SECRET

Viet NAM

JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Thursday - 23 September 1965

25X1 1. [redacted] Talked with Miss Gail Beagle, Executive Assistant to Congressman Henry B. Gonzalez (D., Texas), who indicated that the Congressman would be free to meet with the Director for breakfast on Tuesday, 28 September at 8:00 A.M. This is the target date I had given her earlier in the week. I said that we would be back in touch with her to confirm the date and to work out the logistics.

25X1 2. [redacted] Met with Congressman Glenard Lipscomb (R., Calif.) to deliver an unclassified DD/I paper prepared for this purpose by DD/I on "Military Strength in Cuba". This paper followed the format used in a paper given to him in September 1964 on the same subject. Mr. Lipscomb understood perfectly that there must be no attribution to the Agency. Also showed him a classified secret paragraph on deployment of missile sites in Cuba. He was most appreciative and said he will be using some of the unclassified material in a speech he will give to a Kiwanis Club in his District on 22 October. This is an annual 22 October event and we should anticipate a similar request in September of 1966.

Went into the circumstances surrounding the figures we gave him on 20 August concerning the percentage of South Viet Nam territory under the control of the Viet Cong. The Congressman said that our information had reassured him in his successful efforts to change the percentages in the Republican White Paper, Why Viet Nam, from 20 per cent to 30 per cent of the territory government controlled. In connection with his request as to an official unclassified source which he could quote to verify these figures, he understood that we were exerting every effort to locate a verifying unclassified source. However, we have not been successful so far. He said not to be too concerned and that he thinks he can use some unofficial sources. However, I told him that we would continue in our efforts. Informed Dick Kovar of this conversation and he said he would continue to push hard in trying to come up with a suitable source.

SECRET

to get back in. Some are eager; once a marine always a marine, I guess."

He said he hasn't heard from many World War II vets.

Air Force and Navy recruiters here report a few calls.

Henderson says the willingness of oldtimers to get into action has restored his faith in America considering that he runs into many youngsters who have no idea why the United States is fighting in Vietnam.

He said he has had to turn down pleas from veterans of the 442d Infantry, 100th Battalion, 57th Coast Artillery, Philippine Scouts and Fourth Marine Regiment.

Many of these men already have earned Silver or Bronze Stars he said.

Henderson regrets he cannot hand the oldtimers a pen and a fresh set of OD's. But there are age limits on "retreads."

Civilians who want to re-enlist cannot be over 35.

Veterans can claim credit for up to 5 years of service. If they are over 40 or have more than 5 years' service and are over 35, they cannot re-up.

The rule is that their years of service plus 35 do not add up to 40 before their next birthday, he said.

American Youth in Government

EXTENSION OF REMARKS
OF
HON. RAY J. MADDEN
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 23, 1965

Mr. MADDEN. Mr. Speaker, in recent years our American youth has made rapid civic progress by actively participating in National, State and local elections. Both political parties have cooperated with our young folks in aiding them to organize so as to more effectively participate in the great problems, both domestic and international, that face our Nation and the world. Presidents Johnson, Kennedy, and Eisenhower have, on many occasions, commended and urged young America to participate in governmental problems both State and National.

The youth of Indiana have been active for a number of years in Democratic councils throughout our State and have contributed greatly to our victories in recent elections.

The Young Democratic Clubs of America are meeting in national convention in New York City next month. All Democrats in our Hoosier State are very much interested in the recognition of our Indiana Democratic youth organizations at their national convention. At the coming convention all Young Democratic Clubs in Indiana are supporting Alda Vellutini of Crown Point, Ind., as a candidate for vice president of the Young Democratic Clubs of America. Indiana Young Democrats have not, heretofore, been recognized by selection to high office in their national organization.

Gov. Roger D. Branigin and U.S. Senators VANCE HARTKE and BIRCH BAYH are all familiar with the great work she has done in recent elections on behalf of the Democratic Party and good government and especially helping to organize the various ethnic groups not only in Indiana but in other localities in the Middle West.

Miss Vellutini has been especially effective with women's Democratic organizations in my congressional district and throughout our Hoosier State. She has had a number of years of practical experience as chief deputy in the assessor's office in Lake County which contains the Great Calumet industrial area of northern Indiana. She is an excellent public speaker, possesses an outstanding personality and her selection would be an appropriate recognition for the feminine personnel of America's Young Democrats.

I ask unanimous consent to submit with my remarks a resolution unanimously passed by the Indiana State Democrat Convention, July 24, 1965.

The resolution follows:

RESOLUTION

(Passed at Indiana State Young Democrat Convention, July 24, 1965)

Whereas the Young Democratic Club of Indiana is and has been an important and integral component of the Young Democratic Clubs of America; and

Whereas the participation and activities of the Indiana club has developed capable, qualified, and competent leaders and administrators; and

Whereas the membership of the Indiana club, represented in convention assembled do find that they are possessed of a candidate of high caliber, illustrious reputation, and excellent character; and

Whereas this candidate has served her community well and holds a high appointive office; and

Whereas this candidate has given generously of her time and effort to serve her Young Democratic and Democratic organizations; and

Whereas this candidate has held positions of great responsibility in her district organization; and

Whereas this candidate has served with distinction and honor as a Young Democrat National Committeewoman from the State of Indiana for two consecutive terms; and

Whereas this candidate epitomizes the youth, activity, and service of her district and State; and

Whereas this candidate is of national stature and will serve the interests of her party and her State in an exemplary manner, then: Therefore be it

Resolved, That this convention and the Young Democrats of the State of Indiana unequivocably endorse the candidacy of Miss Alda M. Vellutini for a national post of her choosing and provide such support as may be necessary to assure this State and this Nation of the Democratic representation, service, and loyalty of which Miss Vellutini has the capacity to provide.

Two Sides in Vietnam

EXTENSION OF REMARKS
OF
HON. B. F. SISK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 23, 1965

Mr. SISK. Mr. Speaker, a letter was recently called to my attention that was written by a young marine—Cpl. Lanny E. Johnson. He is presently stationed in Vietnam, but his home—Merced, Calif., is in my district.

I was so impressed by his regard for his country's welfare that I am inserting the entire letter in the RECORD, to call to the attention of my colleagues that there are youths who are willing and able to defend the ideals of America.

We can all be assured by the strength of character and sense of perspective shown by Corporal Johnson that our great Nation will continue to be in good hands as the next generation takes over the responsibilities of government. It is my opinion, based on the many people I meet, that the overwhelming majority of the young people today are willing to defend our basic American principles. Those past demonstrations, of which we are all well aware, are only the views of an extreme minority.

I want to publicly commend Cpl. Lanny Johnson, who, I feel, is illustrative of the same spirit of love and devotion to our country that has motivated many of our outstanding Americans. I believe that because this letter is so patriotic and appealing that my fellow colleagues will be interested in Corporal Johnson's comments.

The letter follows:

PRESENTING THE TWO SIDES IN VIETNAM—"I'M TAKING FEW MINUTES"

I am taking this few minutes of time, which is precious, to write a few thoughts from Vietnam.

When we, the Marines, receive news, it usually comes from a buddy, etc., who receives it from another source, etc. I, as an American citizen, am deeply hurt by the actions which have been displayed by the young people of America.

You say we shouldn't be here. I want you, the students to write me and tell me why I shouldn't be here, because I believe I should, and I am staying until I am discharged.

You say you want to come over here to Vietnam to fight us, the Marines. That is a laugh and we know it. You have already shown your stupidity and ignorance.

Sure, you can put on a demonstration, but so can a few dumb animals. You could not organize yourselves into a fighting force, you have shown you have no leadership capabilities. You have an instigator or two who does all the talking, and you follow with your eyes closed. You are not helping the country you live in (my America) one bit.

You are promoting the Communist effort. You are the best example of Communist propaganda. The Communists applaud you and I do not blame them.

I joined the U.S. Marine Corps in 1962 like thousands before me, and there will be many more behind me. I did not join because of family problems, girl problems, law problems, or anything of this nature. I joined to serve my country, my God, and my Corps to the best of my ability. To serve my obligated time, to keep my country and our allies free.

This is a cold and hot war here in Vietnam. We are here to drive the Vietcong out, and that is what we are going to do. Demonstrate if you want, make fools of yourselves, and the great America in which you live. You are only hindering our effort here. The more you demonstrate against us, the longer we will be here.

It is not easy to undo a wrong, but if you would try you could help us here and hurt the Communist effort you are now supporting. If you must demonstrate, do so by asking for more troops in Vietnam. More equipment, more bombing of North Vietnam.

Demolish Hanoi and all who support the Vietcong. You cannot win the war by tearing up draft cards, this is just more Communist propaganda.

Do you know fear when you see it? Have you been surrounded by thousands of people who know nothing but fear? Have you ever seen a once pretty young face now maimed by the Vietcong? She now has no nose or upper lip.

Of course you haven't. You'll never see these things, because 99 percent of you have a yellow streak up your back. You would not fight for your country or the things which have kept it free.

Do you know the feeling of rounds being fired at you? Or walking up a trail and someone (Vietcong) tosses a grenade in your path. Or on another trail you step on a foot trap loaded with .45 caliber bullets. I have and I know the feeling one in combat feels. Yet, I will stay and fight for a just cause.

Do you appreciate the little things in life? A cool glass of water, a warm shower? Clean clothes, a warm meal, a bed to sleep in, a roof over your heads? No, you do not, because you have not been without these or other things.

I do hope you can do something for yourselves and your country before it is too late.

The French lost—we will not.

LANNY JOHNSON,
Corporal, USMC.

Ship Shortage Delays War Cargoes

EXTENSION OF REMARKS
OF
HON. BOB WILSON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 23, 1965

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following article from San Diego dated September 12, 1965:

SHIP SHORTAGE DELAYS CARGOES FOR WAR ZONE

A recent incident at Long Beach should puncture remaining optimism that in times of emergency the United States can depend upon the ships of our allies to supply our oversea troops.

For more than 2 weeks about 10,000 tons of needed construction equipment, material and general supplies waited on the Long Beach dock while U.S. officials frantically looked for a ship to carry them to South Vietnam.

Mexican officials, explaining their laws forbid ships flying their flag from entering a war zone, ordered the cargo unloaded when the original contracting ship was nearly ready to sail.

On the next attempt, the crew of a Greek freighter refused a $10,000 bonus to carry the U.S. Army supplies to South Vietnam. The Greeks have no compunctions about sailing into war zones. In the last 18 months nearly 30 Greek ships have been tallied in Communist North Vietnamese harbors, including 9 in the first half of this year.

After a delay of more than 2 weeks, U.S. officials finally found an American-flag carrier to ship the essential material to South Vietnam.

The incident illuminates the increasingly critical problem caused by the declining and once proud U.S. merchant marine. Unless the trend is reversed, our economic well-being as well as our security and defense will be affected increasingly.

Since World War II, the American merchant marine has slipped from first- to fifth-ranking status in the world. Britain, Japan, Liberia, and even Norway rank ahead of us.

This year Lloyd's Register of Shipping reported that the United States is constructing only 62 of the 1,700 ships on the slips today. This does not include the ships under construction in Red China and Russia, which are increasing emphasis on their maritime fleets.

From the economic standpoint, only about 9 percent of the estimated 315 million tons of import-export cargo that U.S. ports will handle this year will be carried in American bottoms. If the trend continues, the total will slip to 3 percent by 1985.

As Representative WILLIAM S. MAILLIARD, of California, has noted: "If we do not need a merchant marine fleet (and he firmly believes we do) we're wasting $350 million a year in subsidies. If we do need one, we should keep and increase what we have to the point where the United States once again is a leading maritime power."

Another enlightened position has been taken by Capt. Lloyd W. Shelton, president of the AFL–CIO union for masters, mates and pilots. Noting the Long Beach incident, Captain Shelton wrote the President that "the only reliable ships are American ships with American seamen," in times of emergency.

He advocates creation of a reserve fleet, partly manned, that can be pressed into duty for emergency shipment of military supplies. The idea might have merit, but it does not touch on the need for a healthy merchant marine at all times.

The present declining state of the U.S. merchant marine is a sad commentary for a nation that can afford, and rightly so, whatever it costs to keep superiority in the air and space.

Land and Water Conservation Fund

EXTENSION OF REMARKS
OF
HON. JOHN P. SAYLOR
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 23, 1965

Mr. SAYLOR. Mr. Speaker, Secretary of the Interior Stewart L. Udall has announced apportionment of nearly $76 million to States and territories from the land and water conservation fund.

Pennsylvania comes in for slightly more than 4 percent of the total, and I am hoping that county governments in the State will study the advisability of applying for a share as a means of acquiring abandoned strip-mined lands and transforming them into recreational areas. Because the Appalachian Regional Development Act provides for reclaiming stripped lands in the public domain, I am convinced that we can utilize a portion of the receipts from the fund to create new parks for our own people and to make our part of the country even more attractive to tourists.

I do not know what your States and constituencies may be thinking with regard to your share of the fund's receipts. I remind you that the fund is designed to promote hiking, swimming, hunting, fishing, bicycling, competitive sports, and other diversions. Secretary Udall has pointed out that States must submit statewide plans to be eligible for acquisition and development grants, but money for planning purposes is immediately available.

Mr. Speaker, as a member of the Outdoor Recreation Resources Review Commission, which recommended setting up the fund, I want to say to my colleagues that I am pleased with the results of first-year operations. As the years go on, it will show the way to providing the facilities for making Americans happier and healthier.

I know that there were some fears expressed here in the House about establishing the fund, but I am confident that my colleagues are pleased at the amounts of money that are being made available to your State and mine through the fund's revenues. One of the best editorial expressions of the need for the fund was published in the Pittsburgh Press in April 1964, and under unanimous consent, I insert that statement in the RECORD at this time:

WHY RECREATION FEES?

The land and water conservation fund bill is expected to come up for a vote in the U.S. House soon. The fund, which could amount to $200 million a year, is to be invested in woods and meadows, shores and waters, and the facilities which enable the public to enjoy them.

The Federal Government is to spend 40 percent of the fund; the States the larger part, 60 percent.

The bill provides that part of the fund is to come from fees paid by the users of such areas. Why? Because the outdoor recreation organizations which represent the fishermen, hunters, boaters, and nature lovers, who are the principal sponsors of the bill, wanted it that way.

They figured it isn't fair to charge too much of the cost of outdoor recreation to the general taxpayers, and moreover, if the users do not contribute, they cannot get the expanded areas and facilities that our exploding population requires.

Objections were raised to these user fees. The bill has been amended to answer these objections. It now provides that "No entrance or admission fees shall be charged except at such areas * * * where recreation facilities or services are provided at Federal expense," and only at areas which are specifically designated by the President and posted.

The original bill provided that a sticker would be required on almost all autos whose occupants were making recreation use of Federal areas. But now no user is compelled to buy the annual sticker, issued for not more than $7 a year, which will admit the car and occupants to any area covered by the bill, except those, such as the Lee mansion and Theodore Roosevelt's birthplace, which are excluded from the bill.

The user may, if he prefers, pay individual-visit or short-term admission fees at the areas which he uses.

Special interests have attacked the bill. The National Waterways Conference fears that it would set a precedent whereby fees might be imposed on navigation.

But Senator CLINTON P. ANDERSON shows that this fear is groundless. He points out that the bill states "nothing * * * shall authorize * * * fees or charges for commercial or other activities not related to recreation."

Some lumbermen feared that the bill would enable the Forest Service to make unlimited additions to national forest lands. The bill has been amended to permit the Forest Service to acquire lands only "within wilderness, wild and canoe areas * * * and within other areas * * * which are primarily of value for outdoor recreation purposes."

ment. There could be few more effective bridges to international understanding.

The United States has failed to join the International Union for Conservation of Nature and Natural Resources, and this is an omission which should be speedily corrected.

The United States should propose an International Conservation Year to provide new momentum for progress directed to the quality of the environment. Each participating country would be summoned thereby to a truly national effort to achieve maximum conservation results.

Any discussion here of the environment would be pointless unless recognition is given the central significance of mere human numbers. Programs to produce a beautiful America will be meaningless unless population growth can be controlled. In the absence of such control, conservation becomes a gradually losing battle. It becomes no longer a creative effort but simply a fight to slow down the rate of environmental deterioration.

POPULATION POLICY

Planning for environmental quality in America must be developed in close relation to a definite population policy. There is no such policy today.

At the outset of these remarks, I stressed the fact that the establishment of conservation and natural beauty as matters of national policy gives no assurance of their accomplishment, that the achievement of these goals depends upon action by us.

Federal conservation programs and Federal legislation without citizen follow-through are simply lost opportunities.

We have a Wilderness Act which sets up a modest nucleus wilderness preservation system. But additions to that system will now have to run a gauntlet of local hearings and positive congressional action. On these "close-to-home" issues, local economic interests can now be expected to have greatly increased influence.

We have a Land and Water Conservation Fund Act which authorizes grants-in-aid to help States plan, and acquire, and develop lands for outdoor recreation. However, as States begin to identify specific areas to be acquired, there will be growing opposition from those who have other ambitions for the areas involved.

There may soon be amendments to the Federal Water Pollution Control Act which will authorize the Secretary of Health, Education, and Welfare to establish standards of water quality on interstate streams. But before the Secretary can act each State will be given 2 years in which to develop its own water quality criteria. We can expect, therefore, if the bill passes, a contest in each State between those who want a policy of continual upgrading of water quality and those who have—or fancy they have—a stake in protecting the status quo.

In the field of community development, the new Housing Act of 1965 strengthens a number of programs designed to improve the quality of the urban environment, and conservationists have a direct stake in such legislation.

These new programs provide weapons to help equalize the contest in specific situations. But the weapons are no good unless they are used by informed, vigorous, and well-organized citizens and public officials at the level where the battle is being fought.

CITIZEN COUNCILS

I would like to see in every town and hamlet in this country a citizens' conservation council. As you know, several States have provided a legislative framework for Town Conservation Commissions. These have been particularly effective in New England where the tradition of the town meeting is still very much alive. However, there is no need to wait on such legislation, which may never come, before citizen conservationists organize at the local level. I am not talking about a new legal entity, because it is important to work through our existing organizations. However, I am also not talking about one local conservation or citizen action group simply assuming the role I have described. The leadership of such groups should be an important part of the town conservation councils but only alongside representatives of business, the press, the churches, the schools, etc. Only thus can be achieved a broad base of citizen support and citizen action. A good many years ago, Henry David Thoreau wrote:

"It would be worth the while if in each town there were a committee appointed to see that the beauty of the town received no detriment."

Let us go home and follow his advice.

National conservation organizations should increase their emphasis on leadership training for State and local officials and their own members. With the splendid example of the meeting of the National Council of State Garden Clubs so fresh before us, I hope that a wide variety of citizen organizations will hold intensive workshops on opportunities for citizen action on behalf of conservation and natural beauty. The Conservation Foundation stands ready to help in this regard. Along the same lines, the foundation is expanding its information services to help keep citizen leaders informed on major developments in conservation and natural beauty, and on constructive ways in which citizens can contribute to conservation objectives. We would welcome suggestions that will help us make such programs of maximum benefit.

You and I should be especially concerned that current conservation programs which emphasize urban environments as much as wildlands, wildlife, and traditional conservation objectives, do not founder for want of unity of support.

For decades the leadership in conservation in the United States has come from a prophetic and vigorous core. While this leadership has often been divided between the followers of Gifford Pinchot and multiple use and those whose principle interest was in preservation, its common concern has usually been on this country's great natural areas and the resources of those areas. Now we are asked to apply the vigor and the experience of the traditional conservation movement to a new set of priorities in which the urban environment gets at least equal rank. I believe that traditional conservation leaders have been remarkably responsive to this call; indeed many of the programs called for by the new conservation were first placed on the public agenda by those leaders and their organizations.

But some who are most concerned about making a metropolitan America livable—perhaps in their desire to emphasize this objective—have minimized the interest and potential contribution of the traditional conservationists. And a few of the conservationists have retaliated by dismissing the ardent champions of urban American as "Johnnies-come-lately."

This is a wasteful division of interest among natural allies whose resources and wisdom ought to be combined to work for the single objective of an environment of health and beauty, reaching from urban core to wildland.

Urban planners, landscape architects, and urban interests generally have much to learn from the natural resource disciplines. And conservationists have much to teach citizen leaders in urban development about techniques of citizen organizations and of effective political action.

The national leaders of both professional and lay organizations interested in urban America will do well to seek out the interest and support of conservation leadership, as political allies, as technical advisors, and as members of their boards and councils.

And similarly, organizations traditionally oriented toward wildlands and rural areas can serve their interests and the public good by bringing planners, architects, landscape architects, country and city officials, and urban-oriented citizen groups, among many others, into the inner circle of the conservation movement.

PRIVATE INITIATIVE

One final warning: now that Government is so heavily committed to conservation goals, there may be a tendency on the part of private individuals and organizations to relax and let the Government do the job. This would be fatal. Private action is absolutely imperative in order to put Government programs to work. Private initiative is needed in order to produce imaginative ideas for action. We need innovation, and innovation is seldom a strength of Government.

Basically, I have tried to infuse the concept of natural beauty with the deep and broad significance which I believe the development of a beautiful America requires and deserves. To this end, I have suggested that we look to a harmonious relationship between man and nature as the touchstone to creative conservation.

Man and his institutions and his society are evolving toward goals we cannot now see. However, we may be certain that the environment in which we live will play a key role in that evolution, perhaps the most important.

It must be an environment that is healthy, joyful, and challenging. It must be characterized by openness and diversity, because in variety of choices and in the freedom to make those choices lie the infinite possibilities of man's future.

Man will travel to the moon and the planets and probably even to the stars and beyond. But man's most immense journey lies among his fellows and within himself.

An America that is truly "America the Beautiful" can be a shining beacon to light the way along that journey.

Los Angeles Times Reveals How Committee for an Effective and Durable Peace in Asia Started

EXTENSION OF REMARKS

OF

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1965

Mr. BOB WILSON. Mr. Speaker, regularly there have been appearing advertisements in leading newspapers of this country signed by prominent Americans which urge various forms of action in connection with Vietnam. All too seldom do we ever learn who really put these committees together, whom they represent, and what they are really working for. The Los Angeles Times through its reporter, Louis Fleming, performed a useful public service in doing some original reporting in uncovering that the Committee for an Effective and Durable Peace in Asia was formed as a result of a request by President Johnson. Accordingly the Washington Post, September 9, page 4–A, brief news story about this and the text of the committee advertisement and list of sponsors may be judged more realistically accordingly. I hope that other members of the press will show initiative in uncovering who really starts

building on flood plains rather than reserving such areas for open space or agriculture. We have filled swamps and marshland for construction or as dumps for the refuse of our society, in complete disregard not only of their natural beauty, but also of their roles as natural reservoirs, water regulators, and wildlife havens. Indeed, we create whole communities in disregard of the most rudimentary principles of hydrology and then, when the water runs out or runs over, blame nature and call upon the Government for disaster aid.

RESOURCE PLANNING

There is a serious water crisis in the northeast today but the problem is not really due to a shortage of water but to a shortage of planning. We know a great deal today about natural resource management. It is high time that we apply that knowledge to the urban environment and to regional planning.

I give the highest priority to the identification and articulation of ecological principles as they relate and apply to practical development programs. There is no doubt that we still have much to learn in this regard. We need major and continuing research such as is being proposed by the international biological program to investigate the productivity of representative terrestial and aquatic communities. Such programs have major long-term significance to the capacity of man to sustain himself on earth, and they deserve substantial support by Governments and private institutions. However, we do not have to await further research before putting ecological principles to work. We have a tremendous store of knowledge now that simply needs expressing in forms that are usable by economists, engineers, landscape architects, and planners generally, and which are relevant to their concerns.

There must be mutual understanding and a continuing dialog between all of these disciplines. A useful exchange along these lines was sponsored by the Conservation Foundation last spring when it conducted a 4-day conference on the subject "The Future Environments of North America" which brought together some 40 leading ecologists, economists, geographers, regional planners, urban planners, and so forth from the United States, Canada, Latin America, and England.

This is not to assert that conservation values or ecological principles, however, we describe them, should become the overriding determinants of policy. What we should aim for is to make such values a respected part of the decisionmaking process, to have them weighed in the balance along with economic and other criteria. At the present time, they are largely overlooked so that alternatives supported by ecological standards are simply not made available to decisionmakers.

I do not for a moment mean to imply that ecology is necessarily at war with economics, that the one is always a clear alternative to the other. Clearly, this is not so. While I seriously doubt that we can ever put meaningful dollar values on such things as the survival of a species, a delightful landscape, the rise of a trout to the fly, the song of a bird, or the stillness of a forest, there are many cases where the application of ecological principles makes absolute economic good sense. I have already mentioned some of the costly results of failing to apply those principles. On the positive side, we all are familiar with the real dollar values implicit in sound forest management, range management, and wildlife management. There are many more. In large-scale real estate development, I am convinced that a plan that makes proper provision for open space, that protects hillsides from erosion, and streams from siltation and pollution will, over the long run, produce property values that are substantially higher and more stable than one which simply exploits the land for the highest immediate cash gain.

Just as in the life insurance industry good health is recognized as good business, so I believe that American industry generally will and must come to recognize that a good environment is also good business.

When the achievement of natural beauty, conservation, and ecological harmony does impose an additional economic cost, the public should not necessarily reject these values. I read a newspaper column recently which strongly implied that efforts to put overhead transmission lines underground should be rejected because the cost of power would be increased, and that industry should not be required to prevent or reduce stream pollution because the cost of manufactured goods would rise. Following this approach, child labor would never have been abolished nor a thousand other improvements in our way of life achieved.

When conservation values mean added costs, we should acknowledge this frankly, estimate the costs as accurately as possible, and provide the public and decisionmakers with the facts necessary to making intelligent choices from among the available alternatives. Conservationists should aspire to no greater role in a free society, but this is a role to which they are surely entitled.

COUNCIL PROPOSED

I propose that the President establish a Council of Ecological Advisers, or alternatively, an interdisciplinary group of environmental advisers having a strong ecological orientation. And let me make it clear that I am not just talking about an interdepartmental committee. With one such bold stroke, concern for the quality of the environment would be given an important new status in planning and policymaking at the highest level of government. It would give ecology a new posture in public affairs, and a new sense of responsibility for making its knowledge applicable and relevant to the practical needs of our day.

I have spoken of the necessity for changing some of our traditional attitudes toward man's relationship with nature. If we are really to achieve this objective—and we must—then something more is needed than the conviction of a few determined people, although this is important. Something more is needed than government policies, although these help.

Nothing less than a revolution in our educational system is required. Our present system is built around knowledge of facts and how to do things with those facts. In this system, the world around us continues as an external affair upon which we operate successfuly if we simply apply the facts we are taught. I believe that those facts and our dealings with them need to be conceived in different terms. They need to be presented so that the student sees himself as part of an interdependent, interrelating world, not simply as its manipulator.

We need to revise our teaching, not to alter the knowledge we teach, but to present the facts in the context of certain important relationships so that, as individuals, we come to understand our own place in the world around us. Stated a different way, we need to teach subjects, whether physical sciences, social sciences, humanities, or technologies, in the context, wherever possible, of man interacting with his environment.

We need to rewrite textbooks, revise entire curriculums. I am not talking about teaching conservation as a specific subject but about injecting a new concept of man's relation to his environment into the very marrow of our education system, throughout all subjects. The Conservation Foundation, in cooperation with the U.S. Forest Service, is working in this important field at the jointly operated Pinchot Institute for Conservation Studies at Milford, Pa.

EDUCATION TASK FORCE

I strongly urge that the Secretary of the Department of Health, Education, and Welfare appoint a task force to make studies and submit recommendations along these lines.

A week ago today I was sitting on a sand dune on the Massachusetts shore without a care in the world—well, hardly any cares other than this speech. I watched the gulls sweeping overhead and the wind stirring the grass on the tops of the dunes and the sandpipers feeding along the edge of the sea. And as the long Atlantic waves rolled in to crest and break in a froth of spray and then run up the beach beneath me, I thought about our subject, "America the Beautiful." Watching those waves from across the sea, aware of the ebb and flow of the tides that set the pattern of life around me, it seemed to me that any vision of "America the Beautiful" which excludes the world beyond our boundaries is not very realistic.

Whether we like it or not, we cannot divide up the environment with neat little fences. The pintail duck that flies over Wyoming may have nested on the Yukon and be headed for wintering grounds in Mexico. There are now proposals to send water from Canada to southern California. Smog and air pollution which we once thought of as the problems of particular cities have been revealed as continental in scope. Significant amounts of DDT are now regularly found in the tissue of penguins in the Antarctic. Radioactive fallout knows no political boundaries. Probably the richest storehouse of natural resources that mankind possesses lies in the oceans, common property of the world.

These are but a few examples of the plain fact that conservation and natural beauty as I have expressed these concepts cannot be the private property or the exclusive concern of any one nation or people. Whether we like it or not, we in the United States cannot ignore the environment of the rest of the world. We are part of it. We have recognized this fact in our assistance to natural resources development programs abroad. The comprehensive development program announced by President Johnson for the Mekong River Basin of South Vietnam is conservation on a truly spectacular scale. The virtually uncontrolled erosion of soils in Latin America and the progressive degradation of the human habitat in many parts of the world beyond our own borders will inevitably, if left unchecked, produce human misery and tensions which will threaten the security of this country, no matter how beautiful it is. As we sit here in these lovely and comfortable surroundings and talk about "America the Beautiful," we are indulging in dangerous self-delusion if we forget for a moment the tension, the frustration, the hopelessness, the fear, the hatred, and the violence such as recently erupted in Los Angeles. We cannot be blind to similar forces beyond our borders.

INTERNATIONAL CONSERVATION

Our responsibility for natural beauty and conservation starts at home, of this we can be absolutely certain. Our immediate job lies in our own backyard, on our own street, in our own neighborhood. Nevertheless, we cannot escape our interdependence with the world environment. Indeed, we have much to learn about landscape, open space and town planning from other countries. In many of these respects, our friends from abroad are far ahead of us. By the same token, we ourselves have a great opportunity for world leadership in producing a truly livable environment. Progress toward a beautiful America can become a beacon of hope to other peoples.

We should cooperate with the other nations of the world in efforts to solve the common problems of our human environ-

these committees, especially if they involve work that the Congress is engaged in.

The brief news story and committee advertisement follow:

[From the Washington Post, Sept. 9, 1965]

NEW YORK.—Arthur Dean, an attorney and former diplomat, announced yesterday the formation of a blue-ribbon citizens' committee to support President Johnson's policy in the Vietnam war.

The formation of the committee was requested by the President as an answer to numerous peace-front groups that have been attacking American involvement in Vietnam, according to sources quoted by Louis Fleming of the Los Angeles Times.

The organization, which will be called the Committee for an Effective and Durable Peace in Asia, consists of 47 prominent people representing both political parties, business, industry, and the intellectual community. A statement of the committee's policy, placing heavy emphasis on the need for a negotiated settlement within the terms of the 1954 Geneva Agreement, will be published as an advertisement in the newspapers in 13 cities.

[From the New York Times, Sept. 9, 1965]

We cordially invite you to join the Committee for an Effective and Durable Peace in Asia. The committee's basic purpose is to support President Johnson's proposals to bring about a viable peace in Vietnam and, once peace is brought about, to enlist economic aid for the entire area and to assure to the people of South Vietnam their right to choose a government of their own, free from assassination, threats of violence or other forms of intimidation.

In order to meet the increased aggression against South Vietnam and to convince the Government of North Vietnam that such aggression cannot be successful, it has become necessary for the President of the United States to increase defense expenditures and to commit large American forces to supplement the forces of the South Vietnamese. At the same time the President has given ample evidence of his willingness to commit the United States to serious negotiations designed to bring about a cessation of bloodshed and Communist aggression.

The committee believes the President has acted rightly and in the national interest in taking these steps and that he is entitled to the support of the responsible citizens of this country. The committee intends to do what it can to assist the President to achieve his objectives of peace and the ending of aggression.

STATEMENT OF PRINCIPLES OF COMMITTEE FOR AN EFFECTIVE AND DURABLE PEACE IN ASIA

The following principles with respect to the problems we are confronting in Vietnam have been formulated by the undersigned citizens with the hope that they may serve to help our Government to bring about a workable, peaceful, political settlement:

1. The objective of the United States in South Vietnam, in accordance with our own historic principles and the principles of the United Nations Charter, is that its people be free from external aggression and from the impositions of an outside will by force, subversion or infiltration, so that they may be able to shape their own destiny as they see fit.

In common with every free and independent people, we believe that the people of South Vietnam should have the right to choose their own government and way of life through exercise of the principles of self-determination.

2. The United States has no territorial ambitions, no desire for bases, no intention of seeking special privileges or creating spheres of influence anywhere in southeast Asia. We are presently engaged in a military effort to bring about peace in southeast Asia. This is made necessary by the presence in South Vietnam of thousands of trained and armed men, sent and directed by North Vietnam in an attempt to overcome the South by terror, subversion, and outright aggression.

3. We believe that the North Vietnamese effort to take over South Vietnam is a part of a wider threat of Communist domination and expansion in Asia. This Asian Communist aggression, if unresisted, will spread insecurity, chaos, terror, and uncertainty; it will prevent the growth of Asian peace and stability essential to our own long-term national interests.

4. We believe that the United States has given clear assurances of its intention to help the South Vietnamese people to defend themselves. We believe that failure to implement these assurances would have serious consequences in Asia and elsewhere. We must not equivocate on this support of the principle of collective self-defense. For to do so would do much to damage the faith and resiliency of many small and vulnerable nations who rely on us, directly or indirectly, in combating Communist aggression. Further, by such equivocation we would encourage similar efforts to extend Communism by so-called wars of national liberation in other areas of the world.

5. The committee fully supports the President's policy of doing no more and no less than what is necessary militarily in Vietnam to bring about a viable peace. We deplore the pain and destruction, the disruption of family life, the wasting of human resources, and the inevitable casualties. We do not wish to destroy North Vietnam. Nor do we threaten its existence.

Yet we feel now that we must take the firm and deliberate actions required to end aggression and to convince the aggressor that he cannot succeed by the use of force.

6. We urge that every effort be made to pursue the path of peace, through unconditional discussions, genuine reciprocal acts leading to the reduction or cessation of hostilities, or any other course holding real promise for a meaningful political outcome. We remain wary of superficial steps which might encourage the aggressor in his present course and further jeopardize an already tormented, beleaguered people. But we believe we must stay dedicated unflaggingly to the search for an effective peace by nonmilitary means.

7. We particularly urge the faithful use of the United Nations in seeking a genuine agreement and in assuring its effective implementation and continuance.

8. We support the continued adherence of the United States to the essential purposes of the 1954 Geneva Accords, in order to stop hostilities and provide peaceful settlement. If honored, these purposes could result in the reestablishment of security in the area and could guarantee the independence of South Vietnam. Once security in the area has been established and the right of all peoples of Vietnam to self-determination has been adequately assured by all parties, there could be a possibility of eventual peaceful reunification of Vietnam through effectively supervised, genuinely free elections.

9. We believe that when the aggressor has ceased his aggression in the area, and security and safety are returned to the people of South Vietnam, there will be no need for the presence of American military forces. Indeed, we support unequivocally the withdrawal of these forces from South Vietnam as soon as the South Vietnamese are in a position to determine their future without external interference, infiltration, intimidation or threat.

10. We want the United States to continue to contribute to the elevation of the way of life of the people of South Vietnam by vigorously supporting their efforts for political and social reform. We believe the United States should continue to provide economic and technical assistance to this end. Lasting peace will only come in southeast Asia if its people are truly free to better themselves and their condition and thus gain the buoyant hope that comes from this achievement. We support American readiness to aid the countries of southeast Asia in their joint economic development. We believe in leaving the door open for cooperative North Vietnamese participation.

As responsible citizens desiring peace, we plan to work in support of these basic principles in all appropriate ways on an independent basis.

If you are in general agreement with the foregoing principles, if you are willing to support the President in combating communism in southeast Asia and in protecting the basic principles of U.S. policy in the Far East in an effort to bring about an effective, workable and durable peace in Asia, we invite you to join us as a member of the committee by filling out and mailing the form below. You will be consulted on all basic purposes but it is expected that a small executive committee to act in case of emergency will be formed.

COMMITTEE FOR AN EFFECTIVE AND DURABLE PEACE IN ASIA

Arthur H. Dean, chairman

48 Wall Street, New York, N.Y., 10005

I support your statement of principles and wish to join your committee. You may so list me in your literature.

(Name)

(Address)

(City, town or village)

State_____ZIP Code_____

Arthur H. Dean, chairman, 48 Wall Street, New York, N.Y.
Dean Acheson, Washington, D.C.
Mrs. Walter H. Annenberg, Wynnewood, Pa.
Douglas Arant, Birmingham, Ala.
Nathaniel G. Benchley, Nantuckett, Mass.
Eugene R. Black, New York, N.Y.
Robert K. Carr, Oberlin, Ohio.
W. Frederic Colclough, New York, N.Y.
James S. Coles, Brunswick, Maine.
James B. Conant, Princeton, N.J.
John Cowles, Minneapolis, Minn.
Hardy C. Dillard, Charlottesville, Va.
C. Douglas Dillon, New York, N.Y.
Thomas S. Gates, New York, N.Y.
Roswell L. Gilpatric, New York, N.Y.
Robert F. Goheen, Princeton, N.J.
Gabriel Hauge, New York, N.Y.
Oveta Culp Hobby, Houston, Tex.
Reed O. Hunt, San Francisco, Calif.
Joseph E. Johnson, New York, N.Y.
Paul Kayser, Houston, Tex.
James R. Killian, Jr., Cambridge, Mass.
Franklin Lindsay, Lexington, Mass.
E. Wilson Lyon, Claremont, Calif.
John J. McCloy, New York, N.Y.
Robert W. McEwen, Clinton, N.Y.
Benjamin E. Mays, Atlanta, Ga.
Andre Meyer, New York, N.Y.
Milton C. Mumford, New York, N.Y.
Robert D. Murphy, New York, N.Y.
William B. Murphy, Camden, N.J.
John W. Nason, Northfield, Minn.
David Packard, Palo Alto, Calif.
Eugene Patterson, Atlanta, Ga.
John A. Perkins, Newark, Del.
Herman Phleger, San Francisco, Calif.
Frederic A. Potts, Philadelphia, Pa.
Lewis F. Powell, Richmond, Va.
Lucian W. Pye, Cambridge, Mass.
Harold Quinton, Los Angeles, Calif.
David Rockefeller, New York, N.Y.
Whitney North Seymour, New York, N.Y.
Frank L. Snell, Phoenix, Ariz.
Robert B. Troutman, Altanta, Ga.
Jay Taylor, Amarillo, Tex.
Kenneth T. Young, New York, N.Y.
Harold Zellerbach, San Francisco, Calif.

The Real Alabama—Part LXIII

EXTENSION OF REMARKS
OF
HON. JACK EDWARDS
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 23, 1965

Mr. EDWARDS of Alabama. Mr. Speaker, the people of Alabama, recognizing that good health is basic to every other kind of welfare and progress, have taken steps to assure the people of the State the best in medical facilities. This aspect of Alabama was the subject of an article appearing in the Birmingham News August 22, 1965.

The article follows:

HEALTH BELONGS TO EVERYBODY

The medical industry in Alabama is on the move. Quality medical care, research and education in the State have taken on new meanings as dreams of medical greatness have become realities, with home base for progress at the University of Alabama Medical Center in Birmingham.

Quality medical care, research and education in the State have taken on new meanings as dreams of medical greatness have become realities, with home base for progress at the University of Alabama Medical Center in Birmingham.

A few short years ago the entire medical complex was housed on one square block.

Today the count is 15 square blocks, just south of the downtown business district.

In the near future the medical giant will engulf 30–45 square blocks from a proposed area even now under study.

Its future is unlimited, according to Dr. J. F. Volker, vice president for health affairs, University of Alabama.

"If this pace is maintained, it is possible that within the next 15 years at least $50 million, and possibly as much as $109 million, of medical center construction will be undertaken," he says.

Currently university units have an annual operating budget in excess of $20 million, employ more than 3,000 persons, teach 1,000 students in health sciences, and provide the community with 650 hospital beds.

University units consist of the Medical College of Alabama and the University of Alabama School of Dentistry, both 4-year highly rated institutions, and university hospitals and clinics, which feature the State's largest general hospital.

Other medical center units add annual budgets of approximately $10 million, 1,500 employees, and match university's bed capacity.

These units include the Veterans' Administration Hospital, Children's Hospital, Crippled Children's Hospital and Clinic, Eye Foundation Hospital, Mortimer H. Jordan Armory, Vocational Rehabilitation Center, and Jefferson County Public Health Building.

Within easy access to the medical facilities are the University of Alabama Extension Center and University Engineering Building.

University hospitals and clinics, one of the three divisions of university facilities, last year ranked as one of the top 30 hospitals in the Nation in volume of services rendered.

The university's program in the health sciences includes not only the medical college and dental school, but also a graduate program which attracts students from all over the world and a complete program in paramedical fields at university hospital.

The hospital has nine fully accredited paramedical schools and auxiliary teaching programs, in nursing, anesthesia, blood bank technology, cytotechnology, dietetic internship, laboratory assistantship, medical technology, physical therapy and radiological technology.

With its sprawling facilities and promising future, the medical center naturally attracts young medical genius and experienced specialists to participate in an enormous medical research program.

The boom ahead for the medical center largely rests on activities of the Housing Authority of the Birmingham district in purchasing more land for medical center expansion.

The purchase will pave the way for location of more university affiliated and health-related facilities.

Among such facilities are the Methodist Hospital and St. Vincent Hospital; both private general hospitals, which have announced plans for a total of $10 million in medical center construction.

Scheduled to begin construction this summer are a Veterans' Administration research building to bridge 19th Street South, connecting the VA hospital and the University's Health Science Research Building, and a south addition to the Health Science Research Building itself.

Already under construction and scheduled for completion in early 1966 is a 7-story 100-bed psychiatric wing to University Hospital, valued at $4,204,000.

On the drawing boards is a $5 million seven-story south wing addition to University Hospital.

The medical center can fill numerous chapters in telling the medical story in Alabama, but it can by no means suffice as the entire volume.

Even in Birmingham, the picture takes on greater depth as one looks to the new multimillion-dollar Baptist Medical Center rising on Montclair Road.

Then attention focuses on expansion at West End Baptist Hospital and its $5 million addition; to new operating and emergency rooms, X-ray and supply units at South Highland Infirmary; vast new additions at Carraway Methodist and at East End Memorial Hospital; and planned construction at Lloyd Noland Hospital and local Salvation Army facilities.

As the eye turns to other parts of the State, more astounding medical history is in the making.

Look to Montgomery, for example, where in October 1963 a notable achievement in the field of construction and health research began operation in the form of the world's first Atomedic Hospital.

The circular structure, a prototype from which the official hospital of the New York World's Fair has been patterned, is built almost entirely of aluminum panels and is 100 feet in diameter.

The revolutionary concept is expected to provide needed facilities at half the usual cost, with advanced features not generally available.

Alabama has 146 general hospitals, 137 nursing homes, 5 chronic disease hospitals, 3 mental hospitals, 8 tuberculosis sanatoria, and 1 rehabilitation center—and each has its story to tell.

The State has a public health system which extends to all 67 counties, bringing services in maternal and child health, communicable diseases, tuberculosis, chronic illness, mental health, vital statistics and sanitation.

The public health service, too, has a story to tell.

And Alabamians themselves from every corner of the State have their own stories to tell. Heartwarming stories of lives saved, of steps forward in medical research, of young men and women being trained to serve in medicine and dentistry.

These are the stories of a State on the move in medical industry. Of a State where quality medical care, research and education have truly taken on new meanings.

Combat Veterans Eager To Go to Vietnam

EXTENSION OF REMARKS
OF
HON. SPARK M. MATSUNAGA
OF HAWAII
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 23, 1965

Mr. MATSUNAGA. Mr. Speaker, through the years this great Nation of ours has depended largely on its younger men to defend its democratic principles on the battlefield. They are being called upon again to meet aggression in the jungles and rice paddies of Vietnam, and they are answering the call by the thousands. This, of course, is gratifying.

But even more impressive is the report from Hawaii's recruiting boards that our older combat veterans, who once or twice before risked their lives, are volunteering to "get into the fight" against aggression in southeast Asia. These are men who served with such famed World War II units as the 442d Infantry Regiment, 100th Infantry Battalion, 57th Coast Artillery, Philippine Scouts, and 4th Marine Regiment. Although they have been turned down because of age limits on "retreads," the spirit of these men who volunteer to serve in the battle zone is encouraging and in marked contrast to the reluctance of a few younger men who have been asking for soft Army jobs away from the combat zone.

I submit for inclusion in the CONGRESSIONAL RECORD, an article from the September 16, 1965, issue of the Honolulu Star-Bulletin which reflects this fighting spirit on the part of combat veterans:

[From the Honolulu Star-Bulletin, Sept. 16, 1965]

BUT YOUNG DRAFTEES FEEL DIFFERENT—COMBAT VETERANS EAGER TO GO TO VIETNAM

Combat veterans of World War II and Korea apparently are anxious to get into the fight in Vietnam.

But they are too old to join the ranks.

An Army recruiter on Kauai reported this development and Honolulu recruiters have found similar reenlistment interest shown by vets.

On the other hand young men of draft age are considerably less eager.

Sfc. Richard B. Henderson, Army recruiter on Lihue, feels older hands know why the United States is fighting in Vietnam.

He's found young men, in many cases, haven't the foggiest idea.

Henderson said if he could recruit old vets he'd have no problem filling the ranks and meeting quotas.

Most old "retreads" seeking to enlist are unemployed, he said.

"Some are professional men and others have skilled trades. They saw jungle fighting in the Pacific, took the roughest Korea had to offer, or slugged it out on Bataan or at Anzio," Henderson said.

"The retreads all know why the United States is fighting in Vietnam. Some of them have sons in that battle zone.

"But some of the young men eligible for the draft have asked how to get a soft Army job or how to avoid the combat zone."

An Army recruiter in Honolulu said: "We get quite a few calls from former war veterans. Of course, some are crackpots, but quite a few, mostly average, make inquiries about getting back in."

A Marine recruiter in Honolulu said: "We have quite a few from the Korean war trying

cause of the increased volume—a higher dollar return on sales of that equipment.

The theoretical economic ground for that argument is sound. Unforuntately, for one not in possession of the cost figures for General Motors—such as myself—it is impossible to carry that argument beyond the theoretical stage.

Therefore, I am inclined to count the blessings in hand and not mourn for the "might have been."

The fact is that the consumer will pay no more for a 1966 General Motors car—with identical equipment—than he would have for the 1965.

My primary concern yesterday was that auto prices—in spite of record profits—would go up across the board—contributing to inflationary pressures and opening the issue of just how much price competition there is within the industry. General Motors' action eases that concern and is welcome news to the American consumer.

I ask unanimous consent that a copy of the General Motors press release dated September 22, 1965, be printed in the RECORD at this point.

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

DETROIT.—The manufacturer's suggested retail prices on all 1966 model General Motors passenger cars will be lower than those of similarly equipped 1965 models, chairman Frederick G. Donner and president James M. Roche announced today.

The manufacturer's suggested retail price (which is shown on each car on the "sticker") includes list price, dealer delivery and handling charges and reimbursement for Federal excise tax, but does not include destination charges or State and local taxes.

All 1966 models include as standard equipment six safety items which have been available as extra cost options on most models during 1965—rear seat belts, padded instrument panel, backup lights, outside left-hand rearview mirror, dual speed windshield wipers and washer, and padded sunvisors. Furthermore, improved penetration resistant windshield glass will be standard on all 1966 General Motors cars.

Reductions in the manufacturer's suggested prices for 1966 model General Motors passenger cars range from $52 to $136 as compared with the introductory prices for similarly equipped 1965 models in September 1964 (the average reduction is $72). The major part of the overall reduction reflects the full amount of the excise tax reduction. The remainder of the reductions includes decreases for the safety items made standard equipment which range up to $19 as compared with the 1965 option prices for the various features. (The safety items sold as optional equipment on the average 1965 General Motors car were priced at $56. On 1966 models, these items have been reduced to $50—a reduction of more than 10 percent.)

The Federal excise tax on new passenger cars was reduced from 10 to 7 percent by legislation which became effective June 22, 1965. On that date the manufacturer's suggested retail prices for all General Motors passenger cars were reduced to reflect this reduction in excise tax. The 1966 manufacturer's suggested retail prices continue to reflect fully the reduced excise tax.

"This will be the 8th consecutive model year in which our prices have remained substantially constant or have been reduced," Mr. Donner and Mr. Roche said. "Our prices have not been increased since the fall of 1958 when the 1959 models were introduced. This is a significant accomplishment, particularly in view of the fact that over this period our hourly employment costs have increased by 40 percent, the consumer price index has risen by about 9 percent, tooling costs and prices of machinery have advanced as have prices of some basic materials and services, and State and local taxes are higher.

"We have been able to maintain prices at a level substantially unchanged since the fall of 1958 through constant emphasis on the development of improved manufacturing methods, processes, equipment and through innovations in design. At the same time, the quality and structural strength of our cars, and the reliability and durability of such key components as engines and transmissions, and braking and steering systems have been advanced each year. As a result, our cars are safer and easier to drive. Moreover, General Motors cars today are more attractively styled, and better engineered than ever before. They also satisfy more effectively the increasingly diverse needs and desires of our customers.

"Our market continues to be characterized by a strong desire for individuality on the part of buyers—and we are meeting this demand for personalized products with a wide variety of models and optional equipment. As a result, General Motors products today represent even greater values for the consumers' dollars."

It was also announced that the General Motors air injection reactor system designed to control exhaust emission and installed on cars sold in California will be priced at $45.

Following is an example of the 1966 General Motors prices, related to 1965 prices for a similarly equipped Chevrolet Chevelle "300" six-cylinder, four-door sedan:

[Manufacturer's suggested retail prices]

Price for 1965 model prior to excise tax reduction (Sept. 24, 1964 through June 21, 1965) [1]	$2,193.00
Add six optional safety items of equipment—made standard in 1966—at 1965 option price	70.60
Total 1965 price prior to excise tax reduction, June 21, 1965	2,263.60
Less excise tax reduction effective June 22, 1965 [1]	48.65
1965 model price since June 22, 1965	2,214.95
1966 model price, effective October 7, 1965	2,202.00
Reduction excluding excise tax reduction	12.95
Total reduction from introductory 1965 model price excise tax reduction—June 22, 1965 [1]	48.65
Price reduction, effective October 7, 1965	12.95
Total price reduction since introduction 1965 model	61.60

[1] Retroactive to May 15, 1965.

Prices for individual makes and models will be announced shortly by each General Motors car division.

Mr. HART. I thank the Senator from Oregon for yielding to me.

MEMORANDUM OF LAW OF LAWYERS' COMMITTEE ON AMERICAN POLICY TOWARD VIETNAM

Mr. MORSE. Mr. President, one of the great changes in U.S. foreign policy which has taken place in the last 5 years has been the reversal of our earlier determination to advance the rule of law in world affairs. No nation was more deeply involved in the creation of the United Nations than was the United States; and no nation in the world has preached to others more than we have that peaceful settlement of disputes among nations must be practiced, preferably under United Nations auspices.

In Vietnam, we have totally flouted the rule of law, and we have flouted the United Nations Charter. This lipservice given by the United States to the United Nations and its international law provisions and procedures has done our country great injury among many international lawyers around the world. Our waging an undeclared war in southeast Asia in flagrant violation of our oftexpressed pretense that the United States stands for the substitution of the rule of law for the jungle law of the military claw in meeting threats to the peace of the world, has done great damage to our reputation for reliability in international affairs. Our good reputation in world affairs previously held by millions of people in the underdeveloped areas of the world has been tarnished by our unjustified warmaking in southeast Asia.

We have lost much more prestige and so-called face among the masses of the people of Asia, Africa, Latin America, and for that matter, the Western World, than we possibly could have suffered if we had forthrightly admitted years ago that it was a mistake for us to unilaterally intervent militarily in southeast Asia.

Ever since our first violations of the Geneva Accords, starting with the imposition of our first puppet regime in South Vietnam, the Diem regime, we have violated one tenet after another of international law and one treaty obligation after another, and the world knows it. For more than 10 years, we have written on the pages of history with the indelible ink of U.S. violations of the Geneva Accords of 1954, as well as article after article of the United Nations Charter and even article I, section 8 of the Constitution of the United States, a sad and shocking chronicle of our repudiation of the rule of law in our foreign policy practices.

Our unilateral intervention in Vietnam has continued unabated, even while we were addressing pious letters to the Secretary General of the United Nations, suggesting that he might, perhaps, find some way to interest the members of the United Nations in trying to restore peace in southeast Asia. Unfortunately, even our diplomatic gestures toward the United Nations were so couched in empty semantics that the world knew that the United States was not offering to have the United Nations take complete jurisdiction over the threat to the peace of the world in Asia on United Nations terms but only in the last analysis, upon U.S. terms.

Whenever Senator ERNEST GRUENING and I have urged that the United States, in accordance with the peacekeeping procedures clearly authorized by the United Nations Charter, should file with the Security Council a formal resolution calling upon the Security Council, in behalf of the United Nations, to take

An invitation to participate in the San Antonio fair, therefor, would not be met with much enthusiasm, and those nations who do decide to participate would, in all illkelihood, not be able to meet their expenses. In the end, it would be the American taxpayer who will carry the financial burden. This can hardly be called a way in which to improve our balance-of-payments standing, as the promoters suggest.

In the case of HemisFair and other State expositions, a direct relationship is involved between the exposition and a series of urban civic removal projects. This urban removal is already supported by Federal funds. Therefore, this same money is indirectly involved in the promotion of this exposition.

Further Federal commitment might very well result in an angry outcry from other cities carrying out urban removal, and it would place the U.S. Govenment in the awkard position of being discriminatory.

American endorsement in any international undertaking has profound ramifications throughout the world. Certainly international fairs involve an aspect of foreign policy. If our foreign policy is to be effective, we must make sure that it does not lose its influence. Over-indulgence in one type of commitment will only result in the loosening of its impact.

For the foregoing reasons, we oppose passage of the bill.

Mr. YARBOROUGH. Mr. President, will the Senator wield?

Mr. LAUSCHE. I yield.

Mr. YARBOROUGH. Subject to the approval of the leadership, it is the understanding of the Senator that the legislation will be taken up in the morning hour on Tuesday?

Mr. LAUSCHE. Mr. President, I have no objection to it being taken up at the earliest date consistent with the expeditious disposition of the Senate business. If Tuesday at noon is an appropriate hour, I shall raise no objection.

Mr. YARBOROUGH. Mr. President, the junior Senator from Texas [Mr. TOWER] requested that the matter be put off until then.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, it is anticipated that Calendar No. 756 (S. 2167) a bill to provide for participation of the United States in the HemisFair 1968 exposition to be held at San Antonio, Tex., in 1968, and for other purposes, will be brought up on Tuesday.

The next order of business will be the conference report on the poverty program. That will be the order of business immediately after the prayer tomorrow.

I thank the distinguished Senator from Oregon for him unfailing courtesy and consideration at this late hour.

Mr. MORSE. I yield to the Senator from Oklahoma.

TRIBUTE TO FORMER U.S. SENATOR ELMER THOMAS

Mr. MONRONEY. Mr. President, one of Oklahoma's great men, former U.S. Senator Elmer Thomas, died Sunday, and on the following day the Senate adopted a resolution of sorrow and extreme regret, which my colleague, Senator HARRIS, was kind enough to submit during my unavoidable absence.

Oklahoma owes the late Senator Thomas a debt of gratitude for his extraordinary contributions during a period of service longer than any other man ever elected to major public office in Oklahoma. It was most fitting that the resolution which my colleague presented was agreed to unanimously.

Senator Thomas began his public service when Oklahoma became a State in 1907, serving as a member of the first Oklahoma State Senate. He continued in the State senate until 1920, and in 1923 was elected to the Congress, where he served until elected to this body in 1927.

Senator Thomas dedicated his years to causes that helped bring Oklahoma from infancy to maturity faster than probably any other member of the sisterhood of States. But the benefits and the accomplishments of Senator Thomas and his policies and programs can be seen not only in Oklahoma but throughout the Nation.

He served here on Capitol Hill as a ranking member of the Military Appropriations Committee, as chairman of the Agricultural Committee, and as an expert in fiscal policy, Indian affairs, and natural resources development.

Senator Thomas' long-range vision for the development of the Nation's water resources were bolstered in later years by the added championship of our great mutual friend, the late Senator Robert S. Kerr.

As a Member of the House of Representatives, it was my honor to work with Senator Thomas and Senator Kerr in giving Oklahoma its tremendous momentum in the development of its soil and water resources.

Through many years of diligent application of superb leadership talents, Senator Thomas earned a place of enduring honor in our State and Nation. It was with deep regret that we learned of his passing, and the resolution which the Senate adopted upon this sad occasion was altogether appropriate to the memory of this great American.

I thank the Senator from Oregon for his courtesy in yielding to me.

CHANGE OF REFERENCE

Mr. MOSS. Will the Senator from Oregon yield?

Mr. MORSE. I yield to the Senator from Utah.

Mr. MOSS. Mr. President, I ask unanimous consent that Senate Concurrent Resolution 55, to express the sense of Congress relative to certain water problems confronting the United States and Canada, which was referred to the Foreign Relations Committee, be rereferred to the Committee on Public Works, for the reason that this matter is a matter with which the Public Works Committee is currently engaged. The matter has been cleared with the chairmen of both committees, and is in full agreement on both sides, with the simple reservation by the chairman of the Foreign Relations Committee that if any treaty or if anything of that sort should grow out of it, the Foreign Relations Committee would not lose any jurisdiction.

The PRESIDING OFFICER. Without objection, the Foreign Relations Committee will be discharged, and the resolution will be referred to the Committee on Public Works.

Mr. MANSFIELD. Mr. President, will the Senator from Oregon yield me one-half minute?

Mr. MORSE. I yield.

EXPANSION OF WAR ON POVERTY—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8283) to expand the war on poverty and enhance the effectiveness of programs under the Economic Opportunity Act of 1964. I ask unanimous consent for the present consideration of the report.

The ACTING PRESIDENT pro tempore. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Sept. 22, 1965, pp. 23784–23786, CONGRESSIONAL RECORD.)

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

There being no objection, the Senate proceeded to consider the report.

Mr. MANSFIELD. This conference report will be the pending business tomorrow, at the conclusion of the prayer.

Mr. MORSE. I yield to the Senator from Michigan, without losing my right to the floor.

AUTOMOBILE PRICES, 1966

Mr. HART. Mr. President, yesterday I took the floor to voice my concern that the higher prices for 1966 model cars announced by Chrysler Corp. might indicate that consumers would be handed an across-the-board increase by the auto industry.

Late yesterday General Motors Corp.—by announcing their 1966 prices—assured me that my fears of a general upswing were not to be realized. As I felt I would have been remiss in not speaking out yesterday, so do I feel it right that I speak today.

General Motors in its press release—which I ask unanimous consent to have entered in the RECORD at the conclusion of my remarks—says its 1966 prices amount to a reduction in consumer prices. Some—who feel more at home with complicated statistics than I—have raised the question if in fact the company could not have cut prices more.

These observers have in mind, of course, the increased productivity and high profit rates of the industry. They also argue that by making last year's optional safety equipment standard on the 1966 cars, the companies should realize lower installation costs and—be-

jurisdiction over the threat to the peace in Asia, the officials of our Government rejected our proposal with the lame excuse that they thought either Russia or France would veto such a resolution in the Security Council. Sometimes they would add to their limping rationalization in opposition to our proposal that they had reason to believe that the nonpermanent members of the Security Council preferred not to have the United States call upon the members of the United Nations Security Council to live up to their treaty obligations.

As I have argued so many times with the officials of the administration and with the Senate of the United States, our country can never justify a violation of its treaty obligations simply because other signatories to the United Nations Charter may not want to live up to their treaty obligations. World public opinion is entitled to know what nation or nations are unwilling to make full use of the peacekeeping procedures of the United Nations Charter in a good-faith endeavor to end a threat of the peace of the world in southeast Asia or anywhere else.

The failure of the United States to submit by way of formal resolution to United Nations' jurisdiction in the Vietnam was in marked contrast to our support of the United Nations' intervening in a good-faith attempt to negotiate a cease-fire agreement in the Indo-Pakistani war. Yet the capacity of the United Nations to deal with breaches of world peace is being eroded by the American policy of ignoring the peacekeeping procedures of the United Nations Charter in its own war in Vietnam.

Our preachments to other powers that they submit their disputes to United Nations' jurisdiction are already being met with much cynicism. Other countries know it is a case of our saying: "Do as I say, but not as I do."

Our highest policy officials insist that American honor and commitments are at stake. Yet, the American honor and the commitments we pledged to respect when the United States signed the charter of the United Nations 20 years ago have been thoroughly debauched. It is not the United Nations and pacific settlement of disputes that we are honoring in Vietnam, but a narrow, national interest of the United States. Like so many nations before us, and like many in our own time, we find it easier to call upon our tremendous military power to sustain a mistaken political judgment than to do what we have always urged others to do; namely, submit the entire matter to the United Nations' jurisdiction for the application of the appropriate rules of law as set forth in the articles of the charter.

A memorandum on the international law aspects of the Vietnam war has been prepared by a group of lawyers, acting under the leadership of Mr. Joseph Crown, of New York City. Organized as the Lawyers' Committee on American Policy Towards Vietnam, they have produced a written statement of some of the legal issues posed by our military intervention in southeast Asia. In this legal memorandum they have discussed the ways in which that intervention violates not only the position we have previously taken in cases of breaches of the peace but the text of the United Nations Charter, itself.

Senator GRUENING and I are pleased to have this document printed in the CONGRESSIONAL RECORD, because it raises questions about our responsibilities under international law that have been evaded by the administration for many years.

The memorandum projects constructive proposals for the peaceful resolution of the tragic Vietnamese conflict. They are proposals which are in conformity with the rule of law and the principles of the United Nations Charter. The committee is to be commended for its exploration of the legal issues and treaty violations posed by the war in Vietnam.

By inserting in the CONGRESSIONAL RECORD the legal memorandum prepared by the Lawyers' Committee on American Policy Toward Vietnam, it should not be inferred that Senator GRUENING and I endorse or underwrite every detail of the legal arguments made by its authors. However, we do agree that it represents a legal analysis of many of the international law problems raised by the U.S. unilateral military intervention in southeast Asia that is most deserving of study and careful consideration not only by the officials of our Government and the public, generally, but also by those members of the American bar who believe in the substitution of the rule of law in place of resort to war for the settlement of threats to the peace of the world.

Senator GRUENING and I have been advised that the Lawyers' Committee on American Policy Toward Vietnam will welcome responses from members of the American legal profession and also invites all lawyers interested to join the Lawyers' Committee on American Policy Toward Vietnam in its plans for arousing a nationwide interest among lawyers and the general public in seeking to persuade our Government to make greater use within its foreign policy of an international law approach to the threat to the peace of the world that has been created by U.S. warmaking in southeast Asia.

Senator GRUENING and I also wish to add our personal plea to members of the legal profession dedicated to the rule of law to interest themselves in the work of such lawyers' groups as the Lawyers' Committee on American Policy Toward Vietnam and the work of the World Peace Through Law Conference which met in Washington, D.C. from September 12–18. The proceedings of the World Peace Through Law Conference which will be published in the near future, as well as the legal memorandum prepared by the Lawyers' Committee on American Policy Toward Vietnam, are deserving of the study of the members of the legal profession.

The Lawyers' Committee that prepared this legal memorandum asks those members of the bar, the bench, law teachers and professors who share the major international law objectives expressed in the memorandum to communicate with the committee for the purpose of helping the committee further its endeavor to create a greater public opinion interest in American foreign policy.

As I have said so many times, American foreign policy under our constitutional system belongs to the American people. Only an alerted and enlightened public opinion can help the officials of our Government in both the executive and congressional branches of Government mold and administer a foreign policy that will be in keeping with the best interests of our people.

Senator GRUENING and I believe that such a provocative legal treatise as this one prepared by the Lawyers' Committee on American Policy Toward Vietnam should be widely disseminated, debated and considered in connection with proposals for needed modifications in American foreign policy in southeast Asia.

I am informed that among those legal authorities who have endorsed the memorandum are Prof. Thomas Emerson of Yale, Prof. David Haber of Rutgers, and Osmond K. Fraenkel, general counsel for the American Civil Liberties Union.

Therefore, Mr. President, in behalf of Senator GRUENING and myself, I ask unanimous consent that the following memorandum of law, including its title page, prepared by the Lawyers' Committee on American Policy Toward Vietnam, be printed in the CONGRESSIONAL RECORD.

There being no objection, the memorandum and title page were ordered to be printed in the RECORD, as follows:

AMERICAN POLICY VIS-A-VIS VIETNAM, IN LIGHT OF OUR CONSTITUTION, THE UNITED NATIONS CHARTER, THE 1954 GENEVA ACCORDS, AND THE SOUTHEAST ASIA COLLECTIVE DEFENSE TREATY

MEMORANDUM OF LAW

(Prepared by Lawyers Committee on American Policy Toward Vietnam, Hon. Robert W. Kenny, Honorary Chairman)

Executive committee

William L. Standard, Chairman; Carey McWilliams, Vice Chairman; Joseph H. Crown, Secretary.

Lawyers Committee on American Policy Toward Vietnam, 38 Park Row, New York, N.Y.

AMERICAN POLICY VIS-A-VIS VIETNAM

The justification of American involvement* in Vietnam has troubled lawyers in the light of the literal language of our Constitution and the United Nations Charter. Though the United States initially entered South Vietnam only to advise, American troops, now numbering 125,000,[1] have moved from a passive to an active combat role. American forces have mounted repeated air

* For a historical background, see "Robert Scheer, "How the United States Got Involved in Vietnam" (A Report to the Center for the Study of Democratic Institutions, Post Office Box 4068, Santa Barbara, Calif., 93103); sample copy free.

[1] President Johnson, in his news conference of July 29, 1965, stated:

"I have today ordered to Vietnam the Air Mobile Division and certain other forces which will raise our fighting strength from 75,000 to 125,000 men almost immediately. Additional forces will be needed later, and they will be sent as requested." (Presidential Documents, vol. 1, No. I, p. 15, Aug. 2, 1965.)

strikes against targets in North Vietnam. Is such action, raising the threat of large-scale war, consonant with our Constitution, our obligations under the United Nations Charter, the provisions of the southeast Asia collective defense treaty?

Observance of the rule of law is a basic tenet of American democracy. Hence it is fitting that American lawyers examine the action pursued by our Government to determine whether our Government's conduct is justified under the rule of law mandated by the United Nations Charter, a charter adopted to banish from the earth the scourge of war.

We shall explore and assess the grounds advanced to justify the course of conduct pursued by our Government vis-a-vis Vietnam. In section I, we examine American policy in the light of the United Nations; in section II, in the light of the Geneva accords and the southeast Asia collective defense treaty; and in sections III–IV in the light of our Constitution. Mindful of the grave importance of the issues, we have exercised the maximum diligence in the preparation of this memorandum which is fully documented.

I.—THE UNITED STATES IN VIETNAM: THE UNITED NATIONS CHARTER

The Charter of the United Nations was signed on behalf of the United States on June 26, 1945, by the President of the United States, and was ratified on July 28, 1945, by the Senate.[2] Thus, the United States became a signatory to the Charter, along with 55 other nations (there are now 114), obligating itself to outlaw war, to refrain from the unilateral use of force against other nations, and to abide by the procedures embodied in the Charter for the settlement of differences between states. In essence, the obligations assumed by member nations under the United Nations Charter represent the principles of international law which govern the conduct of members of the United Nations and their legal relations.

The Charter of the United Nations is a presently effective treaty binding upon the Government of the United States because it is the "supreme law of the land."[3] Indeed, the Charter constitutes the cornerstone of a world system of nations which recognize that peaceful relations, devoid of any use of force or threats of force, are the fundamental legal relations between nations. The following provisions of the Charter are relevant:

(a) "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state or in any other manner inconsistent with the purposes of the United Nations" (ch. I, art. II(4)).

(b) "The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression, and shall make recommendations or shall decide what measures shall be taken * * * to maintain or restore international peace and security." (Ch. VII, 39.)

It is thus plain that signatory members of the United Nations Charter are barred from resorting to force unilaterally and that only the Security Council is authorized to determine the measures to be taken to maintain or restore international peace (apart from the question as to whether or not the General Assembly has any residual authority by virtue of the "Uniting for Peace" resolution for this purpose when the Security Council is unable to meet its responsibilities[4]).

It may be recalled that in 1956, Israel justified its attack on the Egyptian forces in the Sinai Peninsula "as security measures to eliminate the Egyptian Fedayeen 'Commando' bases in the Sinai Peninsula from which raids had been launched across the Israeli frontier." Starke, "Introduction to International Law," fourth edition, London, 1958, at page 83 et seq.

When Great Britain and France introduced their troops into the Sinai Peninsula, under claim of a threat to their vital interests, the "preponderant reaction of the rest of the world was to condemn this action as inter alia, a breach of the United Nations Charter." Starke, "Introduction to International Law," fourth edition, London, 1958, at pages 85–88.

When the Soviet Union suggested a joint military operation with the United States to restore the peace in the Middle East, Secretary of State John Foster Dulles rejected this proposal as "unthinkable" (New York Times, November 6, 1956). Dulles declared:

"Any intervention by the United States and/or Russia, or any other action, except by a duly constituted United Nations peace force would be counter to everything the General Assembly and the Secretary General of the United Nations were charged by the charter to do in order to secure a United Nations police cease-fire."

At a news conference on November 8, 1956, President Eisenhower, answering an announcement of the Soviet Union at that time, declared that the United States would oppose the dispatch of Russian "volunteers" to aid Egypt, saying that it would be the duty of all United Nations members, including the United States, under the clear mandate of the United Nations Charter to counter any Soviet military intervention in the Middle East. The President said:

"The United Nations is alone charged with the responsibility of securing the peace in the Middle East and throughout the world." United Nations Action in the Suez Crisis. Tulane Studies in Political Science, volume IV entitled "International Law in the Middle East Crisis."

To the fundamental, substantive and procedural requirements and conditions vesting sole authority in the United Nations to authorize utilization of force, there are only two exceptions set forth in the charter. The first exception is found in article 51 of chapter 7:

"Nothing in the present charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a member of the United Nations, until the Security Council has taken measures to maintain international peace and security."

Article 51 of the charter marked a serious restriction on the traditional right of self-defense. As was stated by Prof. Philip C. Jessup in his work, "A Modern Law of Nations," published in 1947 (at pp. 165–166):

"Article 51 of the charter suggests a further limitation on the right of self-defense: it may be exercised only 'if an armed attack occurs.' * * * This restriction in article 51 very definitely narrows the freedom of action which states had under traditional law. A case could be made out for self-defense under the traditional law where the injury was threatened but no attack had yet taken place. Under the charter, alarming military preparations by a neighboring state would justify a resort to the Security Council, but would not justify resort to anticipatory force by the state which believed itself threatened."[5]

The traditional right of self-defense, even prior to the adoption of the United Nations charter, was limited. As stated by Secretary of State Daniel Webster in the Caroline case,[6] and as adopted in the Neurenberg Judgment in 1945, any resort to armed force in self-defense must be confined to cases in which "the necessity of that self-defense is instant, overwhelming and leaving no choice of means and no moment of deliberation."[7]

In expressly limiting independent military action to instances of armed attack, the founding nations explicitly and implicitly rejected the right to the use of force based on the familiar claim of "anticipatory self-defense," or "intervention by subversion," or "pre-emptive armed attack to forestall threatened aggression," and similar rationale. Such concepts were well known to the founding nations if only because most of the wars of history had been fought under banners carrying or suggesting these slogans. More importantly for our purposes here, however, the United States was aware of these precepts before the Senate ratified the United Nations Charter and consciously acquiesced in their rejection as a basis for independent armed intervention.[8]

It has been authoritatively said that the exceptional circumstances stipulated in article 51 are "clear, objective, easy to prove and difficult to misinterpret or to fabricate".[9] The wording was deliberately and carefully chosen.[10] [11]

Hence article 51 can under no circumstances afford a justification for U.S. intervention in Vietnam, since the Saigon regime is indisputably not a member of the United Nations and, indeed, under the Geneva Accords of 1954, South Vietnam is merely a

---

[2] See Historical Note under title 22, United States Code, sec. 287. By the act of Dec. 20, 1945, c. 583, 59 Stat. 619 (22 U.S.C. 287–287e), Congress enacted "The United Nations Participation Act of 1945," empowering the President to appoint representatives to the United Nations and to render various forms of assistance to the United Nations and the Security Council under specified terms and conditions.

[3] The treaties to which the United States is a signatory are a part of the fundamental law, binding upon all officials and all governmental institutions. Art. I, sec. 2, clause 2, of the U.S. Constitution confers power upon the President to make treaties with the concurrence of two-thirds of the Senate. Art. VI, clause 2, of the U.S. Constitution provides that treaties so made, together with the Constitution and the laws of the United States made pursuant thereto, are "the Supreme Law of the Land." *Missouri* v. *Holland*, 252 U.S. 416, 432–434; *Hines* v. *Davidowitz*, 312 U.S. 52, 62–63; *United States* v. *Pink*, 315 U.S. 203, 230–231; *Clark v. Allen*, 331 U.S. 503–508.

[4] The constitutional validity of the "Uniting for Peace" resolution adopted in 1950, is disputed.

[5] In support of his views, Professor Jessup noted:

"The documentary record of the discussions at San Francisco does not afford conclusive evidence that the suggested interpretation of the words 'armed attack' in Article 51 is correct, but the general tenor of the discussions, as well as the careful choice of words throughout Chapters VI and VII of the Charter relative to various stages of aggravation of dangers to the peace, support the view stated." (Jessup, "A Modern Law of Nations," p. 166.)

[6] See, Louis Henkin (Professor of Law and International Law and Diplomacy, Columbia University), 57 "American Society of International Law Proceedings," 1963, at p. 152, Moore's "Digest of International Law," vol. II, p. 412.

[7] Henken, ibid.

[8] Hearings on U.N. Charter, Committee on Foreign Relations, U.S. Senate, 79th Cong., 1st sess., July 9–13, 1945, at p. 210.

[9] Henkin, ibid.

[10] [11] "* * * at the Conference itself, every word, every sentence, every paragraph of the Charter's text was examined and reconsidered by the representatives of 50 nations and much of it reworked." (Report to the President on the results of the San Francisco Conference [by the Chairman of the U.S. Delegation, i.e., the Secretary of State, June 26, 1945], hearings on U.N. Charter, Committee on Foreign Relations, U.S. Senate, 79th Cong. 1st Sess., at p. 41.)

temporary zone not even qualifying politically as a state (See Section II infra), even if it be assumed that an "armed attack," within the meaning of article 51, has occurred against South Vietnam. For, as has been shown, article 51 is operative only in the event of "an armed attack against a member of the United Nations." Hence, neither the right of individual self-defense nor the right of collective [11] self-defense can become operative.

It has been claimed that United States intervention in Vietnam is sanctioned under article 51 on the ground (1) that South Vietnam is an independent state; (2) that South Vietnam had been the victim of an armed attack from North Vietnam and (3) that the United States, with the consent of South Vietnam, was engaging in "collective self-defense" of that country, as claimed by the United States in a communication to the United Nations Security Council in March, 1965 (U.N. Chronicle, vol. 2, p. 22). To sustain this claim, all three elements must be satisfied.

This claim is untenable, however, on several grounds. First, South Vietnam was not recognized as an independent state at the 1954 Geneva Conference (see sec. II, infra). Even if it had become a de facto state in the course of events since 1954, the infiltrations from North Vietnam cannot be deemed to constitute an "armed attack" within the purview of article 51.

Since the Geneva Accords recognized all of Vietnam as a single state, the conflict whether of the Vietcong or Ho Chi Minh against South Vetnam is "civil strife" and foreign intervention is forbidden, because civil strife is a domestic question—a position insisted upon by the United States in its civil war of 1861. Ho Chi Minh can compare his position in demanding union of Vietnam with that of Lincoln, when Britain and France were threatening to intervene to assure the independence of the Confederacy (and with the added point that the national elections mandated for 1956 in the Geneva Accords were frustrated by South Vietnam with apparent support of the United States; see sec. II, infra). Nor should it be overlooked that Lincoln had very little support from the people of the South, who generally supported the Confederacy, while Ho Chi Minh has a great deal of support from the people in South Vietnam organized in the National Liberation Front whose military arm is the Vietcong. There is, therefore, a basic issue whether the hostilities in Vietnam constitute external aggression (by North Vietnam) or "civil strife." Here it should be noted that the United Nations is authorized to intervene where civil strife threatens international peace, as the United Nations did in the Congo, in accord with article 39 of the charter—but individual states are not permitted to intervene unilaterally.

The third element requisite for the invocation of the right of collective self-defense under Article 51 presupposes that the nations invoking such right are properly members of a regional collective system within the purview of the United Nations Charter. The point here involved is: Can the United States validly be a genuine member of a regional system covering southeast Asia. Article 51 and Article 53, dealing with regional systems, were interrelated amendatory provisions intended primarily to integrate the inter-American system with the United Nations organization (see fn. 8, 13, 15). The concept that the United States—a country separated by oceans and thousands of miles from southeast Asia and bereft of any historical or ethnic connection with the peoples of southeast Asia—could validly be considered a member of a regional system implanted in southeast Asia is utterly alien to the regional systems envisaged in the Charter. The "Southeast Asia Collective Defense Treaty"—connecting the United States with southeast Asia, architectured by Secertary of State Dulles, is a legalistic artificial formulation to circumvent the fundamental limitations placed by the United Nations Charter on unilateral actions by individual members. However ingenuous—or disingenuous—the Dulles approach, SEATO is a caricature of the genuine regional systems envisaged by the U.N. Charter. A buffalo cannot be transformed into a giraffe however elongated its neck may be stretched. The Dulles approach to collective defense treaties employed legal artifice to circumvent the exclusive authority vested in the United Nations to deal with breaches in the peace. Articles 51 and 53 were intended to make a bona fide integration of regional systems of cooperation with the world system of international security—but these envisaged regional systems which historically and geographically developed into a regional community—not contemplating a regional system which fused a region like southeast Asia with a country on the North American Continent. SEATO is not a regional agency within the letter or spirit of the U.N. Charter as to authorize the United States to claim the right of collective self-defense even if there had been an armed attack on a member of the United Nations geographically located in southeast Asia. If artifices like SEATO were sanctioned, the path would be open for the emasculation of the United Nations organization and the world system of international security assiduously developed to prevent the scourge of war.

Hence article 51 cannot be properly invoked for (1) South Vietnam does not have the political status of a state; (2) even if South Vietnam were deemed a de facto state, the infiltrations do not constitute an "armed attack" within the purview of article 51; and (3) the United States cannot claim the right of "collective self-defense" in respect of a regional system involving southeast Asia.

Apart from article 51 (inapplicable to the situation here), the only other exception to the renunciation of the "threat or use of force" by member states is found in chapter VIII of the charter dealing with regional arrangements. Article 53 of said chapter contains two paragraphs of particular significance:

(a) "The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against an enemy state, as defined in paragraph 2 of this article." (Ch. VII, art. 53(1)).

Paragraph two of that article provides:

(b) "The term enemy state as used in paragraph 1 of this article applies to any state which during the Second World War has been an enemy of any signatory of the present charter."

With respect to regional arrangements therefore, it is clear that no enforcement action may be undertaken without the authorization of the Security Council of the United Nations, save and except in only one instance; against any state which, during World War II, was an enemy of any of the charter,[12] to wit, Germany, Italy and Japan.

Since Vietnam was manifestly not an "enemy state" within the purview of article 53(b), enforcement action under SEATO is unauthorized and cannot be justified in view of the express restrictions set out under article 53(a) of the United Nations Charter.

In summary, the United Nations Charter obligates all of its signatory members to refrain from the threat or use of force, and only the Security Council (apart from the residual authority (see footnote 4) granted the General Assembly under the "uniting for peace" resolution) is authorized to determine the existence of any threat to the peace, breach of the peace or act of aggression and to determine the measures to be taken to maintain or restore international peace. To these salient provisions, there are only two exceptions: the first, the right to self-defense if an armed attack occurs against a member of the United Nations; and, the second, the right of nations to enter into appropriate "regional arrangements," subject, however, to the provision that no enforcement action shall be taken under such arrangements without the authorization of the Security Council, the only exception to the latter requirement being with respect to measures against an enemy state, as defined in the charter.

We have shown that none of the aforestated exceptions can be invoked by the U.S. Government with respect to its conduct in Vietnam. It follows therefore that the fundamental requirements of the United Nations Charter with respect to the renunciation of force and the threat of force are directly applicable to the actions of the United States.

One other noteworthy charter provision is article 103 which subordinates all regional and treaty compacts to the United Nations Charter.

"In the event of a conflict between the obligations of the members of the United Nations under the present charter and their obligations under any other international agreement, their obligations under the present charter shall prevail." (Ch. XVI, art. 103.)

This supremacy clause was drafted to meet the predictable reassertion of dominance by the great powers within their respective geographic zones or hemispheres. Because of the unhappy history of a world fragmented by such "spheres of influence," the supremacy clause and the restrictions on the use of force under regional agreements emerge as limitations upon the superpowers even within their own geographic zones. It is significant that the United States not only accepted these limitations, but actively supported their incorporation within the charter.[13]

---

[12] The reason for this exception appears clear. When the Charter was signed in San Francisco on June 26, 1945, peace treaties had not yet been finally signed by the allied nations with each of the enemy states. Reparations, sanctions, territorial changes, had not then been finalized. And so, in order to permit necessary flexibility in these respects, this sharply limited exception, permitting action against an enemy state in World War II by an allied government, was spelled out.

[13] Hearings on U. N. Charter, Committee on Foreign Relations, U.S. Senate, 79th Cong. 1st sess., supra, n. 6, at p. 306.

On May 15, 1945, Secretary of State Stettinus issued a statement at the San Francisco Conference regarding the Act of Chapultepec vis-a-vis the United Nations organization which declared (so far as here pertinent); Hearings on U. N. Charter, op. cit., p. 306;

"As a result of discussions with a number of interested delegations, proposals will be made to clarify in the charter the relationship of regional agencies and collective arrangements to the world organization.

"These proposals will—

"1. Recognize the paramount authority of the world organization in all enforcement action.

"2. Recognize that the inherent right of self-defense, either individual or collective, remains unimpaired in case the Security Council does not maintain international peace and security and an armed attack against a member state occurs. Any measures of self-defense shall immediately be reported to the Security Council and shall

Article 103 makes clear that the obligations of the United Nations Charter prevail vis-a-vis the obligations of the SEATO treaty. Indeed, article VI of the SEATO expressly recognizes the supremacy of the United Nations Charter (see sec. II, infra). Moreover the frequent citation by President Johnson of the pledges given by Presidents Eisenhower, Kennedy, and himself to aid South Vietnam afford no justification for U.S. intervention in Veitnam.[14] In the first place, these pledges or commitments do not even have the status of treaties, for these Presidential pledges have not been ratified by the Senate. And even if these Presidential pledges had been solemnly ratified by the Senate, any obligations thereunder must yield to the obligations imposed under the United Nations Charter by virtue of the supremacy clause embodied in article 103. Nor would the illegality of U.S. intervention in Vietnam be altered by the circumstance that the Saigon regime may have invited the United States to assume its role in the Vietnam conflict. The supremacy clause of the charter manifestly prevails and cannot be annulled by mutual agreement of third parties.

---

in no way affect the authority and responsibility of the Council under the charter to take at any time such action as it may deem necessary to maintain or restore international peace and security.

"3. Make more clear that regional agencies will be looked to as an important way of settling local disputes by peaceful means."

The first point is already dealt with by the provision of the Dumbarton Oaks proposals (ch. VIII, sec. C, par. 2) which provides that no enforcement action will be taken by regional agencies without the authorization of the Security Council. It is not proposed to change this language.

The second point will be dealt with by an addition to chapter VIII of a new section substantially as follows:

"Nothing in this chapter impairs the inherent right of self-defense, either individual or collective, in the event that the Security Council does not maintain international peace and security and an armed attack against a member state occurs. Measures taken in the exercise of this right shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under this Charter to take at any time such action as it may deem necessary in order to maintain or restore international peace and security."

The third point would be dealt with by inclusion of a specific reference to regional agencies or arrangements in chapter VIII, sec. A, par. 3, describing the methods whereby parties to a dispute should, first of all, seek a peaceful solution by means of their own choice.

The United States delegation believes that proposals as above outlined if adopted by the Conference would, with the other relevant provisions of the projected Charter, make possible a useful and effective integration of regional systems of cooperation with the world system of international security.

This applies with particular significance to the long established inter-American system.

[14] President Johnson, in his news conference of July 28, 1965, declared:

"Moreover, we are in Vietnam to fulfill one of the most solemn pledges of the American Nation. Three Presidents—President Eisenhower, President Kennedy, and your present President—over 11 years have committed themselves and have promised to help defend this small and valiant nation" (Presidential Documents, vol. 1, No. 1, p. 15). President Eisenhower has stated that his administration had made no commitment to South Vietnam "in terms of military support on programs whatsoever" (the New York Times, Aug. 18, 1965, p. 1).

It is by virtue of the supremacy clause that the Secretary General of the United Nations has called the world's attention to the emasculation of the authority of the United Nations resulting from actions taken by regional agencies without reference to the Security Council.

We believe that any fair study of the United Nations Charter will affirm the observations of Prof. Lewis Henkin, of Columbia University, when he speaks "of the law of the charter":

"So far as it purports to prescribe for the conduct of nations, it consists, basically, of one principle: Except in self-defense against armed attack, members must refrain from the threat or use of force against other states * * * the rule of the charter against unilateral force in international relations is the essence of any meaningful concept of law between nations and the foundation on which rests all other attempts to regulate international behavior. It is a rule which all nations have accepted and which all have a common interest essential to law."[15]

It appears difficult to escape the conclusion therefore, in the light of the aforesaid, that the action of the U.S. Government in Vietnam contravenes essential provisions of the United Nations Charter. The U.S. Government has decided for itself to use armed forces in South Vietnam and to bomb North Vietnam without authorization of the Security Council or the General Assembly of the United Nations. The failure of the United States to honor its obligations under the United Nations Charter is a regrettable but inescapable conclusion which we as lawyers have been compelled to reach. We, as lawyers, urge our President to accept the obligations for international behavior placed upon us by our signature of the United Nations Charter.

II—THE UNITED STATES IN VIETNAM: THE 1954 GENEVA ACCORDS AND THE SEATO TREATY

Officials of the U.S. Government have nevertheless asserted, on different occasions, that the actions of the United States in Vietnam are consistent with the U.S. duties and obligations under the United Nations Charter and sanctioned by the treaty creating the Southeast Asia Treaty Organization (SEATO).[16] The conduct of the U.S. Government has been justified as support of a legitimate government defending itself against insurrection from within and aggression from without. We have demonstrated above that even if this latter position were accepted on its face, unilateral conclusions and actions taken by the Government of the United States upon the basis of such conclusions are violative of the firm obligations under the United Nations Charter. However, we do not let the matter rest with this assertion, but proceed to an examination of the validity of the claims made by the U.S. Government in support of its conduct in Vietnam.

The Geneva agreement, under which the war between Vietnam and the French was terminated, effected the division of Vietnam into north and south, at the 17th parallel. The said "agreement on the cessation of hostilities in Vietnam," entered into in Geneva on July 20, 1954, provided that the division of Vietnam at the 17th Parallel was only "a provisional military demarcation line," on either side of which the opposing forces could be "regrouped"—"the forces of the Peoples Army of Vietnam to the north of the line and the forces of the French Union to the south" (ch. I, art. 1).[17]

The Geneva agreement makes plain that the division of the 17th parallel was to be temporary and a step in the preparation for a general election to elect a government for a unified nation. Pending such election, "civil administration in each regrouping zone [was to] be in the hands of the party whose forces are to be regrouped there" [art. 14(a)].

The day after the aforesaid cease-fire agreement was entered into, representatives of Cambodia, the Democratic Republic of Vietnam (Vietminh), Laos, France, the Peoples Republic of China, the U.S.S.R., and the United Kindom affirmed The Final Declaration of the Geneva Conference on the Problems of Restoring Peace in Indochina, July 21, 1954.[18] The declaration emphasized that the north-south division was solely a means of ending the military conflict and not the creation of any political or territorial boundary. Article 6 of the declaration stated:

"The Conference recognizes that the essential purpose of the agreement relating to Vietnam is to settle military questions with a view to ending hostilities and that the military demarcation line is provisional and shall not in any way be interpreted as constituting a political or territorial boundary."

This constitutes a recognition of the historical fact that Vietnam is a single nation, divided into two zones only temporarily for administrative purposes pending an election. This being so, the action of the North Vietnamese in aiding the South Vietnamese, to the extent that it has taken place, neither affects the character of the war as a civil war nor constitutes foreign intervention. It cannot be considered an armed attack by one nation on another.

---

[15] Henkin, in 57 "American Society of International Law Proceedings," 1963, supra, n. 6, at p. 148. See also in further explication of Professor Henkin's succinct conclusion: Statements of Hon. Edward R. Stettinius, Jr., Secretary of State, the testimony of Senator Millikin, and the testimony of Mr. Pasvolsky, Special Assistant to the Secretary of State for International Organization and Security Affairs, in hearings on U.N. Charter, Committee on Foreign Relations, U.S. Senate, 79th Cong., 1st sess., supra, n. 8, at pp. 34–147, 210, 95–100 and 304–307; Jessup, "A Modern Law of Nations" (1947); Proclamation of Athens and Declaration of General Principles for a World Rule of Law, adopted by the First World Conference on World Peace Through Law, Athens, Greece, July 6, 1963; Francis T. P. Plimpton, U.S. Representative to the United Nations, State Department Bulletin, vol. XLIX, No. 1278, Dec. 23, 1963, pp. 978–979.

[16] Geneva Conf. Doc. No. IC/42/Rev. 2, in 1 "American Foreign Policy": 1950–55 Basic Documents 750; New York Times, July 24, 1954, p. 4.

[17] It is relevant to note that at the time this provision was agreed upon, the Vietminh occupied all but a few "islands" of territory to the north of the 17th parallel as well as approximately two-thirds of the territory south of that line. See map showing areas of South Vietnam under Vietminh control at end of May 1953 in Henri Navarre, "Agonie de L'Indo-Chine" (1953–54) (Paris, 1956) p. 37. Thus, by the cease-fire agreement the Vietminh gave up substantial areas of territory in what is now called South Vietnam.

An article in the New Republic, May 22, 1965, p. 29, by the Honorable Henry W. Edgerton, senior circuit judge of the U.S. Court of Appeals for the District of Columbia, brilliantly delineates the provisional character of the "Government" of South Vietnam and casts doubt on the juridical claim to the existence of that government.

[18] See "Further Documents Relating to the Discussion of Indo-China at the Geneva Conference" June 16–July 21, 1954 (London) (Her Majesty's Stationery Office, Cmd 9239), 1954 (referred to as "Geneva Accords"). The French-sponsored Bao Dai regime, which was not endowed as yet with any real political substance, did not sign the Geneva accord; not until 1956 did France relinquish control over South Vietnam; the Republic of Vietnam was proclaimed on Oct. 26, 1955, but French troops were not completely evacuated from the country until Nov. 1, 1956.

[18] The United States is in fact a foreign nation vis-a-vis Vietnam; North Vietnam is not. The latter by the Geneva Agreement was to participate in an election not to determine whether North and South Vietnam should be united, but to select a government of the nation of Vietnam, constituting all of Vietnam—north, south, east, and west. It was the refusal on the part of the Diem regime and the subsequent "governments" of the south, supported by the United States, to participate in such elections that opened the door to the present conflict.

It was also stated in the declaration that the clear objective of settling political problems and unifying the nation was to be by means of free general elections. Article 7 of the declaration provided:

"The Conference declares that so far as Vietnam is concerned, the settlement of political problems effected on the basis of respect for the principles of independence, unity and territorial integrity, shall permit the Vietnamese people to enjoy the fundamental freedoms, guaranteed by democratic institutions established as a result of free general elections by secret ballot. In order to insure that sufficient progress in the restoration of peace has been made, and that all the necessary conditions obtain for free expression of the national will, national elections shall be held in July 1956, under the supervision of an International Commission." [19]

The reference to "national elections" reinforces the evidence of the historical status of Vietnam as a single nation. To present the picture, as the United States repeatedly has done, as though North Vietnam were an interloper having no organic relationship to South Vietnam is to ignore both the applicable legal principles and treaties and the facts of history.

Although the United States participated in the discussion leading up to the Geneva accords, it did not sign the final declaration. Instead, the U.S. Government, through its Under Secretary of State, Walter Bedell Smith, made its own unilateral declaration [20] on July 21, 1954. In this declaration, the United States took note of the Geneva agreements and declared that the United States would "refrain from threat or the use of force to disturb them, in accordance with article 2(4) of the Charter of the United Nations dealing with the obligation of members to refrain in their international relations from the threat or use of force."

Referring to free elections in Vietnam, the United States declaration stated:

"In the case of nations now divided against their will, we shall continue to seek to achieve unity through elections supervised by the United Nations to insure that they are conducted fairly." [21]

Thus the United States recognized the fact that Vietnam was a single nation. Nevertheless the justification of United States policy today ignores this admitted fact. The United States persists in its denial that it is intervening in a civil war. It seeks to justify the bombing of North Vietnam by the United States on the basis that North Vietnam is a foreign aggressor in South Vietnam.

Nor is this all. The United States further pledged "that it will not join in any arrangement which will hinder" the reunification of Vietnam, and concluded with the hope that:

"The agreement will permit Cambodia, Laos, and Vietnam to play their part, in full independence and sovereignty in the peaceful community of nations, and will enable the peoples of the area to determine their own future."

No election was ever held pursuant to the Geneva Accords, although both the International Control Commission (composed of India, Poland, and Canada) and the United Nations announced readiness to supervise such elections. South Vietnam announced that it did not regard itself obliged to take part in the elections because the participation of North Vietnam would render such elections not free, a position apparently supported by the State Department.[22] In 1955, following the Geneva Accords, then Prime Minister of State Diem repudiated the Geneva Agreements and refused to hold the elections. Former President Dwight D. Eisenhower, in his Memoirs, suggests a further reason for Diem's refusal to hold elections pursuant to the Geneva Accords:

"I have never talked or corresponded with a person knowledgeable in Indo Chinese affairs who did not agree that had elections been held at the time of the fighting possibly 80 percent of the population would have voted for the Communist Ho Chi Minh as their leader rather than Chief of State Bao Dai.[23]

The consequences of the repudiation of the Geneva Accords were delineated by Senator ERNEST GRUENING in a speech to the Senate on April 9, 1965:

"That civil war began—let me repeat, because this is crucial to the issue—when the Diem regime—at our urging—refused to carry out the provision contained in the Geneva Agreement of 1954 to hold elections for the reunification of Vietnam. That was one of the underlying conditions of the Geneva agreement. The civil war began and has continued with intensified fury ever since * * *. For over 800 years, before its conquest by France, Vietnam was a united country. After defeating the French in 1954, the Vietnamese went to the conference table at Geneva, agreeing to a settlement only on condition that reunification elections be held. Yet, nowhere in President Johnson's speech of April 7, 1965, at Johns Hopkins University is there held out a hope of ultimate reunification of Vietnam. He conditioned the ultimate peace 'upon an independent South Vietnam instead'."

In view of all of the aforesaid, the assumptions and justifications for our governmental policy in Vietnam do not appear to have support, either in law or in fact. The conduct of the U.S. Government in Vietnam appears plainly to violate the terms of the Geneva Accords and to repudiate solemn pledges to "refrain from the threat or the use of force" to disturb the Geneva Accords.

Moreover, nothing in the provisions of the southeast Asian Collective Defense Treaty would appear to justify the conduct of the U.S. Government in Vietnam. The SEATO Treaty was signed in Manila some 7 weeks after the signing of the Geneva Agreement on the Cessation of Hostilities in Vietnam. The SEATO Treaty became effective in February 1955, following the treaty ratification by eight member states—the United States, France, Great Britain, Australia, New Zealand, Thailand, Pakistan, and the Philippine Islands.

By the preamble and by Article I of the SEATO Treaty, the parties acceded to the principles and supremacy of the United Nations Charter in accordance with article 103 thereof, which it will be recalled, provides as follows:

"In the event of a conflict between the obligations of the members of the United Nations under the present Charter and their obligations under any other International Agreement, their obligations under the present Charter shall prevail."

The supremacy of this provision was expressly reiterated by the eight SEATO nations under article VI of said treaty, in which each solemnly agreed that the SEATO Treaty:

"* * * does not affect the rights and obligations of any of the parties under the Charter of the United Nations, or the responsibility of the United Nations for the maintenance of international peace and security."

The key provisions of the SEATO Treaty are to be found in article IV. Paragraph 1 thereof permits the use of force by one or more member states only in the event of "aggression by means of armed attack." But where the integrity or inviolability of any territory covered by the treaty is threatened "by other than armed attack" or "by any fact or situation which might endanger the peace of the area," then, paragraph 2 of article IV requires, as a prerequisite to intervention, that "the parties shall consult immediately in order to agree on the measures to be taken. * * *"

The consent of all eight SEATO nations was originally required before any military action under article IV could be undertaken by any of them (New York Times, May 28, 1962). Later, this rule was modified so that action could be undertaken if there was no dissenting vote—i.e., an abstention would not count as a veto (New York Times, April 19, 1964). At the last two annual meetings of the Ministerial Council of SEATO, France has refused to support a communique pledging SEATO backing for South Vietnam against the Vietcong (New York Times, April 15–16, 1964; May 3–6, 1965; see also, Los Angeles Times, May 3–4, 1965). It would appear that with the threat of a French veto a formal SEATO commitment in Vietnam has not been sought by the United States. However, even if there had been unanimity among the SEATO nations, the provisions of article 53 of chapter VIII of the United Nations Charter will still prevail:

"But no enforcement action shall be taken under regional arrangements or by regional

[19] Note that article 7 stipulates that the elections were to be antecedent to and a necessary condition for the "fundamental freedoms, guaranteed by democratic institutions" and that the elections were to be held "in order to insure * * * that all the necessary conditions obtain for free expression of the national will." This particular portion of the Geneva accord has frequently been quoted out of context, with the key phrases in reverse order, in order to justify the refusal to hold elections on the grounds that the necessary conditions did not exist.

[20] See "Extracts From Verbatim Records of Eighth Plenary Session," Geneva Accords.

[21] Nowhere in its own declaration did the United States recognize the political partition of Vietnam; insofar as it referred to the country, it designated it as "Vietnam," not "South Vietnam", and "North Vietnam."

[22] See, Question No. 7, "Questions and Answers on Vietnam," Department of State publication No. 7724, August 1964, p. 8. See also footnote 19, George McT. Kahin and John W. Lewis, professors of government at Cornell University, in their article, "The United States in Vietnam," which appeared in the June 1965 issue of the Bulletin of Atomic Scientists, note (op. cit. p. 31):

"When on July 16, 1955, the Diem government announced, with American backing, that it would defy the provision calling for national elections, it violated a central condition which had made the Geneva Accords acceptable to the Vietminh. Regardless of what sophistry has been employed to demonstrate otherwise, in encouraging this move the United States departed from the position taken in its own unilateral declaration. And France in acquiescing abandoned the responsibility which she had unequivocally accepted a year earlier."

(Citing—Allan B. Cole, ed., "Conflict in Indo-China and International Repercussions," a documentary history, 1945–1955 (Ithaca, N.Y.) 1956, pp. 226–228; and Donald Lancaster, "The Emancipation of French Indo-China" (Oxford, 1961), pp. 370–372.

[23] Dwight D. Eisenhower, "Mandate for Change: The White House Years, 1953–1956" (London, 1963), p. 372.

agencies without the authorization of the Security Council. * * *"

Manifestly, no such authorization has ever been conferred, either by the Security Council of the United Nations, of by the General Assembly, from which it follows that American action in Vietnam clearly cannot be supported by reference to SEATO.

So long as the United States remains a member of the United Nations, our right to intervene is circumscribed by the provisions of the United Nations Charter. As members of SEATO, our right to intervene is limited, both by the requirement for unanimity among all of the eight treaty nations and, in addition, by the superseding requirement of article 53 of chapter VIII of the United Nations Charter, prohibiting any enforcement action under a regional arrangement without the authority of the Security Council. Our justification for acting contrary to our solemn obligations under the United Nations Charter appears tenuous and insubstantial. The fact of the matter is that the U.S. Government has simply acted as its own judge of its own interests in patent disregard of the fundamental law embodied in the United Nations Charter.

III—CONSTITUTIONAL ASPECTS OF UNITED STATES INTERVENTION IN VIETNAM

This disregard of the rules of the charter, inherent in U.S. intervention in Vietnam, is compounded by the fact that such intervention is also violative of our own Constitution. Whatever doubts may have existed prior to the President's "Report to the Nation Following a Review of U.S. Policy in Vietnam" [24] (set out at his news conference on July 28, 1965), as to whether U.S. action in Vietnam constituted the conduct of a war, the President in that report made it explicitly clear that "this is really war," noting that "our fighting strength" was being raised from 75,000 to 125,000 "almost immediately" and that "additional forces will be needed later, and they will be sent as requested." Can the President's conduct be squared with our Constitution (apart from the obligations imposed upon member states by the United Nations Charter)?

It is the genius of our constitutional system that ours is a government of checks and balances. A dangerous concentration of power is avoided by the separation—in Articles I, II, and III of the Constitution—of the legislative, executive, and judical powers. The doctrine of "separation of powers" is fundamental to, and is one of the "great structural principles of the American constitutional system." [25] The Supreme Court has recently characterized this "separation of powers" as "a bulwark against tyranny." *United States* v. *Brown*,—U.S.—, 33 Law Week 4603 (June 7, 1965). The Supreme Court had earlier said:

"The power to make the necessary laws is in Congress; the power to execute in the President. Both powers imply many subordinate powers. Each includes all authority essential to its due exercise. But neither can the President, in war more than in peace, intrude upon the proper authority of Congress, nor Congress upon the proper authority of the President." Ex parte Milligan, 4 Wall 2, 139 (1866).

Classically stated by Blackstone [26] and derived from Plato, Aristotle, Polybius, Cicero, Machiavelli, Harrington, Locke, and Montesquieu,[27] this constitutional separation of powers was deliberately carried over by the Framers into the conduct of foreign affairs. For, contrary to widely held assumptions, the power to make and conduct foreign policy is not vested exclusively in the President, but is divided between him and Congress, with each endowed with complementary, but separate [28] powers and responsibilities.[29]

Thus, in making and carrying out general foreign policy, Article II, Section 2 requires the President to have the "Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur." And the President also requires the advice and consent of the Senate to "appoint Ambassadors, other public Ministers and Consuls."

When statecraft fails and the question becomes the ultimate one of war or peace, the Constitution imposes a tight rein upon the President. His participation ends at the threshold of the decision whether or not to declare war. Under Article I, Section 8, Clause 11, that power is confided exclusively to the Congress.[30] There is no mention of the President in connection with the power to "declare war." Under the Constitution, Congress alone must make this decision. The Clause does not read "on recommendation of the President," nor that the "President with advice and consent of Congress may declare war." As former Assistant Secretary of State James Grafton Rogers has observed: "The omission is significant. There was to be no war unless Congress took the initiative." Rogers, "World Policing and The Constitution," p. 21 (Boston, 1945).

"Nothing in our Constitution is plainer than that declaration of war is entrusted only to Congress." *Youngstown Sheet and Tube Company* v. *Sawyer*, 343 U.S. 579, 642 (1952) (Jackson, J.).

That the President lacks constitutional power to make war is underscored by the historic statement made by President Woodrow Wilson on the night of April 2, 1917 when he addressed the Congress in a joint session:

"I have called the Congress into extraordinary session because there are serious, very serious, choices of policy to be made, and made immediately, which it was neither right nor constitutionally permissible that I should assume the responsibility of making." [31]

President Franklin Roosevelt also heeded his constitutional responsibilities and was also mindful and sensitive of the constitutional limitations applicable to the President when, before a joint session of the Congress on December 7, 1941, he requested the Congress for a declaration of war following Pearl Harbor.

The decision to place the responsibility for declaring war exclusively in Congress as the direct representative of the people, and not even to provide for the President's participation in that decision was a most deliberate one by the Framers.

The Constitutional Convention had been urged to rest the power to declare war, the "last resort of sovereigns, ultima ratio regum," in the executive, or, alternatively, in the Senate. 3 Story, "Commentaries on the Constitution," par. 1166. The arguments were made that "large bodies necessarily move slowly" and "despatch, secresy, and vigor are often indispensable, and always useful towards success." Story, ibid.

When the issue was debated at the Convention, Mr. Gerry stated that he "never expected to hear in a republic a motion to empower the Executive alone to declare war." Madison and Gerry "moved to insert 'declare,' striking out 'make' war; leaving to the Executive the power to repel sudden attacks." The motion carried. Farrand ed., "Records of the Federal Convention" (New Haven, 1911), II, pp. 318–319.[32]

Nowhere in the debates is there support for the view that the President can wage a war or "commit" our Nation to the waging of a war. On the contrary, warmaking was to be a purely legislative prerogative. The

---

[24] Presidential Documents, vol. 1, No. 1 (Aug. 2, 1965), pp. 15–19. See also State Department bulletin, April 26, 1965, p. 606; State Department bulletin, May 24, 1965, passim; State Department bulletin, May 31, 1965, p. 838, Krock, "By Any Other Name, It's Still War," New York Times, June 10, 1965.

[25] Corwin, "The President: Office and Powers" (New York, 1957), p. 9.

[26] Blackstone, "Commentaries on the Law of England," 146 (7th ed. 1775).

[27] Cf., Sharp, The Classical American Doctrine of "Separation of Powers", 2 U. of Chi. L. Rev. 385 (1935).

[28] "One of the most striking facts in the institutional philosophic history of the United States (is) that the legislative-executive quarrels during the colonial period convinced the colonists of the desirability of a separation of powers rather than a union of powers." Wright "Consensus and Continuity," p. 17 (Boston, 1958).

"The doctrine of separated powers is implemented by a number of constitutional provisions, some of which entrust certain jobs exclusively to certain branches, while others say that a given task is not to be performed by a given branch." *United States* v. *Brown, supra*—U.S. at p. —, 33 Law Week, at p. 4605.

[29] Story, "Commentaries on the Constitution" (Boston, 1833), passim, Dahl, "Congress and Foreign Policy" (New Haven, Conn., 1950); Robinson, "Congress and Foreign Policy-Making: A Study in Legislative Influence and Initiative" (Ill., 1962).

[30] Article I, Section 8, Clause 11 of the Constitution reads:

"The Congress shall have the power:

* * * * *

"1. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water."

[31] President Wilson went on to say:

"With a profound sense of the solemn and even tragical character of the step I am taking and of the grave responsibilities which it involves, but in unhesitating obedience to what I deem my constitutional duty, I advise that the Congress declare the recent course of the Imperial German Government to be in fact nothing less than war against the Government and people of the United States; that it formally accept the status of belligerent which has thus been thrust upon it; and that it take immediate steps not only to put the country in a more thorough state of defense but also to exert all its power and employ all its resources to bring the Government of the German Empire to terms and end the war."

[32] The Framers concluded and provided "that the power of declaring war is not only the highest sovereign prerogative; but that it is in its own nature and effects so critical and calamitous, that it requires the utmost deliberation, and the successive review of all the councils of the nation. War, in its best estate, never fails to impose upon the people the most burdensome taxes, and personal sufferings. It is always injurious and sometimes subversive of the great commercial, manufacturing, and agricultural interests. Nay, it always involves the prosperity, and not infrequently the existence of a nation. It is sometimes fatal to public liberty itself, by introducing a spirit of military glory, which is ready to follow, wherever a successive commander will lead; and in a republic, whose institutions are essentially founded on the basis of peace, there is infinite danger that war will find it both imbecile in defense, and eager for contest. Indeed, the history of republics has but too fatally proved, that they are too ambitious of military fame and conquest, and too easily devoted to the views of demagogs, who flatter their pride and betray their interests. It should therefore be difficult in a republic to declare war; but not to make peace." Story, op. cit., § 1166.

only use of force without a declaration of war that was contemplated as the debates clearly show, was "to repel sudden attacks." [33]

These constitutional provisions that only Congress shall have the power to declare war and that Congress has the sole responsibility to raise and support the armies, to provide for a navy, and to impose the taxes to provide the funds to carry on a war, reflected a profound distrust of executive authority and a corresponding reliance upon the legislature as the instrument for the decisionmaking in this vital area. Bemis, "The Diplomacy of the American Revolution" (New York, 1935), pp. 29–35.

These provisions reflected things painfully learned during the early colonial period, when every major European war had its counterpart on the Ameriacn frontiers. The colonies were therefore determined to end the imperial authority to decide for them what wars they should enter and what the outcome of those wars should be. Savelle, "The American Balance of Power and the European Diplomacy 1713–78," in Morris ed., "The Era of the American Revolution" (New York, 1939), pp. 140–169.

The Convention was not only determined to deny warmaking power to the President, but was also unwilling to entrust it to the Senate alone. To assure the fullest consideration, the framers therefore provided that the House of Representatives, larger and more representative than the Senate, should also be brought in to decide this vital question. The action and decision of the whole Congress were therefore constitutionally made necessary to this fateful undertaking.

"The Constitution says, therefore, in effect, 'Our country shall not be committed formally to a trial of force with another nation, our people generally summoned to the effort and all the legal consequences to people, rights and property incurred until the House, Senate and the President agree.'" Rogers, "World Policing and the Constitution" (Boston, 1945), p. 35.

Concededly there have been many instances when the President has sent U.S. Armed Forces abroad without a declaration of war by Congress.[34] These have ranged from engagements between pirates and American ships on the high seas to the dispatch of our Armed Forces to Latin American countries.

These precedents cannot justify the present actions without bringing to mind Swift's comment on "precedents" in Gulliver's Travels:

"It is a maxim among these lawyers, that whatever hath been done before, may legally be done again; and therefore they take special care to record all the decisions formerly made against common justice and the general reason of mankind. These, under the name of precedents, they produce as authorities to justify the most inquitous opinions; and the judges never fail to directing accordingly."

Here it is important to distinguish our country's involvement in the Korean war. For the United States fought under the aegis of the United Nations pursuant to a definitive resolution of the Security Council authorizing and directing the employment of Armed Forces of member states, so that the United States was thus performing its solemn obligations undertaken in becoming a signatory of the United Nations Charter, a treaty which is the "Supreme Law of the Land." But in the Vietnamese situation, there has been no authorization by the Security Council; indeed the Security Council has not even been seized of the matter, has not been requested to entertain jurisdiction of the present conflict.

It is therefore unfortunately vitally necessary, although trite, to recall that "the Government of the United States has been emphatically termed a government of laws, and not of men." *Marbury* v. *Madison,* 1 Cr. 137 (1803). Under a government of laws, the President is not free from the checks of the Constitution of the United States; the President is not free to assume the powers entrusted solely to the Congress. Ours is not a government of executive supremacy.[35]

Here it is fitting to recall that on May 6, 1954, at a time when the fall of Dien Bien Phu was imminent, then Senator Lyndon Johnson, as Democratic leader of the Senate, at a Jefferson-Jackson dinner, criticized the Eisenhower administration in these terms:

"We will insist upon clear explanations of the policies in which we are asked to cooperate. We will insist that we and the American people be treated as adults—that we have the facts without sugar coating.

"The function of Congress is not simply to appropriate money and leave the problem of national security at that." [36]

A New York Times survey (June 14, 1965) reports widespread "uneasiness" over the President's foreign policies: that the American academic world "is intellectually and emotionally alienated from the President, to whom it gave such strong support in the election"; that there is "increasing—and mutual—hostility between the President and many segments of the press"; that many Democratic Members of Congress are "restive and unhappy * * * over what they regard as [the President's] high-handed manner of making and carrying out decisions in foreign affairs"; that many friendly governments abroad "are apprehensive about Mr. Johnson's use of national power"; that among these views are expressions of "dismay," the unreliability of CIA and FBI reports which the President accepted, the lack of clear policy, the disregard of "principles, support or advice."

It is therefore imperative that Congress guard zealously against any executive usurpation of its exclusive power to declare, or to decline to declare war.

President Johnson has not been unmindful of the damaging consequences inherent in the violation of the separation of powers. As recently as August 21, 1965 the President vetoed a $1.7 billion military construction bill, calling it "repugnant to the Constitution." In a stern message to Congress, the President described certain sections of the bill as clear violations of the "separation of powers"; warned Congress to stop meddling in the prerogatives of the executive branch (New York Times, August 21, 1965, p. 1). Yet the President has not hesitated to intrude upon the exclusive power vested in Congress to declare war.

IV—CONGRESS HAS NOT DECLARED WAR IN VIETNAM; ITS JOINT RESOLUTIONS ARE NEITHER A SUBSTITUE FOR A DECLARATION OF WAR NOR DO THEY MAKE PRESIDENT JOHNSON'S WARMAKING CONSTITUTIONAL

Congress has not declared war in Vietnam and the President does not claim that any declaration of war supports his actions in Vietnam. In fact, the President is reported to be extremely reluctant to ask Congress directly to declare war.[37] Instead, the President is reported (New York Times, June 19, 1965, p. 10) to believe that authority for his actions may be inferred or extracted from the Tonkin Bay Joint Resolution of August 6–7, 1964 (H.J. Res. 1145; Public Law 88–408, 78 Stat., 384, 88th Cong., 2d sess.) and the Joint Resolution of May 7, 1965 (H.J. Res. 447; Public Law 89–18; 79 Stat. 109, 89th Cong., 1st sess.) making a supplemental appropriation to the Defense Department for the Vietnam operations.

The Tonkin Bay resolution is not a declaration of war. At most, it is an ultimatum—if that. It "approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." It goes on to express the view that "the maintenance of international peace and security in southeast Asia 'is vital' to the national interests of the United States" and declares the readiness of the United States to take all necessary steps, including the use of armed forces, to assist any member or protocol SEATO state to defend its freedom. The resolution, however, provides that all such steps shall be "consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty."

It is clear that Congressmen who voted for the Tonkin Bay Joint Resolution were not voting a declaration of war in Vietnam. The resolution does not mention North Vietnam nor China; indeed it does not even mention Vietnam. It was "passed in the fever of indignation that followed reported attacks by North Vietnamese torpedo boats against U.S. fleet units in Tonkin Bay." CONGRESSIONAL RECORD, June 9, 1965, p. 12528. There is no evidence that Congress thought or understood that it was declaring war. It took no contemporaneous action which would have implemented a declaration of war. And the remarks of several Members of the House and Senate during and since the debate on the resolution reinforce the conclusion that the Tonkin Bay Resolution was not regarded as a declaration of war. Congress manifestly cannot delegate to the President is exclusive power to declare war; and even under the specific terms of the Tonkin Bay Resolution, the President's actions neither conform nor are consonant with the Constitution—and, as we have seen in the earlier analysis, the President's actions are not consonant with the Charter of the United Nations, nor with the SEATO Treaty.

In passing the May 7, 1965, resolution, authorizing a supplemental appropriation for the Vietnam operations, Congress was confronted with a fait accompli which severely circumscribed its action. Its constitutional check on the will or errors of the Executive was by the President's message, reduced to its power of the purse. Such a circumscription will not necessarily prevent unwise or unpopular decisions or allow for the exercise of the full discretion which the Constitution intended Congress to have, and for it alone to exercise. Nevertheless, a resolution authorizing an appropriation does

[33] Manifestly the residuary power left to the President—"to repel sudden attack" contemplated attacks on the country's geographical territory—not "sudden attacks" in far-off lands, such as southeast Asia. Cf. Tonkin Bay Joint Resolution of Aug. 6–7, 1964, discussed in section IV, infra.

[34] See U.S. Senate Committee on Foreign Relations and Committee on Armed Services, hearing, "Situation in Cuba," 87th Cong., 2d sess., Sept. 17, 1962 (Washington, G.P.O., 1962), pp. 82–87; Rogers, op. cit., especially pp. 93–123.

[35] "With all its defects, delays, and inconveniences, men have discovered no technique for long preserving free government except that the executive be under the law, and that the law be made by parliamentary deliberations," Mr. Justice Jackson, concurring in *Youngstown Sheet and Tube Company* v. *Sawyer,* supra, 343 U.S. at 655 (1952).

[36] Jackson, "Role and Problems of Congress with Reference to Atomic War," May 17, 1954, publication No. L 54–135, Industrial College of the Armed Forces.

[37] Wall Street Journal, June 17, 1965, "The U.S. May Become More Candid on Rising Land-War Involvement," pp. 1, 16.

not constitute a declaration of war, nor can it constitutionally authorize the President to wage an undeclared war.

The presidential assumption of powers vested exclusively in the Congress concern arrogations of power which convert republican institutions, framed for the purpose of guarding and securing the liberties of the citizen, into a government of executive supremacy. If the Constitution has such elastic, evanescent character the provisions for its amendment are entirely useless; presidentially-determined expediency would become then the standard of constitutional construction.

Under the rule of law, compliance with the forms and procedures of the law are as imperative as compliance with the substance of the law. A lynching is a totally inadequate substitute for a trial, regardless of the guilt of the victim. What Mr. Justice Frankfurter wrote in another context is equally applicable here: "The history of liberty has largely been the history of observance of procedural safeguards." *McNabb v. United States*, 318 U.S. 332, 347 (1947).

Under our system, constitutional powers must be exercised in a constitutional manner by constitutionally established institutions. Disregard of fundamentals in an area concerning the highest sovereign prerogative affecting the very lives and fortunes of its citizens in the interest of a short term expediency undermines " 'constitutional morality' to such an extent that the maintenance of the order itself is endangered." Friedrich, "The Philosophy of Law in Historical Perspective," p. 216 (Chicago, 1963).

Finally, it cannot be over emphasized that even a declaration of war by the Congress would not negate the violations of our obligations assumed under the United Nations Charter or negate the violations of international law inherent in United States intervention in Vietnam.

Conclusion

A learned authority in international affairs has stated:

"Bluntly, all the rules about intervention are meaningless if every nation can decide for itself which governments are legitimate and how to characterize particular limited conflict. Unless we are prepared to continue a situation in which the legality of intervention will often depend upon which side of the fence you are on, and in which, therefore, our policy becomes one of countering force with force, we must be willing to refer questions of recognition (i.e., legitimacy of the government involved) and characterization of a disorder (i.e., whether an armed attack from abroad or a civil war) to some authority other than ourselves. The United Nations is the most likely candidate for the role." [38]

The United States has not observed the letter or spirit of its treaty obligations with respect to the action taken in Vietnam. World order and peace depend on the willingness of nations to respect international law and the rights of other nations. The United Nations is a symbol of the rejection of fatal policies which led to World War II, and an acceptance by the peoples of the world of the principles of collective security, and the avoidance of war and the use of armed forces in the settlement of differences between nations. The United Nations was intended to insure the preservation of international peace, security, and justice, through rules of law, binding upon all member nations. The fundamental condition for the effective functioning of the United Nations is the observance on the part of all signatory nations of the obligations assumed under the charter. Only in this way can the awesome potential of a third world war be prevented.

We have concluded that the U.S. Government is in violation of its treaty obligations under the U.N. Charter. We urge upon the Government that all steps be immediately taken to undo this illegality by an immediate return to an observance of the letter and spirit of the provisions of the U.N. Charter.

This is a solemn hour in history. We have a moral obligation to history to return to the high purposes and principles of the United Nations—to honor the pledges we solemnly assumed—to settle international disputes by peaceful means—to refrain in international relations from the threat or use of force.

At this fateful hour, we do well to recall the prophetic dream of President Franklin D. Roosevelt, the architect of the United Nations, who upon his return from the Yalta Conference in his last address to the Congress in March 1945, said:

"The Crimea Conference * * * ought to spell the end of the system of unilateral action, the exclusive alliances, the spheres of influence, the balances of power, and all the other expedients that have been tried for centuries—and have always failed. We propose to substitute for all these, a universal organization in which all peace-loving nations will finally have a chance to join."

Should we not, 20 years after President Roosevelt's hopeful dream—20 years after the advent of the nuclear age with the awesome potentiality of incineration of our planet and the annihiliation of our civilization and the culture of millenia—should we not "spell the end of the system of unilateral action * * * that has been tried for centuries—and has always failed"?

[38] Roger Fisher, professor of law at Harvard University, "Intervention: Three Problems of Policy and Law" found in Essays on Intervention, a publication of the Marshon Center for Education in National Security, Ohio State University Press, pp. 19–20.

RECESS UNTIL 11 A.M. TOMORROW

Mr. MORSE. Mr. President, if there is no further business to come before the Senate, I move, pursuant to the order previously entered, that the Senate stand in recess until 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 7 o'clock and 16 minutes p.m.) the Senate took a recess, under the order previously entered, until tomorrow, Friday, September 24, 1965, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate September 23 (legislative day of September 20), 1965:

U.S. ATTORNEY

Thomas L. Robinson, of Tennessee, to be U.S. attorney for the western district of Tennessee for the term of 4 years. (Reappointment.)

Merle M. McCurdy, of Ohio, to be U.S. attorney for the northern district of Ohio for the term of 4 years. (Reappointment.)

Scholarship Service that will be widely used by the colleges and universities in considering applications for scholarships and other financial aid. You will note that a man with a gross income of $6,000 with a wife and one child in college and no other dependents, is expected to contribute $790 a year from his income before his child is entitled to scholarship assistance. When you consider that such a person earning $6,000, taking the standard deduction, pays an income tax of $552, leaving only $5,448, you can imagine the burden on such a person.

The same person earning $8,000 has a net income of $7,114, out of which he is expected to pay $1,290 toward college expenses.

I am sure that an examination of this table will show most graphically, the average American family's real need for relief from the tremendous burden of growing college expenses. Sixty-two percent of the benefits under S. 12 goes to families earning between $3,000 and $10,000.

I ask unanimous consent that this article be inserted in the RECORD at this point.

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

WASHINGTON, D.C.—How much can a family afford to spend on a child's college education, in relation to income and other dependent children still living at home? You get an idea from a new set of estimates that will be widely used by colleges in considering applications for scholarships and other financial aid.

SPENDING ON COLLEGE

The estimates are those of the College Scholarship Service. The CSS assists many major universities and colleges in determining which students are entitled to first call on available financial help. The following table shows amounts that families are expected to contribute annually from current income if they have only one child in college:

Income before taxes	Number of other dependent children in family—				
	None	1	2	3	4
$4,000	$290	$100			
$6,000	790	550	$350	$220	$130
$8,000	1,290	980	740	570	440
$10,000	1,860	1,490	1,150	920	750
$12,000	2,450	2,050	1,650	1,370	1,130
$14,000	3,200	2,680	2,220	1,890	1,590
$16,000	3,970	3,360	2,850	2,470	2,130

OTHER FACTORS

The table is used only as a general guide, and each college has its own set of rules. Adjustments are made for other factors; such as a student's summer earnings, family savings, or other assets, more than one child in college at the same time, or unusual medical expenses.

GUIDE

A new guide by the College Scholarship Service on budgeting for college costs, and ways of financing them, will be available free within a week or two from public and private high schools throughout the Nation. Ask for: "A Letter to Parents: Financial Aid for College."

TRIBUTE TO EUGENE M. ZUCKERT, ON HIS RETIREMENT AS SECRETARY OF THE AIR FORCE

Mr. McNAMARA. Mr. President, at the end of this month, Eugene Zuckert will retire as Secretary of the Air Force.

For more than 4½ years, Secretary Zuckert has guided the Air Force and has contributed much to making it a powerful arm of our military strength.

I have not had the good fortune to work with Secretary Zuckert on legislation, as I am not a member of any committee dealing with defense matters.

However, there have been frequent opportunities to contact his office on matters involving the Air Force in my State, and I have always found Secretary Zuckert helpful and cooperative.

I am pleased to join his many friends in Congress and the Defense Department in thanking him for his service, and wishing him every good fortune in the future.

SALUTE TO THE REPUBLIC OF MALI

Mr. HARTKE. Mr. President, I wish to offer my compliments and best wishes to the Republic of Mali as it celebrates the fifth anniversary of its founding and independence.

Mali, however, is hardly a "new nation," for its people have a long and rich history. Indeed, the Republic takes its name from the old Kingdom of Mali which reached its height in the 14th and 15th centuries, before the discovery of America.

Today under the leadership of President Keita, Mali as a sovereign state exercises her rights and responsibilities in the international community, committed to a positive policy of nonalinement and an active participation in African regional affairs. In October 1963, for example, President Keita hosted a meeting of Moroccan and Algerian leaders which led to a cease-fire agreement in the border conflict between the two countries. Such constructive efforts in foreign relations can only receive applause from those dedicated to a peaceful world community.

It is my sincere wish that our two nations may enjoy friendly relations based upon mutual respect. I know that many Americans share this wish and join with me in saluting the people of Mali as they celebrate the anniversary of their Republic.

WHY VIETNAM?

Mr. INOUYE. Mr. President, at 5:45 a.m., daybreak on the first day of September 1939, German armies poured in mass across the Polish frontier and moved toward Warsaw. That is the date upon which history records as the beginning of the calamity of World War II. The war soon established a record of man's inhumanity against himself; it lasted 6 years and killed over 6 million men, women, and children.

But it is a mistake to remember September 1 as the beginning of the war, for the movement of events which began as dawn broke on the low-hanging clouds of that gray and sultry day had been set in motion several years before. The events which decide what men will later call fate, because of the fact they are irrevocable once set in motion, had long since taken place. The decisions had been made. All that remained to be done on that September 1 was to play out the tragedy, the inevitability of which had already been determined. It began, perhaps, on March 7, 1936, again at dawn, when a small force, no more than three battalions, crossed a river and entered the demilitarized zone of the Rhineland. The German troops engaged in this maneuver were under orders to retreat across the Rhine if they met any resistance whatsoever. They met none. General Gamelin, of the French High Command, it is reported, "advised that a war operation, however, limited, entailed unpredictable risks and could not be undertaken without decreeing a general mobilization." And when the French Foreign Minister flew to London to beg the British Government to support a military counterattack in the Rhineland, his pleas were ignored. As the British Foreign Secretary told the House of Commons:

> Occupation of the Rhineland by the Reichswehr deals a heavy blow to the principle of the sanctity of treaties. Fortunately, we have no reason to suppose that Germany's present action threatens hostilities.

Two years later came the anschluss, the so-called rape of Austria; then the Munich agreement wherein the Western Powers surrendered Czechoslovakia to the Fuehrer in return for his promise that it was to be his last territorial demand in Europe.

At any of these points, although with increasing difficulty at each one, I think most historians would agree the Western Powers could have stopped Germany by the use of readily available force. The failure to respond to each aggression when it came, insured that there would be further aggression, and that the price, when ultimately paid, would be high.

Yet the actions of well-meaning leaders which we see as so clearly mistaken today, surely must have seemed to many at the time as the course of patience and of reasonable accommodation with a man who might have taken what he was given and been satisfied.

The meaning of all this, when related to the present situation in Asia, is of great significance and has been remarked upon before. The lesson, I believe, constitutes the essential reason for our presence in Vietnam. In the debate on Vietnam we have heard that this small country is not within our sphere of vital interests, strategically or militarily. We also hear that the Vietnamese people themselves would rather we were gone and would prefer to be ruled by their northern comrades than to suffer a continuation of the brutal civil war

programs. These programs would, among other things, be designed to help universities run courses that would assist communities in solving some of their problems in housing, poverty, government, transportation, recreation, employment, and providing youth opportunities. Money would be spent in making grants and contracts to aid colleges and to develop more effective methods of teaching these areas, particularly in their continuing adult education extension programs.

With continued support of its program in continuing education this university can become a living testimonial to the truth that learning need never stop—that the commitment of the academic community is to see to it that there should be opportunities for education always. Because of its ideal location, American University could well become a model institution for continuing education in the Nation.

(EDITOR'S NOTE.—Senator ROBERT C. BYRD, Democrat, of West Virginia, addressed the Alumni Day luncheon on campus in May, and the preceding article is a summation of his remarks.

(Senator BYRD, who received his law degree cum laude from American University in 1963, was elected to the Senate in 1958. He has held more elective legislative offices than any other West Virginian in the State's history, serving first in the West Virginia House of Delegates, then in the West Virginia Senate. He became a U.S. Representative in 1952 and is currently serving his second term as U.S. Senator.

(While rising in the legislative ranks, BYRD has maintained another career—that of a student.

(Twenty-nine years after the 16-year-old Stotesbury boy picked up his valedictorian's diploma, he won his law degree. The years in between tell the usual story of marriage, family, and job promotions, but with an added dimension. The young man kept going to school. Apparently, each time he won new elective office he enrolled in another institution:

(Legislator BYRD studied at West Virginia's Beckley Junior, Morris Harvey, and Concord Colleges and Marshall University; Congressman BYRD went to George Washington University and Senator BYRD went to American University.)

SEEK OUT TO SAVE

Mr. BREWSTER. Mr. President, the Baltimore Sun carried an editorial yesterday praising President Johnson's new doctrine of conservation.

The praise is well deserved, because the President has demonstrated his keen interest in conservation matters.

As the Sun points out, the President has correctly stated the problem that exists and he has clearly outlined his program—"to seek out what can be saved."

I was privileged to hear the President's remarks to which the editorial refers I, too, was impressed by his total dedication to the ideals of conservation and his awareness of the need for adequate recreation areas.

There can be no doubt that in a country where our urban growth consumes millions of acres of farms and forests annually we have little time to lose if we are to preserve green open spaces and park lands for the future.

Mr. President, I ask unanimous consent to have printed in the RECORD this editorial entitled "Seek Out To Save" praising President Johnson's conservation policy.

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

SEEK OUT TO SAVE

The process of acquiring some land is still to be gone through, and certain development plans, including a strictly limited private development, will take time, but with a presidential signature yesterday Assateague Island is saved. Its saving is important not only to this State and this densely peopled region—it was the only remaining undeveloped stretch of seashore between Massachusetts and North Carolina—but is significant also for the country, as an omen.

"We are declaring a new doctrine of conservation," Mr. Johnson said at the signing ceremonies. "I intend to seek out what can be saved."

Rarely can a national policy be stated so well and so fully in so few words. That is what the policy must be: not to try to turn the whole United States into a vast recreation area, which would be impossible, and not even necessarily to preserve everything that could be called by stretching the imagination a "natural scenic wonder," but to seek out selectively the unique places which simply must be saved, lest we become history's most affluent junkpile.

Such a unique place is Assateague, and the struggle to save it has been so long, and has drown so much attention, that its clean winds today can reasonably be said to blow over the country.

CRITICISM OF USE OF FUNDS BY JOB CORPS

Mr. WILLIAMS of Delaware. Mr. President, it appears that the Job Corps has taken on a new responsibility. On September 16 and 18, 1965, the Missoulian-Sentinel published articles calling attention to the fact that the Job Corps had advanced the money for a $2,500 bond and employed an attorney to defend Manuel Martinez, one of its trainees, who had been charged with assault involving the shooting of a woman in a South Billings barroom and later firing at a Billings policeman.

The articles criticize the Job Corps for advancing the $2,500 bond plus attorney fees to defend this individual as compared with the treatment which would have been extended to a member of the Armed Forces under similar circumstances.

This is another example of the contempt which the officials of the Great Society have for the taxpayers when we find them using taxpayers' money for any such unauthorized purposes.

I ask unanimous consent that both of the articles published in the Missoulian-Sentinel by printed in the RECORD.

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

[From the Missoulian, Sept. 16, 1965]

ATTORNEY QUESTIONS BOND FOR JOB CORPS TRAINEES

BILLINGS.—Yellowstone County Attorney John Adams charged Wednesday that bonds posted by the Federal Government for Job Corps trainees constituted a "questionable precedent" of granting a special privilege to a select group.

Adams was commenting on a $2,500 bond posted by the Job Corps for Manuel Martinez, 18, a trainee charged with first- and second-degree assault in district court here. "The attorney's fee (which the corps is also paying) isn't an issue," Adams said.

"Montana will appoint a paid lawyer for any man charged with a felony," he said.

Adams said the posting of a bond for any man by the Government, State or Federal, is something completely new in his judicial experience. "I recognize that Washington is the great white father," Adams said, "But I didn't realize that its responsibilities to its children went this far.

"It's an extension of a privilege to members of a group which to my knowledge is not extended to any other group of people under the patronage of Washington," Adams said.

The county attorney said it made no difference to him as the prosecutor who posted the bond, but he said he privately thinks that the action constitutes a misuse of tax dollars.

Police Chief John Bevens feels the same way. "I'm stumped," he said when asked to comment on the bond. "It came as a surprise to me," said Beven, who wondered why the same courtesy isn't accorded a member of the Armed Forces. "Nobody bails out a soldier who's been charged with fighting in a bar," the chief said.

District Judge Guy C. Derry declined comment on the action because he felt it improper for a judge to do so, but Derry did say that he understood the Job Corps has asked Lawyer Arnold Berger not only to defend Martinez, but to appeal if necessary.

[From the Missoulian-Sentinel, Sept. 18, 1965]

JOB CORPS OFFICIALS DEFEND BOND POSTING

BILLINGS.—Federal posting of bond and paying attorney fees for a Billings member of the Federal Job Corps accused of assault is defended by antipoverty officials here.

They say the Job Corps is obligated to protect the rights of corpsmen.

The Job Corps sent $2,500 bond to release Manuel Martinez, 19, charged with the first-degree assault. He was accused of shooting a woman in a southside Billings bar and firing at Billings policeman Robert Pace 2 weeks ago.

Robert Furman, youth center director in Billings, said it is correct for the Job Corps to provide legal service for Martinez. The volunteers are sworn in much like military personnel, he said.

But Furman said he has seen no regulations which specifically state the Job Corps can post a freedom bond.

Yellowstone County's Community Action Director Carl Taute believes publicity given the Martinez case is wrong. He said the Job Corps is doing no more than the military would do for its members.

Clarence Nybo, Montana unemployment office manager for the Billings area, said the Martinez incident is not the first for the Job Corps.

Nybo said it is a question of protecting an individual's rights.

"They don't do that in the military service," he said about posting bond.

County Attorney John Adams called it a precedent. He said he didn't think responsibility for Job Corps youths should include posting bond.

Some believed it is a misuse of tax dollars.

TAX CREDIT FOR COLLEGE EXPENSES

Mr. RIBICOFF. Mr. President, the basic need for S. 12, providing tax credits for college expenses, receives added emphasis by the September 20, 1965, issue of U.S. News & World Report. That issue contains the estimates of the College

which they have suffered under for as long as most of them can remember. "Of course, we must stop the Communists," we are told, "but why in Vietnam? The location puts us at a severe military disadvantage, the chance of real success is slim, and even if we are successful, geographical realities makes eventual Chinese domination inevitable." Some of these things, perhaps, are true. When one fights a war, it is generally in the wrong place and at an inconvenient time, and the people who live on the battlegrounds understandably grow weary of hunger, blood and death. As far as being strategically or militarily important, my own judgment would be that Vietnam is neither of these things to us, and defined in these terms, is clearly not within our sphere of vital national interests. As to the other argument, that even if we achieve some kind of military and political stability there, China is so near that eventual Chinese Communist domination is certain, I would not agree, and I doubt whether those who make this argument would be as willing to say that Cuba will one day be a democracy as well.

If there has been a mistake in Vietnam, and I am not yet willing to admit that there has been a mistake, it was made at the beginning; at the point when the number of Americans and the extent of our financial and other involvement made it appear that the United States had decided a serious effort would be made to keep the country from falling under Communist control. I say this because one can reach that point without having made the decision of a full commitment. Nevertheless, if the enemy then engages you and an issue is made, you will never have the opportunity to decide on a full commitment; you are committed in the eyes of the world, and you only decide whether to fight and stand by that commitment or to back down. That is what happened in Vietnam. The decision was made that a serious effort would be expended to keep the country independent. At that point we placed ourselves at the whim of developments, and when the issue was made, we had no choice, except to fight to an acceptable solution, or to back down. The decision to make a substantial effort in the first place was where the error, if any, was made. We could have ignored Vietnam from the beginning. We could have avoided sending money and "advisers" and have let the country's future be determined by other forces, which would have been communistic, of course. We could have done what we did in Tibet, and when that country was invaded in one of the most arrogantly criminal international acts since the Second World War, we could have protested and forgotten about it. Tibet, my almanac says, is seven times larger than South Vietnam, but the first decision was never made there, the decision to support a substantial effort to protect the country's independence. Consequently, when that independence was attacked and destroyed, we were free to let it happen or to fight. Vietnam, of course, is different from Tibet in many ways, and we are in a far better position to bring our military strength into account there.

If we had not focused attention on Vietnam, by furnishing money and advisers, it is possible no great importance would have attached to an unopposed Communist takeover. But we were in opposition and to have left when faced with a fight would have revealed a lack of reliability to our allies and a lack of determination to our enemies. The point is this: We are not in Vietnam because of the territory. We are there for two other reasons: The first is because we were committed; the second, because if we did not fight there, we would have to fight elsewhere. Vietnam is not a war over land or strategic position. It is a war of will, a test of the character of the American Nation, and it does not matter that we may think the outcome is not important, for our adversary does, and so do other nations hesitant to commit themselves.

The reaction of England and France to the Rhineland led to Austria; their reaction to Austria, to the Sudetenland; their reaction to the Sudetenland to the takeover of the rest of Czechoslovakia and to World War II.

As Churchill spoke to the American people on October 16, 1938, after Munich, the totalitarian leader, whether Communist or Fascist—"must seek, from time to time, and always at shorter intervals, a new target, a new prize, a new victim. He can go forward; he cannot go back. He must blood his hounds and show them sport, or else, like Actaeon of old, be devoured by them."

Vietnam, perhaps India; and there will be others, until those who live by force come to understand that force no longer works—or until they are destroyed. The willpower of a nation, just as the willpower of a man is the measure of its strength. There is no rest and there will be no rest, no time when we may rest secure as long as there are powerful nations whose policies are opposed to ours. We do not like war, but it appears that force and war is the only argument our opponents comprehend. Consider the admitted political philosophy of the Chinese leaders who have written that, "political power comes out of the barrel of a gun." Consider the concepts of a government of laws, self-determination, and the dignity of the individual as they relate to such a philosophy.

If we do not fight this war, there will be another, and if we do not fight that one, there will come a time when there is no choice; and the price will be increased accordingly.

The trouble with this war, as with the war in Korea, is that it is an abstract war for the men who fight it and for their families when they die in it. How difficult it must be to leave a country nine-tenths at peace, and go to a hot and uncomfortable land where death is always waiting. How does a soldier feel who must fight, and die perhaps, in a war like that, a war that most of his neighbors and countrymen need not fight in or even think about? How does a man feel to be the one called upon to give that "last full measure of devotion" when the Nation's safety seems secure and the meaning of the war is buried even deeper in incomprehensibles than the meaning of war usually is? But the complaints are not coming from the men who are called upon to carry these burdens.

It seems to me the time has come for an end to the debate on Vietnam, and the time has certainly come for us to accept a responsibility which is now ours and which we could not with integrity or with safety avoid. We are at war and we have no choice except to win it.

Abraham Lincoln said of another war, the meaning and outcome of which had at the time he said it become to many Americans uncertain, that it was a war which tested whether this Nation or any nation conceived in liberty could long endure. The war we are presently engaged in is as great a test of that question as was the war that Lincoln spoke of. Our determination to fight and our will to prevail are in the long view as necessary to the survival of this Nation and its ideals as they were a century ago.

There were many who said then that the war was not worth the price, there were grumblings and even riots against the draft, and there were those who desired peace on any terms.

Freemen have always had to fight to remain free, and there have always been those who saw freemen as their greatest enemy. If this Nation is to fulfill its promise, if it is to confirm its destiny of bringing a greater opportunity toward the fulfillment of men everywhere, we must stand ready for this and every other test. The war in Korea and in Vietnam are the alternatives which tyranny has found in an age where total confrontation means total annihilation. But they are just as much a test of our will to remain free as total war was before. We must meet that test, for if the United States should ever lose its ability to bring to bear upon the play of world events the determination of men to be free, the force of modern totalitarianism would have it within its power to plunge mankind in a dark age of so great a depth that centuries need pass before the spirit of man could free itself again.

U.S. BALANCE OF PAYMENTS AND THE DOLLAR

Mr. MUSKIE. Mr. President, one of the most important problems facing this country during the past year has been the continuing large deficit in our balance of international payments. This deficit in other recent years has been balanced by a buildup of holdings of dollar assets by foreigners. These assets have been acquired in part by private individuals and business abroad and in part by foreign governments and central banks. To some degree their increase represented the accumulation of essential working balances and liquidity reserves. At times, however, foreign dollar holdings have moved into the hands of central banks and governments, which have chosen to convert them into gold. In 1965, these conversions have been particularly large, and the U.S. gold stock declined by $1.5 billion in the first 7 months of this year.

Such a depletion of our gold reserves, following a loss of about $7 billion in the preceding 7 years, cannot continue indefinitely without endangering the position of the U.S. dollar as the most important and useful instrument of international exchange and monetary reserves for the entire world. The increased foreign claims on dollars have developed from the deficit in our international balance of payments. Last February the President inaugurated a program, based largely on voluntary actions by American businesses, financial organizations, and individuals to reduce the outflow of dollars.

To probe the causes of the continuing deficit and appraise possible measures for correcting it, the Subcommittee on International Finance of the Senate Committee on Banking and Currency has conducted a series of hearings in the course of this session of the Congress. The results of these hearings, together with other background material on the subject of the balance of payments have been published by the committee in two volumes.

An excellent summary of this situation, an appraisal of the results of measures adopted to correct it, and an astute analysis of the world monetary situation and of some of the problems that lie ahead have recently been set forth in a speech by the Honorable Joseph W. Barr, Under Secretary of the Treasury, before a meeting of the National Association of Manufacturers at Hot Springs, Va. Mr. Barr points out that although there has been a remarkable reduction in our payments deficit since early this year, this accomplishment has been in part the result of special factors and cannot be used as a basis for relaxing efforts to maintain a more sustainable state of equilibrium in our international accounts.

I ask unanimous consent to have printed in the RECORD at this point Secretary Barr's speech.

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

REMARKS BY THE HON. JOSEPH W. BARR, UNDER SECRETARY OF THE TREASURY, BEFORE THE NATIONAL ASSOCIATION OF MANUFACTURERS, AT THE HOMESTEAD, HOT SPRINGS, VA., TUESDAY, SEPTEMBER 21, 1965

Time was when international finance was a subject confined for the most part to the officials of the larger banks, central banks, and the Treasury. Not many people outside this small group understood or cared much about it. Not so today. It is one of the hottest topics going. It seems as though every publication has something to say at one time or another about our balance of payments, gold losses, and international liquidity.

This is a mixed blessing to us in the Treasury. On the one hand, a widespread interest among the public in this important national problem is an encouraging sign of an alert citizenry and ultimately it will be those outside the Government who will be responsible for the solution to our balance-of-payments problem.

On the other hand, the Treasury Department, having the primary responsibility for this area, is the focusing point for this intense public spotlight and we are frequently taken to task and called upon to account for our actions or inactions—as the case may be.

This is fair enough—6 years in American politics has convinced me that criticism and debate can be especially helpful in formulating our national financial policies. But I am concerned that this debate sometimes gets off the rails because the subject matter is novel and complex.

I would suppose that nearly every man and woman in this room has had some academic background in economics. I would suppose that most of us can carry on a good reasonable argument on monetary policy and on fiscal policy. But I wonder how many are fully grounded in the concepts of the international financial mechanism that has largely developed since World War II?

I would venture that most of us could discourse reasonably on the old gold standard that we were taught in college. But how many understand the workings of the International Monetary Fund, the concepts of liquidity and the role of the dollar in international finance? I would suggest to you that these subjects are not academic curiosities. They are on the contrary issues that have an intensely practical application to your businesses and to the role this Nation will play in the world.

Therefore, my address today can be considered more as a paper on fundamentals rather than a statement of policy. Specifically, I will discuss the role of the dollar in the world today, the problem of our balance of payments, its relationship to world liqudity, the administration's approach to these matters, and where we stand today.

As this address is designed more for information than for policy, I shall be delighted to answer any questions that may occur to you at the conclusion of my formal remarks.

THE ROLE OF THE DOLLAR

When we discuss the American dollar, I think it is important to bear in mind that the dollar serves three roles: as a national currency, as a key (sometimes referred to as a vehicle) currency, and as a reserve currency.

THE DOLLAR AS A NATIONAL CURRENCY

The first role, as a national currency, is I think obvious to everyone. The dollar in this historic role is our domestic medium of exchange, designed to meet the needs of our domestic financial transactions. Also, I think most people understand that our domestic money supply must grow over the years as our economy grows. There is some limit on how many times a year you can use a dollar for different transactions, and as the economy grows and transactions increase there is an obvious need for more dollars to keep things moving.

There is not such a clear understanding, however, of the second and third roles, and discussions of our balance of payments and world liquidity sometimes confuse the two.

THE DOLLAR AS A VEHICLE CURRENCY

We speak of the dollar as a vehicle currency, we refer to its use in financing international trade and payments. The dollar in this capacity is held by private banks, businesses, and individuals throughout the world as a medium of exchange for their international transactions; they use it just as they use their own currencies for their domestic transactions.

Dollars held for this purpose—what we call private foreign dollar holdings—amount to over $11 billion.

How did it come about that the dollar should serve this role more than any other currency? Robert Roosa puts it succinctly in his new book:

"Because of the importance of the United States in world trade was itself very large, as seen from most other countries;

"Because there were ample and versatile credit facilities available from which supplemental supplies of dollars could be obtained at short term;

"Because accumulations held for transactions purposes could be readily invested in liquid form at reasonable rates of return;

"Because foreign transactions form so small a part of the vast U.S. markets that foreign holders have little reason to fear that their operations would become conspicuous or subject to interference; and

"Because the dollar had an established tradition—honored through various periods of stress—of maintaining open markets free of the dictation and the intrusions characteristic of exchange control;

"And lastly a purely technical reason. There are 102 members of the IMF. If financial transactions were denominated in the currencies of every nation, a little simple arithmetic will show that you would raise the 102 currencies to the second power or a figure of 10,404 to arrive at the different methods in which a transaction could be accounted for. To avoid this chaotic situation, when a businessman in country A sells to a customer in country B the transaction usually will work like this: The customer in country B buys dollars; with the dollars he buys the national currency of country A and uses these funds to pay the seller."

This is why we sometimes refer to the role of the dollar as a vehicle currency. It is a crucial role and it acquired this role for the reasons I have listed above. Like its role as a domestic or national currency, the need for dollars as a vehicle currency increases as world trade and financial transactions increase.

To summarize, the dollar is available, it is safe, and it is enormously convenient to have one or (or if one includes the British pound and French franc) two or three currencies that many countries can use, in an infinite variety of bilateral trade transactions, as a kind of common denominator.

THE DOLLAR AS A RESERVE CURRENCY

The dollar's third role—that of a reserve currency—has developed for many of the same reasons that have made it a vehicle currency.

By a reserve currency we mean that dollars are held by governments and central banks as a highly liquid and dependable asset that they can use along with gold to carry them over times of temporary imbalance—precisely the way you, as businessmen, keep reserves for contingencies. But there is an important distinction between the role of the dollar as a vehicle currency and its role as a reserve currency. I have mentioned that probably the principal factor in the dollars role as a vehicle currency is convenience. I believe that the principal factor in the dollar's role as a reserve currency is confidence—confidence in the ability to use it quickly and at an assured price. These are approximately the criteria most businessmen use in acquiring and holding assets as contingent reserves.

Those who hold the dollar as a reserve currency, central banks and treasuries, do so in the knowledge that these dollars are freely convertible into gold at the fixed price of $35 an ounce. The fact that we have not varied from this policy and this fixed price for over 30 years plus the fact that we are the only country which stands ready to exchange gold for holdings of its currency has made the dollar second only to gold as an international reserve asset.

Foreign monetary authorities hold about $14 billion in their reserves. These dollars are used to finance their balance-of-payments deficits and surpluses and as a cushion for the future.

While these two international roles of the dollars are interdependent—dollars flow back and forth between official and private hands—changes in the world's holdings of its vehicle currency dollars can have quite different implications than changes in the world's holdings of its reserve currency dollars.