

I have not added those together. It is 405,399 Americans dead, killed in action, noncombat, and we are already now in AIDS cases pressing 500,000. Two years from now, in many cases in only 6 months, in all cases within 5 years, we will have added 100,000 more to the death toll, and it will have passed all deaths from World War II, just within the next few months, already passed the combat deaths. What a tragedy that more candidates other than myself and Alan Keyes are not discussing the moral crisis and meltdown we have.

When we come back into session next Tuesday night, Mr. Speaker, for votes at 6:00, it will be Tuesday November 7. The date of the Presidential election next year is November 5. I have a countdown watch quite seriously to remind me of that date every day, several times during the day. It is only 445 days to the inauguration of hopefully a new President. But it is 76 days in the interregnum from the election on November 5 to January 20, 1997.

So let us just talk about the election. We will be inside the Presidential election year by 2 days after I am through speaking when this House next convenes. It is a leap year, so there will be 364 days left to the election.

Now, have we gotten into a serious discussion, a debate between the 10 Republican candidates, that is with the two millionaire CEO's involve, Mr. Morey Taylor and Steve Forbes, good men both, with the eight millionaires and the two of us who are nonmillionaires, Alan Keyes and myself, have we had a chance to exchange one question between one another? No, we have not. Every Presidential forum has been a job interview, put your best foot forward, try to be gentle to the other candidates. Most of us are except one. When you are running No. 2, it is tempting I guess to try and tear down No. 1. But we have not had an exchange.

I hope that will come up on the 17th and 18th in mid-Florida in Orlando with what Jeb Bush, the organizer of it, has proudly called Presidential 3. Maybe we will get to exchange questions. And maybe I can get some of my worthy competitors, the other nine, to answer some of the questions that they are all asking Colin Powell to answer. And foremost among those questions, and I have the 22 that I proposed in the well last evening, and I finally have here the 22 questions that George Will proposed, I am going to put all 44 in the RECORD, but let me first ask five questions of our leader in the Senate, which will take me into a heart-breaking situation that I have just learned about this week and discussed in depth in the Rayburn Room just off the Democratic cloakroom. It involves our missing in action.

There are five items in the Republican conference bills for Chairman BEN GILMAN's Committee on International Relations, authorization and/or appropriations bills, and for the Committee on National Security, formerly known as the Armed Services

Committee, in our authorization and appropriations bills that are now in the hands of the Republican majority in the Senate. And its leader is the leading Presidential candidates. In most general polling in our 50 States, ROBERT DOLE has more percentage points, now that we are almost within a few days of being inside the election year itself, he has got more points than all the rest of the other nine put together. So I propose, Mr. Speaker, through you to my good friend, and he knows I admire him, Mr. DOLE, the five following questions:

One, when are you going to crack the whip, use your whip—my pal, who I served with for a decade in the House here, Mr. TRENT LOTT, Senator LOTT of Mississippi—when are you going to crack the whip, use your leadership powers to resolve the Ben Gilman-Bob Dornan-Floyd Spence language on the missing in action, missing persons office under the secretary of defense, the POW missing in action, secretary of defense office for missing persons, military persons? When will that be resolved so that we do not have a repeat of the agonizing situation I am about to discuss that is before me, involving a funeral, a forced funeral next Wednesday of an air crewman from an AC-130 Hercules Spectra gunship. So, Mr. Leader, in the Senate, through you, Mr. Speaker, I ask for action on this.

Item No. 2 in BEN GILMAN's bills are words from our Contract With America that I wrote together with Congressman JOHN DOOLITTLE of northern California, no U.S. soldiers, Marines or pilots under foreign officers, under U.N. command or any other command unless there is a ratified treaty such as NATO where we have trained together, in the case of NATO it is almost half a century, a few years shy of half a century of training together, no U.S. troops under U.N. command, and we will not have the nightmare of E-5 specialist Michael Nu who has no recollection of ever raising his right hand and swearing to uphold any Constitution other than the one written by James Madison and worked over and perfected in this very Congress 200 years ago and the other body. He has no recollection. Senator, has anybody in the United States military ever been asked under oath to defend the U.N. charter, let alone to wear regalia or insignia of any other military force in Bosnia or anywhere else?

I want to know what is the status of that, Mr. Speaker, what is our leader doing to nail that down in the next few days? We were supposed to have adjourned a month ago. A year from now we will have been adjourned from an election, on or about October 1st. So there is only 11 months left, no matter what, before we all go home for at least a month to campaign for the 1996 election.

No. 3, in Mr. GILMAN's legislation, authorization/appropriations, again I was one of the authors of this, together with a freshman, BOB BARR of Georgia,

we only had one speaker on the Floor, probably the preeminent hero, military hero in this Chamber, SAM JOHNSON of Texas spoke about no money for the normalization of any relations with Hanoi until we have resolved lots of remaining agonizing missing in action cases.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. NETHERCUTT). The Chair reminds Members that it is not in order in debate to specifically urge the Senate to take a certain action or to characterize Senate inaction.

Mr. DORNAN. I knew that, Mr. Speaker, and it had slipped my mind.

Then it is up to this Congress, both Chambers, to resolve in conference that no money for normalization with Hanoi, passed unanimously by voice vote in this Chamber with only Mr. SAM JOHNSON of Dallas, TX retired Air Force Colonel, 7-year prisoner in Hanoi, speaking for 2½ minutes. One objection from the other side by a fellow POW who had not undergone the severe torture and solitary confinement that a senior officer like Mr. SAM JOHNSON of Texas had undergone, and he only spoke for less than half a minute and said, I object, but did not call for a vote. That sits over on the Senate, that sits now in conference. The House is standing on its position.

No. 4, we have passed my language on no abortion in military hospitals, not once, Mr. Speaker, not twice or 3 or 4 or 5, 6 times in this House, on authorization bills and appropriation bills, we have voted to protect the Dornan language on no abortions in military hospitals without a single military doctor, male or female, Navy, they covered the Marine Corps also, Army or Air Force, Pacific or Europe, Mediterranean, nowhere in the world has a doctor written to me as the chairman of military personnel and said, I want to perform abortions in the military. As a matter of hard fact, I fought this through subcommittee and full committee and sustained in debate my own language through six House recorded votes. I did this at the behest of men and women who wear the uniform of our services, who are medically trained doctors, and who are ob/gyn doctors that told me that in the military they defend life, they do not take life.

That vote yesterday, again, I keep track of my own particular religious denomination, 41 people, Mr. Speaker, who put Roman Catholic after their name in their official congressional biographies, mercifully only 4 Republican Catholics and 37 on the other side of the aisle who put Catholic in their biography voted against stopping the killing by sucking out the brain tissue of a fully formed late stage fetus child after it is fully brought down the birth canal except for the head, and they

voted to allow that procedure to continue, that brutal procedure that, as Mr. HYDE said on the floor, would be damned if it was done to animals, animals without a soul, not made in the image and likeness of God. What an amazing vote that was on the House floor yesterday.

I am going to remember it always with a little rhyme. The votes, including 15 Republicans, to maintain this barbaric procedure were 1, 2, 3; 1, 2, 3, I only care about me. On the Republican side, it was 2, 8, 5, I know when a baby is alive, 285 to 123. As I said in the well, probably the most important pro-life vote, and Members will lose their seats who voted wrong on that one, maybe only a handful, but it will pull down some people. And nobody who voted to end that barbaric savage inhuman process will lose their seat because of an "aye" vote sustaining CHARLES CANADY of Florida's language.

So the no abortions in military hospitals, why is that still being argued in conference?

And No. 5, it relates to the statistics that I just gave on AIDS deaths, absolute plague based on human conduct, it is not some Ebola virus that we are trying to contain. It is spread by human God-given free will. The no HIV positive tested persons with the AIDS virus remaining on active duty.

We have nobody left on military active duty, not a single person that any one of the services can tell me about who got it through a contaminated blood transfusion. It is all from one of three causes, all of them in violation of the Uniform Code of Military Justice. Rolling up your white, khaki or blue uniform sleeve and sticking a contaminated filthy needle in your arm. They die the most quickly because it is direct blood to blood contamination.

□ 1815

Heterosexual sex with prostitutes in an off-limits prostitution house where all of the prostitutes are infected with the AIDS virus, that is violation of orders of your commander and general understood orders under the UCMJ, and the third category that seems to drive this whole thing politically, having unprotected sex with strangers in some hideaway or men's room somewhere, high-risk sex with strangers that is homosexual, that it involves again transferring the AIDS virus. Why is that being demanded as a separate vote in the other Chamber when it has won overwhelmingly about four times in subcommittee, and committee and on the floor? So there are five things that I would like to see done on the other side.

I will close, with whatever remarks I have, with the 22 questions of George Will, which I did not put in last night, to my friend and man of great character, Colin Powell, great character, but a little short on answers lately, and then I will resubmit again my 22 questions, and I added one, and to keep it to 22 I made it a two-part question on one aspect of foreign policy sanc-

tions, and that was to heed the eloquent plea last night of my colleague from south Florida, Mr. DIAZ-BALART, about the war criminal, human-rights criminal, first-degree murderer, savage, evil human being, Fidel Castro, who has left friends of his, let alone adversaries, rot in prison for a quarter of a century, some of them stark naked in solitary confinement for up to a decade, only inquiring about them every 5 or 10 years, and here he is the toast of the town in New York at a posh apartment on Fifth Avenue owned by Mort Zuckerman.

I know Mort. I went to the gulf war, March 15, 1991, with him on the first Kuwaiti 747 to go back into newly liberated Kuwait. We saw the devastation together. He seems to be an intelligent person. Why would he host at his apartment a first-degree murderer?

If some of us think O.J. Simpson is a first-degree murderer who savagely, brutally killed two human beings and got away with it, that is two, two. Castro has done that thousands of times over, and there he is with Canadian Peter Jennings, Diane Sawyer, the chronicler of Richard Nixon, an elegant lady and probably her husband, a talented stage director, with her. There is Dan Rather giving him a baseball bat, putting a baseball bat into the hands of a man who has ordered people to be beaten to death with baseball bats. What kind of insane Kafkaesque world do we live in?

Two other little items, and then I will get into this missing-in-action tragedy.

A week ago, the first legislative day following the 800,000-plus-1 march; I say "plus 1" because I was there as an observer, so I guess the helicopters counted me on their grids; my son, Mark Dornan, sent me a fax. Mark recently got a degree in history from UCLA. He did not know I was going to the march, and this was waiting for me in my fax machine when I got back here in—just outside the beltway. He says, "Dad, why does Al Sharpton, the racist Farrakhan had not spoken of, why does Al Sharpton blast the political right when this march is all about Republican conservative ideals?" Big question mark. "I.e.," Mark writes, "self-reliance, the family unit." He has Dan Quayle in quotes, in parentheses, afterward. "No government cheese." It is a line he got from the comedy of the highly talented Wynans family of television fame. "It is about stomping out crime. It is about striking sexist, violent rap lyrics, gangster rap. It is about strengthening the black economy," and most of all, my son tells me, "Evoking the name of Jesus Christ and God's name, something a white politician is criticized for doing. Also, Dad, talk of sin and redemption. Are these black American men conservatives who don't know it yet?"

I told Mark that I liked that fax so much I was going to put it in the CONGRESSIONAL RECORD. Done.

One other item.

One of my staff called the Council on Foreign Relations up in New York City, the island of my birth, 68th Street off Fifth Avenue. They are sending a delegation to Vietnam, to Hanoi, next week to lay the groundwork for a war criminal who has become a multimillionaire in the Federal payroll and the World Bank payroll which is tax-free where he drew over a quarter of a million dollars a year and all sorts of unbelievable perks for 13 years, right up until 1981, until Ronald Reagan forced him out, and I am speaking of Robert Strange McNamara. He is going back to Vietnam to tear open the wounds of all the missing-in-action families and all the families of the 58,500-some young men, 8 women, whose names are on the Vietnam Memorial wall, who I believe, quoting again President Reagan, were involved in a noble cause, that although it was a significant part of the melting down of the evil empire, they—well, they know the answers, they are all in heaven, but their families have never been able to find full mental peace because this country has not formally, at least since Ronald Reagan, ever acknowledged that every life lost in Vietnam was part of the twilight struggle that Kennedy talked about, the President who first sent our young heroes to Vietnam. The twilight struggle that would go on for the rest of this century ended much sooner than we thought it would when the wall came down on November 9, 1989. Kennedy said, paraphrasing Lincoln, the world cannot remain forever half slave and half free, and these young men died in Vietnam, some not so young. Those who gave their lives, 33,629 in combat, 53,000 overall in Korea, they also were the two major, very bloody, very hard-fought battlegrounds of what people still incorrectly say was a cold war won without firing a shot. How about all the four-engine and two-engine aircraft that—and U-2's that flew ferret missions on reconnaissance and intelligence-gathering missions all around the periphery, including the Arctic, the periphery of the evil empire? What about all of those people that disappeared into the mist of history?

We just had a funeral. I do not know if the families wanted this funeral, a mass funeral up at Fort Meade which was National Security Agency headquarters, major listening post of the free world for an RB-29, a World War II B-29 that was shot down over the Sea of Japan a few days after the cessation of fighting in Korea, and for years, decades, the family members were lied to, lied to. It was considered a necessary intelligence-world lie that the plane was lost in weather when all that time buried in the bowels of NSA and the archives of the Pentagon were the transcripts of the pilots' voices telling how MiG's were firing at them, closing in on them, and killing them.

And that brings me, thinking about the war criminal, Robert, middle name

truly Strange—that is his real middle name, Robert Strange war criminal McNamara is off to Vietnam to bring pain to the families I am about to discuss.

Mr. Speaker, I just left the Rayburn Room, as I mentioned, discussing with two primary family members and their friends a funeral that is going to take place next Wednesday. That will be November 8, the 1-year anniversary of this earth-shaking election last year. There will be a funeral at Arlington against the will of most of the family members where our Government is going to—my Government is going to bury—I wish that we had the camera capability—we could have it, if we wanted—to zoom in for a closeup that is available on any television show, program, in the 100 or so channels around this country, around the world, but this is too small a picture for any camera to pick up. But that is the sum total of human remains, a small group that you could hold in your two hands cupped together, of bone fragments, none of them any bigger than a few inches, and it could be all one person. The Pentagon is claiming that it is the remains of 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 people, and it is going to be a funeral with a single gravesite for this tiny amount of bone fragments. They will not do DNA on them. They claim it is too expensive. I thought there was no expense that we would not go to for our heroes from the Vietnam war, and all of these 10 men, they are all males, there are no females in combat positions on April 22, 1970, when this AC-130 Spectre; that is the name for gunships, Hercules gunships; crashed in Laos, and one man was returned from captivity, Eugene Fields. He has not been made available to the other 10 families.

Not only that, in trying to avoid the unending pleas of the family members to discuss his recollections of his bailout and who was left on the—this big four-engine Lockheed C-130 and who was not left on it, he finally told one of the family members that he had been threatened that he would lose his retirement benefits as an Air Force retiree if he divulged to any family member any of his debriefing.

I am adding legislation to the aforementioned POW-MIA Secretary of Defense Office for Missing Persons, legislation that no reprisals must ever be taken against anybody who wants to talk to family members and also that no source will ever be burned who gives information in a debriefing to ferret out every little fact surrounding the disappearance of one of our American fighting heroes.

Now let me at this point, Mr. Speaker, give the 10 names of 8 regular Air Force folks and 2 reservists: Charlie B. Davis, Jr. He was a navigator or two navigators. His wife, Ginger, watching this special order closely; I will meet with her after this special order.

□ 1830

She only received a statement, a final statement of death, on her Charlie just this last week. It was prepared 12 September, and I do not know what took it so long to get to Ginger Davis. I will come back to that.

I just met the daughter of Charles S. Rowley, the senior navigator. The daughter, Patty, says she has had a terrible time trying to get to Eugene Fields, the one survivor who bailed out.

At this point before I give the other names, I want people to be thinking about this who follow the special orders of this House, Mr. Speaker. Eugene Fields had a position back of the aircraft, and I was just on one of these AC-130 gunships in Brindisi, Italy; they have been flying hot combat missions, or they did on the night of August 30.

I was there when they briefed to go into combat over Bosnia. Then they went in August 31 and alternately during the next 10 days into September. AC-130's flew hot combat missions for the first time since the gulf war, where we lost one, hit when the sun came up at daylight over Kuwait, crashed into the Mediterranean, and we recovered about 10 of the 14 bodies. The rest disappeared out to the Gulf of Oman and the Arabian Sea.

The back of the aircraft, a big airplane loaded with guns and firepower and hot ammo and flares and 105-recoilless millimeter shells, and Bofors Gun 40-millimeter shells, and lots of Gatling gun information, it is a flying munitions arsenal, and the parachutes are strategically placed around. They wear their harnesses with a quick snap-on. You do not care whether the chute is on your chest or back, you just want out of that burning airplane before it explodes in a massive fireball.

He worked his way to the front of the aircraft, Eugene Fields, and could feel a tremendous draft. Then he saw what it was. There are no ejection seats. The bailout trap door behind the forward crew compartment where the pilot, copilot, and navigator sit, it was open. He looked into the flight deck and there was no pilot, no copilot, and hence, no navigators. They were all gone. He found his chute and he bailed out.

He made it back, and yet all these family members are told that all the people on the flight, including all the other gunners and support people throughout this aircraft that had 11 crewmen on it, they all died in the crash. They gave Ginger her husband's dog tag. I am sorry, I forgot how Ginger told me she got this. I think it came from the Central Investigative Laboratory at Hickham Air Force Base in Hawaii. It is darkened beyond the polished silver, but it might take up that color just sitting on a shelf for 25 years. It is not bent. None of the letters are destroyed. Clearly, you can see blood type, positive; the religion; the full Air Force serial number; Davis, Charles B., no "junior." There is his dog tag. At one point that was hanging

around Charlie's neck on a combat mission in the fight for freedom over Laos.

They gave Ginger a story that seems incredible, that his sidearm was found by a very talented and skilled gentleman who ran the missing-in-action POW office in Hanoi for 2 years, Bill Bell, that he found the sidearm of this Air Force officer in the War Museum in Hanoi. How did that 45 Colt automatic sidearm get from Laos up to the War Museum in Hanoi? What a painful fact for a family member to have to absorb in seeking to know the fate of Ginger's Charlie.

Here is the report of casualty. It reads, at the bottom, in Remarks: "Under the provisions of section 555, title 37, U.S.C., and upon direction and delegation by the Secretary of the Air Force, the assistant Deputy Chief of Staff Personnel for military personnel finds this individual to be dead." He was officially reported as missing in action on 22 April 1970. He was continued in that status until 24 May 1974, 4 years, 1 month later. "The date of death is presumed to have occurred for the purpose of termination of pay and allowances, settlement of accounts, and payment of death gratuities, as stated in section 555, title 37, U.S.C. The remains of Colonel Davis were repatriated by the Laos Government, the Communist government, on 12 November 1993, 2 years ago next week. "Positive identification was confirmed by the Armed Forces Identification Review Board September 1, 1995. Lump sum payment, \$20,000," all these years later.

Here are the other eight names. By the way, for a time line, Mr. Speaker, 22 April 1970, Lenin's birthday, by coincidence, was the first Earth Day. The lady who is now a billionaire, a billionaire, that is a thousand millionaires, several times over, because she is married to Ted Turner, she was out here on the West front, Jane Fonda, with her then husband, Tom Hayden, and I do not even think they were married then, and the Governor of California. No, it could not have been, because Ronald Reagan was still Governor. That was a few years later on this day, that was the first Earth Day, and a few Earth Days later when she had married Hayden, been to Hanoi, sat in the gun pits, she and Hayden, and then Gov. Jerry Brown, he served from 1974 to 1982 so it must have been Earth Day of 1975, they stood out there on that April 22, never thinking at all about how many men had died on this particular April 22 day, and looked out across America and thought about how wonderful it was that the left would soon be in ascendancy in this country some day.

Here are the other crewmen, all involved in this mass burial of this tiny little bit of bone fragments, all 10 who will supposedly be honored at Arlington Cemetery next Wednesday:

William L. Brooks, colonel; Donald G. Fisher, colonel.

This is not their rank at time of shutdown, but rank that built up while they were missing in action.

John C. Towle, captain; Robert N. Ireland, chief master sergeant; Thomas Y. Adachi, senior master sergeant; Stephen W. Harris, tech sergeant; Ronnie L. Hensley, chief master sergeant; and Donald M. Lindt, senior master sergeant.

Now listen to this letter, Mr. Speaker, dated 7 November, a year ago, 1994. "For the Commander, U.S. Army, CIL," Central Identification Laboratory, not investigation, Hickman Air Force Base, HI. I have visited it a dozen times. "Proposed identification of," and they give the code name for this group, "Group remains. Background and acquisition. On 22 April, 1970 Major William L. Brooks and First Lieutenant John C. Towle were pilot and co-pilot, respectively, of an AC-130 A in a flight of three aircraft on a night-armed reconnaissance over Xekong Province, Laos." Also manifested on board the aircraft were Lt. Col. Charles Davis. Here are their ranks at time of shutdown: Lt. Col. Charles Rowley, Maj. Donald Fisher, they were all navigators. That is how important these night missions were, and to navigate this big aircraft so close to the ground to try and destroy trucks along the Ho Chi Minh Trail.

"Master Sergeant Bob Ireland was the flight engineer, Staff Sergeant Eugene Fields," he is the one who is one survivor that came out of captivity, Sgt. Thomas Adachi, Stephen Harris, and A1c. Donald Lindt were all gunners, Gatling gunners, Bofors gunners—I do not know if they had the Bofors—and the recoilless cannon, and Sgt. Ronnie O. Hensley was the illumination operator, which also made the operation severely dangerous, loaded with big flares. If the flares were ever hit by ground fire, the plane turned into a flying torch.

The aircraft was attacking anti-aircraft positions approximately 2.5 kilometers southeast of "ban", which means village in Laos, "Ban Tanglou, when the pilot radioed that his aircraft had been struck near the tail by 37 millimeter anti-aircraft fire." That is the kind of anti-aircraft that Fonda was sitting in the gunpit with, radar-directed anti-aircraft fire, effective day or night. It is made in Russia, by the way.

"Shortly thereafter the aircraft crashed and burned. Sergeant Fields was able to successfully exit the aircraft prior to its impact, and subsequently was rescued." I stand corrected. He was not returned as a POW, but he was rescued, so there was a very active rescue operation. "In his debrief, Sergeant Fields indicated that he had seen the aircraft impact, but had not observed any other parachutes." That is only half of the statement. "Sergeant Fields did indicate, however, that he had not seen Sergeant Adachi at his crew station as he was bailing out of the aircraft, and speculated that

Sergeant Adachi might have been able to also exit the airplane."

What about the prior story I told? It is not here. That is why I, as the chairman of the Subcommittee on Military Personnel of the Committee on National Security, will have to, and if he is listening, or a relative or friend is listening, Mr. Speaker, I hope Sergeant Fields, Eugene Fields, retired, will please call me so I can help these families get to the truth. That is what this office I am trying to get set up out of the authorization bill this year with the Senate, this is what that will prevent, this type of suffering for these families for years.

"Search and rescue attempts detected no electronic beeper signals, and no other parachutes or signs of survivors were observed." Where? How extensive a search? This is a combat area, with 37-millimeter anti-aircraft guns firing. "The incident was designated REFNO 1600. Colonels Davis, Rowley, Brooks, Fisher; Captain Towle, Sergeants Ireland, Adachi, Harris, Hensley, and Lindt, all, all subsequently promoted, are carried in the status of dead, body not recovered."

Paragraph C: "On 18 January a United States-Lao Peoples Democratic Republic joint investigation team surveyed the crash site, interviewed purported witnesses to the incident. One of the informants reported seeing dead or badly burned bodies at the crash site. Personal records were recovered from the surface. Some of the records subsequently could be correlated with the REFNO-16 aircraft and the site was recommended for recovery.

"In March of 1993 a joint task force full accounting," that is the JTFFA, "archival research team reported finding material relating to the incident in the Central Armed Forces Museum in Hanoi, Vietnam."

Again, this proves again, for the millionth time, Mr. Speaker, that North Vietnam, Hanoi, the Communist government, still in power, had access to all of the crash sites along the Ho Chi Minh trail, including all of those inside Laos. President Nixon was absolutely wrong when, after the last freedom flight left Hanoi on March 27, 1973, and he said, "All the prisoners from Laos are home," that was not a fact. My best friend, David Hrdlicka, was there; CIA civilian Eugene D. Brown was there; Charlie Shelton, who has been shot down, a father of five, his wife was a friend of mine until she tragically died, Marian Shelton, he was shot down on his 33d birthday, 29 April, 1965. My pal, Dave Hrdlicka, was shot down 18 May of 1965.

They were known to be prisoners in Laos right up through this period when Nixon tragically said they were all accounted for, and we have all the memos now that they were not accounted for. All those people in the Nixon administration, including some who went to jail for other lying, they knew they had a hot potato here and they were trying to just sweep it all away; get rid

of the war, so that he could continue on in his second term without a hostage crisis on his hands.

So this material turns up in the Central Armed Forces Museum in Hanoi, which I visited, and with the gentleman from California, Mr. DAVID DREIER, reached through one of the cases and rolled tightly an American flag so we would not have to look at the Stars and Stripes upside down, in a museum case, in a Communist museum, where they think they won a war, where they never won a battle and never had air or naval supremacy, and just bled off their teenaged kids down to 12 and 13 years of age against McNamara's designed firepower, without any plan for victory. I have been in that museum, and we took pictures of some material that had yet to be turned over to us, proving that there were last known alive cases not resolved.

"Among the items was a receipt for two .38-caliber revolvers." I stand corrected again. I told the family members I would make some mistakes, because I have not had a chance to go over these in detail an hour ago. They were not .45's, they were Smith and Wesson revolvers, .38 caliber, purportedly from a C-130 aircraft shot down by troops, "Station 35, group 559."

That is North Vietnamese people inside a nation that was then a member of the U.N. Laos and Cambodia were members of the U.N. from the early 1960's, late 1950's, and here was a Communist country that was not a member of the U.N. violating their sovereignty.

"Group 559," Hanoi, Communist union, "in Truongson Province."

□ 1845

A geographic reference to the Ho Chi Minh Trail region in southern Laos. One of the serial numbers listed on the receipt correlates to a revolver issued to Colonel Fisher. Again, I stand corrected, another one of the four navigators, not Charlie Davis, as I had said.

Paragraph E: On September 1, 1993, the Vietnamese Government provided JTFFA with the record of enemy aircraft shot down from 1965 to 1975, which indicates that nine pilots died in the shutdown of an AC-130 that closely matches the date, it was just off 1 day.

In October 1993, this is paragraph F, the recovery team begins the excavation. Identification tags for Colonel Brooks, Davis, Rowley, Sergeants Ireland, Hensley, and Adachi, the individual staff Sergeant Fields thought may have exited the aircraft, and Sergeant Lindt, were recovered from among thousands of pieces of AC-130 aircraft wreckage.

In addition, approximately 1,400 bone fragments and human teeth were recovered; 1,400 sounds like a lot, but when you put them all together, they are so tiny, I repeat, you could hold them in two hands in a small sack. That is what will be buried next Wednesday at Arlington.

Paragraph G: The skeletal and dental remains were escorted by a representative of the recovery team to the SIL at Hickam on November 15, 1993, where they were assigned a processing number, it gives the number.

Section 2, summary of findings. JTFFA analysts concluded the recovery site was the location of a non-survivable crash of an AC-130. Proper assembly serial number and identification media found the recovery links. They go through the anthropological analysis, indicates that the skeletal remains consist of human cranial, post cranial bones of at least one male adult who suffered parimortem trauma consistent with an air crash and subsequent fire. It talks about the fragmentation and charring of other remains, and then it gives some dental remains consisting of four intact, un-restored human teeth, and it describes them and their location in the jaw, but they could not link them up with any one person.

While consistent with one or maybe more of the individuals associated, none of the teeth could be individually associated. The size and condition of the remains precludes identification through the use of mitochondrial DNA. Given the current state of that technology, the families want more reassurance in that area, and then here is the recommendation, section 3.

It is not currently possible to positively associate the skeletal or dental remains with this crash with any specific individual. However, based on wreckage analysis that indicates the crash site was that of the AC-130 involved.

It goes on to say that including the identification tag for the one individual that the Staff Sergeant Fields speculated may have successfully exited the aircraft, and here is our problem, Mr. Speaker. Did Sergeant Fields, who feels under threat, tell family members that he could see none of the people on the flight deck in the aircraft as he was exiting?

A demonstrable chain of custody, key words in any missing person, chain of custody for both the remains and the personal effects and the laboratory analysis, which indicate that the recovered remains are for more than one individual who suffered trauma, it is reasonable to assume that the skeletal and dental fragments designated are the only remains recoverable, and on that they list all of the people, and this has led us to this funeral ceremony coming up.

Now, look at these pieces of evidence that the families have given to me. Here is finally an unclassified former secret document that I was given tonight, and here is a narrative. This, I believe, is of one of the F-4 pilots, we will find out. The two accompanying aircraft were Air Force fighters, two men each. PAC Air Force Major Webber advises the following: AC-130, let me get a date on this. No, it is blocked out. Maybe it is somewhere else on here.

AC-130, cross sign Ablib, 1954 that is the year it was manufactured, 1625, 16 special operations squadron out of Udorn, one of our five major air bases in Thailand. It says that Ablib reported he had been hit and was going to RTB, recovery, probably in the Confenon. A report came from an escort aircraft, cross sign Killer II that the crew was bailing out. Shortly after that beepers and voice contact, beepers and voice contact, totally contradicting the final official reports.

I cannot see because of blacked out ink what this says. With at least 1 of the 13 crew members on board. Was that Sergeant Fields? Killer II advised the crew members to dig in for the night. Voice contact was made with number 12 man who reported he has burns. Did Sgt. Eugene Fields have burns? This is not a Surprise Package aircraft. Code unknown to this former Air Force officer.

This AC-130 was put in as a substitute for Surprise Package because of maintenance on Surprise Package, probably another backup aircraft of that type. The date on this, when somebody looked at it, is December 27, 1973, a year-and-a-half after the incident. This is out of Saravane, Laos, and I cannot find a date on here. It says date, time, location. Date, 21. This is April 21, and the time is 1359 eastern. So this is the date of the report. I am sorry, the report is the 23d of the next day.

Now, there is another piece of evidence, and I will go over all of this with the families as soon as my special order is finished.

This is a forensic anthropology report. With all of the aging criteria taken into consideration, a rough age range of 25 to 40 years is suggested for all of the remains.

Let me just close with the one line out of this. They give a race assessment, Mr. Speaker, a stature assessment, a trauma assessment, and conclusions, and it is still so vague that the families are asking before there is a funeral next Wednesday, could they not put it off to all of the family members, and they work together as a group now, to get their questions answered through the full cooperation of the Pentagon and the Missing In Action Office over there, and all have a chance to talk to Sergeant Fields so that they could go to a funeral ceremony like this, so that I could go to it with them, and enjoy, memorialize the sacrifice of this great Air Force crew.

Mr. Speaker, I will return to this issue when we come back next week.

Mr. Speaker, I include for the RECORD the aforementioned articles.

[From the Wall Street Journal, Aug. 3, 1995]

#### HOW NORTH VIETNAM WON THE WAR

What did the North Vietnamese leadership think of the American antiwar movement? What was the purpose of the Tet Offensive? How could the U.S. have been more successful in fighting the Vietnam War? Bui Tin, a former colonel in the North Vietnamese army, answers these questions in the following excerpts from an interview conducted by

Stephen Young, a Minnesota attorney and human-rights activist. Bui Tin, who served on the general staff of North Vietnam's army, received the unconditional surrender of South Vietnam on April 30, 1975. He later became editor of the People's Daily, the official newspaper of Vietnam. He now lives in Paris, where he immigrated after becoming disillusioned with the fruits of Vietnamese communism!!

Question: How did Hanoi intend to defeat the Americans?

Answer: By fighting a long war which would break their will to help South Vietnam. Ho Chi Minh said, "We don't need to win military victories, we only need to hit them until they give up and get out."

Q: Was the American antiwar movement important to Hanoi's victory?

A: It was essential to our strategy. Support for the war from our rear was completely secure while the American rear was vulnerable. Every day our leadership would listen to world news over the radio at 9 a.m. to follow the growth of the American antiwar movement. Visits to Hanoi by people like Jane Fonda and former Attorney General Ramsey Clark and ministers gave us confidence that we should hold on in the face of battlefield reverses. We were elated when Jane Fonda, wearing a red Vietnamese dress, said at a press conference that she was ashamed of American actions in the war and that she would struggle along with us.

Q: Did the Politburo pay attention to these visits?

A: Keenly.

Q: Why?

A: Those people represented the conscience of America. The conscience of America was part of its war-making capability, and we were turning that power in our favor. America lost because of its democracy; through dissent and protest it lost the ability to mobilize a will to win.

Q: How could the Americans have won the war?

A: Cut the Ho Chi Minh trail inside Laos. If Johnson had granted [Gen. William] Westmoreland's requests to enter Laos and block the Ho Chi Minh trail, Hanoi could not have won the war!!

Q: Anything else?

A: Train South Vietnam's generals. The junior South Vietnamese officers were good, competent and courageous, but the commanding general officers were inept.

Q: Did Hanoi expect that the National Liberation Front would win power in South Vietnam?

A: No. Gen. [Vo Nguyen] Giap [commander of the North Vietnamese army] believed that guerrilla warfare was important but not sufficient for victory. Regular military divisions with artillery and armor would be needed. The Chinese believed in fighting only with guerrillas, but we had a different approach. The Chinese were reluctant to help us. Soviet aid made the war possible. Le Duan [secretary general of the Vietnamese Communist Party] once told Mao Tse-tung that if you help us, we are sure to win; if you don't we will still win, but we will have to sacrifice one or two million more soldiers to do so.

Q: Was the National Liberation Front an independent political movement of South Vietnamese?

A: No. It was set up by our Communist Party to implement a decision of the Third Party Congress of September 1960. We always said there was only one army in the war to liberate the South and unify the nation. At all times there was only one party commissar in command of the South.

Q. Why was the Ho Chi Minh trail so important?

A. It was the only way to bring sufficient military power to bear on the fighting in the South. Building and maintaining the trail was a huge effort, involving tens of thousands of soldiers, drivers, repair teams, medical stations, communication units.

Q. What of American bombing of the Ho Chi Minh trail?

A. Not very effective. Our operations were never compromised by attacks on the trail. At times, accurate B-52 strikes would cause real damage, but we put so much in at the top of the trail that enough men and weapons to prolong the war always came out the bottom. Bombing by smaller planes rarely hit significant targets.

Q. What of American bombing of North Vietnam?

A. If all the bombing had been concentrated at one time, it would have hurt our efforts. But the bombing was expanded in slow stages under Johnson and it didn't worry us. We had plenty of time to prepare alternative routes and facilities. We always had stockpiles of rice ready to feed the people for months if a harvest were damaged. The Soviets bought rice from Thailand for us.

Q. What was the purpose of the 1968 Tet Offensive?

A. To relieve the pressure Gen. Westmoreland was putting on us in late 1966 and 1967 and to weaken American resolve during a presidential election year.

Q. What about Gen. Westmoreland's strategy and tactics caused you concern?

A. Our senior commander in the South, Gen. Nguyen Chi Thanh, knew that we were losing base areas, control of the rural population and that his main forces were being pushed out to the borders of South Vietnam. He also worried that Westmoreland might receive permission to enter Laos and cut the Ho Chi Minh Trail.

In January 1967, after discussions with Le Duan, Gen. Thanh proposed the Tet Offensive. Thanh was the senior member of the Politburo in South Vietnam. He supervised the entire war effort. Thanh's struggle philosophy was that "America is wealthy but not resolute," and "squeeze tight to the American chest and attack." He was invited up to Hanoi for further discussions. He went on commercial fights with a false passport from Cambodia to Hong Kong and then to Hanoi. Only in July was his plan adopted by the leadership. Then Johnson had rejected Westmoreland's request for 200,000 more troops. We realized that America had made its maximum military commitment to the war. Vietnam was not sufficiently important for the United States to call up its reserves. We had stretched American power to a breaking point. When more frustration set in, all the Americans could do would be to withdraw; they had no more troops to send over. Wow!

Tet was designed to influence American public opinion. We would attack poorly defended parts of South Vietnam cities during a holiday and a truce when few South Vietnamese troops would be on duty. Before the main attack we would entice American units to advance close to the borders, away from the cities. By attacking all South Vietnam's major cities, we would spread out our forces and neutralize the impact of American firepower. Attacking on a broad front, we would lose some battles but win others. We used local forces nearby each target for frustrate discovery of our plans. Small teams, like the one which attacked the U.S. Embassy in Saigon would be sufficient. It was a guerrilla strategy of hit-and-run raids.

Q: What about the results?

A: Our losses were staggering and a complete surprise. Giap later told me that Tet

had been a military defeat, though we had gained the planned political advantages when Johnson agreed to negotiate and did not run for re-election. The second and third waves in May and September were, in retrospect, mistakes. Our forces in the South were nearly wiped out by all the fighting in 1968. It took us until 1971 to re-establish our presence, but we had to use North Vietnamese troops as local guerrillas. If the American forces had not begun to withdraw under Nixon in 1969, they could have punished us severely. We suffered badly in 1969 and 1970 as it was.

Q: What of Nixon?

A: Well, when Nixon stepped down because of Watergate we knew we would win Pham Van Dong [prime minister of North Vietnam] said of Gerald Ford, the new president, "he's the weakest president in U.S. history; the people didn't elect him; even if you gave him candy, he doesn't dare to intervene in Vietnam again." We tested Ford's resolve by attacking Phuoc Long in January 1975. When Ford kept American B-52's in their hangers, our leadership decided on a big offensive against South Vietnam.

Q: What else?

A: We had the impression that American commanders had their hands tied by political factors. Your generals could never deploy a maximum force for greatest military effect.

[From the Washington Post, Oct. 29, 1995]

#### 22 QUESTIONS FOR COLIN POWELL

(By George F. Will)

Colin Powell, his literary life completed, has gone to earth with advisers to ponder a political life. These advisers, for whom he is a ticket to the circus and who therefore will urge him to run, should quickly help to equip him with answers to questions like:

During Nelson Rockefeller's 14 years as New York's governor, the top income tax rate more than doubled and state and local taxes more than tripled. Not surprisingly, the growth of private-sector jobs was four times faster in the nation as a whole than in New York, which experienced a 1,000 percent increase in welfare spending. The state had fewer than 400,000 welfare recipients when Rockefeller became governor but had 1.4 million when he left. You call yourself a "Rockefeller Republican." Why?

You say you are in the "sensible center." Does that mean people to the right of center are not sensible?

Your friend Bob Woodward, the reporter writes that after you watched the Conservative Political Action Conference convention on C-SPAN you said to a friend, "Can you imagine me standing up and talking to these people. What is it about "these people" that makes talking to them hard for you to imagine?

Reviewing your book in the New Republic, Nicholas Lemann notes that in 600 pages you do not "display the tiniest hint of wanting fundamentally to shake up the political system, or any system." Are you fundamentally content with the status quo?

Which parts of the Contract With America do you consider "a little too hard, a little too harsh, a little too unkind"?

You call yourself "a fiscal conservative with a social conscience." Who else would you describe that way? How would your social conscience express itself in fiscally conservative politics?

Talking with students before a San Antonio speech you said, in the context of a question about the balanced-budget amendment, "I hate fooling with the Constitution." Does that mean you oppose the amendment?

In a Jan. 31 story about one of your public appearances, the New York Times reported that your "ideas sometimes seem so inclu-

sive as to be contradictory," giving as an example the fact that "while discussing 'the need to recreate the American family,' he said, gesturing to a person in the audience who had criticized the military's policy on admitting homosexuals, 'It doesn't even have to be a two-gender family.'" Could you elaborate?

You opposed lifting the ban on gays in the military, citing the military's unique nature and mission. However, in 41 states it is legal to fire a person because of his or her sexual orientation. Should it be? If not, should there be a federal law making discrimination regarding sexual orientation akin to racial discrimination in hiring and housing?

Who lied, Anita Hill or Clarence Thomas? Who more closely resembles your idea of the ideal Supreme Court justice, Thomas or Earl Warren? Should Robert Bork have been confirmed?

You favor some forms of affirmative action. What about the federal program of racial set-asides for minority ownership of television and radio stations, under which you and some partners acquired a Buffalo television station? To Henry Louis Gates Jr., who was writing about you for the New Yorker, you said, "But it's black owned. If you got a bunch of white guys with a brother fronting for them, get rid of it. That doesn't serve any purpose for us." What public purpose is served by government granting to affluent investors racial entitlements to communications media?

As president, would your budget include money for public television and the arts and humanities endowments?

You object to the use the Bush campaign made of Willie Horton in the 1988 campaign. Do you know who first raised the issue of Horton and the Massachusetts furlough program? (Hint: He raised it during the Democrats' New York primary and is now vice president.) What exactly was objectionable about citing Horton and his rape victim as a consequence of that prisoner-release program?

After the O.J. Simpson verdict you said, it is a racist society. All you have to do is listen to Mark Fuhrman." Does that mean most, or a great many, Americans resemble Fuhrman. Or that racism is the principal impediment to African American advances? Prof. Glenn Loury of Boston University, a leading African American intellectual, has said that if with a magic wand you changed the color of the skin, of the people on Chicago's south side or in south-central Los Angeles you would not appreciably change their life prospects. Do you disagree?

There, Twenty-two questions. Twenty-two more, on request.

#### TWENTY-TWO QUESTIONS FOR COLIN POWELL

1. General, do you oppose the use of U.S. ground troops in Bosnia?
2. Should the debt ceiling be raised without a specific plan to balance the federal budget?
3. Should the \$500 child-tax credit be a part of this year's budgetary plans to help ease the financial pressures on the American family?
4. Should the Consumer Price Index be lowered in order to reduce payments to federal beneficiaries?
5. Should agricultural policy be fundamentally changed in order to adhere more to free market principles?
6. Should capital gains tax cuts be made?
7. Should U.S. troops ever be placed under foreign/U.N. command officers and NCOs and if yes, should Congress place strict limits on such command and control arrangements?
8. Should women be allowed into combat? Can they opt out on eve of deployment where

raping and torture of POWs is common practice?

9. Why didn't you resign as Chairman of the JCS in protest over President Clinton's policy of lifting the ban against homosexuals in the military or the equally offensive cancellation of the regularly scheduled pay raise for active duty soldiers?

10. After supporting the Bush Base Force Plan, why did you then support the Clinton Bottom-Up Review defense plan which, by some accounts, is under funded by as much as \$150 billion?

11. What would you do with regards to the growing threat of ballistic missiles including specific programs such as Navy upper-tier and the 24 year old ABM Treaty with the melted down Evil Empire?

12. Should foreign aid to the former Soviet Union (including our DoD funding) be conditioned to ensure Russia actually dismantles offensive nuclear, biological, and chemical weapons programs?

13. Should dual-purpose technology be transferred to communist China while China proceeds with dramatic military buildup?

14. Should human rights and democratic principles be heavily considered in granting Most-Favored-Nation trading status to totalitarian nations like China or Vietnam? Should we keep sanctions against Fidel Castro's oppressive regime?

15. Should the United States have diplomatically recognized Vietnam while questions remain unanswered by the communists in Vietnam about what they know concerning Americans still listed as POW/MIA, such as extensive Politburo and Central Committee records?

16. Should Clinton have been allowed to financially bail-out Mexico without congressional approval or oversight?

17. Should the nations of Poland, Hungary, the Czech and Slovak Republics be allowed into NATO? If so when? Why not Poland in 1996?

18. Should Chile be allowed to join as a member of NAFTA?

19. Should partial-birth abortions be outlawed? And, except for life-of-the-mother, what about banning all abortions in military facilities?

20. Should groups that receive federal money be allowed to lobby Congress for further funding, i.e. the AARP?

21. How should the U.S. better protect its sovereign borders to illegal immigration and enforce U.S. laws?

22. Should Hillary Clinton be subpoenaed to testify in regard to her phone conversations with Maggie Williams and Susan Thomases the morning of July 22, 1993, the day that Bernard Nussbaum blocked investigators from properly searching Vince Foster's office?

P.S. Can you tap your friends in the National Security Community for believable cost figures on Haiti and Bosnia through September 30, 1995?

#### TRIBUTE TO JUDGE RAYBURN WAYNE LAWRENCE

The SPEAKER pro tempore (Mr. NETHERCUTT). Under a previous order of the House, the gentleman from Texas [Mr. BRYANT] is recognized for 5 minutes.

Mr. BRYANT of Texas. Mr. Speaker, today in Palestine, TX, Third Judicial District Judge Rayburn Wayne Lawrence retires, and the judiciary loses one of its most outstanding jurists.

For 30 years, Judge Lawrence has dispensed justice from the bench of the Third Judicial District, but, for a life-

time, he has served his community, his State, his Nation, and his fellow citizens.

Judge Lawrence, the son of Robert Crittenton and Arizona Adams Lawrence, was born in Logan, TX, on November 3, 1920. He completed Groveton High School in 1936, the College of Marshall in 1939, and the University of Texas in 1941.

When his country called, Judge Lawrence responded. In the U.S. Navy during World War II, this patriot saw nine Pacific campaigns during 33 months at sea from Munda to Okinawa.

After his wartime service, he earned his law degree at Baylor University and hung out his shingle to practice law in Palestine, TX, a city that grew to love him and surely regrets, as I do, his retirement from public service.

He was appointed municipal judge for the city of Palestine, and was subsequently elected Anderson County judge, the chief executive officer of the county.

Then, in 1965, he won election as district judge of the Third Judicial District. And he won every election since, until he chose this day—1 day short of his 75th birthday—to retire.

The 30 years Judge Lawrence has spent on the Third Judicial District bench is longer than the tenure of any of his outstanding predecessors in the 159-year history of the court.

His judicial tenure has been as remarkable for its service to justice and community as it has for its duration.

Recognizing his nearly three decades on the bench in 1992, the Texas Bar Foundation recognized Judge Lawrence as the Outstanding Texas Jurist, the most prestigious honor that the State Bar of Texas can award to a Texas judge and one he richly deserves.

His record rightfully places Judge Lawrence alongside his great predecessors on this historical court, of which he has proudly been the historian.

As James N. Parsons III, a mutual friend and lawyer before Judge Lawrence's court, recently observed, "During his years on the bench, Judge Lawrence has always kept the history of the Third Judicial District before the participants in his courtroom. All of us who have been there have been educated as to the heritage of the great court and certainly, Judge Lawrence stands as one of the men of significance who have occupied that bench."

So it is important in knowing who Judge Lawrence is to share with you a bit of the history of the court on which he has served so long as so well. It is Judge Lawrence who has written the history of the court.

I quote here from the history of the court written by him:

The Third Judicial District is one of the oldest such districts in Texas, dating back to December, 1836, when the First Congress of the Republic of Texas created four judicial districts to cover the entire Republic.

The Third District has operated without interruption since that date and, during its long history, its bench has been occupied by

men of prominence, not only in the law, but in the affairs of Texas. Two Texas counties—Williamson and Mills—bear the names of Third Judicial District judges. Baylor University was founded by another. Several of the court's judges have been members of higher courts, and all have been men of distinction.

In many ways, the history of the Third Judicial District is a study of the legal, political, and geographical evolution of Texas. The court has served in thirty-one Texas counties, and each of those counties points with pride to the accomplishment of the court and its judges. The minutes of the court reveal the daily life of the communities in which it was a participant. The names in the minute books are a roll call of the famous as well as the infamous, and are a reminder to us of the importance of the district courts in our society.

The district courts are the chief trial courts and the very cornerstone of the Texas judicial system. These courts have been involved, not only in settling disputes between persons, but also in interpreting the state constitution and, at times, even interpreting federal laws and the federal constitution. Their history is one of steady growth from meager beginnings.

The early District Courts are remarkable, not only for the quality of their jurisprudence, but simply for the fact that they were able to operate at all. Richard Walker, Judge of the Third District Court from 1877-1879, spoke of the incredibly difficult problem of finding common ground upon which to work: "Questions of interstate law . . . were necessarily the result of peopling a country from every state in the union. Indeed, ingenuity, itself, can hardly invent any additional elements for complicating the perplexing and difficult varieties of legal responsibilities with which the bench and bar had to contend. I know of the settlement of no country in the world where the conditions have been so exacting and so difficult to administer the law as those which prevailed in the early history of Texas . . . a people transplanted to a new country found themselves surrounded with conditions novel, unprecedented, and were bound neither to a previous policy nor influenced by precedent or tradition."

Complicating this situation was the fact that, "in most of the counties but few books were accessible to the bench and bar, forcing both alike to habits of self-reliance . . . and which involved the habit of resolving every question upon the most thorough analysis of those legal principles which a solution of it required. The conditions of successful advocacy often depended upon the amount of light which the lawyer could supply from the laboratory of his own mind, and his ability to manifest the correctness of the theory of his case by his power for its logical demonstration."

The district courts of Texas not only survived these dilemmas, they prevailed. Judge Walker notes their special place in the lives of early Texans: "The sessions of the district courts in those early days were bi-annual epochs in most of the counties of the state; the entire population looked to these events as an intellectual, political, and social, as well as a legal festival at which, irrespective of personal interest in attending court, they were to meet old acquaintances, hear political discussions, and to be instructed and entertained in hearing the trials of causes in the courthouse . . . It is handed down among the traditions of the past, that in those days, in the humblest log courthouses, and oft times under the shade of a spreading oak, were heard legal efforts which have not been equaled in these later days."