances at public gatherings where he can get the best political effect. But what happens in the United States? How many public works does a President dedicate in a campaign year? And in 1944 when FDR said he wouldn't campaign because of the war, he always took plenty of reporters along when he took his "non-political, military inspection trips."

The Quangtri incident—Some 9,000 miles from the scene, there are U.S. politicians who wring their hands on reading the news that the generals deliberately messed up the opening campaign of the civilian candidates and instantly began to talk about "fraud" and "farce." Here is the corrective report of Times reporter R. W. Apple, Jr., on the spot: "None of the outsiders present at Quangtri City, where the civilian candidates arrived to find no welcoming party, believes that the government conspired to embarrass or discredit the civilians."

It is true that the competing South Vietnamese candidates are accusing each other of many things, but does that make the accusations true or justify smearing the elections? Haven't the Senate critics ever heard of "campaign oratory" in U.S. elections which is not to be taken at face value?

Some Americans seem to be horrified that the Vietnamese people may elect a general as president of Vietnam while the nation is at war. But haven't the American people quite a few times elected a general as President of the United States even in time of peace?

Fair elections, yes; perfect elections, unreasonable. Let's just ask that they be fairer than we sometimes hold in the United States—whether in Chicago or Texas, Mississippi or Alabama.

[From the Washington Post, Aug. 16, 1967]

DRIVE AIMS AT BIPARTISAN U.S. POLICY

(By William S. White)

The supreme effort to force the United States out of Vietnam has now been opened by the outright peacenik and the yes-but blocs in the Senate.

The counter-offensive has been signalled, not by coincidence, at a moment when President Johnson is falling in the popularity polls.

The underlying assumption clearly is that now that the President is in trouble at home this is the time to destroy the bipartisan policy of determined military resistance to the Communist invasion of South Vietnam.

The J. William Fulbrights, the Robert Kennedys and other Democrats of the New Isolationism, joined here and there by such Republican ex-hawks as Jacob Javits of New York are basing their new strategy on the inevitable internal difficulties of South Vietnam itself.

They are using the argument that if the forthcoming national elections in South Vietnam are to be corrupt there will be no regime worth this country's continued efforts to defend. They are proceeding from this proposition to a conclusion that these elections, though not yet held, must necessarily be corrupt and thus that the United States will have to withdraw under one sort of alibi or another.

Never before in so somber an issue have so few prejudged the vital efforts of so many. The New Isolationists have already predetermined the case and not all the factual information patiently supplied by Americans on the ground in South Vietnam, including Ambassador Ellsworth Bunker, makes the slightest difference.

Bunker has reported over and over the charges by the civilian candidates that the

present heads of South Vietnam, Gens. Thieu and Ky, are loading the electoral dice have no foundation.

Our more loudly suspicious Senators are in actuality demanding of South Vietnam a perfectionism in "clean" elections that has never been found in the United States itself.

There is freedom of expression in the South Vietnamese press. All presidential candidates, including, of course, the civilians, are being given money for their campaigns by the present supposedly evil military government and are being furnished transportation by that government, along with free time on radio and television.

The complaints of "unfairness" from among the civilian candidates amount to the perfectly normal campaign outcry of any out against any ins. Indeed, the real and central complaint is that the incumbents have the inherent advantage of already holding office—an advantage of which the Kennedys, the Fulbrights, the Javitses and so on are happy to avail themselves in this country at election time.

These are the facts. But the New Isolationists have long since abandoned any notion that facts are to be respected unless they support their own tireless campaign to repudiate the pledges of three American Presidents to the people of South Vietnam.

[From the Reporter Aug. 11, 1966]

VIETNAM PREPARES FOR ELECTIONS

(By Denis Warner)

SAIGON.—On May 30, 1965, 3,466,523 South Vietnamese in forty-four provinces and five cities, seventy-two per cent of the country's registered voters, went to the polls to elect 471 provincial and municipal councillors. The elections attracted almost no attention abroad and certainly less than was warranted in Vietnam. This was due to a variety of reasons: the powers of the elected councils were to be purely advisory; the civilian-led government of Dr. Phan Huy Quat was in its death throes; the Vietcong dominated most of the countryside; and in all previous elections democratic practices had hardly been adhered to.

Today, however, with the government of Premier Nguyen Cao Ky committed to the promise of national elections for a constituent assembly on September 11, last year's elections deserve scrutiny.

To begin with, the holding of any sort of elections was quite an achievement, as was the fact that they were unaccompanied by ballot stuffing and other fraudulent practices of the past. Moreover, for people all over the country to turn out under such disadvantageous conditions and in such remarkable numbers appeared to be a vindication of those who believe that constitutional progress and political reform do not need to wait on the defeat of the Vietcong.

It was not easy to vote. For security reasons, polling booths were established only in Saigon and the provincial and district capitals—and not always in the latter. Yet on foot, by bicycle, bus, and oxcart, in automobiles and cyclos, almost three quarters of the 4,693,371 registered voters got to the polls. With the total population under Saigon control then numbering only 9,408,305, this was a significant turnout, and it would have been even bigger if the polls had stayed open until six instead of closing in the heat of the day at four.

The Vietcong treated the elections with indifference. No doubt this accounted in part for the high vote. It is well to keep in mind, however, that they are most unlikely to remain aloof when the national elections are held. The stakes are higher now and the Vietcong can see that their interests are more directly involved.

To be sure, the councils elected in the May, 1965, vote have not had a wide or important influence on political affairs. Even so, the more energetic and influential ones

have succeeded in creating at the lower levels of the society a consciousness of the value of representative government that could begin to challenge the Vietcong at the grass roots. Lacking power and responsibility, the councils had everything to gain in public support by the wholehearted espousal of popular causes. Many made the most of their chance.

The worst of the councils have been no more than long-winded and pointless debating societies, which the province chiefs have chosen to ignore. Others have pressed for and won impressive reforms. In addition, mayors and province chiefs have found that they can use the councils to test new plans and ideas and that responsible councils are extremely useful as a shock absorber against resentment of unpopular but necessary executive action. All in all, the system has worked well.

"We have tried to teach by example, and I believe we have succeeded," said Dr. Phan Quang Dan, who recently retired as chairman of the council in Gia Dinh, the province that surrounds Saigon. He is now devoting himself to the organization of the National Democrats, a new party which will cross all religious boundaries and which he hopes will win a substantial number of seats in the elections for the constituent assembly.

ELECTORAL HURDLES

Like many other candidates, Dr. Dan was much more pleased with the results of last year's elections than he was with the electoral machinery, which had many flaws and weaknesses. The Ministry of the Interior's regulations borrowed far too heavily from those of the Diem era, when elections were intended merely to demonstrate collective loyalty to the established authority.

In those days, candidates were not expected to air views in opposition to the government. Anyone suspected of harboring contrary views was screened out at the nominating stage. The few who managed to slip through—this usually occurred in Saigon, where the régime relaxed its control in deference to western criticism—might expect to find themselves brought before the courts and disqualified on a technical pretext. In the 1959 National Assembly elections, for instance, one candidate was disqualified because his posters exceeded the regulation size by a minute fraction.

There were no lengths, including the ludicrous, to which the Diem government would not go to keep the opposition out of the Assembly. A woman was disqualified because the picture on one of her posters had taken the fancy of a street artist who had decorated her upper lip with a mustache. Dr. Dan, who in 1959 won thirty thousand votes more than his government opponent in Saigon, was charged with having used his clinic to give free medical assistance to voters. He was not permitted to take his seat, and the next year was arrested, as was Phan Khac Suu, later Chief of State, who enjoyed the distinction, however briefly, of having been the only independent candidate ever allowed to take his seat in the Assembly.

In last year's provincial elections, candidates were spared these excesses but not the restrictions that Diem had employed to prevent free discussion. A magistrate presided over the committee that was set up in each municipality and province to examine the candidates' credentials, and the committees in turn had access to government dossiers. A criminal background or Vietcong affiliations were immediate cause for disqualification. This was reasonable enough, but in some cases the requirement that a birth certificate be produced resulted in the rejection of Montagnard tribesmen and others for circumstances that were clearly no fault of their own.

The government set the level of a candidate's election expenses and paid for them. It printed his posters and leaflets to a regula-

tion size and number, arranged his meetings, and rationed the time that he was permitted to address voters or to answer their questions. Unofficial meetings were discouraged. A candidate could speak to no more than five voters on the streets and not more than twenty in a private home. Except for officially sponsored meetings, at which all candidates spoke in turn and often for no more than five minutes, the government provided no protection to candidates wishing to travel about their electorates. It restricted the campaigning period to two weeks. With all expenses met and no forfeit of deposit required for those who failed to receive a certain minimum of votes, the final lists of candidates included many who regarded the election as a lark. Everywhere, too little was known about too many candidates.

Saigon was the only city divided into electoral wards, each of which returned from three to five candidates. In the other cities—Hue, Danang, Dalat, and Vung Tau—and in the forty-four provinces, voters sometimes were called on to choose from fifty or more candidates and to vote for up to fifteen. The electoral law simply required that electors should vote for as many candidates as they wanted to within the limits of those to be elected. But nowhere did election officials understand this provision; and the voters, faced with voting for up to fifteen candidates, sometimes chose at random.

In other respects, the mechanics of the election made better sense. Candidates were required to have reached the age of twenty-five and to have been born in their constituencies or to have lived in them for at least six months. All Vietnamese citizens who had reached the age of eighteen, and therefore possessed an identity card were entitled to vote. Voting was not compulsory. Those wishing to exercise their option were required to call at the nearest police station to register and to pick up an electoral card, which they exchanged for voting cards at the polling booths on the day of the election. The latter contained the name and symbol of each candidate. Religious symbols were banned, but Buddhist candidates showed a strong preference for the red lotus.

NO BALANCED TICKETS

The extent to which the results last year reflected the genuine wishes and intentions of the voters, and how far this experience may safely be used to assess the risks and dangers of the elections for the constituent assembly, are important questions.

Though some of the 1965 candidates complained that the confusion at the polling booths had turned the election into little more than a lottery, the results generally appeared to reflect local political and religious strengths quite accurately. Good candidates got a good response. In Gia Dinh, Dr. Dan repeated his 1959 Saigon success by topping the poll. Running in a field of fifty-two, he received 79,297 votes out of a total of 284,000. Only in Thua Thien Province, a Buddhist stronghold, was his plurality exceeded. The Buddhists of Thua Thien turned out in strength, 85.7 per cent of the 183,000 registered voters going to the polls. Their top candidate polled 95,217 votes, three received more than 80,000, and two others were in the high 70,000s.

In Quang Nam and Quang Ngai, the provinces in which the Vietnamese Kuomintang Party has been firmly established for many years, the party swept the board, winning all twelve seats in each province. In Tay Ninh, the center of the Cao Dai sect, which blends elements of Christianity, Buddhism, Taoism, and spiritualism and claims Victor Hugo as one of its patron saints, the twelve elected councillors were all Cao Dalists. Similarly, in the western delta province of An Giang, where the Hoa Hao Buddhist sect flourishes and Vietcong influence is minimal, the vote was solid for Hoa Hao candidates.

Where the Catholics are strong, the vote

was also strongly in their favor. Gia Dinh, for instance, contains several villages made up entirely of Catholics who fled from North Vietnam in 1954. Four of the province's elected councillors, including one woman, were Catholics. Saigon's fifth district is the predominantly Chinese city of Cholon. Here, four of the five elected councillors were of Chinese descent.

Outstanding independents invariably ran well. Three rival political leaders, including Dr. Hoang Co Binh, who was given the thankless task of trying to hold Hanoi together after the fall of Dienbienphu in 1954, won in Saigon's first district. Mrs. Tran Kim Thoa, a social militant, won in the second district, and a doctor well known for his work among the poor in the third. Candidates who had sold their leaflets and posters on the black market as wastepaper ran where they deserved: at the bottom. The winners included men and women from all social classes, among them ninety-nine men from business and industry, eighty-eight peasants, forty-five who were independently employed, forty-four civil servants and servicemen, twenty-nine laborers, eighteen landlords, eight women, and three students.

THE OPTIMISM OF DR. DAN

In short, if the promised September elections for the constituent assembly should produce equally representative results, they might well launch South Vietnam on the road to real political development. A few leaders of stature, notably Dr. Dan, not merely welcome the constituent assembly elections but are convinced that they will mark a turning point in the war. Others vary from doubt to the gloomy prediction that only the Vietcong can win.

The growth of the militant monk Tri Quang's Struggle Movement in central Vietnam and even in centers such as Dalat, and the heavy Communist ring to its propaganda, were among their primary causes for concern in April and May. "The moderate Buddhists, the Catholics, the Hoa Hoa, and others who can be counted on to be anti-Communist number no more than four million," said one Vietnamese politician. "Tri Quang and the Vietcong together could control perhaps eight million people and certainly a minimum of five million. Don't forget that this time the Vietcong will be actively engaged. Candidates and electors will be threatened with murder, intimidation, and violence."

While the Vietcong threat remains, Tri Quang's organized political movement has collapsed under armed pressure from Ky and influences generated from within the moderate faction of the Unified Buddhist Church. No doubt militant Buddhism will reappear as a significant political force—but not before September 11. Deprived of the machinery to coerce Buddhist voters, Tri Quang's followers also lack candidates of stature. Moreover, the system of proportional voting is weighted against them. Of the forty-nine constituencies, twenty-five will elect two deputies each and the remainder one each. In the two-deputy constituencies—and these include areas where the militant Buddhists command their biggest following—proportional representation will protect minority groups against the sort of clean sweep the Buddhists had in Thua Thien Province last year.

Always an ardent advocate of the elections, Dr. Dan believed that governmental strength in the pre-election period should ensure the elimination of Vietcong members and sympathizers from the rolls. "Tri Quang will swear they are Buddhists and not Vietcong," he said, "but the elimination of candidates with Vietcong affiliations must be made on the basis of the facts and not according to what Tri Quang says." If anything, the electoral committee erred on the side of caution in accepting Dan's advice.

Dan himself, now forty-seven, has been preparing for eleven years to make his bid.

Following what an American official called his "superb" chairmanship of the National Political Congress in April, his reputation and popularity are even greater than they were in 1955, when Bao Dai, then Chief of State, asked him to replace Premier Ngo Dinh Diem.

Except for three years in prison during Diem's rule, Dan's home since he returned to Vietnam after winning his doctorate in public health at Harvard has been the cramped and narrow quarters above his clinic in the main Gia Dinh market. He avoids the social activities of his political contemporaries. Both as a doctor and a politician, he has dedicated his life to the poor. In the morning the sick come, and in the afternoon the citizens have their turn—market stallholders plagued by corrupt tax collectors, lottery-ticket vendors whose profits have been grabbed by unscrupulous middlemen, squatters ordered from the environs of Tan Son Nhut airport, scooter drivers denied licenses. Scratch any section of Vietnamese society and the corruption is revealed; Dan, as chairman of the Gia Dinh provincial council during last year, dug deep.

By achieving genuine reforms, he won almost total support in the province. By promising such changes as a genuine and radical land-reform campaign and by allying himself with local candidates known for their good character, incorruptibility, and local appeal, he believes that his National Democrats, running under his own symbol of the rising sun, will also have national appeal. "I think Dan could win any district in the country," one of his opponents told me, "but I couldn't vote for him. He's too dictatorial, like Diem."

The description was far from accurate. Dan is different from other Vietnamese political leaders, but not in the way his critic suggested. He shunted the political get-togethers that followed the April 15 decisions on elections because he felt that even the best of the many parties were all hopelessly out of touch with the Vietnamese people. "We will cross the religious lines and I think we will get votes," he predicts.

DEMOCRACY VERSUS COUP

Time may or may not prove Dan right. Though Ky has consolidated his power more firmly than ever before, the political churn continues to turn. "If we were to have a coup d'état and remove Thieu and Ky, then we wouldn't need an election and wouldn't have to decide," said a moderate Buddhist when the crisis was at its peak. At that time, with the political bandwagon apparently rolling their way, the militant Buddhists clamored for elections. Deprived now of the machinery with which they intended to control the polling in central Vietnam and elsewhere, they have declared an election boycott in which some of the Catholic factions, for reasons of their own, have joined.

This is the sort of political shilly-shallying that has bedeviled Vietnamese politics and contributed much toward the instability of the non-Communist side. Some of the moderates' fears of the election dangers are valid enough, and it would be incautious not to expect the National Liberation Front to attempt to upset what it has already denounced as a "fraud"; but the simple safeguards necessary to restrain Vietcong supporters from running as candidates, whatever their masquerade, have not been beyond the ingenuity of the government.

Whether the government will be ready to apply reasonable restraints to itself is another question. The Buddhists, moderates and extremists alike, and most political groups had expected that the constituent assembly would, in the process of drawing up the constitution, turn itself into a National Assembly from which a new government would be drawn. They were mistaken. By rejecting the drafting committee's proposals that the constituent assembly should have legislative

powers and insisting on a second election for the national assembly, Ky ensured the prolongation of military government until next year, confident that by then the country will accept as its new "civilian" leadership the military leadership of today.

Ky's model is Korea's General Park Chung Hee. Having seized power by coup d'état in May, 1961, Park and Colonel Kim Chong Pil, formerly the head of the Korean Central Intelligence Agency, organized the Democratic-Republican Party. Two and a half years later, in the presidential election of October, 1963, Park scraped home in front of Yun Po-sun of the Civil Rule Party. Lacking time to create a government party before the constituent assembly elections, Ky will rely on makeshift alliances among disparate political groupings in the hope that this will give the military a dominant voice in the constituent assembly and a nucleus on which to build for the National Assembly elections next year.

Since the military and paramilitary forces and their families are a substantial proportion of the voters, and since all but two of the province chiefs are military men dependent on Ky for future promotion, it will not be surprising if junta-favored candidates find the campaigning going very much in their favor. It would be excessively optimistic under these circumstances to expect that the constituent assembly elections, on which so much more depends, will be as pure as the interesting but not very meaningful provincial and municipal elections last year, though the inquiring presence of several hundred American and other western newspapermen is calculated to prevent the worst of the excesses that characterized elections under Diem.

With all due allowances for "irregularities," the elections, if they take place, must be considered a substantial political advance. By its nature, the Vietnamese military leadership is at best a coalition of politically incompatible forces. The coups of the past did not occur by accident; they reflected accurately enough the tensions and ambitions of successive waves of military leadership. Elected government, whether led by civilians or by military men like Ky, will not necessarily prove more stable, but whether it takes the form of the British system with a cabinet responsible to parliament or, preferably, favors the American presidential system, the benefits of identifying the people with government would seem to far outweigh both the risks and disadvantages. A chronic weakness in the international image of the government of South Vietnam since the assassination of Diem has been its lack of constitutional legality. The promulgation and enactment of a constitution by an elected assembly will do much to silence critics on this score. Its effect inside Vietnam is likely to be even more important. To fight in the name of democracy and yet to be afraid of democracy itself would be to reject what was certainly a most encouraging sign on May 30 last year: the clearly expressed wish of the Vietnamese people to identify themselves with the conduct of their affairs.

[From the Reporter, Aug. 17, 1966]

SOUTH VIETNAM'S POLITICAL AWAKENING (By Denis Warner)

SAIGON.—The political crisis that erupted in South Vietnam in the two weeks before the Manila Conference began as an internal dispute in the Ministry of Health. Dr. Nguyen Tan Loc, the assistant minister, reassigned fifteen doctors of northern origin to the rural areas. The doctors protested to the Minister of Health, Nguyen Ba Kha, another northerner and a member of the Dai Viet Party, that they had been transferred arbitrarily. At Kha's request, the director-general of police summoned Dr. Loc to police headquarters and kept him there overnight. The intention, it seems, was to cut Loc down to size, a time-honored Vietnamese administrative

practice that began with or, more correctly, was much employed during the Diem regime and has not been eschewed by its successors. The difference this time was that it conflicted with the mood that has followed the September 11 elections and the heady belief that the Constituent Assembly marks the beginning of a new, and therefore much better, political era.

The news of Dr. Loc's detention exploded among southern members of the cabinet. Their view was that the country had taken a long step forward with the elections but had taken a much longer step backward with Dr. Loc's detention. "When a senior government official can be detained like this, what freedom does the little man have?" asked a leading southern politician. "Instead of moving toward democracy, we are moving back into a police state."

The six southern members of the cabinet, headed by Vice-Premier Nguyen Luu Vien, presented a solid front, demanding the resignation of Kha or, alternatively, offering their resignations en bloc. Since Kha and Premier Nguyen Coa Ky, himself a northerner, are friends, this posed a formidable problem for the Premier. Rather than see the southerners resign, he said, he would resign himself. The southerners replied that they wanted only the head of the Ministry of Health, and Ky had no alternative but to agree. He replaced him with a southerner who was a close friend of Vice-Premier Vien.

If Ky had hoped that this would end the affair, he quickly discovered his error. The southerners have for months been irked by Ky's replacement of southern province chiefs and other officials by northerners of his own choice, and specifically they were disturbed by the power that had passed into the hands of Ky's favorite "Baby Turk," Colonel Nguyen Ngoc Loan, the director general of police, who had just been promoted to the rank of brigadier general for his part in handling the Buddhist affair.

Loan wears three hats, those of chief of the national police, head of military security, and director of the Vietnamese central intelligence organization. He is an effective and courageous police chief. Under his leadership, there has been a substantially increased flow of police intelligence. His weakness is that he is inclined to act impetuously and, certainly in the case of Loc, in a way that might justifiably cause concern in a political community now beginning to talk seriously about habeas corpus and the rights of the individual. "His removal would be highly damaging," said a non-Vietnamese official who works with him. "In fact, I can think of no more damaging single act that could happen in the general field of police and intelligence work."

THE REGIONAL SPLIT

In handling the crisis within the cabinet itself, Ky demonstrated a new maturity and skill. The popular, able, but highly ambitious Minister of Economy, Au Truong Thanh, who had been in Washington for consultations, joined his fellow southerners by cabling his resignation. On his return, Ky called him in, gave him a brief chance to withdraw, and then, to Thanh's consternation and anger, accepted his resignation unilaterally. Ky then called in the Ministers of Labor and Telecommunications, the youngest members of the rebellious southern group, to remind them they were still under draft age and that should they leave the cabinet they would be liable for immediate call-up. The young men were glad to withdraw their resignations, thereby splitting the rebel ranks. Though a truce was called for the duration of the Manila Conference and Vice-Premier Vien took over as acting Premier, the crisis was far from over.

Ky was reported to have found willing southern substitutes to replace those who wanted to force his hand, but many others

were adamant that Loan's police leadership had to come to an end. They were also intent on trimming some of Ky's authority by injecting more southern officers into the leadership of the air force and the marines. Ky had scarcely arrived back from Manila when ten leading southern members of the People's Armed Forces Council presented their ultimatum: Loan had to go or they would resign.

Whatever the outcome of the dispute, the stability that seemed likely to persist until the Constituent Assembly has completed its task can no longer be taken for granted. More importantly, the revival of militant southern regionalism has begun to have repercussions far beyond the cabinet. Southerners have always felt that they have not had a fair share of the political spoils since the end of the Diem regime and they appear intent on making up for lost time.

The military leaders are split on regional lines. Ky leads the northern generals; General Nguyen Van Thieu, the Chief of State, and General Nguyen Huu Co, the War Minister, lead the southern faction. The differences between the two groups are deep and sometimes bitter. Co and Thieu headed the movement within the military Directory that sent General Thi, the former I Corps commander, into exile in the United States, and this, in turn, has produced something in the nature of a rapprochement between Thi and Ky.

The Unified Buddhist Church is also split savagely and bitterly on regional lines, with Thich Tam Chau, now contemptuously referred to as Thich Dollar, leading the rump northern group. Thich Tri Quang is still the leader of the central group of the Buddhist Church, which, having tried to destroy the country, is now intent on self-destruction. Rival institutes under rival leaders have been set up in Saigon, and it will be years before the monks are ever taken seriously again.

The Catholics are divided many ways. It took some days of careful analysis by Catholic leaders to determine that there had been something of a Catholic revival in the Constituent Assembly election and that Catholics running under a variety of labels had won thirty seats (against thirty-four for the Buddhists). Even this high figure for the Catholics may be a heavy underestimate. One assemblyman who has made his own count says that Catholics actually won fifty seats. One Catholic is even working closely with the Hoa Hao bloc in the Assembly, and many others put political considerations ahead of religious affiliation. In general, however, the northern and southern Catholics are divided on the war. The northerners, politically more militant, are intent on prosecuting the war to the end, in some cases even if this means marching north, while the southerners are more concerned with exploring the paths to peace.

A NEW AWARENESS

In one sense, this emergence of latent regionalism is another divisive factor in the Vietnamese scene. In other and much more important ways, it represents increasing political maturity. Street demonstrations and the highly inflammable and dangerous use of religious emotionalism as a basis for political action are nightmares of the past. Politics, real politics, has suddenly become more sophisticated and certainly much more important than ever before. In the seventeen years I have been regularly visiting this country, through the years of the Bao Dai experiment, the Diem era, and the upheavals of the post-Diem era, there has never been such genuine political activity as there is today. Threescore registered political parties with resounding titles and neither membership nor platforms have been pushed aside, and the serious creation of blocs and alliances—the word "party" is so discredited that no one wants to use it—has begun.

In this context, the seemingly divisive nature of southern regionalism assumes a much

more positive appearance. Potential political leaders and would-be Presidents have suddenly become aware that the narrow horizons within which they once operated are not broad enough to meet the requirement of a national election. If, as some claim, the southerners are revealing their inferiority complex by asserting themselves as southerners rather than as Vietnamese nationalists, they are nevertheless staking a claim for political consideration that no potential national leader can afford to ignore. The result is that emergent groups and blocs are fully conscious of the need to reach an accommodation not only with the religions and the sects but also with regional factions. Willy-nilly, they are obliged to cut through all the old boundaries and to look for alliances in camps that were hitherto regarded as incompatible. In short, politics has come to Vietnam, and, for the first time, there is at least the hope that some day not far off the men and women in the paddy fields whose hearts and minds are still available will be able to identify themselves with the government in Saigon.

Years ago when the Diem regime was nearing its close, a cynical Vietnamese friend told me that though the Americans could teach the Vietnamese many things they could not teach them how to love their country. Only the Vietnamese can do that for themselves, and at last the process may have begun. For this change the Constituent Assembly elections deserve full credit. Many of the elected members of the Assembly are confident that the elections were wholly honest. Dr. Phan Quang Dan, who repeated his provincial election success of May, 1965, in Gia Dinh Province with another walkaway victory, points to his own heavy vote at the Thu Duc military school as an example of noninterference on the part of the military. Dan got 2,800 votes at the school, while his nearest opponent, an instructor at the school running on the military ticket, got only seven hundred. Observers nominated by Dan watched the polling at every booth in his electorate. All were sure that there were no irregularities or vote padding. Again, in Danang, a Vietnamese Air Force captain running on the military ticket came in fourth in a field of five.

In Dalat, however, military officers admitted that they had voted twice to make sure the numbers were high enough. In another area an American official reported that one man voted not only for himself but also for several hundred of his colleagues whose duties kept them from the polls. In the 5th District in Saigon one candidate subsequently said he had been promised that the 5th ARVN Division would be brought into the city to vote on his behalf. Late in the afternoon, however, when it was discovered that Tran Van Van, chairman of the People's Armed Forces Council, seemed certain of defeat, the 5th Division's votes were swung to Van.

After making due allowance for these and other irregularities, the elections were, as the newspaper Tu Do described them, "largely representative and appreciably democratic." If the military Directory hoped to retain the reins of power through the elected bureaucrats and military men in the Assembly, it was quickly disillusioned. One military candidate won on an anti-Directory platform, and several others of the twenty elected have shown considerable independence of thought and action. At best, the Directory probably can count on the support of no more than thirty members of the Assembly, an insufficient number to provide the veto power implicit in Article 17 of the Electoral Law, which gives the Chief of State the right to propose amendments that can be rejected only by a two-thirds vote of the Assembly.

As was to be expected in a group that is so inexperienced and so heterogeneous, the Assembly was slow to get down to the busi-

ness of constitutionmaking. Apart from twenty-three provincial and municipal councilors, such proceedings were new to most, especially to the thirty-six members who are under thirty-five.

A newspaper cartoon lampooned the Assembly as a tortoise, but, like the tortoise, it seems likely to reach its goal and to produce a constitution ahead of the March 26 deadline. Already five separate draft constitutions are circulating, and among bloc leaders and others who may be expected to carry weight in the Assembly there is a broad measure of agreement on the type of constitution Vietnam needs. The presidential system is uniformly favored with the President to be elected by direct vote of the people. Whether there should be both President and Premier, as in the Korean and French models, or only a President and Vice President, as in the United States, remains a matter for debate. With memories of the Diem regime still fresh in mind, most groups want a strong executive but with all the necessary checks and balances through the National Assembly and an independent judiciary, to ensure that strength does not become equated with dictation.

If anything, however, political activity outside the Assembly is not only more interesting but more important. Relatively few nationally significant figures, either in the military, the professions, commerce, among the intellectuals or among the old-line politicians, contested the elections. Phan Khao Suu, who had served briefly as Head of State and who again (primarily because he is a southerner) was elected chairman of the Assembly, was an exception. So were Phan Quang Dan, Tran Van Van, and Dr. Dang Van Sung, publisher of the newspaper *Chinh Luan*. The others are now making up the leeway.

THE CONTENDERS

In organization and finance, the group that at present seems to be most powerful is one that includes Tran Van Van, a dour and indefatigable worker and one of the richest men in the country, former Premier and Harvard economist Nguyen Xuan Oanh, and some former generals. This group brought together participants in all three attempted coups d'etat against Diem. One of the generals is the chairman of a southern old boys' association that draws its membership from former students of the four lycées founded in Cochinchina during the French period. It includes most of the southern elites in all walks of life. Its political potential is highly significant, and of this no secret is made. The group's choice of a figurehead, surprisingly enough, is General Duong Van Minh, better known as Big Minh, who did nothing to distinguish himself as Chief of State in the months following the November, 1963, coup. Minh, who has been living in exile in Bangkok, is indolent, ungifted, but popular. If he does return to make his bid, his running mate will be Oanh, who, depending on the final form of the constitution, will seek either the vice presidency or the premiership.

One of the group's weaknesses is that it is too formidably southern. Aware of this, it is now working to cross regional, religious, and party lines and claims support, perhaps over-optimistically, from Buddhists, Catholics, Hoa Hoa, Cao Dai, and Dai Viet. It is accused by rivals of being neutralist and pro-French, a charge that leading members deny while criticizing the conduct of the war. "The Americans are still backing Ky and Thieu and that is a mistake," said Oanh. "They're trying to use a sledgehammer to crush the badly armed Vietcong and this is another error. The Vietnamese people must identify themselves with the war—and they don't." Just how the group would do better, however, is still a close secret.

Another candidate, openly in the running, with a program of radical land reform and social welfare, is Dr. Dan of the National

Democratic bloc. His plan is to organize grassroots support in the provinces, but he lacks finance and, so far, a substantial southern figure to run with him. His frankness in the past has not won him friends among other political leaders, and, unlike his rivals, he has never bothered to court either the Buddhists or the Catholics. His obvious integrity and his forthrightness are appealing characteristics, but Vietnamese political observers doubt that these will be enough to lead him to victory.

Dr. Phan Huy Quat, who also served briefly as Premier, is the leader of another group with strong Dai Viet support. Quat used to be close to the Tri Quang faction in the Unified Buddhist Church. His group numbers men like Tran Van Tuyen, who served as his Deputy Premier, and Tran Van Do, the perennial Foreign Minister, but at this stage it lacks the dynamism of its opponents.

Where the military will fit into the scene is still unclear. If Dr. Dan has his way, the constitution will require that military candidates resign their commissions long in advance of the elections. More than ever, the revival of southern factionalism both inside and outside the government has cast Thieu and Ky in the role of opponents, not allies. Thieu is highly astute, and, as a Catholic, may eventually find a place for himself at the head of the group. Ky, a professed non-starter, has obvious ambitions. He lacks popularity but, more than most of his rivals, has undoubted drive.

In the months to come, some groups will find the costs and the organizational requirements beyond their means and capacities. Predictably, there will be new splits and mergers. Far from being retrograde steps, however, these seem likely to contribute to the development of a more healthy political climate than Vietnam has ever known before.

The People's Revolutionary Party, the southern branch of the Lao Dong (Communist) Party of North Vietnam, is well aware of this. Having failed to upset the elections on September 11, the PRP has now begun a major campaign to extend its hold in Vietcong areas. Statements originating with the National Liberation Front and captured documents confirm that high priority is now attached to "strengthening political work." "The party is telling people that party control is not just necessary but the only way to avoid defeat," said an American official whose constant field of study is the Liberation Front.

Although from time to time reports from Vietcong areas confirm that the North-South rivalries that have now become so apparent on the government side are also reflected to some extent within the Front, it is not possible, at least from sources to which I have access, to gauge whether the continued inflow from North Vietnam and the political stranglehold the northern-directed PRP seems intent on imposing could lead to an exploitable split in the Vietcong ranks. It is a possibility that deserves, and belatedly is receiving, considerable attention. The early tendency to dismiss the Front as a wholly Communist organization is being reviewed. Vietnamese who know them have always insisted that though Nguyen Huu Tho, the chairman of the Front, and Huynh Tan Phat, one of the vice-chairmen, were fellow travelers, they were far from being doctrinaire Communists in their Saigon days.

Whether they or their fellows could be, or would want to be, split away from the rigid Lao Dong-dominated PRP is no more than a matter for conjecture. If the possibility does exist, however, it can scarcely remain unaffected by the political developments we are now seeing in Saigon.

"This is where the breakthrough may come," said one American official. "Before it comes in Washington, or Hanoi, or Peking,

we may see it here with southerners on both sides getting together and deciding that the time has come to end the war." This is no more than crystal ball gazing. Yet it would be highly unwise not to recognize the political forces that were unloosed on September 11. No one can predict where they may lead at this stage, but they will not be easily controlled.

[From the Washington (D.C.) Sunday Star, Aug. 20, 1967]

LET'S GIVE THE THIEU-KY TICKET A CHANCE

The most unfavorably prejudged election in modern times is scheduled to be held in South Vietnam two weeks from today. It will be a minor miracle if it comes off even reasonably well.

This is so because of the calculated effort that is being made in advance of the event, to pin a fraud tag on the balloting. There are various reasons and different motivations for this pre-election smear campaign. But there can be only one end result—a discrediting of the election outcome and, perhaps designedly so, a weakening of the commitment by the United States to assist the South Vietnamese in their struggle against the Communists and the Viet Cong.

The detractors were in full cry in the United States Senate on August 11. Senator Robert F. Kennedy said there is "mounting and distressing evidence" that the Vietnamese presidential elections will not be freely and fairly conducted. If anything of this sort happens, said Senator Pastore, the United States should plan to get out of Vietnam. Senators Javits and Symington spoke up in similar vein.

When General Nguyen Van Thieu, head of the Vietnamese military government, urged Congress to send observers to watch the voting, our legislators threw up their hands in horror. Senators Mansfield and Dirksen would have none of it. Senator Kennedy said that sending observers was no "answer to the mounting evidence that the forthcoming elections in South Vietnam already may have become fraudulent." He did not say what this "mounting evidence" consists of. Why bother? Sniping is easier than producing evidence.

It is difficult to understand this performance in our own Senate. Perhaps it can be attributed to a general sense of frustration and a disenchantment with President Johnson's conduct of the war. But this surely is no excuse for prejudgments which can only make it tougher for our side and which could help the enemy.

The probable motives of the Vietnamese civilian presidential candidates are less obscure. For in all probability they are going to lose the election, and they will be responsible for their own defeat.

The Thieu-Ky ticket probably would win the election in any circumstances. But its triumph was virtually assured when their civilian rivals fielded 10 teams of candidates, an act of political stupidity which was bound to divide the civilian vote to the benefit of the junta ticket. There were attempts to persuade some of the civilian hopefuls to step aside so the stronger candidates among them might fare better against the generals. This failed because each of the civilians insisted that he was the best of the lot. Consequently, facing defeat, the civilians, rather than confess an error of judgment, which no self-respecting Vietnamese politician would dream of doing, seem intent now upon discrediting the honesty of the election to explain their impending defeat.

What are some of their complaints? One is that Generals Thieu and Ky have not been willing to make campaign appearances with them. But when has a probable election winner been willing to help his losing opponent draw crowds? Another nitpicking gripe concerns a foul-up in flying 10 civilian candidates to a scheduled rally in the city of Quangtri. The pilot said the crosswind was

too strong for a landing at Quangtri, and he put down at the small town of Dongha, some miles away. Finding no welcoming committee on hand, the candidates flew off in a huff, despite the fact that a convoy was on the way to take them to Quangtri. There is no proof that Generals Thieu and Ky connived in this, and our Ambassador in Saigon, Ellsworth Bunker, does not believe they did.

Perhaps the most substantial complaint has been made by Tran Van Huong, a leading civilian candidate. He has accused the Saigon military government of launching a "wide-spread campaign of intimidation" against his supporters. Huong, a former premier, told reporters that "ordinary peasants have told us about this, but they will not dare to admit it to you because they are terrified."

On the other side of the ledger, this appears: One of Huong's campaign managers told reporters he was "puzzled" by his candidate's statement. "Objectively speaking," said Doan Van Truong, a high school teacher, "there has been no government pressure or intimidation there at all." Truong heads a 42-man Huong campaign organization in Phongdin province. He added that some incidents may have occurred in remote hamlets, but so far "I haven't heard of any."

Is this part of Senator Kennedy's "mounting and distressing evidence" of election fraud? If the New Yorker knows of anything more distressing, he ought to lay it on the line or stop talking in harmful generalities.

President Johnson, in our views, has also done his bit to help muddy the September 3 election waters.

On August 13 Clark Clifford, who, with General Maxwell Taylor, had gone to Saigon as representatives of the President, said they had delivered to Generals Thieu and Ky a stiff warning from the President against rigging the election. Any rigging, they quoted Johnson as saying, would be calculated to alienate the people of the United States. A few days later the President was said to be cautioning against raising "impossible standards" for the Vietnamese candidates to meet. Finally, on August 18, two days ago, it was disclosed that Johnson had warned South Vietnam's military leaders early in July that a fair and honest election next month is absolutely essential to continued American support of the South Vietnamese struggle for independence.

This sounds like Bobby Kennedy, though it probably was intended to show that President Johnson was in there pitching for a clean election long before Bobby got in his licks. In any event, unless Johnson really thinks the election is being rigged, his has not been a particularly helpful performance.

We think it would be a good thing if grown-ups with no axes of their own to grind would view the coming election in some perspective.

Let's keep several points in mind. A few months ago, despite pessimistic predictions and murderous obstruction by the Viet Cong, the South Vietnamese did elect a constituent assembly to draft a new constitution. The doubting Thomases were saying that the military would never accept a meaningful constitution. But a constitution was drafted, and it was accepted. It is also worth remembering that Premier Ky, although many "observers" said it couldn't be done, crushed the Buddhist rioting inspired by the notorious Thich Tri Quang—the same Tri Quang who is threatening to lead his mobs into the streets once more if the generals win on September 3.

This is a record which should inspire some degree of confidence. Election "irregularities," as we should have learned long ago in our own country, are not an attribute peculiar to the Vietnamese. So why not suspend judgment and give the Thieu-Ky ticket a chance to show whether it can win because it is preferred by the South Vietnamese? If the election should be vitiated by fraud, we will know that soon enough.

Mr. BROOKE. Mr. President, will the Senator from Connecticut yield?

Mr. DODD. I am very happy to yield to the Senator from Massachusetts.

Mr. BROOKE. I am very much pleased that the Senator has seen fit to discuss elections in South Vietnam at this time, and particularly to point out that the South Vietnamese Government has made great progress in bringing about democratic institutions in South Vietnam.

I was very much disturbed by the allegations which have been made recently by some of the candidates that they had been purposely hindered in their right to campaign. I was particularly disturbed because I have great hopes for the elections. The U.S. Government has declared that it is in South Vietnam for the purpose of giving the South Vietnamese people an opportunity to choose their own form of government in freedom and security.

The continuing buildup in American men and material in Vietnam, and the gradual inclusion of more targets on our bombing raids has made it obvious that something will have to change. We cannot possibly continue to keep this a limited war for an unreasonable period of time, and a wider war will only bring more death and destruction both to our own forces and to the South Vietnamese people.

Thus, I have had great hopes that the elections would be held, and that from these elections would emerge a viable government. I have hoped that eventually we would be able to withdraw from our commitments in Vietnam altogether and allow this elected government to run the country of South Vietnam.

If the civilian candidates had withdrawn from the election, we would have been left with only the Thieu-Ky ticket, which many say is being supported by the U.S. Government. This would have opened up even more charges around the world that this was not a free election.

The ACTING PRESIDENT pro tempore. The time of the Senator from Connecticut has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Connecticut may proceed for 5 additional minutes.

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

Mr. BROOKE. If the Senator from Connecticut will yield me 1 more minute.

Mr. DODD. Yes, please continue.

Mr. BROOKE. So I am very much pleased that the Senator from Connecticut has brought this very timely subject up now.

I, for one, had considered submitting a concurrent resolution calling for the postponement of the elections if the charges of the civilian candidates were, in fact, valid charges made against the South Vietnamese Government and against the conduct of the elections. But, I am now heartened to find that the candidates, in the main, have agreed to continue to conduct their campaigns and to go forward with the elections on September 3d.

There is a provision in the electoral laws that if a candidate has grievances, he can make his claim to the duly elected

Constituent Assembly which has jurisdiction over the elections. To my knowledge, no claims and no allegations have been formally filed with the provisional national assembly.

Knowing politicians as we do, if a candidate had a legitimate claim, it seems to me that he would have filed it with the provisional national assembly and have required it to be acted upon.

It was on the basis of this evidence that I refrained from filing a resolution in the Senate. I would hate to see anything occur at this time which would cause further disruption to the elections in South Vietnam.

If, these elections were to be postponed for 2 weeks or a month, it would just postpone the war for a longer period of time. It would only mean more people dying in South Vietnam, both Americans and South Vietnamese.

So I am very hopeful still that these elections will be held on September 3; and that the American people and people across the world will give credence to this election. The cry of fraud has not been proved, as the distinguished Senator from Connecticut has said. We should give every encouragement that we possibly can to the South Vietnamese to conduct that election, conduct it on time, and conduct it fairly. I hope that ultimately, through a duly elected government this disastrous war in South Vietnam will be brought to an end.

I thank the Senator for yielding.

Mr. DODD. I thank the Senator from Massachusetts for his important contribution to this discussion. I am glad he feels, as I do, that the charges of fraud are not supported. There is no factual basis for them.

Yet I am afraid that, across this land and throughout the world, many now believe these charges, simply because they have been repeated a number of times. It seems to me we ought to discuss the matter somewhat more carefully.

In my statement I suggest that we ought to accept the invitation of the South Vietnamese to send a congressional delegation over there.

We have been charging them with fraud. They have said, "Come on over and see for yourselves." I think it would be helpful to them, and I think it would be helpful to us if a group of congressional observers did go over to Vietnam. I would like to see us accept the invitation, particularly since they have been charged with fraud. This charge has not been proven, nor do I know of any responsible authority who has produced evidence of fraud.

I want to thank the Senator from Massachusetts, because he has been there. He took a look for himself. He has already demonstrated in this Chamber, I think, to all of us, a wonderful intellectual capability. It is comforting to me to know that he has substantially the same view that I have about this matter.

Mr. BROOKE. I thank the Senator from Connecticut.

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

Mr. DODD. I yield to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, I think it is most unfortunate that in the Senate Chamber the charge has been raised, without adequate evidentiary support, that the elections in South Vietnam are a fraud. The taking of that position is not in the interest of the United States. It is harmful. I am certain that those who have raised the issue will, on reflection, realize that the making of that charge at this time is completely unjustified.

The charge is that there is fraud. I have in my hand a copy of a letter—and I suppose Senator Dodd received one also—addressed to the Vice President of the United States by the officials of South Vietnam, inviting investigators chosen by the Congress to come there and view the elections. How can any position be more frank than that? The officials of South Vietnam say, "You charge us with improper conduct in an election. We invite you to come to South Vietnam and witness what is being done." In effect, they say, "We assure you that you will find the charges are untrue."

But now let us take a look at what is being proposed:

First, the opposing candidates say, "We want the leading candidates to accompany us on the tour." Is that a policy within the United States? If it is, I have never heard it.

Second, the candidates who seem to be doomed to defeat are wanting to postpone that election. I would like to have had a postponement of the elections in 1946, when the evidence was that I was going to be defeated.

Third, the candidates are asking that the Government provide them with means of transportation. Well, I would like to ask my Government to provide me with means of transportation. But it is not done.

Fourth, some candidates want Gen. Nguyen Van Thieu, the Chief of State, and Ky to give up their posts so as to make the elections "more fair." Can anyone imagine a U.S. President or Congressman voluntarily giving up the many advantages of being the incumbent?

Every argument made by the proponents of a postponement of the elections in South Vietnam is weak, baseless, and, in fact, ridiculous.

Mr. DODD. I thank the Senator from Ohio for his characteristically generous and valuable contribution to this discussion. He understands the situation very well. I am sure his remarks will help all of us to understand it better.

Mr. President, I yield the floor.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the junior Senator from Ohio [Mr. Young] may be allowed to proceed for 10 minutes.

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

LET US END THIS BLOODLETTING IN VIETNAM

Mr. YOUNG of Ohio. Mr. President, regarding the forthcoming elections in

Vietnam on September 3. I took issue with the distinguished senior Senator from New York [Mr. JAVRS] when last Friday he advocated postponement of the election from September 3 to a later date. In the first instance, unless it is recognized openly that the Saigon regime is a puppet of our Government, then we have no right to even suggest the postponement of an election in another nation.

Furthermore, under the rules laid down by Prime Minister Ky months ago, no one who is a Communist or who is a neutralist sympathizer will be permitted to vote. In view of the fact that the regime could allege that anyone was a neutralist sympathizer and bar him from voting, it is difficult to believe that the election on September 3, or even at a later date, would be fair according to American standards.

Mr. President, the forthcoming elections in South Vietnam on September 3, have become a farce. The electorate is controlled. No person suspected of Communist or neutralist sympathies will be permitted to vote according to the decree of Prime Minister Ky. Much of the opposition has been suppressed. It is hard to imagine any more complete rigging of an election than that perpetrated by the military junta in power in Saigon.

Unfortunately, the less concrete results escalation of the war accomplishes the more convinced the administration seems to become that the answer is to escalate still further. The ever expanding scale of warfare brings us no closer to the attainment of our goals. In fact, it becomes increasingly questionable that anyone in the administration is at all clear as to what it is that we are seeking to achieve in Vietnam.

The statement that American soldiers, sailors, airmen, and marines are fighting to protect the rights of the South Vietnamese to run their own affairs is clearly belied by the declaration of Marshal Ky that he and his military cohorts will cling to power no matter who wins the elections in Saigon next month.

The pacification program which every high administration official from President Johnson on down has conceded is imperative to the establishment of genuine democracy in Vietnam is floundering hopelessly.

Worst of all, though American forces in Vietnam have grown from 20,000 to more than 550,000 since 1964, there is no evidence that we have in any way improved our military position. In fact, only a few weeks ago a New York Times correspondent with marines manning positions just below the demilitarized zone reported that in many respects the initiative in the five northernmost provinces appeared to have passed to the Vietcong.

General Westmoreland has stated that the United States is fighting a war of attrition in Vietnam. We are painfully learning that attrition is a double-edged sword. Every escalation of the war mires us more irretrievably in a massive ground war in Asia—a war in which there can be no victory and in which the steady growth of casualties and cost reduces the prospect of ever achieving a negotiated peace.

Mr. President, this administration should certainly take steps toward de-escalating this war immediately. President Johnson should announce that the bombing of North Vietnam will be discontinued for an indefinite period with no conditions attached in an effort to persuade Hanoi and the Vietcong of our readiness to negotiate on terms other than those entailing total surrender.

A way to the peace table must be found before the point of no return is reached. Day by day the administration without consulting with Congress has enlarged and widened the war and in doing so has increased the risk of involving our Nation in a war with Communist China whose airspace our warplanes have violated on occasion. If the present aggressive actions continue further violations will most probably occur, possibly not intentionally, but our present policy of bombing North Vietnam within 10 miles from the Chinese border increases the likelihood of this happening, and increases the risk of a warlike response from Chinese leaders now perhaps somewhat desperate because of internal conflicts.

Mr. President, at the time I first spoke out denouncing our involvement in this administration with our Armed Forces in an ugly civil war in Vietnam which was in February 1965, I know that then nine of ten citizens of Ohio favored and approved of our intervention in Vietnam. I am certain that then I was in the minority; but the situation is different now. At that time, my conclusion came to me only following soul searching. In fact, I remained silent, until I considered it would be cowardly and altogether lacking in statesmanship to fail to speak out loud and clear that Vietnam was not worth the life of one single American youngster.

Vietnam is of no importance whatsoever to the defense of the United States. It never was and never will be. The domino theory of John Foster Dulles that if one little country in Southeast Asia were assailed and fell, other countries would fall like dominoes, has been discredited, if it ever had any validity in the first place.

Furthermore, I could not swallow the false statement that there was Communist aggression from the north. I knew that then as now that not one Russian Communist nor one Chinese Communist had crossed into Vietnam and was engaged in aggression against the Vietnamese. I knew that historically there never was a north Vietnam and south Vietnam and that division of Vietnam at the 17th parallel by the Geneva Agreement in 1954 was a temporary demarcation line, that it was so stated at the time and that it was not a national boundary.

At that time I did not wish to be out of step with the views of Ohio citizens who overwhelmingly supported the war in Vietnam. If, however, I am supposed to vote and to conduct myself according to the weight of the mail that comes to me from citizens I am trying to represent, if I am supposed to weigh that mail and then vote accordingly, then they might as well elect a butcher's clerk or any clerk. I have in mind what one of the greatest parliamentarians of all, Edmund

Burke of England, said on an historic occasion:

You must pay attention to your people and give heed and counsel with them, but at long last when it comes time to best serve your country, then you must render your independent judgment based upon your conviction for if that fails, you do indeed betray your people.

Now, I report in my considered judgment the majority of citizens of Ohio regard our Vietnam involvement as the most unpopular and most unnecessary war in which this country ever engaged. I am sure that millions of citizens throughout our Nation who have in the past supported the Johnson administration's policies in Vietnam now have second thoughts. There is a growing feeling that they are not being told the truthful story regarding our commitment and our involvement in this civil war in Vietnam.

They have come to the conclusion—and it has been difficult and shocking to do so—that we Americans are not really winning the war in Vietnam. In fact, there is a feeling that it is a war that cannot be won, that the bombing of north Vietnam has been a grave mistake and has not produced the results claimed for it, and there is no reasonable prospect for peace in the near future.

What is very shocking to citizens in Ohio and throughout the Nation is the fact that in recent months more and more Americans are being killed in combat than those Vietnamese who are in uniform as soldiers of the Saigon junta. Also, it is shocking to the American people and it should be to all of us in the Congress that the troops of the Saigon military junta are being withdrawn from even the pretense of combat and are supposedly being deployed "to protect and pacify the villages of Vietnam." They have failed even at that.

Also, citizens have observed that no longer do American newspapers and news magazines such as Time and Newsweek publish maps of South Vietnam indicating what areas are held by the Vietcong, what areas are safely held by American troops, and what areas are in doubt. They know the reason is that the VC control more villages, more hamlets, and a far greater area in South Vietnam now than 2 years ago.

The facts are, Mr. President, Vietnamese, whether they come from what is termed North Vietnam, as did Prime Minister Ky and nine of the 10 generals who form the military junta ruling Saigon, or whether they were born and reared in that part of Vietnam below the 17th parallel, all these Vietnamese regard their country as one country, Vietnam, not as two countries, North Vietnam and South Vietnam. Historically, there never was a North Vietnam and a South Vietnam. Vietnam has always been one country.

What about aggression from the north? Pentagon officials have the effrontery to make a claim that the VC fighting in the Mekong Delta and elsewhere in South Vietnam are aggressors from the northern part of Vietnam, from what is now called North Vietnam. At the same time, and it is set forth in the

Washington Post of August 19, American officials in Vietnam and Washington cite as "concrete evidence" of VC deterioration the fact that recruitment of Vietcong in South Vietnam is now estimated to be between 3,000 and 5,500 men a month. This, they state, was a drop in recruitment of VC in South Vietnam from the estimated 7,000 monthly total a year ago.

Here is a definite and concrete evidence direct from Defense Department officials that South Vietnamese and not aggressors from the north have been, all along, recruits in the VC forces. This statement is verification of statements made to me in Vietnam by Generals Westmoreland and Stillwell that the bulk of the VC in the Mekong Delta were born and reared in the Mekong Delta which is south and west of Saigon.

Furthermore in the same news item in the Washington Post the statement was made that there are 400,000 North Vietnamese troops stationed north of the 17th parallel in what is called North Vietnam. So much for the false statement of aggression from the north.

The Vietnamese have now been fighting for their independence for more than a quarter of a century. They fought the Japanese from 1941 to 1945, and the French from 1946 to 1954. The Vietnamese under the leadership of Ho Chi Minh defeated the French.

It is true that Ho Chi Minh is a Nationalist Communist, the same as Marshal Tito of Yugoslavia is a Nationalist Communist. It is well known that Yugoslavia is definitely not a Soviet satellite. Ho Chi Minh, who was a prisoner in a Chinese dungeon in 1944, is not a puppet of Red China. While he is a Communist, to term as "Communists" the VC, many of them ignorant villagers, does not really make them Communists. First and foremost they are Vietnamese patriots fighting for their country's independence, first from the Japanese, then from the French colonial oppressors, and now from the United States which they consider to have supplanted the French as aggressors in Southeast Asia.

Mr. President, to continue this war which even our traditional allies do not support means the corruption of our democratic ideals at home. We have seen the powers of the President expand unchecked, the Congress ignored, the American people lied to by their Government, and dissent condemned as treason.

To continue this war also means that the desperate social problems we face at home will remain neglected. Instead of rebuilding our cities, we will burn Vietnamese villages. Unemployment, ghetto housing, the urgent need for more hospitals and schools—all these must wait while we destroy Vietnam.

We must seek harder to neutralize Vietnam and end the bloodletting there. Otherwise, the future holds forth for us involvements in that war-torn land for 5 years—possibly 10 or 20 years.

Mr. GRUENING. Mr. President, I commend the distinguished Senator from Ohio for his forthright, excellent, and realistic statement which again shows his concern about our monumental folly in Southeast Asia.

IS THE EXECUTIVE BRANCH TRYING TO AMEND THE CONSTITUTION UNILATERALLY

Mr. GRUENING. Mr. President, I ask unanimous consent that I may proceed for 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. GRUENING. Mr. President, is the executive branch trying to amend the Constitution unilaterally?

Last week two statements were made—one by the President and the other by Under Secretary of State Katzenbach—which seem to indicate that the executive branch of the Government is seeking unilaterally to change the Constitution of the United States.

The Constitution is clear. Under it—article I, section 8—exclusive power to declare war is vested in the Congress alone.

And yet, at his news conference on August 18, 1967, President Johnson said:

We stated then (at the time he discussed the request for the Tonkin Gulf resolution with members of Congress) and we repeat now, we did not think the resolution was necessary to do what we did and what we're doing.

In testifying before the Senate Committee on Foreign Relations, Under Secretary of State Katzenbach was asked by the chairman [Mr. FULBRIGHT], whether the witness thought it was "outmoded to declare war" and replied:

In this kind of context I think the expression of declaring a war is one that has become outmoded in the international arena. . . .

Whether the expression "declaring a war" is outmoded in the international arena or not, in the context of the Constitution of the United States that expression is not outmoded. The power to declare war rests in the Congress. That power cannot be usurped by the executive branch of the Federal Government. The Constitution is clear as to how its provisions may be amended. One of the methods specified for amending the Constitution is definitely not by executive fiat.

President Johnson's news conference also discloses that he consulted with certain Members of the Congress before requesting the Congress to pass the Tonkin Gulf Resolution and that, at the suggestion by a "prominent Senator" the resolution as drafted in the White House was amended to provide for its revocation by a simple concurrent resolution of the Congress which did not require approval by the President.

The question still remains: If, as the President states, the resolution was not "necessary to do what we did and what we are doing," why did the President ask the Congress to pass it? What new powers did it vest in the Presidency? What powers would be taken from the President by the passage of a concurrent resolution by the Congress? If no new powers were vested in the President by the passage of the Tonkin Gulf Resolution, why was it important that the resolution itself specify that it could be repealed upon the passage of a concurrent resolu-

tion not requiring Presidential approval. If the President were given the power to reject a resolution repealing the Tonkin Gulf Resolution, what powers would he be retaining? These and a host of other questions are raised by the President's alarming statement last Friday that he believed that ample authority was vested in the Presidency of the United States to send an army of over 500,000 American troops to fight in a land war more than 10,000 miles away without the necessity for asking Congress for a declaration of war and when there had been no attack against the territory of the United States.

What are the limits on this new and disturbing interpretation of the powers of the Presidency?

The Founding Fathers were proud of having devised a system of government incorporating checks by the executive branch on the legislative branch and vice versa. President Johnson's statement, backed up by his Under Secretary of State, seems to indicate that the executive branch believes that it can unilaterally repeal or ignore one of the fundamental checks written into the Constitution—the power to declare war. The Founding Fathers knew full well the mischief, the grief, and the destruction that could be wrought by the unchecked exercise of power by the head of a nation to wage war. It was to prevent such mischief that this safeguard was written into the Constitution of the United States. It is high time the Congress exercised this important check on the executive branch of the Government with respect to the war being waged in Vietnam.

I was one of the two Members of Congress who voted against the Tonkin Gulf Resolution because I feared that it was framed in such broad terms as to permit it to be used to justify waging limitless war in Southeast Asia—as indeed it has. I am even more fearful about the implications of the recent statements by President Johnson and Under Secretary of State Katzenbach that, even without the Tonkin Gulf Resolution, they consider that there is sufficient authority in the President to do what he is doing in Southeast Asia—or anywhere in the world, for that matter.

It should be remembered that on August 12, 1964—just 2 days after he signed the Tonkin Gulf Resolution—President Johnson told the American Bar Association in New York City:

Some others are eager to enlarge the conflict. They call upon us to supply American boys to do the job that Asian boys should do. They ask us to take reckless action which might risk the lives of millions and engulf much of Asia and certainly threaten the peace of the entire world. Moreover, such action would offer no solution at all to the real problem of Vietnam.

Despite that pledge, American boys were sent to Southeast Asia—over 500,000 of them now—to do the job "Asian boys should do."

Under the new interpretation of Presidential powers, is there any limit to where American boys can be sent to fight and die without congressional approval?

I ask unanimous consent that pertinent excerpts from the President's press conference of August 18, 1967, and of the testimony of Under Secretary of

State Katzenbach before the Senate Foreign Relations Committee on August 17, 1967, as they appeared in the New York Times, be printed in the RECORD at the conclusion of my remarks.

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

[From the New York Times, Aug. 18, 1967]
EXCERPTS FROM EXCHANGES BETWEEN KATZENBACH AND SENATORS AT HEARINGS ON U.S. COMMITMENTS ABROAD

Senator J. W. FULBRIGHT, chairman. Does the department support or oppose the enactment of Senate Resolution 151?

Mr. KATZENBACH. I could not support the resolution, Mr. Chairman, because it seems to me that . . . it tries to do precisely what the Founding Fathers of this country declined to do in writing the Constitution, and that it purports to take a position, through a Senate resolution, on matters that it seems to me have worked out successfully, have worked out well in terms of distribution of functions between the Executive branch and the Congress, and it seems to me that it could be interpreted to seek to join with the President on those matters which I think the President, in his capacity of conducting foreign relations of the United States has the constitutional authority to do. So in short I see no need for it.

The CHAIRMAN. Well, that is a good starting point. It joins the issue in any case. There are a few statements that maybe we should examine it a little more clearly.

One thing I might observe generally, your feeling that it has worked so well leaves the implication that our present conditions, especially in the realm of foreign relations, is very satisfactory. Is that your position?

Mr. KATZENBACH. I believe the relationships between the Congress and the President have never been better than they have been in this remarkable period in the post-war world. Throughout that period the Congress has given magnificent support to the proposals of the President.

Q. I may misapprehend the current situation. I was under the impression that there is considerable dissatisfaction in the country and in Congress with our present international relations.

A. Mr. Chairman, I think it is easy to confuse two points. Yes, there is criticism as there has often been criticism in the country and in the Congress of particular aspects of foreign policy. I happen to think that the Congress supports the foreign policy of the United States, as difficult as some of the decisions which have had to be made with respect to that foreign policy.

Q. Well, let us see if we can develop a few of the specific points. You make a statement on page 13. You say: "his"—that is the President—"his is a responsibility borne of the need for speed and decisiveness in an emergency. His is the responsibility of controlling and directing all the external aspects of the nation's power."

How do you fit this in with the constitutional provision as to the declaration of war by the Congress?

Yesterday we had one of the nation's leading authorities, Professor [Ruhl] Bartlett. He interprets the Constitution as meaning that the Congress has the exclusive power to initiate war . . .

FUNCTION OF CONGRESS

A. I believe that the Constitution makes it very clear that on a declaration of war that it is the function of Congress to declare. I believe our history has been that the wars that we have declared have been declared at the initiative and instance of the Executive.

The function of the Congress is one to declare. It is not one to wage, not one to conduct, but one simply to declare. That is the

function of Congress as expressed in the Constitution.

The use of the phrase "to declare war" as it was used in the Constitution of the United States had a particular meaning in terms of those events, in terms of the practices which existed at that time, and which existed really until the United Nations organization, but it existed for a long time after that, to build on the structure that war was recognized to be an instrument of that policy, not in the climate today, which rejects that, which rejects the idea of aggression, which rejects the idea of conquest. It came in that context.

Now, it came for a function. As you rightly say, it was recognized by the Founding Fathers that the President might have to take emergency action to protect the security of the United States, but that if there was going to be a use of the armed forces of the United States, that was a decision which Congress should check the Executive on, which Congress should support. It was for that reason that the phrase was inserted in the Constitution.

It would not, I think, correctly reflect the very limited objectives of the United States with respect to Vietnam. It would not correctly reflect our efforts there, what we are trying to do, the reasons why we are there. To use an outmoded phraseology, to declare war.

The CHAIRMAN. You think it is outmoded to declare war?

Mr. KATZENBACH. In this kind of a context I think the expression of declaring a war is one that has become outmoded in the international arena, that is not correctly reflected. But I think there is, Mr. Chairman, an obligation on the part of the Executive to give Congress the opportunity, which that language was meant to reflect in the Constitution of the United States, to give the Congress of the United States an opportunity to express its views with respect to this. In this instance, in the instance if you will of Vietnam, Congress had an opportunity to participate in these decisions. Congress ratified the SEATO treaty by an overwhelming vote, which expressed the security concerns, the general obligation of the United States in accordance with its constitutional process to attempt to preserve order and peace and defense against aggression in Southeast Asia. That was debated, that was discussed, and it was affirmed by two-thirds of the Senate, and in fact confirmed by an overwhelming vote.

The CHAIRMAN. You are talking about the SEATO treaty?

Mr. KATZENBACH. I am talking about the SEATO treaty. That is not all that happened.

The CHAIRMAN. You mentioned that as a basis for the Tonkin Gulf resolution?

Mr. KATZENBACH. Congress participated in that. As the situation there deteriorated, as American ships were attacked in the Tonkin Gulf, the President of the United States came back to Congress to seek the views of Congress with respect to what should be done in that area and with respect to the use of the military of the United States in that area, and on those resolutions Congress had the opportunity to participate and did participate. The combination of the two, it seems to me, fully fulfills the obligation of the Executive in a situation of this kind to participate with the Congress, to give the Congress a full and effective voice, the functional equivalent, the constitutional obligation expressed in the provision of the Constitution with respect to declaring war.

Q. Well, it is quite true, not only literally, but in the spirit of it. You haven't requested and you don't intend to request a declaration of war, as I understand it.

A. As I explained—that is correct, Mr. Chairman, but didn't that resolution authorize the President to use the armed forces of the United States in whatever way was necessary? Didn't it? What could a declara-

tion of war have done that would have given the President more authority and a clearer voice of the Congress of the United States than that did?

Q. The circumstances partook of an emergency, as an attack upon the United States, which could fall within the procedures or the principles developed in the last century of the temporary repelling of attacks as opposed to a full-fledged war, which we are in, and he [Professor Bartlett] was, I thought, quite critical of that, and the circumstances were such that we were asked to act upon this resolution very quickly. As a matter of fact, he [the President] had already, before the resolution, had responded to the attack by I think an attack upon the sources of the PT-boats.

It has been interpreted as equivalent to a declaration of war. I think this is a very critical difference as to how we regard it.

A. It seems to me that if your complaint is the drafting of the [Tonkin] Resolution of Congress, it ill becomes—

Q. That resolution was drafted by the Executive and sent up here. We didn't draft it, but we did, under the impeller of the emergency, accept it. A. Mr. Chairman, it wasn't accepted without consideration.

Q. Yes, it was largely without any consideration. A. Mr. Chairman, whether a resolution of that kind is or is not, does or does not perform the functions similar to a declaration of war must indeed depend upon what the language of that resolution is and what it says. Now the language of that resolution, Mr. Chairman, is a very broad language. . . .

It was explained in the debate. You explained it, Mr. Chairman, as head of this committee. Q. But I misinterpreted it.

A. You explained that bill and you made it clear as it could be what the Congress was committing itself to.

Q. I not only didn't make it clear, obviously, it wasn't clear to me, because I did make statements that I thought this did not entail nor contemplate any change in the then existing policy, and of course there has been great change in it.

It is the waging of war that really concerns us, together with commitments which are made which seem to entail and may eventually entail the waging of war. In this Tonkin Bay, the Tonkin Gulf Resolution, I think it illustrates this distinction that I think should be made clear between repelling of an attack and the waging of war as a matter of broad policy, and I think there was a certain confusion under the circumstances at that moment that at least helped in influencing the Congress in making the approval—

A. Mr. Chairman, the President didn't need such a broad authorization to repel an attack upon American ships in the Tonkin Bay. Q. That is right.

A. And that isn't what the resolution says—you have authority to repel an attack against ships in the Tonkin Bay. The resolution goes on and that was the reason for the resolution and I do not think it is correct to characterize that resolution as something simply dealing with some PT boats attacking. That was not the way you presented it, Mr. Chairman, it was not the way the Administration presented it. It was not the way the Congress understood it and it wasn't what it said.

Q. One last question. It seems to me that if the Administration had taken the position at the time that this was the equivalent of a declaration of war, in pursuance of the SEATO treaty, it might have made a difference. But it was a fact that at the time it was under consideration, the Administration position was it was not based upon the SEATO treaty. It was based upon repelling the attack, is that not so?

A. That is correct in the sense that at the time of that resolution the evidence with respect to the invasion of South Vietnam,

the aggression of North Vietnam against South Vietnam was not so clear.

This is not the kind of thing that we are doing there. And I said that I thought that the reason for that was to give the Congress of the United States an opportunity to look at, to examine, to speak upon the use of armed forces of the United States, that that was the purpose of it.

It seems to me it is clear as anything can be to anyone who reads that resolution and reads the debate.

CITES POLICY BACKGROUND

Q. Mr. Secretary, I don't wish to keep disagreeing with you, but I think it is anything but clear. I think the whole background of the situation then existing, the declarations not only by President Johnson but by President Kennedy before him that in Southeast Asia, in Vietnam, it was not the policy of this country to use American forces, that we were there only to help them. It wasn't our war. That the President shortly thereafter made many statements in which he didn't propose that American men would do the fighting of Asian youths, and so on. He emphasized this. It had been the same statement with President Kennedy, a very similar one.

In other words, the policy as expressed, the general policy, as to waging a war there was against it by the Executive themselves. The resolution was in response to an emergency. It wasn't even based as you said upon SEATO, any considered treaty arrangement.

I think in all fairness the circumstances were we were responding to an attack. As you have said, the President didn't need this authority to respond to an attack. And I agree with that, under the previous decision. But we did resolve, we did act and I have said many times I think wrongly, precipitously, without due consideration, to giving authority far beyond that particular attack, that additional authority which the professor described yesterday. This was a mistake.

Senator GORE. Mr. Secretary, your presentation lends greater importance to this hearing than I had previously thought was involved. As I understand your statement, it is to the effect that the Tonkin Bay Resolution did in fact grant the broad authority which has been predicated upon it, and that if Congress acted without understanding such import, then that was the fault of the Congress. This may be true.

Mr. KATZENBACH. I do not wish to be misunderstood as saying that the Tonkin Resolution was tantamount to a direct declaration of war, because I have given you the reasons why I think the phraseology "declaration of war," the use of that, would make it misunderstood, our objectives there. What I attempted to say was that the Tonkin Gulf Resolution gave Congress a voice in this, and that they expressed their will and their voice in that.

They expressed that will, Senator, in the language of that resolution in extremely broad terms. They made reference to the obligations under the SEATO treaty, and it said: "The United States is, therefore, prepared as the President determines to take all necessary action, including the use of armed forces, to assist any member or protocol state in Southeast Asia collective defense treaty requesting assistance in defense of its freedom."

Now, my point in saying this is that that is an expression of Congressional will in this regard. It is an authorization to the President, and in my judgment it is as broad an authorization of war so-called could be in terms of our internal constitutional process.

Q. I accept that clarification. Nevertheless, the fact stands that a resolution was passed which the President has regarded as a commitment on the part of the Congress that, I have heard speak, understood at the time that they were authorizing the commitment of ground troops, combat troops in Vietnam

by the President. I regard this as one of the most tragic mistakes in American history. I did not intend to authorize it. Now, I think it is clear that Congress is in large part at fault in not being precise.

The President has now directed planes to bomb targets within seconds of the most populous nation on earth. Do you think that the President should seek authorization of the Congress to undertake such provocation to run such risk of war between the largest industrial nation and the most populous nation in the world? A. No.

Q. Do you think the Tonkin Bay Resolution is sufficient?

A. I think our obligations under the SEATO treaty referred to in the Tonkin Bay Resolution, the broad language of that resolution, are adequate. But I would make an additional point if I could, Senator.

In any event, when the Congress has authorized, whether by resolution of this kind, whether by declaration of war, however, the use of the armed forces of the United States, I do not believe that the Congress can then proceed, and I think this was very clear in the constitutional base, can then proceed to tell the President what he shall bomb, what he shall not bomb, where he shall dispose his troops, where he shall not.

A. Mr. Secretary, if I may respectfully suggest, it appears to me that you are saying on the one hand that Congress is at fault in not sufficiently debating, in not drafting its resolution with sufficient precision to exercise its function in the formulation of policy, and in the extension of authority, but on the other hand, when I raise the question of provocation of possible war between two of the world's greatest nations, you say no, Congress should not be that precise.

Now just how should we operate in this field?

A. I see no fault of the Congress in this respect. I do not think there is any lack of precision in that. I think it expresses the will of Congress. I think they did authorize the use of the armed forces.

Q. It seems to me, Mr. Secretary, that you are now in a way of saying that this resolution authorized a war with China.

A. No, I think the resolution is quite precise in what it authorized. . . . Now in the course of that authorization, there can be risks, there can be risks taken. Other people could be involved. You could have that situation arise. It seems to me that it is very clear in what it says, and I am quite convinced that Congress knew what it was doing when it said it.

Q. You hold that this resolution authorized the use of the United States forces to bomb targets in Laos? A. I think as far as that would depend very much, Senator, on what was necessary in terms of coming to the aid of South Vietnam, but it also would depend on many of the facts and circumstances because I do not think that the Congress sought to authorize any action unless that action was justified in repelling an aggression.

QUESTIONS ON CHINA

Q. Will you please respond to the same question, but I use the word "China" instead of "Laos"? A. I think that the resolution authorized—

Q. You would give the same answer? A. The necessary defensive measures in this respect. Now it is in defense of South Vietnam. I think that if China were to invade South Vietnam, that that would present a very different factual situation than exists today. I think the limitation on it, Senator, is a limitation on what is necessary and proper in carrying out the statement, the authorization as was made there.

Now, I think there are risks in the situation, and I think the President has been extremely careful in his conduct of this to avoid those risks.

Q. Now, in the event we discovered that

Chinese military advisers were in South Vietnam serving as cadres, organizers, assistants in training and advice in combat against our troops, in those circumstances would you . . . authority of the Tonkin Resolution with respect to attack on China?

A. I do not think—it is difficult for me in a hypothetical situation to attempt to deal with a situation like that. My judgment is so clear on it that the President of the United States would not run the risk of further involvement on those facts that it just becomes to me a purely hypothetical question that it would be hard for me to see anybody could have contemplated and could have discussed under this situation. . . .

Q. You say it would be difficult for you to interpret this resolution in the light of the hypothesis. It was equally difficult for the Congress. I doubt if any Congressman could foresee the bombing of targets within 10 miles of China. Taking into consideration the speed of supersonic missiles, the provocation which is involved. Therefore, I come back to the thing about which I started. It seems to me that the thrust of your testimony is that it is incumbent upon the Congress hereafter to consider in detail and precision the grant of authority involved in its action.

[From the New York Times, Aug. 19, 1967]
TRANSCRIPT OF THE PRESIDENT'S NEWS CONFERENCE ON FOREIGN AND DOMESTIC AFFAIRS

PRESIDENT JOHNSON. Good afternoon, ladies and gentlemen. Your question.

QUESTIONS

1. Assessment on Vietnam

Mr. President, would you give us, please, your current assessment of the situation in Vietnam, and the meaning and significance of what seems to be a rather obvious lull in the ground war and an equally obvious stepping up of bombing? And more specifically, do you agree with your Army chief of staff, Gen. Harold K. Johnson, that 45,000 more troops may be enough to see us through to a solution?

A. The people of Vietnam are in the middle of an election campaign to select a President and a Vice President and about 60 members of their Senate. In October, they will elect a House of Representatives.

From time to time, there seems to be—from news reports and operations reports—accelerations, escalations, lulls, various types of descriptions of our activities out there. Our policy in Vietnam is the same.

We are there to deter aggression. We are there to permit the people of South Vietnam to determine for themselves who their leaders should be and what kind of government they should have.

It is remarkable that a young country fighting a tough war on its own soil has moved so far, so fast, toward a representative government.

Since we first went to Honolulu, we have urged that steps be taken in this direction. First, a constituent assembly was elected. Next, a constitution was written. At Guam that constitution was given to us and a pledge was made that we would have free and fair elections and that the people would have a chance to select a President and a Vice President and members of the Senate.

Now, in the last two or three days, there has been a lull in air activity. That's because of the weather, and because those who direct our operations there felt that it was necessary to restrain themselves and to not carry out certain targets that were available to them.

Our activity in the South is determined a great deal by what the enemy there is willing to do. More and more here of late, we think, because of the losses he has suffered, because of the position in which he finds himself, he is less anxious to engage our troops in combat.

As a consequence, last week we had one of the lowest killed-in-action rates that we have had in several weeks. That is not to indicate that we won't have a bad week next week.

But weather, enemy operations, local conditions, all of those determine in some respect what happens between a lull and between stepped-up activity.

2. Postponing of election

So far as this Government's concerned, our policy has not changed, it remains the same; we are steadfast in our determination to make our pledges good, to keep our commitments and to resist the attempt to take over this little country by brute force.

Mr. President, in this same context, what do you think accounts for fears being expressed on Capitol Hill even to the point of suggesting that today that the election could possibly be postponed, what do you think accounts for fears that the maybe the election won't be on the up and up?

A. Well, I think that that is to be expected first in all elections. I have participated in a good many and I have never known one where there weren't some who questioned the efficiency of the election, the accuracy of the election, or the wisdom of the voters' expressions. The date for the election has been set and the nearer you get to that election date, the more charges you will hear concerning the individual candidates, concerning the methods they use, concerning the type of candidate you should select and concerning anything they can question or criticize.

But we do that in this country and you'll expect more of it in a young country that is really having its first over-all national election under wartime conditions. We hope that whoever wins, a civilian or military leader will work together and they will cooperate in the essential work that's ahead of them.

We realize that one of our most difficult periods is going to be between now and the early part of September. We've realized that all along. We have to adjourn a good many things in this country. As long as we've had a constitution, during an election period, we have to forego a good many things and we have to indulge ourselves the luxury of a great many rash statements and criticisms.

You can expect that to come from South Vietnam. We are going to do all we can—it's not our election, it's not our government, and it's, we're not running things and we can't, it seems to me this is a matter for the Vietnamese themselves, but to the extent that our counsel is sought, our advice is followed, we're going to do everything we can to see that we have an orderly, a free and a fair election and Ambassador Bunker who is one of our most experienced men tells me that he is hopeful that that will come about.

3. Status of domestic program

Q. Mr. President, a number of people are making more for the cities in the way of social welfare but how about the things that you've already recommended. For example, sir, yesterday the House passed a Social Security bill close to your recommendations but the rest of your domestic program seemed to be floundering up on the hill. How do you see this?

A. We have almost a hundred measures pending in the Congress. About half of them have been passed. At the end of the Congress—the last few months of any Congress—we try to make a maximum effort to clean up all the bills that are left. We're very happy at the action that the Ways and Means Committee and the House of Representatives took on our Social Security measure.

There's some matters that they brought into it that we had hoped they wouldn't. There's some reductions made that we didn't favor. But generally speaking our recommendations were carefully considered. The House has acted in its judgment and passed

by that overwhelming vote yesterday a measure that I think the Senate can improve and I hope will be sent to the President.

We do have a crime control measure that's been acted upon by the House. We have a civil rights measure. That's been acted upon by the House. We have an Economic Opportunity Act that's now pending in the House committee. We have a Model Cities that has been greatly reduced in the House, but the Senate I expect to act on this week.

We have a rent supplement that the House cut out entirely that should be restored in the Senate and we hope that it will. We have the urban renewal measure, almost a billion dollars—some \$750-million. We have the urban mass transit. We have the urban research. We have the rat extermination, the education bill, some 15 or 20 measures that are extremely important to the cities.

And I have talked to all the leadership about it, talked to a good many of the individual members about them, and I think there is a general belief that the Congress will consider all of these measures and I would believe pass most of them.

We don't expect to get everything that we've recommended. But we believe we'll get most of it and we think it's essential, as I said in my letter to Senator Mansfield, that we have housing legislation, that we have rent supplements, that we have model cities.

We have a good poverty bill. And I believe Congress will in the last few days of this session face up to all of these measures and pass them.

4. Sympathy note rejection

Q. Mr. President. This week, a family that lost a young son in Vietnam sent a letter rejecting your note of sympathy, calling the war senseless. I'm interested to know how this affected you. Does it upset you and how do you respond to that kind of mail?

A. I heard that over the radio. I regret that—of course the feelings of the family. But I can understand the feelings of any parents who've lost a child and I—when I heard it I just wished that it was possible for me to have enough time to sit down and express the gratitude I think this nation feels for the service of the young men, like going to this home and perhaps giving them a little better explanation of what we were doing there and why.

5. A pause in bombing

Q. Mr. President, the South Vietnamese chief of state, General Thieu, has said that if he's elected President in the elections next month, he will ask for a bombing pause in another attempt to get peace talks started. Could you tell us how you feel about a bombing pause after the elections?

A. I would be glad to consider and discuss any proposal that would indicate that it would lead to productive discussions that might bring about peace in that area of the world.

I am very happy that Chief of State Thieu and Prime Minister Ky indicate that after the election that they are hopeful conditions would be such that productive discussions and negotiations could take place.

The United States is very anxious to meet with the representatives of the North Vietnamese Government, at any time, at a mutually agreed place, to try to agree on some plan that will resolve these differences.

We have made a number of proposals ourselves; and as of this moment, there has not been communicated to us any change of position any different from that reflected in Ho Chi Minh's letter of several weeks ago.

We would, of course, welcome any indication on the part of the North Vietnamese that they would agree to a cease fire, that they would agree to negotiations, that they would agree that if we had a bombing pause, that they would not take advantage of that pause to increase our men killed in action.

6. Stalemate in the war

Q. Mr. President, on the basis of that lack of indication from Hanoi, in your opinion based on your information, have we reached a stalemate in the Vietnam war?

A. No. I think that our—there are those who are taking a pretty tough drubbing out there that would like for our folks to believe there's a stalemate. But—I haven't been there, I can't personally say that I have observed all the action that's taken place—but General Westmoreland is there. I have sent General Wheeler there within the month. General Johnson, the chief of staff of our Army, has just returned from there. General Larson, a very able general who has been in the Second Corps now for two years, has just returned from there. And all of these men think that the stalemate charge is nothing more than propaganda.

7. Anxiety on escalation

Q. Mr. President? It'll come as no surprise to you, sir, that there are a number of critics of your Vietnam policy, inside and outside the press. But the Minneapolis Tribune, for example, has in the past rather consistently supported your objectives and policies in Vietnam; but on Tuesday of this week, its lead editorial called your permission to bomb within 10 miles of China a dangerous escalation of the bombing which could lead to war with China. What would your counsel be to this implied anxiety?

A. First, I would like to make it clear that these air strikes are not intended as any threat to Communist China. And they do not, in fact, pose any threat to that country.

We believe that Peking knows that the United States does not seek to widen the war in Vietnam. The evidence has been quite clear. We think, that the strikes were made against major military staging areas. And that the lines of communication which the enemy has been concentrating his supply troops, and the transportation routes and bridges over which those troops have been moved against our men, have been hit.

We think that these targets are directly related to the enemy's capacity to move material into South Vietnam to kill American boys. The targets, to us, were clearly identifiable, they were carefully selected, they were all within North Vietnam.

The strikes were made by the most highly trained pilots that we had. They employed every human and every technical precaution to insure that the ordnance fell on target—and it did.

And while every one is entitled to his opinion—a good many of them express it. The tougher the going gets the more difficult it will be for some to stay with us and go all the way and last it out. Nevertheless, we believe that if we're going to be there, it's essential to do everything we can to protect the men that we have there. And we're going to try to provide the maximum deterrent at the minimum loss.

10. Tonkin resolution

Q. Sir, the Constitution does not give you the right to carry on this war without permission from Congress and I am sure that you realize that more than anybody and in view of this misunderstanding that has occurred about the Gulf of Tonkin resolution, why don't you clear up this matter with your critics by putting—calling for a new vote in Congress on this matter?

A. Sarah, you don't always clear up your critics that easily. They will be with you before the vote and they will be with you after the vote. That's the way it is in a democratic society.

I have given a lot of concern and attention to attempting to get the agreement of the Congress on the course that the government followed in its commitments abroad. As a young Senator I recall very vividly hearing Senator Taft speak on several occasions about

President Truman's intervention in Korea and he frequently said, in substance, that while he thought what the President did was right, he did it the wrong way, that he should have consulted the Congress and he should have asked for their opinion.

Now, under the Constitution the Congress has the right to declare, to declare war. It's never intended that the Congress would fight the war, or direct the war, or take the bombers off the ground or put them back on it or ground them. But it has the responsibility to declare the war. And Senator Taft thought that President Truman, before he committed our troops in Korea, should have asked the Congress, not necessarily for a declaration but for an opinion or resolution.

President Eisenhower followed that policy in several instances, asking the Congress for an opinion and discussed it with the leaders before he submitted the resolution. Back last May and June in '64 before the Tonkin Gulf, we considered what we should do in order to keep the Congress informed and to keep them in place and to keep them in agreement about what our actions should be there in case of contingencies. There was very active debate in the government back, as I remember, as far as May and June of that year.

Then we had the Tonkin Gulf and after the Tonkin Gulf we responded to the action with appropriate measures in the Tonkin Gulf. But after that we felt that we should point out that we—there was likelihood there would be other instances and we could see the problem developing in that area so we asked the leadership of the Congress to come to the White House. And we reviewed with them, Secretary, Senator Taft's statements about Korea and the actions that President Truman, had taken, President Eisenhower had taken and asked their judgment about the resolution that would give us the opinion of the Congress and we were informed that a resolution was thought desirable and so the members of the executive and legislative branches talked about the content of that resolution, and a resolution was drafted and that was reviewed with the leaders I believe August the fourth, 1964.

Then, I sent a message up to the Congress shortly afterwards and asked for consideration of a resolution. Some of the members of the Congress felt that they should amend the resolution, even as amendments had already been put in it by members, to provide that if at any time the Congress felt that the authority delegated in the resolution should be withdrawn, that the Congress without waiting for a recommendation from the President who might differ with them, could withdraw that authority by just passing a resolution which did not require the President's veto.

They could do it by themselves. This suggestion was made to me by a prominent Senator and I readily accepted it. So the machinery is there any time the Congress desires to withdraw its views on the matter. We stated then, and we repeat now, we did not think the resolution was necessary to do what we did and what we're doing. But we thought it was desirable and we thought if we were going to ask them to stay the whole route and if we expected them to be there on the landing we ought to ask them to be there on the takeoff.

So the, Secretary Rusk and Secretary McNamara went before the House Foreign Affairs Committee and Armed Services Committee, and then they went before the Senate Foreign Relations Committee and the Senate Armed Services Committee and they testified before all of those four committees.

They, as I said, accepted some suggestions by the Congressmen and Senators and amended the resolution some. The committees reported the resolution I believe, I believe the Foreign Affairs Committee of the House reported unanimously, the Armed Services went along with it, the Foreign Re-

lations Committee of the Senate, I think there was only one vote against it, Senator Morse, and then it went out to both chambers for debate.

We had stated our views in the message and in the measure and the leadership too expressed our views in some of their statements. August the 5th, 6th, 7th, during that period there was debate, two days, I believe in the Senate on two, I believe, the 6th and the 7th, I don't recall the dates exactly in the House, but the resolution was sent to us by a vote of over 500 to 2.

Now, I believe that every Congressman there and most of the Senators there knew what that resolution said. And that resolution authorized the President and expressed the Congress's willingness to go along with the President in doing whatever was necessary to deter aggression. Now, we are, as I say, trying to provide a maximum deterrent with a minimum loss and we think we're well within the grounds of our constitutional responsibility.

We think we're well within the rights of what the Congress said in its resolution and the remedy is there if we have acted unwisely or improperly. It's going to be tougher as it gets along. The longer these, the fighting lasts, the more sacrifices required in men and materiel, the more dissent and difficult it's going to be. But I don't believe we're acting beyond our constitutional responsibility.

COMMITTEE MEETINGS DURING
SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on the Judiciary and the Subcommittee on Public Health of the Committee on the District of Columbia be permitted to meet during the session of the Senate today.

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

ORDER FOR RECESS TO 11 A.M.
TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 o'clock a.m. tomorrow.

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

APOSTLE ISLANDS NATIONAL
LAKESHORE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 501, S. 778.

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

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 778) to provide for the establishment of the Apostle Islands National Lakeshore in the State of Wisconsin, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, line 10, after the word "Band")" to strike out "there is hereby established" and insert "the Secretary of the Interior is authorized to establish and administer"; in line 18, after

the word "Lakeshore," to strike out "NL AI 7100," and insert "NL-AI-7100B,"; in line 19, after the word "dated" to strike out "May 1965," and insert "May 1965, revised February 1967,"; after line 21 to insert:

(c) As soon as practicable after acquisition by the Secretary of the Interior of an acreage within the boundaries of the lakeshore which in his opinion can be administered efficiently for the purposes of this Act, he shall establish the Apostle Islands National Lakeshore by publication of notice thereof in the Federal Register.

On page 3, after line 15, to strike out:

(b) In exercising his authority to acquire property within the boundaries of the lakeshore by exchange, the Secretary may accept title to any non-Federal property therein, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction which he classifies as suitable for exchange or other disposal and which is of approximately equal value. If the properties are not of approximately equal value, the Secretary may accept cash from, or pay cash to, the grantor in order to equalize the values of the properties exchanged.

And, in lieu thereof, to insert:

(b) In exercising his authority to acquire property within the boundaries of the lakeshore by exchange, the Secretary may accept title to any non-Federal property therein, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction in the State of Wisconsin which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal to the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

On page 4, line 23, after the word "spouse," to strike out "or the death of either of them," and insert "whichever is the later,"; on page 5, line 10, after the word "unexpired" to strike out "on the date of termination," and insert "such right of use and occupancy shall terminate by operation of law,"; on page 6, line 18, after the word "Indian" to strike out "lands on an approximately equal value basis, but if the properties are not of approximately equal value the Secretary may accept cash from, or pay cash to, the grantor in order to equalize values," and insert: "lands. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require,"; on page 7, after line 11, to strike out:

(e) With respect to any lands acquired by the Secretary under this Act that are within the boundaries of the lakeshore and within the boundaries of the Bad River or Red Cliff Indian Reservations, the Secretary may sell such lands to the respective Indian band at fair market value if he finds the sale will consolidate the Indian holdings and will facilitate the administration of the lakeshore: *Provided*, That as a condition of the sale the Secretary may acquire from the vendee as leasehold interest in order to use the land as part of the lakeshore.

At the beginning of line 22, to strike out "(f)" and insert "(e)"; on page 8, after line 15, to insert:

(f) Notwithstanding any other provision of law, improvements and structures needed for development and administration of the lakeshore may be constructed on lands leased pursuant to this section.

In line 25, after the word "fish," to insert "trap,"; on page 9, line 7, after the word "timber" to insert "at fair market value,"; on page 10, line 7, after the word "operated" to insert "directly,"; in line 14, after the word "no" to strike out "hunting" and insert "hunting, trapping,"; in line 19, after the word "for" to strike out "hunting" and insert "hunting, trapping,"; in line 24, after the word "wild" to strike out "rice," and insert "rice," and the Secretary shall grant to such Indians the same rights with respect to lands acquired by him within the portions of the lakeshore that are within the Bad River and Red Cliff Indian Reservations,"; on page 11, line 8, after the word "supplemented" to insert "and the Act of April 9, 1924 (43 Stat. 90; 16 U.S.C. 8a et seq.), as amended,"; on page 13, after line 2, to insert a new section, as follows:

SEC. 11. Section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415), is hereby further amended by inserting the words "the Bad River Reservation, the Red Cliff Reservation," after the words "the Pyramid Lake Reservation,".

At the beginning of line 8, to change the section number from "Sec. 11" to "Sec. 12,"; and in line 10, after the word "this" to strike out "Act," and insert "Act of which not more than \$13,310,000 may be expended for land acquisition and development"; so as to make the bill read:

S. 778

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) (1) for the purpose of conserving and developing for the benefit, inspiration, and use of the public certain islands, shorelines, beaches, sandspits, and other natural and historical features within Ashland and Bayfield Counties, Wisconsin, which make up a significant portion of the diminishing shoreline and archipelago environments of the Great Lakes region and which possess high values to the Nation as examples of unspoiled areas of great natural beauty; and

(2) For the purposes of encouraging and enhancing the development and utilization of this region as an important center of public recreation activities, and particularly to encourage participation in the accomplishment of such purposes by the Bad River Band and the Red Cliff Band of the Lake Superior Chippewa Indians of Wisconsin (hereinafter referred to as the "Bad River Band" and the "Red Cliff Band") the Secretary of the Interior is authorized to establish and administer the Apostle Islands National Lakeshore (hereinafter referred to as the "lakeshore").

(b) The lakeshore shall comprise those islands, waters, and portions of mainland within Ashland and Bayfield Counties, Wisconsin, as generally depicted on a map identified as "Boundary Maps—Proposed Apostle Islands National Lakeshore, NL-AI-7100B, sheets 1, 2, and 3," dated May 1965, revised February 1967. Said map shall be on file and available for public inspection in the offices of the Department of the Interior.

(c) As soon as practicable after acquisition by the Secretary of the Interior of an acreage within the boundaries of the lakeshore which in his opinion can be administered efficiently for the purposes of this Act, he shall establish the Apostle Islands National Lakeshore by publication of notice thereof in the Federal Register.

SEC. 2. (a) Within the boundaries of the lakeshore, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire lands, or any interest therein, by donation, purchase with donated or appropriated funds, or exchange. Any property or interests therein owned by the State of Wisconsin, or any political subdivision thereof, may be acquired only by the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located within the boundaries of the lakeshore may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of the lakeshore.

(b) In exercising his authority to acquire property within the boundaries of the lakeshore by exchange, the Secretary may accept title to any non-Federal property therein, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction in the State of Wisconsin which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

SEC. 3. (a) With the exception of not more than eighty acres of land in the Red Cliff Creek area that the Secretary determines are necessary for an administrative site, visitor center, and related facilities, any owner or owners, including beneficial owners (hereinafter in this section referred to as "owner") of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years, or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, whichever is the later. The owner shall elect the term to be reserved. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(b) A right of use and occupancy retained pursuant to this section shall be subject to termination by the Secretary upon his determination that such use and occupancy is being exercised in a manner not consistent with the purposes of this Act, and upon tender to the holder of the right an amount equal to the fair market value of that portion of the right which remains unexpired. Such right of use and occupancy shall terminate by operation of law.

(c) The term "improved property", as used in this section, shall mean a detached, non-commercial residential dwelling, the construction of which was begun before January 1, 1967 (hereinafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of non-commercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

SEC. 4. The authorities granted by this Act shall be subject to the following exceptions and qualifications:

(a) Lands or interests therein within the boundaries of the lakeshore that are held by the United States in trust for the Bad River Band or the Red Cliff Band may be acquired by the Secretary only with the concurrence of the beneficial owner.

(b) Any leasehold interest acquired in lands beneficially owned by the Bad River

Band or the Red Cliff Band shall not exceed a term of ninety-nine years, but shall grant the Secretary the option of renewing the lease for as long as the lands are used as part of the lakeshore.

(c) In order to facilitate the acquisition by exchange of the lands within the boundaries of the lakeshore that are held by the United States in trust for the Bad River Band or the Red Cliff Band or held in trust or in a restricted status for individual Indians of said bands, the Secretary may acquire by negotiated purchase, any lands, or interests therein, outside of the lakeshore boundaries. Lands so acquired may be exchanged for such Indian lands. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(d) In order to provide substitute lands for the Bad River Band and the Red Cliff Band or for individual Indians of said bands in cases where their lands are acquired for the lakeshore, the Secretary may, from funds made available to him by such band or Indian, acquire by negotiated purchase any lands or interests therein outside of the boundaries of the lakeshore: *Provided*, That title to such lands shall be held by the United States in trust for the band or the individual Indians involved.

(e) In exercising his authority to acquire by negotiated purchase any land within the boundaries of the lakeshore that is held in trust or in a restricted status for individual Indians, the Secretary may, in cases where a particular tract of land is so held for more than one Indian, acquire such land without the consent of all of the beneficial owners if the acquisition is agreed to by the owners of not less than a 50 per centum interest in any land where ten or fewer persons own undivided interests or by the owners of not less than a 25 per centum interest in any land where eleven or more persons own undivided interests. The Secretary may represent for the purpose of this subsection any Indian owner who is a minor or who is non compos mentis, and, after giving such notice of the proposed acquisition as he deems sufficient to inform interested parties, the Secretary may represent any Indian owner who cannot be located, and he may execute any title documents necessary to convey a marketable and recordable title to the land.

(f) Notwithstanding any other provision of law, improvements and structures needed for development and administration of the lakeshore may be constructed on lands leased pursuant to this section.

SEC. 5. Within the portion of the Bad River and Red Cliff Indian Reservations that are included in the lakeshore, recognized members of the Bad River and Red Cliff Bands shall be—

(a) permitted to traverse such areas in order to hunt, fish, trap, boat, or gather wild rice or to obtain access to their homes or businesses: *Provided*, That in order to preserve and interpret the historic, scenic, cultural, and other outdoor features and attractions within the lakeshore the Secretary may prescribe regulations under which the area can be traversed;

(b) granted the first right of refusal to purchase any timber at fair market value if the Secretary determines that the harvesting or removal of timber is necessary or desirable;

(c) granted, to the extent practicable, a preferential privilege of providing such visitor accommodations and services, including guide services, as the Secretary deems desirable: *Provided*, That such a preferential privilege will not be granted unless the visitor accommodations and services meet such standards as the Secretary may prescribe;

construction or maintenance work or for other work in connection with the lakeshore for which they are qualified; and

(e) encouraged to produce and sell handicraft objects under the supervision of the Secretary.

SEC. 6. The Secretary shall, to the extent that appropriated funds and personnel are available, provide consultative or advisory assistance to the Bad River and Red Cliff Bands with respect to planning facilities or developments upon their tribal lands which are outside of the boundaries of the lakeshore.

SEC. 7. Subject to such regulations as the Secretary may prescribe, the recognized members of the Bad River and Red Cliff Bands may use without charge any docking facilities within the lakeshore that are operated directly by the Secretary.

SEC. 8. (a) The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the lakeshore in accordance with the appropriate laws of Wisconsin to the extent applicable, except that he may designate zones where, and establish periods when, no hunting, trapping, or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations prescribing any such restrictions shall be put into effect only after consultation with the appropriate State agency responsible for hunting, trapping, and fishing activities.

(b) Except for such regulations as the Secretary may issue under authority of this Act, nothing in this Act shall affect the existing rights of members of the Bad River Band or Red Cliff Band to hunt, fish, trap, or to gather wild rice, and the Secretary shall grant to such Indians the same rights with respect to land acquired by him within the portions of the lakeshore that are within the Bad River and Red Cliff Indian Reservations.

SEC. 9. The lakeshore shall be administered, protected, and developed in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented; and the Act of April 9, 1924 (43 Stat. 90; 16 U.S.C. 8a et seq.), as amended; except that any other statutory authority available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of the Act.

SEC. 10. (a) In the administration, protection, and development of the lakeshore, the Secretary shall adopt and implement, and may from time to time revise, a land and water use management plan which shall include specific provision for—

(1) protection of scenic, scientific, historic, geological, and archeological features contributing to public education, inspiration, and enjoyment;

(2) development of facilities to provide the benefits of public recreation and a scenic shoreline drive on the Bayfield Peninsula;

(3) preservation of the unique flora and fauna and the physiographic and geologic conditions now prevailing on the Apostle Islands within the lakeshore: *Provided*, That the Secretary may provide for the public enjoyment and understanding of the unique natural, historic, scientific, and archeological features of the Apostle Islands through the establishment of such trails, observation points, exhibits, and services as he may deem desirable; and

(4) preservation and enhancement of the unique characteristics of the Kakagon River and Bad River Sloughs.

(b) With respect to the portion of the lakeshore located within the boundaries of the Bad River Indian Reservation such land and water use management plan shall provide for—

(1) public enjoyment and understanding of the unique natural, historic, and scientific

features through the establishment of such roads, trails, observation points, exhibits, and services as the Secretary may deem desirable; and

(2) public use and enjoyment areas that the Secretary considers especially adaptable for viewing wildlife: *Provided*, That no development or plan for the convenience of visitors shall be undertaken in such portion of the lakeshore if it would be incompatible with the preservation of the unique flora and fauna or the present physiographic conditions.

SEC. 11. Section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415), is hereby further amended by inserting the words "the Bad River Reservation, the Red Cliff Reservation," after the words "the Pyramid Lake Reservation."

SEC. 12. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, of which not more than \$13,310,000 may be expended for land acquisition and development.

The amendments were agreed to.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report, explaining the purposes of the bill.

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

BACKGROUND

The Apostle Islands archipelago consists of 22 islands situated in Lake Superior off the Bayfield Peninsula of Wisconsin. The islands are heavily forested and range from 50 to 500 feet above the lake's surface. Their shorelines are characterized by intricately and grotesquely carved cliffs, arches, pillars, and grottos, punctuated by sandy or stony beaches.

The islands are rich historically, both as the initial midwestern home of the Ojibway (now the Chippewa) Indians and as a center for French and English commerce during the fur-trade bonanza of the 17th and 18th centuries.

The coastline of the northern tip of the Bayfield Peninsula, hereafter referred to as the Red Cliff unit, is also famed for its wave-sculptured sandstone cliffs and grottos and the magnificent beaches in its bays.

Southeast of the Bayfield Peninsula, across the Chequamegon Bay, is the area known as the Kakagon-Bad River Sloughs unit. This unique marshland, with its abundance of furred, feathered, and finned wildlife, formed behind the sand spit which is now known as Chequamegon Point. The name Kakagon means "home for the walleyed pike," and the sloughs have been a perpetual wild rice source over which the Chippewas often had to wage war.

S. 778 would create an Apostle Islands National Lakeshore of three units. The Apostle Islands unit would include 21 islands, excluding only Madeline Island with its permanent year round community, summer colony, and network of permanent roads. The Red Cliff unit would consist of a coastal strip some 30 miles long by ¼ to ½ mile wide around the tip of Bayfield Peninsula. The Kakagon-Bad River Sloughs unit would consist of the heart of the marshland and its guardian sand spit.

The 71st Congress, in 1930, directed the Secretary of the Interior to investigate the potential for an Apostle Islands National Park. This bill is the culmination of that initial directive, and would provide the 52 million people of the Midwest with an accessible lakeshore on the world's largest—and unpolluted—fresh water body.

SECTION-BY-SECTION EXPLANATION

Section 1.—Declares the dual purposes of providing an unspoiled recreation area and enhancing the well-being of the Red Cliff and Bad River Bands of Chippewa Indians. Designates the lakeshore boundaries by map reference and sets the procedure for establishment of the Apostle Islands National Lakeshore.

Section 2.—Grants the authority for acquisition of lands and waters by the Secretary of the Interior by donation, purchase, or exchange. Non-Federal public lands may be acquired only with the concurrence of the owner.

Section 3.—Except on not more than 80 acres for administrative and visitor center use, near Red Cliff Creek, owners of improved property may retain a 25-year or lifetime occupancy and use for noncommercial residential purposes.

Section 4.—Sets forth exceptions and qualifications on the Secretary's authority to purchase and/or lease Indian lands within the Red Cliff and Bad River Reservations. The purpose of these restrictions and qualifications is to protect and enhance the economic well-being of these Indian owners while still allowing orderly development for lakeshore purposes.

Section 5.—Grants to the Red Cliff and Bad River Indians certain considerations, such as preferential consideration for certain construction, maintenance, and guide service employment for which they are qualified, first refusal to purchase timber at fair market value if timber removal is necessary or desirable, rights to traverse lakeshore lands within the reservations to hunt, fish, trap or gather wild rice, and encourages production and sale of handicraft objects.

Section 6.—Provides consultative assistance to the Red Cliff and Bad River Indians to plan or develop facilities on tribal lands outside the lakeshore.

Section 7.—Permits these Indians free use of docking facilities operated directly by the Secretary.

Section 8.—Permits hunting, fishing, and trapping on lakeshore lands in accordance with State laws when and where public use, administration, and certain other considerations permit. Grants to the Indians the same rights to hunt, fish, trap, or gather wild rice on lakeshore lands within the reservations as they now have on their own lands.

Section 9.—Allows the Secretary to employ the provisions of the act of August 25, 1916, for lakeshore administration. Also permits use of the act of April 9, 1924, which allows the designation of a road traversing at least 90-percent Federal land and carrying primarily park visitor traffic as a national park approach road.

Section 10.—Requires the Secretary to develop a land and water use plan with certain specific provisions for protection, enhancement, and development. This will, among other things, facilitate the Secretary in fulfilling the committee's desire that the scenic drive planned for the Red Cliff unit not unduly disrupt the beauty of the shoreline. In this regard, the committee recommends that this scenic road be a two-part, one-way drive closely following the topographic features. The eastern part should have a counterclockwise traffic flow to an exit near the midpoint of the Red Cliff unit. The western part should have a clockwise traffic flow to the same exit.

There is no intention on the committee's part that commercial fishing operations in the Apostle Islands unit be restricted in any manner by this act except as the Secretary determines advisable for reasons of public safety, administration, or access to the islands.

Section 11.—Amends the Indian Long Term Leasing Act of 1955 to authorize the Bad River and Red Cliff Bands to enter into leases for terms up to 99 years.

Section 12.—Authorizes appropriations of which not more than \$13,310,000 may be expended for land acquisition and development.

EIGHTH ANNIVERSARY OF HAWAII STATEHOOD

Mr. INOUE. Mr. President, today marks the eighth anniversary of the admission of Hawaii to the Union. It has been my custom from time to time to report to the Senate on the progress enjoyed by the people of Hawaii since that glorious day in 1959.

This year, however, I intend to look into the future because all of you are familiar with our phenomenal success story and many of you will be numbered among the nearly 1 million visitors who crossed the Pacific to visit our islands this year.

In 1975, Hawaii will be closer to Washington than California is today. And Californians, speeding toward Honolulu in a supersonic transport, will barely have time for a cocktail and lunch before they arrive.

Perhaps two and a half million visitors—more than triple our present population—will enjoy the sun, sand, and mountain greenery that has enchanted newcomers since Capt. James Cook first stepped ashore on the Island of Hawaii 2 years after the American Declaration of Independence.

One of the major attractions in Hawaii in 1975 will not be the newest resort hotel complex but the sprawling campus of the University of Hawaii which will then be universally recognized as a major intellectual and cultural center serving all the nations on the rim of the Pacific Basin.

Hopefully by 1975, peace will have returned once more to the Pacific. Eight years from now we should be engaged in the midst of a massive redevelopment program designed to uplift all of Southeast Asia from a morass of poverty, ignorance and disease.

Our active partners in this enterprise should include Japan, Taiwan, Philippines, South Korea, and possibly the Soviet Union and Communist China.

The University of Hawaii and its sister institution, the East-West Center, will serve as major resource centers for this vast operation because of the wealth of knowledge and experience possessed by the faculty of these two educational facilities.

The groundwork is already being laid in Hawaii for this great redevelopment program. The University of Hawaii now trains more Peace Corps volunteers than any other U.S. college or university.

For years now, University of Hawaii teams have been sent out to various Southeast Asian and Asian nations to fulfill educational, agricultural, and technical assistance contracts for the Agency for International Development.

Senators may be surprised to learn that a U.S. Office of Education study completed 3 years ago showed that of all the students in American higher education studying East Asian languages, approximately half were being taught on the University of Hawaii campus. And of all the students in Asian area studies,

more than a quarter of them are taught at the University of Hawaii.

By 1975, I am confident that the University of Hawaii will have established a 4-year medical college because a 2-year medical school is already a reality.

This school can become another leader in the field of tropical medicine, dedicated to the needs and interests of Pacific islands and nations.

Perhaps we will count a few Chinese Communist students among our East-West Center grantees in 1975. I certainly hope so because I would welcome the chance to give them an opportunity to place our free society under their own microscopes.

Before the next decade passes, Hawaii will become one of the world's leading centers for warm water oceanographic research. Our State university is already one of the few offering advanced degrees in the oceanographic field. Private sector interest in Hawaii as an oceanographic center has vastly increased in recent years and substantial investments have already been made in oceanographic research facilities in the State.

If present promising experiments develop satisfactorily, many U.S. mainland residents will enjoy fresh Hawaiian fruits at their tables for the first time. Tropical fruits grown in Hawaii will be given an extended shelf life as the result of nuclear irradiation. Hawaii will also become a new source for fresh vegetables during the winter months in our Western States.

Developing East-West trade will have become an even more significant factor in the economic growth of our island economy.

In 1975, Hawaii, which has already established a flourishing foreign trade zone, will be a major transshipment center in the Pacific. Our containerization know-how, already ranking with the most advanced in the maritime industry, will have made substantial contributions toward cutting shipping costs and speeding goods toward their destinations without undue delays.

Hawaii will continue to play a key role in our national space program both in the fields of space communications and space observations. We possess a unique advantage because of our position on the earth in relation to the planets and our high volcanic peaks, surrounded by smog-free air, are virtually unmatched for space observation purposes.

Satellite communications will play an increasingly important role in Hawaii's future. By 1975, many millions of Americans who have not been fortunate enough to have visited Hawaii will have become increasingly familiar with its remarkable development.

Direct television broadcasts via satellite from Hawaii will let the world see for itself how many diverse ethnic groups enjoy life together in the 50th State.

The professional football fan on the eastern seaboard can look forward to a direct broadcast of an NFL or AFL game from Honolulu at about 8 p.m. on Sundays in 1975. The game will start at 2 p.m., Hawaii time, but because of the 6-hour time differential, will be viewed Sunday evenings on the East Coast.

This news may prove disconcerting to

housewives who presently find their husbands' attention riveted to the television tube for two consecutive games every Sunday during football season. But plans are moving ahead for a new municipal stadium in Honolulu and preliminary talks have been held with professional football league officials. The Lani Bird satellite is already in orbit.

The visitor to the Hawaii of 1975 will find no shortages of sun, sand, and surf, nor our traditional aloha spirit; but he will also find a Pacific community dedicated to leading America into new and lasting relationships with her sister nations to the west.

SALUTE INTERNATIONAL DRUM CORPS WEEK

Mr. HANSEN. Mr. President, the week of September 2 will mark a celebration by drum and bugle corps in the United States and Canada, and I would like to join with organizations and individuals from all over the world in a salute to youngsters engaged in this worthwhile training.

Wyoming is the home of the world-famous Casper Troopers, who have traveled throughout this country to participate in programs of pageantry and patriotism. The Troopers have won numerous national awards for their expertise.

I commend the young people everywhere who are taking part in drum and bugle corps activities, because they have chosen by their participation to help, and to encourage other young people to follow their example. They have chosen to divert their energies into useful channels.

I hope the celebration scheduled for September 2 through 9, marking International Drum Corps Week, will be the biggest and best ever.

THE INCOME TAX SURCHARGE

Mr. ANDERSON. Mr. President, the proposed 10-percent surcharge on corporate and personal income taxes is the most pressing matter before Congress. It is a question that the public feels strongly about, and it should. Few decisions made in this body will be felt more directly than a tax increase. An editorial entitled "The Tax: Painful but Necessary," published in Life magazine, sizes up as concisely and thoroughly as I have seen the case for a tax increase. We are dutybound to consider all sides of this important issue. That is why I am bringing it to the attention of the Senate.

I ask unanimous consent that the article be printed in the RECORD.

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

THE TAX: PAINFUL BUT NECESSARY

The case for a tax increase, as argued by President Johnson in his proposal for a 10% surcharge on corporate and personal income taxes, is a persuasive one.

The U.S. is heading toward its largest federal budget deficit since World War II, by the President's reckoning a whopping \$29 billion shortfall. Deficits are no longer regarded as necessarily immoral (the U.S., in fact, has run one for nine of the last 10 years), but the sheer size of the one now confronting the nation is fearsome.

With no tax increase, the deficit will have to be financed through very large issues of government securities that would drive already high interest rates to perilous peaks. In that event there would almost surely be a credit crisis of the type that hit the economy a year ago when interest rates rose to a 40-year high, drying up the mortgage market and pressing the resources of even the largest banks.

A tax increase is the most practical way to avert a repetition of that nearly disastrous credit crisis. Theoretically, a cut in government spending would achieve the same result, but even if Congress were willing to make the necessary cuts, which it isn't, the reductions would not take effect fast enough to deal with this year's budget problem. Higher taxes will trim the deficit and relieve the government of the need to overstrain the money market and thus drive interest rates to levels that would depress the economy.

The proposed tax increase will help the economy in another important way. For the past year consumer prices have risen 3%, a particularly disturbing fact in view of the nation's balance-of-payments problem. A tax increase will not stop inflation, but it will help to restrain it.

Only one truly substantial argument has been raised against the surtax, and that is that it might prolong or accentuate the "mini-recession" the country has been experiencing this year. Fear of this caused President Johnson, who originally proposed a 6% surtax last January, to hold off until August before submitting his formal request. But now most of the economic indicators are promising renewed growth, and the economy seems to have a great deal of underlying strength.

In any case, the eventual size of the tax increase is not likely to be as large as the President's request. Congress has been reluctant to enact any tax hike at all, and Johnson has almost surely asked for 10% in the hope of getting 6% or so.

That, in fact, would seem to be about the right amount. Along with some fiscal juggling the President has proposed, it would mean the budget deficit would be held to about \$20 billion. Still a very large deficit, to be sure, but a more vigorous attempt to close the gap might be counterproductive since it could dampen business activity and reduce tax receipts.

If, as seems likely, a surtax is enacted, most Americans will have a bit less money to spend. Nobody will cheer about that, but there is a higher, if less immediately obvious, price to pay for not adopting a tax increase.

REDUCTION OF RETIREMENT BENEFITS DUE TO SOCIAL SECURITY INCREASES

Mr. PROUTY. Mr. President, today the Subcommittee on Employment and Retirement Incomes released a report to the Special Committee on Aging concerning "Reduction of Retirement Benefits Due to Social Security Increases."

One of my greatest concerns as a member of the subcommittee has been the fact that thousands of retired individuals over age 65 fail to benefit from social security benefit increases. Under the present law, many of those who receive veterans' pensions, old-age assistance payments, certain private pensions, or some State and local pensions have their monthly payments from these pension systems reduced every time there is a social security benefit increase. Consequently, social security increases become meaningless for many older Americans.

Two types of pension systems create this anomaly. One is the pension system which has a "means test"; the other is the pension system which is integrated with social security payments and pays only the difference between social security and a fixed amount. Under either type of system the beneficiary is denied the additional money intended by a social security increase.

Mr. President, I believe that I am correct in saying that both the majority and minority members of the subcommittee view this situation with alarm.

Historically, social security increases have been enacted in response to desperate financial needs exacerbated by inflation. Nevertheless, many retired Americans entitled to social security have failed to obtain the financial relief intended by the increases. For example, social security increases have in some cases actually reduced the dollar income of many persons who receive veterans' pensions.

The majority suggests that a provision which would permit partial waiver of social security benefits would help to alleviate the problem presented by veterans' benefits, old-age assistance, and integrated pensions systems both private and public. We of the minority feel that this approach has absolutely no effect on the welfare of individuals. We admit that it might save a few dollars for the social security system, but in doing so it fails to achieve the end of providing additional income for thousands of older Americans who are hardest hit by inflation.

At best, the waiver approach is a stop-gap measure; at worst it becomes a tool of discrimination against those who must rely on both social security and another pension system to live out their retirement years.

Mr. President, as long as the country seems committed to perpetual inflation, the minority feels that automatic cost-of-living increases are necessary for veterans' pensions and old-age assistance payments, as well as for social security benefits. The automatic cost-of-living approach would insure that individuals receiving veterans' benefits or old-age assistance payments would actually receive additional dollars granted by social security increase. At the same time it would not create the discrimination inherent in the waiver proposal suggested by the majority.

We realize, Mr. President, that the minority approach does not directly affect certain private pension plans or certain State or local pension plans. As I have pointed out, a few of those plans are based on a fixed dollar amount and pay only the difference between social security and the fixed amount.

With respect to either public or private pension systems of this type, we feel that the waiver approach suggested by the majority would be completely ineffective. Such systems are based on a contract between the employer and employee. That contract is almost always dependent on the employee accepting the full social security benefits to which he is entitled. If such a retired employee attempted to waive part of his social security benefit, it would appear that either his former employer, the trustee of the

pension fund or his fellow members in the system could institute a court action against him based on a contractual violation.

We were reassured by testimony at the hearings that both public and private pension systems of an integrated nature are being modified through collective bargaining. The minority certainly favors such modification and rejects the waiver provision suggested by the majority in this area only because it seems unworkable and undesirable.

We sincerely hope that this session of Congress will provide a cost-of-living increase with respect to both veterans' pensions and old-age assistance. We must do all that we can to protect older Americans living on fixed incomes against future injury from inflation.

A SANE APPRAISAL OF SENATE ACTION ON THE FOREIGN AID BILL

Mr. GRUENING. Mr. President, while various newspapers moan editorially over the modest retrenchment which the Senate wisely made in the foreign aid bill, it is gratifying to note a sane and realistic appraisal of the Senate's actions in the editorial entitled "The Cut in Foreign Aid," published in the Scripps-Howard Washington News on Thursday, August 10.

I ask unanimous consent that the editorial be printed in the RECORD.

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

THE CUT IN FOREIGN AID

President Johnson says he is determined to persuade the House of Representatives to restore the reductions in foreign aid made by the Senate this week.

"When we suffer reverses as we did this afternoon in Congress," he said, "we will persevere."

But the taxpayers have been persevering for years in opposition to the heavy drain on American resources created by the foreign aid program.

Since World War II, the United States has doled out about \$125 billion in various forms of foreign assistance.

Much of this has been borrowed money—the national debt has risen about \$80 billion in that time.

The cuts made by the Senate were relatively modest at that—a total of only \$800 million from Mr. Johnson's request for authority to spend \$3.20 billion.

Even after this reduction, 26 senators voted against the bill.

The Senate is reflecting general public opinion, which has shown increasing impatience with the foreign aid program. Foreign aid is an essential part of our foreign policy. It is a reasonable obligation of good world citizenship. But its basic purpose is, or ought to be simply to help less fortunate nations to help themselves. We can't be, and ought not try to be, Santa Clause to the whole globe.

In the circumstances, as the Senate debate indicated, with a costly war in Vietnam and heavy spending on domestic programs, the foreign aid program has to take its reductions along with everything else.

Every year, in this and three preceding administrations, any reduction in foreign aid spending has been viewed as approximately a disaster by the foreign aid spenders—but there never has been a shred of evidence that any such consequences ensued. They won't this time, either.

Mr. Johnson may plead with the House if he chooses—but if the House listens it will be going against public opinion and common sense as well.

CENSUS TO OBTAIN INFORMATION ON BILINGUALITY IN UNITED STATES

Mr. YARBOROUGH. Mr. President, during the course of the hearings of the Special Subcommittee on Bilingual Education, we were distressed to learn that no statistical information is presently available concerning the first language learned at home by our citizens. The U.S. Census has not recently asked a question regarding the language used by our citizens. In order to remedy this deficiency in our information, I have asked the Director of the Census to include appropriate questions in the 1970 census. He has indicated that due to the pressure for questions to be added to the census, there is room for only one question on language to be added. While this is not all that could be desired, it is a start in the right direction. The hearings on my bilingual educational bill, S. 428, have shown the necessity for this information about the people of our country.

For the information of my fellow Members, I ask unanimous consent that the exchange of letters between Mr. Eckler and myself be printed in the RECORD.

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

AUGUST 4, 1967.

DIRECTOR, BUREAU OF THE CENSUS,
Washington, D.C.

DEAR DIRECTOR: On January 17 I introduced S. 428, the Bilingual American Education Act of 1967. This bill would authorize funds to local educational agencies for developing and operating new and imaginative elementary and secondary school programs designed to meet the needs of students whose mother tongue is Spanish.

Since its introduction extensive hearings have been held on the bill and there is every likelihood that it will be enacted during this session of Congress, since it has developed wide bipartisan support in both Houses of Congress.

In drafting the bill I discovered a situation which would have important consequences for the implementation of the act: that we do not know how many speakers of foreign languages there are in the United States, what these languages are, and where the speakers live.

Consequently, I had to base state allotments in the bill on Spanish surname and immigration data (Section 703b). State allotments should be based on the number of Spanish-speaking students in the state, but there is no census data available on this subject.

Information on Foreign languages spoken in the United States would be essential to the proper implementation of this bill. It would also be of use in other ways to Congress, the executive branch of the Government, state and local governments, businesses, scholars, educators, and countless others.

It therefore seems to me that the Bureau of the Census might well ask the following three questions in its 1970 Census:

1. In what language can the subject—
 - (a) speak conversationally?
 - (b) read books and papers?

2. What is the subject's "mother tongue", that is, what language did he first learn to speak?

3. What language is most often used in the home in conversation?

Thank you for your attention to this request.

Sincerely yours,
RALPH W. YARBOROUGH.

U.S. DEPARTMENT OF COMMERCE,
BUREAU OF THE CENSUS,
Washington, D.C., August 15, 1967.

Hon. RALPH W. YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: This is in response to your letter of August 4 recommending the inclusion of some questions on language in the 1970 census.

We recognize the importance of information about the use of languages other than English. Accordingly, we intend to include a question about the main language spoken in the home when the individual was a child. This will be asked of a sample of the entire population, rather than a sample of only the foreign born as in 1960. Statistics will be available for metropolitan areas and other areas within States, as well as for States as a whole. In combination with information about the country of birth of the individual and of his parents this will fill much of the data gap which you described in your letter.

The pressure to include questions in the census schedule is very great and we feel that we can include only one question of this type. The question on the mother tongue has been included in censuses in the past. This information for school age children will provide a basis for developing programs to assist children from homes in which another language is commonly spoken.

While recognizing the importance of information about the ability of the adult population to speak or read a language other than English, we doubt that the census can provide this type of information. It is general experience that people tend to overstate their ability in regard to a foreign language, and that careful probing is needed to secure information which could be put to practical use.

If we can be of any further assistance, please let us know.

Sincerely yours,
A. ROSS ECKLER,
Director, Bureau of the Census.

ESTABLISHMENT OF A SPECIAL SUBCOMMITTEE ON INDIAN EDUCATION

Mr. FANNIN. Mr. President, I am very much pleased that a new Senate Special Subcommittee on Indian Education has been established. I have long advocated such a committee, and now, with the full and active support of the senior Senators from Alabama and Oregon, the new special subcommittee has come into being and will operate in conjunction with the Subcommittee on Education, which is itself under the Committee on Labor and Public Welfare.

Since coming to Congress, Mr. President, I have been distressed that no one Senate committee concerns itself wholly with Indian education. To be sure, important work in this area is being done, both by the Subcommittee on Education and the Subcommittee on Indian Affairs, the latter being under the Committee on Interior and Insular Affairs. But, as members of these subcommittees are the first to admit, the Indian's educational problems are so complex and

unique that they require special and detailed investigation and consideration. And this they have not received.

Consequently, during an era when education has been pushed as never before, when landmark legislation has been enacted, the American Indian has not been adequately represented nor considered, at least educationally.

The new setup should help to correct this deficiency, in part because the special subcommittee will concern itself with Indian education exclusively. One of the subcommittee's first orders of business should be to hold public hearings, particularly to listen to testimony from tribal chiefs, Indian educators, BIA officials, other educators, and interested laymen. One of my major concerns has been that much of the legislation already proposed, no less so in education than in other fields, has not been supported by Indians themselves. I am hopeful that we can end this practice.

I have nothing but praise for the BIA officials and teachers, who have devoted their energies and their lives to helping Indians to improve their education. But despite their efforts, we have not been very successful. We must face up to the fact that Indian adults under 45 years of age average less than an eighth-grade education, compared with the average for all Americans of approximately 12 years of school. Also, even today, more than 50 percent of the Indian youngsters who attend school—and no one knows for sure the number of Indians not being educated—drop out before they complete the twelfth grade. This figure is approximately twice the national average.

We cannot turn our back on this national tragedy.

Mr. President, I am hopeful that the establishment of this new committee represents a significant, necessary step forward in the one area of education that historically has been unfairly treated. The special subcommittee will concentrate on the long-range problem of steering Indian education out of the doldrums and onto a sea of progress, promise, and hope.

I again want to thank the chairman of the full committee and the senior Senator from Oregon for their enthusiastic support for and endorsement of my recommendation. Without their help and understanding, this initial step would not have been possible.

I am looking forward to serving on the special subcommittee with the senior Senators from Massachusetts and Oregon, the junior Senator from Colorado, and a Senator yet to be named. I know that each of them joins me in the hope that Indian education can be moved forward.

THOSE UNDER THE GUN OF COMMUNIST AGGRESSION KNOW THAT PRESIDENT JOHNSON IS RIGHT IN VIETNAM

Mr. BYRD of West Virginia. Mr. President, why it is that 10,000 miles away from the United States in the jungles of South Vietnam, most Americans, South Vietnamese, and our allies fully understand why we are fighting, much better

than most critics and skeptics here in our own land who doubt the motives and actions of our country?

The answer to that question is given in the intense words of an American economic adviser to the Vietnamese Government, Robert F. Dwyer.

Writing in the August issue of the *Flying A*, publication of the Aeroquip Corp., of Jackson, Mich., Mr. Dwyer said bluntly that those engaged in the bloody fight for democracy and self-determination of South Vietnam have no question but that President Johnson is right in what he is doing.

Mr. Dwyer wondered out loud why others in our own country did not express the same sentiments.

He wondered why little attention is given in the American press to recently captured Vietcong documents which showed a Communist plan for the takeover of all of Southeast Asia.

He wondered why there is so much criticism of American military effort in Vietnam, and why there is little, if any, attention given in public media to the Vietcong terrorist campaign which has taken the lives of thousands upon thousands of innocent South Vietnamese men, women, and children.

Mr. Dwyer asked us to ask the South Vietnamese and the peoples of Thailand, Cambodia, the Philippines, and Indonesia, whether they would like to see the United States withdraw its military forces from Vietnam or cut back on its pacification and development programs which have brought increased security and economic benefits to the Vietnamese people.

Too many vocal critics fail to understand that there can be no nationhood for Vietnam, no democracy, no independence without security from Communist terror or attack.

Vietnam in the 1960's is, in many ways, similar to Western Europe threatened by the Nazi armies and fifth columns in the 1930's.

Vietnam is, in many ways, similar to those Eastern European states which fell under the pall of communism through military occupation after World War II.

Vietnam is no different from Korea, or the Philippines, or Indonesia, where the Communists tried but failed to conquer by force.

The anti-Communist policy pursued by Lyndon B. Johnson in Vietnam in the 1960's is no different from the anti-Fascist policies of Franklin Roosevelt in the 1940's; from the anti-Communist policies of Harry Truman and Dwight Eisenhower in the 1950's; and from the policies of John F. Kennedy in the 1960's.

President Johnson is trying to live up to a commitment made by three Presidents, and he has tried to avoid precipitous actions which might draw China into the war. At the same time, he has tried to step up the pressure so as to convince Hanoi that it cannot win its battle of aggression, and the President has hoped that, in this way, Hanoi would at last be willing to come to the conference table. Moreover, President Johnson has repeatedly expressed his desire to move from the battlefield to the conference table.

It is too late to engage in polemics as

to whether or not we ought to have gotten involved in South Vietnam as deeply as we have become involved. The fact is that we are there and our fighting men need our support. I believe that President Johnson has tried to do the right thing, and that history will show him as a man who would not be forced out, bluffed out, or criticized out of an American commitment to peace and liberty.

Let us support our President and our fighting men in Vietnam.

I ask unanimous consent to insert in the *RECORD* an article by Mr. Robert F. Dwyer entitled, "Southeast Asia: The Tide Turns." It is valuable reading. It should receive the broadest possible distribution to the American people.

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

SOUTHEAST ASIA: THE TIDE TURNS

(By Robert F. Dwyer)

(NOTE.—"Southeast Asia—The Tide Turns" was presented by Robert F. Dwyer, vice chairman of the National Export Expansion Council, before the Memphis Regional Export Expansion Council, Memphis, Tennessee, earlier this year.)

(Mr. Dwyer has visited Viet Nam several times as forestry advisor on economic development. In February, 1966, he accompanied Vice President Hubert Humphrey and Secretary of Agriculture Orville Freeman to Viet Nam in his capacity as forestry advisor. Mr. Dwyer was named by President Johnson to head a forestry resources advisory mission to Viet Nam in June, 1966, where recommendations were made on the management and development of 13 million acres of Viet Nam forest land.)

(Mr. Dwyer returned to Viet Nam early this year to install the technical personnel who will establish and advise a forestry program for South Viet Nam and introduced them to their Vietnamese counterparts. A detailed survey was also made for increasing the output of lumber mills and plywood plants in the country.)

(Active in the forestry industry, Mr. Dwyer is president of Dwyer Lumber Distributors of Portland, Oregon, and was named Lumberman of the Year in 1963. A private pilot with 7000 hours, he flies his own Aero Commander 680 FP.)

A short time ago I found myself hedge-hopping in a small Twin Dornier over the beach near Quang Ngai. The marines at the moment were making a landing, supported by two carriers, four cruisers, and seven destroyers. Jets zipped under us striking at shore defenses.

I didn't want to be there, but headwinds had left us low on gas, and we had to land there. It was on my third mission to Viet Nam as an economic adviser to AID and the Administration, to assist in the development of their forest industry. I was in no frame of mind to do any sightseeing, but I had a ring-side seat to watch our boys who are doing our fighting for us.

We finally got down on the airstrip, smack in the middle of the battle, in which the marines were rooting out a force of 2,000 Viet Cong. Naturally things were a bit confused, and there was little opportunity for the niceties of protocol.

But the Green Berets captain who was in charge of the airfield operations came up to me and said: "Mr. Dwyer, we're winning this war out here—how about winning the war back in the States?"

The captain referred to the "phony war" being waged here on the home front, in the press, on television, in Washington, D.C., on our college campuses—by bearded, unwashed "Peace Creeps," . . . by misguided clergymen, by naive reporters such as Harrison

Salisbury of the New York Times, who have been taken on a Ho Chi Minh-conducted snipe hunt.

Only recently in Central Park, New York City, during the Communist-inspired and managed Viet Nam week demonstrations, a mob of these people burned not only their draft cards but an American flag for the benefit of the cameras.

Flying back to Saigon from Quang Ngai for a conference with General Westmoreland, I turned on my pocket transistor radio and heard from an armed forces radio station news bulletin that Vice President Humphrey had been mobbed by some of these Vietnams outside the gates at Stanford University.

When I saw General Westmoreland about 15 minutes later, I mentioned this to him. He was appalled. His face fell sadly. "Do you mean to say," he said, "that the Vice President of the United States has been mobbed in our own country? What has happened to our educators? What has happened to our press? What has happened to the parents?—to all these so-called educators who would permit such a thing when we have people dying here to protect the very freedoms they are using to subvert our efforts?"

I had never realized before how deep this undercurrent of distortion, misrepresentation, and even betrayal permeated the shifting sands of public opinion here at home.

I want to tell you emphatically and positively that there are no such attitudes among our armed forces and our civilian aid people who are out there 10,000 miles from home bearing the brunt of the Communist aggression.

After three missions to southeast Asia, over the period of the United States' involvement in the present conflict, I can say that if this war is lost, it will be lost not on the beaches, in the rice paddies, in the jungles, and in the villages of South Viet Nam.

If this war is lost, it will be here at home, in the headlines and in the "Peace Marches," and in Washington.

We are winning the military war, in which our maligned, misquoted, and misunderstood soldiers, sailors, marines and airmen are fighting and dying and being wounded and maimed for a cause they, at least, believe in.

We are also winning that other war—the one the public does not hear about, because it is not dramatic enough to make headlines and color television spectacles. This is the war against hunger, poverty, and disease which is being waged out there by a lot of dedicated Americans on behalf of the people of Asia.

We are winning this war, too; bringing to those people for the first time in 2,000 years a sense of hope, prosperity and security. We are keeping our commitments made to them through SEATO and through our support of the Geneva accord.

The United States has been much criticized, not only here at home, but in the press and in the capitals around the world for our involvement in southeast Asia. But even such liberal, intellectual critics of the Administration as syndicated columnists Stewart Alsop and Carl Rowan have written that the "closer you get to southeast Asia, the more support you find for U.S. policy in Vietnam."

What do these free nations of Asia really think of us?

Former Ambassador Henry Cabot Lodge had a map on the wall of his Saigon office which showed a red tide surging over southeast Asia and the Philippines. The map was drawn at the direction of Mao Tse Tung.

Captured maps taken in recent action in the Iron Triangle, drawn for Ho Chi Minh and Mao strategists, also revealed that the invasion of South Viet Nam was to have continued on down the Malay Peninsula through Indonesia to Australia and New Zealand. Then it was to spread to East and West Pakistan, to India, the Philippines, and even Japan.

This timetable was upset by U.S. determination to fulfill its commitment in southeast Asia. As a result the Communists in the fall of 1965 were forced to jump over the Malay Peninsula and Singapore and attempt to outflank us in Indonesia, with the connivance of Sukarno. But the coup was a little too hasty. The Indonesian people rose up and fought back under the leadership of General Suharto and Adam Malik.

The situation during that period was so tense and critical, however, that in one dreadful month, an estimated 500,000 Mao and Sukarno terrorists were liquidated.

The invasion was stopped in its tracks. Red China lost face with other Asians, and even lost the complete confidence of Hanoi. Not long after that the cracks began to appear in the alliance between Peking and Moscow.

It has even been admitted openly in India, that the U.S. is really fighting India's war for her, because if we had not contained the Communists in South Viet Nam, the Red Chinese would surely have invaded India by now.

It has been said that even in spite of America's altruistic motives in southeast Asia that any war between Asians and white men is unpopular, whatever the motives. But they also realize that had we not kept our commitment, these same nations would now be overrun by Red China.

Compare the situation as it was. In Ho Chi Minh's campaign of terrorism in the period 1960 through 1963, the Viet Cong slaughtered more than 11,000 village chiefs, local police officers, and eligible young men in a systematic campaign to destroy organized resistance.

At Christmas time, 1965, after the armed invasion of South Viet Nam was under way by Ho, I found Saigon an armed camp, infiltrated by terrorists. Guerrillas packed Claymore mines into the downtown area in baskets on bicycles. The city was terrorized by indiscriminate bombings of crowded theaters and churches. There was almost a state of siege. Garbage piled up in the streets. Traffic was strangled by barbed wire and barricades. Buildings went unpainted. Construction was at a standstill. You had to drive around with the windows rolled up so nobody could toss a grenade into the car.

A year ago it took a regiment to clear an area near Dalat so I could travel three miles to inspect some timber. A year ago I could not drive from Saigon to Ben Hoa, some 25 miles, except buried under the back seat of a Vietnamese car with armed escorts ahead and behind.

A few weeks ago I drove 30 miles from Dalat to Deran in a car with some South Vietnamese forestry officials, unarmed and unguarded. Today a railroad runs regular schedules from Dalat to Nha Trang, a distance of about 120 miles. Today you can pay 20 Piasters and take a bus any time of day or night from Saigon to Ben Hoa on a highway that's busier than U.S. 30.

In Saigon today, people go about their business almost as if there was no war. Today Saigon is not Viet Nam. It is just another crowded international metropolis.

The people are happy and prosperous and busy in their pursuits. Where a year ago kids ran around with distended bellies from malnutrition, today you can see kids well fed and happy.

This is the place where a year ago they said a free election could not be held. That Premier Ky was a Fascist playboy strutting around in black silk pajamas. Since then in South Viet Nam they have had two free elections. The Viet Cong terrorists killed 300 people on their way to the polls, but more than 86% of the eligible voters went to the polls anyway and overwhelmingly voted for the establishment of a free, democratic constitution. This is a better turnout than we get here in freedom-loving America.

The biggest factor in defeating Communism over here is the prosperity brought

about by American assistance and through the stability of Ky's government. About 5,000 Viet Cong a month desert to South Viet Nam. They see how well fed the farmers are in the south. They remember that Ho promised them land reform and prosperity. Instead they got poverty and a police state where they are forced to turn in their ration books at the police station when they leave town, to make sure they come back. They see the resolve of the South Vietnamese people, and the new hope and confidence and ability to build and grow. They have seen a successful free election which the Communist propaganda and some of our own press here said could not be done.

The other nations of southeast Asia have been watching, and they see all this. We have been called imperialists who were there to take the place of the French and other European colonialists. They see now that we want no real estate in Asia. They have seen how we stood up to our commitments. How the Communist timetable has been upset.

The people of India, Burma, Indonesia, Thailand, Malaysia, who have felt the hand of European colonialism for 300 years, have seen how America has helped South Viet Nam in its struggle against invasion and in the face of almost overwhelming world opinion. They have seen the fantastic job Premier Ky has done in only 20 months in replacing the old Mandarin system with an effective Central Government.

They have watched him rise in prestige and seen for the first time in their long and ancient history the coming of individual freedom—the kind you and I take for granted.

Our concept of freedom goes back to George Washington and Thomas Paine and Patrick Henry. Their freedom goes back only to that moment when the United States boldly decided to keep faith with the Asian people in one of the most unpopular situations in all the history of international diplomacy.

Six months ago, Malaysia refused to export logs to lumber-hungry South Viet Nam. There was a "law" against it, they said. Today they have changed that law. Indonesia wanted no part of the war in Viet Nam. It was not their problem. Today Indonesia has lined up with the United States.

Only a few weeks ago I had a talk with Adam Malik, the Foreign Minister of Indonesia. He said he wanted Americans to come in and develop their industry. When I asked why, he said Americans not only knew how to run the factories, but could be counted on to keep their word.

Thailand, just a few weeks ago, publicly announced that the U.S. is using their air bases for the war in Viet Nam. We have been using those bases for two years, but now the Thais feel they can announce the fact in the face of this so-called "world opinion."

Thailand forces have also been deployed to fight guerrillas on their border, and 15,000 "volunteers" have been sent to Viet Nam to fight alongside the forces of freedom.

This is the "new look" in foreign relations in southeast Asia. These are the little shiftings of policies and attitudes that are taking place among the skeptical and suspicious nations of Asia.

The Communists now know they can't win the military invasion of South Viet Nam. So they are attempting a propaganda Dien Bien Phu—a world-wide "peace offensive"—to force the U.S. out of southeast Asia by world opinion. In this offensive they are using every trick in the book, falsifying and distorting the news, calling for support not only from Communists in every country, but from Communist-controlled and non-Communist quarters.

Every time a U.S. bomb falls it makes distorted headlines back home. While I was there recently in one seven-day period the

Viet Cong terrorists deliberately tortured and murdered 42 persons, wounded scores, and kidnapped others. This did not make headlines back home.

In one village a local police officer was convicted at a mock trial, his death warrant signed before the trial began. The executioners split open his belly with a bayonet, and after the victim had writhed in agony a while, the Viet Cong torture squad slowly gouged out one eye and then another. Only after he lost consciousness did they cut off his head.

Last month the U.S. and Arvan forces surrounded a Viet Cong base camp and overran it. During the battle the Viet Cong killed in cold blood 41 out of 48 prisoners. Among them was a 14-year-old girl. Her abdomen had been split open, leaving her to die in a pool of blood and guts.

One of the captured jailors admitted it and explained that she was killed as a criminal—she had sold the family cow without permission of the Viet Cong.

Such atrocities by the Communists are commonplace but are almost never reported in the world press.

Officials estimate that 3,000 to 4,000 torture experts are employed in South Viet Nam by Ho Chi Minh.

President Kennedy once said that liberty is indivisible, Communist aggression is like a cancer—the sooner detected, the quicker removed surgically, the better the chances of survival.

Yet detractors of U.S. policy, and some of our leftwing press, have constantly given aid and comfort to Hanoi, Peking and Moscow.

Harrison Salisbury, assistant managing editor of The New York Times, was given the grand tour by Ho Chi Minh and came back pleading Communist propaganda.

He reported that American pilots bombed targets in Nam Dinh with no apparent military value, killing many civilians. But John Barrymaine, a veteran military and diplomatic reporter from the Manchester Guardian who flew bomber missions in World War II, also spent a week in Haiphong just before Salisbury's visit, and reported no damage to residential areas. Barrymaine, a competent expert, said he had never seen such amazing accuracy. He was not permitted to inspect the industrial areas around the city but could see a tank farm destroyed, without any apparent damage to residential areas adjoining.

Salisbury did not report seeing any anti-aircraft guns or emplacements, nor any SAM sites.

But Barrymaine, an expert, easily identified a major SAM site on the edge of Haiphong and a large number of anti-aircraft sites. He also estimated that there were 500 anti-aircraft guns around and in Haiphong and confirmed this by watching them open up on passing U.S. aircraft.

The accuracy of our bombing, in spite of the political restrictions which hamper and endanger our missions, has been proved by hundreds of aerial photos, and the accumulative effect of the bombing of military targets on the capability of Hanoi to prolong the war is undisputed. It now takes seven weeks to move a truck from Hanoi to the 17th Parallel, over the same route it once took seven hours.

Of course, newspaper readers and television watchers are too often presented with a different picture. A TV "newsman" shoves a mike in a GI's face and asks him how he likes it over there. What would you expect him to answer? They take a picture of a guy sleeping in a mudhole, or a wounded man with an arm torn off, or someone dead in a grotesque position, and they use these to depict the so-called helplessness and hopelessness of our involvement.

This isn't news gathering. This is show business. In full color, yet.

In these peace marches and anti-Viet Nam

demonstrations, I've seen them all over the world, in Singapore, in San Francisco, in Southampton, and they are all the same—the same slogans, the same words, the same propaganda, the same people pulling the strings in the background.

These are some of the facts of our involvement in southeast Asia, militarily. We are well on our way to winning the "other war" too. In doing so, we are strengthening the free world everywhere. We are creating new markets, opening up vast areas of the world to development, commerce, individual freedoms, prosperity and personal security and above all, the dignity of man.

The vast Mekong Delta, for example, is the world's greatest rice bowl. Rice is the staff of life in Asia. This area was the prime target of the Japanese in World War II and the French before and after World War II, and of the post-war Communist take-over.

Southeast Asia is rich in forestry, fisheries, hydro-electric potential, and human skills. It could be some day one of the richest areas of the world and one of America's best customers. Today we are pouring billions into Viet Nam. This could prove to be—although it is not our prime purpose—a profitable investment, rather than a drain on our treasury, or a delay in our fight against poverty at home.

Into post-war Japan we poured \$1 billion to restore her economy. Last year we did \$4 billion worth of trade with her. She is now our best single wheat customer.

Korea was almost totally destroyed during the Communist invasion there, and while we were fighting we did nothing about the economic aspect. After the Armistice we found ourselves with a nation torn up and on its knees economically. The U.S. AID went in there and helped to develop its industry. Last year Korea exported \$390 million in products. The country is off AID and self-supporting. Its highways are crowded. Its schools and factories are full, and they have prosperity.

Proof of this is that some of our best troops in Viet Nam are South Koreans. They have been through Communism. They know what it is. If these bearded Vietnicks and Peace Creeps on our campuses were to go to South Korea and attempt their demonstrations, they would quickly get their throats cut. The South Koreans know all about Communism.

We want to bring the fighting in Asia to an end quickly. We want to bring peace and preserve it, but in so doing we can also create markets for tomorrow. Those countries need fertilizer badly. They need sawmills, plywood plants, industrial machinery, good road building machinery, irrigation equipment, to do the things they have been forced to do by hand for 2,000 years.

There is a vast market there for American expertise and particularly American equipment. American machinery and goods are prestige items all over the world because of their quality and uniformity.

I'll never forget what Mr. Sunthorn, the Minister of Industries in Thailand, told me. He said everybody talked about American equipment being too expensive, that the Japanese and German goods were cheaper. He said they have found that American equipment is cheaper to operate and maintain in the long run. Today in Thailand, 90% of the construction machinery is American.

This is, briefly, the other war in Viet Nam. The war we are also winning, the one which is hurting the Communists much more than bombs and guns.

Our effort there is not just military—it is a total effort. That we have a shooting war is a tragic thing, but we have had no choice.

Of the "phony war" here at home, it might be said that never in the course of human events have so many been misled by so few. Viet Nam has become, unfortunately, a sounding board, a cause celebre, for all the hopes and fears and frustrations and intrigues and ambitions and subversions of our times.

The people, as always, are the ones who have suffered most. But when you see what we have already been able to accomplish in spite of the handicaps, it is indeed heartening.

THE RESERVE OFFICERS ASSOCIATION RESOLUTION ON THE PANAMA CANAL

Mr. THURMOND. Mr. President, on June 23 of this year, another group to be included in the steadily growing list of parties concerned about the future of the Panama Canal voiced its concern about the treaties recently negotiated by this Nation with the Republic of Panama. At its 41st annual convention held at San Francisco, the Reserve Officers Association of the United States adopted a resolution supporting the "retention of the U.S. rights to utilization, control, and protection of the Panama Canal."

Mr. President, I am a past national president of this organization, and I hold the wisdom and judgment of its membership in high regard. I am very proud that they have taken such a keen interest in the future of the canal, and I recommend their resolution to the attention of all my colleagues.

I ask unanimous consent that the resolution of the Reserve Officers Association concerning the Panama Canal be printed in the RECORD.

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

RETENTION OF THE PANAMA CANAL

Whereas, negotiations are currently in progress between representatives of Panama and the United States involving a revision of the 1903 Treaty by which the United States was given perpetual sovereignty over the Panama Canal Zone, to construct and operate the Panama Canal and the necessary military bases in the Canal Zone, and

Whereas, these negotiations already indicate the effective recognition of Panama's sovereignty over the Canal Zone, together with a share in the administration, management, operation and benefits, and

Whereas, participation in the administration, management and operation of the Canal and Canal Zone, if exercised by an unfriendly political group, could seriously jeopardize the use of the Canal and the Canal Zone as a Military and Naval asset of the United States.

Now therefore be it resolved that the Reserve Officers Association of the United States supports the retention of the United States' rights to utilization, control and protection of the Panama Canal.

AIRPORT CRISIS AHEAD

Mr. MONRONEY. Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an article entitled "A Jet-Propelled Wrangle," written by David Hoffman, and published in the Washington Post of August 20, 1967.

Mr. Hoffman's commentary is timely and tough. I believe it fairly well summarizes the current dilemma in which aviation finds itself. After so many years of explosive growth, the aviation industry has surpassed its facilities.

When aviation was not so profitable it was easier to work out aviation's problems. Today, when aviation is profitable and is the dominant means of carrying people from city to city and continent to

continent, I am afraid that the near term prospect of lost dollars is clouding the perspective and judgment of aviation leaders. I believe Mr. Hoffman's sub-heading is descriptive of the current situation—"The Many Elements of Aviation Fight Among Selves Instead of Cooperating for Future."

On August 28 the Aviation Subcommittee will begin hearings on the growing airport problem. I hope that the leaders of the various aviation groups will come forward with constructive proposals to solve the airport problem and come with a willingness and spirit to cooperate. I hope, also, that the administration will present farsighted solutions to meet our vital air transportation needs. Otherwise, a jet-propelled wrangle may very well become a jet-propelled disaster.

THE PRESIDING OFFICER. Is there objection to the request of the Senator from Oklahoma?

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

A JET-PROPELLED WRANGLE—THE MANY ELEMENTS OF AVIATION FIGHT AMONG SELVES INSTEAD OF COOPERATING FOR FUTURE

(By David Hoffman)

As people and planes clog American airports, the great companies and unions of aviation are wrangling away precious time.

Airlines joust with airport operators for money made scarce by the war in Vietnam. Airplane builders pretend the sonic boom will be pleasant as distant thunder as they go about begging more for supersonic transports. Airline pilots wave strike ballots and demand that cockpits built for two be stretched to seat three.

Aviation suffers at the hands of Vietnam and urban turbulence, as do highway safety, aid-to-education, antimissile missiles and many other programs. Money is scarce, but its scarcity affords the aviation establishment time to reflect and plan and decide for the future. Yet that time is being wasted.

Almost as the clock ticks, Boeing is delivering new jetliners: three last week, 25 in July, 31 in June. United States airlines operate 1100 jet-powered aircraft today; by 1970's end, they'll be operating 2000. Factories are cranking out 12,500 general aviation aircraft per year, which, like bees in a bottle, compete with the jet-liners for airspace on the airport itself.

An air transportation system is built on a foundation of airport concrete, and it is there that the system threatens to buckle. Planning and constructing a major hub jetport easily can be a seven-year undertaking. If land acquisition and access highways are expensive, the project can cost \$700 million or more, as New York City soon will find out.

Yet despite the forecast crush of traffic, there are only two major airports under construction in America today. Only one other is even planned.

Delays and diversions already cost airlines \$50 million a year, enough to buy ten 727 jetliners to add to the congestion. After averaging the income of the typical business traveler, the Air Transport Association estimates that 1966 delays cost another \$50 million in human earning time.

Federal Aviation Administration consultants say the Nation must invest \$6 billion to \$8 billion in airport construction between now and 1975. They insist that \$3 billion must be found before 1970 to avert coast-to-coast air traffic jams during the peak evening hours.

Political realists know the White House won't respond to the Newark and Detroit riots by seeking \$3 billion in grants for airport construction. Assume it does, however,

and Congress hands the aviation establishment a big blank check.

Until one aviation pressure group wins out over rivals, the present level of inactively doubtless would continue money or no.

Officials of the Air Transport Association, which represents scheduled airlines, began rallying support for their pet solution to the airport problem in a flurry of speech-making that began several months ago. ATA's remedy:

Form a government corporation within the Department of Transportation; fund it at \$2 billion; let that corporation loan money for the construction of airports, or let it guarantee for 40 years the borrowing of local communities; empower the corporation to "construct and operate" its own airports when the Secretary of Transportation sees need for them.

Thus far, give the airlines "A" on tactics. The "government corporation" is known to have been recommended by a high-level task force appointed by President Johnson late last year, although the full report is still secret. Co-chairmen of the task force were Transportation Secretary Alan Boyd and CAB Chairman Charles Murphy, and no other men have greater influence over the airlines' destiny.

Lodged in the airlines ointment, however, are two large flies.

Representing proprietors of the big hub airports, which account for 64 per cent of all airline passenger traffic is the Airport Operators Council, which is unbending in its opposition to airports built and run by the government outside the District of Columbia.

The other is the general aviation lobby. If light plane interests get their way, the existing \$75 million-a-year Federal aid-to-airports program would be drastically expanded. Under it, money is given, not lent.

Sen. Warren Magnuson (D-Wash.) said recently that because of "untimely wrangling between various segments of the aviation industry" the White House might never release the Boyd-Murphy report, which it received on May 1.

Secretary Boyd said this month that big hub airports should be self-supporting. How? By levying a head tax of \$1 to \$2 on passengers, by charging concessionaires more, and, presumably, by charging the airlines more to use the runways.

Sen. A. S. Mike Monroney (D-Okla.) intends to hold hearings on the Boyd-Murphy report in an attempt to blast it from the White House.

The Department of Transportation is not expected to come forth with plans to break the airport deadlock until next year. Until then, it seems reasonable to expect, the aviation establishment will continue its internal bickering while the planes and passengers queue up.

AIRPORT CONGESTION

MR. PEARSON. Mr. President, given the situation in Vietnam and the riots in our cities, one has to admit that it's very easy to overlook other pressing, but less-dramatic problems. One such problem is airport congestion. It is already a major problem. It will become a gigantic problem by the early 1970's if we do not take steps today to deal sensibly with the inevitable demands of tomorrow.

Other Senators and I have introduced proposed legislation intended to get at various aspects of this problem. Hopefully, Congress will take favorable action in the near future.

I do want to emphasize, however, that this should be an area of concern not simply for Congress, but for everyone connected with air travel and the avia-

tion industry; from the passenger to the airline president, from the airport manager to the city mayor.

Mr. President, in this connection, I was impressed with an editorial by Joseph G. Mason, editor, Airport Services Management, August 1967. I ask unanimous consent that it be printed in the RECORD.

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

EDITORIAL

(By Joseph G. Mason)

Drop a pebble into a quiet pond and the ripples will spread from shore to shore. When the first jumbo jet on scheduled service drops onto the first U.S. airport. The same wave action is going to take place. The ripples will be felt throughout the airport industry.

This is a possibly obtuse way of saying that no matter where your airport is, or how big it is today, comes 1970 and you will find yourself feeling the effects of the Boeing 747.

We realize that the FAA, and even some airline managers, are predicting 747 traffic for only about 25 airports. We'll go along with that for now and agree; a maximum of 25 airports for 747 operations through 1972. But . . . where will the 720's and DC-8's go then?

And where will the 727's and DC-9's and the new 737's start getting their business?

The answer, of course, is that they will become the ripples spreading out to smaller airports and cities. (One at least quasi-official prediction: there are 157 airports receiving jet service today. By 1970, 346 will have jets.) And because the smaller cities may not generate enough traffic by themselves to support the jet services, the air taxi business could suddenly get profitable for even a grass strip airport operator.

What this adds up to, of course, is that no airport, any place in the country, can expect to be ignored once the airlines begin the drive to put paying customers into the seats they will have available in 1970. Therefore no airport manager or operator can afford to sit complacently by now while the future of the national airport system is being determined. He can't tell himself, "That's not my problem." If it isn't now, it soon will be.

(We respectfully suggest that if you are not now a reader of Ken Hoyt's Washington column in ASM, you become one starting with this issue. Ken is, in our opinion, one of the very few men in Washington who really understands the airport situation in all its ramifications . . . and he reports it that way.)

Incidentally, the reason we put a termination date of 1972 on the "25 airports" figure is that by then deliveries of jumbos should be coming along to the point where airlines will want to extend the service into other cities which will then be generating the traffic to support the bigger planes. And another pebble will hit the pond. We can't cut out on the 747 without at least an acknowledgement of the recent Boeing announcement that suddenly the plane is going to be 30,000 pounds heavier than was first announced. The reason given was that the airlines want additional features that will run up the weight. Considering that Boeing has made one or two jets for airlines before, we can't help but wonder how the original calculations could have failed to take into account such items as galleys and inflight entertainment equipment—specifically mentioned as weight adders.

To compensate for the extra weight, however, they also announced a beefing up of the JT9D engines to 43,500 lbs. thrust (each, that is).

The present 727 uses three JT8D-9's with 14,500 lbs. thrust each—a total of 43,500 lbs.

of hot jet blast concentrated in the tail of the aircraft. Most experts are agreed that it is this wallowing blast on take-off rotation that is demolishing runways across the country.

Now let's see . . . the 747 will have four engines, each delivering 43,500 lbs. thrust . . .

UNITED STATES CANNOT BLOW WHISTLE ON CASTRO REGIME'S FORCED LABOR PRACTICES—CXXIV

Mr. PROXMIER. Mr. President, because of the Senate's failure to give its advice and consent to the Human Rights Conventions on Forced Labor, Freedom of Association, Genocide, Political Rights of Women, and Slavery, the United States is absolutely powerless to "blow the whistle" on any country which is a party to these conventions and is violating any of their provisions.

A sad and glaring example of U.S. impotence to act is presented by the widespread practice of forced labor in Cuba.

Cuba is a party to the Convention on Forced Labor: the United States is not. So the United States is thereby deprived of the legal authority to condemn the practice of forced labor in Cuba.

It is authoritatively reported that there are almost 70,000 political prisoners doing backbreaking labor in Cuba.

Whether they be euphemistically titled "Rehabilitation Camps" or "Farms," the practice remains the same: men and women are forced to toil from sunrise to sundown, to exist under the most primitive conditions.

The breakdown of prisoners on a province by province basis is as follows:

Pinar del Rio	7,330
Havana	11,549
Matanzas	3,980
Las Villas	4,760
Camaguey	3,400
Oriente	11,498
Subtotal	42,516

In addition to these people, the Castro regime has inaugurated a pseudomilitary form of forced labor called the UMAP—military unit for aid to production.

While "officially" these persons are part of the Army, they receive no military training, and are simply forced to do backbreaking farm labor under the charade of military orders. At present, there are estimated to be 27,000 Cubans subjected to this form of forced labor.

Mr. President, these cruel and dehumanizing practices go on only 90 miles from our shores. But the United States can do nothing about it. The United States has never ratified the Convention on Forced Labor.

For the sake of these 70,000 Cuban men and women—victims of forced labor—and for the sake of millions of others throughout the world, I urge the Senate to give its advice and consent to the Convention on Forced Labor.

Let the United States once again assume its rightful position as leader of the worldwide struggle for human rights by ratifying the Conventions on Forced Labor, Freedom of Association, Genocide, Political Rights of Women, and Slavery.

TRANS WORLD AIRLINES HOSTESS TRAINING FACILITY, OVERLAND PARK, KANS.

Mr. CARLSON. Mr. President, Trans World Airlines will locate the world's most advanced airline hostess training facility in the world in suburban Overland Park, Kans., near Kansas City.

The training center will be a campus-type facility and will utilize 34 acres in a residential area of Overland Park. The estimated cost has now been set at \$10 million.

The center will be ready for occupancy in 1969 and will have facilities to train up to 4,000 flight attendants a year. A staff of about 100 persons will be required to train the girls.

The center will have all the facilities normally found on a college campus. In addition to classrooms, cabin trainers, and audiovisual training equipment there will be residence halls, diningroom, recreational facilities, and an auditorium.

Financing for the project was made possible by the aggressive action of the Overland Park City Council in agreeing to issue industrial revenue bonds.

I am proud of this expression of confidence in Overland Park and in Kansas, and I believe the citizens and leaders of Overland Park can be justifiably proud of the fine job they did in presenting to the management of TWA the advantage of locating this facility in Kansas.

I know that the TWA employees and trainees will find the people of Kansas to be as warm and friendly as I have. I know that the people of Overland Park will make them feel welcome and that those who will train in this wonderful facility will enjoy their stay in Kansas.

Mr. President, I ask unanimous consent that three articles published in Kansas City papers, which describe in more detail the facility, its importance, and the fine job done by the citizens of Overland Park, be printed in the RECORD.

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

[From the Kansas City Star, July 20, 1967]
BIG TWA PROJECT HERE—AIRLINE ANNOUNCES PLANS FOR MULTIMILLION-DOLLAR FLIGHT HOSTESS-TRAINING ACADEMY ON A 34-ACRE SITE AT U.S. 50 AND LAMAR IN OVERLAND PARK—READY IN 1969—CENTER WILL ACCOMMODATE 4,000 ATTENDANTS A YEAR

(By Bart Everett)

Plans for a multimillion-dollar hostess training academy in Overland Park were unfolded today by Trans World Airlines.

Charles C. Tillinghast, Jr., president of the airline, said the plans reaffirmed TWA's faith in Greater Kansas City as the center of future aviation growth and expansion.

The new academy, planned for occupancy in 1969, will have facilities for training upward of 4,000 flight attendants a year, Tillinghast said.

A 34-ACRE CAMPUS

"This new facility will be the finest hostess training center in the world," Tillinghast said. "Located on a 34-acre campus, it will combine on one site everything needed to achieve maximum effectiveness in training, while making living conditions for these young women as pleasant as possible."

In earlier plans, the hostess training facility had been included as a tenant in a new

T.W.A. office building still under study for the Kansas City area. Also under study by the airline are other expansions, including one of the world's largest airline hangars for the SST and jumbo jets, advanced engine overhaul facilities, an automated cargo terminal and a worldwide food kitchen.

T.W.A. last month filed an agreement with Kansas City on 30-year leases to finance its terminal facilities at M-OI.

Duward W. Enoch, Jr., mayor of Overland Park said that in May the Overland Park city council had agreed to issue 15 million dollars in industrial revenue bonds if T.W.A. was willing to locate the facility there. The council voted then to draft a letter of intent to the T.W.A. board of directors.

FORMAL ACTION NEEDED

Enoch said the council still would have to take formal action to issue the bonds. He said he had been notified of the company's decision this morning by Sen. Frank Carlson (R-Kans.) and by a T.W.A. representative. No mention of the bonds was made by the company representative, Enoch said.

"Overland Park is proud," Enoch said, "to extend its hand in welcome to T.W.A. I'm convinced that this bond proposal was a definite turning point in the major progress and development of our city."

Enoch said the site for the new facility would have to be rezoned, but anticipated no difficulties in that or other arrangements concerning the project.

The flight hostess academy, combining residences, classroom and recreational facilities, will be at Lamar avenue and U.S. 50.

APPRAISED OTHER SITES

The company said the site was selected as best meeting its needs after a thorough appraisal of alternate sites in Kansas City as well as several other sites across the country, including some on the Pacific coast.

Present hostess training space in the Jack Frye International Training center, Thirteenth street and Baltimore avenue, will be utilized for the expanded requirements of flight officer training.

In the announcement today, Tillinghast pointed out that T.W.A. employees in Kansas City now numbers nearly 10,000, an increase of 50 per cent in the last five years. The airline's payroll in Kansas City last year was nearly 73 million dollars, a jump of almost 10 per cent over the previous year, Tillinghast said.

Architectural studies for the hostess academy have been completed and construction contracts will be awarded shortly, Tillinghast said.

At present, the hostess quarters are separate from their classrooms at the Jack Frye training center. About 1,200 new hostesses will be trained there this year.

FEATURES OF FACILITY

Main features of the new hostess facility include:

Residences: Three 2-story residence buildings, each including quarters for a residence supervisor, a central living room with fireplace, several study rooms, and 100 two-person units with dressing room, and a bath shared by every two units.

Training facilities: Classrooms, cabin trainers, training staff offices, all to be in a separate building close to the residences; Thirty 20-student classrooms to be equipped with the most advanced audio-visual training equipment, including a rear projection screen, video tape monitor and responders; also grooming-instruction rooms equipped with video tape recording equipment.

Administration-recreation: Visitor's lobby, offices and various support functions, all to be in a separate building; dining facilities capable of serving the entire student body and staff in one hour; beauty parlor and sauna bath; 300-seat auditorium.

Outdoor recreation facilities: Large swim-

ming pool, designed to be enclosed for use in the winter, but open in the summer; pitch and putt golf course; tennis and volleyball courts.

Tillinghast said the completed facility would have a campus atmosphere.

"What we want to create," he said, "is the ambience of a fine college, a campus setting, homelike residential quarters with privacy and comfort, ample recreational facilities on-site, and convenience to the heart of the city."

"Overland Park met these requirements for the desired close-in suburban residential environment."

Sen. Frank Carlson of Kansas today said he is "delighted" that Overland Park has been selected by Trans World Airlines as a site for a hostess training center.

"T.W.A. is one of the world's outstanding airlines and the presence of one of its major facilities in Overland Park is a further expansion of T.W.A.'s operations in the Kansas City area," the senator said.

"The decision will be of significant benefit to T.W.A. and to Overland Park."

"I have found the people in Overland Park and the surrounding areas to be very warm and friendly. I know that T.W.A. employees living in the area will feel welcome and those who will train in this wonderful facility will enjoy their stay in Kansas."

Sen. James Pearson, a member of the aviation subcommittee of the commerce committee, said, "I join in welcoming T.W.A.'s decision to locate its new flight hostess academy in Overland Park."

"The academy will be an economic stimulant to the area and based on the plans I have seen it will be a physically attractive addition to the community."

"The fact that T.W.A. reviewed many other possible sites before selecting Overland Park also is a tribute to the state and to the community."

Rep. Larry Winn, Jr., of Leawood, whose third Kansas congressional district encompasses Overland Park said he is "pleased, gratified and happy" at the decision of T.W.A.

"This facility certainly will be a fine addition to rapidly growing Northeast Johnson County," Winn said.

"This is an indication of the confidence T.W.A. has in the future potential of the area."

[From the Kansas City Times, July 21, 1967]
OVERLAND PARK PUTS FINE FEATHER IN HAT WITH REVENUE BONDS

For a city that has not issued industrial revenue bonds, Overland Park has made a significant mark in being chosen to use them for the construction of a Trans World Airlines hostess training academy.

The announcement yesterday by T.W.A. to locate the multimillion-dollar facility at U.S. 50 and Lamar avenue followed by less than two months the city's offer to issue the first bonds in its 7-year history.

Donald E. Pipes, city manager, said the 5-million-dollar issue planned would equal or surpass the largest issue in Kansas.

Mayor Duard W. Enoch, Jr., said last night he had heard no mention of the use of the bonds by the airline, but Ray F. Moseley, president of Moseley & Co., agents for the 34-acre site, said it appeared the airline would accept the bond offer.

"These things aren't final," Moseley said, "but it appears we will buy the land for about 1 million dollars, convey the property to the city for the purchasing price, construct the training center and then negotiate a long-term lease with T.W.A."

"This is really a beautiful site for the academy. It's in a quiet suburban area, but still within short distance of shopping areas for the girls."

The center will combine living quarters for 600 women, along with classrooms sufficient to train about 4,000 persons a year, company spokesman said yesterday.

The city voted May 1 to draft a letter of intent to T.W.A. to issue 15-million-dollars in bonds to finance the training academy and a 10-million-dollar office building.

John Taylor III, vice-president of Moseley & Co., who handled negotiations with T.W.A., said several sites in the area were being considered for the hostess center, but the U.S. 50 and Lamar location was given precedence by the bonds.

"T.W.A. was looking for a permanent site for its hostess training center" Taylor said. "We knew this and thought we'd like to keep them in Kansas City. We were familiar with this site and felt it would give the type of environment they were seeking."

"By putting the land together with the money situation, it worked out very well."

[From the Kansas City Star, July 22, 1967]

A FINE TWA CAMPUS TO KEEP PASSENGERS HAPPY

The decision of Trans World Airlines to place its new hostess training center in Overland Park is of tremendous importance to this metropolitan area, both from a standpoint of economics and prestige. It was known that San Francisco, Phoenix and perhaps other cities were actively seeking this facility. But as far as T.W.A. is concerned, the advantages of a Kansas City site outweigh the lure of the sea and the winter sun.

In dollars alone, the center will be important. The projected campus will represent an immediate investment of from 5 to 10 million dollars. A staff of about 100 will train approximately 4,000 girls a year. Food, supplies and many other necessities will be required.

T.W.A. was looking for a site in a fine residential area, with convenient shopping, easy access to downtown, and a green, pleasant setting. The 34 acres in Overland Park should provide all of the requirements for creating a campus patterned after the exclusive girls' schools of the nation. That's the aim of the airline and we see no reason why it won't become a reality.

Again T.W.A. has shown its confidence in the Kansas City area, as it continues to cluster and expand its world-wide facilities here. The commitment at Mid-Continent International airport is being stepped up and there is still talk of a major T.W.A. office building.

On a lighter note, the new hostess center is certainly one of the most fetching industries any city could acquire. The airline recruits its hostesses on an international basis and, while the girls are predominantly American, many do come from other parts of the earth.

Cities like to brag about having the most beautiful girls in the world. The new campus in Overland Park should be a decorative addition to the Kansas City scene in more ways than just handsome new buildings.

TEXAS STATE HISTORICAL SURVEY COMMITTEE SUPPORTS S. 1113, NATIONAL DINOSAUR TRACKS MONUMENT

Mr. YARBOROUGH. Mr. President, some of the best preserved and most interesting dinosaur tracks in America are those left in the limestone of the Paluxy River valley in central Texas. I have introduced a bill S. 1113 to insure that these invaluable prehistoric tracks will be properly protected by the creation of a Dinosaur National Monument near Glen Rose, Tex. It is vital to maintain these rare vestiges of the distant past of

our country so that they may be appreciated by future generations of Americans. The Texas State Historical Survey Committee in Austin has recognized the scientific and historical significance of these dinosaur tracks and the importance of efforts to preserve them. The committee has passed a resolution enthusiastically supporting my bill to create a Dinosaur National Monument at Glen Rose, and the companion bills of Representative BOB POAGE and JIM WRIGHT.

I ask unanimous consent that the resolution of the Texas State Historical Survey Committee be printed in the RECORD.

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

RESOLUTION

Whereas, several million years ago the Trachodon and Brontosaurus Dinosaurs traversed Texas, leaving tracks in mud which has hardened into limestone, and

Whereas, about 30 of these tracks have been discovered on the Paluxy River in Somervell County, and

Whereas, these prehistoric tracks may be destroyed forever if they are not properly protected, and

Whereas, Senator Ralph Yarborough, Congressman Bob Poage and Congressman Jim Wright have introduced bills in the National Congress that would authorize the establishment of the Dinosaur Trail National Monument, and

Whereas, this bill, if passed, would properly protect, interpret and preserve these prehistoric dinosaur tracks for the benefit of this and succeeding generations; now, therefore, be it

Resolved, That the Texas State Historical Survey Committee hereby endorses these bills, sending copies of this resolution to the Texas Congressional Delegation urging their support of this measure.

Done at Austin, Texas, this 28th day of February, 1967, A.D.

CHARLES R. WOODBURN,
President.

TRUITT LATIMER,
Executive Director.

A WAR CASUALTY AFFECTING 10 MILLION AMERICANS

Mr. GRUENING. Mr. President, it has long been obvious that one of the tragic results of the folly of our military engagement in Southeast Asia is the erosion of our much-needed domestic programs. Among these, of course, are the Great Society, slum clearance, and other efforts to remove the blight of our cities and to work toward the elimination of the ghettos, from which came the tragic explosions that have marred this summer in scores of our great cities, and left enduring scars, physically and spiritually.

The effects of the war on one major area of domestic concern are well set forth in a meaningful article by Walter Lippmann, published in the Washington Post of Sunday, August 20, under the heading "The Negro's Hopes Are a War Casualty" and with a subhead "Great Society That Might Have Lifted Him Out of Ghetto Has Been Relegated by Vietnam."

I ask unanimous consent that the article be printed in the RECORD.

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

THE NEGRO'S HOPES ARE A WAR CASUALTY—
"GREAT SOCIETY" THAT MIGHT HAVE LIFTED
HIM OUT OF GHETTO HAS BEEN RELEGATED
BY VIETNAM

(By Walter Lippmann)

However much the Negro riots this summer have demonstrated our failure to make our racial policy work, the American people are quite unable to turn around and adopt a radically different policy. The American predicament is unique.

All the known "solutions" which have been applied elsewhere to racial conflicts are foreclosed. There is no alternative to continuing to work for as much peace and harmony as possible on American territory between the Negroes and the whites.

The races cannot separate. There can be no exodus of the Negroes to a land of their own. They cannot go elsewhere. They cannot separate on American territory by some form of apartheid as in South Africa. The Negroes will not tolerate and the whites will not attempt to enforce the brutality of a racial separation.

The Negroes cannot seize, let us say, Mississippi and secede from the United States in order to establish a country of their own. The suggestion is unthinkable. There is nothing left for us all but to go on living together, trying to make the relationship as decent and tolerable as possible.

AN UNACCEPTABLE GAP

The American belief in the gradual harmonization of the races is no doubt optimistic and idealistic when it is seen in the light of the ugly realities. But it is the only general vision of the future that, given American geography and history, Americans can allow themselves. Any other course means incessant smoldering violence and hatred.

The critical difficulty is that all serious efforts to advance toward racial harmony take a long-time to achieve results and they are very costly. The grievances and complaints of the young Negroes are, however, immediate and urgent. They will not wait for their grandchildren to enjoy the solutions of their problems.

This is the ominous gap in which the riots are kindled. The older generation of Negro and white leaders has learned to accept the gap. It has learned to live on promises, on small tokens and samples, of better things to come. For the present, these older and more patient Negroes are not listened to by the new generation.

The core of the problem is how to create a new generation of Negro leaders whom the young Negroes will follow and with whom the white establishment in American society can live and work. For the irreconcilables like Stokely Carmichael, who consider themselves at war with the white majority, there is no future except in jail or in exile. For in any test of strength and violence, they would certainly be crushed, and if they insist on putting the matter to the test, they have no prospect whatsoever of prevailing.

The power of the white community is so overwhelmingly superior that the security of the blacks lie, in the last analysis, in the determination of the whites not to let the conflict go to extreme limits. The disparity in strength is such that it is absurd for Stokely Carmichael to think of a race war.

A GENERAL UPLIFTING

The question is whether and how the white community can be induced to pay the costs, financially and also human, of the reform and reconstruction which might at last assuage the grievances of the Negroes. My own view is a tough-minded one.

As long as the advance of the Negro is presented as a form of white philanthropy—the white majority making sacrifices to uplift the Negro minority—nothing on the scale needed will be practical politics. The uplifting of the Negro cannot be accomplished as

a pro-Negro enterprise. Large communities of men are not that generous and unselfish.

The advance of the Negro must be part of a much greater and more general effort to uplift the whole community, carrying the Negro minority with it in the enterprise. In the current jargon, we can uplift the Negro only in the process of creating the Great Society.

We can do little for the Negro if we do not absorb his grievances in the greater needs of the whole community. Unless the whites have a vital interest in their own advancement, in making the cities livable, they will respond reluctantly to the costs of helping the Negro minority.

This comes down to saying that the racial problem is manageable, I do not say soluble, in situations which come about only now and then, not often, in the life of a nation. There must be an overwhelming desire and intention among the active people to reform and reconstruct their own social order. The hope of the Negro people is to participate in such a general movement. There is, in my view, no hope for them as a separate minority who are to be accorded separate and special measures of relief and uplift.

CONTRADICTING COMMITMENTS

A general movement of reform and reconstruction can exist only if its objectives are the main preoccupation of the great masses of the Nation. In 1964, it was conceivable, indeed possible, that the Great Society would become the main American preoccupation for a generation to come. It has not been the American preoccupation ever since President Johnson decided that he had to wage war in Asia.

For it is impossible to expect a people to be preoccupied at one and the same time with two diametrically opposite and contradicting commitments: with a war on the other side of the world and with the rebuilding of their own society at home.

Once the President chose to believe that he had to prevail in a war of attrition on the Asian mainland, the Great Society lost its momentum and its soul and became nothing more than a complex series of political hand-outs to the poor. The hope of Negro participation in the creation of a new American social order was lost.

President Johnson keeps on saying that the United States is big enough and rich enough to pay for the war in Vietnam and at the same time for the Great Society at home. More than anything else, this reveals Lyndon Johnson's lack of knowledge of war and his lack of wisdom in dealing with it. His willingness to believe that a democracy can have two overwhelming preoccupations at the same time is the mark of an amateur.

It is the view of a man who does not realize, because he has never himself felt it, the absorbing preoccupation of war. He does not understand that when the issues are life and death, victory and defeat, everything else becomes pale and irrelevant and unimportant. Some of the measures for the Great Society are still on the White House list of desirable legislation. But with half a million men fighting in Asia, nobody really cares, or can care about, what life is like in a Detroit slum.

AN EXCUSE FOR REACTION

Moreover, the people who do not feel the need for reform or do not believe that there is justice and reason in the claims of the Great Society now have a legitimate reason for stopping the reforms and even reversing them.

President Johnson is much mistaken if he thinks that because he has adopted the Goldwater war policy, the Goldwater faction will support the Great Society. Nor can he convince the predominant and bewildered majority of our people that the 90th Congress is wicked because it puts the war ahead of everything else.

In a word, therefore, the Negro grievances cannot be assuaged by a policy of white philanthropy, of white sacrifices to uplift the Negro. The only way forward is to make the advance of the Negro a part of the general effort to solve the problems and deal with the needs of our great urban centers.

But this undertaking, though it is a noble and inspiring one, is possible only if it becomes the main preoccupation of the whole Nation. And that is impossible while the Nation is distracted and preoccupied by a foreign war it does not understand and does not believe in.

NATIONAL PRIORITIES

Mr. FULBRIGHT. Mr. President, a recent editorial published in the Washington Evening Star comments favorably upon the views of the Senator from Wisconsin [Mr. PROXMIER] regarding our national priorities. I agree with the able Senator that our expenditures for space exploration would be far more wisely used if applied to improve a rather miserable earthly environment which grows worse daily. If we do not soon restore a better balance in the use of our resources, the moon may be our only refuge from polluted streams and air and other consequences of too little attention to our domestic problems.

I commend this editorial to the Senate and ask unanimous consent that it be printed in the RECORD.

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

A QUESTION OF PRIORITIES

Senator Proxmire of Wisconsin has issued a clear call to cut spending on space exploration. He believes the \$4.9 billion authorization just approved by Congress for the present fiscal year is too much when weighed against the needs of the war in Vietnam, the problems of urban ghettos, and the prospect of a 10 percent surtax.

It is time to establish a set of priorities, Proxmire believes. He proposed that the budget of the National Aeronautics and Space Administration, already trimmed back from the administration's \$5.1 billion request, be reduced another \$425 million.

Without accepting the senator's figure, we believe he is well justified in demanding a re-examination of which national goals come first. No matter how much the scientists and aerospace industries talk about "technological fallout" and enlargement of our horizons, the space program has its roots largely in propaganda. It grew out of the Sputnik uproar of 1957. Its whole impetus draws upon the fear that the Soviets may "get there first," not because this is militarily dangerous but because of the propaganda effect upon other nations.

Yet what is the propaganda effect abroad of our stalemate in Vietnam? Of our shocking ghettos and race riots at home? Of the richest nation in history, unable to keep federal deficits under control?

It may be that NASA's space program cannot be trimmed \$425 million more without creating fatal bottlenecks along the way. But we think the administration ought to go back and have another look before the actual appropriation bill comes up for a vote. The present NASA budget was drawn up many months ago, before this summer's catastrophic rioting and military escalation and threatened \$29 billion deficit were in the picture. Surely the spending process is not so inflexible that the White House cannot recognize that some things are more important than beating the Soviets to the moon.

PRESIDENT'S VETO OF GOVERNMENT EMPLOYEES' LIFE INSURANCE BILL

Mr. BREWSTER. Mr. President, I am grieved and greatly disappointed that the President has seen fit to veto H.R. 11089, the bill which would have liberalized just a little the Government Employees' Life Insurance Act of 1954.

I am particularly unhappy about the veto because I was the sponsor of this legislation in the Senate, through my bill, S. 271.

I am particularly disturbed because the veto message contained some serious inaccuracies, which indicates that the President of the United States is receiving some wrong and slanted information.

For example, he says that in the past 10 years the life insurance coverage of Federal employees has risen by 75 percent. This is inaccurate. The life insurance law has not been liberalized since its enactment in 1954, and the coverage of the individual employee today is basically the same as it was then.

He also says that the salaries of Federal employees have risen 75 percent in 10 years. The wages of Federal and postal employees—and particularly those in the lowest levels—have been raised only 36 percent in the past 10 years.

This insurance bill would not have helped a single Federal or postal employee. It would have given just a touch more of security to the widows and the orphaned children the employees might leave behind. The President says the bill would "syphon funds away from Americans who need our support much more: children, the poor, the elderly." On the contrary, the bill would have given support to just those groups. I can think of few people in our society who need and deserve our support more than the elderly widows and children of deceased and underpaid postal employees.

As has been pointed out by the distinguished Senator from Kansas [Mr. CARLSON], the cost of the bill—\$61 million—would come to about \$25 for the family of each employee in the Federal service. When we are spending funds lavishly in every corner of the world, it seems mean and unworthy that we should deny such a small sum to those at home who deserve our consideration the most.

There is an even more disturbing note in the veto message to which attention should be given. The President vetoed the bill because it differed slightly from his own version of an insurance bill which had been presented to us. He also virtually promised to veto any Federal and postal employee pay bill which differed from the small 4.5 percent increase he is advocating. The inference is that the White House is insisting that all legislation concerning Federal and postal employees—if there is to be hope for its approval—must be written at 1600 Pennsylvania Avenue, not on Capitol Hill.

If this presumption is permitted to go unchallenged, then we shall have suffered a serious disintegration of the constitutional cleavage between the executive branch and the legislative branch. It is the function of Congress to write the

laws of the land, not the President and his advisors. It is not the function of Congress to be a subservient rubber stamp for the executive branch.

EIGHTH ANNIVERSARY OF HAWAIIAN STATEHOOD

Mr. FONG. Mr. President, 8 years ago today, August 21, 1959, Hawaii became the 50th State of the Union. In the long and arduous struggle for full-fledged American citizenship, the people of Hawaii stressed not only their qualifications for statehood but also their future role in the Pacific.

Situated in the hub of the Pacific, Hawaii serves as the crossroads for commerce, communications, transportation, and culture in this vast region. Her usefulness as the bridge between the United States and the numerous nations bordering the Pacific Ocean, and the many island groups, has been greatly enhanced as a result of Hawaii's attainment of statehood.

By happy coincidence, President Johnson sent to the Congress today a message and a proposed resolution to establish a joint commission to study the future status of the Trust Territory of the Pacific Islands—Micronesia, Hawaii's relationship with the trust territory has grown very close and friendly since Micronesia came under U.S. civil administration in 1947. Hawaii has sent to Micronesia skilled personnel in many fields—government, agriculture, health, education.

We of the 50th State are especially proud of the fact that of the five high commissioners appointed to head the trust territory, two—Frank E. Midkiff and the incumbent, William R. Norwood—were from Hawaii.

An increasing number of Micronesian students are enrolled at the University of Hawaii and the East-West Center there. A team of Hawaii residents helped at the inception of the first Congress of Micronesia in 1965. Since then selected members of the Congress of Micronesia have visited the State Legislature of Hawaii to gain experience which is assisting them in their efforts toward self-government.

Two years ago, in order to dramatize the link between Hawaii and Micronesia, I introduced in this Chamber a resolution for the eventual inclusion of the trust territory in the State of Hawaii.

On April 27 this year, I offered another resolution, proposing the creation of a joint congressional committee to investigate the status of the trust territory and other insular areas under U.S. administration. Through such a committee, the people of the trust territory will be aided in resolving the question of their political destiny.

I am happy that the President submitted to Congress today his proposal for studying and assessing all of the factors bearing on the future of the trust territory. I am pleased, because I believe the people of the trust territory will welcome such a move. I am personally gratified, because the President's message brings to the forefront the need for the study—a need to which I have repeatedly called attention in the past 2 years.

As island neighbors of the Micronesians, the people of Hawaii look forward to the day when the Micronesians will be able to determine for themselves the future political status they desire, just as the people of Hawaii were given that opportunity by Congress 8 years ago. Both Congress and Hawaii's people overwhelmingly voted in favor of statehood.

On this anniversary, I extend on behalf of the people of Hawaii, their heartfelt appreciation and "mahalo" for all the friends—in and out of Congress—who joined to open the way to statehood for Hawaii in 1959.

THE COST IN LIFE AND PROPERTY OF UNDEVELOPED WATERWAYS

Mr. MOSS. Mr. President, the floods which recently devastated Fairbanks demonstrated once again the tremendous cost in life and property that undeveloped waterways can inflict on those living on their floodplains.

The Senator from Alaska [Mr. GRUENING] has pointed this out and has told us the extent of the current damage:

An estimated 15,000 persons left homeless; Alaska's second largest city paralyzed; economic losses that could run to \$200 million.

On top of this is the cost of seven lives and the enormous cleanup job that will absorb the energies of Alaskans for many months.

It is not always possible, of course, to prevent the vagaries of nature from inflicting severe damage on the works of man. But the Alaskan disaster is an object lesson on the value of natural resource development—an issue with which Congress is more concerned each year.

Senators have heard me discuss before the development of the rivers of the North, principally from the standpoint of the possibility of making unused water available to the thirsty States of our West and Southwest.

I point out today that such development could have the very valuable supplementary effect of preventing floods on those rivers or minimizing the damage they could inflict. Specifically, I have described the concept known as the North American Water and Power Alliance—NAWAPA for short—under which some 15 percent of the surplus water of selected rivers of Alaska and northern Canada would be diverted southward for use by Canada's prairie provinces, the American West and Midwest, and possibly Mexico.

NAWAPA is still a concept; detailed engineering studies have not been carried out. Nevertheless, it appears that the proposed impoundment of water would have been of great help to Alaska when the recent rains began to pour down. It appears that the projected Cathedral Rapids Dam on the Tenana River could have reduced the flood crest by 5 to 7 feet by holding back the flow of the Tenana, and permitting water from the Chena to be diverted into the Tenana channel before it reached the city of Fairbanks.

In June of 1966 I was invited to address the Royal Society of Canada on the question of continental development

of water resources. My statement, of course, emphasized the point that the NAWAPA concept dealt with surplus water. I said:

By proper diversion and storage, optimal flows can be maintained downstream and flood peaks levelled.

The Army Engineers have been working on a flood control plan for Fairbanks. It was first authorized in the 1958 Flood Control Act. However, interim development destroyed the plan's feasibility. A further study has been undertaken, with recommendations due to be presented next year. It is possible that the new flood will require additional work before the plan can be advanced. Then, of course, many years will be required before the works can be completed.

A giant multipurpose project to put to use surplus Arctic water would greatly enhance the capability of the Engineers' project to control floods in the Fairbanks area.

However, as I have pointed out previously, we do not possess adequate data on which to base decisions on the international planning of water resource development. The collection of such data on the water harvest areas of the North American Continent should be a matter of high priority in the years immediately ahead.

A NEW DIMENSION OF CITIZENSHIP

Mr. GRIFFIN. Mr. President, a New Detroit citizens committee has been formed in the wake of the terrible disorders of July. The committee's main objective is to seek a total community response to the massive job of rebuilding the Motor City.

In the August 13 edition of the Detroit Free Press, Associate Editor John A. Hamilton has written perceptively of the challenges confronting the New Detroit committee. I know that Senators will be much interested in Mr. Hamilton's article, entitled "Rebuilding Detroit To Require New Dimension of Citizenship."

I ask unanimous consent that it be printed in the RECORD.

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

REBUILDING DETROIT TO REQUIRE NEW DIMENSION OF CITIZENSHIP

(By John A. Hamilton)

New Detroit, the 39-member citizens committee formed in the wake of this city's destructive riot, may become but an agate-sized footnote to headlined events in the annals of local history.

It may.

There's tremendous pressure on public officials suddenly confronted by catastrophe to "do something" and the thing officials most often do is solemnly to appoint a committee. Other officials in other communities have formed committees after riots and even the President has formed a committee.

New Detroit may let a golden opportunity pass it by.

Or New Detroit may become something else again. It may assume an aggressive leadership role and begin to tackle the really tough race relations problems which no government agency and no private group has yet had the courage to tackle. New Detroit may do the job that must be done.

The committee met for the first time last

week and announced an agenda of interests and an agreement to meet again this week. The agenda includes community communication, community services, education and jobs, legal and financial problems, including insurance problems, and the redevelopment of housing and commercial establishments in burned-out areas.

To committee chairman Joseph L. Hudson Jr. there was a "common thread of understanding" among committee members who pledged to seek a "total community effort" in the massive rejuvenation and rebuilding tasks that loom ahead.

But, while the enumerated areas of interest include essential areas, the committee hasn't decided what to do in these areas. Things are still embryonic and very much in the formative stages. Subcommittees have yet to be named. Goals will need more precise definition. The committee's role has not taken full, final form.

This, then, is a crucial period.

New Detroit can grasp a golden opportunity and its efforts can become a standard to which other communities might repair. This city's leadership in rebuilding after a riot, and building better than before, can become a beacon to lead the nation out of what's been a pervasively ominous and steadily gathering gloom.

And, if this comes about, those who compile the annals of history may someday modestly say of this city what a proud Pericles once said of his city. He called Athens "an education" to his nation.

To accomplish this, New Detroit must grab the lapsels of Congress and shake some sense of priorities into its head. It must secure funds sufficient for this city to rebuild its burned-out structures and to meet other needs.

Detroit Superintendent of Schools Norman Drachler has been knocking on doors in Washington.

Although the federal government is itself short of funds and there's heated debate on new federal taxes, the federal government nonetheless collects massive revenues and offers the most realistic hope for supplying the money Detroit requires.

Hat in hand, Dr. Drachler has been desperately seeking special federal dispensation to restructure an urban educational system that's never had enough funds to be adequately structured and that lies now battered and crumpled amid the riot's rubble. No one put a torch to school buildings, but rampaging flames burned out whole neighborhoods and forced families to relocate. School population patterns have been disrupted. New needs arise. Old needs become more acute.

Already pinched for funds despite a recent increase in local property taxes, Dr. Drachler and school officials figure new needs created by the riot at a cost of about \$14 million. He ticks them off this way: \$2 million for portable classrooms for displaced children; \$2 million for an intensive orientation program for teachers, students and members of riot-torn communities in the expanded use of school facilities; \$4 million for hiring community aides to perform routine chores in the schools; \$2 million for Saturday remedial reading classes desperately needed in the inner-city areas; \$2 million for counselors in schools in riot areas; \$2 million for reducing the excessive size of classes in schools where reading levels are lowest.

If the list seems long and excessively expensive, Dr. Drachler doubtless could have added other items at additional cost. For example, it seems to me that the very modest student exchange program, called the "shared experience program," ought to be immediately expanded. This program gives ghetto children a chance to visit schools outside ghettos and gives suburban children a chance to visit ghetto schools. It is an important means of community communication.

But Dr. Drachler probably won't get the \$14 million he seeks. He may not get any of it.

And this is why New Detroit ought to step in.

New Detroit ought to launch a campaign which other urban areas can join, a campaign which will put the nation on a crash program of aiding its cities just as it has been on crash programs of refining armaments and exploring outer space.

New Detroit should support more federal aid to education and recruit earnest Dr. Drachler with his modest plea for our inner-city children as a lieutenant in this crusade.

Funds are important. Funds are essential. But funds alone can't really build anything lasting in the context of this crisis. A new spirit of racial justice must be the mortar in the brick we lay. All members of society must come to respect the law and the law must come to respect all members of society.

New Detroit should insist on this racial justice. It can open up employment opportunities for Negroes and it can exert pressures on the building trades unions to recruit Negro members for their apprenticeship programs. Large corporations can absorb numbers of untrained Negroes and give them on-the-job training and make them productive members of society rather than wards of the state.

New Detroit ought to explore, too, the construction of low-cost housing, housing which will give residents an owner's share and an owner's interest in the property. New housing ought to be built in some of the burned-out areas because some of these areas are best suited for housing but new housing ought to be built elsewhere in the city as well.

Money must flow. Policies must change.

Those found guilty of looting, wanton arson and senseless sniping must be punished for there can be no reward for rioting.

At the same time, those trapped in inner-city areas where the violence burst deserve additional protections and what the sociologists tell us is what conscience tells us also. The best protection against a recurrence of rioting is to remove the conditions which might give rise to rioting. Society should do this out of justice and out of humanity.

New Detroit must give Negroes themselves an important role in this rebuilding and rehabilitation effort simply because Negroes know their problems best of all. The nine Negroes among the committee's 39 members can speak for their community but the committee ought to consider including still more Negroes among its membership, those who have won valuable gains for their race in the past and those who have the ear of the alienated who roam the inner-city streets today.

Catfish Mayfield's amazingly successful clean-up project in the nation's capital offers a striking example of what Negroes themselves can do, if given encouragement and financial help.

A reform school graduate, Catfish Mayfield formed an outfit called Pride Inc. and enlisted large numbers of unemployed Negro youths. The pay is \$56 a week. The Negroes push brooms and swing sickles, pick up litter, cut weeds and remove trash which otherwise would attract rats.

Pride Inc. was Catfish Mayfield's idea. The federal government provides the funds. But because it was Catfish Mayfield's idea, and not because federal funds are available, it's a success.

Negro youths in Detroit's inner-city areas may have their own constructive ideas on improving the neighborhoods in which they live and they should have easy access to the New Detroit committee. Those presently alienated must be brought into society. A nation still divided must become a nation united.

What all this requires at bottom is what

New Detroit must most of all encourage. It is a new dimension of citizenship, a dimension that doesn't permit absentee citizens to work in Detroit by day and escape to the suburbs by night considering all responsibilities discharged with the payment of payroll taxes. It's a dimension of citizenship that requires more of the citizen, a dimension that recalls proud Pericles and ancient Athens.

The Athenian cared tremendously about his city and shouldered both public and private responsibilities. He's attended the Ecclesia, or public assembly, and if elected by lot became a member of the Council of Five Hundred. Those rich in worldly goods gave generously of them to the city and both the rich and poor contributed services.

The Athenian loved his city and felt a duty toward it. New Detroit should try to generate a spirit of caring in citizens here.

Vicious riots have swept the nation this summer leaving urban America charred and bleeding. Citizens today are sometimes vengeful, often apprehensive and divided and generally still too uncaring. As a city, Detroit has suffered more than most. As people, Detroiters can rebuild better than any.

How far must urban America come from where it is to solve its staggering problems? Everywhere there are far too many absentee citizens. If Athens is a model, it must be full circle.

CIGARETTES—A MENACE TO PUBLIC HEALTH

Mr. KENNEDY of New York. Mr. President, 3½ years ago, Dr. Luther Terry, Surgeon General of the U.S. Public Health Service, released his landmark report entitled "Smoking and Health." The basic message of the Surgeon General's report—that cigarettes present one of the greatest menaces to public health in the United States—has been reinforced by numerous studies published by scientists, doctors, and the Federal Government since 1964.

Despite the multitude of reports about the dangers of cigarette smoking, the consumption of cigarettes continues to skyrocket. The Department of Agriculture estimates that in fiscal 1967 Americans smoked 545 billion cigarettes—9 billion more than in fiscal 1966.

But perhaps there is a sign of hope in the percentage increase in cigarette consumption. In recent years it has not been so great as in the past. And, if facts and figures have any influence, a Government report issued Sunday will help decrease the rate of cigarette consumption even further. The 200-page report, entitled "The Health Consequences of Smoking," goes beyond the conclusion of the 1964 Surgeon General's report. For example, it portrays cigarette smoking as a probable "cause of death from coronary heart disease."

Mr. President, so that the full impact of this report's findings can be brought to the public's attention, I ask unanimous consent that the three major chapters of the report be printed in the RECORD.

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

THE HEALTH CONSEQUENCES OF SMOKING: A PUBLIC HEALTH SERVICE REVIEW, 1967
SMOKING AND OVERALL MORTALITY
Conclusions of the Surgeon General's 1964 Report

Cigarette smoking is associated with a 70-percent increase in the age-specific death

rates of males, and to a lesser extent with increased death rates of females. The total number of excess deaths causally related to cigarette smoking in the U.S. population cannot be accurately estimated. In view of the continuing and mounting evidence from many sources, it is the judgment of the Committee that cigarette smoking contributes substantially to mortality from certain specific diseases and to the overall death rate.

In general, the greater the number of cigarettes smoked daily, the higher the death rate. For men who smoke fewer than 10 cigarettes a day, according to the seven prospective studies, the death rate from all causes is about 40 percent higher than for nonsmokers. For those who smoke from 10 to 19 cigarettes a day, it is about 70 percent higher than for nonsmokers; for those who smoke 20 to 39 a day, 90 percent higher; and for those who smoke 40 or more, it is 120 percent higher.

Cigarette smokers who stopped smoking before enrolling in the seven studies have a death rate about 40 percent higher than nonsmokers, as against 70 percent higher for current cigarette smokers. Men who began smoking before age 20 have a substantially higher death rate than those who began after age 25. Compared with nonsmokers, the mortality risk of cigarette smokers, after adjustments for differences in age, increases with duration of smoking (number of years), and is higher in those who stopped after age 55 than for those who stopped at an earlier age.

In two studies which recorded the degree of inhalation, the mortality ratio for a given amount of smoking was greater for inhalers than for noninhalers.

The ratio of death rates of smokers to that of nonsmokers is highest at the earlier ages (40-50) represented in these studies, and declines with increasing age.

Possible relationships of death rates to other forms of tobacco use were also investigated. The death rates for men smoking less than 5 cigars a day are about the same as for nonsmokers. For men smoking more than 5 cigars daily, death rates are slightly higher. There is some indication that these higher death rates occur primarily in men who have been smoking more than 30 years and who inhale the smoke to some degree. The death rates for pipe smokers are little if at all higher than for nonsmokers, even for men who smoke 10 or more pipefuls a day and for men who have smoked pipes more than 30 years.

The primary addition to knowledge in the areas of smoking and overall mortality comes from the four major population studies. Additional periods of followup have provided a broader base from which it becomes possible to estimate the excess deaths related to cigarette smoking in the U.S. population and from which firmer conclusions may be drawn as to the role of various exposure factors in the associations found.

The contributions since 1964 of each of the four population studies to the relation of smoking and overall mortality, as summarized by the authors, are set forth below.

Study of U.S. Veterans

(An 8½ year followup of 293,658 persons holding U.S. Government life insurance policies. Commonly referred to as the Dorn Study after the late Dr. Harold F. Dorn. The most recent report is by Kahn.)

"... the increased mortality risk associated with cigarette smoking was found to be higher in the more recent calendar time period than in the initial years of the study.

"... mortality ratios of current cigarette smokers compared with those who have never smoked are 1.7 for death from all causes, 10.9 for lung cancer, 12.2 for emphysema without bronchitis, and 1.6 for coronary heart disease. Paralysis agitans was the only cause of death associated with significantly lower mortality for smokers than for nonsmokers.

"For all categories of current smokers, risk was related to amount smoked. The risk for cigarette smokers was much greater than that for pipe or cigar smokers. Current smokers of cigarettes, cigars, or pipes experienced a mortality risk significantly greater than that for nonsmokers if they smoked more than four pipes or four cigars daily or more than an occasional cigarette.

"There was a positive relationship between duration of cigarette smoking and mortality risk from all causes of death for at least some classifications of smokers.

"... probabilities of death for ex-smokers of cigarettes revealed a downward trend in risk as duration of time discontinued increased, when other variables—age began smoking, amount smoked, and current age—were controlled. The data can be regarded as evidence against the constitutional hypothesis."

Calculations are presented to note that observations made during the study suggest the possibility that data from respondents (those who answered the smoking questionnaire) may in fact underestimate the risk associated with smoking. The Surgeon General's 1964 Report had considered the possibility that differences between respondents and nonrespondents to the questionnaire might have introduced a bias and had attempted to calculate a maximum estimate of that bias.

Study of men and women in 25 States

(This report is based on 3,764,571 person-years of experience and 43,221 deaths occurring among 1,003,229 subjects—440,558 men and 562,671 women—between the ages of 35 and 84 from October 1, 1959, to February 15, 1960, when they enrolled in a prospective study and answered detailed questionnaires including questions on their smoking habits. Hammond.)

"Death rates of both men and women were higher among subjects with a history of cigarette smoking than among those who never smoked regularly.

"Death rates of current cigarette smokers increased with number of cigarettes smoked per day and degree of inhalation.

"Death rates were higher among current cigarette smokers starting the habit at a young age than among those starting the habit later in life. Among both men and women, the difference between the death rates of cigarette smokers and nonsmokers increased with age.

"Among men, the death rates for ex-cigarette smokers were lower than for men currently smoking cigarettes when they enrolled in the study. Death rates of ex-cigarette smokers decreased with the length of time since they last smoked cigarettes.

"... Total death rates and death rates from most of the common diseases occurring in both sexes were higher in men than women, were higher in men who never smoked regularly than in women who never smoked regularly, and were far higher in men with a history of cigarette smoking than in women with a history of regular cigarette smoking.

"The difference between the death rates of subjects with a history of cigarette smoking and subjects who never smoked regularly was far greater among men than women. Female cigarette smokers (as a group) have been far less exposed to cigarette smoke than male cigarette smokers of the same ages, as judged by number of cigarettes smoked per day, degree of inhalation, and the number of years they have smoked. Many female cigarette smokers smoke only a few cigarettes a day, do not inhale, and have been smoking for only a few years; their death rates are about the same as the death rates of women who never smoked regularly."

Study of British physicians

(The mortality of nearly 41,000 men and women in the medical profession in the United Kingdom has been followed for 12

years. During the first 10 years 4,597 of the men and 366 of the women died. These deaths were analyzed in relation to smoking habits reported by doctors in reply to a questionnaire sent to them in 1951—both sexes—and again in 1957, men, and 1960, women. Doll and Hill.)

"* * * An association with smoking is found, in differing degrees, in men for seven causes of death [which accounted for 39 percent of the death rate]—namely, cancer of the lung, cancers of the upper respiratory and digestive tracts, chronic bronchitis, pulmonary tuberculosis, coronary disease without hypertension, peptic ulcer, and cirrhosis of the liver and alcoholism. No association is found with the remaining 61 percent of the death rate, and this includes such major causes as other forms of cancer, cerebrovascular accidents, hypertension, myocardial degeneration, suicide, and accidents.

"In women, the few deaths at present available show an association only between smoking and cancer of the lung.

"* * * If the excess deaths in smokers under the age of 65 years from (a) cancer of the lung, (b) chronic bronchitis and emphysema, (c) coronary thrombosis without hypertension be taken as attributable to their cigarette smoking, then the total mortality from all causes at ages 45-64 years is increased thereby by approximately 50 percent."

The report states: "One of the striking characteristics of British mortality in the last half-century has been the lack of improvement in the death rate of men in middle life. In cigarette smoking may lie one prominent cause."

Study of Canadian pensioners

(The purpose of the study was to investigate the relationships between residence, occupation, smoking habits, and mortality from chronic diseases particularly lung cancer. It was initiated by a questionnaire which was sent to Canadian veteran pension recipients during the period September 1955 through June 1956.)

(Returns from 78,000 men, and 14,000 women, mostly widows, were analyzed. The men were mainly World War I and World War II veterans, but some Boer War and Korean War veterans, as well as some non-veteran pension recipients were included. The age of most of the men at the beginning of the study ranged from 30 to 90 years and the distribution was characterized by the ages of men eligible for service in the two World Wars.

(For each respondent dying between July 1, 1956, and June 30, 1962, the cause of death was related to information on his questionnaire about age, history of smoking habits, residence and occupation. Among the respondents during the 6 years of followup there were 9,491 deaths of males, and 1,794 deaths of females which were analyzed.)

"Current cigarette smokers had a death rate for overall mortality 54 percent higher than that of nonsmokers * * * Ex-cigarette smokers had a comparatively lower rate, which was still 36 percent above the rate for nonsmokers * * * Men smoking combinations of cigarettes plus cigars and/or pipe also had elevated death rates for overall mortality, but these were not elevated to the same extent as those of men smoking only cigarettes.

"The death rates for overall mortality of pipe smokers and cigar smokers were not appreciably different from those of nonsmokers.

"For cigarette smokers as compared to nonsmokers, overall mortality ratios were elevated after 5 years of smoking at any time in their life and remained elevated as long as they continued to smoke cigarettes.

"Male current cigarette smokers who inhaled had a death rate for overall mortality

52 percent higher than that of those who did not inhale.

"An urban/rural comparison was made between males of equivalent cigarette smoking habits and nonsmokers. It was found that the death rate for overall mortality of urban dwellers (persons with a history of 5 years or more of city residence) was 12 percent higher than that for rural dwellers of comparable smoking habits.

"Respondents were classified into occupational groups based on their history of occupation. No evidence was found in this study of clear-cut associations between cause of death and occupation. Further, occupation did not appear to modify the established association of cigarette smokers with death rates in excess of those of nonsmokers."

Some general considerations

The problem of how best to measure the relationship between smoking and mortality has been discussed in the Surgeon General's 1964 Report as well as in some of the prospective study reports. As the amount of data available increases, the person-years of observations in the many population subgroups that are worth examining increases so that stable rates may be computed and compared. A brief discussion of three measures of comparison available and their utility seems desirable as confusion frequently arises over these measures.

1. **Mortality Ratios:** Obtained by dividing the death rate for a classification of smokers by the death rate of a comparable group of nonsmokers.

2. **Differences in Mortality Rates:** Obtained by subtracting from the death rate for smokers, the death rate of a comparable group of nonsmokers.

3. **Excess Deaths:** Obtained by subtracting from the number of deaths occurring in a group of smokers, the number of deaths which would have occurred if that group of smokers had experienced the same mortality rates as a comparable group of nonsmokers. In the example which follows this has been reported as a percentage of all deaths in the appropriate age group.

Table 1 presents in summary form all three measures for five age groups of men from both the U.S. veterans study and Hammond's study and for the same age groups of women from the latter study.

TABLE 1.—COMPARISON OF 3 MEASURES OF RELATIONSHIP BETWEEN CIGARETTE SMOKING AND OVERALL DEATH RATES BY AGE AND SEX AS DERIVED FROM 2 MAJOR PROSPECTIVE STUDIES¹

	Age				
	35 to 44	45 to 54	55 to 64	65 to 74	75 to 84
U.S. VETERANS: MEN					
Total deaths.....	383	366	13,840	17,550	1,932
Death rates per 100,000:					
Never smoked regularly.....	127	264	1,056	2,411	6,214
Current cigarette smokers.....	232	728	1,819	4,032	8,471
Mortality ratio ²	1.83	2.76	1.72	1.67	1.36
Difference in death rates per 100,000 ³	105	464	763	1,621	2,257
Excess deaths as percentage of total ⁴	33	43	21	17	8
HAMMOND MEN					
Total deaths.....	631	5,297	8,427	8,125	3,968
Death rates per 100,000:					
Never smoked regularly.....	210	406	1,202	3,168	7,863
Current cigarette smokers.....	397	925	2,202	4,788	9,674
Mortality ratio ²	1.89	2.28	1.83	1.51	1.23
Difference in death rates per 100,000 ³	187	519	1,000	1,620	1,811
Excess deaths as percentage of total ⁴	33	38	25	13	4
HAMMOND WOMEN					
Total deaths.....	727	2,826	3,915	5,115	4,88
Death rates per 100,000:					
Never smoked regularly.....	165	304	698	1,913	5,914
Current cigarette smokers.....	186	384	838	2,229	5,846
Mortality ratio ²	1.13	1.26	1.20	1.17	.99
Difference in death rates per 100,000 ³	21	80	140	316	68
Excess deaths as percentage of total ⁴	5	9	4	2

¹ These figures are derived from the references. 5-year age groups were combined directly from the reported statistics without adjustment to any standard population.

² Mortality ratios: Death rate for current cigarette smokers divided by death rate for those who never smoked regularly.

³ Difference in death rates: Death rate for current cigarette smokers minus death rate for those who never smoked regularly.

⁴ Excess deaths among current cigarette smokers (i.e., additional deaths that occurred among current cigarette smokers per year above those which would have occurred if smokers had the same death rates as those who never smoked regularly). This is expressed as a percentage of all deaths occurring in that age-sex group.

The statistics were derived from the cited publications to provide reasonable comparability and may vary slightly from the figures combined in other ways. Also it should be noted that the age groups are not defined identically and the experience reported covers somewhat different time periods. The smoking group analyzed is "current cigarette smokers," i.e., those who were smoking at the time of enrollment into the study, and the comparison group is "never smoked regularly," i.e., those who had never been regular smokers of any form of tobacco.

The number of deaths in each age-sex group is given to indicate the relative stability of the figures in that column. The data in the veterans study are largely concentrated in age groups 55-64 and 65-74. In Hammond's study, age group 35-44 is less stable than the succeeding groups both for men and for women.

1. **Mortality Ratios.**—For men, these are at their highest in age group 45-54, diminishing in each subsequent decade. In both studies mortality ratios appear to be somewhat lower in the preceding decade 35-44. However, with the smaller numbers of cases available in that age group, it may be that selective factors contribute to the finding. For women the mortality ratios are much smaller than for men, although the same pattern is suggested. In general, a mortality ratio has been considered to reflect the degree to which a classification variable identifies or may account for variations in death rates. As such, it is a measure of relative risk which indicates the importance of that variable relative to uncontrolled variables—an indicator of potential biological significance.

2. **Differences in Mortality Rates.**—These increase consistently with increasing age in all three study groups, except for the oldest age group in women where there is practically no difference in the rates for smokers and nonsmokers. Differences between smokers' rates and nonsmokers' rates are much smaller for women than for men, as are the death rates themselves for men and women classified similarly with respect to smoking. This measure reflects the added probability of death in a 1-year period for the smoker over that for the nonsmoker. As such it is a measure of personal health significance, a means for the individual to estimate the added risk to which he is exposed.

3. *Excess Deaths as a Percentage of Total Deaths.*—As with mortality ratios, this statistic appears to be highest in the age group 45-54 where it reaches 43 percent in one group of men and 38 percent in the other. Hammond's data by 5-year age groups show the highest rate at ages 45-49, where it is 44 percent. Reviewing both study groups it appears that for men between the ages of 35 and 60 approximately one-third of all deaths that occur are excess deaths in the sense that they would not have occurred as early as they did if cigarette smokers had the same death rates as the nonsmoking group. For women, the percentage is much lower, reaching a peak of 9 percent of all deaths in age group 45-54. It should be noted that this measure not only depends on the differences in death rates between the smokers and the nonsmokers, but also on the proportion of smokers in the group. Thus, even with a large difference in rates between smokers and nonsmokers, a population with very few smokers would have very few excess deaths. This measure is therefore an indicator of the public health significance of the differences found since it measures the number of people affected and therefore the magnitude of the problem for society as a whole.

Once the magnitude of the excess is identified the problem becomes one of determining (1) how much of the excess would not have occurred if it had not been for cigarette smoking and (2) how much would have occurred anyhow. It should be noted that much of the excess has already been identified as belonging in the first category. Of the remainder, little of the excess has been clearly identified as belonging in the second category—that is, not caused by smoking. With most of that remainder there is uncertainty as to the category in which it belongs.

Measures of exposure

Studies involving smoking, whether epidemiological or behavioral, have been concerned with measures of exposure to tobacco smoke. For the most part, these studies have been restricted principally to the index of number of cigarettes smoked over a specified period of time, usually an "average day." The heavy reliance on numbers of cigarettes alone as a measure has produced important findings but it has possibly obscured others. The new reports on the prospective studies have provided a substantial amount of data to support the concept that many elements should enter into an overall measure of exposure. Such factors as age at beginning smoking, duration of smoking, and inhalation have all shown some independent contributions to the overall effect, along with numbers of cigarettes. A recent report has attempted to develop a more adequate measure of exposure in which various individual components of dosage would be combined to form composite scores.

A dosage score was developed as a function of the average number of cigarettes smoked per day, the "tar" (smoke solids minus moisture) rating of the brand of cigarette smoked, and the portion of the cigarette actually smoked. In addition, questions on both depth and frequency of inhalation were developed. Normative data have been obtained from a national survey sample of smokers. In general, although the various measures reflecting exposure are interrelated, there are many individuals with high exposure on one measure but low exposure on another. Furthermore, there are systematic differences in some of these measures of dosage between men and women, between heavy and light smokers (by the usual criterion of numbers of cigarettes), etc. The existence of a dose-response relationship be-

tween exposure to cigarette smoke and the risk most clearly associated with cigarette smoking is now generally accepted.

Wynder and Hoffmann have shown in laboratory experiments with animals that the tumorigenicity of cigarette smoke can be reduced by alteration in the cigarette which reduces the "tar" and nicotine content. They use the term "indicator" for "tar" and nicotine content (the two measures tend to be used jointly since when one is high the other tends to be high unless the nicotine has been removed in processing), or other measures which reflect this type of relationship, lacking the identification of specific agents which are responsible for the effect. Bock, Moore, and Clark have independently shown a similar variation in carcinogenic activity of tobacco "tar" obtained from different types of cigarettes.

The preponderance of scientific evidence strongly suggests that the "tar" and nicotine content of cigarette smoke is a meaningful factor in the measurement of dosage.

Cessation of smoking

The cessation of smoking is, of course, an extreme example of the reduction of dosage. Data from the prospective studies show a reduction in both overall mortality and mortality from specific diseases among those who have stopped smoking when compared with those persons who continue to smoke. This finding has been somewhat obscured by the fact that ill health is a frequent cause of giving up smoking so that death rates and disability rates for ex-smokers as a group tend to be high for an initial period of time following cessation.

In this connection, the Study of British Physicians shows that among the total group of physicians in the study (smokers, ex-smokers, and those who never smoked, combined) there was a reduction in the standardized lung cancer death rate from 0.69 per 1,000 in the first 5 years of the study (1951-56) to 0.64 per 1,000 in the second 5 years of the study (1956-61). This reduction occurred during the time when there was also a substantial drop in cigarette smoking among physicians in general and during the time that lung cancer rates were rising in the male population of Great Britain. This situation is not unlike that of a controlled cessation experiment in which the effect of giving up smoking is judged by the mortality results in an entire population in which the giving up of smoking is common as against another population in which it is not common. A more recent report by Doll suggests that this trend is becoming more marked as the rate of smoking among British physicians decreases and the length of the cessation period increases.

These findings are shown in Table 2, which has been derived from Doll's report. The lung cancer death rate among men in England and Wales increased from 1.49 per 1,000 in the period 1954-57 to 1.86 per 1,000 in the period 1962-64, a rise of 25 percent. At the same time, the lung cancer death rate for British physicians dropped from 1.09 per 1,000 in the first period to 0.76 per 1,000 in the second period, a reduction of 30 percent. This reduction in death rates from lung cancer among all physicians is larger than would have been anticipated from examining only the experience of those physicians who had stopped smoking before the study began and indicates that the experience of ex-smokers in prospective studies probably understates the benefits of giving up smoking.

With these findings the case for cigarette smoking as the principal cause of lung cancer is overwhelming. The reduction of rates experienced in ex-smokers as compared with continuing smokers is clearly shown in the

case of lung cancer to be a reflection of a significant change in risk. Since the concern that selective bias might have accounted for the earlier findings has been contraindicated, a stronger case can now be made for interpreting reduced rates of overall mortality for those who give up smoking as also reflecting a direct alteration of risk compared to those who continue to smoke.

There are no adequate data to evaluate the benefit of reductions in exposure that are more modest than those achieved by complete cessation, although it seems reasonable to assume that a substantial reduction in exposure is likely to be accompanied by some reduction in risk relative to those who do not reduce their exposure.

TABLE 2.—CHANGES IN THE LUNG CANCER DEATH RATE IN MALE BRITISH PHYSICIANS (AGE 35 TO 84) COMPARED WITH CHANGES IN THE RATES FOR THE MALE POPULATION OF ENGLAND AND WALES FOR 3 TIME INTERVALS BETWEEN 1954 AND 1964

Time period	Lung cancer death rates per 1,000 per year	
	Men in England and Wales	British physicians
1954-57	1.49	1.09
1958-61	1.71	.83
1962-64	1.86	.76
Percentage change:		
1st to 2d period	+15	-24
2d to 3d period	+9	-8
1st to 3d period	+25	-30

SMOKING AND OVERALL MORBIDITY

At the time of the Surgeon General's 1964 Report there was no information available on the overall disability associated with smoking. To investigate the relationship between smoking and morbidity, the National Center for Health Statistics of the Public Health Service introduced questions about cigarette smoking into its National Health Survey, beginning in July 1964. This Survey is a continuing study conducted since 1957.

In carrying on this Survey, interviewers each year visit 42,000 families (selected as a probability sample of the civilian, noninstitutional population of the United States) and question them about illness, disability, and days absent from work because of illness, as well as the nature of the illness. In the year ending in June 1965, they inquired (after all other questions about health had been asked) about the smoking habits of persons in the family who were 17 years of age or over.

The National Health Survey is concerned with three overall measures of the impact of illness.

1. *Days Lost From Work.*—These are days absent from job or business because of illness or injury. They apply only to those persons who are currently employed and are therefore heavily concentrated in age groups 17-64.

2. *Bed Days.*—These are days when the person is sufficiently ill or disabled so as to spend all or most of the day in bed, either at home or in a hospital. All days spent as a hospital patient are included.

3. *Days of Restricted Activity.*—These are days when a person cuts down his usual activities for most of a day because of an illness or an injury. Days lost from work because of illness and bed days are, of course, counted as days of restricted activity. This represents the most general measure of disability available in the United States today.

Table 3 summarizes the findings in a form similar to that used for summarizing the overall mortality utilizing three measures of morbidity effect: Morbidity ratios, differences in rates, and excess days of disability.

TABLE 3.—COMPARISON OF 3 MEASURES OF RELATIONSHIP BETWEEN CIGARETTE SMOKING AND 3 TYPES OF DISABILITY DAYS BY AGE AND SEX AS DERIVED FROM THE NATIONAL HEALTH SURVEY

	Male			Female		
	17 to 44	45 to 64	65 and over	17 to 44	45 to 64	65 and over
WORK LOSS-DAYS						
Estimated total days (millions).....	112	127	21	80	55	4
Rate: ¹						
Never smoked cigarettes.....	3.4	5.6	9.8	4.5	5.3	5.0
History of cigarette smoking.....	4.4	8.5	9.8	6.5	6.9	(C)
Morbidity ratio ²	1.3	1.5	1.0	1.4	1.3	(C)
Difference in morbidity rates ³	1.0	2.9	0	2.0	1.6	(C)
Excess days as percentage of total ⁴	20	28	0	18	11	(C)
RESTRICTED ACTIVITY-DAYS						
Estimated total days (millions).....	305	386	271	543	469	395
Rate: ¹						
Never smoked cigarettes.....	7.5	15.0	32.9	13.3	22.6	40.1
History of cigarette smoking.....	10.6	22.9	37.9	17.8	25.3	44.8
Morbidity ratio ²	1.4	1.5	1.2	1.3	1.1	1.1
Difference in morbidity rates ³	3.1	7.9	5.0	4.5	2.7	4.7
Excess days as percentage of total ⁴	23	28	8	14	5	2
BED-DAYS						
Estimated total days (millions).....	111	118	100	210	168	146
Rate: ¹						
Never smoked cigarettes.....	2.7	4.6	13.4	5.4	8.0	15.1
History of cigarette smoking.....	3.9	6.9	13.0	6.7	9.2	15.2
Morbidity ratio ²	1.4	1.5	.97	1.2	1.1	1.0
Difference in morbidity rates ³	1.2	2.3	-0.4	1.3	1.2	0.1
Excess days as percentage of total ⁴	23	28	-1	10	6	0

¹ Rate is defined as "days per person per year."² Based on too few smokers for stable rates.³ Morbidity ratios: Morbidity rate for cigarette smokers divided by morbidity rate for those who never smoked cigarettes.⁴ Difference in morbidity rates: Morbidity rate for cigarette smokers minus morbidity rate for those who never smoked cigarettes. Excess deaths among cigarette smokers (i.e., additional days of disability that occur among cigarette smokers per year above those which would have occurred if smokers had the same rates as those who never smoked cigarettes). This is expressed as a percentage of all disability days occurring in that age-sex group.

Days lost from work

For those with a history of cigarette smoking, classified by heaviest amount smoked, the average number of days was 7 percent higher for men and 15 percent higher for women who had smoked less than 11 cigarettes per day; 33 percent higher for men and 60 percent higher for women who had smoked 11-20 cigarettes per day; 48 percent higher for men and 79 percent higher for women who had smoked 21-40 cigarettes per day; and 83 percent higher for men and 140 percent higher for women who had smoked more than 40 cigarettes per day. The relationships expressed by all three measures are somewhat higher among men aged 45-64 than among men aged 17-44, but lower among women aged 45-64 than among women aged 17-44. In the survey year, there were an estimated 399 million workdays lost in the United States because of illness. A total of 77 million days, or 19 percent, were excess workdays lost because of the higher rates which exist among persons who have ever smoked cigarettes as compared to those who never smoked. This excess loss is highest in men 45-64 where it represents 28 percent of all days lost.

Bed days

For those with a history of cigarette smoking, classified by heaviest amount smoked, the average number of days was 10 percent higher for men and 4 percent lower for women who had smoked less than 11 cigarettes per day; 22 percent higher for men and 17 percent higher for women who had smoked 11-20 cigarettes per day; 22 percent higher for men and 57 percent higher for women who had smoked 21-40 cigarettes per day; and 53 percent higher for men and 192 percent higher for women who had smoked more than 40 cigarettes per day. Relationships with smoking are higher for men than for women for all three measures except for age 17-44 in which the differences in morbidity rates between smokers and nonsmokers are about the same. For the entire population 17 years of age and older there were an estimated 853 million bed-days in the survey year. A total of 88 million of these days, or 10 percent, were "excess" days lost because of the higher

rates which exist among persons who have ever smoked cigarettes as compared to those who never smoked. Excess days as a percentage of total bed-days is highest for men aged 45-64, where it is 28 percent.

Days of restricted activity

For those with a history of cigarette smoking classified by heaviest amount smoked, the average number of days was 12 percent higher for men and 4 percent higher for women who had smoked less than 11 cigarettes per day; 32 percent higher for men and 22 percent higher for women who had smoked 11-20 cigarettes per day; 39 percent higher for men and 48 percent higher for women who had smoked 21-40 cigarettes per day; and 81 percent higher for men and 146 percent higher for women who had smoked more than 40 cigarettes per day. Again rates are higher for men than for women in all three measures except for age group 17-44, in which differences in morbidity rates are higher for women. There were an estimated 2,369 million such days in the survey year; 306 million, or 13 percent, were excess days lost because of the higher rates which exist among persons who have ever smoked cigarettes as compared to those who never smoked. Excess days as a percentage total restricted activity days was highest in men aged 45-64.

To help evaluate these general indices of morbidity as measured by various kinds of disability days it is necessary to turn to the conditions which are reported more frequently by cigarette smokers than by nonsmokers. Since these are either self-reports or reports made by a responsible member of the household for others in the household, the diagnostic accuracy of the reports is obviously less than one could obtain from direct medical examination. Nevertheless, the bulk of the reports on chronic conditions reflects what a physician has previously told the patient or the family with regard to a diagnosis of the condition.

Chronic conditions (one or more) are reported by 11 percent more of the men and 9 percent more of the women who have ever smoked cigarettes than by those who have never smoked cigarettes. This is especially high in those who have reported their highest

consumption rate to have been over two packs a day (32 percent higher for men and 43 percent higher for women). At the lower levels of consumption the rates reported are 21 percent and 25 percent higher for those smoking 21-40 cigarettes per day, but only 6 percent higher for men and 7 percent higher for women for those smoking 11-20 cigarettes per day and only 1 percent higher for both men and women who have never smoked more than 10 cigarettes per day. The differences are especially marked among present smokers of more than two packs per day whose rate of reporting three or more chronic conditions is 73 percent higher for men and 143 percent higher for women than for those who have never smoked cigarettes.

Applying differences in prevalence rates to the entire U.S. population 17 years of age and over yields the estimate that there are approximately 11 million more cases of chronic illness annually than there would be if all people had the same rate of sickness as those who had never smoked cigarettes. A large portion of these are accounted for by conditions classified as "chronic bronchitis and emphysema," "heart conditions," "peptic ulcers," and "sinusitis." All but the last of these have previously shown substantially higher mortality rates among cigarette smokers. Sinusitis, being a nonfatal condition, has not been identified in the studies of mortality previously reported. The "heart condition" relationship is most marked in the category "arteriosclerotic heart disease including coronary disease."

The age-adjusted incidence rate of acute conditions for persons who had ever smoked was 14 percent higher among men and 21 percent higher among women than the rates for "never smokers." However, particular caution must be taken in interpreting the results relating specific acute conditions to cigarette smoking because of the relatively large sampling error connected with the estimates for the several types of acute conditions.

Since the National Health Survey is not a prospective study, it does not identify the rate at which various types of morbidity develop in comparable groups of smokers and nonsmokers, but reports the recent existence of such disability. Therefore, the findings are much more significant when they support relationships previously identified than when new relationships are identified. It should not be surprising that causes of mortality which are associated with cigarette smoking have a counterpart in disease or disability associated with smoking.

As the primary source of data in the United States on disability, the Survey report, being based on a national probability sample, provides a solid base for estimating the excess overall disability associated with cigarette smoking.

Highlights of current information on overall mortality and morbidity

1. The previous conclusions with respect to the association between smoking and mortality are both confirmed and strengthened by the recent reports. The added period of followup and analysis of deaths of nonrespondents as well as of respondents in the Dorn Study suggests that the earlier reports may have understated the relationship.

2. More information is now available for specific age groups than previously. A comparison of three ways of measuring the relationship indicates that cigarette smoking is most important among men aged 45 to 54 both in terms of mortality ratios and excess deaths expressed as a percentage of total deaths. Nevertheless, although both of these measures decline with advancing age, the increment added to the death rate, which reflects one's personal chances of being affected, continues to increase with age. For men between the ages of 35 and 59, the excess deaths among current cigarette smokers account for one out of every three deaths at these ages. For women, with their lower over-

all exposure to cigarettes, the comparable figure is about one death out of every 14 at ages 35 to 59.

3. Women who smoke cigarettes show significantly elevated death rates over those who have never smoked regularly. The magnitude of the relationship varies with several measures of dosage. By and large the same overall relationships between smoking and mortality are observed for women as had previously been reported for men, but at a lower level. Not only are the death rates for men who have never smoked regularly higher than those for women who have never smoked regularly, but the effect of smoking as measured either by difference in death rates or by mortality ratios is greater for men than for women. At least part of this can be accounted for by the lower exposure of female cigarette smokers whether measured by number of cigarettes, duration of smoking, or degree of inhalation.

4. Previous findings on the lower death rates among those who have discontinued cigarette smoking are confirmed and strengthened by the additional data reviewed. Kahn's analysis of ex-smokers in the U.S. veterans study—controlling for age at which they began smoking, amount smoked, and current age—reveals a downward trend in risk relative to those who continued to smoke as the duration of time discontinued increases. The British physician study, in which a downward trend is reported in lung cancer death rates for the entire group (smokers, ex-smokers, and those who never smoked, combined) along with a very sharp reduction in cigarette smoking by the physicians, is the best available example of a controlled cessation experiment with reduction of risks resulting from reduction of smoking. The findings of this report support the view that epidemiological data showing lower death rates among former smokers than among continuing smokers cannot be dismissed as due to selective bias and that the benefits of giving up smoking have probably been understated.

5. Cigarette smokers have higher rates of disability than nonsmokers, whether measured by days lost from work among the employed population, by days spent ill in bed, or by the most general measure—days of "restricted activity" due to illness or injury. Data from the National Health Survey provide a base for estimating that in 1 year in the United States an additional 77 million man-days were lost from work, an additional 88 million man-days were spent ill in bed, and an additional 306 million man-days of restricted activity were experienced because cigarette smokers have higher disability rates than nonsmokers. For men age 45 to 64, 28 percent of the disability days experienced represent the excess associated with cigarette smoking.

SMOKING AND CARDIOVASCULAR DISEASES *Conclusions of the Surgeon General's 1964 Report*

Male cigarette smokers have a higher death rate from coronary artery disease than nonsmoking males, but it is not clear that the association has causal significance.

Current Information, 1967

Important additional epidemiological information from five prospective mortality studies confirms that cigarette smokers have substantially higher death rates from coronary heart disease than do nonsmokers. This is true for both men and women although the relationships are less marked in women. Cigarette smoking also markedly increases an individual's susceptibility to earlier death from coronary disease. In general, mortality rates increase with increasing amounts smoked.

Cessation of cigarette smoking is followed by a reduction in the risk of coronary heart disease mortality relative to those who continued to smoke. Epidemiological evidence

indicates that there is little risk of coronary heart disease associated with cigar and/or pipe smoking.

The Surgeon General's 1964 Report indicated a median mortality ratio of 1.7 for current cigarette smokers, with a range from 1.5 to 2.0. Additional evidence from the Hammond study indicates that young smokers between the ages of 45 and 54 have the highest mortality ratios—three times as great for men, and twice as great for women if they smoke 10 or more cigarettes per day, as compared with nonsmokers. In general, the mortality ratio shows the most marked increases with increasing amount smoked for the ages under 65. While the cigarette smokers older than 65 have lower mortality ratios than those under 65, the public health significance of the relationship in the older population is substantial because of the large numbers of people over 65 who die of coronary heart disease. Studies of U.S. veterans, Canadian pensioners, British physicians, and California longshoremen also provide extensive additional information about coronary heart disease in male cigarette smokers as compared to nonsmokers, supporting the above statements as they pertain to men.

The study of British physicians suggests that male cigarette smokers have the largest increase in risk for death certified to coronary thrombosis—a subcategory of coronary heart disease describing acute coronary events, frequently occlusive, causing myocardial infarction. For that subcategory, the mortality ratio is also largest for the younger age groups 35–54.

Prospective morbidity studies confirm the relationships between cigarette smoking and coronary heart disease. These studies also provide the opportunity to evaluate the effect of smoking independently and in combination with other known "risk factors," such as high blood pressure and high serum cholesterol that are also important in the pathogenesis of coronary heart disease. It has been demonstrated that cigarette smoking not only operates as an independent "risk factor" but that it may combine with other "risk factors" to produce even greater effects on cardiovascular health.

Other types of evidence have also been presented to confirm the epidemiological evidence. Autopsy studies show that cigarette smokers have a much greater frequency of advanced coronary arteriosclerosis than do nonsmokers. Clinical and experimental studies demonstrate that smoking produces abnormalities of cardiovascular physiology that may help to explain the mechanisms of how smoking may produce earlier death from coronary heart disease.

Human and experimental studies indicate that the nicotine absorbed from smoking may cause an increase in the myocardial tissue demand for oxygen yet at the same time the carbon monoxide absorbed from smoking may cause a decrease in the supply of available oxygen from the blood necessary to meet the increased myocardial tissue demand. Studies indicate that some persons who already have preexisting coronary heart disease, not necessarily clinically obvious, may be especially susceptible to the adverse physiological effects of smoking. Evidence also indicates that important differences may exist between normal individuals and those with coronary heart disease in their ability to increase coronary blood flow to compensate for increased myocardial tissue oxygen demand. Smoking apparently can accelerate thrombus formation of human blood, suggesting another possible mechanism whereby smoking might increase the mortality from coronary heart disease, especially those acute coronary events certified as "coronary thrombosis."

The convergence of many types of evidence—epidemiological, experimental, pathological, and clinical—strongly suggests that cigarette smoking can cause death from coronary heart disease. These biomechanisms may help to explain why cigarette smokers

have such an increased risk of developing coronary heart disease and of dying from it.

An increasing amount of evidence has been accumulated in the past few years relating the development of clinical cerebrovascular disease to cigarette smoking. Most of this information has come from mortality studies, both retrospective and prospective, which show that both male and female smokers of cigarettes under the age of 75, as compared to nonsmokers, have higher death rates from cerebrovascular disease designated as the underlying cause of death on their death certificates. This may be especially true for younger cigarette smokers age 45–54 where males had death rates about 50 percent higher than nonsmoking males, and females had death rates about 100 percent higher than nonsmoking females. Under age 75, mortality ratios for stroke increase as the number of cigarettes smoked increases. No association has been shown for those aged 75 and over.

The new epidemiological evidence, then, indicates that cigarette smoking may be more closely associated with cerebrovascular disease than previously indicated in the population between the ages of 45 and 74 years. If cerebrovascular thrombosis (thrombotic brain infarction) accounts for this association, it is possible that some of the considerations of how cigarette smoking may produce coronary thrombosis also apply to the pathogenesis of cerebrovascular disease. Further research is essential to understand the relationships which exist between cigarette smoking and cerebrovascular disease.

Additional epidemiological evidence from prospective mortality studies provides confirmation that cigarette smoking is associated with increased death rates from aortic aneurysm (nonsyphilitic), for both men and women. In one study of male smokers an increase in death rates was noted with increases in amount smoked.

Highlights of current information

1. Additional evidence not only confirms the fact that cigarette smokers have increased death rates from coronary heart disease, but also suggests how these deaths may be caused by cigarette smoking. There is an increasing convergence of many types of evidence concerning cigarette smoking and coronary heart disease which strongly suggests that cigarette smoking can cause death from coronary heart disease.

2. Cigarette smoking males have a higher coronary heart disease death rate than nonsmoking males. This death rate may, on the average, be 70 percent greater, and, in some, even 200 percent greater or more in the presence of other known "risk factors" for coronary heart disease. Female cigarette smokers also have higher coronary heart disease death rates than do nonsmoking females, although not as high as that for males. In general, the death rates from this disease increase with amounts smoked. Cessation of cigarette smoking is followed by a reduction in the risk of dying from coronary heart disease when compared with the risk incurred by those who continue to smoke.

3. A greater frequency of advanced coronary arteriosclerosis is noted in male cigarette smokers, especially in those who smoke heavily.

4. Additional evidence strengthens the association between cigarette smoking and cerebrovascular disease, and suggests that some of the pathogenetic considerations pertinent to coronary heart disease may also apply to cerebrovascular disease.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, 1968

Mr. BYRD of West Virginia. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 479, H.R. 10738.

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

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 10738) making appropriations for the Department of Defense for the fiscal year ending June 30, 1968, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from West Virginia.

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

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

OUR SHORT-SIGHTED DEFENSE POLICY

Mr. MUNDT. Mr. President, as this, the largest single appropriations bill ever proposed, I think it only right that we point out to the American public that it does not by any means provide the ultimate defense for the United States. After deducting the direct costs for the support of our forces in Southeast Asia, \$50 billion remain for the many other necessary defense activities. When you compare the state of readiness of our principal adversary, the Soviet Union, and the investment that communism is making in further escalation of its military base, there is still cause for alarm.

STRATEGIC FORCES

It is very disquieting to me to observe how woefully deficient our strategic forces are. These are the bastions of deterrence which provided an unmatched degree of security all through the early cold war years in support of the Dulles containment policy. According to a report just released by the House Armed Services Committee, entitled "The Changing Strategic Military Balance," the Soviet Union expends \$14.5 billion on strategic forces. This compares to slightly over \$8 billion in this appropriation, or almost twice as much. The funds available in this bill for strategic forces represent a little more than 10 percent of the total. All through the 1950's the comparable percentage was 25 percent.

Under the principle of the present cost-effective programs directed by Secretary McNamara, our deployments are limited to no more than the visible threat. Aside from the fact that this is an unwarranted risk because we can never be sure that all the cards are visible until they are on the table, I cannot understand why he has not seen fit to match the obvious Soviet increases in armaments. On the contrary, the President's budget, as submitted, schedules further reductions in our strategic forces. But for increases in this bill,

added by the committee, 45 additional B-52 bombers would be slated for retirement. This at a time when the Soviets have continued the force level of their long range bombers at twice that of our own. It should be remembered, too, that many of our B-52 bombers have been reassigned to tactical missions in Southeast Asia—where, incidentally, they have performed magnificently.

REPLACEMENT BOMBER AGAIN POSTPONED

Nor has Secretary McNamara shown any inclination to get on with plans for replacement of these aircraft. The appropriation request instead reflected another year of postponement, even though Air Force witnesses testified that the advanced manned strategic aircraft was ready for engineering development. The witnesses also admitted that the increase of \$11.8 million which Congress appropriated last year for this plane over and above the fiscal year 1967 request, to spur the project on at higher priority, still remains impounded by the Office of the Secretary of Defense. The situation is at the critical point because the B-52 and B-58 bombers will be worn out and beyond repair by 1975. The long leadtime between initial engineering development and ultimate deployment may have already left us without a bomber for a year or two in the mid-1970's.

This bill restores the \$25 million requested by the Air Force but refused by the Secretary of Defense. These additional funds will regain for us 1 year in leadtime.

The Secretary contends that the usefulness of the bomber is marginal compared to the effectiveness of the Minuteman and Polaris missiles. I question this because it leaves us with too much reliance in an area of weaponry that still has to be fully proven. As was pointed out in a front page story in the New York Times on July 28, 1967, our Minuteman II, which fulfills a major role in our strategic deterrence, will be inoperable for many months to come, and this, mind you, was not discovered until long after they had been deployed. He has frozen deployment of the Titan missile, the only land-based missile ever really field tested, at 54. I am uneasy about stopping production on this, our only heavy-payload wonder bird.

NIKE-X

The Senate is well acquainted with the history of the Nike-X antimissile system. We have had this marvel ready to go for 3 years. Yet the Secretary has put off production year after year on grounds that it would be an unwarranted provocation which would surely prompt the Soviets to install its own antimissile defense system. But the Soviets, unhappily have not heeded his counsel. Rather expectedly, they have said they prefer to develop their own defense policy there in Moscow rather than to take direction from Washington. Typically, the Secretary refuses to accept the misjudgment, preferring to run the full gamut in what to me is the forlorn hope that we can somehow talk the Russians into tearing down what to them must be an extraordinarily expensive defense investment.

After 14 years of disarmament negotiations we have not once succeeded in persuading the Soviets to scrap a single weapon, not even one little popgun, let alone anything as exotic as a missile defense system. Your committee strongly feels that the time has come when further dalliance may leave us critically vulnerable.

There is now an entirely new threat on the horizon. According to a report released by the Joint Atomic Energy Committee on August 3, 1967, based on testimony provided by the CIA, the Department of Defense and the Atomic Energy Commission, Red China can be expected to have a limited arsenal of missile-launched thermonuclear weapons as early as 1970. Due to the leadtime factor, if we start today there is no certainty that we will be prepared to defend against the peril of a Chinese missile attack by 1970. And there can be no question that Red China is the most belligerent potential adversary this Nation has ever faced.

Because your committee feels that it is imperative that there be no further delay, we have authorized additional funds which, together with funds still available from earlier years, will provide a total just short of a billion dollars to help meet this dire contingency. Clearly, the responsibility for any further delay rests squarely on the executive branch.

PRODUCTION OF POLARIS SUBMARINES TO END

As to our fleet launched Polaris missile, we were told that with three units this year and with three more the next production will be halted. Later, when Navy witnesses appeared before the committee they admitted that this was inadequate in light of current estimates of the force required for the 1970's.

I should like to emphasize this point by quoting from a special hearing which was held on the House side. In response to a request for his personal opinion, Admiral Martel had this to say:

Clearly the limit that has been placed on the SSN building program by the Secretary of Defense has been placed there in anticipation that studies or other information will suggest that we have enough. He has repeatedly said that he will continue to re-examine. In my view, if you are asking my personal opinion, this is entirely inadequate; the submarine program cannot be turned on and off like a spigot of water. These are skills of very great technological capacity that you simply cannot lose. (House Appropriations Defense Subcommittee Hearings, fiscal year 1968, pt. 4, p. 9.)

In other words, the Secretary will wait until he has another one of these predetermined cost-effective studies to justify the decision that we need no more Polaris submarines. It is simply inconceivable that we should be halting production of these submarines and losing the industrial base which, on the testimony of the Admiral, cannot be reconstituted except at great expense when the Soviet submarine fleet numbers 400 and is still growing. Further, due to the necessity to drydock our Polaris boats for overhaul and retrofit, at any given time we will have only 22 on station—"The Changing Strategic Military Balance," page 79. This low number, of course, greatly simplifies the antisubmarine mission of Soviet forces.

NUCLEAR POWER VERSUS CONVENTIONAL POWER

In another important area, I am bewildered by the Secretary's persistence in proposing new surface craft with conventional power when the weight of evidence so compellingly favors nuclear propulsion. In just 10 years, and this of course is only part of the life span, reduced maintenance and operation economy greatly offset the initially higher cost. Moreover, nuclear powered escort vessels are essential if optimum effectiveness is to be attained by the major vessels already nuclear powered. Much as sailboats handicapped the first steam-powered cruisers, so it is when diesel are mixed with nuclear vessels. But why do we perpetuate the disadvantage in our new procurements? Here again shortsighted cost criteria seem to have undermined sound judgment.

This bill provides \$134.8 million for a nuclear frigate instead of the two turbine powered destroyers requested. The appropriations bill of last year was similarly blunt on this point.

The Secretary of the Navy warned Congress against eliminating the conventionally powered destroyers, saying, and I quote directly from his statement:

The loss of the two DDG's in the FY 1968 program, added to the elimination of the two DDG's in FY 1967, could seriously degrade our ability to meet the likely threat. (House Appropriations Defense Subcommittee Hearings, fiscal year 1968, p. 6, p. 32.)

This contention was persuasively contradicted by Admiral Rickover when he testified before Congress this year. He pointed out that the nuclear powered frigate has twice the anti-air and anti-submarine warfare capability compared to the conventional destroyer. Certainly they cost more, but they last longer and they accomplish more. Besides, Congress has appropriated the money for more than the equivalent coverage. It is not we who are holding back, but the Office of the Secretary of Defense which has yet to release the money appropriated last year for the additional nuclear frigate.

It boils down to this: conventional ships will always be cheaper by one-third compared to nuclear on an initial cost basis. But the much superior firepower, the ability to stay on station and protect the nuclear carrier, the much higher cruise speed and hence greater response and chase capability, all these far outweigh the shortsighted criteria that current Defense management persists in erecting at the expense of equipping our fleet with the best.

As the senior Senator from Iowa has pointed out before, the aircraft on our carriers today cost 25 times as much as the ones we were using in World War II, but who would think of proposing that the number of aircraft deployed on carriers be reduced from 100 to four so as to stay within the old cost unit limit.

The junior Senator from California has pointed out how useful it is to look at things in historical perspective. It happens that a similar circumstance arose when Sir Winston Churchill was First Sea Lord shortly before the start of World War I. In 1908, the Admiralty had started building the first oil-burning de-

stroyers, but as Sir Winston is quoted as saying:

Shocked at the expense (the Admiralty had) reverted for two years to 27-knot coal-burning flotillas. I was too late to stop the last bevy of these inferior vessels, but I gave directions to design the new flotilla to realize 35-knot speed without giving up anything in gunpower, torpedos, or seaworthiness. I proposed to the board that if money ran short, we would take 16 of these rather than 20 of the others. Building slow destroyers! One might as well breed slow race horses.

In this bill, we reject slow destroyers in favor of much faster frigates.

ANTISUBMARINE WARFARE

The Secretary's continued disregard of the great threat that Soviet, and possibly now Red Chinese, submarine fleets may pose to the future security of the Nation, is also cause for grave concern.

During the hearings on this appropriation, the Director of Antisubmarine Warfare testified:

We simply do not have the forces today that the United States supported previously. (House Appropriations Defense Subcommittee Hearings, fiscal year 1968, pt. 6, p. 16.)

How Department of Defense management can ignore the lessons we are learning at this very hour is beyond me. It is a matter of record that 98 percent of all the supplies and war materiel dispatched to Vietnam to equip and support our forces has been shipped by sea. It is also clear that should our adversaries undertake to intercept these sealanes, we would be in trouble in a hurry. During World War II, 87 percent of the enemies' submarines was destroyed before we had the situation under control. It would be necessary to destroy many times the total of the German and Japanese submarine fleets to establish equivalent control over the combined fleets of the Communist forces in event of war today.

The Soviet Union is way ahead of us in dead reckoning. That is why Marshal Zhukov told the Communist Party in 1956:

In a future war, the struggle at sea will be of even greater importance than it was in the land war.

When Khrushchev came over here in 1959, he told President Eisenhower the same thing. He said:

We have five cruisers under construction, one of them more than half done. I've stopped them . . . We're going in for submarines, subsurface, and their . . . supporting destroyers.

President Eisenhower added that this was later confirmed by CIA—as related by President Eisenhower on ABC "Issues and Answers," Sunday, July 30, 1967.

And we are told, "We do not have the forces today that the United States supported previously."

In the face of this threat, the Office of the Secretary of Defense reduced the budget application for Navy antisubmarine warfare by \$50 million, thereby cutting 11 priority research programs. One of these, the carrier-borne antisubmarine aircraft designated VSX, would replace an aircraft design that has been flying since 1948. Mr. President, where would we have been if we had put a 1923 biplane into the Battle of Coral Sea in 1942?

In view of the deficiency in these programs in the budget request, the com-

mittee had no choice but to restore a substantial portion of the funds initially requested by the Navy. I urge Senators to support this increase. It is absolutely essential to our national defense.

NAVY PILOTS SHORTCHANGED

During the hearings this year, in a little-noted colloquy, Navy witnesses inadvertently illustrated the inept decision-making process that is more and more characteristic of the present management in our Department of Defense.

The appropriation in question concerned a request for some \$27.1 million for 90 Navy jet trainers. We are all aware that pilot losses are running high in engagements over North Vietnam due to the high concentration of Soviet anti-aircraft guns and Sam missiles which surround the limited targets our planes are permitted to hit. Consequently, the Navy has had to step up the pilot training program in order to replace those losses. One of the deficiencies left over from the McNamara cost reduction program is the lack of advanced trainers for the pilot training program. So about the first thing the admirals had to do was to turn out and buy some more aircraft. The one that looked best to them was the North American T-2B. It is a rugged, twin-engine jet that is made in Columbus, Ohio. But when they got their budget back, lo and behold, the Secretary had scratched out the T-2B and instead has substituted the Cessna A-37, which is the Air Force trainer. Now that is typical. Here we go again. I can visualize the Secretary looking the budget sheets over and thinking: "Aha, here is where we can make a real saving. Not only is the T-37 half as expensive, but also, we will get another oar in for commonality between the Air Force and the Navy."

Mr. CARLSON. Mr. President, will the Senator from South Dakota yield at that point?

Mr. MUNDT. I yield.

Mr. CARLSON. In view of the fact that the distinguished Senator from South Dakota mentioned Cessna aircraft, I think it is only proper that I should state that the Cessna Aircraft Co. made aviation history during the month of August. It made aviation history by producing more aircraft than any other company in the world—not just in the United States.

Thus, I do not want the Senator to get the impression, or the country to believe, that they are not a manufacturing concern of national and international reputation.

The company celebrated an aviation milestone with the delivery of its 75,000th airplane, which is a record, I think.

Clyde Cessna established his factory in Kansas 39 years ago at the time they were flying biplanes made of wood and wire. We are very proud of that factory in Kansas, and its many years of service to this country.

I do not want to get into any discussion of the point the Senator is making, but I do want the Record to show that Cessna is the largest producer of airplanes in this country. Of the total aircraft built, more than 63,000 have been for commercial use and nearly 12,000 for military use.

The following is an excerpt from Mr.

McNamara's fiscal year 1968 Department of Defense posture statement relative to acquisition of training aircraft for the Navy.

The increase in planned pilot production from 2,200 to 2,525 per year will require the procurement of additional training aircraft. Further analysis of our training requirements indicates that we can transfer some T-28 aircraft now being used for proficiency flying to the training mission, and that we can best meet our remaining fixed wing trainer requirements by procuring T-2B and T-37B twin jet two-seater aircraft for basic training, and TA-4 for instrument and combat readiness training.

The T-37B, the Air Force's basic trainer, can provide approximately equal performance in all basic training missions except carrier landing, and can be procured at about one third the cost of a T-2B. While the optimum mix of T-2B's and T-37B's is still being studied, it is clear that the T-37B's can be substituted in many of the basic training roles with no degradation of pilot performance. Accordingly, we have cancelled the previously planned procurement of seventy-two T-28C's in FY 1966 and fifty-eight in FY 1967 and instead we now propose to procure thirty-six T-2B's and ninety-four TA-4's in FY 1967, and ninety T-37B's in FY 1968.

Mr. President, I wish to add my own view on the Navy training program and the use of the Air Force developed T-37 aircraft.

First. The Navy flight syllabus for basic and advanced training provides for one carrier solo landing per student prior to graduating as a naval aviator.

Second. Utilization of the Air Force developed T-37 in a similar basic flight training program offers the Navy a substantial cost reduction in pilot training when compared with their present forecast program cost.

Third. Detailed aircraft acquisition and operational cost studies through the year 1975 have determined that naval air training command student training cost could be reduced substantially in excess of 100 million dollars by procurement of the T-37B in fiscal year 1968, in accordance with Mr. McNamara's fiscal year 1968 posture statement.

Mr. MUNDT. I am very glad that the distinguished Senator brought out the point in tribute to the Cessna Aircraft Co. It is located in the Midwest, and all of us in the Midwest are definitely proud of Cessna.

Not only is it a great producer of military airplanes but it is also a great producer of civilian airplanes which all of us from time to time have had the privilege of flying in.

Unhappily, the difficulty is not with Cessna. It is from the standpoint of the Secretary of Defense trying to get certain kinds of Cessna airplanes to do something for which they were not originally designed. This is an age of specialization, as I will point out to the Senator.

The admirals admitted when they came up here to defend the budget, Mr. McNamara overlooked something very important. The T-37 which they are being asked to take cannot even land on a carrier—not through any fault of Cessna, but because they wanted it to do an altogether different job—a job which it does exceedingly well, but cannot be used to train a naval pilot to land on a carrier. The T-37 is strictly a pri-

mary trainer, not even suitable for the precarrier field training where the pilot learns the carrier approach technique.

I sympathize with these poor fellows that must come up here and defend this kind of folly. Under the orders which the Secretary has put out they are not allowed to argue anything contrary to the official line. But these admirals, try as they might, just could not avoid the truth. I would now like to read into the RECORD a portion of this perfectly amazing testimony. The colloquy involved Congressman GLENARD P. LIPSCOMB, who is ranking minority member on the House Appropriations Defense Subcommittee; Admiral CONNOLLY, Deputy Chief of Naval Operations; and Admiral Grimm, Navy Director of Budget:

Mr. LIPSCOMB. I don't understand why you are in here for 90 T-37's when you say you can get along with 30 of the T-2B's.

Admiral CONNOLLY. The reason is that we will not use the T-37's for the job that the T-2B's do. The T-37's will not go aboard the carrier. They can't. They are not built to do it. They will really turn out to be a replacement for the T-2A.

It is complicated, I agree.

Mr. LIPSCOMB. I don't know why the T-37B request is before us, then.

Admiral CONNOLLY. We didn't request it, you see.

Mr. LIPSCOMB. You buy your equipment to fill the specific mission which you have do you not?

Admiral CONNOLLY. In accordance with our judgment, yes.

Mr. LIPSCOMB. But OSD (Office of the Secretary of Defense) feels you have a mission for these T-37B's and evidently the Navy does not. I do not understand that.

Admiral GRIMM. If I may put this in context, the Navy asked for 90 T-2B's at \$60.2 million plus some advance procurement.

These have a dual purpose in training. We can use them for primary training or somewhat advanced training.

OSD gave us 90 T-37B's at \$27.1 million which can be used by the Navy for the sole purpose of primary training; however, by buying fewer T-2B's we feel we can get a double effectiveness out of them and still make up somewhat for the difference in the single purpose of the T-37.

Mr. LIPSCOMB. The explanation is clear. I just do not understand the reasoning used in the OSD in this operation.

Admiral GRIMM. This is all associated with pilot training and the need for planes. I think the OSD thinking was that we could get 90 T-37's cheaper than 90 T-2B's to help us with our pilot training rate as an initial start.

Now to my way of thinking, the Navy has beaten Secretary McNamara's logic. They have picked the airplane which can stand the rigors of deck landing without coming apart, and at the same time, they would get an airplane that can also perform as a primary trainer. Now, that is what I call cost-effectiveness. Now the committees in both Houses have gone along with the Navy's tactics by appropriating the money for the unusable T-37, hoping that somehow the Secretary can be later persuaded to change his mind. I think the American public is entitled to better defense management. Certainly our fighting men are entitled to the very best training before they go out to do battle for us. What is the sense in scrimping on training if it leaves our men less prepared to use their weapons effectively? But there is a curious obstinacy in our present Defense management which just will not allow for re-

consideration. Every decision is set in concrete. That, my fellow Senators, is a "penny wise and pound foolish" approach.

F-111 FAILURES

After 4½ years of development, the administration this year proposed initial production of the Air Force and Navy versions of the controversial F-111 advanced fighter, which many Senators, and most members of the public, and those who read the CONGRESSIONAL RECORD, will recall was the TFX, on which the Senate Permanent Investigations Subcommittee held many hearings.

While many of us here in Congress may have questioned the award of the contract to General Dynamics in the first place, because the Boeing design had been bid at a lower price and was rated operationally superior by the Source Selection Panel, no one could have anticipated the series of calamitous failures which have befallen this aircraft throughout the development phase.

After reviewing the many technical problems still to be resolved in the Navy F-111B fighter, the Appropriations Committee determined that it would be imprudent to appropriate funds for initial production aircraft and advance buys of leadtime items for follow-on procurement. In my opinion, Congress is being overly generous in appropriating funds for these six aircraft for further research and development.

Never before in the history of this Republic has it been necessary to build 45 aircraft just for research and development. And that is exactly what McNamara's billion dollar saving program is costing us.

Originally, the TFX was told to us on the theory that combining Air Force and Navy needs in one aircraft would halve the development costs. At this point, R. & D. costs have tripled and the Navy plane is still not safe to fly. Even if the engine inlet and lateral instability problems are corrected, the fact remains that the aircraft will never meet minimum flight performance requirements. That is because, like the ill-fated McDonnell Demon of 15 years ago, weight has grown beyond engine performance.

The numbers in the F-111 program are so large, that we often forget just how much one airplane costs. Let me give some examples, just to bring this thing into focus:

The average price paid for a classroom in elementary and secondary schools last year, including land, equipment, and all construction, was \$54,000. In other words, each F-111B airplane costs more than 185 new classrooms for grammar schools or high schools.

The entire budget for the U.S. Supreme Court for this year is less than \$2.8 million—about enough to buy the wing off of one Navy plane.

The General Services Administration is going to buy 1,800 passenger sedans next year for the Government. They are going to pay a total of \$2.8 million for all 1,800 cars—this would probably be enough to buy the tail section of the same one Navy TFX.

On August 17, the House Civil Service Committee voted to increase airmail postage from 8 cents to 10 cents—a move which will irk everyone. The Post Office

says this will bring in an additional \$56.3 million—so this irritating 25 percent raise in airmail postage will not even pay for six of these planes—and we propose to buy hundreds of them if the Secretary of Defense continues to have his way.

The point is, gentlemen, that we are being penny wise and pound foolish. We concern ourselves deeply in things which, on a comparative basis, really are not important. But when it comes to a multi-billion-dollar item—the TFX, renamed the F-111 series—we are expected to just go along with signing the blank check the Pentagon presents to us.

There is one other point I would like to make. I do not think our Air Force should be sending the F-111 to Vietnam until all the technical difficulties are resolved. This possibility was widely publicized in an article which appeared in the Washington Post on Friday, July 14, 1967, the day of our hearings on the plane. The article stated that the Pentagon was giving consideration to a secret project named "Harvest Reaper" which would send six F-111A's to Southeast Asia for bombing strikes against North Vietnam.

I addressed some questions on this point to the admirals during our hearings. This is all in the open record, though it took insistence on my part before it was declassified. I asked the witnesses if it were not premature to be sending the F-111 to Vietnam, since it is so handicapped with defects that it cannot engage in air-to-air combat. It does not make sense to send it over Vietnam to be shot down. The Russians could retrieve the pieces and gain the benefit of billions of dollars in U.S. research. They could learn vital secrets and acquire know-how with which to prepare their future aircraft and ground defenses.

After the hearings, just 10 days ago, it was divulged by the New York Times that the plane shakes so much when only half-loaded with bombs that the pilot cannot read his flight instruments.

The Pentagon has neither confirmed nor denied that the Air Force will be sending the F-111 to Vietnam. Therefore, I am uneasy that there may be truth to these stories. We could obtain no denials during the hearings.

There is no question that field deployment should be postponed until the airplane can be brought up to acceptable performance. Otherwise, it will be the Russians who "reap the harvest," not America, in their project so intriguingly called "Harvest Reaper."

IMPRUDENT DELAY IN PRODUCTION OF F-12 INTERCEPTOR

The Senate will recall that last year we appropriated \$55 million in additional funds over the request to maintain the F-12 production line. This aircraft is still the most fantastic performing aircraft ever built, even though it was first flown as far back as 1963. The Secretary announced a few months ago that he had finally decided to order a couple of squadrons of these interceptors to protect the continental United States from the threat of Soviet bombers. In light of the improvements evidenced by the new bomber-borne, air-to-surface missiles shown at the Domodedovo airshow in

Russia last month it is none too soon. Here, again, however, the Secretary's delays will cost America dearly. According to the witnesses who testified on the status of the aircraft, because the Secretary had not released the funds we appropriated last year, the production line has been closed down. Not only will it require much longer to rebuild the capability, delaying initial deployment, but now it develops that it will cost \$100 to \$150 million more than if he had heeded the intent of Congress. If that is cost-effectiveness, there is indeed a credibility gap.

THE WAR IN VIETNAM

In conclusion, I should like to make a few observations concerning the war in Vietnam. After all, the largest portion of the funding provided by this bill will go to support our forces in the war to stop Communist aggression in Southeast Asia.

In my view, withdrawing from Vietnam in this late stage—in the fifth year of the war—and subjecting ourselves to the first military defeat in America's history would jeopardize world peace for the rest of our lives. It would also shoot us out of the saddle of world leadership at a time when no other country in the free world is able and equipped to assume this unwanted role. It would mean that we would be giving away the freedom of millions of people in what was formerly Indochina, since Ho Chi Minh has made it abundantly clear that he intends to communize all of the lands formerly under French colonial control. It would mean the early loss of Cambodia and Laos to the Communists and the immediate tragedy of Communist conquest of Thailand, which is supplying troops for our side of the fighting and has made this entire area available for American airbases and American logistic support in this war. It would remove from China, at the very time she is developing techniques to use the high nuclear bomb she is now stockpiling, any threat of resistance or attack in the Southeast. Additionally, it is my belief that witnessing the great United States suffering defeat from the north half of a divided nonindustrialized small country like Vietnam would cause neutral and uncommitted countries around the world to move into the Communist camp since little fellows seldom select the protection of big fellows who are losers.

All of us are, of course, discouraged and distressed by the way the war is being fought in Vietnam. It is indeed a heavy price for our fellow junior citizens to pay in trying to put back together conditions which will move in the direction of a permanent peace instead of setting the stage for early and new Communist military aggression.

I think that the President has handled his war responsibilities very badly through injecting too many political restraints on our very able military leaders and manpower in Vietnam. I think our diplomatic tactics have tended to convince Ho Chi Minh that we are so badly hurting in this war that we are willing to accept almost any type of negotiation and that from this misconception Ho Chi Minh and his advisers conclude that at some given point we are likely to quit our effort, admit defeat, head for home,

and let the future of the Far East be determined by the Communists.

Most of all, however, I resent and deplore the President's trade policy, whereby he encourages the shipment of American supplies to Russia and its satellites at a time when, without her military aid to Ho Chi Minh, I am completely convinced this war would have long ago been over. I believe that if Russian aid of North Vietnam would stop today, Ho Chi Minh would be compelled to come to the negotiation table and the war would be over before Christmas of this year. I am completely convinced that every consumer item that we send the Russians, every piece of equipment, every tank of commercial chemicals, every machine tool, and every other item so desperately required by her civilian economy that she is willing to purchase it from the United States, has the immediate result of relieving manpower, machinery, equipment, and material from the fabricating of consumer goods to the manufacturing of the implements of war which Russia is increasingly sending not only to North Vietnam but to Cuba and Egypt, and to other areas of dissension as well. Since I want this war to end successfully as soon as possible, I must hold to the conviction that one good way to move in that direction is to take the steps required to shut off as much as possible of Russia's capacity to supply the Communists of North Vietnam with the fuel and the weapons which make it possible for the war to continue.

To make the best use of our total resources, therefore, we must restore consistency and firmness to the framework of national policy. Otherwise, we are going to lead our adversaries to further miscalculations, encouraging even more venturesome disruption in the international arena. It is also my conviction that the time has come to reexamine the controlling principles which influence our national defense. Cost-effectiveness, as presently applied, is turning into gross extravagance. We must remember no amount of cost reduction will be worth the price if the ultimate cost is the loss of a free United States.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "TFX Raid Planned on North Vietnam," written by George C. Wilson and published in the Washington Post of Friday, July 14, 1967. This is the article to which I alluded during the course of my prepared remarks.

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

TFX RAID PLANNED ON NORTH VIETNAM (By George C. Wilson)

The Pentagon has launched a secret project, code-named Harvest Reaper, which calls for sending six F-111A (TFX) supersonic jets on a lightning-fast bombing strike against North Vietnam.

The reason for tapping the expensive fighter-bomber for the mission is the precise navigation and bombing the swing-wing aircraft has shown in its flight testing.

This makes the plane by far the best available for pinpoint bombing of some top-priority targets in North Vietnam, according to Pentagon sources.

The F-111A is said to outdo any other U.S. aircraft when it comes to finding the target

at night and zooming in under air defense radar to hit it.

Gen. John P. McConnell, Air Force Chief of Staff, has flown the F-111A himself and is reported enthusiastic about the plane's ability to find its own way using a system of electronic devices and computers.

Harvest Reaper, if the mission goes ahead as planned most likely would be flown at night to minimize shot down.

The mission has been a well-kept secret. But the Air Force plans to announce soon that the first F-111A crews will start receiving combat training at Nellis Air Force Base, near Las Vegas.

The F-111A will not be ready for combat until sometime next year. The character of the Vietnam war may change in the meantime to the point that Harvest Reaper will not be flown.

But the fact that Pentagon leaders have given the project the go-ahead is in itself an expression of their confidence in the effectiveness of the controversial F-111A.

Putting the plane into combat entails heavy risks as well as gains.

If an F-111A is shot down, the Russians stand to capture its highly secret electronic equipment. This would be invaluable in deciding how to design their own future aircraft and ground defenses, which someday might be pitted against the F-111A.

The political risk is also great. Such critics of the F-111 program as Sen. John L. McClellan (D-Ark.) could attack the Harvest Reaper mission as the Pentagon's attempt to clear the name of the aircraft.

The Air Force and its civilian superiors have decided—for the moment anyhow—that the potential gains outweigh the risks. So Harvest Reaper is going ahead full speed.

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

Mr. MUNDT. I yield.

Mr. CARLSON. Mr. President, I commend the distinguished senior Senator from South Dakota for his very excellent analysis of some of the defense policies of the present administration.

The distinguished Senator from South Dakota is one of the outstanding members of the Appropriations Committee. He has devoted much time and study to the problems of our defense, the cost of our war, and the policies that we have adopted in this war.

I feel that the Senate and the Nation should express sincere thanks to the Senator for the very fine effort he has put forth in his most excellent statement.

During the past few weeks I have received a number of letters with reference to a certain newspaper clipping.

I have here the article to which I have reference. It is entitled "Bombs Dumped Harmlessly at Sea for Record," says ex-Navy Airman and was published in the Wichita Eagle on August 16.

Mr. President, I shall not read the article. It is an Associated Press story out of Midland, Mich.

I read two paragraphs:

A former Navy pilot says he and his squadron mates dropped their bombs in the seas off North Vietnam on "useless missions" pressed by commanders trying to amass combat records.

"About a third of our ordnance was dumped in the water, and that's a conservative estimate," said Alex Waier, 32, assistant analyst at Dow Chemical Co.

Waier was an A-1 Skyraider pilot till his discharge in February, flying with the 52nd Attack Squadron from the deck of the carrier Ticonderoga.

Mr. President, I ask unanimous con-

sent that the article to which I have referred be printed at this point in the RECORD.

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

BOMBS DUMPED HARMLESSLY AT SEA FOR RECORD, SAYS EX-NAVY AIRMAN

MIDLAND, Mich.—A former Navy pilot says he and his squadron mates dropped their bombs in the seas off North Vietnam on "useless missions" pressed by commanders trying to amass combat records.

"About a third of our ordnance was dumped in the water, and that's a conservative estimate," said Alex Waier, 32, assistant analyst at Dow Chemical Co.

Waier was an A-1 Skyraider pilot till his discharge in February, flying with the 52nd Attack Squadron from the deck of the carrier Ticonderoga.

A nine-year Navy veteran, Waier charged that lives and planes are being lost because of a premium placed on intraservice rivalry.

"The one that gripes the pilots most is when we were told to beat the other carriers' records on numbers of sorties," he said. "It was common knowledge all the time I was aboard. One time our squadron commander actually got us in the wardroom and told us point blank, 'We're out to beat the record of the Enterprise.'"

Waier said pilots responded to this pressure by expending huge amounts of bombs and rockets on little more than Vietnamese scenery.

He added most of the pilots he knows are getting out of the service. Of the 25 men in his squadron, 21 had announced their intention to resign when Waier left the Ticonderoga.

"We weren't supposed to go on our hop without a minimum ceiling of 5,000 feet and five-mile visibility," he continued. "We knew the weather was bad. We even had weather planes up. But we launched aircraft anyway," he said.

"Then we would zip up and down the coast and unload, or dump them in the water. That way, the carrier would get credit for a sortie."

Waier charged that his own roommate on the Ticonderoga was shot down on one of these "meaningless" missions. He did not disclose the pilot's fate or identification.

Except for the Hanoi and Haiphong area, parts of which are bombing sanctuaries, there are bombing sanctuaries, there are few targets of value in North Vietnam, he claimed.

"A lot of pilots object to risking their necks to drop a \$2,000 bomb on a little bridge they put back together during the night," said Waier.

"There were times pilots would bomb the same railroad car 15 times during the month. Each time, the bomb assessment was 'target destroyed.'"

Waier said "cratering" a road was also counted as a successful mission because pilots had nothing else to bomb and couldn't return with live ordnance.

"This was even encouraged by the senior officers on the ship," he added. "They didn't like to hear you didn't drop them on anything."

"Flight after flight dropped bombs on targets that had been hit over and over again. And most of the squadron commanders didn't have the guts to speak out against it."

For debriefing purposes, he said, pilots would put down "suspected radar site" when pressed by knowing but agreeable intelligence officers.

These bombs usually struck nothing but the heavy green foliage of the Vietnamese countryside, Waier added.

Waier, who flew more than 100 missions over North Vietnam in the eight months he served in Vietnam, said commanders also almost totally ignored the "laydown," or rest-over every eighth day in their eagerness to compile sortie records.

"Junior officers don't get to talk to reporters," he said. "We had newsmen on board, but we were told not to tell newspapermen anything."

"If a reporter wanted to talk to a pilot, he was steered to the squadron executive officer, and maybe his wing man. And, of course, they could take disciplinary action against you if you did talk."

Waier said he "went to Vietnam as a hawk," but that "no pilot really thinks we're in Vietnam to save democracy for the South Vietnamese. Most think it's a staging area in case of war with Red China."

He added this lack of candor also embittered pilots. He said most pilots would feel the conflict more worthwhile if this were the stated objective.

"I'm not anti-Vietnam war, but I'm against the way it's being conducted. The troopers are doing a really fine job, and I'd go right back and fly missions to protect them. But the way we're doing it, is such a waste."

Mr. CARLSON. I ask the distinguished senior Senator from South Dakota if the committee has checked into this matter or received any information in connection with it.

Mr. MUNDT. Mr. President, I respond first by expressing my appreciation to the distinguished Senator from Kansas for his thoughtful and gracious and complimentary remarks.

I think all Senators recognize that the war in Vietnam, and the financing and supporting of it in an effort to bring it to as early as a successful conclusion, combine to make that subject the top business before us.

We have worked long and hard on the Appropriations Committee and on the Subcommittee on Defense, on which I serve as the third ranking Republican member, to try to make the taxpayers' dollar go as far as possible in meeting these objectives.

I know that the Senator from Kansas, who is interested in the financial problems of the Senate and of the country which tend to deal with raising taxes and spending money wisely and who has a great record of economy, has done his part to try to see that the funds required to get on with the successful conclusion of the war are given the highest priority.

I thank the Senator for his services with regard to the particular story from Midland, Mich. This is the first that I had heard that particular charge or allegation made by this returning Air Force officer. It would shock me if it were true.

I would have to say that until further evidence is available, I would be most reluctant to believe that this kind of waste of our ammunition had occurred in Vietnam. However, the longer I live around these parts, the less I cease to be surprised by the astonishing occurrences which take place.

The charge certainly should be investigated. Statements of that type, if left unchallenged, could have a very damaging impact on the morale of our fellow citizens.

The Associated Press covers virtually all of the daily newspapers in the country and undoubtedly has served its clients with that story.

Nobody knows how many tens of millions of citizens have been disturbed by it. It seems to me that it is incumbent on the Department of Defense and the Air

Force to make an investigation and check into the validity of these charges and then report in a public statement—which should be given the same kind of wide publicity—as to the validity or the falsity of the charge. And if it is true that the bombs were dropped in the sea, they should report on any conceivable justification which might convince our general reading public and general constituency that this kind of extravagant policy is not the standing operation procedure in Vietnam.

Mr. CARLSON. Mr. President, I, too, have great reluctance to believe this type of story. However, on the other hand, the story is from a man who served as a bomber pilot. The story is out of Michigan. It is an Associated Press story and is the type of story that destroys the confidence of the American people in our operation of the war.

Mr. MUNDT. That is the very serious problem that is involved.

Mr. CARLSON. Mr. President, I sincerely hope that we can get some definite assurance that this is not the standard or recommended practice that is being followed in an effort to build up the record of some commanding officer as to the number of bombs dropped on some flights.

Mr. President, I appreciate the response of the Senator.

Mr. MUNDT. Mr. President, this is the type of story which is not the figment of some newspaperman's imagination. It does not resort to quoting some unnamed official. The name of the Air Force officer is revealed in the course of the story. They know who he is. It would be a matter of simple investigation to discover the truth or falsity of the charge.

Knowing the distinguished chairman of the Subcommittee on Military Preparedness, I am convinced that if an answer to that story is not provided, the distinguished Senator from Mississippi [Mr. STENNIS] will look into the matter and provide an answer.

The public is entitled to know the facts. On the basis of the story it seems to me incomprehensible and incredible that this act did take place, but the public should be advised concerning the true facts.

Mr. SYMINGTON. Mr. President, I was impressed with the remarks of the distinguished senior Senator from South Dakota, who for many years has been active in appropriations for the military establishment.

The Senator brings up an important point; namely, how much the war in Vietnam controls the engineering research and development of our country, with relatively little attention therefore available for what is needed against any possible future aggressor that has a first-class military establishment.

If we are not careful, the time could come when such a power could give our country serious concern because of this concentration, now running, based on total cost, at some \$70 million a day.

It was not possible for me to be on the floor on Friday, when the distinguished chairman of the Military Preparedness Subcommittee, the distinguished Senator from Mississippi [Mr. STENNIS], presented this new appropriations bill. I re-

spectfully commend him for the fine work he did in preparing these figures; and also for the able and constructive work he is doing as chairman of the Military Preparedness Subcommittee of the Armed Services Committee.

I also join my colleagues in expressing regret that the distinguished senior Senator from Georgia [Mr. RUSSELL] was not here, especially since he has been so diligent in analyzing and then reporting, from both the Armed Services Committee and the Appropriations Committee, opinions which have had so much to do with the report made to the Senate in conjunction with this bill.

And I would commend my colleague, the distinguished junior Senator from Washington [Mr. JACKSON], on two points he brought up in his address Friday. The first had to do with the so-called antiballistic missile.

It is fair to say that no Senator has greater knowledge in this particular field than the Senator from Washington. In the 15 years he has been in the Senate, he has been a member of the Joint Atomic Energy Committee. Before that when he was in the House, he was a member of that same committee. He is a Chairman of the Military Applications Committee of the Joint Committee. This subject has been a primary interest of his for a good many years.

I would hope that the Senate would give full consideration to his thoughts with respect to the so-called ABM. They are contained on page 7 of this report now presented to the Senate.

Finally, Mr. President, I would hope that due consideration will be given to the Senator's thinking on one of the most important matters which faces our military status today—namely, the lack of the development of any new fighter, or fighter bomber in the United States today.

Last month, at Domodedovo, an airfield outside Moscow, the Soviet Union had its first military air show since 1961. At this show, it presented six new fighters, also major modifications of three additional ships currently flying.

The United States today does not have, even approved, in either the Air Force or the Navy, a single fighter or fighter bomber as the term is generally used. It does not even have agreed final blueprints on such a plane. Therefore, if by chance we ran into trouble, say in the early seventies with a first class military power, one that had a true air force, from the standpoint of the modern interpretation of what is a true air force, it would be necessary for the United States to defend with fighters and fighter bombers planes designed in the early fifties; whereas, a possible enemy would be using planes designed in the late sixties.

For those reasons, again let me say that I would hope full consideration be given by the Senate to the thoughts of the distinguished Senator from Washington.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DEFENSE APPROPRIATIONS BILL WOULD PERMIT CONSTRUCTION OF MINESWEEPERS IN FOREIGN YARDS

Mr. PROXMIER. Mr. President, last week I seriously considered the introduction of an amendment of the Defense Department appropriations bill which would prohibit the use of funds provided in the Defense appropriations bill for the construction of ocean minesweepers in foreign yards. The amendment would have been similar to a provision adopted on the floor of the House when the appropriations bill was being considered in that body. However, it would have been more limited. The House amendment prohibited the use of appropriated funds for the construction of any vessel in foreign shipyards. My proposal would, in effect, apply only to seven ocean minesweepers.

I would at this point like to discuss my amendment briefly, so that the Members of the Senate as well as my colleagues on the Appropriations Committee can get some idea of the reasons behind the amendment—why I hope there will be accommodation to the House position in conference, and why I think there certainly should be. In my estimation, this should also help the Senate conferees to evaluate the issue, which will arise in conference. I am not now calling the amendment up in the interest of expediting the work of the Senate on pending measure and in view of the commendable efforts of the Defense Subcommittee to take all points of view into account in reporting this massive bill.

The Senate Committee on Appropriations determined to delete the restrictive language approved on the House floor because, in the language of the committee report—

This provision would seriously impair our efforts to improve the balance of payments situation through the sale of military equipment to our allies.

The basis for this statement lies in a United States-United Kingdom agreement for arms procurement. Great Britain has agreed to purchase \$700 to \$750 million in F-111's in return for—and I now quote from a Defense Department letter—

(a) A target of \$325 million of DOD competitive procurement from UK sources and (b) a target of \$400 million for third country sales in connection with which the U.S. will stand aside and let the UK make the sale.

Leaving aside the question of whether, in the long haul, this will really improve our balance-of-payments position, it is important to note that the agreement with Great Britain does not obligate us to permit the British to bid on any specific items. On the contrary, section 6(a) states:

In consideration of the provisions of this Arrangement, DOD will search out potential DOD requirements which might be filled by procurement of UK equipment and will use its best efforts to procure defence equipment from the UK.

I might add that this is an unclassified portion of a classified document.

Thus, the entire agreement does not hinge on the willingness or unwillingness of Congress to permit the procurement of seven ocean minesweepers in Great Britain. In fact, Congress has already allowed the British to bid on nine of these minesweepers with money appropriated in past years' appropriations bills. This undoubtedly will help us to fulfill our pledge to procure military hardware from the United Kingdom. But should we permit the British to get the entire order? This is the basic question. I believe the answer is "No."

These are the reasons:

First. This particular ocean minesweeper has never been constructed before. The nine vessels provided for in the fiscal 1966 and 1967 Defense Appropriations bills, together with the seven ships covered in this year's bill, are first models. If we permit the United Kingdom to bid on all 16 of these vessels, we will surely be, in effect, committing ourselves to procure the model needs in total from the British; for the United Kingdom can substantially outbid our own shipyards. There is no doubt about that. As a consequence, a great deal of the skill and know-how that is essential in constructing these wooden vessels will be lost to our country. This loss could have serious consequences in the event that the British capability to construct the ship is impaired.

Second. Even more important, only two shipyards exist today in the United States with the capability of constructing wooden ships the size of the ocean minesweepers. As so many of my colleagues know, the shipbuilding industry in our country is not in robust health. These two yards are no exception. If the failure to utilize American skills in the construction of these ships results directly or indirectly in the closing down of these yards, we will have lost not only the skills needed in building this particular prototype but also the capacity to construct any wooden ships of comparable size.

Third. The Navy currently has underway a program of standardization which puts a premium on the construction of a single model in one shipyard and one shipyard only. The Navy feels that this results in greater efficiency, with demonstrated dollar savings, because of the interchangeability of parts, ease of repair, and so forth, when all specifications are uniform. Such uniformity can be obtained only through a single shipyard contract.

Consequently, the question can and should be raised as to the feasibility of permitting the British to bid on nine of the ships while only American yards can bid on the other seven. This overlooks, however, the use to which the vessels will be put. Certainly, they will be used in both the Atlantic and Pacific. What makes more sense than to standardize the ships by area of operation so that interchangeability exists within but not between the Atlantic and Pacific fleets? Certainly, such factors as interchangeability of parts of ships separated by the North American continent assume very minor importance, especially when con-

trasted with the value of maintaining the skills involved in our own shipyards.

Once again I want to make it clear that this amendment would have affected only seven ocean minesweepers. Nine of these ships can now be purchased in Britain in fulfillment of our contractual obligations to buy British under the F-111 procurement arrangement. This amendment would in no way have invalidated that arrangement. Its acceptance would have simply represented a congressional judgment that the Department of Defense has given the British a good enough crack at this particular procurement item and should now start to look elsewhere to fulfill our commitments to buy British.

I believe, therefore, that the defense requirements of this country with regard to this particular ship certainly should take precedence over either the balance-of-payments argument—which, as I say, is being met on this item, and met more generously than with other procurement items—or the relatively modest saving which can be effected by buying in a British yard or insisting on an interchangeability of parts.

Mr. President, I think the Defense argument is persuasive. We do not want to become dependent on another country and get away from production in this country.

Mr. SYMINGTON. Mr. President, I appreciate the able senior Senator from Wisconsin stating he would not bring up this amendment at this time. As usual, he is most persuasive in his presentation of this his case.

I, in turn, would present reasons why I would hope the Senate would not, in conference, sustain the position of the House.

After considerable debate the British Parliament approved aircraft purchases in the United States which will run over \$2 billion. About \$1.4 billion of United Kingdom orders have already been placed and these orders have committed follow-on purchases during the 12-year period of the agreement which will bring the total to about \$2.5 billion.

The United States agreed, after difficult bargaining by the United Kingdom for assured reciprocal procurement, to only allow competition by United Kingdom industry on items selected by the U.S. Government up to a total of \$325 million over the 12-year period that the United States would receive over \$2 billion in United Kingdom payments. In other words, we will be selling \$2.5 billion under this agreement, and will purchase not more than \$325 million.

Ocean minesweepers were selected by the U.S. Navy as appropriate for this competition and were approved by the Secretary of Defense. The United Kingdom has been informed of this selection. It has also been advised that competition would be delayed because the U.S. Navy wanted, for economic reasons, all 16 ships in a single competition, that is, nine approved in prior years and seven in the fiscal 1968 appropriation.

As of June 30, 1967, the United States has committed \$143 million of the \$325 million budget to be won by the United Kingdom through competition. Thus far

79 percent of this is in aerospace industry items, 17 percent shipbuilding industry, and 4 percent Army and miscellaneous equipment. The minesweepers will be included in future competition. There is no reason why the few minesweeper shipyards should be treated differently than the rest of U.S. industry and receive protection from competition thereby increasing the cost to the U.S. Navy.

Ocean minesweepers are not considered by the U.S. Navy as sensitive from a technology or a mobilization planning point of view. The technology involved is already in use by other U.S. shipbuilders. Experience of the last two mobilizations—World War II and Korea—reveals that dependence must be placed on introduction of many nonshipbuilders into the picture. In any event introduction of 16 ships will not constitute the development of a mobilization base.

Standardization is being assured by having all the basic equipment to be installed in the ships procured from U.S. manufacturers. About 30 percent of the ship will be supplied from the United States even if the United Kingdom wins the competition.

Therefore, with great respect I would recommend that the Congress not prohibit this competition from Great Britain on these minesweepers, since it is in our national interest to support an arrangement which will bring to the United States \$2.5 billion over the 12-year period of 1966-77 involving 4,180 contracts and subcontracts on the C-130 aircraft, 2,274 on the F-111 aircraft and 4,772 on the F-4 aircraft in 48 States of the Union.

I also do not believe Congress should prohibit competition on these seven minesweepers in the fiscal year 1968 appropriation bill because these items were specifically selected for competition by the U.S. Navy. They do not involve new technology to our shipyards, nor do they involve mobilization base problems.

More specifically, and in conformance to what we have been hearing on the floor of the Senate incident to the defense budget, it is the U.S. Navy's desire to secure these ships at the lowest competitive price.

Mr. PROXMIRE. Mr. President, will the Senate yield?

Mr. SYMINGTON. I yield.

Mr. PROXMIRE. Mr. President, it is always a matter of deep regret when I find myself in opposition to the distinguished Senator from Missouri, whom I admire, and who is an expert in this field and many other fields. He is brilliantly qualified in matters of defense and defense procurement.

It seems to me logical, if we have an item here that involves one particular kind of defense ocean minesweeper, and where we have already provided appropriations for nine of these minesweepers—and I understand it will cost about \$80 million to procure these from Great Britain—and it seems disproportionate and unfair to load such a proportion of this \$325 million, which we agreed on, to procure from Great Britain in the 12 years in this one area, especially when we would deprive shipyards in this country from developing the kind of know-

how that is essential. It would seem to me that it would be essential if we are going to produce them in the future that we have this know-how. I realize the point of view on the part of the Secretary of Defense.

Does not the Senator think it is logical that if we never build these ships, never develop the building know-how, never develop the know-how with respect to spare parts, or the experience connected therewith, it is going to be difficult in the future to develop them in this country?

Mr. SYMINGTON. Mr. President, first I thank the able Senator from Wisconsin for his kind but undeserved remarks. Inasmuch as I have the privilege of serving as a member of the Joint Economic Committee, of which he is chairman, I always hesitate to get into any questions that have a financial atmosphere, because on fiscal and monetary matters, in my judgment, there is no Member of this body more thoroughly versed in those subjects than my distinguished chairman from the great State of Wisconsin.

On the other hand, if I am to extend these brief remarks through replying to the able Senator's question, I would bring up the matter of balance of payments, because here for a change is a case where the United States obtains roughly between eight and 10 times more than it puts out.

After looking at it, I do not believe in any way that it involves any jeopardy to the military position of this country. It could be fairly stated that if this country has one ally on which it can depend in the future, that ally is Great Britain. That is especially true because of the financial arrangements the able Senator knows were created as a result of the Bretton Woods Conference, which in turn created the International Monetary Fund and made the British pound, along with the dollar, synonymous with the value of gold.

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

Mr. SYMINGTON. I would be happy to yield, having thanked the Senator for his kind remarks.

Mr. PROXMIRE. Mr. President, recognizing that this is a matter in which it has been agreed, that the balance of payments is benefited by this deal, and it is a proper arrangement; and we should enable the United Kingdom to sell to us \$325 million during 12 years.

I say it is disproportionate and unfair to require this one kind of ship, this ocean minesweeper, to bear 40 percent of the burden. The cost would be above \$140 million and the total 12-year procurement of all military goods from Great Britain is \$325 million.

In view of the logic of having seven minesweepers built in this country and having a component for the Pacific Ocean, which would more logically be built in this country, nine built in Great Britain for the Atlantic Ocean would seem a substantial contribution to the balance-of-payments deficit.

Mr. SYMINGTON. I sympathize with the able Senator's position but believe that the minesweepers were chosen with particular identification so we could purchase them under most competitive terms from a foreign country without affecting in any major fashion our own

defense structure or our own national security base. That being true, and the negotiations having now been completed and being so tremendously in favor of both the military position and the financial position of the United States although I would normally like to agree with my good friend from Wisconsin that this should be changed, I do not see how I could based on what I think are the best interests of the country.

After looking this matter over for a period of many weeks, it was based on the amendment offered on the floor of the House, was it not, and not in committee?

Mr. PROXMIRE. The Senator is correct; Representative BYRNES of Wisconsin succeeded in winning it.

Mr. SYMINGTON. Therefore, having looked it over, I cannot agree.

Mr. PROXMIRE. Let me make this observation. When we have 12 years in which to make a procurement where \$325 million is involved, it is unfair to insist that the one kind of procurement, for an ocean minesweeper, should involve more than 25 percent of the whole package.

This is \$80 million which will be procured from Britain for the ocean-going minesweeper, even if the Byrnes amendment prevails in conference.

I would hope that the Appropriations Committee, in conference, will take a good, hard, and sympathetic look at the Byrnes amendment.

I think there is much merit behind permitting the ocean minesweepers, as I have said before in this debate, nine to be procured from Britain and seven to be procured in this country.

Mr. SYMINGTON. I appreciate the remarks of my good friend from Wisconsin and assure him that if I am a conferee the matter will be given serious attention.

I would add one point I know the able Senator will be interested in; namely, that we have made many deals for the purchase of arms with many countries in effort somewhat to neutralize our tremendous offshore military expenditures characteristic of the operations of the United States today, characteristic of our defense of such a large percentage of the free world, and our finance of such a large percentage of the free world in many, if not most cases practically by ourselves. I know that the Senator from Wisconsin agrees with me on that because I have heard him speak about it many times. But here is a case where that problem is not applicable. This is not an offset agreement. This is a straight case where the best military equipment available is desired by Great Britain from the United States. They want the most sophisticated planes, to purchase those planes, not through any soft loan arrangement, or anything of that character, but as a straight purchase on the part of Great Britain of the best equipment available.

As mentioned, this minesweeper does not involve any new technology; 30 percent, as mentioned before, of what is going into these ships will be from the United States. It was actually all carefully chosen from the standpoint of the best interests of our taxpayers. At the same time, it would not involve any tech-

nological disadvantages to the United States.

Mr. STENNIS. Mr. President, I have discussed this amendment with the Senator from Wisconsin. With his usual diligence and effectiveness, he has presented it to me and has impressed me again with the importance of the points he makes.

This same question came up 2 years ago in connection with the same bill. Debate was rather full on it. I have assured the Senator that as far as I am concerned, if I were a member of the conference committee—and I expect to be—I could not make him any definite promise at all as to conclusions; but I did promise him full, earnest, and original consideration for the substance of his amendment. I am glad to make that statement to him publicly, here and now; but I must reserve full rights to be opposed to his position if I think merit is still on that side—which I did 2 years ago.

But this is a new matter now, and will be considered in light of the facts which have been given. I am delighted to give the Senator that assurance.

He is sincere in presenting the subject, which has been a problem to his State—and a number of other States.

We certainly will consider the matter in that light.

Mr. PROXMIRE. I am very grateful to the Senator from Mississippi. This means a great deal to me.

I want to stress one point which I did not stress sufficiently before in the colloquy with the Senator from Missouri [Mr. SYMINGTON], that is, it is my understanding there are only two shipyards in this country which have the capacity to make these wooden ships; that whereas we can make a strong argument that the technology is well known, it would seem to me we should keep these two shipyards alive. They alone are capable of building these particular wooden ships, as well as other wooden ships. This would be of substantial advantage to this country, especially in view of the contribution which ocean minesweepers already will be making to this balance-of-payments arrangement.

I thank the Senator from Mississippi very much for his sympathetic statement.

Mr. STENNIS. I should like to make these remarks particularly with reference to amendments which may be pending and as to the prospects for voting.

So far as I know, the Senator from Wisconsin has presented argument for his amendment for consideration here, as he would have if he were asking for a vote. It has been disposed of, as the Senate already knows.

The amendment that was brought up on Friday afternoon was with reference to the new system of accounting as planned by the Department of Defense. That was carried over until today. The committee will insist on the adoption of this amendment and will present it on its merits, at the proper time, to the Senate.

We have modified the language of the amendment from the form in which it was presented the other afternoon. We think the revised language better carries out the committee's purpose.

There may be other amendments. I do

not know. There is some talk about an amendment with reference to the antiballistic missile system. Perhaps no decision has been made. There has been some discussion of a motion to recommit the bill with instructions for a reduction. I think that those who offer such amendments are not going to insist on extended debate on them. I hope that we can begin voting late this afternoon. If not, we certainly should proceed rapidly toward disposing of these matters by votes tomorrow.

Passage of the bill may occur late today, or certainly sometime tomorrow. I shall ask for a ye and nay vote on final passage of the bill.

Mr. SYMINGTON. As I understand it, the amendment the distinguished Senator from Mississippi has presented would do two things. First, it would make it possible for the Congress to understand in better fashion exactly where the money in this gigantic defense bill will be placed by the Defense Department. Is that correct?

Mr. STENNIS. Yes; the Senator is correct.

Mr. SYMINGTON. Second, it would assure, at least in the minds of the Armed Services Committee and Appropriations Committee of the Senate, that the reports of these two committees that have to do with the military establishment would be given more attention by the Department of Defense. Is that correct?

Mr. STENNIS. The Senator is correct, but we propose not to rest on that. We propose to protect our legislative rights in this matter by the amendment. That is what we are going to ask the Senate to do.

Mr. SYMINGTON. The purpose of my questions was to find out, in that some of my colleagues have asked, what the reasons for the amendment were. Does the able Senator think those are two of the chief reasons for the amendment?

Mr. STENNIS. Yes.

Mr. SYMINGTON. I thank the Senator.

Mr. YOUNG of Ohio. Mr. President, the Department of Defense appropriation bill provides for \$730 million for the Nike X antiballistic missile system of defense in addition to \$250 million in unexpended funds already appropriated for this boondoggle. This would be an indefensible expenditure. It would result in an utter waste of taxpayers' money.

Negotiations have been proceeding between the United States and the Soviet Union seeking to eliminate the deployment of antiballistic missile systems. These should proceed for at least another year. I support the views of Secretary of Defense McNamara that our offensive power makes it an unnecessary and wasteful action to expand the Nike X antiballistic missile system or any other similar system at this time. This would be a stupid and indefensible waste of public money.

This proposed appropriation is only the beginning of what could become the greatest waste of taxpayers' money in the history of the country. Furthermore, following construction there would be a total and continuing cost of from \$4 billion each year thereafter to maintain the system.

Even a first step to protect our Minutemen missile sites and to a lesser degree 10 American cities would cost at least between \$3 billion and \$4 billion, with the likelihood that this would be doubled by operational costs. Secretary McNamara has made it clear that this would merely be a down payment on a price tag that would eventually be at least \$40 billion, and more probably nearer \$60 billion.

Mr. President, officials in the Pentagon also talk of protecting 50 of our larger cities. Which 50? What of the hundreds of millions of Americans who live in the unprotected remainder of our Nation? Then, following the time 50 cities were ringed by this immensely expensive so-called antiballistic missile system, officials in every city in the country would be demanding equal protection.

In effect, we are playing a macabre numbers game which offers neither our Nation nor the Soviet Union any real protection whatever. The construction of an antiballistic missile system in reality represents a kind of maginot line—an imagined security. No such system can be more than fractionally effective, and its deployment would represent a waste of billions of dollars, with no added security to either side.

Mr. President, our only real defense is to keep our offensive power so far ahead of the Russian defense that it will remain perfectly clear to the Soviet leadership that a first strike against us will trigger an unbearable response. We must constantly seek to improve our offensive missiles now standing in concrete silos and underwater in our Polaris submarines. We now maintain a 3- or 4-to-1 advantage over the Soviet Union in the number of strategic missiles we possess, but even this does not fully measure the advantage enjoyed by our Nation. Soviet missiles threaten our land-based ICBM force, but they cannot threaten our large and highly effective Polaris force which is based on submarines and is invulnerable to attack.

The U.S. Navy at this time is the most powerful navy in comparison with the naval forces of other nations that any nation or empire has ever had in the long history of the world. We have on active duty 41 Polaris submarines, each carrying 16 missiles with nuclear warheads. These submarines are capable of remaining under the water for a period as long as 300 days and nights. There are two complete crews trained and available for every Polaris submarine. The latest of these submarines, the *Will Rogers*, was launched and successfully fired missiles but a few weeks back.

These missiles, which approximate in number 700, have a maximum range of approximately 2,875 land miles. This is the capability of the most modern of these Polaris submarines. Earlier models have a range of approximately 1,370 land miles. They are capable of firing missiles with nuclear warheads from under the ocean, and, of course, no area within the vast land mass of Communist China or the rest of Asia or Europe and the entire area of the Soviet Union is safe from devastation by missiles fired from these submarines.

With all this tremendous power, it would be wasteful and foolhardy on our

part to vote this appropriation containing provisions for an antiballistic defense at the cost of hundreds of millions of dollars, and which will be just the beginning of what will become the biggest billion dollar boondoggle of all time.

To embark now upon a project of such dubious value, at such fantastic expense, against the advice of the Secretary of Defense, and at a time when we are pleading with other nations against any further expenditures for such armaments, makes no sense whatever and should be rejected.

Furthermore, as the distinguished senior Senator from Pennsylvania [Mr. CLARK] stated earlier this month, it is perfectly clear that the Russian antiballistic system is just no good. We can penetrate it at any time we wish. Conversely, our antiballistic missile system would also be of no real protection.

Mr. President, I cannot in good conscience cast my vote for an appropriation bill which would result in an initial waste of at least \$730 million of taxpayers' money, and at the same time begin the escalation of the armaments race to an unbelievably high plateau. I will cast my vote against this appropriation bill.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of Calendar Nos. 512, 513, and 516.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

CONSOLIDATION AND USE OF FUNDS ARISING FROM JUDGMENTS OF THE APACHE TRIBE OF THE MESCALERO RESERVATION

The Senate proceeded to consider the bill (S. 1727) to authorize the consolidation and use of funds arising from judgments in favor of the Apache Tribe of the Mescalero Reservation and of each of its constituent groups, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 1, line 5, after the word "Tribe," to strike out "the Chiricahua Apache Tribe," and insert "the portion of the Chiricahua Apache Tribe on the Mescalero Reservation,"; on page 2, line 7, after the word "and" to insert "the judgment recovered in docket numbered 22-B, and the interest thereon,"; and in line 8, after the word "be" to strike out "advanced or expended" and insert "advanced, expended, deposited, invested, or reinvested"; so as to make the bill read:

S. 1727

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds or the share of the funds, which are or hereafter may be deposited in the Treasury of the United States to the credit of the Mescalero Apache Tribe, the portion of the Chiricahua Apache Tribe on the Mescalero Reservation, and the Lipan Apache Tribe (certain constituent groups of the Apache Tribe of the Mescalero Reservation), or any other constituent group of the Apache Tribe of the Mescalero Reservation, or the Apache

Tribe of the Mescalero Reservation, to pay judgments arising out of proceedings instituted before the Indian Claims Commission in dockets numbered 22-B, 22-C, 22-G, 30, 48, 49, and 182 and the interest on said funds, after payment of attorney fees and expenses, shall be consolidated and credited to the account of the Apache Tribe of the Mescalero Reservation, and the judgment recovered in docket numbered 22-B, and the interest thereon, may be advanced, expended, deposited, invested, or reinvested for any purpose that is authorized by the tribal governing body of the Apache Tribe of the Mescalero Reservation and approved by the Secretary of the Interior. Any part of such funds that may be distributed per capita to the members of the tribes shall not be subject to Federal or State income tax.

The amendments were agreed to.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that appropriate excerpts from the committee report in explanation of the bill be inserted in the RECORD at this point.

There being no objection, the excerpts from the report (No. 529) were ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of S. 1727 is to authorize the use of an \$8.5 million judgment awarded to the Apache Tribe and bands of the Mescalero Reservation by the Indian Claims Commission in Docket 22-B.

The Apaches of the Mescalero Reservation are organized under a constitution and bylaws adopted pursuant to the Indian Reorganization Act. Under the organization, the Apache Tribe of the Mescalero Reservation consists of those people meeting the membership requirements regardless of the Apache band with which they are identified. The organized tribe is the successor of the two aboriginal groups known as the Mescalero Apache Tribe and the Lipan Apache Tribe. It is also the successor of a portion of the aboriginal group known as the Chiricahua Apache Tribe. Another segment of the aboriginal group is in Oklahoma and is known as the Fort Sill Apache Tribe.

The judgment in docket No. 22-B was for the benefit of the Mescalero Apache Tribe. All three aboriginal groups, however, have claims that are still pending. One of the purposes of the bill is to provide that the judgments credited to the portions of the groups now located on the Mescalero Reservation will be consolidated and credited to the account of the Apache Tribe of the Mescalero Reservation.

The bill as introduced permits the judgment already recovered, and the judgments anticipated in the pending claims, to be used for any purpose that is authorized by the tribal governing body and approved by the Secretary. The committee has adopted an amendment which would restrict the bill's application to the use and distribution of the sum recovered in docket 22-B. When awards are made to the tribe in other pending claims further legislation will be required in keeping with the language in the Department of the Interior Appropriations Act which reads as follows:

*** nothing contained in this paragraph or in any other provision of law shall be construed to authorize the expenditure of funds derived from appropriations in satisfaction of awards of the Indian Claims Commission and the Court of Claims, except for such amounts as may be necessary to pay attorney fees, expenses of litigation, and expenses of program planning, until after legislation has been enacted that sets forth the purposes for which said funds will be used ***.

The Mescalero Tribe has advised the committee that it plans to use the \$8.5 million judgment in the following manner:

1. Land purchase.....	\$375,000
2. Scholarship trust.....	310,000
3. Credit expansion.....	200,000
4. Apache summit.....	40,000
5. Rental housing.....	200,000
6. Claims research.....	35,000
7. Community center.....	143,800
8. Recreation areas.....	30,000
9. Industrial promotion.....	30,000
10. Liquor licenses.....	50,000
11. Tribal store complex.....	220,000
12. Per capita payments.....	1,650,000
13. Investments.....	4,366,200

AMENDMENTS

The committee has incorporated the amendment authorizing only the use of the judgment in docket 22-B, as explained above, and two clarifying and perfecting changes recommended by the Department of Interior.

COST

No expenditure of Federal funds will be required under S. 1727.

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

Mr. YOUNG of North Dakota. Mr. President, I ask the acting majority leader whether these bills have been cleared with the minority leadership.

Mr. BYRD of West Virginia. They have.

Mr. YOUNG of North Dakota. No objection.

RELATING TO THE INDIAN REVOLVING LOAN FUND AND THE INDIAN HEIRSHIP LAND PROBLEM

The bill (S. 304) relating to the Indian revolving loan fund and the Indian heirship land problem was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 304

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the appropriation authorization in section 10 of the Act of June 18, 1934 (48 Stat. 986), as amended by the Act of September 15, 1961 (75 Stat. 520), is hereby amended by increasing it from \$20,000,000 to \$55,000,000.

(b) All funds that are now or hereafter a part of the revolving fund authorized by the Act of June 18, 1934 (48 Stat. 986), the Act of June 26, 1936 (49 Stat. 1968), and the Act of April 19, 1950 (64 Stat. 44), as amended and supplemental, including sums received in settlement of debts of livestock pursuant to the Act of May 24, 1950 (64 Stat. 190), and sums collected in repayment of loans heretofore or hereafter made, shall hereafter be administered as a single revolving loan fund and shall be available for loans to organizations of Indians, Eskimos, and Aleuts (hereinafter referred to as Indians), having a form of organization that is satisfactory to the Secretary of the Interior (hereinafter referred to as the Secretary), and to individual Indians of one-quarter degree or more of Indian blood who are not members of or eligible for membership in an organization that is making loans to its members, for any purpose that will promote the economic development of such organizations and their members, or the individual Indian borrowers.

(c) Loans shall be made only when in the judgment of the Secretary there is a reasonable prospect of repayment, and only to applicants who in the opinion of the Secretary are unable to obtain financing from other sources on reasonable terms and conditions. Indian tribes that have available funds on deposit in the United States Treasury or elsewhere, or funds accruing from income, shall

be required to use their own funds before a loan may be made pursuant to this section. Expenses of administering loans may be paid out of the revolving loan fund to the extent deemed desirable by the Secretary.

(d) Loans made pursuant to this section shall be for terms that do not exceed thirty years and shall bear interest at a rate not less than (1) a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, plus (2) such additional charge, if any, toward covering other costs of the program as the Secretary may determine to be consistent with its purposes: *Provided*, That where the Secretary determines that necessary assistance cannot be provided at such rate the rate may be reduced by not to exceed 2 per centum per annum: *Provided further*, That educational loans may provide for no interest while the borrower is in school or in the military service. The Secretary shall pay from the fund into miscellaneous receipts of the Treasury, at the close of each fiscal year, interest on the cumulative amount of appropriations, and of sums received in settlement of debts on livestock pursuant to the Act of May 24, 1950 (64 Stat. 190), available as capital to the fund, less (a) the average undisbursed cash balance in the fund during the year, and (b) the amounts of any loans that are canceled or adjusted. The rate of such interest shall be determined by the Secretary of the Treasury, taking into consideration the average market yield during the month preceding each fiscal year on outstanding Treasury obligations of maturity comparable to the average maturity of loans made from the fund. Interest payments may be deferred with the approval of the Secretary of the Treasury, but any interest payments so deferred shall themselves bear interest. The Secretary may cancel or adjust any outstanding loan which he determines is uncollectible or collectible only at an unreasonable cost when such action would in his opinion be in the best interests of the United States.

(e) Title to any land purchased by a tribe or by an individual Indian with loans made pursuant to this section shall be taken in the form prescribed in section 6(d) of this Act. Title to any personal property purchased with loans made pursuant to this section shall be taken in the name of the purchaser.

(f) Title to property purchased with a loan made pursuant to this section shall be pledged or mortgaged to the lender as security for the unpaid indebtedness to the lender, in such manner and upon such terms as may be prescribed by the Secretary: *Provided*, That this requirement may be waived or modified if the Secretary determines that the repayment of the loan is otherwise reasonably assured.

(g) An organization receiving a loan made pursuant to this section shall be required to assign to the United States as security for the loan all securities acquired in connection with the loan made to its members from such funds, unless the Secretary determines that the repayment of the loan to the United States is otherwise reasonably assured.

(h) A loan made pursuant to this section that becomes delinquent, and the interest thereon, may be collected by the Secretary from per capita payments or other distributions of tribal assets due the delinquent borrower, without prejudice to the right to foreclose on the securities for the loan. If during the period of repayment a tribe is awarded a money judgment against the United States, and if the payment of any installment on a loan is in default, the installment(s) in default, or the balance of the loan in the discretion of the Secretary, shall be collected from the appropriation to satisfy the judgment.

ment insofar as the amount of the appropriation will cover the same.

SEC. 2. (a) The owners of not less than a 50 per centum interest in any land, where ten or fewer persons own undivided interests, or the owners of not less than a 25 per centum interest in any land, where eleven or more persons own undivided interests, and where all of the undivided interests are in a trust or restricted status, may request the Secretary, and the Secretary is hereby authorized, to partition the land in kind, or to partition part of the land in kind and sell the remainder, or to sell the land if partition is not practicable: *Provided*, That no partition or sale under any provisions of this Act shall be authorized unless the Secretary finds it to be in the best interests of the Indian owners and not detrimental to the Indian tribe.

(b) When any of the undivided interests in a tract of land are in an unrestricted status, the owners of not less than a 50 per centum interest in the remaining undivided trust or restricted interests, where ten or fewer persons own such undivided interests, or the owners of not less than a 25 per centum interest in the remaining undivided trust or restricted interests, where eleven or more own such undivided interests, may request the Secretary, and the Secretary is hereby authorized, to sell all trust or restricted interests. The Secretary may also partition the land in kind, partition part of the land in kind and sell the remainder, or sell all interests if authorized to partition or sell the unrestricted interests by a power of attorney from the owner of the unrestricted interests.

SEC. 3. (a) Whenever the Secretary, after receiving a request to partition or sell any tract of land under subsection (b) of section 2 of this Act, is unable after due effort to obtain the approval of any owner of an unrestricted interest in such tract, he shall, upon application of the persons making the foregoing request, consent to judicial partition or sale of such tract. Where such consent is granted, jurisdiction is hereby conferred upon the United States district court for the district in which the land, or any part thereof, is located to hear and determine the partition or sale proceedings and to render judgment for partition in kind or judicial sale in accordance with the law of the State wherein the lands are situated. The United States shall be an indispensable party to any such proceeding and absent defendants may be served as provided in section 1655 of title 28, United States Code. The proceeds of sale of the trust or restricted interests shall be paid to the Secretary for distribution unless he waives this requirement as to any of the owners thereof. If the land so partitioned or sold is acquired by an individual Indian or an Indian tribe, title thereto shall be taken in the manner prescribed in subsection 6(d) of this Act.

(b) The owners of undivided Indian interests or the tribe shall have a right to purchase the property being partitioned or sold, or any part thereof, at its appraised value unless one of the owners objects within a time to be fixed by the court. In the event two or more rights of preference are exercised for the same land, or in the event there is objection by an owner, the court shall order the land sold at sealed bids or at public auction with the right in the tribe or any Indian owner who has previously exercised his right of preference to meet the high bid: *Provided*, That if two or more elect to meet the high bid there shall be a further auction between them and the property shall be sold to the highest bidder. At a sale held pursuant to this subsection, all bids of less than 75 per centum of the appraised value of the land shall be rejected.

SEC. 4. Any trust interest in oil, gas, or other minerals that may be reserved to an Indian owner in any sale of land made pursuant to this Act may be reserved in a trust status. No sale made under this Act shall

include any mineral estate that has been reserved to any Indian tribe by any provision of law.

SEC. 5. For the purposes of this Act, the Secretary is authorized to represent any Indian owner (1) who is a minor, (2) who has been adjudicated non compos mentis, (3) whose ownership interest in a decedent's estate has not been determined, or (4) who cannot be located by the Secretary after a reasonable and diligent search and the giving of notice by publication.

SEC. 6. The Secretary shall give actual notice or notice by publication and provide an opportunity for a hearing before partitioning in kind or selling land, or before consenting to judicial partition or sale pursuant to this Act. All sales of lands made by the Secretary pursuant to this Act shall be in accordance with the following procedure:

(a) Upon receipt of requests from the required ownership interests, the Secretary shall notify the tribe and each owner of an undivided Indian interest in the land by a registered letter directed to his last known address that each such owner and the tribe has a right to purchase the land for the appraised value, unless one of the owners or his authorized representative objects within the time fixed by the Secretary, or for a lower price if all of the owners agree: *Provided*, That if more than one owner or if one or more owners and the tribe want to purchase the land it will be sold on the basis of sealed competitive bids restricted to the owners of undivided interests in the land and the tribe unless one of the owners or his authorized representative objects within the time fixed by the Secretary. All competitive bids of less than 75 per centum of the appraised value of the land shall be rejected.

(b) If any Indian owner or his authorized representative objects to a competitive sale restricted to the owners of undivided interests and the tribe, the Secretary shall offer the land for public sale by sealed competitive bid with a preferential right in the tribe or any Indian owner to meet the high bid, unless one of the Indian owners or his authorized representative objects within the time fixed by the Secretary. All such bids of less than 75 per centum of the appraised value of the land shall be rejected.

(c) If any Indian owner or his authorized representative objects to an offer of public sale by sealed competitive bid with a preferential right to meet the high bid, or if two or more preference rights are asserted under subsection (b) of this section, the Secretary shall offer the land for sale by sealed bids: *Provided*, That, after legal notice to all interested parties including the tribe, the land shall be sold at auction immediately after the opening of the sealed bids, and auction bidding shall be limited to the Indian owners, the tribe, and persons who submitted sealed bids in amounts not less than 75 per centum of the appraised value of the land. The highest sealed bid shall be considered the opening auction bid. No sale shall be made unless the price is equal to or higher than the highest sealed bid: *Provided further*, That the term "appraised value" as used in this Act shall mean the current appraised value of the land, said appraisal to be not more than one year old.

(d) Title to any land acquired by a tribe or an individual Indian pursuant to this Act may be taken in trust unless the land is located outside the boundaries of the reservation or approved tribal consolidation area. Title to any land acquired by a tribe or an individual Indian that is outside the boundaries of the reservation or approved consolidation area may be taken in trust if the purchaser was the owner of trust or restricted interests in the land before the purchase or partition, otherwise title shall be taken in the name of the purchaser without any restriction on alienation, control, or use.

SEC. 7. (a) In order to assist tribes and individual Indians who wish to purchase land

offered for sale under the provisions of this Act, the Secretary is authorized to make loans from the revolving fund referred to in section 1 of this Act, and in accordance with the following requirements:

(b) Before a loan is made to a tribe under this Act for the purchase of land, the tribe shall submit for the approval of the Secretary a plan for the use of all lands to be purchased and lands presently owned. No plan shall be considered by the Secretary unless it has been first considered and acted upon favorably by a majority vote of the duly authorized governing body of the tribe, or in the absence of such a governing body, by a majority vote at a general meeting of tribal members called for that purpose upon due notice to all adult members of the tribe. Any tribe preparing a plan may call upon the Secretary for technical assistance, and the Secretary shall render such assistance as may be necessary. Such plan shall include provisions for consolidation of holdings of the tribe, or acquisition of sufficient lands in conjunction with those held to permit reasonable economic utilization of the land and repayment of the loan. Such plan may be revised from time to time with the approval of the Secretary.

SEC. 8. (a) Any tribe that adopts with the approval of the Secretary a plan pursuant to subsection 7(b) of this Act, or any other plan that does not involve a loan from the United States but which provides for the consolidation, management, use, or disposition of tribal land, is hereby authorized, with the approval of the Secretary, notwithstanding any other provision of law, subject to the provisions of the tribal constitution, if any, to sell or encumber any tribal land or other property in furtherance of such plan.

(b) Tribal land in trust or restricted status, including land acquired by a tribe pursuant to this Act may, with the approval of the Secretary, be—

(1) sold in trust status to individual tribal members, or

(2) exchanged in trust status for lands within the reservation or approved tribal consolidation area which are held by individual tribal members or other Indians in trust or restricted status, for the purpose of effecting consolidations of land or aiding individual tribal members to acquire economic units or homesites.

SEC. 9. This Act shall not repeal any authority of the Secretary under other law, but it shall supersede any limitation on the authority of the Secretary that is inconsistent with this Act. This Act shall not repeal the laws heretofore enacted with respect to the procedure for disposing of or partitioning lands belonging to members of the Five Civilized Tribes of Oklahoma and the Osage Tribe, and this Act shall not apply to any interest in land which is subject to a restriction imposed by such laws.

SEC. 10. The Secretary is authorized to execute such patents, deeds, orders, or other instruments as may be necessary or appropriate to carry out the provisions of this Act.

SEC. 11. The terms "owner" and "owners" as used herein include, wherever applicable, any tribe, band, group, community, or pueblo of Indians, Eskimos, or Aleuts, and also include any federally chartered organizations of Indians, Eskimos, or Aleuts.

SEC. 12. (a) Sections 2 through 9 of this Act shall become effective one year after the date of enactment.

(b) The Secretary shall, prior to the effective date of sections 2 through 9 of this Act, notify by publication Indian tribes and owners of undivided interests in Indian trust or restricted land, of the rights of such tribes or owners under this Act.

SEC. 13. (a) The Secretary shall, prior to the conclusion of any probate proceeding conducted on or after the effective date of sections 2 through 9 of this Act, notify each heir or devisee having an interest in such

proceedings, by actual notice or notice by publication, of his rights under this Act.

(b) Beginning one year after the effective date of sections 2 through 9 of this Act, the Secretary shall submit an annual report to Congress setting forth the progress made in the preceding year in carrying out the purposes of this Act.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD excerpts from the report (No. 528), explaining the purposes and cost of the bill.

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

PURPOSE

The purposes of S. 304 are to (1) authorize an increase of \$35 million in the Indian revolving credit loan fund created by the act of June 18, 1934; (2) consolidate all existing loan funds presently authorized for loans to Indians into a single revolving fund and prescribe the administration thereof; and (3) provide the Secretary of the Interior with authority that will enable him to reduce the rapidly increasing number of Indian allotments in multiple ownership by—

(a) Partitioning or selling lands in heirship status, upon application of the requisite number of Indian owners, where such partition or sale is found to be in the best interest of the Indian owners, and not detrimental to the Indian tribe;

(b) Providing for judicial partition or sale where non-Indian interests so require;

(c) Authorizing the Secretary of the Interior to represent owners who are minors, non compos mentis, or unlocatable;

(d) Establishing procedures for selling heirship lands that will afford the owners full opportunity to obtain fair market value for their property and give the Indian owners and tribes preference rights to purchase the lands;

(e) Increasing the Indian revolving credit loan fund in order that individual Indians and tribes may borrow funds with which to purchase heirship tracts; and

(f) Providing for tribal land consolidation programs to permit maximum economic utilization of the land resource by Indians.

BACKGROUND AND NEED FOR SECTION 1

Section 10 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 470), established a \$10 million fund from which loans could be made to Indian organizations which cannot secure necessary financing from other sources. The act of September 15, 1961 (75 Stat. 520), amended the 1934 act by increasing the loan fund to \$20 million. S. 304 will authorize an additional \$35 million for the fund. It will also combine two other funds with the Indian revolving loan fund that created by section 6 of the Oklahoma Welfare Act of June 26, 1936 (49 Stat. 1968, 25 U.S.C. 506), authorizing the appropriation of \$2 million and that created by section 1 of the Navajo-Hopi Rehabilitation Act of April 19, 1950 (64 Stat. 44, 25 U.S.C. 631), authorizing the appropriation of \$5 million. The combined fund totaling \$62 million will be available to individual Indians, including Eskimos and Aleuts, and Indian organizations.

Since 1934 Indians have borrowed well over \$55 million from the three funds for various purposes and their repayment history has been excellent. Some Indians are able to obtain financing from customary financial institutions and some tribes have set aside funds belonging to them which they used to meet the credit requirements of their members. However, there are a substantial number of tribes whose members cannot borrow through the usual channels and who do not have tribal funds to finance enterprises or to lend to their members. These groups must borrow from the Federal revolving funds. For

many years the revolving credit funds have been oversubscribed and many loan applications of tribes and individual Indians have had to be denied because there were insufficient funds to satisfy all requests.

There are a number of worthy projects that could be undertaken by Indian groups if they could obtain necessary financing. Loans for sound enterprises have improved employment opportunities in reservation areas and are making major contributions toward improvement in economic welfare of tribal members.

In addition to merging the three existing loan funds and increasing the amount authorized to be appropriated, section 1 of S. 304 (1) permits administrative expenses of the revolving loan fund to be paid from it; (2) specifies the maximum terms and the rate of interest to be charged; (3) specifies the circumstances under which trust title may be taken for property acquired with loans; and (4) provides for the manner of securing and repaying loans and administering the loan fund.

BACKGROUND AND NEED FOR SECTIONS 2-13

The Committee on Interior and Insular Affairs has been engaged for several years in an effort to resolve one of the most complex problems in the field of Indian affairs—the multiple ownership of Indian allotments. The Indian heirship land problem arises from the fact that the United States holds in trust for Indians about 41,000 tracts of allotted land—approximately 6 million acres—that are in fractionated ownership. This situation arose when, upon the death of the original allottee, his or her estate was probated and the heirs were given undivided interests in the tract of land.

Through the years, successive probates have often taken place affecting the same tract until at the present time there may be anywhere from two to 200 heirs holding fractional interest in the same piece of trust land. This fractionation of ownership has created serious problems for the heirs themselves, the tribes, and the Bureau of Indian Affairs, which has responsibility for managing trust land.

In an effort to learn all the facts relating to the multiple ownership of Indian land, the staffs of the Senate and House Committees on Interior and Insular Affairs, in conjunction with the specialists of the Library of Congress, made extensive studies of the problem, beginning in 1959. In 1961 two heirship land survey reports were published by the House and Senate. These documents contain the most complete and up-to-date information on what the heirship problems are and where the problems exist. The reports also reflect suggested solutions by Indian owners of these lands, as well as administrators in the Bureau of Indian Affairs.

COMMITTEE FINDINGS

Heirship land is a major problem for our Indian population. Resulting ramifications create other problems of administration and use that are themselves approaching the point of becoming insoluble.

1. Approximately 6 million acres of land is now in heirship status and another 6 million acres will become heirship land in the near future unless prompt action is taken.

2. The heirship problem is not only present in surface ownership of land but also in mineral ownership.

3. Requiring all heirs to sign lease or sale papers is one of the foremost obstacles to the American Indian in utilizing his heirship land, and to the Federal Government in administering it.

4. The heirs themselves have expressed an active interest in the problem as evidenced by the 38,371 requests for various actions made to Bureau of Indian Affairs officials during fiscal year 1958.

5. Most local jurisdictions of the Bureau feel that present authority is inadequate to solve the problem and are almost unanimous in recommending corrective legislation.

6. Some tribal councils have evidenced an interest in this problem as it relates to consolidation of the tribal land base.

7. Continuing to hold allotted Indian lands in trust or restricted status without any consideration given to the individual's ability to manage his own land without supervision is serving to intensify the heirship problem.

Based on the committee studies, S. 1392, was introduced on March 21, 1961, and that bill was used as a vehicle for exploring further the viewpoints and wishes of the people most affected by this problem. Hearings were conducted in August 1961 and valuable testimony was received from Members of the Senate and House, the Interior Department, the Justice Department, the General Accounting Office, Indian organizations, and Indian tribes.

At the completion of the hearings there was a mass of materials, suggestions, and recommendations. The staff was instructed to study the hearings thoroughly and redraft the bill or amendments thereto based on the excellent material then available.

In February 1962, a second bill, S. 2899, was introduced that included many of the recommendations made to the committee during the hearing the preceding year on S. 1392. Again extensive hearings were held. These were published and widely distributed to Indian tribes and others concerned with the problem. After the close of hearings on S. 2899 the staff consulted with the various Indian organizations, tribal representatives, and Federal agencies concerning changes that would make the bill more effective and acceptable.

The recommendations and suggestions made were sifted and analyzed at great length and a third measure was introduced, S. 1049, 88th Congress. Extensive hearings were again held and further amendments were incorporated into the text of the bill. S. 1049 was passed by the Senate on October 11, 1963, but was not acted upon by the House.

COMMITTEE COMMENT

In the 89th Congress the committee reported, and the Senate passed S. 2196, which was patterned very closely after S. 1049 of the 88th Congress. As an example of the committee's continued interest in the heirship problem, Senate Executive Report No. 1, dated April 8, 1966, on the nomination of Robert L. Bennett to be Commissioner of Indian Affairs, the committee stated as follows:

HEIRSHIP

"In 1961, after a thorough investigation of the extent of fractionated ownership of Indian allotments, a series of bills were introduced to aid in returning to single Indian ownership or to tribal ownership some 6 million acres of heirship land, much of which was nonproductive. In 1963, the Senate passed a workable bill, supported by a majority of tribes. It lacked wholehearted Bureau enthusiasm and was not acted upon in the House. The Bureau has given lip service to correcting this very serious administrative problem, but has made no discernible progress toward solving it. Therefore, the committee is requesting that the Bureau submit at an early date proposed legislation that will effectively and seriously meet this issue."

In response to the committee's request for a report from the Indian Commissioner on the steps he will take to meet the committee's criticism of past administration of Indian affairs, Commissioner Bennett, in his report of July 11, 1966, stated in part as follows:

HEIRSHIP

"Under the heading, 'Heirship,' the committee report provides: 'Therefore, the committee is requesting that the Bureau submit at an early date proposed legislation that will effectively and seriously meet this issue.'"

"Legislative proposals are being drafted to meet the issue of fractionated ownership allotments by the Bureau for submittal to

the Congress. The workable bill passed by the Senate in 1963 is one of the major considerations.

"Rather than a single approach to settling this issue, it is the considered opinion of the Bureau that the Congress should provide alternative authorities for the Secretary to utilize in solution of this problem, particularly since the problem is subject to practical solution by more than one method. Despite efforts to do so, a consensus on a single solution has not materialized even with the outstanding contribution of the Senate in passage of the heirship bill in 1960.

"We need to face the fact also that any solution of this problem is dependent upon adequate financing and the rate at which the problem will be settled will depend upon the financial support made available."

To date, the Department of the Interior has not submitted proposed legislation to solve the problem. While the committee recognizes that a consensus on a single solution to heirship has not materialized, nevertheless a vast majority of Indian tribes and organizations testified in support of S. 1049, 88th Congress, the text of which is incorporated into S. 304, as reported. Moreover, the committee believes that after 8 years of constant study, hearings, and consideration of the subject, the language recommended can be an effective solution to the problems created by multiple ownership of Indian land. The bill, as reported, provides maximum opportunity for individual Indians to consolidate their landholdings into one unit that would be more economically productive. It authorizes necessary funds for loans to Indians to purchase these tracts, and, lastly, it provides the Secretary of the Interior with the administrative tools he should have to solve this most exasperating problem.

COST

The bill provides for an increased authorization of \$35 million for the Indian revolving credit loan fund for land loans and other purposes. It is not possible to make a firm estimate of the extent to which costs of administering heirship land will be reduced following the implementation of authority contained in S. 304. However, if the authority in this act is used effectively, the committee is convinced these costs will not continue to increase as they have in the past and consolidation of lands into individual and tribal ownership should result in less expensive management and greater economic returns to the owners thereby reducing dependence on welfare and other aid programs designed for Indians.

The committee requested reports on S. 304 promptly after its introduction on January 12, 1967. Thus far the comments of the executive agencies have not been received; therefore, there is set forth below the executive communication from the Department of the Interior dated June 10, 1966, recommending the enactment of legislation to amend the law establishing the Indian revolving loan fund.

DISPOSITION OF JUDGMENT FUNDS ON DEPOSIT TO CREDIT OF CHEYENNE-ARAPAHO TRIBES IN OKLAHOMA

The Senate proceeded to consider the bill (S. 1933) to provide for the disposition of judgment funds now on deposit to the credit of the Cheyenne-Arapaho Tribes of Oklahoma, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 4, after line 5, to strike out:

Sec. 6. Funds distributed and payments made under this Act shall not be held to be "other income and resources" as that term is used in sections 2(a) (10) (A); 402(a) (7), 1002(a) (8), and 1402(a) (8) of the Social

Security Act as amended (42 U.S.C. 302(a) (10) (A), 602(a) (7), 1202(a) (8), and 1352 (a) (8)).

At the beginning of line 12 to change the section number from "7" to "6"; and at the beginning of line 24, to change the section number from "8" to "7"; so as to make the bill read:

S. 1933

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to distribute and expend the funds on deposit in the Treasury of the United States to the credit of the Cheyenne-Arapaho Tribes of Oklahoma that were appropriated by the Act of October 31, 1965 (79 Stat. 1133), in satisfaction of the settlement and compromise of claims of said tribes against the United States in the Indian Claims Commission in dockets numbered 329A and 329B, together with the interest accrued thereon, as herein provided.

SEC. 2. Five hundred thousand dollars of said funds shall be held in trust for the purpose of providing education and scholarships for members of said tribes pursuant to a trust agreement to be made and entered into by and between said tribes, as grantor, and a national banking association located in the State of Oklahoma, as trustee, which trust agreement shall be authorized and approved by the tribal governing body and approved by the Secretary of the Interior.

SEC. 3. The Secretary of the Interior shall distribute remaining funds per capita to all persons alive on the date of this Act whose names appear on the membership roll of the Cheyenne-Arapaho Tribes of Oklahoma or who, on the date of this Act, were eligible for membership, hereinafter referred to as "enrollees", as follows:

(a) a share payable to an enrollee not less than twenty-one years of age shall be paid directly in one payment to such enrollee, except as provided in subsections (b) and (c) of this section;

(b) a share payable to an enrollee dying after the date of this Act shall be distributed to his heirs or legatees upon the filing of proof of death and inheritance satisfactory to the Secretary of the Interior, or his authorized representative, whose findings and determinations upon such proof shall be final and conclusive: *Provided*, That if a share of such deceased enrollee, or a portion thereof, is payable to an heir or legatee under twenty-one years of age or under legal disability, the same shall be paid and held in trust pursuant to subsection (c) of this section;

(c) a share or proportionate share payable to an enrollee or person under twenty-one years of age or to an enrollee or person under legal disability shall be paid and held in trust for such enrollee or person pursuant to a trust agreement to be made and entered into by and between the Cheyenne-Arapaho Tribes of Oklahoma, as grantor, and a national banking association located in the State of Oklahoma, as trustee, which trust agreement shall be authorized and approved by the tribal governing body and approved by the Secretary of the Interior.

SEC. 4. (a) All claims for per capita shares, whether by a living enrollee or by the heirs or legatees of a deceased enrollee, shall be filed with the Area Director of the Bureau of Indian Affairs, Anadarko, Oklahoma, not later than three years from the date of approval of this Act. Thereafter, all claims and the right to file same shall be forever barred and the unclaimed shares shall revert to the tribes.

(b) Tribal funds that revert to the tribes pursuant to subsection (a) of this section, including interest and income therefrom, may be advanced or expended for any purpose that is authorized by the tribal governing body.

SEC. 5. No part of any funds distributed or held in trust under the provisions of this Act shall be subject to Federal or State income taxes.

SEC. 6. (a) All costs incident to making the payments authorized by this Act, including the costs of payment roll preparation and such sums as may be required to distribute said funds, shall be paid by appropriate withdrawals from the judgment fund and interest on the judgment funds, using the interest fund first.

(b) In the event that the sum of money reserved by the Secretary of the Interior to pay the costs of distributing said funds exceeds the amount actually necessary to accomplish this purpose, the money remaining shall revert to the tribes and may be advanced or expended for any purpose that is authorized and approved by the tribal governing body.

SEC. 7. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

The amendments were agreed to.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 530), explaining the purposes of the bill.

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

PURPOSE

The purpose of S. 1933 is to authorize the use of funds appropriated by the act of October 31, 1965 (79 Stat. 1152), to cover an award of \$15 million to the Cheyenne and Arapaho Tribes of Oklahoma in a compromise settlement in Indians Claims Commission dockets Nos. 329-A and 329-B. The sum of \$14,166,348 is on deposit in two commercial banks, drawing interest at the rates of 5% and 5½ percent, respectively. The remainder of the judgment funds, including interest, is on deposit in the U.S. Treasury to the credit of the tribes.

The award represents additional payment (in docket No. 329-A) for 4,608,878 acres of land in western Oklahoma granted jointly to the Southern Cheyenne and Southern Arapaho by Executive Order of August 10, 1869, and ceded under the act of March 3, 1891 (26 Stat. 1022-1026). It further represents additional compensation (in docket No. 329-B) for the tribes' 50.61 percent interest in 51,210,000 acres of land in Colorado, Wyoming, Kansas, and Nebraska which were ceded by the Southern Cheyenne and Southern Arapaho under the Treaties of February 18, 1861, October 14, 1865, and October 28, 1867; and by the Northern Cheyenne and Northern Arapaho under the Treaty of May 10, 1868.

The bill provides that \$500,000 of the judgment funds are to be held in trust by an Oklahoma bank to provide education and scholarship grants for tribal members. The remainder of the judgment will be distributed in per capita shares to the approximately 5,300 tribal members living on the date of the act. Tribal membership is widely scattered throughout Oklahoma and other States.

AMENDMENT

The committee held a hearing on S. 1933 on August 9, at which time representatives of the tribes appeared. These spokesmen opposed the economic development amendments recommended by the Department of Interior in its report on the bill and made a persuasive case for approval of the legislation as originally requested by the tribes. Therefore, the committee recommends enactment of this measure as introduced, with the exception of section 6 which provided that funds distributed under this act should not be held to be "other income" under the social

security law. The report of the Department explains in detail the reason for striking this section.

COST

No expenditure of Federal funds will be required as the result of the enactment of S. 1933.

NATIONAL CIVIL JUSTICE COMMISSION

Mr. TYDINGS. Mr. President, a revolution has occurred in the past 2 years in our thinking about civil justice for the poor, and that revolution is beginning to have a massive effect on the law, the courts, and the legal profession. Let me cite some facts that suggest the dimensions of the revolution.

In 1965, the Nation spent only \$7 million on civil legal aid, and this \$7 million represented the largest annual expenditure in the 70-year history of the legal aid societies. In 1967, it is estimated that the Office of Economic Opportunity will spend \$25 million, and that localities will spend another \$3 million, making a total of approximately \$28 million—four times the 1965 expenditure.

In 1965, legal aid societies operated a total of 157 offices with paid staff—and many of these staff members worked only part time. In 1967, OEO and legal aid societies operate over 800 offices, and employ 1,800 attorneys, almost all of them full time.

In 1965, academic interest in the commonplace matters of poverty law was practically nonexistent. Today, the law reviews of our most prestigious law schools devote lengthy and learned articles to the field; the University of Detroit has converted its law journal to a *Journal of Urban Law*; and law schools throughout the country are teaching courses in "consumer law" and "landlord and tenant"—courses that formerly were known as "creditor's rights" and "real property," and were taught strictly from the merchant-landlord's point of view.

In 1965, legal aid societies often relied on the services of retired military officers. Young lawyers took jobs with legal aid out of desperation rather than dedication. Only 2 years later, in 1967, the Reginald Heber Smith Fellowships sponsored by OEO and the University of Pennsylvania have attracted some of the year's brightest young law school graduates, including a young man who was first in his class at the University of Chicago, another who was seventh in a class of 530 at Harvard, and a young woman who graduated at the top of her class at Emory after serving as her class president at Syracuse. Two years ago, no one thought that lawyers of this caliber would be willing to work for clients who could not pay fees, and whose problems were allegedly trifling and dull.

These basic changes did not "just happen." They occurred because of the productive partnership between the Office of Economic Opportunity and the organized bar of this Nation. Two years is a short period of time. I am certain that it will take 10 times that long to comprehend the total impact of the legal services program on the poor and on our judicial system. It is absolutely clear that no one has yet had the time to give

full consideration to the fundamental questions posed by the program. While a number of organizations, such as the American Bar Association and the National Legal Aid and Defender Association, have undertaken inquiry into various aspects of the problems and potential problems, with each day the need for comprehensive, detached reflection upon these fundamental questions grows greater.

Let me suggest some of the problems legal aid and legal services programs are forcing us to face.

In years past, the mass of tenants and consumers in the lower courts have not been represented by counsel. The smooth operation of those courts that handle the bulk of civil poverty law has depended largely on the absence of one party. As lawyers begin to appear for the poor and to assert defenses and claims that until now rarely have been heard, we may learn that these courts as they are now constituted are not adequate to the task of giving a fair hearing to every litigant. Can the court system be overhauled to handle the new burdens or will it be necessary to evolve new institutions to handle certain types of civil disputes? An OEO project in Cleveland, Ohio, will experiment with arbitration as a tool for the resolution of landlord-tenant disputes. How shall the lessons learned there be applied?

It is not a simple matter to determine who should receive the benefits of public legal services. The ability to afford private legal services depends in part on the cost of the particular legal service. Should all public legal services be only for the completely destitute?

How shall legal services be rendered most effectively? Does the Wisconsin Judiciary experiment hold the answer, or is the full-time legal aid lawyer still the best counselor and advocate for the poor?

How shall the resources of law schools and law students be used?

Lawyers for the poor have exposed and challenged unconstitutional and arbitrary practices of welfare and other administrative agencies created by State and Federal legislatures to help the poor. Must there always be an advocate to prevent similar frustrations of legislative purpose? Should there be an "ombudsman" to keep a check on mindless, Byzantine bureaucracies? OEO has already created one ombudsman; are more needed? Is a Federal ombudsman needed?

If, in the long run, the demand for legal services should exceed the number of lawyers available to supply them, what services are most important to provide?

What shall be the continuing role of the Office of Economic Opportunity, the National Legal Aid and Defender Association and the organized bar? Shall the OEO, or the NLADA, or the ABA, or the NBA, or the Congress of the United States, promulgate national policy for the conduct of legal aid? What is the responsibility of the State and local bar associations and the boards of legal aid societies?

In the administrative area, some of the present mechanisms are at least somewhat the product of historical accident.

For instance, the poor now receive assistance in criminal matters by one route and assistance in civil matters by another. In criminal matters, the court appoints attorneys. In civil matters, the party goes to the local legal aid society. Is this the most desirable way to administer aid?

I hope that I have posed enough problems to make my point. The time has come to deal with these problems seriously, thoughtfully, and institutionally.

The promise of our democratic society is that equal justice will be given to all our citizens. The realization of that promise, to my mind, fixes upon Congress a responsibility to ensure that provision is made for the proper operation of our system of justice for all. I believe that we must ensure that the promise is made meaningful in the day-to-day world of the slumdweller, the TV buyer, and the welfare recipient. Therefore, I am submitting legislation to establish for a period of up to 2 years a National Civil Justice Commission. The function of this Commission will be to investigate and report on the administration of civil justice and the availability of legal services in the United States. The Commission is also to make recommendations, including such recommendations for additional legislation as it deems advisable, for steps to make equal justice available to all Americans.

In undertaking these objectives, the Commission will coordinate and supplement the on-going efforts of OEO, the NLADA, the American Bar Association and the National Bar Association in this field. The membership of the Commission will be drawn from the organized bar, legal aid societies, law schools, the legal profession and the general public. The Commission should do for the cause of civil justice what the President's Commission has just so ably achieved for the cause of criminal justice. It will examine on the broadest possible scale all aspects of our system of resolving civil disputes and will attempt to recommend changes, modifications, and new approaches. It will consider the present effectiveness of our courts and the future those courts face under the impact of expanded legal services programs. It will examine the concepts of ombudsman, arbitration, neighborhood courts, and judicare. It will reconsider the roles of law schools and bar associations in light of America's deepening commitment to equal justice for all. It will evaluate OEO's success in effectuating this commitment.

The Commission will submit to the President and the Congress a report of its findings and its recommendations. It is my expectation that this report will provide a cogent basis for the further development of legal aid and legal services programs.

Mr. President, I ask unanimous consent that the text of the bill providing for the establishment of a National Civil Justice Commission be printed immediately following my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD as requested by the Senator from Maryland.

The bill (S. 2322) to provide for a study with respect to the adequacy of legal services and programs in the United States, introduced by Mr. TYDINGS, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 2322

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a National Civil Justice Commission (hereinafter referred to as the "Commission").

MEMBERSHIP OF THE COMMISSION

SEC. 2. (a) The Commission shall be composed of such members, not to exceed twenty, as the President shall appoint, from among representatives of the associations of the organized bar, the legal profession, legal aid societies and associations, law school faculties, and the general public.

(b) Any vacancy in the Commission shall not affect its powers.

(c) The President shall appoint one of the members to serve as chairman.

(d) One half of the members of the Commission shall constitute a quorum.

DUTIES OF THE COMMISSION

SEC. 3. (a) The Commission shall undertake a comprehensive investigation and study of (1) the administration of civil justice by the Federal, State, and local courts and administrative agencies; (2) the availability and adequacy of legal services in civil matters; and (3) such other matters as the Commission may determine to be relevant to the assurance of equal civil justice for all.

(b) The Commission may transmit to the President and to the Congress such interim reports as it deems advisable and shall transmit its final report to the President and to the Congress not later than two years after the date of enactment of this Act. Such final report shall contain a detailed statement of the findings and conclusions of the Commission together with its recommendations, including such recommendations for additional legislation as it deems advisable.

EXECUTIVE DEPARTMENTS AND AGENCIES

SEC. 4. The Attorney General, the Secretary of Health, Education and Welfare, and the Director of the Office of Economic Opportunity shall each designate a representative to assist the Commission in carrying out its functions under this Act. Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, and the Administrative Office of the United States Courts, is authorized and directed to furnish to the Commission, upon request made by the Chairman, such information as the Commission deems necessary to carry out its functions under this Act. The Commission shall consult, as it deems appropriate, with members of the Federal, State and local judiciary and administrative agencies concerning matters of common interest.

ADVISORY COMMITTEES

SEC. 5. (a) The Chairman of the Commission, after consultation with the other members, and at such times as the Commission may deem appropriate, shall establish Advisory Committees (hereafter referred to as the "Committees") composed either of persons who are authorities in professional or technical fields related to the administration of civil justice and the availability of legal services or of persons representative of the general public who are leaders in activities concerned with civil justice and legal services. The Committees, and persons who are members, shall serve at the pleasure of the Commission.

(b) Such Committees shall furnish the Commission information, advice and recommendations and shall engage in such other activities as the Commission may deem appropriate.

POWERS OF THE COMMISSION

SEC. 6. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings, take such testimony, and sit and act at such times and places as the Commission deems advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission or any subcommittee or member thereof.

(b) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power—

(1) to appoint and fix the compensation of such staff personnel as he deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, and

(2) to procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed \$100 a day for individuals.

(c) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

COMPENSATION OF MEMBERS

SEC. 7. Members of the Commission shall receive compensation at the rate of \$100 per day for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

APPROPRIATIONS AUTHORIZED

SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

FOREIGN TRADE STATISTICS

Mr. THURMOND. Mr. President, we hear much said about the credibility gaps of the Government with regard to the war in Vietnam, our national defense standing vis-a-vis the Soviet Union, and the issuance of many statements from Government agencies which distort statistics and ignore or cover up those facts and figures which show the less desirable side of Government actions.

All of these credibility gaps have profound effects upon our national well-being in many ways. Unfortunately, they create false impressions and result in a state of euphoria and public apathy on vital issues which can determine whether we continue to enjoy our liberties as individuals and as a nation and also whether we survive the ominous threats to our ultimate survival.

Today, Mr. President, I call the attention of my colleagues to another important credibility gap affecting the operations of our Government. This is the credibility gap existing in foreign trade statistics issued monthly, quarterly, and

annually, by the Department of Commerce regarding the posture of our balance of trade with other nations.

What is the real story on our balance of trade with other nations? Are we as much in the black as Commerce Department trade statistics have been indicating? Or, are we already in the red, as we are in almost every other major facet of Government operations?

This is a vital question, Mr. President, and one which affects every business concern and every job in America. It is a question to which we must have a straight and undistorted answer.

When properly calculated to obtain the net competitive position of the United States on balance of trade statistics, we find that instead of showing a surplus, which normal Commerce Department figures reflect, our Nation actually operated in the red for 1966 and narrowly averted a deficit in other recent years. In making this calculation, Mr. President, I have used data now being published by the U.S. Government in rather obscure places. They are, nevertheless, official and accurate U.S. Government figures which, when calculated with other trade statistics, result in an accurate, and unfortunately, unfavorable balance of trade for our country. Much the same picture which appeared in 1966 seems to be developing for 1967.

Mr. President, I ask unanimous consent to have printed in the RECORD, at this point in my remarks, the statistical data and calculations which prove the point I have been making about trade statistics for 1966, and which shows how much trade surpluses for previous years shrink, when one uses the only valid trade data for arriving at our true balance-of-trade posture.

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

U.S. BALANCE OF TRADE

U.S. EXPORTS OF NONMILITARY MERCHANDISE
[In billions]

	Amount ¹	Governmentally assisted or subsidized ²	Net private competitive exports
1962-----	\$21.43	\$2.33	\$19.10
1963-----	23.06	2.72	20.34
1964-----	26.13	2.80	23.33
1965-----	27.00	2.75	24.25
1966-----	29.42	3.01	26.41

¹ Statistical Abstract of the United States, 1966, table 1251, p. 859.

² Survey of Current Business, U.S. Department of Commerce, June 1967, p. 32, table 5, line 28.

IMPORTS OF MERCHANDISE

[In billions]

	Amount ¹	C.i.f. 10 percent ² addition	Total imports, c.i.f. basis
1962-----	\$16.38	\$1.63	\$18.01
1963-----	17.13	1.71	18.84
1964-----	18.68	1.86	20.54
1965-----	21.36	2.13	23.49
1966-----	25.65	2.56	28.21

¹ Statistical Abstract of the United States, 1966, table 1251, p. 859.

² As found by the Tariff Commission report on c.i.f. values of U.S. imports, Feb. 7, 1967.

BALANCE OF TRADE ON BASIS OF NET PRIVATE
COMPETITIVE EXPORTS COMPARED WITH C.I.F. IMPORTS

(In billions)

	Amount	Balance as reported by Department of Commerce
1962.....	\$1.09	\$5.32
1963.....	1.50	6.20
1964.....	2.79	17.80
1965.....	1.76	5.98
1966.....	1.80	3.77

¹ Surplus.
² Deficit.

Note: The Tariff Commission in its report, cited above, said that "freight and insurance charges alone do not necessarily give comparability between U.S. official statistics on imports and those on the imports of most other countries." * * *. It is not feasible to collect reliable statistics on these additional costs on imports * * * but they are known to range from an insignificant amount to as much as the charges for freight and insurance, or even more."

Mr. THURMOND. Mr. President, these figures show two pictures: The Commerce Department's news release calculations for our supposed trade balances for the years 1962-66, and the net competitive position of the United States when properly calculated by using the correct trade statistics.

When governmentally assisted or subsidized exports, such as Public Law 480 food shipments overseas, are excluded from the Commerce Department's export statistics, and when U.S. import values are figured on the c.i.f.—cost-insurance-freight—basis, as used by most nations and recommended by the United Nations, instead of the f.o.b.—free on board—basis, used almost exclusively by the United States, we find that all the surpluses for 1962, 1963, 1964, and 1965 shrink considerably; and the 1966 shrink turns from black to red. For instance, in 1966 a reported favorable balance of \$3.77 billion is converted into a trade deficit of \$1.80 billion, which is a drastic and disturbing difference.

Recent hearings by the Senate Committee on Finance, thanks to the persistence of our distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], and the leadership of our distinguished majority whip, the Senator from Louisiana [Mr. LONG], have caused the Commerce Department to now publish c.i.f. import data on a limited basis, which reflects a differential of 8.9 percent in increased import values as compared with the f.o.b. basis. This differential has been based on a brief Department of Commerce study of c.i.f. figures. However, a more detailed study by the Tariff Commission, likewise undertaken at the request of the Finance Committee, showed a differential of 10 percent, with the notation that there are additional costs, aside from the c.i.f. differential, which cannot be feasibly calculated in a study, but which could run as high as an additional 10 percent in import values.

Thus, Mr. President, I have used the more accurate Tariff Commission conversion factor without figuring in the additional cost factors which could run import values up 25 percent instead of 10 percent.

I also ask unanimous consent, Mr. President, to have printed in the RECORD, at the conclusion of these remarks, a special announcement by the Department of Commerce in its publication FT 990/ May 1967—published in July 1967—entitled "Highlights of U.S. Export and

Import Trade." This announcement contains information on the new estimated c.i.f. values for U.S. imports as calculated by the Commerce Department. I have been informed that the Commerce Department is now preparing to publish separate export figures stripped of Public Law 480 shipments, and that this information should be included in the issue of "Highlights of U.S. Export and Import Trade" to be published some time this month.

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

(See exhibit 1.)

Mr. THURMOND. I also ask unanimous consent to have published in the RECORD, following this announcement, a news release from the Tariff Commission dated February 7, 1967. This release provides information on the Commission's study of c.i.f. values and how the Commission arrived at a minimal conversion factor of 10 percent from f.o.b. to c.i.f.

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

(See exhibit 2.)

Mr. THURMOND. In conclusion, Mr. President, I reiterate the importance of having accurate trade statistics not only published, as is now being done, but also to have this information properly calculated in the official export and import statistics released to businessmen and the public. The American people—especially the business community, Congress, our trade negotiators—must have the actual and accurate statistics concerning our trade posture with other nations. The key information they need to know is the overall net competitive position of our Nation. U.S. trade negotiators could have used the correct figures to our advantage in the Kennedy round negotiations recently concluded in Geneva. There, the vital American textile industry, which is so important to our national economy and our war effort, was seriously damaged by unreasonable and unrealistic tariff concessions against this domestic industry which has already been reeling from staggering quantities of low-wage textiles manufactured with U.S. Government favoritism toward manufacturers in foreign lands. Mr. President, this is an example of only one industry hurt by distorted trade statistics which present the false impression of boom when the real picture shows gloom. Black figures were used at the Geneva negotiations when red figures represented the true picture of our trade situation.

I salute the Committee on Finance for its diligent work to close this credibility gap of the administration, and express the hope that the committee will continue its vigilance and its good work. I am also pleased that the Commerce Department and the Tariff Commission are now in part facing up to this credibility gap, and I urge that they move to close the gap completely through use of the accurate calculations based on realistic figures concerning our trade statistics in all news released.

EXHIBIT 1

SPECIAL ANNOUNCEMENT: ESTIMATED C.I.F. VALUES FOR U.S. IMPORTS

Estimated values for U.S. imports on a c.i.f. (cost, insurance, and freight) basis for current periods are shown in the table below.

The regularly published import statistics reflect values as reported on import entries for tariff purposes. The valuation provisions of the Tariff Act of 1930, as amended, (Section 402 and 402a) are somewhat complex, but for most imports the value at the principal markets in the foreign country is required to be reported on import entries.

Users of U.S. data have expressed an interest in additional information which would supply U.S. import values on a c.i.f. basis. In an attempt to meet this need, the Bureau of the Census, in cooperation with the Tariff Commission and the Bureau of Customs, initiated a study of a representative sample of individual U.S. import shipments. The study relates c.i.f. values determined (or, in some cases, estimated) for these sample transactions to the value reported in Census statistics for the same transactions. Results of the first segment of this study, based on the first half of 1966 and released at the end of that year, indicate that the c.i.f. port of entry values for the sample shipments averaged 8.9 percent higher than their values as reported in U.S. foreign trade statistics.

For purposes of the study, c.i.f. value was defined as the cost of the commodities at the port of exportation plus insurance and freight to the U.S. Customs port of entry. (This is not always the first U.S. port of arrival.) Though the values reported in the import statistics are sometimes referred to as "f.o.b. port of export values," the Tariff Act valuation provisions are such that other value bases are also used.

The study is continuing, and later findings may modify the results in some respects, particularly where the relationship between c.i.f. and the statistical values for different types of commodities is concerned. It is believed, however, that the average relationship established in the completed part of the study can be used without further delay as an adjustment factor to derive useful estimates of the total c.i.f. value of current U.S. imports and comparative values for the recent past. Therefore, beginning with this issue, information will appear periodically in this space showing estimated c.i.f. totals for U.S. general imports, derived by applying the 8.9 percent adjustment factor to the regularly compiled import totals.

ESTIMATED C.I.F. VALUES COMPARED WITH PUBLISHED
VALUES FOR U.S. GENERAL IMPORTS, QUARTERLY 1966
AND 1967 AND MONTHLY 1967

(In millions of dollars)		
Period	Estimated c.i.f. value	Value as published in U.S. import statistics
1966		
1st quarter.....	6,418.1	5,893.6
2d quarter.....	6,897.9	6,334.2
3d quarter.....	7,129.0	6,546.4
4th quarter.....	7,379.3	6,776.2
1967		
1st quarter.....	7,210.5	6,621.2
January.....	2,463.1	2,261.8
February.....	2,181.8	2,003.5
March.....	2,565.6	2,355.5
April.....	2,277.2	2,091.1
May.....	2,420.2	2,222.4

EXHIBIT 2

C.I.F. VALUE OF U.S. IMPORTS

In response to recurring inquiries on c.i.f. (cost-insurance-freight) information, the Tariff Commission today released data relating to freight and insurance charges on products imported into the United States. The data, based on a review of the entry documents for some 13,000 shipments in 1965, indicate a wide range in the ratio of freight and insurance costs to the value of imports as reported in official statistics. By far the most important cause of the wide range was found to be the great variation in the unit value of similar as well as dissimilar products. Other important factors were the great differences in shipping distances—

from the farthest point in the world to border ports of exportation in Canada and Mexico—and the type of transportation used (ocean freight versus air express).

The value of imports shown in official statistics generally represents the wholesale value in the exporting country. The freight and insurance charges compiled by the Commission are those required to bring the merchandise from the point of exportation in the foreign country to the point of entry in the United States.

The Commission noted that the addition of freight and insurance charges alone does not necessarily give comparability between official statistics on U.S. imports and those on the imports of most other countries. The value used by most foreign countries for duty and statistical purposes includes not only freight and insurance charges, but additional costs (such as buying commissions), which are not ordinarily included in U.S. values. It is not feasible to collect reliable statistics on these additional costs on imports into the United States, but they are known to range from an insignificant amount to as much as the charges for freight and insurance, or even more.

The data released by the Commission are shown in two arrays, one in the order of the Tariff Schedules of the United States, and the other in the same broad groupings for which the Bureau of the Census released similar data last December (in Department of Commerce press release of December 20, 1966). It should be noted that the data obtained by the Commission are for a different period of time and for a different sample of shipments from the data obtained by the Bureau of the Census. The study now being made by the Bureau of the Census for the second half of 1966 will supply data that will further improve the information available on freight and insurance charges. The data released by the Commission are averages for the groups of products described; in many instances the ratio of freight and insurance charges on different shipments of products within the group varies widely from the average shown.

Copies of the tabulations may be had upon request as long as the limited supply lasts. Address requests to the Secretary, U.S. Tariff Commission, 8th and E Streets, N.W., Washington, D.C. 20436.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 678) to provide for the disposition of funds appropriated to pay a judgment in favor of the Upper and Lower Chehalis Tribes of Indians in Claims Commission docket No. 237, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HALEY, Mr. EDMONDSON, Mr. TAYLOR, Mr. BERRY, and Mr. HANSEN of Idaho were appointed managers on the part of the House at the conference.

The message also announced that the House insisted upon its amendment to the bill (S. 1320) to provide for the acquisition of career status by certain temporary employees of the Federal Government, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HENDERSON, Mr. CHARLES H. WILSON, Mr. WHITE, Mr. GROSS, and Mr. DERWINSKI were appointed managers on the part of the House at the conference.

DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, 1968

The Senate resumed the consideration of the bill (H.R. 10738) making appropriations for the Department of Defense for the fiscal year ending June 30, 1968, and for other purposes.

Mr. BREWSTER. Mr. President, as passed by the House of Representatives, H.R. 10738 included a provision that "none of the funds herein provided shall be used for the construction of any naval vessels in foreign shipyards." I am in complete agreement with that provision, and am, therefore, distressed to find that it has been deleted from the bill by the Senate Defense Appropriations Subcommittee.

The American merchant marine and the U.S. Navy have suffered from a gradual deterioration of the shipbuilding industry in this country. Obviously, the purchase from foreign shipyards of vessels for our own Navy will only accelerate this deterioration.

I should like to quote from the declaration of policy of the Merchant Marine Act of 1936, which is still the law of the land:

It is necessary for the national defense and developing of its foreign and domestic commerce that the United States shall have a merchant marine (a) sufficient to carry its domestic water-borne commerce and substantial portion of its water-borne Export and Import Foreign Commerce of the United States and to provide shipping service on all routes essential for maintaining the flow of such domestic and foreign water-borne commerce at all times; (b) capable of serving as a naval and military auxiliary in times of war or national emergency; (c) owned and operated under the United States insofar as may be practicable, and (d)—

The part that is most relevant to this discussion today—

composed of the best-equipped, safest, and most suitable types of vessels, constructed in the United States and manned with a trained and efficient citizen personnel.

It holds true today, just as it did in 1936 and during the Second World War, that a healthy shipbuilding and ship repair industry make a major contribution to the national security. After all, 60 percent of all our troops and 97.6 percent of all American supplies sent to Vietnam go by ship.

At the conclusion of World War II, this Nation was first in shipbuilding. In the years since then, we have slipped to 16th, and Japan, a nation whose shipbuilding industry we helped to reconstruct after the war, is now in first place.

The blame for the decline in American shipbuilding can be assigned to many causes, none of which I propose to discuss at this time. I wish simply to impress upon my colleagues that the decline has reached crisis proportions, and that very soon the Congress will have either to enact a massive maritime revitalization program or to watch American-flag ships vanish from the seas altogether.

To avoid just such a vanishing, my distinguished colleagues, the chairman of the Committee on Commerce and the chairman of the Merchant Marine Subcommittee, have conducted extensive hearings into the state of the American maritime and shipbuilding industries, and have announced that they will pre-

sent a comprehensive maritime program to Congress before the conclusion of this session.

I, for one, am hopeful that we will see a new maritime program pass Congress this year. In the meantime, however, I think it is at least incumbent upon the Congress to pursue policies which are not detrimental to the merchant marine and shipbuilding industries. And by no stretch of the imagination, can deletion of the proviso against foreign shipbuilding be construed as anything but harmful to the shipyards of America.

During the House debate, it was indicated that the motivation for permitting foreign building of American naval vessels derived primarily from the Department of Defense's plan to invite the bids of British shipbuilding firms on seven ocean minesweepers, to cost approximately \$60 million.

I appreciate the rationale of the Defense Department in offering such a proposal. It is indeed necessary that this country purchase certain kinds of military equipment abroad, as a partial offset to the huge amounts that our allies spend on military procurement here.

I recognize—and support—the need for give and take in these transactions. They add to our foreign trade, and are, therefore, highly beneficial to some segments of domestic industry.

What disturbs me, then, is not the total concept of procurement abroad, but the particular transaction in which \$60 million worth of American ships would be built in a foreign shipyard. The simple fact is that shipbuilding is one segment of domestic industry that cannot afford foreign competition.

Already 18 of our yards have gone out of business during the last decade. More yards will close in the coming years if we take away their business and transfer it to British or other foreign yards. And every yard closed down means that much less security for the United States in the event of an emergency.

As an illustration, I should like to quote from a statement submitted by Rear Adm. E. J. Fahy, commander, Naval Ships Systems Command, to the House Defense Appropriations Subcommittee. Admiral Fahy was referring to the minesweeper transaction.

The wooden shipbuilding know-how for ships of this type and size in the U.S. has diminished over the years to the point where it is expected that only two commercial U.S. firms have sufficient existing capability to stimulate a response to bid on the construction of the proposed ships. Failure of either of these firms to win the contract will eliminate an opportunity for stimulating the maintenance or possible improvement of this potential and conceivably could downgrade the potential....

Admiral Fahy conceded that, although this competence in wooden shipbuilding could conceivably be revived at some later date, "there is concern that perhaps we might lose the capability." Once lost, that capability can only be restored at enormous cost.

Of course, it can be argued that the minesweeper transaction is only an exception to the rule. To those who advance that argument, I say: Look at the record; many other so-called exceptions have mushroomed into general policy.

For instance, in early 1963, the Navy

contracted to produce two torpedo boats in Norway. This was described as an "exception to the general policy" due to "military necessity."

In September 1963, the Navy purchased eight more torpedo boats in Norway, for a total of \$6.3 million.

That same year, three destroyer escorts were purchased in Portugal with U.S. funds.

This record, it seems to me, is not very good. Government programs that have started are not easy to stop unless they are limited specifically by statute.

We should not, in my opinion, purchase ships abroad when they could be built in this country and contribute to a healthy American shipbuilding industry. And they should most certainly not be purchased abroad if the initial transaction will lead to even greater purchases in the future, each more injurious than the last to U.S. shipyards.

I concede that those Defense Department officials responsible for this proposal have the best of intentions. But I strongly urge that in this time of crisis we do everything in our power to halt the decline in our shipbuilding and ship repair industry. A first step in that direction would be to retain in H.R. 10738 the provision preventing construction of U.S. naval vessels abroad.

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

The PRESIDING OFFICER (Mr. HOLINGS in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. STENNIS. Mr. President, for myself and on behalf of the Senator from North Dakota [Mr. YOUNG], I offer an amendment and ask that it be stated. I call the particular attention of the Senator from Pennsylvania [Mr. CLARK] to this modified amendment.

The PRESIDING OFFICER. The Chair asks the Senator from Mississippi, is this a modification of the original amendment?

Mr. STENNIS. Yes; the Chair is correct. This is a modification of the original amendment offered on Friday afternoon last.

The PRESIDING OFFICER. The clerk will state the amendment.

The ASSISTANT LEGISLATIVE CLERK. On page 45, line 4, after "640," insert "(a)". On page 45, after line 12, insert:

(b) During the current fiscal year none of the funds available to the Department of Defense may be used to install or utilize any new "cost-based" or "expense-based" system or systems for accounting, including accounting results for the purposes prescribed by section 113(a) (4) of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 66a(a) (4)), until 15 days after the Comptroller General of the United States (after consultation with the Director of the Bureau of the Budget) has reported to the Congress that in his opinion such system or systems are designed to: (1) meet the requirements of all applicable laws governing budgeting, accounting, and the administration of public funds and the standards and procedures es-

tablished pursuant thereto; (2) provide for uniform application to the extent practicable throughout the Department of Defense; and (3) prevent violations of the antideficiency statute (R.S. 3679; 31 U.S.C. 665).

Mr. STENNIS. Mr. President, I shall make a brief statement; then I shall yield to the Senator from Pennsylvania.

The amendment was offered in almost this form on last Friday. The Senator from Pennsylvania requested that it not be acted upon until he had had an opportunity to confer with officials of the Department of Defense.

This morning, on this subject, along with members of the staff of the committee, I met with officials of the General Accounting Office and the Department of Defense and modified the amendment somewhat.

The amendment, as modified, would meet several of the technical objections raised by the General Accounting Office.

From its standpoint, the Department of Defense feels that it is an improvement, but I assume that they still oppose the amendment. They did not, outright, agree to it.

There is one point I want to mention: Passage of the amendment will not prohibit the Department of Defense from proceeding with the tests of the proposed resources management system for which funds were requested in the Department's appeal letter to the Senate Department of Defense Appropriations Subcommittee.

The amendment would place the entire subject in conference. There is no direct legislation on it in the House bill. This amendment will put it in conference for further review.

The Senator from Pennsylvania has been most helpful to us in preparing the amendment, and I think, through his efforts, frankly, it is in better form now than it was before.

I am glad now to yield to the Senator from Pennsylvania.

Mr. CLARK. I thank my good friend from Mississippi for yielding to me.

Mr. President, I shall not, in the end, oppose this compromise amendment.

The Senator from Mississippi and I are in agreement upon it, but I should like to make a little legislative history before the amendment goes into the bill. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Pennsylvania will state it.

Mr. CLARK. Is not the amendment subject to a point of order on the ground that it is legislation on an appropriation bill?

The PRESIDING OFFICER. Having examined the amendment, the Chair finds it to be legislative in nature.

Mr. CLARK. I understand that our able and intellectually agile Parliamentarian, for whom I have the highest respect, has been able to work out a way to get around the fact that this is clearly legislation on an appropriation bill. I am not disposed to quarrel with the unique device which I am about to relate, a device which I understand makes it possible to put this proposal in the bill, even though it is legislation on an appropriation bill.

Mr. STENNIS. If the Senator will yield for just one question, I shall not respond to the Senator on those points

just now; but for the committee, I do reserve the rights that we have on the question of germaneness on this point, which is a necessary part of the bill.

Mr. CLARK. Yes. In order to set the record straight, I shall make the point of order that the amendment is subject to being disallowed because it is legislation on an appropriation bill. Then we can move on to see how we can have it included anyway.

So, Mr. President, I raise the point of order and ask for a ruling.

Mr. STENNIS. Mr. President, I reserve my rights on the question of germaneness that the committee has—

Mr. CLARK. That will come up later, I may say to the Senator.

The PRESIDING OFFICER. Does the Senator from Mississippi raise the question of germaneness?

Mr. STENNIS. Yes; I raise the question of germaneness and reserve all rights under that question.

Mr. CLARK. Mr. President—

The PRESIDING OFFICER. Under rule XVI, when the question of germaneness is raised, the question shall be submitted to the Senate for decision without debate.

Mr. CLARK. Mr. President, if I may have the floor for a moment.

Mr. STENNIS. Mr. President, for the moment, in order to permit debate, I withdraw the question of germaneness. I did not intend to cut off the Senator from Pennsylvania.

Mr. CLARK. I thank the Senator from Mississippi.

The PRESIDING OFFICER. The question of germaneness is withdrawn.

Mr. CLARK. Mr. President, I should like to have the RECORD make some sense, which it does not, the way it is now.

The Chair has ruled that the amendment in its present form is subject to a point of order—and it is. The Parliamentarian and the Senator from Mississippi, as I understand, have agreed that if the amendment is attached as a part of section 640 of the act, which is a provision written into the bill by the House and is itself legislation on an appropriation bill—we did not put it there; the House put it there—the House having got away with its being legislation on an appropriation bill, the Senate can now do it, too, by adding on to the House provision. Thus two wrongs will make a right. I shall not quarrel with that.

I point out now, as I have for 11 years in this body, how crazy our rules and precedents are. Having made the point of order, and the Chair having ruled that a point of order will lie, I now yield to the Senator from Mississippi, so that he may attach the amendment to section 640 of the House bill, which is itself legislation on an appropriation bill. Since this is the legerdemain under which we operate that will make it all right, I have no objection.

Mr. STENNIS. Mr. President, one word with reference to the legerdemain. This is a rule of reason, a rule of commonsense. It has been a rule of the Senate for at least 12 years. I know, because I have heard the question raised many times in the Senate.

Of course, there is a general rule against legislation on an appropriation

bill. But the rule further provides, as every Senator knows, that notice may be given, after which a two-thirds vote is required to suspend the rule.

It is all as much a part of the Senate rules as in any other rule, except that if an appropriation bill already having legislation in it comes to the Senate, the rule then will not apply, and the Senate can amend the existing legislation on an appropriation bill so long as the amendment of the Senate is germane.

I shall suspend for a moment, I should like to have the Chair's attention, because his ruling may be challenged.

If we did not have that rule, the House of Representatives would have the exclusive power to put legislation on an appropriation bill. Absence of the rule would exclude us from amending legislation that comes to us in a House bill. So logic, reason, and commonsense require that we operate under such a rule so we can amend a bill, and if there is legislation already in a House bill, it is germane to that legislation.

Mr. President, the reference by me to the Senate precedents with respect to germaneness was not suggested by the parliamentarian. This matter has been raised many times in connection with amendments to appropriation bills.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from North Dakota.

Mr. YOUNG of North Dakota. I think both Houses of Congress rightfully limit legislation they put in appropriations bills. Since the House and the Senate sometimes do exercise this right it sometimes becomes necessary for the other body to make some changes. The rules provide that it requires a two-thirds vote, when a point of order has been raised and notice has to be served prior to the bringing up of a bill. So it is not easy to get legislation on an appropriation bill.

Mr. CLARK. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. CLARK. As I understand it, the Senator from Mississippi proposes to attach this amendment to section 640 of the bill. Is that correct?

Mr. STENNIS. That is correct.

Mr. CLARK. Then, if I were to raise the question of germaneness, which I ordinarily would do—and I raise this parliamentary inquiry—the Chair, as I understand it, does not rule on questions of germaneness. I do not know why he does not, but it goes to the Senate on a majority vote basis. Is that correct?

The PRESIDING OFFICER. That is correct, under rule XVI.

Mr. CLARK. So the end result would be that the Senator from Mississippi, who unquestionably has the votes, can get this legislation in as part of section 640 on the ground that it is germane to section 640. In my opinion, it is not germane to section 640, because section 640 provides, which I now read:

During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 22208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Pro-

vided, That transfers may be made between such funds in such amounts as may be determined by the Secretary of Defense, with the approval of the Bureau of the Budget.

The pending amendment of the Senator from Mississippi and the Senator from North Dakota has to do with accounting systems, and the right of the Secretary of Defense to establish a new accounting system dealing with the subject of the way they prepare their accounts at the time they come in and ask for appropriations has nothing in the world to do with cash balances. But I am not going to raise the question of germaneness; first, because the Senator from Mississippi has the votes, and I would be overruled, and, secondly, even if he did not have the votes, the amendment he has presented is better than it was last Friday.

I would like to make a little legislative history. Last Friday the Comptroller of the Defense Department, Mr. Anthony, represented first by a General Moore, came over to see me because I had suggested on Friday that to rush this amendment through—which was not then subject to a point of order, which I did not know then—with four or five Senators on the floor was not good legislative procedure. The Senator from Mississippi agreed to put it over. Assistant Secretary Anthony, and General Moore, too, I guess, got in touch with the Appropriations Committee staff and the General Accounting Office and worked out new language with which the Department of Defense says it can live, although it is not happy with it. This is new language. Mr. Oliver said there was no need for me to make a floor speech on it because they were content. I said, "Mr. Oliver, I would not do that, because I am not on the Appropriations Committee or the Armed Services Committee. I am just one Senator."

I have raised my point. The Department of Defense has come to an agreement, though it is not necessarily in accord. Therefore, I have nothing further to say, other than to refer to this parliamentary device—and I call it that still—in which this legislation on an appropriation bill will appear as a part of the law.

Mr. STENNIS. I thank the Senator for his views, which have been a contribution to this discussion.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from North Dakota.

Mr. YOUNG of North Dakota. I am glad the Senator is not making his point of order. The Appropriations Committee spent considerable time in reviewing the request of the Department of Defense and concluded that the \$50 million requested for the proposed "Resources Management System" was an item that could be deferred without any adverse effect on the programs of the Department of Defense.

Mr. President, it is estimated reliably that this would mean more than 6,000 additional jobs in the Department of Defense. About one-third of them would be military and the rest civilians.

Another real problem is the fact that the Department of Defense has seen fit to ignore the actions of the House Appropriations Committee, the House of

Representatives, and the Senate Appropriations Committee in disallowing these funds and intends to proceed with at least a partial implementation of the "Resources Management System."

That is why the Appropriations Committee felt the amendment was absolutely necessary.

Mr. STENNIS. Mr. President, I do not have any further special remarks that I want to make.

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

Mr. STENNIS. I yield.

Mr. CLARK. As I understand it, the new and different amendment—and I ask the attention of the Senator from Mississippi—

Mr. STENNIS. I am listening.

Mr. CLARK. He is now proposing as an amendment to section 640.

Mr. STENNIS. Yes, that is correct. In that connection, the Parliamentarian has ruled it is not subject to a point of order because it is a germane amendment—says the Parliamentarian—to a House amendment which is itself legislation on an appropriation bill. So, since a Senator cannot make a valid point of order against it, therefore I think we could adopt it by voice vote.

The PRESIDING OFFICER. Will the Senator indulge the Chair at that point?

Mr. STENNIS. Yes.

The PRESIDING OFFICER. The language is still subject to a point of order, but if a question of germaneness is submitted, it must be submitted to the Senate.

Mr. CLARK. Let us get the record straight. I raise the point of order, and the Senator from Mississippi can raise the question of germaneness.

Mr. STENNIS. Mr. President, I raise the question of germaneness of this amendment to section 640 of the House bill. That not being subject to debate, we could dispose of it right now.

Mr. CLARK. I believe it is subject to debate, but is subject to the will of a majority of the Senate.

The PRESIDING OFFICER. Under rule XVI the question of germaneness is immediately submitted to the Senate without debate.

[Putting the question.]

The yeas seem to have it. The yeas have it.

Mr. STENNIS. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is now on the adoption of the amendment.

Mr. STENNIS. For the further history of this matter, I wish to make a brief statement.

This amendment was offered in a somewhat different form last Friday, and the Senator from Pennsylvania requested that it not be acted upon until he had had an opportunity to confer with officials of the Department of Defense on the matter.

This morning, I, along with the staff of the committee, met with officials of the General Accounting Office and the Department of Defense and modified the amendment somewhat. The amendment as modified meets several technical objections raised by the General Accounting Office. From the standpoint of the Department of Defense, they feel that

it is an improvement but, I assume, still oppose the amendment.

The Department of Defense budget included \$52.7 million for the implementation of the proposed Department of Defense Resources Management System, commonly referred to as PRIME. Of the total requested, \$30.6 million was for the employment of approximately 3,600 additional civilian employees to implement this new system.

After giving this proposal careful consideration, the House Committee on Appropriations recommended that the funds requested for the system be disallowed. In recommending this action, the House committee stated in its report:

The committee has deleted funds budgeted in Operation and Maintenance accounts for the so-called Resources Management System of the Department of Defense. The principal element of this system is known as Project Prime, a proposal to completely alter the character of Defense budgeting and accounting so as to bring it in consonance with the program system of the Department.

The committee is of the opinion that this proposal appears to be a case of too much too soon. While it is undoubtedly true that significant changes in the budgeting and accounting system of the Department of Defense should perhaps be accomplished, and this is to some extent true of all agencies of the Federal Government, what is understood of the proposal under Project Prime would indicate a massive change which to some extent would temporarily diminish Congressional control and which appears to be proposed for at least partial initiation without due regard to Congressional expression.

The committee directs that there be no such change in the budgeting and accounting system of the Department of Defense preparatory to the formulation of the fiscal year 1969 budget presentation.

Mr. President, the intent of the House committee's recommendation is clear, and the House of Representatives concurred in this recommendation.

The Department of Defense did not ask the Senate committee to restore the full House reduction of \$52.7 million requested for the new system. In discussing this matter, the Deputy Secretary of Defense said:

The House bill deletes \$52.7 million that was requested for the implementation of improvements in resource management systems for operation of the active forces. The House Committee indicated, however, that it would not object to further tests of the proposed improvements. We agree that further tests in each military service would be beneficial, and request restoration of the \$3.5 million necessary for this purpose.

Mr. President, I want to emphasize the fact that the Deputy Secretary of Defense said, "We agree that further tests in each military service would be beneficial." The Senate committee did not recommend the allowance of the \$3.5 million requested for these further tests, but indicated there was no objection to the tests being funded from available resources.

Mr. President, the intent of the Senate Committee on Appropriations is clearly stated in its report on page 22, and I quote:

The committee recommends concurrence in the House action disallowing the requests totaling \$52,700,000 included in the various operation and maintenance appropriations for the implementation of the Department's proposed Resources Management System. The

committee is in complete accord with the position of the House committee on this proposal. This position was stated in the House report on the bill as follows:

"The committee directs that there be no change in the budgeting and accounting system of the Department of Defense preparatory to the formulation of the fiscal year 1969 budget presentation."

The committee has no objection to a further test of the proposed system as provided for by the House committee. However, it is the view of the committee that such tests should be funded from available resources and the Department's requests for funds to finance these tests have been disallowed.

Mr. President, let us review the history of this matter. The House disallowed the budget request of \$52.7 million, and the House committee directed the Department not to proceed with the new system, other than a further test in each of the military services. The Department of Defense did not ask the Senate committee to restore the funds to implement the new system, but requested only \$3.5 million to finance the further tests. The Senate committee did not restore any of these funds, but stated that available resources could be used to fund the further tests. The congressional intent in this matter is certainly clear to this point.

On August 7, the Secretary of Defense in a letter to the chairman of the House Appropriations Committee stated:

Internally, we shall use a management control system that focuses on expenses classified according to the organization units responsible for incurring them. . .

Mr. President, this is the implementation, at least partially, of the system for which the funds were disallowed and which the House committee and Senate committee have said should be tested further.

Mr. President, the Department of Defense Appropriation Acts are based on a very broad appropriation structure that gives the Department of Defense a great degree of flexibility in the use of the funds provided. There is good reason to believe that the existing structure provides the Department of Defense with too much flexibility in the use of these funds. On the other hand, it would be possible to have a "line item" appropriation structure which provides very little flexibility, and I do not think that this is desirable. However, it is absolutely essential that the Department of Defense follow the intent of the committees, when these recommendations are concurred in by the House of Representatives and the Senate, if the broad appropriation structure is to be continued.

Mr. President, I want to conclude by explaining just what the amendment will do. As I stated on Friday, information submitted to the committees raised some rather serious questions as to the desirability of proceeding with this system at this time. These questions are:

First. Does the proposed system meet the requirements of applicable laws with respect to the budgeting, accounting, and administration of public funds?

Second. Is the system designed and developed for uniform application throughout the Department of Defense?

Third. Is the system adequate to provide for a strict enforcement of the Anti-

Deficiency Act, which is the basis for the Federal appropriation laws?

It was the view of the committees that the further tests authorized would provide the answers to these questions. However, inasmuch as the Department has seen fit to proceed, it is deemed advisable to have the Comptroller General of the United States, who is a representative of the legislative branch, review the Department's proposed system and advise the Congress with respect to its adequacy.

Mr. President, during the discussion of this amendment on last Friday, reference was made to the attitude of the members of the Appropriations Committee with respect to changes in appropriation structure and improvements in accounting systems. It cannot be said that this committee has prevented any agency of the Government from improving its accounting and management procedures. I call the attention of the Senate to the fact that in this bill the committee has recommended \$2.5 million for the implementation of the Navy's new Fleet Command Management System to improve the management and accounting of funds provided in the appropriation entitled "Operation and Maintenance, Navy." This item is discussed on page 26 of the committee report. The committee has also approved the Department's request to place the Alaska Communications System under the Air Force industrial fund.

However, in this instance, it will be noted that the committee has concurred in the House direction that \$7 million in accumulated receipts from the Alaska Communications System be deposited in the Treasury. These receipts were withheld from the Treasury by the Air Force without specific statutory authority which, in the view of the committee, was not a proper accounting of public funds. This matter is discussed on page 40 of the report.

I have cited only two of many actions taken by the Committee on Appropriations to strengthen the accounting and budgeting systems of the Department of Defense. The committee's record in this area is one that cannot be criticized.

Mr. President, I urge the adoption of the amendment.

Mr. CLARK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STENNIS. Mr. President the pending amendment has not been voted upon.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi and the Senator from North Dakota, as modified.

The amendment was agreed to. The PRESIDING OFFICER. The bill is open to further amendment.

Mr. CLARK obtained the floor.

Mr. CLARK. Mr. President, I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, for the information of the Senate, to the best

of my knowledge and belief, no further amendments will be offered today. I have been in communication with the Senator from Oregon [Mr. MORSE], who has stated that he might have two small amendments tomorrow, but that he could not have them ready for presentation this afternoon.

The Senator from Pennsylvania [Mr. CLARK] is here and can speak for himself, but as I understand, he will not offer any amendments this afternoon.

Mr. CLARK. That is correct.

Mr. STENNIS. However, the Senator from Pennsylvania has a speech on the merits of the bill that he wishes to make at this time.

There will be no record votes this afternoon in my opinion. However, I think there is a mighty good chance that we will finish the bill tomorrow. We will perhaps, at the end of today's session, have a proposed unanimous-consent request for controlled time on any amendments that are offered and with respect to passage of the bill, if we can work out such an agreement.

I appreciate the Senator yielding to me.

Mr. CLARK. Mr. President, for the information of the Senate, I have a speech, and, I suspect, some colloquy with the Senator from Mississippi with respect to the comment in the committee report on antiballistic missile defense.

I agree with the Senator's statement concerning there being no possibility of votes this afternoon. I see no possibility of any votes this afternoon.

Tomorrow, I shall have a speech on the merits of the bill, which speech might take as long as 2 hours. I hope it will be shorter. At the conclusion of that speech, I may submit a motion to recommit with instructions. However, I have not decided definitely whether to do that or not.

Mr. President, if the Senator from Mississippi will turn to page 7 of the report which deals with the antiballistic missile defense, I would like to read the three paragraphs in those comments and then, with the concurrence of my friend, the Senator from Mississippi, ask the Senator a few questions about the matter.

I read from the top of page 7 under the heading "Antiballistic Missile Defense," as follows:

The recommendations of the committee include \$730 million for the Nike X antiballistic missile defense system, including \$309 million for the initial deployment of the system. There is also available \$153 million appropriated in fiscal year 1967 for the deployment of the system that has not been used. When these funds are considered along with approximately \$88 million in the pending military construction appropriation bill, the total that will be available for this system during fiscal year 1968 totals approximately \$970 million. These funds are adequate to continue the development of the system and for initial deployment. The Congress has met its constitutional responsibilities in this matter, and the responsibility for further delaying this system clearly rests with the executive branch of the Government.

I pause there to ask the Senator if it is not true that all of the funds recited here were in the administration request.

Mr. STENNIS. The Senator is correct.

These are what we call the budget estimates for 1968. Of course, the \$153 million is a carryover from fiscal year 1967.

Mr. CLARK. The committee did not attempt either to increase or cut the budget figures with respect to further research and development and the possible initial deployment of an antiballistic missile system?

Mr. STENNIS. The Senator is correct. This is essentially the way the budget was presented to us and the way the Department of Defense presented it.

Mr. CLARK. Mr. President, I continue to read from page 7, the second paragraph:

With respect to the \$375 million requested in the President's budget to provide for the initial deployment of the system, the Secretary of Defense advised that these funds would be used if proposed negotiations with the Soviet Union to limit the deployment of the antiballistic missile system proved unsuccessful. The committee is not aware of any successes from these proposed negotiations. However, it is the view of the committee that the decision on the deployment of the antiballistic missile system cannot rest on any bilateral agreements reached with the Soviet Union. To proceed on such a basis ignores the progress being made by Red China in the field of nuclear weapons and ballistic missiles. Attention is called to the report of the Joint Committee on Atomic Energy, dated August 3, which indicates that Red China could possibly launch an intercontinental nuclear missile attack against the United States by the early 1970's. Furthermore, France has a large supply of nuclear weapons and is not a party to the negotiations.

Then, the third paragraph reads:

It is the view of the committee that the deployment of the Nike X antiballistic missile system should be initiated immediately, and the committee urges the executive branch of the Government to take action accordingly.

It is my understanding that both Secretary McNamara and President Johnson are opposed to the immediate deployment of the Nike X.

Mr. STENNIS. I cannot be certain what their present position is. When the Secretary testified before the committee, which was some time ago, he pointed out that the request for the money was based on the question of whether negotiation with the Soviet Union would be successful, as the report states.

At the time this report was written, we had no further information one way or the other. The report was agreed to on August 3. The report indicated that Red China could possibly launch an international nuclear missile attack by the early 1970's.

Mr. CLARK. I ask my friend, the Senator from Mississippi, whether in the course of the hearings before the Appropriations Committee extensive testimony was not taken by the committee from Secretary McNamara, the Chairman of the Joint Chiefs of Staff, General Wheeler, the Chief of Staff of the Air Force, General McConnell, the Chief of Staff of the Army, General Johnson, and the Defense Department's Director of Research and Engineering, Mr. John Foster.

The committee went rather exhaustively into this matter, did it not?

Mr. STENNIS. The Senator is correct. The committee did go into the matter

rather exhaustively, and frankly, we were impressed with the military threat as outlined by the military advisers to the Joint Chiefs, who thought we could not wait longer to have at least an initial start on deployment of the antiballistic missile system.

Mr. CLARK. The Senator is aware, is he not, that the Armed Services Committee has also made an investigation of the validity of the antiballistic missile systems and taken considerable testimony on that subject?

Mr. STENNIS. The hearings were joint hearings this year, held by the Armed Services Committee and the Subcommittee on Appropriations. They are the only hearings we have had recently upon the state of development of the Nike X antiballistic missile system.

Mr. CLARK. It is also my understanding that the Joint Committee on Atomic Energy has expressed its views on this matter?

Mr. STENNIS. The Senator is correct.

Mr. CLARK. I do not know whether the committee took any testimony. Can the Senator enlighten me on that?

Mr. STENNIS. I think they did. I know they issued a very strong report with reference to Red China and her nuclear capacity.

Mr. CLARK. The Senator is perhaps aware of the fact that the Subcommittee on Disarmament of the Foreign Relations Committee, chaired by the distinguished Senator from Tennessee [Mr. GORE], on which subcommittee I also serve, held extensive hearings on the desirability of deploying an antiballistic missile system.

Mr. STENNIS. I remember that those hearings were held. I am not certain as to the dates.

Mr. CLARK. They were held earlier this spring.

As I review the testimony taken by the Appropriations Committee, it seems to me that practically the same witnesses were called as were called before the Subcommittee on Disarmament, except that the Subcommittee on Disarmament had Deputy Secretary Vance instead of Secretary McNamara. However, Deputy Secretary Vance fully represented Secretary McNamara's views.

The subcommittee also heard only from General Wheeler, and not from the other members of the Joint Chiefs of Staff. We did, however, have the valuable testimony of two scientists from the Atomic Energy Commission who are engaged in the carrying out of research and development work which makes them experts in the area of an antiballistic missiles system—Dr. May and Dr. Bradbury, one of them was from Los Alamos and the other was from the Livermore agency. We also had the most interesting testimony, which unfortunately was completely deleted, of Mr. Helms, the Director of the Central Intelligence Agency.

I believe I attended every one of those hearings, and I came to the conclusion that it would be a tragic mistake for us to deploy the antiballistic missile system at this time; and the speech I am about to make is directed toward this end, as has been an earlier speech which I made on the floor of the Senate perhaps a month ago.

I will now, rather quickly, proceed to that speech, but first I should like to ask my friend, the Senator from Mississippi, whether there is anything in the bill with respect to the deployment or, indeed, to the research and development of the ABM, except the provision on page 16, at line 4, where there is a proviso, "That of the funds appropriated in this paragraph"—which is \$5,478,600,000—" \$269 million shall be available only for the Nike X antiballistic missile system."

Mr. STENNIS. Would the Senator restate his question? Is there any other—

Mr. CLARK. Is there any other reference to the appropriations for the ABM System?

Mr. STENNIS. No. The Senator is correct. This is the only place. The language on page 16 does tie those funds down for that purpose, and that purpose only.

Will the Senator yield to me for 2 minutes in order to make an observation?

Mr. CLARK. I am happy to yield to the Senator.

Mr. STENNIS. I have never been what might be called an extremist with respect to the subject of missiles. I was slow to be convinced about the effectiveness of the antiballistic missile system. But I do have foremost in my mind that we never will know which is the best course to follow until it is too late. We will have to act some time in advance on inconclusive evidence.

The most convincing thing to me about the matter, as it stands now, is that Red China has clearly demonstrated that she will have the capability of having such a nuclear weapon and a delivery system. That would come in the early seventies, anyway, and that country has been ahead of schedule with respect to other previous calculations.

If we do not have any defense deployed by that time, I believe it would be a great encouragement to Red China to take the chance. In other words, there would be a greater chance that they would attack us with the new weapon that they may have, if we have no defenses of this kind. Deployment of the antiballistic missile system would make the likelihood of a Chinese attack much more improbable.

We would also have our own offensive weapons to use in retaliation. We have our guard up in that respect, and we expect to keep it up.

This matter involves billions of dollars, as the Senator will doubtless point out. It is not a small question. But I am fully convinced that we should start now to make these deployments.

I await with interest the Senator's speech on this subject.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. CLARK. I shall yield in a moment. It is always a matter of deep regret when I find myself in disagreement with my friend, the Senator from Mississippi. But I must say that the threat of Red China launching a ballistic missile attack on the United States before they have confidence that their missiles will get through does not impress me.

The testimony is fairly clear that any kind of sophisticated ballistic missile attack would penetrate both the Spartan and the Sprint in short order, and that

the Russians could destroy us tomorrow, just as we could destroy them tomorrow. I cannot conceive of the Chinese being so foolish as to launch a light ballistic missile attack against us. In this regard, I must regretfully disagree with my friend, the Senator from Mississippi.

I am happy to yield to the Senator from North Dakota.

Mr. YOUNG of North Dakota. Mr. President, I take much the same position as does the Senator from Mississippi.

To provide full protection for most of the major cities in the United States, and our missile system would cost approximately \$40 billion. I do not believe we should undertake anything of that magnitude. But to protect us against any Chinese threat would be comparatively simple, and it would only cost about \$3.5 billion.

There is another advantage which I believe is of importance: If we got a start on the antiballistic missile system, we would gain experience which we may well need badly in the future.

Mr. CLARK. I understand the point of view of the Senator from North Dakota. I would ask him, however, if it is not true that Red China, so far as we know, has no effective air force which would be capable of stopping our strategic air force from destroying their nuclear capability overnight.

Mr. YOUNG of North Dakota. I think this is true. We all know that they now have nuclear bombs. If they cannot make missiles at present, they will not have much of a problem buying them from some other country in a year or two. So they are almost certain to have missiles to carry their nuclear warheads to the United States.

Mr. CLARK. The Senator, of course, is entitled to his opinion.

I will now move to my speech.

Mr. President, the report of the Committee on Appropriations on the defense appropriations bill, in my judgment, contains a number of statements which may be misunderstood or misinterpreted by the public. The Appropriations Committee recommends "the deployment of the Nike X antiballistic missile system should be initiated immediately."

The committee also tells us:

The Congress has met its constitutional responsibilities in this matter, and the responsibility for further delaying this system clearly rests with the executive branch of the Government.

The Committee on Appropriations has every right—indeed, it has the responsibility—to inform Congress and the public at large of its views on the deployment of an antiballistic missile system. I wish to make it clear, however, that I do not share the Appropriations Committee's opinion that the Nike X system should be initiated immediately. I take this position on the basis of the testimony given before the Subcommittee on Disarmament in February and March of this year.

The witnesses before the subcommittee were virtually the same as those who appeared before the Appropriations Committee, except that, so far as I know, the Appropriations Committee did not hear from Mr. Helms, the Director of the Central Intelligence Agency. Mr. Helms gave some very interesting and, to me,

convincing testimony before the Subcommittee on Disarmament.

However, as is the custom of that Agency, he did not permit any part of it to be disclosed; he classified the entire matter. I think this was most unfortunate. It inhibits all of us from violating classified material. It so happens that a day or two later the Disarmament Subcommittee had the testimony of Mr. John Foster, Director of Research and Engineering of the Department of Defense, with respect to antiballistic missile systems. While that testimony was also rigorously censored, there was a colloquy which I had with the witness which survived the censorship, in which I pointed out that Mr. Helms had stated that we could destroy Moscow tomorrow despite their deployment of the so-called Moscow antiballistic missile system, and that their other system, the so-called Tallinn system, was not as effective as the Moscow system and was possibly intended as an anti-aircraft defense against high flying aircraft.

Mr. President, the point is that we could destroy Moscow tomorrow with a sophisticated attack and they could destroy Washington, New York, or any one of a group of American cities or, indeed, any of our hardened ballistic missile sites by a sophisticated attack. What do I mean by "sophisticated attack"? It is true, in all likelihood, from our intelligence sources, that the Moscow system, which is not unlike our own ABM system, involves a complicated system of radar detection and quick firing missiles which intercept the incoming missile before it reaches its target.

I cannot for security reasons—and I could not because I do not have the scientific know-how to do it, anyway—explain how this works other than to say that the first and possibly the second missile can be intercepted and knocked down, but then, an atmospheric condition will develop which will make detection difficult. As a result, the missiles that follow will be able to evade the defense system and land on target.

This would be true of their missiles coming to attack us and this would be true of our missiles going to attack them. Therefore, I think it is the overwhelming consensus of scientific opinion, even among those who would like to see us deploy an ABM system, that the system is no good because it cannot defend against any sophisticated attack, as I have described that term.

Mr. President, when we come to China, I am singularly unconvinced by the suggestion that we should spend billions and billions of dollars to protect against a potential Chinese missile attack which might be forthcoming in the early 1970's. I make this statement, first, because I think this theory is based on an assuming an inherent stupidity on the part of the Chinese; that is, the Chinese are going to attack us with an unsophisticated missile system, knowing full well that the United States will destroy China if such an attack is made. Even if we deploy the so-called light or thin ABM system, the Chinese could come up with the means to avoid this defense. One way would be to send a submarine close to our shores.

Mr. President, what bothers me is that

once we embark on this antiballistic missile system we are not going to stop at \$2 billion or \$3 billion; we will go up to around \$30 billion or \$40 billion and with it will have to go the kind of intensive civil defense system, in my opinion, which would so change the character of American life so as to cause the kind of society in the United States George Orwell described in his book "1984."

I say again, as I said in colloquy with the Senator from North Dakota [Mr. Young] a moment ago, in my opinion our best defense against a Chinese missile attack is not to incur this enormous expenditure for an antiballistic missile system, which every one of the experts say is no good except against a very light attack, but rather we should rely upon our offensive systems.

In sum, I am not persuaded by the argument advanced by my dear friend from the Committee on Appropriations.

I have reason to believe that a case for the deployment of an anti-ballistic-missile system has not been made. On the bases of testimony taken by the Subcommittee on Disarmament I came to the conclusion that the President and the Secretary of Defense are absolutely correct in recommending to the Congress that the Nike X system should not be deployed at this time.

I support the President's position and I believe the majority of the members of the committee would come to that conclusion if they take the trouble to determine the facts, as it became my duty to do as a member of the Subcommittee on Disarmament.

It is for this reason I have the trepidation to rise to take issue with the conclusion and suggestion of the report of the Committee on Appropriations that Congress support the immediate deployment of the anti-ballistic-missile system.

I must say that this Senator does not support these recommendations, and I am sure there are a good many others who would instead support the Secretary of Defense and the President. There is another important issue raised by the Appropriations Committee report. It states flatly that Congress has met its constitutional responsibilities in the matter of the anti-ballistic-missile deployment and that the responsibility for, "further delaying this system clearly rests with the executive branch of this Government."

I suggest that this is rather a demeaning view of the role of Congress in one of the great issues of our time. It is my opinion, and I am sure that it is the opinion shared by most of my colleagues, that Congress' responsibility does not end at the water's edge of appropriations. It is a momentous national issue at stake here. Congress cannot simply wash its hands of the issue by saying that providing appropriations is all that is required of Congress.

What of the deliberations of the Foreign Relations Committee, the Joint Committee on Atomic Energy, and the Armed Services Committee? Since when have we delegated the formulation of national policy, as distinguished from the making of appropriations, to the Appropriations Committee?

I suggest, in all good humor, that this is not the function of the Appropriations Committee to decide a question of policy of this sort. I am particularly disturbed that the committee report would state that Congress has met its constitutional responsibilities in this matter. As I said, before my good friend from Mississippi came back into the Chamber, he knows the high regard in which I hold him, I have a little bit of the feeling that the Appropriations Committee went outside its normal jurisdiction and undertook to legislate on a question of policy which is really not within its jurisdiction.

Mr. STENNIS. If the Senator from Pennsylvania will yield quite briefly there—

Mr. CLARK. I yield.

Mr. STENNIS. On his reference to the Constitution. He will recall, I am sure, that the Constitution provides that Congress "shall" provide for the national defense. It does not say "may," but "shall."

We saw that as part of the national defense so that no legislation is needed to use a particular weapon. I think it is a very serious constitutional question, really, whether Congress would pass an effective law making the Executive use any particular weapon. But, of course, if there is any, this would be one of them, because this is the top. But I do not believe that Congress should be criticized in that vein, anyway. But what we said and what we did, we gave them the money they asked for and we said we thought they should go on and deploy. Here is the money. Now we have exercised and discharged our constitutional responsibility.

I thank the Senator.

Mr. CLARK. The Senator may think that the committee has, but I say, again, as I said before the Senator came into the Chamber, that I do not think that Congress has.

It seems to me that this is a matter not for the Appropriations Committee but for the Armed Services Committee and the Foreign Relations Committee.

Mr. SYMINGTON. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I yield.

Mr. SYMINGTON. As the able Senator knows, one of the major problems of today in the administrative branch is the amount of time that must be given by the various heads of departments to the committees of the House and Senate. By fortunate circumstances, and with that premise, the chairman of the Subcommittee on Military Appropriations of the Appropriations Committee is also chairman of the Armed Services Committee; and therefore there has been great saving of time to people such as the Secretary of Defense and his various assistants.

Hearings have been held jointly. Therefore, no doubt some of the thinking of Armed Services has spilled over to the Appropriations Committee report.

Mr. CLARK. Is it not true, let me say to my good friend from Missouri, that he and the Senator from Washington [Mr. Jackson] are ad hoc members of the Appropriations Committee?

Mr. SYMINGTON. Yes. That is right.

Mr. CLARK. Regretfully, I cannot

share the view of my good friend. As for this interlocking relationship between the Armed Services Committee and the Appropriations Committee, I think it would be far better if they could take a fresh look without being—

Mr. SYMINGTON. If the Senator will allow me to interject, I personally have not made any statement with respect to the antiballistic missile. But, in all honesty, after studying it as a member of the Disarmament Subcommittee of the Foreign Relations Committee, as a member of the Armed Services Committee, and as an ad hoc member of the Appropriations Committee, I am impressed with the position taken by the Senator from Washington [Mr. Jackson]. He has given great attention to this matter and I believe knows as much about it as any Member of the Senate. There are many aspects of this problem plus and minus. I do think that we of the Armed Services Committee, as well as the Appropriations Committee, have worked hard to understand it, as we have also in the Foreign Relations Committee. I believe the report itself was made with great sincerity. The senior Senator from Georgia [Mr. Russell] has had more experience on this matter of defense than any civilian in Washington today, bar none. Other Senators are involved, including the Senator from Mississippi [Mr. Stennis], chairman of the Preparedness Subcommittee. Before this latter committee, incidentally, the question of the test ban treaty came up, and both the Senator from Washington [Mr. Jackson] and I voted for that treaty. I was glad to see it pass, but the thrust of my position is that this matter has been gone into fairly thoroughly by the Armed Services Committee and the Foreign Relations Committee.

Mr. CLARK. I am sure that it has been, but there is an aspect of that on which I should like to speak a little later.

How is the public to judge the issues if all one hears, and from one of the most important committees in the U.S. Congress, is the flat statement that the Nike X antiballistic missile system should be deployed immediately? There is no report to follow up that recommendation. Much of the testimony in support of the conclusions is classified. There has been no extensive public debate of the matter. I believe that the Senator from Ohio [Mr. Young] and I are the only two Senators who have spoken up in defense of the President and the Secretary of Defense for their reluctance to deploy such a system at such a huge cost, and with so little hope that the deployment would be in any way effective.

So my view is that we ought to have a broad debate, with as little classified material to work from as possible, before Congress makes up its mind as to just what should be done about this vitally important matter, not only with respect to defense policy, but also of foreign policy. It is for this reason that I am somewhat critical of the comments of the Committee on Appropriations.

One of the questions which one might ask is, What kind of system does the committee recommend—the light or thin system, which will stop only the first

or possibly the second incoming missile or a full-scale deployment? Against whom is this system to be directed? Have all the components of the Nike X system been tested together? The fact is that they have not.

What about the statement of John Foster, Director of Research and Engineering in the Department of Defense, that the deployment of the heavy ballistic missile system is not technically justified. This is only a sampling of the questions still to be answered.

I would hope that some day Mr. Helms, Director of Central Intelligence, probably knows as much about the Russian capabilities in this regard as any living man, might be persuaded to say in an open hearing what he told the Subcommittee on Disarmament in executive session.

What is needed is informed national debate on the issue of antiballistic missile deployment. Congress, the Executive, and all sectors of American national life must participate in such a debate. For this reason, I have advocated that the President convene a special commission, drawn from all sectors of national life, to consider the antiballistic missile issue in its widest possible context. In my opinion, the need for such a commission has been reinforced by the report of the Committee on Appropriations.

In response to this suggestion, which I made some time ago, the President at a press conference indicated some reluctance to consider the creation of a blue ribbon commission, such as the Finletter Commission, appointed by President Truman shortly after World War II, or the Gaither Commission, appointed later by President Eisenhower, which made comprehensive investigations, in depth, of the status of our defenses in the light of the cold war, of the development of the air age, and of nuclear energy, the atom bomb, and the hydrogen bomb, and submitted reports which were of inestimable benefit not only to the armed services, the State Department, and the President, but to the public generally.

These reports were of such value because those gentlemen who were appointed to those commissions were civilians of high competence in their field. There was a sprinkling of military men. There was a sprinkling of former civilian officers in the Department of Defense. But there were also former representatives of the State Department and many and knowledgeable individuals who had not been infected by what President Eisenhower called the military-industrial complex, which I believe is going to have to be renamed pretty soon as the military, industrial, congressional, scientific complex. This is a complex which brings together much of the brains of the country who have a personal vested interest in seeing that as much money is spent as possible for a further proliferation of our offensive and defensive capability.

Mr. President, I have a few things more to say. I would certainly not endorse, as one Senator, the recommendations of the Appropriations Committee, and my vote in support of this bill certainly should not be construed as a vote in support of the recommendation which appears, with respect to the anti-ballis-

tic-missile defense system, on page 7 of the committee report.

I separate the two, and unequivocally reject the report's recommendations on the antiballistic missile; and I hope the Secretary of Defense will stand firm in his recommendation to the President, bearing in mind the enormous cost and the little likelihood that the system would achieve its hoped-for results.

As background to the issues of which I have been talking, I would hope that Senators would give careful attention to a speech made at the Midwest Conference of Political Scientists at Purdue University by Dr. Ralph E. Lapp as long ago as April 27 of this year.

Dr. Lapp is one of our leading nuclear physicists and a member of the team which developed the first atomic bomb. In that capacity, of course, he was a member of the Manhattan Project. He was assistant director of the Argonne National Laboratory in 1945 and 1946. He was a participating scientist at the Bikini bomb test. He has been the chief nuclear physicist with the Office of Naval Research. He is an experienced, able, and universally respected scientist.

In the speech to which I refer, he adverted to the dangers of the influence of the growing military-industrial complex, and aptly entitles his remarks "The Weapons Culture."

Earlier this week we saw, I thought, a shocking example of the weapons cultists at work in the administration's efforts not only to restore the military assistance credit account to the Foreign Assistance Act, but to use a back-door maneuver to gain new authority to sell conventional arms to poor countries that cannot afford them. By one vote, the Senate blocked this maneuver, and I am firmly convinced the New York Times was correct when it said that the Senate's action was a vote for restoring the constitutional balance of civilian and military authority.

I trust that the Senate will be able to again reassert its constitutional authority by blocking the efforts of the weapons cultists to build and deploy an anti-ballistic-missile defense system.

As Dr. Lapp put it so clearly and ominously, when he said:

Today much of the scientific community is mute.

And, mark this well—

The President has a Science Advisor, but he has given no public counsel on Nike-X. The White House has a President's Science Advisory Committee but it issues no public statement—no White Paper—on ballistic missile defense. The National Academy of Sciences has a Defense Science Board but it gives no public counsel on Nike-X. But the science hawks sweep down and urge more arms. Twenty two years of weapons addition have taken their toll. Their vision is affected so that beyond warheads, they see nothing but more warheads. Beyond Nike-X, they foresee Nike-Y and then Z. Arms and counterarms in endless succession.

The decision on Nike-X is not just a commitment to certain hardware items. It may well mark the point of no return in the arms race. It may signal the erection of ramparts for Fortress America whose boundaries will then enclose a culture dedicated to weapons. That is why I believe the American people should debate this issue most thoroughly lest

we plunge heedlessly into the total imprisonment of a weapons culture.

Mr. President, I ask unanimous consent that a copy of Dr. Lapp's address may be printed in full in the Record at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. CLARK. Mr. President, I should like to refer to some of Dr. Lapp's major points in the course of his address in what might be called, I suppose, an addendum to my own prepared remarks. I do this because I think what Dr. Lapp has to say, which will necessarily be printed in small print at the end of my talk, is far too unlikely to get the attention from the Senate and other readers of the CONGRESSIONAL RECORD which in my opinion it so justly deserves.

The first point that Dr. Lapp makes—and I am now paraphrasing and not quoting—is that in holding scientific research and discovery in respect, as we should, we must be alert to the equal and opposite danger that public policy itself could become captive to the scientific and technological element. This I think we are on the way to having happen. When I said a little earlier it is no longer simply a military-industrial complex, it is a military-industrial complex which has enlisted on its side vast scientific allies, able scientific allies, but also hawks, people who are in fact weapons cultists. And it has, I regret to state further, as allies, many able, intelligent, and experienced Members of the U.S. Congress in both branches. What I most deplore is that those weapons cultists seem for the moment to have the edge on those of us who would substitute international cooperation for international conflict. I am happy that, with regard to this particular issue, the President and the Secretary of Defense are standing firm, for the time being at least, against this military-industrial-scientific-congressional complex, and I for one say, "More power to them."

Dr. Lapp makes the same point, in his talk, in somewhat different words:

I extend the presidential inventory to include the militant faction of the Congress and a growing sector of the U.S. labor force which is interlocked in this arms matrix.

For those who make weapons of destruction hold good jobs which they do not wish to lose, and there is a vested interest far beyond the manufacturers and the management people in these many industries which are making hundreds of millions of dollars every year out of the arms race.

Those allies are, in effect, the labor unions and the labor men who work for the armament industry. As Dr. Lapp says, "We live in a day when the scientific research laboratory has become the birthplace of military weapons."

This is sardonic to me, but Dr. Lapp makes the point that among the list of leading contractors of the Defense Department are the Massachusetts Institute of Technology and Johns Hopkins University. To what a pass have we come, when our academicians and the brains of our great universities are being turned over to the militarists and the indus-

trialists, and providing them with much of the research and development and brainpower which they need to turn our country into Fortress America.

I think I can already see happening what Dr. Lapp predicts—that the more we are addicted to arms, the more will this arms culture pervade our every way of life, and become self-perpetuating.

I suspect that George Orwell, when he wrote "1984" a good many years ago, saw with a very clear vision—a vision almost equal to that of H. G. Wells—when he predicted the end of democracy in most of the Western countries as a result of the decline and indeed the abolition of freedom of speech, initiated, in the first instance, by the fact that we were turning ourselves into arms cultists, directing the best energies of our civilization to the arms race.

It was Robert Lovett, former Secretary of Defense, who commented, on May 2, 1964:

It is not the unwarranted power of the scientist or of the military officer or of any other expert that is now cause for our concern. Isolation is what creates the real problem—that is, power insulated from competing skills or the claims of other groups for recognition of possible alternative courses of action.

This power of isolation can indeed be formidable. Modern science in the laboratory is isolated from public understanding almost by its very nature. None of us can really understand what they are doing or what they are up to until suddenly the research and development efforts are sprung upon us as new ways and means of killing people and promoting the interminable arms race, which to my way of thinking can end only in the destruction of our civilization.

Dr. Lapp quotes the late Dr. Leo Szilard, an outstanding nuclear scientist, great lover of peace, and great believer in disarmament, as having told Dr. Lapp:

The "secret" stamp is the most powerful weapon ever invented.

And to a weaponsmaker, the mark of classification is a reflex action. Everything must be classified on the ground of national interest, and once classified, it is withdrawn from the possibility of being explained to the American people.

I have already adverted, this afternoon, to the inhibitions placed on me by the secret testimony before the Subcommittee on Disarmament with respect to this antiballistic missile deployment question. To me, the members of the executive branch of the Government have gone far out of line in classifying materials to which the American people are entitled; material which we should be able to disseminate from the floor of the Senate; and there is no way by which we can appeal from such action, because the constitutional right of executive privilege is continuously raised. They have the cards in their hands. We ask them to declassify; if they are unwilling to do it, there is nothing we can do about it, and in the end, weapons contests move ahead, and those who would smoke them out into the open have lost, through secret classification, in my opinion, the ability to lay the facts before the American people.

Dr. Lapp quotes Prof. James A. Van Allen as having observed:

There are many persons in the government establishment—the Atomic Energy Commission, I think, is a notable example—who go through life never talking to anyone except in internal Los Alamos-Oak Ridge documents.

Dr. Lapp also suggests that if the reader thinks this is an exaggeration, he is able to tell us that last year the Atomic Energy Commission declassified 14,000 documents, but there is no reckoning of how many secret reports are in existence.

Secrecy remains the stout shield of the weapons-maker; with it, he can fend off criticism or confound it.

There are, of course, exceptions to the rule that the establishment promotes only tractable scientists to positions of authority, but it is the fact that if a scientist becomes a falcon it is because he takes the hard line which is echoed by the weapons cultists. By and large, those scientists who continue in authority with the Government make their peace with the hard liners, the hawks in the Government.

The basic question is whether or not democracy can survive science; and the challenge is really that of science in the service of the military. The disciplines of the two groups seem so unlike that I wonder why the shotgun marriage which brought them together in World War II did not end in a hasty postwar divorce. But it has not; and perhaps that is because, as Hans Gerth and C. Wright Mills have put it:

Precisely because of their specialization and knowledge the scientist and technician are among the most easily used and coordinated groups in modern society.

Then they added:

The very rigor of their training typically makes them the easy dupes of men wise in political ways.

Dr. Lapp then notes that he has observed the inordinate regard with which some famous scientists hold military men. Even the late great J. Robert Oppenheimer, for whom I have the highest regard, was tempted to put on colonel's uniform as head of the wartime Los Alamos site. He did not do so, much to his credit, I think, but the temptation was there.

Curiously enough, when we get down to the field of natural and physical sciences, we find quite a few cold war warriors who are physical scientists and are recipients of Central Intelligence Agency support. And obviously the Central Intelligence Agency support is given in almost every instance to counterintelligence efforts directed toward winning the alleged cold war.

We find that some of these people go pretty far. Not too long ago, in March, the Reader's Digest, a charter member of the military-scientific-industrial-congressional hawk establishment quoted General Twining, former Chief of the Joint Chiefs of Staff, as bemoaning cutbacks in atomic production and urging elimination of the U.S. Arms Control and Disarmament Agency.

There is a recurring theme of military supremacy in this country, although Secretary of Defense McNamara has been a stalwart defender of civilian in-

terest, and for this has been castigated by many Members of Congress as well as, sotto voce and behind his back, by many members of the military. Nevertheless, Secretary McNamara has valiantly held the line against the combined forces of the weapons cultists—against Pentagon generals and admirals who, at the slightest provocation, readily leak classified data to favored reporters.

Mr. President, is it not interesting how often we see informed columnists such as Hanson W. Baldwin and Joseph Alsop obviously leak from Pentagon sources information intended to embarrass the Secretary of Defense or President or some Member of Congress, or even of the executive branch, who is unhappy with the prominence of the military, industrial, and scientific establishment—and we have to include an awful lot of columnists and reporters in this—which wields such power in our country.

It is rather amusing, as Dr. Lapp notes, that it is characteristic of the weapons cult that they trust the Soviet Union implicitly with regard to any technological innovations. A "hole in the ground" outside a Soviet city is thus converted into a highly efficient ballistic missile defense system which—also characteristically—invalidates the power of the U.S. deterrent.

It is, indeed, curious how these cultists, otherwise untrusting of the Soviets, are quick to believe them when it suits their purpose, on completely inadequate evidence, that a hole in the ground is the base for an antiballistic missile system.

Actually, as the antiballistic missile system controversy will demonstrate, the military are very unhappy about the softness of the Central Intelligence Agency estimates, because the military always takes a most conservative view of the Soviet offensive capabilities. They prefer to take the highest numbers.

We have heard that recent national intelligence estimates have reduced the range of uncertainty as to Soviet military capability, and the military may perhaps now be severely restricted in their somewhat romantic effort to make the Soviet threat a great deal more menacing than it actually is.

I will not advert to Dr. Lapp's comments on the ability of Nike X to defend our cities and missile bases. That ability is practically nonexistent, as I have pointed out earlier in my remarks. Nor will I comment on the obvious amount of overkill which both the Soviet Union and ourselves have now.

Dr. Lapp's address is full of interesting statistics in this respect. He does, however, emphasize the potential and available level of attack which could saturate many areas of the Soviet Union to the point where life above the surface of the earth would be denied. The fact is, says Dr. Lapp—and I am again paraphrasing him—that the biopotency of radioactive fallout is so great that there are limits to the application of force in war. This concept is absolutely abhorrent to military men who still insist on following in von Clausewitz' footsteps.

I point out that von Clausewitz has become militarily obsolete as a strategist because the entire concept of warfare

which he formulated, and which at one time was most useful and helpful, was more or less eliminated by the atomic bomb and even more so by the hydrogen bomb.

Nor will I refer again to the testimony of Secretary McNamara given year after year with respect to the nuclear capability of our country and the steps that need to be taken, one of those steps being the deployment of an antiballistic missile system.

So I agree with Dr. Lapp that Mr. McNamara understands the antiballistic missile issue, and understands it a whole lot better than any of the members of the Joint Chiefs of Staff, or, may I say with all due respect, than many of the Members of the Senate, including members of the Appropriations Committee.

I will not pause further on the cogent comments of Dr. Lapp other than to refer, with my approval, to the reasons he states as to why the Soviets are apparently beginning to deploy an antiballistic missile system. We have been referring to it as an ABM system. He refers to it as a BMD or ballistic missile defense system.

Dr. Lapp addressed his remarks to a group of political scientists and said that they are entitled to make up their own list of reasons, but that he as a natural and physical scientist suggests that the Russians traditionally are more defense minded than we are, although an antiballistic missile system is purely a defensive response based upon an inadequate weapons potential with which to create an effective defense.

He points out that the Red army plays a leading role in military planning, as the Pentagon does.

He points out that in a closed society, the national dialog is for more restricted than in the United States because Soviet secrecy is far greater than ours, and this secrecy may be conducive to strategic errors. In such an atmosphere, a scientist or technical man may oversell a weapons concept. A military leader may then buy this concept out of ignorance, or hope, or a combination of both and then take it to the leaders in the Kremlin and find that the information is not there with which to dispell the illusion.

Dr. Lapp also says and this is so true, that weapons technology, whether offensive or defensive in nature, has an ineluctable momentum. Machines and gadgetry tend to dominate man.

He quotes that famous and he thinks—and I now think—most unfortunate comment of Dr. Harold Agnew, director of the Los Alamos Laboratories' Weapons Division made last March. And while this has been quoted on several occasions on the floor of the Senate, I shall quote it again together with Dr. Lapp's comment.

Dr. Agnew said:

The basis of advanced technology is innovation and nothing is more stifling to innovation than seeing one's product not used or ruled out of consideration on flimsy premises involving public world opinion.

He told this to an Air Force Association conference. I used to belong to the Air Force Association because I was at one time a colonel in that branch of the

service. And I am very proud of my World War II service with the Air Force. However, the Air Force Association has become nothing more than a seal for the military-industrial-scientific-congressional-columbian complex.

I must say that I do believe that Dr. Agnew should be prohibited from playing with little tin soldiers which might explode in his or somebody else's face. I, for one, would be very hopeful, indeed, that much of the lethal weaponry which is coming out of the research and development laboratories will never be tried and will never be used, because long before that time comes we will be able to come to some relaxation of tension, some first starts at arms control and disarmament, which would turn our country from the weapons cultists.

I have some confidence that there is enough strength in those of us who believe in cooperation and not conflict, and enough fundamental belief in the American people, that in the end we will prevail. I say that because of the extraordinary jump in President Johnson's popularity which took place after the Glassboro meeting and the hundreds of thousands of letters which poured in, blessing him as a man of peace and commending him for having gotten together with the Soviet leader, and hopefully having made the first short step toward an effort to end the cold war and move toward arms control and detente.

Mr. President, I will not quote at great length from Dr. Lapp's case against the antiballistic missile system, because I have summarized it in my earlier remarks. But I cannot fail to point out that the split between Secretary McNamara and the Joint Chiefs of Staff is much deeper than the single issue of the antiballistic missile system. There is a philosophical gap. Mr. McNamara seeks the means to prevent the outbreak of a nuclear conflict, whereas the Joint Chiefs of Staff gear their thinking to fighting and winning a nuclear war. I do not blame the Joint Chiefs of Staff for that. That is their job. That is what they are hired for. That is why they are put in those positions, and they must be thinking about fighting and winning a nuclear war—if such a thing is possible, and I personally do not believe it is. But that is no reason for putting them on top instead of keeping them on tap.

I agree with Dr. Lapp that the advent of the intercontinental ballistic system has compressed the time dimension of war just as the nuclear explosives expanded the area of destruction from a single weapon. The element of time is now so critical and so short that you need time to know how badly you are hit and how heavy are the enemy losses, and you are not going to have that time, because it is not within the capability of the human mind to get it.

Target intelligence, damage appreciation, estimates of reserve strength are vital to make human decisions in the conduct of war. Yet, nothing is left for any human decisionmaking when we come to nuclear warfare. Everything has to be programed in advance and entrusted to a computer. We enter the world of H. G. Wells. The whole situation becomes utterly unreal. But, real or

not, the military go right ahead, and so do their industrial, scientific, and congressional allies—and their pet columnists, also—with these war games.

Herman Kahn, the well-known military scientist, is a typical example of a war game player. I remember being in a seminar with him not too long ago, trying to figure out what would be the situation in the year 2000 with respect to the posture of the United States and the Soviet Union. All that the very able, very bright, and intelligent Dr. Kahn could think of was:

Well, if the Russians move two more divisions in the year 2000 up on the western front, we may have to take one division out of Korea.

Given his judgment and the judgment of all these other people, this thing is going to go on forever; and if it does go on forever, there is no solution, in my opinion, except the destruction of civilization.

Dr. Lapp goes on to point out that the Nike X enthusiasts who want to spend \$40 billion on ballistic defenses should be told that their electronic missile wonderwork requires an ally—a national system of nuclear shelters. We have no such system, and neither do the Soviets. There are a few seers at the Rand Corp. apparently blessed with underground vision, and they think there are some Soviet shelters, but no one else thinks so, including the CIA. I would regard—if there is one—a genuine Soviet shelter system as much more serious than an ABM deployment.

I conclude with my grave concern, which is also the grave concern of Dr. Lapp: Why have not the people who are charged in our Government with the duty of advising our country in these matters spoken up? Why has not the President's scientific adviser made any public statement about the desirability of employing an ABM system? Where are the national institutes of science and their experts? What kind of comments are being made by the advisory committee of the Arms Control and Disarmament Agency, which I know has listened to testimony on this subject for 2 years now? Why has not Mr. Foster, the Director of the Arms Control and Disarmament Agency, told us what he thinks?

I believe that the American public and Congress are entitled to some objective advice on this question.

Mr. President, I suggest no amendment to the present bill. I merely wanted to make a record of what one Senator thinks on this very important subject.

I thank the Chair, and I thank my friend, the Senator from Mississippi, for their courtesy.

I yield the floor.

EXHIBIT 1

THE WEAPONS CULTURE

(Text of speech by Dr. Ralph E. Lapp, at the Midwest Conference of Political Scientists, Purdue University, Lafayette, Ind.)

I have deliberately chosen the title "The Weapons Culture" because I believe that the past seven years have taken us further down the path against which President Eisenhower warned in his Farewell Address. You will recall that he said: "In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought by the military-industrial com-

plex. The potential for the disastrous rise of misplaced power exists and will persist."

The phrase "military-industrial complex" has received so much public attention that we tend to forget that the Farewell Address contained a much broader admonition. President Eisenhower also warned: "In holding scientific research and discovery in respect, as we should, we must be alert to the equal and opposite danger that public policy could itself become captive of a scientific-technological elite."

In describing a scientific-technological-military-industrial complex as a "weapons culture" I extend the presidential inventory to include the militant faction of the Congress and a growing sector of the U.S. labor force which is interlocked in this arms matrix. During the next fiscal year the United States will spend about \$80 billion on its national security. I need not remind a group of political scientists how such a massive infusion of funds insinuates itself into the American economy. No wonder we find so many legislators promoting the interests of the weapons culture—their constituents draw paychecks countersigned in the Pentagon.

We live in a day when the scientific research laboratory has become the birth place of military weapons. Military "hardware" is increasingly a product born on a university campus or in the secret facility of some off-campus affiliate. Scientists have come to occupy a truly sacerdotal position in the councils of the weapons establishment.

Allow me to recite for you certain facts about modern arms:

1. In the past ten years almost \$100 billion has been committed in this country to research and development of a military nature. This accounts for 90 percent of all Federally-financed R&D activity.

2. During the past two decades the United States has, with a single post-Korea exception, constantly escalated its defense spending. The attached chart illustrates my point.

3. The explosive power of the U.S. military arsenal has grown to such magnitude that the word "overkill" is a diminutive. A graphical plot of tons of TNT equivalent (see attachment) shows a "small bump" at the 1940-1945 period corresponding to the wartime production of conventional explosives. Thereafter the curve "take off" goes almost vertically upward. This astonishing curve is a unique characteristic of the 20th Century. In my opinion, it bisects all history—leaving to the past the preatomic days.

To paraphrase George Bernard Shaw—man's mind is in his weapons. I think that's how Shaw would put it if he could see the world today. How else would he describe a situation where the University of California protracts a wartime arrangement and administers the Los Alamos Scientific Laboratory and the postwar H-bomb competitor, the Livermore Laboratory? How else can one comment on the fact that the list of leading contractors to the Defense Department contains names such as M.I.T. and Johns Hopkins?

The roots of the weapons culture go deep and ramify throughout our society. The more we are addicted to arms, the more will the culture pervade our every way of life and become self-perpetuating. Considering the past two decades of defense spending for the Cold War one sees little grounds for optimism. Indeed, we stand today on the brink of an historic decision with regard to a new phase of armament—ballistic missile defense (BMD). I intend to devote most of my remarks to this specific issue. But before doing so, let us look at the military-industrial complex—or the weapons culture, as I call it.

In his May 2, 1964 address to the Military Academy at West Point, former Defense Secretary Robert A. Lovett commented:

"It is not the unwarranted power of the scientist or of the military officer or of any other expert that is now cause for our con-

cern. Isolation is what creates the real problem—that is, power insulated from competing skills or the claims of other groups for recognition of possible alternative courses of action."

The power of isolation enhanced by insulation can be formidable. Modern science is isolated from the public understanding by its almost unearthly nature—its sheer dimension, strangeness and incomprehensibility. Modern technology, in addition, is insulated by official secrecy which inhibits and undercuts public discussion. I recall that Dr. Leo Szilard once told me: "The SECRET stamp is the most powerful weapon ever invented." We have produced a generation of weapons scientists in our provincial laboratories to whom secrecy is a natural state of affairs. To a weapons maker the mark of classification is a reflex action.

Professor James A. Van Allen has observed: "There are many persons in the government establishment—the Atomic Energy Commission, I think, is a notable example—who go through life never talking to anyone except in internal Los Alamos-Oak Ridge documents." If you think this is exaggeration I can tell you that last year the Atomic Energy Commission declassified 14,000 documents but there is no reckoning of how many SECRET reports are in existence. Secrecy remains the stout shield of the weapons-maker; with it, he can fend off criticism or confound it. We must recognize that our weapons scientists often achieve high positions in the power structure of our society. Graduates of the Livermore Laboratory do their postdoctoral research in Washington, D.C. It is no accident that the Establishment promotes scientists to positions of authority. If scientists become falcons, it is because they take the "hard line" which is echoed by the weapons cultists. There are exceptions to the rule, but those scientists who continue on in authority make their peace with the "hard-liners." A strange and powerful species of hawk now rests upon the falconer's mitt.

The basic question here is whether or not democracy can survive science. More explicitly, it is the challenge of science in the service of the military. The disciplines of the two groups seem so unlikely that it is not apparent why the shotgun marriage of World War II did not end in a hasty postwar divorce. Actually there was a period of separation but then it became a more permanent union as Big Science gained affluence in Cold War-oriented research. But a quarter century ago Hans H. Gerth and C. Wright Mills diagnosed a weakness in the scientist which make him susceptible to military influence. "Precisely because of their specialization and knowledge the scientist and technician are among the most easily used and coordinated groups in modern society" they wrote "... the very rigor of their training typically makes them the easy dupes of men wise in political ways."

In my own experience I have often observed the inordinate regard with which some famous scientists held military men. Perhaps it was kind of a respect for power of a different kind. I recall that J. Robert Oppenheimer was tempted to don a Colonel's uniform as head of the wartime Los Alamos site. Of course, he did not do so, but I have wondered what might have happened had he assumed military rank. One consequence might have been immunity to the travail of his postwar security problems. Uniform or not, some scientists in the postwar era became paramilitary. No potential weapons development was too bizarre for their championing. Nor too costly. (Must weapons culture demand that new weapons systems be expensive to develop and, in addition, be costly to produce? Moreover, is it equally necessary that the systems succumb to early obsolescence?)

I do not mean to single out scientists alone as the only raptorial species on or near the campus. Quite a few Cold Warriors have been political scientists. In recent months we have

seen some of them unmasked as recipients of C.I.A. support. I do not mean to imply that all have been dupes or easy accomplices. I can fully understand the emotional background of a person who has been subjected to the horrors of a concentration camp or who has or had relatives who have suffered a similar fate. Furthermore, political scientists with little military knowledge have expounded on strategy often with weird results. Need I recall how some professors touted the tactical nuclear weapons as the salvation of N.A.T.O.? There is currently a revival of weapon strategy books by the paramilitary scholars and I am very much afraid that as Vietnam drags on there will be a build up of pressure to use battlefield A-bombs. No doubt proposals to do so will be disguised as "bridge-busters" or "tunnel-destroyers." However, I wish to confine discussion to strategic nuclear weapons—primarily those whose power is measured in megatons. That is to say, in millions of tons of TNT equivalent.

Karl von Clausewitz laid down the dictum: "War is an act of force, and to the application of that force there is no limit." Clausewitz needs revision in the age of the megaton. It is in fact the mindless extrapolation of classical doctrine that so confuses the strategic military situation today. In an interview in the March issue of the Reader's Digest another militaristic spokesman, Gen. Nathan F. Twining, former chairman of the Joint Chiefs of Staff, bemoans cutbacks in our atomic production and urges elimination of the U.S. Arms Control and Disarmament Agency. All the while the trade journals of the techno-military-industrial complex keeps up a drumfire of inventive prose to accelerate the tempo of the arms race. A recurring theme is that of "military supremacy" even though Secretary of Defense McNamara has repeatedly warned that additional weapon power does not add to U.S. security. Mr. McNamara has valiantly held the line against the combined forces of the weapons culture—against Pentagon generals and admirals who at the slightest provocation readily leak classified data to favored reporters. Mr. McNamara has to contend not only with the military, who generally take orders, but also with the paramilitary civilians in the Defense Department or in associated organizations.

It is a characteristic of the weapon cultists that they trust the Soviets implicitly with regard to any technological innovations. A "hole in the ground" outside a Soviet city is thus converted into a highly efficient ballistic missile defense system which—also characteristically—invalidates the power of the U.S. deterrent. It is curious how these cultists, otherwise so untrusting of the Soviets, are quick to believe them when it suits their purpose. Here I would like to point out that our newly developed orbital intelligence is more than the military bargained for. The Pentagon has always been able to intimidate the Central Intelligence Agency on its National Intelligence Estimates. Always it has selected intelligence data maximizing "enemy capability." So far as "enemy intent" is concerned, we may quote spokesmen like Gen. John P. McConnell from his testimony before Congress in his role as Air Force Chief of Staff: "World conquest is still the Communist goal and they will seek every opportunity to achieve it." The generals could stick with their conviction on "intent" but they soon got stuck with intelligence data that were perplexing. In the days of the manned bomber and the early period of ballistic missiles, the military managed to produce a "bomber gap" and a "missile gap." Considering the softness of the CIA estimates, all that was necessary was to take the most conservative view of Soviet offensive capability i.e. the highest numbers for their strike force. But with the advent of hard National Intelligence Estimates, based on orbital surveillance, the range of uncertainty in the estimates narrowed and

the military were severely restricted in their choice of numbers.

Having manufactured two weapons gaps, the military-industrial complex has been in grievous error twice. Unabashed, they are even now trying to emphasize the narrowing of the gap (admittedly in our favor) as the Soviets build up their missile capability. Here they have come across what they feel is a great windfall—evidence of a "defensive gap," namely in ballistic missile defense. Crediting the Soviets with a capability for a full-blown, highly effective, BMD the Joint Chiefs of Staff want the United States to deploy NIKE-X to defend our cities and our missile bases. There is also concerted pressure to widen the missile gap, in our favor, so as to have greater military superiority in offensive nuclear power, i.e., the "megaton game."

Let me stress the fact that military superiority reaches a point of diminishing value when your strategic strike capability greatly exceeds that which is sufficient to inflict "unacceptable losses" on the enemy. Strategic power beyond that point represents "overkill." Let me point out that a certain degree of overkill is essential to our deterrent as a form of insurance to accommodate uncertainties in the strategic deterrent equation. However we have in the past—in the LeMay days of Stone Age overkill—built up such grotesquely overadequate striking power that we are suspicious of far lower force levels.

Consider the fact that the U.S. Strategic Air Command had at its disposal 1,800 B-47s and 650 B-52s. (We neglect the nuclear strike power of the U.S. Navy.) Back in 1960, when Senator John F. Kennedy was starting on the campaign trail, I estimated that this bomber force could impose a 30,000 megaton level of attack on the Soviet Union. Dividing this figure by 3 billion, the world population at that time, I came up with a figure of 10 tons of TNT equivalent for every person on this planet. As I recall Senator Kennedy was not Q-cleared to receive these data officially, but Ted Sorensen accepted the estimate and it was used in Kennedy's New Hampshire speech in 1960.

The 10 tons of TNT per human being was not militarily meaningful since no pattern bombing of the planet had been proposed. But applied to the Soviet Union, the figure represented a fantastic degree of overkill. I grant that a number of people have calculated overkill in curious ways. Allow me to make a simple definition of overkill as it applied to a 30,000 megaton level of attack. I shall assume a target area of 1,000,000 square miles. The "dirty" weapons used are assumed to lay down 10,000 megatons of fission products over the target area. By that, I mean, split atoms of uranium equivalent to uranium deposit on 1 million square miles. Since 1 megaton equals 1,000 kilotons (the Hiroshima bomb was 15 kilotons), this amounts to 10 kilotons of fission products per square mile of Soviet soil. A level of 1 kiloton per square mile would be lethal and persistently hazardous to life and to agriculture. Thus on this very simple calculation we have an overkill factor of 10. Note that I have taken 1 million square miles as the target area. This is an overestimate assuming that bombs would be targeted on metropolitan areas.

I would emphasize that this level of attack would saturate many areas of the Soviet Union to the point where life above the surface of the earth would be denied. We are dealing here with fallout of such radioactive intensity as to pin down a well-sheltered population for many weeks and even months. Even when the area "cooled" off to permit above-ground exposure the residual, long-lived, nuclear species of split atoms such as Strontium-90 would pose a serious threat to food production. I would point out that the biological threat of radioactive fallout is completely new to the arts of war. I would

think that a General LeMay or a General Twining would have only limited appreciation of it—no matter how many times he was briefed on the subject. The same would probably apply to many a Soviet or Chinese officer. The fact is that the biopotency of radioactive fallout is so great as to mean that there are limits to the application of force in war. The concept is abhorrent to military men who follow in von Clausewitz's footsteps. It is also anathema to the weapons culture which is geared to an ever upward spiral of arms spending.

Paraphrasing, I would remark that it is a tragedy that the United Nations has not yet published an estimate of the lethality of nuclear weapons effects and their long term agreement on approximate primary and secondary weapons effects—and they could sketch the tertiary and ecological effects on a continental scale. It is the height of folly to run the risk that some nations might be uninformed or misinformed on the true nature of nuclear war.

In the public discourse on overkill, the military opted for very high megatonages. Some scientists went to the other extreme and proclaimed that a relatively few (Szilard specified at one time a figure of 20 ICBMs) nuclear warheads would be adequate to deter the Soviet Union. Somewhere between the minimum estimates (scientific sufficiency) and maximum values (military overkill) there is presumably a point of adequacy with a margin of insurance. Which then brings us to the fundamental question: "How much is enough?"

Defense Secretary McNamara answered the question on March 2, 1965 in testifying before the House Appropriations Committee (Part 3, p. 370 of the Department of Defense Hearings):

"Assumed destruction means deterrence of a nuclear attack by maintaining a clearly convincing capability to inflict unacceptable damage on an attacker, even after being struck first by the enemy. When applied to the Soviet Union, this unacceptable punishment is qualified as being the destruction of about 25 percent of their population and two-thirds of their industrial capacity."

In his testimony Mr. McNamara made it clear that the United States had this capacity and would retain it in the future. He also stated that the damage would be applied to 200 target areas: "Based on the projected threat for the early 1970s and the most likely planning factors for that time period, our calculations show that even after absorbing a first strike, our already authorized strategic missile force, if it were directed at the aggressor's urban areas, could cause more than 100 million fatalities and destroy about 80 percent of his industrial capacity."

One might quarrel with the exact definition of how-much-is-enough but I think few would disagree that the Soviet Union would find such losses unacceptable. Mr. McNamara advertises the nature and power of our strategic strike force so that the Soviets should not be in doubt as to its potency.

The debate about Soviet defensive capability has raised the question as to the validity of our strategic deterrence. Will Soviet missile defenses kill off attacking ICBMs and reduce the expected losses to an "acceptable level?" Mr. McNamara addressed himself to this question when he testified on Jan. 23, 1967 before a joint session of two Senate committees. Fixing on a 1972 attack time, he assumed a massive Soviet first strike at U.S. strategic bases. He stated that "the detonation of even one-fifth of the total surviving weapons over Soviet cities would kill about 30 percent of the total population (73 million people) and destroy about one-half of the industrial capacity."

I believe that Mr. McNamara has understated his case. Due to the way in which the Pentagon analysts compute damage Soviet fatalities are underestimated. Part of this is due to the fact that military men are

very conservative. If the Joint Chiefs are given choices of numbers you may be sure they always err on the side of conservatism. Soviet missile launch reliability—65 or 90%? The latter, of course. Percentage within kill radius of an ICBM site—40 or 75%? The latter, of course. Reliability of U.S. return fire (missile launch)—65 or 90%? Not the latter. Thus conservatism is compounded. Take, for example, the way in which computers are instructed to calculate Soviet fatalities. A footnote in Mr. McNamara's testimony states: "Fatality figures shown above represents deaths from blast and fallout; they do not include deaths resulting from fire storms, disease, and general disruption of everyday life." I would add that the fallout fatalities do not include long term irradiation. The result of this military conservatism is that strategic force levels are overestimated.

The United States has programmed a strategic strike force at least ten times more powerful than that needed to inflict "unacceptable losses" on the Soviet Union—even assuming a vicious all-out first strike on our bases. This means that in striving to deploy ballistic defenses around its cities, the Soviet Union has to achieve a near-perfect interception of attacking ICBMs. Considering that "acceptable" losses may be less than half our definition of "unacceptable" their interception must kill off 19 of every 20 attacking ICBMs. (In Vietnam Soviet SAM interceptory missiles have not scored an average of more than 1 in 20 kills against aircraft.)

Furthermore, Soviet BMD missiles deployed in the late 60s must confront the threat of ICBMs of the 1970s. Warheads on improved U.S. strategic missiles will be (a) higher yield (b) hardened (c) multiple (d) maneuverable and (e) pen-aided. That is to say:

(a) Improvements in upper stage thrust and uprating of nuclear warheads make it possible to double the explosive power of the "payload" on a single missile. Thus the consequences of "leakage" through the Soviet BMD are more serious.

(b) U.S. warheads will be designed in a hardened configuration to resist "radiation kill" in space and to absorb impact-thermal effects within the atmosphere. This will force Soviet interceptors to be either more accurate or more numerous or of higher explosive power.

(c) For large area targets a multiple warhead can distribute equivalent damage by separating the parent warhead exoatmospherically. This confounds the interception problem. Due to the variation of blast pressure with distance, three half-megaton warheads can impose more physical damage on a target area than a single 3-megaton burst. (I am using a 5 pounds per sq. in. criteria and optimum altitudes for the weapons.) For some targets (where shelters are a factor) the advantage goes to multiple warheads.

(d) The proposed BMD systems vector up killer missiles to an intercept point which assumes that the incoming ICBM follows a ballistic (i.e. rock-like) trajectory. However, it is possible to add thrust to the terminal phase of the ICBM and alter its trajectory, thus confusing the defense.

(e) Pen-aids are devices or techniques which seek to make the task of interception as difficult as possible. This may involve electronic countermeasures, chaff to blind radar, light and heavy decoys to act as ballistic placebos.

In addition, the nation which retaliates has the option of throwing overwhelming missile fire at selected targets so as to saturate defenses. In the context between the power of offense and defense, I believe that the defender is at a severe disadvantage. Not only may he find himself trapped with an outmoded Maginot set of defenses, he will always be at a cost handicap. That is to say, it will cost

the defender more to oppose an ICBM than it costs the attacker or, in our case, the retaliator, to buy an additional missile.

Why, then, are the Soviets apparently beginning to deploy BMD systems? The evidence seems clear that they are putting some BMD units around certain cities. However the intelligence picture about more extensive systems is very clouded. The so-called Tallin line may well have been started as a counter to our B-70; if so, it is not a BMD system at all.

As political scientists you are entitled to make up your own list of reasons for the Soviet move. My own list is as follows:

1. The Russians are traditionally known to be defensive-minded. Their land has been invaded in such a savage manner that they are unlikely to forget the aggression.

2. The Red Army plays a dominant role in military planning. For example, air defenses against bombers was given higher priority than the Soviet Long Range Air Force.

3. The atomic sword has hung over the Soviet Union for two decades. The leaders there must have a paranoid longing for a shield.

4. In a closed society, the limited dialogue may be conducive to strategic errors. A scientist or technical man may oversell a weapons concept. A military leader may buy this out of ignorance or hope or a combination of both. Political leaders may follow suit. Once the cycle starts, it is resistant to critical reappraisal. In nuclear dialogues, the United States is far from an open society.

5. Weapon technology, whether offensive or defensive in nature, has an ineluctable momentum. Machines and gadgetry tend to dominate man.

With regard to the last point, I would like to quote from a speech which Dr. Harold Agnew, director of the Los Alamos Laboratory's weapons Division, gave last month. "The basis of advanced technology is innovation," he told an Air Force Association conference "and nothing is more stifling to innovation than seeing one's product not used or ruled out of consideration on flimsy premises involving public world opinion." Bypassing the Dr. Strangelove aspect of this viewpoint, I wish to point out that weapons makers must have the same genes whether they live in the United States or in the Soviet Union. And weapon technology exerts the same thrust on the U.S. and the SU planners.

Whatever the reasons the Soviets have had in mind in going for a BMD system, I believe that once they fully commit themselves, they will be stuck with it. To my mind, the worst thing that can happen is that the SU leaders come to have faith in their defenses. After all, deterrence is a state of mind. Furthermore, BMD enthusiasts can continue to make sweeping promises; their system is incapable of being checked out prior to the advent of nuclear war.

We must be mindful that in this country we are besieged with a wide variety of weapon promises. These frequently appear in exaggerated form in the trade press. Last month, for example, AIR FORCE and Space Digest featured an article urging that the United States develop an "electronic shield" to fend off enemy ICBM's. As with most propaganda there was a grain of truth in the proposal. It is possible to explode nuclear weapons at high altitudes and inject electrically-charged particles in artificial Van Allen radiation belts. The most elementary calculation of the interception effect required to kill an ICBM as it makes a partial transit through the belt shows that you could not achieve the particular density in the belt. Long before such a density was reached the earth's magnetic field would become grossly inadequate to trap the charged particles. Our society needs an information defense against the bogus arguments of the weapons cultists. We need "atomic" ombudsmen.

It would seem that too much public attention has focused on the technical feasibility of BMD systems. The underlying notion

is that if the system is technically "sweet" it will be developed and deployed. It's taken for granted that if the Russians deploy BMD, then we must—otherwise there will be a gap. I would not dismiss this out of hand on the basis of substance—whether or not the Soviet move necessitates a countermove on a military basis. One also has to consider the psychological and political overtones of move and countermove.

Our military strategic posture is not unbalanced by an embryonic Soviet BMD nor by a deployed system. We have many offensive options to choose before considering defensive ones. One can make the point that if the real danger is that the Soviets might come to trust their BMD system they might undertake a course of recklessness. But if we also had a BMD system, they might credit it with a capability equal to theirs and thus be deterred. Such psycho-military considerations are hard to evaluate. But it takes a little imagination to see how Barry Goldwater could make political hay out of a BMD-gap. President Johnson may have to contend with a political opponent who takes an evangelical attitude toward a fictitious "shield in the sky" and preaches the doctrine of a Fortress America. Before such a group as this I do not have to indicate how the latter might affect our international relations or become a hot issue in the 1968 campaign.

If the nuclear defense of the Soviet Union is immensely difficult, that of protecting the United States is even more so. I would give the following reasons:

1. The U.S. population is more vulnerable to nuclear attack because of its high concentration in metropolitan areas. We are roughly three times more vulnerable than SU population-targets.

2. SU ballistic missiles are much heavier in payload than US Minuteman or Polaris-Poseidon missiles. The heavier megatonnage is more serious for any leakage through the US defense.

3. The United States must assume that an SU first strike would be made without warning and would be made as a massive attack. Because we have our Minuteman ICBM force on the US continent, an attack on these bases would involve very heavy levels of fallout on US soil.

4. To complement our BMD system it would be necessary to build a vast system of shelters. This poses a political problem of great magnitude.

5. Even a perfect BMD system would not protect much of continental U.S.A. from a fallout campaign. Very high yield nuclear weapons exploded under the ocean surface hundreds of miles off our Pacific Coast would produce intense radioactive fallout over much US soil.

The first point requires no elaboration. Regarding the second point, the very heavy warheads carried by some soft-based Soviet ICBMs could carry a high multiplicity of warheads. This affects not only the defensive problem but also the numbers game in the ICBM race. It raises the possibility that politicians will charge what the US is losing is megaton superiority to the SU i.e. a megatonnage gap.

My third point, the continental basing of US ICBMs involves additional features. The fixed geographical coordinates of Minuteman bases presents the SU missile men with a Bull's eye. To be sure, our ICBMs are encased in reinforced silos designed to "take" 100 pounds per sq. in. or more of overpressure. These "hardened" minutemen are designed to ride out a first strike and then respond. Apart from the fact that enemy missiles attacking these hard targets would have to be surface bursts which would cast fallout patterns over US soil, I have opposed continental siting on the grounds that a "hard" base "softens" as enemy ICBM accuracy improves. In fact, on March 31, 1960 I testified before Chet Holifield's Military Operations Committee: "The development of high accuracy in intercontinental missiles ranks with the

A-bomb as a technological break-through." At that time, seven years ago, I warned that our continental ICBM bases would become increasingly vulnerable to attack. Now we have reached the point in time when the U.S. Air Force needs U.S. Army help in the form of ground fire to protect Minuteman bases!

Our Minuteman ICBMs are quick-response systems. Soviet planers know this and if they strike first, they know that they must deny us targets for these Minutemen. Therefore, they would probably resort to salvo-fire so as to leave empty holes in the ground. In other words our rapid return fire capability predisposes an enemy to a closely time-phased attack. By the same token, once our early warning systems alert the U. S. Continental Defense Command, our missile commanders will be anxious to launch before SU warheads start impacting. Thus our vulnerable continental ICBMs are prone to spasm response.

I believe that these inherent liabilities of continental fixed-ICBM bases argue against any further commitment to such weapons systems.

I would like to amplify my fourth point, namely, the relation between ballistic missile defense and civil defense. To do so, it is necessary to inquire into the nature of our proposed BMD system—NIKE-X. As you know, in science X stands for an unknown quantity. No better name could have been picked for the NIKE system.

Discussion of the ballistic missile defense issue has thus far concentrated on active measures to intercept and blunt an attack. Proponents of BMD have tried to dissociate the shelter problem from active defense by maintaining that the long range SPARTAN interception would serve to protect U.S. cities from fallout because of the assumed capability of SPARTAN to make kills at a surface distance greater than the lethal range of fallout. In fact the leakage of enemy weapons through the long range SPARTAN defense makes a fallout system essential to the protection of U.S. metropolitan populations. (A single nuclear weapon leaking through the BMD may produce fallout which attacks more than one U.S. city. Take, for example, an SU 20 megaton weapon surface burst near Bear Mountain in New York State—out of blast range for Manhattan. The lethal fallout pattern from this single weapon would overshadow much of New England's dense population, possibly embracing Hartford, Providence and Boston.)

I would remind you that 38 million Americans live in a 60,000 square mile area stretching from Washington to Boston. This population would be vulnerable to fallout from as few as six high-yield dirty thermo-nuclear weapons.

The leakage of Soviet weapons through the terminal (SPRINT) defense would mean that U.S. cities would require blast shelters for adequate protection of the population. Take the case of leakage through the SPRINT system terminally defending New York City. An air burst 20 megaton weapon strikes with blast and heat—not with fallout—at a condensed population. Blast shelters would be required in such a situation. Thus active BMD systems, because leakage will occur and because even a single leaked warhead may strike at millions of American lives, require passive (shelter) systems. Only a perfect BMD system would allow a nation to neglect its passive defense. And how would you know it was perfect?

Dr. Eugene P. Wigner, who headed up the Project Harbor study of civil defense, recently drew attention to the relationship of active and passive defenses. In a letter to the New York Times (Feb. 27, 1967) Dr. Wigner stated that his study "concluded that wholehearted civil defense measures alone could protect 80 percent of our people from a nuclear attack directed against the population. A well-conceived anti-missile program could further improve the protection even against an increased capability of the enemy."

Gen. Earle G. Wheeler, chairman of the

Joint Chiefs of Staff, gave Congressional testimony last year which bears on Dr. Wigner's point. (p. 7387 Hearings on Military Posture before the Committee on Armed Services of the House of Representatives.) Testifying on the life-saving capability of shelters, Gen. Wheeler stated: "Also, you get a sizable increment of saving lives, 10 million or more, from the antiballistic missile system itself."

The split between Defense Secretary McNamara and his Service Chiefs is more than the single issue of NIKE-X. To my mind there is a philosophic gap. Mr. McNamara seeks the means to deter the outbreak of a nuclear conflict, whereas his military leaders gear their thinking to fighting and winning a nuclear war. It must be admitted that there are no real experts on nuclear war. Our only experience is a tale of two cities which were attacked by aircraft carrying weapons a thousand-fold less powerful than today's strategic nuclear weapons. The advent of the ICBM has compressed the time dimension of war just as nuclear explosives expanded the area of destruction from a single weapon. The element of time is of critical importance in waging a war. You need time to know how badly you are hit, how heavy are enemy losses and so forth. Target intelligence, damage appreciation and estimates of reserve strength are vital to making human decisions on the conduct of a war. Nuclear warfare leaves little if any room for human decision-making. Everything you do has to be programmed in advance and entrusted to computer code. We enter the world of H.G. Wells. The whole situation becomes utterly unreal. But real or not, the military proceed with systems for fighting such a war. We should not blame them; that is their trade and victory is all. Rather we should indict the computer-heads, the war-gamers, the defense intellectuals and the nuclear professors who provide the basis for making nuclear war a rational exercise.

The NIKE-X enthusiasts who want to spend \$40 billion on ballistic defenses need to be confronted with the fact that their proposed electronic-missile wonderwork requires an ally—a national system of nuclear shelters. We have no such system—neither do the Soviets. I am aware that a few RAND Corporation seers, apparently blessed with underground vision, have found evidence for Soviet shelters. To my knowledge, no one else has. However, I would regard a real Soviet shelter system as much more serious a development than a BMD deployment.

Should the Soviets decide to proceed with a national system of blast shelters, this would have grave consequences both to our strategic strike forces and to our peace of mind. Suppose, for example, SU city shelters are built to withstand 15 pounds per square inch of blast overpressure. We know that a 1 megaton air burst imposes a 5 psi overpressure over an area of 58 square miles. The same weapon, at a lower altitude designed to maximize a 15 pounds per sq. in. overpressure, strikes at 14 sq. miles. This amounts to an almost fourfold shrinkage of the destructive area hit at by a 1 megaton weapon. To restore the damage area to a "presheiter" 58 square miles would require either an 8 megaton airburst or multiple warhead attacks. Although the U.S. striking force now possesses a high degree of overkill, the Soviet move to harden its cities would play into the hands of those who are promoting a megatonnage gap. Congressional psycho-politics might demand a new wave of expansion for the U.S. nuclear strike force. Then the United States would impose an even higher degree of overkill on the Soviet Union.

The real danger of a Soviet BMD system is not its true military-strategic nature, but how Soviet leaders view it. On April 12th, Senator Paul Fannin stated that "... the Soviet deployment of a high-confidence anti-missile-missile system might lead them to conclude, however, erroneously, that the balance of power had been altered in ways to

justify foreign adventures, an allusion which could produce decisions damaging to our foreign policy interests and threatening to the nuclear peace." Senator Fannin concluded that the only prudent course is to deploy NIKE-X now and "strengthen our overall strategic position, contribute to our national security and save lives if the deterrent fails."

It seems to me that we stand again on the brink of a critical decision point in history. In the twenty-two years since Hiroshima we have depended on nuclear superiority to keep the peace. We are the most vulnerable major nuclear power and now we are confronted with an emerging challenge to our esteemed position of strategic supremacy. We long to return to the days of unquestioned superiority and we turn once again to our physical scientists for succor. We forget that even before the first atomic bomb was tested, men like James Franck and Leo Szilard projected their thoughts ahead to this very day. The Frank Report, written in June 1945, warned of the arms race and stressed the vulnerability of the United States to the very weapons it was then creating. The need for the international control of atomic weapons was held to be of paramount importance.

Today much of the scientific community is mute. The President has a Science Advisor, but he has given no public counsel on NIKE-X. The White House has a President's Science Advisory Committee but it issues no public statement—no White Paper—on ballistic missile defense. The National Academy of Sciences has a Defense Science Board but it gives no public counsel on NIKE-X. But the science hawks sweep down and urge more arms. Twenty-two years of weapons addiction have taken their toll. Their vision is affected so that beyond warheads, they see nothing but more warheads. Beyond NIKE-X they foresee NIKE-Y and then Z. Arms and counterarms in endless succession.

The decision on NIKE-X is not just a commitment to certain hardware items. It may well mark the point of no return in the arms race. It may signal the erection of ramparts for Fortress America whose boundaries will then enclose a culture dedicated to weapons. That is why I believe the American people should debate this issue most thoroughly lest we plunge heedlessly into the total imprisonment of a weapons culture.

Mr. STENNIS. Mr. President, if the Senator will yield to me for just a moment, I should like to say that I appreciate the attitude of the Senator from Pennsylvania, and I believe he has made some splendid points. I appreciate his cooperation on the bill as well as on the amendment phases.

I say to the Senator from Pennsylvania that the American people can be assured that this matter has been considered from every point of view by a great number of Senators, including the Senator from Pennsylvania, and also by the Department of Defense, the Joint Atomic Energy Commission, the President of the United States and his staff, and by the President's predecessors in office. This is not a new matter.

If I did not make it clear a few minutes ago, I will make it clear now: This is the first calendar year in which I have been in favor of actual deployment of the Nike X system. I think in some instances we have proceeded with the deployment of missile systems before they were fully perfected. However, I am convinced that the Nike X is now ready for this initial deployment.

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

Mr. STENNIS. I yield.

Mr. CLARK. I should like to point out for the RECORD that while it is true that there have not yet been any direct negotiations between the Soviet Union and the United States with respect to the deployment of an ABM system, such negotiations are on the cards and have been promised. In fact, at Glassboro—I am sure this is not classified information any longer—Mr. Kosygin undertook to assure the President that those negotiations would shortly take place.

My view is that it would be most unwise to make any final decision on deploying an antiballistic missile system until we are assured that no progress can be made in negotiating with the Soviets. I am happy to make mention of our distinguished U.S. negotiator, our able Ambassador to Moscow, Llewellyn Thompson. I am confident that it is not easy to pull the wool over his eyes, and yet he is a devoted advocate of peace. I hope the President and the Secretary of Defense stick by their announced decision to wait until we see if those negotiations can be arranged.

Mr. President, I point out again what I have said so many times: If we decide to deploy such an ineffective system we would spend billions of dollars and, as our intelligence experts have said, the other side would deploy a system of their own which is no good. It seems to me that men of intelligence and good will could devise some other way of conducting international affairs.

Mr. STENNIS. I thank the Senator for his remarks.

I do believe that this additional factor could be brought out because it is not understood by all people. We talk about this deployment for so many cities; some persons speak of a system for 25 cities and some for 50 cities. Let the people understand that all of these systems include a broad area defense for the whole of the continental United States. When reference is made to the 25-city and 50-city system it means that in addition to the broad area defense, there will be terminal defenses for these cities.

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

Mr. STENNIS. I yield.

Mr. CLARK. I am sure I have seen in unclassified testimony what I believe to be the fact that at one point the Pentagon issued a public statement that they wished to deploy an antiballistic-missile system, first, around 25 cities and then 50 cities. Over time, the Pentagon apparently abandoned this scheme, possibly in part due to the fact that some of us pointed out that most of the cities in our States would not be defended.

Much to the annoyance of my dear friend from South Carolina I keep pointing to the fact that Charleston, S.C., was high on the list although it is one of the smaller cities in the United States. My understanding is that they abandoned the thought of a selected city defense, although they have not abandoned completely the thought of a defense of the missile sites.

The Senator made reference to the northern perimeter. If we are going to be guarding against the Chinese there will have to be a western perimeter, too. I think it is important that the Spartan

screen is a thin screen and would not be effective against a Soviet missile attack. Does the Senator agree?

Mr. STENNIS. We hope it would be effective but I do not believe it would be completely effective. This perimeter defense is a part of any plan that the Senator might have heard mentioned. I do not know how far we should go in pointing this out in detail, but the Senator is correct in his reference to the missile sites, and other key military installations, as well as highly populated areas, or big cities.

I thank the Senator for his remarks.

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

The PRESIDING OFFICER (Mr. Spong in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, in the absence of the majority leader, I am about to propound a unanimous-consent agreement.

I ask unanimous consent that, commencing tomorrow, during the further consideration of the bill (H.R. 10738) debate on any amendment, motion, or appeal be limited to 1 hour, the time to be equally divided and controlled by the mover of the amendment and the junior Senator from Mississippi [Mr. STENNIS], and that the time on the bill be limited to 6 hours, 2 hours of which are to be allocated to the senior Senator from Pennsylvania [Mr. CLARK], and the remaining 4 hours to be equally divided and controlled by the majority and minority leaders, or whomsoever they may designate, and provided further, that the majority or minority leader may allocate time on the bill to further debate on any amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The unanimous-consent agreement, later reduced to writing, is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That, effective on Tuesday, August 22, 1967, during the further consideration of the bill H.R. 10738, an Act making appropriations for the Department of Defense for the fiscal year ending June 30, 1968, and for other purposes, debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to one hour, to be equally divided and controlled by the mover of any such amendment or motion and the Senator from Mississippi, Mr. Stennis.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to six hours, four hours to be equally divided and controlled, respectively, by the majority and minority leaders and two hours by the Senator from Pennsylvania, Mr. Clark: *Provided*, That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

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

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The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECESS TO 11 A.M.

Mr. BYRD of West Virginia. Mr. President, I move that, in accordance with the order previously agreed to, the Senate stand in recess until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 40 minutes p.m.) the Senate took a recess until tomorrow, Tuesday, August 22, 1967, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate August 21, 1967:

AGENCY FOR INTERNATIONAL DEVELOPMENT

H. Rex Lee, of Idaho, to be an Assistant Administrator of the Agency for International Development, vice William O. Hall.

RAILROAD RETIREMENT BOARD

Howard William Habermeyer, of Illinois, to be a member of the Railroad Retirement Board for the term of 5 years from August 29, 1967 (reappointment).

POSTMASTERS

The following named persons to be postmasters:

ALABAMA

Edna M. Usrey, Gurley, Ala., in place of M. G. Lawler, retired.

Margaret S. Carter, Myrtlewood, Ala., in place of R. P. Carter, retired.

ARIZONA

O'Reece T. Cleve, Inspiration, Ariz., in place of M. E. Paul, retired.

M. Louise Zufelt, Kayenta, Ariz., in place of J. I. Zufelt, resigned.

Betty L. Dunagan, Peach Springs, Ariz., in place of A. C. Jones, resigned.

ARKANSAS

William C. McArthur, Dyess, Ark., in place of E. E. Holland, retired.

CALIFORNIA

Morris A. Hoff, Aromas, Calif., in place of Lucille Peyton, retired.

Charles E. Cotten, Boron, Calif., in place of R. L. Byington, resigned.

Margaret Bridgman, Coloma, Calif., in place of Z. B. Rosenberger, retired.

Clarence J. Barry, Jr., Davis, Calif., in place of J. R. Dolcini, retired.

Lodema K. Cook, East Irvine, Calif., in place of W. A. Cook, deceased.

LeRoy B. Stewart, El Cajon, Calif., in place of W. G. Clark, resigned.

William A. Ellis, Exeter, Calif., in place of A. M. Davis, retired.

Raymond W. Gribbin, La Verne, Calif., in place of A. E. Harwood, retired.

John W. Panighetti, Los Gatos, Calif., in place of E. E. Briggs, retired.

Virginia F. Martin, Pioneer, Calif., in place of J. H. Schaefer, retired.

COLORADO

Cecil S. Hofmann, Iliff, Colo., in place of J. H. Sturbaum, retired.

Donald G. Haynes, Jamestown, Colo., in place of L. M. Upp, resigned.

FLORIDA

Richard M. Collins, Largo, Fla., in place of W. E. Dewar, retired.

GEORGIA

R. Eldon Wilkinson, Leary, Ga., in place of S. S. Barnett, retired.

IDAHO

Jasper E. Heller, Gooding, Idaho, in place of A. W. Miller, retired.

Fay J. Evans, Malad City, Idaho, in place of H. W. Thomas, retired.

Phil Raymond Perkins, Montpelier, Idaho, in place of J. V. Dunn, retired.

Paul H. Boxleitner, Riggins, Idaho, in place of L. R. Nail, retired.

ILLINOIS

William J. McKenna, Glen Ellyn, Ill., in place of G. S. Molton, retired.

Richard W. Tozer, Maroa, Ill., in place of C. R. Hippard, deceased.

INDIANA

Paul A. Maggard, Austin, Ind., in place of H. E. Thomas, retired.

Max Wolverton, Brazil, Ind., in place of W. W. Houk, retired.

Paul L. Kizer, Milford, Ind., in place of E. W. Felkner, retired.

George M. Myers, Montezuma, Ind., in place of P. M. Rlerden, retired.

IOWA

Wayne G. Smith, Adair, Iowa, in place of A. V. Ryan, retired.

Robert F. Miller, Clarence, Iowa, in place of V. D. Freeman, retired.

Duane P. Conrad, Dallas, Iowa, in place of C. R. Stewart, resigned.

Quincy I. Rice, Delta, Iowa, in place of E. M. Brauch, retired.

Vernon P. Tiefenthaler, Halbur, Iowa, in place of H. J. Elscheid, retired.

KANSAS

James M. Cameron, Summerfield, Kans., in place of G. J. Smith, retired.

KENTUCKY

Ernestine Ward, Inez, Ky., in place of Leon Buskirk, retired.

LOUISIANA

Eva M. Boudreaux, Centerville, La., in place of Louise Boudreaux, retired.

Evelina F. Agoff, Lafitte, La., in place of E. H. Fisher, retired.

MAINE

H. Lloyd Carey, Augusta, Maine, in place of J. B. Tschamler, retired.

Mary F. Worcester, Harrington, Maine, in place of R. S. Plummer, retired.

Robert R. Kendall, Perry, Maine, in place of G. W. Johnson, retired.

MARYLAND

William J. Thomas IV, Sandy Spring, Md., in place of E. E. Wood, retired.

Wilbur B. Leizear, Silver Spring, Md., in place of F. W. Wheeler, resigned.

MASSACHUSETTS

Warren E. Ward, Lunenburg, Mass., in place of Walter Rink, removed.

MINNESOTA

David H. Jennings, Truman, Minn., in place of V. B. Adams, retired.

MISSOURI

Harold M. Shiffe, Archie, Mo., in place of B. E. Thornhill, retired.

MONTANA

Rex P. Guthrie, Columbus, Mont. in place of J. P. Graham, deceased.

NEBRASKA

William J. Kleinow, Curtis, Nebr., in place of E. E. Gardner, deceased.

Alvin G. Staben, Elkhorn, Nebr., in place of W. E. Goodhard, retired.

Freda T. Shubert, Shubert, Nebr., in place of F. C. Evans, retired.

NEW HAMPSHIRE

Arthur R. Beauchesne, Newmarket, N.H., in place of F. E. LaBranche, deceased.

NEW JERSEY

Frank J. Sedita, Lodi, N.J., in place of F. J. Mallia, retired.

NEW YORK

George O. Barden, Barton, N.Y., in place of C. M. Creighton, retired.

Donald A. Krantz, Callicoon, N.Y., in place of W. L. Bergner, retired.

John M. O'Malley, Le Roy, N.Y., in place of J. F. Gleason, retired.

Dorothy B. Hall, Richville, N.Y., in place of M. J. Bigelow, retired.

Stuart A. Ivison, South Byron, N.Y., in place of H. D. Haley, deceased.

NORTH CAROLINA

George D. Elliott, Jr., Bath, N.C., in place of S. P. Bowen, retired.

Merdice T. Simmons, Hampstead N.C., in place of I. R. Autry, retired.

Henry Franklin Wilson, Mount Ulla, N.C., in place of C. D. Moore, retired.

NORTH DAKOTA

Ralph A. Pederson, Park River, N. Dak., in place of F. J. Thorson, retired.

OHIO

M. Virginia Miller, Fletcher, Ohio, in place of H. R. Ferrell, resigned.

George R. Cotter, Glouster, Ohio, in place of D. P. Mooney, retired.

OKLAHOMA

Bobby G. Pitts, Noble, Okla., in place of E. B. Willis, retired.

Clarence D. Robertson, Jr., Wapanucka, Okla., in place of T. H. Henderson, transferred.

OREGON

Marjorie A. Stumbaugh, Crescent, Oreg., in place of E. K. Wayne, retired.

SOUTH CAROLINA

Tillman W. Derrick, Fort Mill, S.C., in place of W. H. Nims, retired.

Theodore G. Scholtes, Neeses, S.C., in place of B. L. Williams, retired.

PENNSYLVANIA

David J. Florentine, New Brighton, Pa., in place of W. L. Mitsch, deceased.

Robert B. Myers, State Line, Pa., in place of M. C. Binkley, retired.

Frank A. Fago, Warren, Pa., in place of B. S. Knabenshue, retired.

Carl R. Negley, West Mifflin, Pa., office established May 23, 1964.

SOUTH DAKOTA

Robert C. Polkinghorn, Britton, S. Dak., in place of H. A. Winje, retired.

LaVerne V. Binger, Tulare, S. Dak., in place of K. M. McCoy, retired.

TENNESSEE

Dennis L. Lewis, White Bluff, Tenn., in place of J. K. St. Clair, retired.

TEXAS

Billy J. Enloe, Allen, Tex., in place of Viola Rose, retired.

Audrey L. Ware, Austwell, Tex. in place of M. F. Bluhm, retired.

UTAH

Richard C. Stevenson, West Jordan, Utah, in place of E. M. Williams, deceased.

VERMONT

Lawrence A. Williams, Newfane, Vt., in place of L. K. Tibbetts, retired.

William B. Holton, Westminster, Vt., in place of J. S. Thompson, deceased.

VIRGINIA

Robert C. Smith, Jr., Bumpass, Va., in place of R. L. Barlow, retired.

Joseph C. Haines, Winchester Va., in place of W. R. Johnston, retired.

WEST VIRGINIA

Martha W. Kramer, Durbin, W. Va., in place of J. C. Gum, retired.

WISCONSIN

Frank A. Schneider, Egg Harbor, Wis., in place of L. H. Olsen, deceased.

EXTENSIONS OF REMARKS

International Drum Corps Week

EXTENSION OF REMARKS

OF

HON. WILLIAM L. ST. ONGE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, August 21, 1967

Mr. ST. ONGE. Mr. Speaker, ever since the very beginning of our life as a nation, the colorful spectacle of a drum and bugle corps on parade has symbolized the spirit of freedom which has marked the birth and growth of America. Over the years, drum and bugle parades have inspired the hearts of many of our citizens with a devotion to liberty and pride in the United States of America.

This year, during the week of September 2-9, International Drum Corps Week will be celebrated across the Nation and in Canada. I am proud to call attention to the young people—numbering over 1 million—who participate in this pageantry.

In these disquieting times, when some of our young people are turning to violence and delinquency, it is most encouraging to see so many engaged in this wholesome activity. The drum and bugle corps, whose motto is "Pageantry and Patriotism—Youth on Parade," is doing a great service to this Nation by building the qualities of good citizenship and leadership which are so important to the survival and health of a democracy.

The sight of a drum and bugle corps on parade never fails to bring to mind the many courageous Americans who have gallantly served this country and its ideals, as well as those who are doing so today. America's drum and bugle corps, by virtue of its patriotic, wholesome, character-building activities, merits our

admiration and respect. International Drum Corps Week brings this important activity to the attention of the American people, and I hope all Americans will support its continued growth in the future. I am proud to join many of my colleagues in Congress on this occasion in saluting the drum and bugle corps during International Drum Corps Week.

Food Stamp Program

EXTENSION OF REMARKS

OF

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 21, 1967

Mr. VAN DEERLIN. Mr. Speaker, I wish to bring to the attention of my colleagues the serious delay in final action on S. 953—the food stamp bill.

This bill has been in conference for several weeks, but there has been no action to resolve the House-Senate differences. The point at issue is the length of the extension. The House bill calls for a single-year extension—through June 30, 1968. The Senate bill calls for a 3-year extension.

I urge my colleagues on the House conference committee to accept the Senate version, or, at the very minimum, a 2-year extension. An extension beyond June 30, 1968, is necessary so that both the Department of Agriculture and the States can move forward with this program.

The uncertainty now created by the delay in Congress and the added uncertainties which would be created under a 1-year extension will impede the very

thing the House is seeking—an efficient, well-administered program, that meets the need for dietary improvements among the poor.

Uncertainty—the inability to plan ahead for reasonable periods—is the source of inefficiency. State agencies cannot submit plans to their legislatures far enough in advance to provide the administrative budgets they need to insure proper program supervision.

Counties and cities who have been waiting in line to get the program are reluctant to invest the money and staff time needed to inaugurate the program when they have no guarantee that it will continue beyond next June.

States and counties which are now participating are reluctant to spend funds and staff time to improve their operations or to reach more eligible people. They want assurances that food stamps will be available after next June.

I should like to emphasize that I agree with my colleagues on the House Agriculture Committee about the need for a periodic review of this program, and the results of its operation. However, the record during the past 3 years of operations under the Food Stamp Act of 1964 has not raised any basic questions as to the method, prudence, or propriety of Federal, State, and local administration. Therefore, I am convinced that the committee can continue effectively to carry out its fundamental responsibilities without jeopardizing orderly program expansion.

The level of expansion would, of course, continue to be governed by annual appropriations.

Therefore, I hope the conferees will move promptly toward final action on this bill. I hope they will find it possible to agree on a 3-year extension. If this is not possible, I would urge an extension of at least 2 years.