

c. *Agricultural Processing, etc. Workers.*—Approximately 200,000 additional workers would be covered by adopting the definition of "agricultural labor" that applies to the social security system, with a modification. Included among the newly covered workers would be those working in processing plants where more than half of the commodities handled were not produced by the plant operator and others working on specific commodities, such as maple sugar workers and those engaged in off-the-farm raising of mushrooms and poultry. The bill would not cover the employees of certain agricultural cooperative organizations who are covered under social security system.

d. *Employees of Non-Profit Organizations and State Hospitals and Institutions of Higher Education.*—Approximately 1.9 million employees of non-profit organizations and State hospitals and institutions of higher education would be brought under the unemployment compensation system. Coverage would not be extended to certain employees of non-profit organizations, however, including duly ordained or licensed ministers of the church; employees of a church; employees of schools other than institutions of higher education; professors, research personnel and principal administrators in an institution of higher education; and physicians and similarly licensed medical personnel of a hospital, but nurses would be covered under the program.

Non-profit organizations must be allowed the option of either reimbursing the State for unemployment compensation attributable to service for them or paying the regular State unemployment insurance contributions. They would not be required to pay the Federal portion of the unemployment tax. A separate effective date would allow the States to put the reimbursable option into effect at any time after December 31, 1966.

The extension of coverage would apply only to non-profit organizations that employ 4 or more workers in 20 weeks during a calendar year.

Certain types of workers, such as domestic servants in private homes, would continue to be excluded from the coverage of the Federal law. In addition, a new exclusion is provided by the bill for students employed under specified work-study programs arranged by the schools they attend, effective January 1, 1967.

ADDITIONAL REQUIREMENTS

States would be required to amend their laws, effective not later than January 1, 1969, in order to obtain approval by the Secretary of Labor for the purpose of receiving tax credits for employers and payment of administrative expenses, to provide that—

1. A claimant must have had work since the beginning of his benefit year in order to obtain unemployment compensation in his next benefit year (prohibiting the so-called "double dip" which allows a worker to draw full benefits in 2 successive years following a single separation from work);

2. The wage credits of a worker may not be cancelled or totally reduced by reason of a disqualifying act other than discharge for misconduct connected with his work, fraud in connection with a claim for compensation or receipt of disqualifying income such as pension payments. But a State could, for example, disqualify a worker for the duration of a period of unemployment following a disqualifying act, such as a voluntary quit, so long as the worker's benefit rights are preserved for a future period of involuntary unemployment during the benefit year;

3. Compensation may not be denied to workers who are undergoing training with the approval of the State unemployment compensation agency; and

4. Compensation may not be denied or reduced because a claimant lives or files his claim in another State.

Related provisions of the bill permit the States to reduce the tax rates of new employers (to not less than 1 percent) during the first three years they are in business and provide a sanction to enforce an existing prohibition against discriminatory treatment of maritime employees.

JUDICIAL REVIEW

Under existing law the decisions of the Secretary of Labor as to whether or not a State law conforms to the requirements of the Federal law are final. There is no specific provision in the law allowing a State to appeal these decisions to a court.

The bill would furnish the States a procedure for appealing these decisions of the Secretary to a United States Court of Appeals within 60 days after the Governor of a State has been notified of an adverse decision by the Secretary. Findings of fact by the Secretary would be conclusive upon the court "unless contrary to the weight of the evidence." The provision would be effective upon enactment.

FEDERAL-STATE EXTENDED UNEMPLOYMENT COMPENSATION PROGRAM

The bill would establish a new permanent program which would require the States to enact laws, that would have to take effect beginning with calendar year 1969, to pay extended benefits to workers who exhaust their basic entitlement to unemployment compensation programs during periods of high unemployment.

The Federal Government would pay 50 percent of the benefits under the program, with the States paying the other 50 percent.

These benefits would be paid to workers only during an "extended benefit" period. Such period could exist, beginning after December 31, 1968, either on a national or State basis by the triggering of either a national or State "on" indicator.

A national extended benefit period would be established if (a) the seasonally adjusted rate of insured unemployment for the nation as a whole equalled or exceeded 5 percent for each month in a 3-month period and (b) during the same 3-month period the total number of claimants exhausting their rights to regular compensation (over the entire period) equalled or exceeded 1 percent of covered employment for the nation as a whole. The national extended benefit period would terminate if the rate of insured unemployment remained below 5 percent for a month or if the number of claimants exhausting their rights to compensation added up to less than 1 percent for a 3-month period.

An extended benefit period would be established for an individual State if (a) the rate of insured unemployment for the State equalled or exceeded, during a running 13-week period, 120 percent of the average rate for the corresponding 13-week period in the preceding two calendar years and (b) if such rate also equalled or exceeded 3 percent. An extended benefit period in a State would terminate if either of these conditions was not satisfied.

During either a national or State extended benefit period an individual claimant would be entitled to receive payments equal in amount to those he received under regular compensation (including dependents' allowances) for up to one-half of the number of weeks of his basic entitlement but for not more than 13 weeks. No claimant could receive more than 39 weeks of combined regular and extended compensation.

FINANCING

The bill would increase the rate of tax under the Federal Unemployment Tax Act from the present 3.1 percent of taxable wages to 3.3 percent, effective with respect to wages paid in calendar year 1967 and thereafter. The taxable wage base under the act would be increased from the present \$3,000

per year to \$3,900 per year, effective with respect to wages paid in calendar years 1969 through 1971 and to \$4,200 beginning in 1972 and thereafter.

The bill in effect increases the net Federal unemployment tax from 0.4 percent to 0.6 percent. A portion (0.1 percent) of the net Federal tax would be put in to a separate new account in the Unemployment Trust Fund to finance the Federal share of the extended benefits programs established by the bill.

OTHER PROVISIONS

The bill also contains provisions to—

1. Authorize funds to conduct research relating to the unemployment compensation system and to train Federal and State unemployment compensation personnel;

2. Change the date with respect to which the Secretary of Labor certifies that the State laws are in conformity with the requirements of the Federal law from December 31 to October 31 of each year;

3. Extend for another five years the time within which the States could expend for administrative purposes funds returned to them as excess Federal tax collections.

The Legality of U.S. Position in Vietnam

EXTENSION OF REMARKS

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1966

Mr. CORMAN. Mr. Speaker, last February the House of Delegates of the American Bar Association declared that the U.S. position in Vietnam is legal under international law and is in accordance with the Charter of the United Nations and the Southeast Asia Treaty.

Mr. Eberhard P. Deutsch is chairman of the ABA Committee on Peace and Law Through the United Nations. This committee helped to sponsor the ABA resolution. The American Bar Association Journal for May 1966 contains Mr. Deutsch's excellent statement on this matter and I commend it to the attention of my colleagues:

[From the American Bar Association Journal, May 1966]

THE LEGALITY OF THE UNITED STATES POSITION IN VIETNAM

(By Eberhard P. Deutsch, Chairman of the American Bar Association Committee on Peace and Law Through United Nations)

By the Geneva Accords of 1954, the commanders in chief of the French Union Forces in Indochina, on the one hand, and of the People's Army of Vietnam, on the other, established the 17th parallel as the military demarcation line between North and South Vietnam, with a demilitarized zone on each side of the line. They stipulated that the armed forces of each party were to respect the demilitarized zone and the territory of the other zone, and that neither zone was to be used "for the resumption of hostilities or to further an aggressive policy." The accords additionally provided for the creation of an International Commission, composed of India (chairman), Poland and Canada, to supervise the agreements.²

In 1962 the International Commission reported, with approval, findings of its Legal Committee to the effect that "there is evidence to show that arms, armed and unarmed

Footnotes at end of speech.

in his fight against the dangers of air pollution, is seeking the best available talent.

I am very pleased to note that he has appointed Robert A. Fox, a constituent of mine, as a member of the board of air pollution control.

The announcement from the mayor follows:

Mayor John V. Lindsay today announced the appointment of Robert A. Fox, a chemical engineer, as a member of the Board of Air Pollution Control.

In announcing the appointment Mayor Lindsay said, "For too long the Board of Air Pollution Control has lain dormant despite the fact that it was specifically empowered by the City Charter to serve as a policy-making body.

"It is my intention to revive the Board and give it new importance. It will work closely with the new Air Pollution Control Commissioner, Austin Heller, in the fight to clean up New York's skies.

"I am pleased that Robert Fox, 34, who was a member of the Task Force on Air Pollution, has agreed to continue his service to New York City by joining the Board of Air Pollution Control.

"Mr. Fox will apply his skill and knowledge to the problem of air pollution control as the Board and the Department carry out the recommendations of the Task Force report.

"I know that he will bring great personal dedication, energy and talent to his work on the Board."

The Air Pollution Control Board is composed of the Air Pollution Control Commissioner, the Buildings Commissioner, the Health Commissioner and two private citizens who have experience in fields related to air pollution control.

As one of the two civilian members, Mr. Fox will be paid \$50 for each meeting of the board he attends up to \$3,000 a year. The board is required by the City Charter to meet at least once every month.

Mr. Fox fills the term of Richard A. Wolff which expires December 2, 1967. Terms of office for the private citizen members is four years.

The Board of Air Pollution Control is empowered by Section 895 of the City Charter to adopt and amend rules, consistent with the law, governing emissions into open air.

Mr. Fox was born in Philadelphia, Pa., December 24, 1931.

He earned a B.E. degree in chemical engineering from Yale University in 1953 and a M.S. degree in Industrial and Management Engineering from Columbia University in 1959.

From 1954-1956 he served in the U.S. Navy in both the Atlantic and Pacific fleets with the rank of Lt. (j.g.).

He is employed by Columbia Gas System Service Corp., where he is Senior Project Engineer, responsible for market development and economic analysis in petrochemicals.

Previously with California Texas Oil Corp., he worked in the Netherlands and in England and was living in London during the December 1962 air pollution episode.

One responsibility of his work abroad was the design of air and water pollution controls for a petrochemical complex then under construction in Frankfurt, Germany.

He is co-author of "The Forgotten Fall-out—The Fifth We Breathe," a report by the New York Young Republican Club's Committee on City Affairs.

He is a member of the Air Pollution Control Association is on the Board of Directors and is Chairman of the Speaker's Bureau for Citizens for Clean Air, and serves on the Pollution Control Committee, New York Section, for the American Institute of Chemical Engineers.

He is active in the American Chemical So-

ciety and is a member of the Yale Engineering Association and the Chemical Industry Association.

He is married to the former Jane Page Gunn of Longmeadow, Mass. They have one son, Christopher Allen, who attends the Allen-Stevenson School in Manhattan. His parents are Mr. and Mrs. G. Earle Fox of North Palm Beach, Florida.

Hammonton's 100th Birthday

EXTENSION OF REMARKS

OF

HON. THOMAS C. McGRATH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1966

Mr. McGRATH. Mr. Speaker, the lovely city of Hammonton is marking its 100th anniversary Saturday evening with a communitywide centennial ball. I am pleased to pay tribute to the forward-looking residents of Hammonton, which is located in Atlantic County in New Jersey's Second Congressional District, which I have the honor to represent.

When the area which is Hammonton today was first settled by colonists, it was the site of a Leni-Lenape Indian village. In 1812, a settlement was founded by William Coffin some 30 miles east of Philadelphia and 30 miles from the coast. That settlement received its name from Coffin's son's name—John Hammond Coffin.

William Coffin brought the first industry—a sawmill—to Hammonton and shortly after, glass manufacturing began there. Throughout its history, Hammonton has been a center of glass manufacture, from the flasks produced in the infancy of the industry to the wide variety of glass items made there in more recent times.

In 1866, Hammonton received a charter by a special act of the New Jersey Legislature and was ruled by a president-and-council form of government until 1907, when the present mayor-council form was adopted.

Today, a century after its charter was received, Hammonton's industrial makeup includes agriculture—the growing of berries and vegetables, principally—in addition to clothing factories, a large pharmaceutical plant, cookie factories and frozen foods plants.

Located in the center of New Jersey's widest section, it is a lovely recreational area, and the center of these activities are found in Hammonton Lake Park.

The residents of Hammonton, under the leadership of Mayor Peter Parisi, have not been content to merely review their history during this centennial year, but have been making plans for future improvements for their community—improvements which will rank with the recent erection of a new hospital, a new junior-senior high school and new Protestant and Catholic churches in starting Hammonton's second century.

As Hammonton's Representative in the Congress, Mr. Speaker, I am pleased to call the attention of my colleagues to this important anniversary in its history.

The Unemployment Insurance Amendments of 1966

EXTENSION OF REMARKS

OF

HON. WILBUR D. MILLS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1966

Mr. MILLS. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

Chairman WILBUR D. MILLS (D., Ark.), Committee on Ways and Means, today announced that he and the Honorable JOHN W. BYRNES (R., Wis.), the ranking Republican Member of the Committee, have introduced identical bills, H.R. 15119 and H.R. 15120, the "Unemployment Insurance Amendments of 1966". The Committee ordered Mr. Mills' bill, H.R. 15119, reported to the House.

The bill extends coverage of the Federal-State unemployment insurance system to an estimated 3.5 million additional workers; establishes a permanent program of extended benefits to workers who exhaust their basic entitlement to unemployment compensation payments during periods of high unemployment; furnishes the States a procedure for obtaining judicial review of certain of the findings of the Secretary of Labor with respect to a State's program by appeal to a U.S. Court of Appeals; provides certain additional requirements which must be met by a State in order to have its unemployment compensation law approved by the Secretary; and makes other changes which will strengthen and improve the Federal-State unemployment insurance system.

A summary of the major provisions of the bill follows:

EXTENSION OF COVERAGE

Today approximately 49.7 million jobs (including those of Federal employees, ex-servicemen and railroad workers) are protected by unemployment compensation. Approximately 15 million jobs are not covered. Nearly 7 million of the workers not covered are in the employment of State or local governments and, except for certain employees in State universities and hospitals, unaffected by the bill. Of the approximately 8 million remaining workers not presently covered, the bill would extend coverage to about 3.5 million, effective January 1, 1969.

The following are the groups of workers to whom coverage would be extended by the bill:

a. *Definition of Employer (workers in the employ of persons or firms with less than 4 employees).*—Present Federal law applies only to those employers who have 4 or more workers in their employ in 20 weeks in a year. Under the bill an employer would come under the Federal-State system if he employs one or more persons during 20 weeks in a calendar year, or pays wages of \$1,500 or more in any calendar quarter in a calendar year. Approximately 1.2 million additional workers would be covered under this provision.

b. *Definition of Employee.*—Approximately 200,000 additional workers would be covered by adopting the definition of employee which is used for social security purposes, with a modification. Those affected by this change are persons who are not considered employees under common law rules, such as certain agent-drivers and outside salesmen. The concept of employee as adopted by the bill differs from that of the Social Security Act in that it does not apply to full-time insurance salesmen and persons who work on materials in their homes which are furnished by another (if they are not employees under common law).

personnel, munitions and other supplies have been sent from the Zone in the North to the Zone in the South with the objective of supporting, organizing and carrying out hostile activities, including armed attacks, directed against the Armed Forces and Administration of the Zone in the South", and that the People's Army of Vietnam "has allowed the Zone in the North to be used for inciting, encouraging and supporting hostile activities in the Zone in the South aimed at the overthrow of the Administration in the South".³

The evidence further demonstrates that the aggression by North Vietnam against South Vietnam (the Republic of Vietnam) had been going on unabashedly since the signing of the Geneva Accords and that North Vietnam had consistently violated those accords from their inception. An official State Department report recites:

"While negotiating an end to the Indo-China War at Geneva in 1954, the Communists were making plans to take over all former French territory in Southeast Asia. When Viet-Nam was partitioned, thousands of carefully selected party members were ordered to remain in place in the South and keep their secret apparatus intact to help promote Hanoi's cause. Arms and ammunition were stored away for future use."⁴

It is important to bear in mind that neither the Republic of (South) Vietnam nor the United States is a party to the Geneva Accords, and that while the United States participated in the discussions leading up to the accords, it did not sign the final declaration. However, during the last plenary session of the Geneva Conference on July 21, 1954, Under Secretary of State Walter Bedell Smith, head of the United States delegation, said in an official statement that his Government "would view any renewal of the aggression in violation of the aforesaid agreements with grave concern and as seriously threatening international peace and security".⁵

On September 8, 1954, just a few weeks after the Geneva Accords were executed, the Southeast Asia Collective Defense (SEATO) Treaty was signed. Parties to it were the United States, Great Britain, Australia, New Zealand, Thailand, Pakistan and the Philippines. The United States Senate ratified the treaty on February 1, 1955, by a vote of 82 to 1.⁶ It took effect on February 19, 1955.⁷

Paragraph 1 of Article IV of the SEATO Treaty provides that each party thereto "recognizes that aggression by means of armed attack in the treaty area⁸ against any of the Parties or against any State or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes".⁹ By a protocol to the treaty executed on the same day, the parties "unanimously designate[d] for the purposes of Article IV * * * the free territory under the jurisdiction of the State of Vietnam".¹⁰

The SEATO Treaty was made by the parties in a reiteration of "the faith in the purposes and principles set forth in the Charter of the United Nations",¹¹ nothing in which, according to Article 52 thereof "precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action . . .". Article 53 of the charter provides that "no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council . . .". These two articles are at the head of Chapter VIII.

The preceding chapter (VII) deals with "Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression". The first twelve articles (39 to 50,

inclusive) of that chapter prescribe the measures to be taken by the Security Council to meet "any threat to the peace, breach of the peace or act of aggression". By the last article (5) of that chapter, it is stipulated expressly that "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 necessary to maintain international peace and security".

It was clearly with these provisions of Articles 51 and 52 of the Charter of the United Nations in mind that, in Article IV of the SEATO Treaty, each party thereto agreed that it would "act to meet the common danger" in the event of "aggression by means of armed attack [anywhere] in the treaty area" (Southeast Asia and the Southwest Pacific). "Enforcement action" is clearly action to enforce decisions of the Security Council under Articles 39 to 50 of Chapter VII of the charter. Equally clearly, "enforcement action" does not include measures of "individual or collective self-defense". So that when Article 53 of the charter provides that "no enforcement action shall be taken under regional arrangements . . . without the authorization of the Security Council", it does not refer to such measures of "self-defense" as are contemplated under the SEATO treaty, particularly in light of the explicit recital of Article 51 of the charter that "nothing in the present Charter shall impair the inherent right of individual or collective self-defense".

DECLARATION STATES PURPOSE OF AGREEMENT

The "Final Declaration of the Geneva Conference", issued on July 21, 1954, the same day on which the Geneva Accords were signed, states:

"The Conference recognizes that the essential purpose of the agreement relating to Viet Nam is to settle military questions with a view to ending hostilities and that the military demarcation line is provisional and should not in any way be interpreted as constituting a political or territorial boundary."¹²

It was by no means contemplated, however, that there was to be no ultimate partition of Vietnam. On the contrary, the very next article (7) of the final declaration provided expressly that the political problems of "independence, unity and territorial integrity" were to be determined by free elections, internationally supervised. That article reads "that, so far as Viet-Nam 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 . . . under the supervision of an international commission . . .".¹³

It will be recalled that by the protocol to the SEATO Treaty, South Vietnam (the free territory under the jurisdiction of the State of Viet Nam) was promised protection as such under the treaty. Reference has since been made to South Vietnam as a protocol state.¹⁴

In addition to the reference in the contemporaneous protocol to the SEATO Treaty to the State of Viet Nam, the Republic of (South) Vietnam "has been recognized as a separate international entity by approximately sixty governments around the world. It has been admitted as a member of several of the specialized agencies of the United Nations. In 1957, the General Assembly voted to recommend South Viet Nam for membership in the United Nations, and its admission was frustrated only by the veto of the Soviet Union in the Security Council."¹⁵

The right of self-defense under Article 51 of the Charter of the United Nations is ex-

pressed to be unimpaired "if an armed attack occurs against a Member of the United Nations", and it has been asserted by opponents of United States' policy in Vietnam that this amounts to explicit denial of such a right in the event of attacks against non-members of the United Nations. A thesis that members of the United Nations are not permitted to participate in collective self-defense to repel aggression, on the ground that the aggrieved nation is not a member of the United Nations, can hardly be supported on its face, in reason, logic or law.¹⁶ Would proponents of this doctrine suggest that members of the United Nations would have no right to assist Switzerland in self-defense against a foreign invader?

But the right of self-defense has always existed independently of the charter,¹⁷ and that right is recognized expressly in Article 51. It is quite obvious that the charter merely confirms, as to members of the United Nations, the innate right of self-defense appertaining to both members and nonmembers. Article 51 expressly retains, unimpaired, the "inherent" right of both individual and collective self-defense, thus implicitly recognizing the independent existence of the right of members to come to the aid of nonmembers in collective self-defense against aggression, or attack "to maintain international peace and security"—the very first purpose of the United Nations itself as stated in the charter.¹⁸

On August 7, 1964, the Congress adopted, by a vote of 88 to 2 in the Senate and 416 to 0 in the House,¹⁹ the Joint Southeast Asia Resolution, in which the preambular clauses recite that "naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace"; "these attacks are part of a deliberate and systematic campaign of aggression" against the South Vietnamese "and the nations joined with them in the collective defense of their freedom".

The resolution then states "that the Congress 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"; that "the United States regards as vital to its national interest and to world peace the maintenance in international peace and security in Southeast Asia"; and that "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, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."²⁰

In an address delivered at Gettysburg, Pennsylvania, on April 4, 1959, President Eisenhower declared that his administration had reached "the inescapable conclusion that our own national interests demand some help from us in sustaining in Viet Nam the morale . . . and the military strength necessary to its continued existence in freedom".²¹ In a letter of December 14, 1961, to the President of the Republic of Vietnam, President Kennedy, recalling that the Communist regime of North Vietnam had "violated the provisions of the Geneva Accords . . . to which they bound themselves in 1954" and that "at that time, the United States, although not a party to the Accords, declared that it 'would view any renewal of the aggression in violation of the agreements with grave concern and as seriously threatening international peace and security'", as-

Footnotes at end of speech.

sured him that "in accordance with that declaration, and in response to your request, we are prepared to help the Republic of Viet Nam . . . to preserve its independence."²²

In President Johnson's message of August 5, 1964, to Congress, reporting the Communist attacks on United States naval vessels in the international waters of the Gulf of Tonkin, he said:

" . . . The North Vietnamese regime has constantly sought to take over South Vietnam and Laos. This Communist regime has violated the Geneva accords for Vietnam. It has systematically conducted a campaign of subversion, which includes the direction, training, and supply of personnel and arms for the conduct of guerrilla warfare in South Vietnamese territory. . . . Our military and economic assistance to South Vietnam and Laos in particular has the purpose of helping these countries to repel aggression and strengthen their independence. The threat to the free nations of southeast Asia has long been clear."²³

The Lawyers Committee on American Policy Towards Vietnam questions whether President Johnson's deployment of United States forces to Vietnam can "be squared with our Constitution * * * 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 * * *".²⁴ In his message of August 5, 1964, to the Congress, President Johnson went on to say unequivocally that "as President of the United States I have concluded that I should now ask the Congress on its part, to join in affirming the national determination that all such attacks will be met, and that the United States will continue in its basic policy of assisting the free nations of the area to defend their freedom." And the President forthrightly requested that Congress adopt "a resolution expressing the support of the Congress for all necessary action to protect our armed forces * * * and to defend freedom and preserve peace in Southeast Asia in accordance with the obligations of the United States under the Southeast Asia Treaty."

Two days later, on August 7, in response to this message from the President, Congress adopted the resolution quoted above, and on August 10 the President signed it as Public Law 38-408.²⁵

Article 51 of the Charter of the United Nations, which provides that "nothing in the present Charter shall impair the inherent right of individual and collective self-defense", requires that "measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council * * *". That the Southeast Asia Collective Defense Treaty was made under and in accordance with the Charter of the United Nations, particularly Article 51, is evidenced by the provision of paragraph 1 of Article IV of the treaty (by which each party agreed to participate in defending acts of aggression in the treaty area), that "measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations".

On August 5, 1954, Adlai E. Stevenson, United States Representative to the United Nations and the Security Council, advised the council formally of two "deliberate armed attacks" by North Vietnamese torpedo boats against a naval unit of the United States on the high seas. He declared that "these wanton acts of violence and destruction" were simply part of "the sabotage of the international machinery established to keep the peace by the Geneva agreements -- and the deliberate, systematic and flagrant violations of those agreements by two regimes which signed them and which by all tenets of decency, law and civilized practice are

bound by their provisions", all of which, he said, "fit into the larger pattern of what has been going on in Southeast Asia for the past decade and a half".

Ambassador Stevenson assured the Security Council that "we are in Southeast Asia to help our friends preserve their own opportunity to be free of imported terror [and] alien assassination, managed by the North Viet-Nam Communists based in Hanoi and backed by the Chinese Communists from Peking". He affirmed solemnly "that the deployments of additional U.S. forces to Southeast Asia are designed solely to deter further aggression".²⁶

On February 7, 1965, Ambassador Stevenson, by a letter to the President of the Security Council, informed that body of "attacks by the Viet Cong, which operates under the military orders of North Vietnamese authorities in Hanoi". He said the attacks were part of an over-all plan "to make war against the legitimate government of South Viet-Nam" in "violation of international law and the Geneva Accords of 1954". He stated also that, as required by paragraph 2 of Article IV of the Southeast Asia Treaty, the United States and Vietnamese Governments had consulted immediately and had agreed that it had become "necessary to take prompt defensive action" to resist "this continuing aggression". He reported further that the "counter measures . . . are a justified measure of self-defense" and that he was "reporting the measures which we have taken in accordance with our public commitment to assist the Republic of Viet-Nam against aggression from the North".²⁷

Of particular interest at this point is the reiterated assertion by the Lawyers Committee on American Policy Towards Vietnam, phrased variously throughout its submission, that "only the Security Council . . . is authorized to determine the existence of any . . . act of aggression and . . . the measures to be taken to maintain or restore international peace".²⁸ To the statements quoted above, which were made by Ambassador Stevenson in his letter of February 7, 1965, he added significantly: "We deeply regret that the Hanoi regime, in its statement of August 8, 1964, which was circulated in Security Council Document S-3828, explicitly denied the right of the Security Council to examine this problem."²⁹

Less than three weeks later, in another letter to the President of the Security Council, Ambassador Stevenson transmitted to that body an extensive State Department report entitled *Aggression from the North: The Record of North Viet-Nam's Campaign To Conquer South Viet-Nam*, the facts recited in which, Ambassador Stevenson submitted, "make it unmistakably clear that the character of that conflict is an aggressive war of conquest waged against a neighbor--and make nonsense of the cynical allegation that this is simply an indigenous insurrection".³⁰

Innumerable other reports, both formal and informal, were made to the Security Council by the representatives of the United States at the United Nations; and there was even one by President Johnson on July 28, 1965, bespeaking the continued efforts of Secretary General U Thant to find a solution of the Vietnamese problem through the United Nations. In the last of these reports available as this article is written--two letters of January 31, 1966, from Ambassador Goldberg to the President of the Security Council--it is requested "that an urgent meeting of the Council be called promptly to consider the situation in Viet Nam". A draft resolution, calling "for immediate discussions without preconditions . . . among the appropriate interested governments . . . looking toward the application of the Geneva accords . . . and the establishment of a durable peace in Southeast Asia", was transmitted with the second of these letters for consideration by the council.³¹

"We are firmly convinced," said Ambassador Goldberg, "that in light of its obligations under the Charter to maintain international peace and security . . . the Council should address itself urgently and positively to this situation and exert its most vigorous endeavors and its immense prestige to finding a prompt solution to it."³² Despite all prior, and this formal, urgent submission of the Vietnamese problem to the Security Council, it has never taken any action of any kind looking toward the restoration of international peace and security to Southeast Asia. Neither has the council expressed the slightest criticism of any action taken by the United States in the SEATO area.³³

In its memorandum in opposition to the policy of the United States, the Lawyers Committee on American Policy Towards Vietnam asserts that "the conduct of the U.S. Government in Viet Nam appears plainly to violate the terms of the Geneva accords".³⁴ While the United States is not a party to the accords, it did by contemporaneous unilateral declaration agree, in effect, to respect them. But, as demonstrated above, the Geneva Accords since their inception have been violated continuously by the Hanoi regime. It is an accepted principle of international law that a material breach of a treaty by one of the parties thereto dissolves the obligations of the other parties, at least to the extent of withholding compliance until the defaulting party purges its breach.³⁵

It has been suggested that because the power to declare war is vested by the Constitution in the Congress alone, the deployment of United States forces to Vietnam by the President, without a formal Congressional declaration of war, violates the constitutional fiat. When the phrasing of this clause of the Constitution was being considered at the convention in 1787, its original form, vesting in Congress the power to "make" war, was changed to give it the power to "declare" war, "leaving to the Executive the power to repel sudden attacks"--"he should be able to repel and not to commence war" and "to 'conduct' it which was an Executive function".³⁶

The President is, under section 2 of article II of the Constitution, the "Commander in Chief of the Army and Navy of the United States". Throughout the history of the United States, he has been deemed to have authority to deploy the country's military forces to trouble spots around the world, frequently in combat. The Department of State has a record of some 125 such instances.³⁷

In the last analysis, however, the exercise of the President's power as Commander in Chief in deploying forces of the United States to Southeast Asia for the defense of the Republic of Vietnam has the repeated sanction of the Senate, as well as of the Congress as a whole, so that, although the situation now seems unquestionably to constitute war in its technical sense, a formal Congressional verbal declaration of war as such could not conceivably be essential to clothe the President's conduct with constitutional validity. This Congressional sanction has been evidenced by overwhelming majorities in the Senate's approval of the SEATO Treaty, in the adoption of the Joint Congressional Southeast Asia resolution of August 19, 1964, and in the passage of the appropriations necessary to carry on the defensive actions undertaken by the Executive.

First, as to the treaty. In it (paragraph 1, Article IV) each of the parties "recognizes that aggression by means of armed attack in the treaty area against" any of them or against the "free territory under the jurisdiction of the State of Viet-Nam" (protocol) "would endanger its own peace and safety".

The "treaty area", under Article VIII, includes "the general area of the Southwest Pacific not . . . north of 21 degrees 30 min-

²²Footnotes at end of speech.

utes north latitude". The United States has historically owned tremendously important and valuable strategic territorial interests in that area. Aside from its trusteeship over the Mariana (except Guam), Marshall and Caroline Islands, the United States owns Guam, Wake and the Samoan group. And yet the Lawyers Committee on American Policy Towards Vietnam has asserted that "SEATO is not a regional agency within the letter or spirit of the UN Charter", because "Articles 51 and 53 . . . envisaged regional systems which historically and geographically developed into a regional community—not contemplating a regional system which fused . . . Southeast Asia with a country of the North American Continent"—"separated by oceans and thousands of miles from South East Asia".³⁸

In the cited paragraph of the treaty, the United States agreed that in the event of aggression in the treaty area it would "act to meet the common danger". In recommending ratification of the treaty to the Senate, its Foreign Relations Committee reported that "the committee is not impervious to the risks which this treaty entails. It fully appreciates that the acceptance of these obligations commits the United States to a course of action over a vast expanse of the Pacific. Yet these risks are consistent with our own highest interests."³⁹ The Senate ratified the treaty on February 1, 1955, by a vote of 82 to 1.⁴⁰

In light of all of the foregoing, it seems difficult to find anything in the nature of an adequate foundation for the *ipse dixit* of the Lawyers Committee on American Policy Towards Viet Nam that "the 'Southeast Asia Collective Defense Treaty'—connecting the United States with Southeast Asia, architected by Secretary 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."⁴¹

Undoubtedly the clearest and most unequivocal Congressional sanction of the President's deployment of United States forces for the defense of South Vietnam is contained in the Joint Southeast Asia resolution of August 10, 1964, reciting expressly "that the Congress 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", and that the United States is "prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom".⁴²

The Lawyers' Committee on American Policy Toward Viet Nam quotes a passage from an article in the *Washington Daily News* of June 4, 1965, by Richard Starnes, read into the *Congressional Record* by Senator ERNEST GRUENING of Alaska, which states that the joint resolution was "passed in the fever of indignation that followed" the Gulf of Tonkin attacks, and then, again as their own *ipse dixit*, assert that "there is no evidence that Congress thought or understood that it was declaring war".⁴³

This statement is simply incorrect. When the President sent his message to Congress on August 5, 1964, recommending passage of "a resolution expressing the support of Congress for all necessary action to protect our Armed Forces and to assist nations covered by the SEATO Treaty", he stated explicitly that he "should now ask the Congress on its part, to join in affirming the national determination that all such attacks will be met, and that the United States will continue in its basic policy of assisting the

free nations of the area to defend their freedom".⁴⁴

In the course of a colloquy on the floor of the Senate on August 6, 1964, between Senator JOHN SHERMAN COOPER of Kentucky and Senator J. WILLIAM FULBRIGHT of Arkansas, Chairman of the Foreign Relations Committee which recommended passage of the resolution,⁴⁵ the following discussion (excerpts) took place:

"Senator COOPER. Are we now [by this resolution] giving the President advance authority to take whatever action he may deem necessary respecting South Viet-nam and its defense, or with respect to the defense of any other country included in the treaty?"

"Senator FULBRIGHT. I think that is correct."

"Senator COOPER. Then, looking ahead, if the President decided that it was necessary to use such force as could lead us into war, we would give that authority by this resolution?"

"Senator FULBRIGHT. That is the way I would interpret it".⁴⁶

Senator MORSE himself called the resolution "a predated declaration of war",⁴⁷ which would, somewhat enigmatically, give "to the President what I honestly and sincerely believe is an unconstitutional power * * * to make war without a declaration of war".⁴⁸ The enigma in this puzzling concept seems to arise from the rather simple and logical hypothesis that the function of a legislative "declaration of war" is to authorize the executive "to make war". Since, by Senator MORSE's own statement, the resolution authorizes the President "to make war", it surely has the same legal effect as a Congressional "declaration of war" *in haec verba* would have had.⁴⁹

Actually, while two or three members of the Senate expressed doubt as to whether the resolution was intended to go as far as it did, there was no real question about it. Senator MORSE himself made extended speeches against it, repeatedly warning his colleagues as to its dire import, in such words as that it "does go beyond the inherent authority of the President to act in the self-defense of our country and does vest in him authority to proceed to carry out a campaign that amounts in fact to the waging of war".⁵⁰

In the course of a recent debate on the floor of the Senate on a bill for an appropriation in support of the military forces in Vietnam, Senator RICHARD B. RUSSELL of Georgia, Chairman of the Armed Forces Committee, said:

"I knew that the joint resolution conferred a vast grant of power upon the President. It is written in terms that are not capable of misinterpretation, and about which it is difficult to become confused. * * * The language could not have been drawn more clearly. Personally, I would be ashamed to say that I did not realize what I was voting for when I voted for that joint resolution. It is only one page in length. It is clear. It is explicit. It contains a very great grant of power."⁵¹

During the hearings on that appropriation bill before the Senate Foreign Relations Committee on February 18, 1966, Senator MORSE asked Secretary of State Rusk whether he thought that the vote on the Southeast Asia Resolution "would have been the same if my colleagues in the Senate had contemplated that it might lead to 200,000 or 400,000 or 600,000 American troops in South Viet Nam?" The Secretary replied: "I doubt very much that the vote would be substantially different."

In response to that, Senator MORSE commented that there would be "a change next week to find out. * * * I intend to offer [a rescission resolution] as an amendment to the pending business in the Senate."⁵² On March 1 Senator MORSE offered his amend-

ment to the military appropriation bill, to provide that the "Joint resolution to promote the maintenance of international peace and security in southeast Asia" * * * is hereby repealed".⁵³

To avoid any question as to the effect and meaning of a vote on his amendment, Senator MORSE himself declared that it "would be a vote to make clear to the President that those who vote for the amendment disapprove of the continuation of the exercise of the power he has been exercising under the Tonkin Bay resolution".⁵⁴ Senator RUSSELL said "that the defeat of the proposal of the Senator from Oregon by the Members of the Senate . . . will leave the original joint resolution . . . unimpaired, in full strength and vigor, and with Congress, except for two Members of the Senate who voted against the 1964 resolution, solemnly and solidly behind the President in the steps that he has taken in southeast Asia".⁵⁵

After full debate, Senator MANSFIELD of Montana, the majority leader, moved to table Senator MORSE's amendment, and the motion was carried, 92 to 5.⁵⁶ After some further discussion, Senator RUSSELL moved for passage of the appropriation bill, and his motion carried by a vote of 93 to 2.⁵⁷

One of the best means available to the Congress for the control of executive action is through the power of the purse—the ultimate necessity of Congressional action for appropriations to provide funds to carry out executive functions. As stated by Senator MORSE during the hearings on the military appropriation bill, "a vote on this pending piece of business in the Senate really is a vote as to whether or not we are going to continue to support this program, because the only check, one of the best checks we have, is to say we are not going to finance it".⁵⁸ As stated, the bill was passed in the Senate by a vote of 93 to 2. The vote in House was 392 to 4.⁵⁹

The legal authority of the President of the United States to conduct the present war, for "the maintenance of international peace and security in Southeast Asia", which, as the Congress declared in its 1964 resolution, "the United States regards as vital to its national interest and to world peace", is surely sustained amply by the composite impact of that resolution, the terms of the SEATO Treaty ratified by the Senate and the appropriations made by the Congress to support the military actions in the treaty area.

That the memorandum of the Lawyers Committee on American Policy Towards Vietnam is grounded on an emotional attitude opposed to United States policy, rather than on law, is not only demonstrated by a look at the facts, but is emphasized by the memorandum's concluding paragraph:

"Should we not, twenty years after President Roosevelt's hopeful dream—twenty years after the advent of the nuclear age with the awesome potentiality of incineration of our planet and the annihilation of our civilization and the culture of millennia—Should we not 'spell the end of the system of unilateral action . . . that has been tried for centuries—and has always failed'?"⁶⁰

Contrasted with the tone and substance of that memorandum is the temperate statement of thirty-one professors of international law from leading law schools throughout the United States, which recites simply that they "wish to affirm that the presence of U.S. forces in South Vietnam at the request of the Government of that country is lawful under general principles of international law and the United Nations Charter. The engagement of U.S. forces in hostilities at the request of the Government of South Vietnam is a legitimate use of force in defense of South Vietnam against aggression."⁶¹

Contrasted also with the tone and temper of the memorandum of the Lawyers Committee on American Policy Towards Vietnam is

Footnotes at end of speech.

the simply resolution adopted unanimously on February 21, 1966, by the House of Delegates of the American Bar Association on the joint recommendation of its Standing Committee on Peace and Law Through United Nations and its Section of International and Comparative Law.³² The resolution is supported by a brief report, which concludes "that the position of the United States in Vietnam is legal under international law, and is in accordance with the Charter of the United Nations and the South-East Asia Treaty".³³

These conclusions as to the legality of the presence of the United States forces in Vietnam under the Constitution of the United States, as a question of domestic law, are those of the author. They were not included in the opinion of the thirty-one professors of international law or in the resolution of the American Bar Association.

³² Agreement on the Cessation of Hostilities in Viet Nam, IC/42/Rev. 2, July 20, 1954 (the first of the Geneva Accords. The others, not immediately relevant, dealt with Laos and Cambodia respectively), Art. 19.

³³ *Id.*, Chap. VI, Arts 29, 34 *et seq.*

³⁴ Special Report of the International Commission for Supervision and Control in Viet Nam, Saigon, June 2, 1962, para. 9; reprinted in *Hearings Before the Senate Foreign Relations Committee on S. 2793*, 89th Cong., 2d Sess. 736 (1966), hereinafter cited as *Hearings*. The Polish delegation dissented.

³⁵ Aggression from the North, 52 DEP'T STATE BULL. 404, 424 (1965).

³⁶ 31 DEP'T STATE BULL. 162-63 (1954).

³⁷ 101 CONG. REC. 1060 (1955).

³⁸ 6 U.S.T. & O.I.A. 81, T.I.A.S. No. 3170. The treaty is reproduced in 101 CONG. REC. 1049 (1955) and in STAFF OF SENATE COMM. ON FOREIGN RELATIONS, 89th CONG., 2d Sess., BACKGROUND INFORMATION RELATING TO SOUTHEAST ASIA AND VIETNAM 70-74 (Comm. Print 1966).

³⁹ Southeast Asia and the Southwest Pacific, Article VIII.

⁴⁰ Execution of the treaty by the United States was "with the understanding that its recognition of the effect of aggression and armed attack and its agreement with reference thereto in Article IV, paragraph 1, apply only to communist aggression . . .". *Supra* note 7, signatory clause.

⁴¹ The protocol is annexed to the treaty.

⁴² Preamble clause.

⁴³ IC/42/Rev. 2, July 21, 1954; reprinted in BACKGROUND INFORMATION, *supra* note 7, page 66.

⁴⁴ Because of the North Vietnamese aggression against South Vietnam, the contemplated elections were never held: "A nationwide election in these circumstances would have been a travesty." Memorandum, *The Legality of United States Participation in the Defense of Viet Nam*, Department of State, Office of the Legal Adviser, March 4, 1966, page 33.

⁴⁵ See, for example, *Hearings* 463-465 and Joint Southeast Asia Resolution, 78 Stat. 384, approved August 10, 1964.

⁴⁶ Memorandum, *supra* note 13, page 12. See also *Vietnamese-United States Relations*, a joint statement issued at Washington by the President of the United States and the President of Viet Nam, May 11, 1957, White House Press Release. 36 DEP'T STATE BULL. 351-352 (1957).

⁴⁷ The principle that members of the United Nations are legally entitled to participate in collective self-defense of nonmembers is sustained by leading authorities on international law. HOWETT, SELF-DEFENSE IN INTERNATIONAL LAW 193-195 (1958); Kelsen, THE LAW OF THE UNITED NATIONS 793 (1950).

⁴⁸ OPPENHEIM, INTERNATIONAL LAW, 297 *et seq.* (8th (Lauterpacht) ed. 1955); JESSUP, A MODERN LAW OF NATIONS 163 *et seq.* (1948).

⁴⁹ *Id.*, Chap. 19, § 20.

⁵⁰ 110 CONG. REC. 18470-18471, 18545 (1964).

⁵¹ 78 Stat. 384, approved August 10, 1964.

⁵² 40 DEP'T STATE BULL. 579-581 (1959).

⁵³ 46 DEP'T STATE BULL. 13-14 (1962).

⁵⁴ 51 DEP'T STATE BULL. 261-263 (1964).

⁵⁵ *Hearings*, Appendix 704-705.

⁵⁶ *Supra* note 20.

⁵⁷ 31 DEP'T STATE BULL. 272-274 *passim* (1964).

⁵⁸ 52 DEP'T STATE BULL. 240-241 *passim* (1965).

⁵⁹ *Hearings*, Appendix 695.

⁶⁰ In a letter of July 30, 1965, from Arthur J. Goldberg, who succeeded Ambassador Stevenson as our Representative to the United Nations and the Security Council, to the President of the Security Council, he repeated, in substance, this statement. Ambassador Goldberg said: "It is especially unfortunate that the regime in Hanoi . . . has denied the competence of the United Nations to concern itself with this dispute in any manner, and has even refused to participate in the discussions in the Council." United States Mission to the United Nations, Press Release 4610, July 30, 1965.

⁶¹ 52 DEP'T STATE BULL. 403, 419 (1965). It is interesting to compare this statement by Ambassador Stevenson with the assertion of the Lawyers Committee on American Policy Towards Vietnam that "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". *Hearings*, Appendix 692.

⁶² United States Mission to the United Nations Press Releases 4798 and 4799, January 31, 1966.

⁶³ *Id.*, No. 4798.

⁶⁴ Memorandum, *supra* note 13, page 20. On February 2, 1966, the Security Council did put the Vietnam question on its agenda at the request of the United States. The vote was nine in favor (Argentina, China, Japan, Jordan, the Netherlands, New Zealand, United Kingdom, United States and Uruguay); two against (Bulgaria and the Soviet Union); four absents (France, Mali, Nigeria and Uganda).

Ambassadors Fedorenko of the Soviet Union and Tarabanov of Bulgaria stated that their governments "supported the position of" North Vietnam "that the question be settled within the Geneva Accords" and the former added that the United States "was trying to throttle the struggle of the people of South Vietnam for freedom and independence". Ambassador Seydoux of France insisted that the United Nations "was not the proper framework for achieving a peaceful solution".

No further action has been taken by the Security Council, but by a letter of February 25, 1966, the president of the council advised its members that the differences of opinion among them as to the problem of Vietnam had "given rise to a general feeling that it would be inopportune for the Council to hold further debate at this time", but "that the Council, having decided on February 2 to place on its agenda the item contained in the letter of January 31 from the Permanent Representative of the United States, remained seized of the problem of Viet-Nam." UN Monthly Chronicle, March, 1966, pages 3-10 *passim*.

⁶⁵ *Hearings*, Appendix 712.

⁶⁶ 2 OPPENHEIM, *op. cit. supra* note 17, at 186, 187. See draft Article 42 of the Law of Treaties by the International Law Commission in the report of its fifteenth session, May 6 to July 12, 1963, U.N. GEN. ASS. OFF. REC. 18th Sess., Supp. No. 9, (A/5509).

⁶⁷ 2 FARLAND, RECORDS OF THE FEDERAL CONVENTION 318-319.

⁶⁸ See *State Department Position Paper* prepared for the Senate Committee on Foreign Relations, November 19, 1965, BACKGROUND INFORMATION, *supra* note 7, at 254.

⁶⁹ *Hearings*, Appendix 693.

⁷⁰ S. REP., 84th Cong., 1st Sess. 15 (1955). Senator WAYNE MORSE of Oregon, as a member of the committee, concurred in this report.

⁷¹ *Supra* note 6. The negative vote was that of Senator William Langer of North Dakota. Senator MORSE voted for ratification of the treaty on the floor of the Senate where he stated, after ratification of the treaty, that "there is no doubt in my mind that the treaty is in conformity with the United Nations Charter". 91 CONG. REC. 1060 (1964).

⁷² *Hearings*, Appendix 693.

⁷³ *Supra* note 20.

⁷⁴ *Hearings*, Appendix 710.

⁷⁵ 51 DEP'T STATE BULL. 261-263 (1964).

⁷⁶ S. REP., 88th Cong., 2d Sess. (1964).

⁷⁷ 110 CONG. REC. 18409 (1964).

⁷⁸ *Id.* at 18427.

⁷⁹ *Id.* at 18443.

⁸⁰ "When I use a word", Humpty Dumpty said in a rather scornful tone, "it means just what I choose it to mean,—neither more nor less." CARROLL, THROUGH THE LOOKING-GLASS.

⁸¹ 110 CONG. REC. 18443 (1964).

⁸² 112 CONG. REC. 4192 (1966).

⁸³ *Hearings* 591.

⁸⁴ 113 CONG. REC. 4192 (1966).

⁸⁵ *Id.* at 4217.

⁸⁶ *Id.* at 4192.

⁸⁷ *Id.* at 4226.

⁸⁸ *Id.* at 4233. Only Senators MORSE and GRUENING voted against the appropriation. It was announced that five Senators, necessarily absent, would each have voted "yea"; so that a full vote would have been 98 to 2. *Id.* at 4232.

⁸⁹ *Hearings* 593. On May 4, 1965, President Johnson had requested "the Congress to appropriate, at the earliest possible moment, an additional \$700 million to meet mounting military requirements in Vietnam". He explained in his message to the Congress, that "this is not a routine appropriation. For each Member of Congress who supports this request is also voting to persist in our effort to halt Communist aggression in South Vietnam. Each is saying that the Congress and the President stand united before the world in joint determination that the independence of South Vietnam shall be preserved and Communist attack will not succeed." H.R. Doc. No. 157, 89th Cong., 1st Sess. (1965). The appropriation bill (79 Stat. 109) was passed in the Senate, 88 to 3 and in the House, 408 to 7. 111 CONG. REC. 9210, 9435 (1965).

⁹⁰ 112 CONG. REC. 4297-4298 (1966).

⁹¹ *Hearings*, Appendix 713.

⁹² 112 CONG. REC. A-410 (1966).

⁹³ 52 A.B.A.J. 392 (1966).

⁹⁴ 112 CONG. REC. 4853-4954 (1966).

Kansas Fourth Congressional District 1966 Opinion Poll Results

EXTENSION OF REMARKS OF

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1966

Mr. SHRIVER. Mr. Speaker, it has been my practice since coming to Congress to send to my constituents in the Fourth Congressional District of Kansas a questionnaire on several of the major issues facing our Nation on the foreign and domestic fronts. It has been very helpful and enlightening to me to receive the opinions and additional views of thousands of citizens. It is gratifying to observe a genuine and growing interest

May 18, 1966

Sly, slick and ambitious Premier Nguyen Cao Ky of South Viet Nam has embarrassed the United States terribly. Last week, he said there'd be no elections until 1967. State Secretary Rusk immediately said Ky didn't mean what he said. But over the weekend, Premier Ky demonstrated how much he did mean what he said, no matter how Mr. Rusk said it. By moving against dissident forces in the North, Ky is clearly making a bid to grab personal control over this torn and embittered little nation.

And so, the turmoil-within-the-turmoil grows and feeds on itself. Buddhists prepare to burn themselves; Red terrorists step up activities; Catholics demonstrate against Buddhists; dissident commanders prepare to fight against Ky while proclaiming friendship for the U.S. and rebuffing invitations by Red infiltrators to come over to the Ho Chi Minh side. Behind the looking glass, the war against the Viet Cong and North Vietnamese infiltrators drags on, inconclusively.

It is enough to make even "hawks" here at home begin to wonder, aloud, if we ought to just pull out some dark night.

Ky's conduct is enough to leave a bad taste in anyone's mouth; the bewildering "happening" called Viet Nam may be beyond our comprehension. But pulling out would not only fail to solve the larger questions raised by this little war, it would seal the doom for thousands of ordinary Vietnamese.

To pull out because of disgust over Ky's politics or Viet Nam confusion—as attractive as the prospect is in the face of the frustrations—would not only leave Viet Nam to the not-so-tender mercies of insurgent and invading communists; it would be a surrender to aggression and an open invitation for the communists to carry their wars of "liberation" wherever they choose.

The Stakes in Southeast Asia

EXTENSION OF REMARKS

OF

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1966

Mr. BOGGS. Mr. Speaker, WDSU-TV and radio in its editorial on April 20 states very succinctly the stakes in southeast Asia beyond South Vietnam. The editorial commented on testimony by Secretary of Defense Robert McNamara. It deserves wide circulation and I am asking permission to include it in the RECORD. It follows in full:

THE STAKES IN SOUTHEAST ASIA

(The following editorial was broadcast over WDSU-TV and WDSU-Radio on Wednesday, April 20, 1966.)

Defense Secretary Robert McNamara, testifying today before the Senate Foreign Relations Committee, made a telling point in explaining this country's presence in South Vietnam.

Mr. McNamara pointed out that the Communist sphere of influence in Southeast Asia would have been considerably widened had we not taken action in South Vietnam. Thus, by coming to the aid of South Vietnam, the United States made it clear to all of Southeast Asia that we would not let Red China's influence be extended by aggression.

This point, WDSU believes, has too often been overlooked in discussions about South Vietnam. It's only natural, because it's difficult to think about a war in one country in terms of the long-range balance of power in a whole area of the world.

Yet, there's recent evidence that, because of our presence in South Vietnam, Red China's influence has been weakened in other areas of Southeast Asia. In Indonesia, for example, the new government there has taken a strong, anti-Communist flavor after years of anti-Americanism under the Sukarno regime. Would there have been such a turn of events if the United States had not underlined, in South Vietnam, its commitment in Southeast Asia? We doubt it.

Thailand, a prime target for Red China's subversion, is another example. It's doubtful if the Thais would provide us with air bases and depots for Vietnam operations unless they were convinced of our determination to contain Red China.

In other words, the stakes in South Vietnam involve more than the future of that country itself. In the long run, they involve America's position in Southeast Asia—a position which prevents Red China from absorbing her weaker neighbors.

The Great Smoky Mountains National Park and the National Park Service

EXTENSION OF REMARKS

OF

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1966

Mr. QUILLEN. Mr. Speaker, about one-half of the beautiful Great Smoky Mountains National Park is located in the State of Tennessee, and approximately 80 percent of this Tennessee land is part of my district.

Through the years, this park has been a wonderful recreation area for the people of our area.

To commend the National Park Service for their administration of the park, and to salute the Service on its first 50 years, I am inserting the following editorial from the Knoxville Journal.

[From the Knoxville (Tenn.) Journal, May 16, 1966]

NATIONAL PARK BENEFITS

Tourists who camp in the Great Smoky Mountains National Park or tramp the grass at historic Gettysburg have something in common with visitors and reporters who are led about the White House grounds by President Johnson. The paths they follow and the grass they tread upon are under the care of the National Park Service, a bureau of the Department of the Interior which is marking its 50th anniversary this year.

The park service maintains nine historic areas and 11 battlefields and cemeteries, as well as the 31 national parks and various sites in Washington, D.C., under its supervision. Of the more than 62,000,000 tourists who visit national park areas each year, probably only a small percentage are aware of the extent of services provided. They include, among other things, protecting conservation areas, arranging exhibits and guided tours, ensuring safe and plentiful supplies for trails and campsites, and maintaining historic buildings.

Queen of the national park system is our own Great Smoky Mountains National Park. It is not the oldest of the areas set aside for federal protection, but with an annual attendance of more than 5,000,000 it is easily the nation's favorite park. For example, Yellowstone Park, the oldest of the areas set aside for federal protection, draws only something better than 1,250,000 tourists each

year even with the advantage of possessing geysers which are among the more spectacular of nature's wonders.

Of course for magnificence of scenery there is no park in the system which can even approach that with which the visitor is blessed within the confines of the Great Smokies.

We note that in celebration of the National Park Service's anniversary, a covered wagon and water cart is traveling 1,800 miles from Death Valley, Calif., to Wessington, S.D. The symbolism in this journey is effective. However, the patronage of the millions who visit the national park system is the real tribute to the success of its administration.

Milwaukee Realtor Says Strong Fair Housing Bill a Must

EXTENSION OF REMARKS

OF

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1966

Mr. REUSS. Mr. Speaker, the House Committee on Judiciary is now holding hearings on a civil rights bill.

I enclose a copy of a letter from Edward W. Smith, of the Wycliff Realty Corp. in Milwaukee on the need for a fair housing provision in the new law. I commend Mr. Smyth's letter to my colleagues' attention. The text of the letter follows:

This letter is precipitated by a recent humiliating and condescending experience had by myself, as a Realtor, and Mr. and Mrs. X, buyers, who are employed as school teachers in the Milwaukee School System.

In 1958 our office sold Mr. and Mrs. X their present home, which is a 3 bedroom, one-family home located in the so-called "inner-core" area. Mr. and Mrs. X came to our office a few weeks ago desiring to sell their present home and buy another home in an area more suited to their increased economic capabilities.

We have secured a buyer for their home, arranged the financing and are proceeding to close this transaction, contingent upon finding another home for Mr. & Mrs. X on or about 60 days after the date of closing.

Then began the arduous task of finding a home that would meet their requirements. Several homes in suburban areas were inspected by Mr. & Mrs. X without apparent difficulty. They were not denied the opportunity of inspecting these homes.

As a member of a co-operative listing service, we have available a far wider selection of desirable properties than would be available under one brokerage roof. We received, several days ago, a listing on a property that appeared to meet all the specifications demanded by Mr. & Mrs. X. A call was made to the listing broker inquiring of particulars concerning the property and whether any deals were pending thereon. This broker immediately informed me that the home was available and that he would call the owner to arrange an appointment for inspection. He was to call me back only if an appointment could not be arranged. Later that same day the listing broker told us that he did identify our firm as Negro, and that the seller did not desire to show this home to Negroes. He then pointed out to the seller that there was no reason to be presumptuous and refuse to show the property when in fact, there was no guarantee that Mr. and Mrs. X would want to buy the prop-

May 18, 1966

CONGRESSIONAL RECORD — APPENDIX

A2335

Mr. Speaker, these actions by the U.S. Post Office Department raise the question: Does the Post Office Department believe in democracy?

School Project Pays Tribute to American Soldiers in Vietnam

EXTENSION OF REMARKS

OF

HON. EDWARD J. GURNEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1966

Mr. GURNEY. Mr. Speaker, a wonderful group of kindergarten children in Orlando, Fla., in my congressional district, have paid what I consider a truly great tribute to our young American soldiers who now are fighting in far-off Vietnam.

Since I have been serving in Congress, I cannot remember an example, by any group of my constituents, of a keener awareness of a great national issue affecting the lives of all of us, the future of the Nation, and indeed of our world.

There have, thousands of miles from home, fighting their way through jungles in a strange land, must often wonder whether their sacrifices are being appreciated. Especially they must do so when they read of draft-card burnings, student protests, peace marches on Washington, and even some of the debate here in Congress.

As Memorial Day approaches, this is a time to remember and honor; for the end of the bitter conflict in Vietnam is not in sight. For the mothers and fathers, the wives and sweethearts, the families of those who are fighting, this is a sad and anxious time.

I now am in possession of an expression of faith and appreciation for all that every man in a U.S. uniform is doing in distant Asia. It comes from the hearts of a group of boys and girls, 4- and 5-years-old, who have been reading about sacrifices made in the past by brave Americans who are fighting and dying in the swamps and jungles of southeast Asia.

These pupils at Temple Israel Nursery-Kindergarten, 331 Cathcart Street, Orlando, have sent to me a large, bound booklet with pictures, prayers, and messages of cheer to be forwarded to our troops in Vietnam.

I wish each and every Member of this body could visit my office and see this moving and inspiring work by these pupils. It is unfortunate that it cannot be shared by all Americans.

I place two letters and a prayer from the booklet into the Record. The first gives a brief history of how this notable project developed and shows a good deal of keen insight by these pupils into the workings of democracy and freedom.

It is signed by Joyce Spour, director, and Teddy Meister, kindergarten teacher.

Second only to one's parents, teachers mold, shape, and build the character, personality, and motivation of young

people. At no time of life is this of greater importance than in the formative preschool ages, in the nursery-kindergarten years.

Rabbi Morris Feldman and the teachers Joyce Spour and Teddy Meister, deserve the highest praise for motivating and guiding the children of the Temple Israel Nursery-Kindergarten in this most unusual and worthy school project. It is indeed an example of teaching in the finest tradition of this noble profession.

Means of communication and ability to travel are making our planet smaller with each passing day. The problems of all races and creeds are becoming intertwined and interrelated. No nation is too small or too remote not to be a potential source of trouble to the rest of the world and its peace and well being.

There is not the time or space, nor is it appropriate here, to relate the importance of the project of these school-children to the commitment of this Nation to the preservation of peace in our troubled world. But there is an important relation. For the teachers of this school are motivating their pupils in an awareness of the commitment of this great Nation to the cause of freedom and the preservation of world peace.

I can think of no greater contribution that these teachers can make to these great goals of the United States.

I just wish we had hundreds of thousands of similar teachers in our schools everywhere throughout our land.

Temple Israel Nursery-Kindergarten has been in existence for 9 years. Our school is available to the children of member of our congregation, and is also open to any others who wish their children to attend.

During the year, our curriculum contains areas of study in science, art, literature, social studies, music, physical education, as well as a readiness program to prepare children for entering first grade.

During the month of February, one such study was in relation to Lincoln and Washington. We discussed how hard they had to work to keep our country free—and—of the Presidents coming after them who also had this same great task. Many of the children were quite aware of the struggle in Vietnam and told us about our servicemen fighting now. This led to a comparison of similarities of history—that we have had to work at peace in the past, that we do it now in Vietnam, and will always have to defend it in the future. Several children brought newspaper photographs and articles, many others drew their own pictures of what they thought Vietnam was like. The children realized how hard the soldiers are working and fighting for us and wondered if we could do something for them. Several suggestions were made, and it was decided to send a book of bright happy pictures to cheer them up. This is the result of our work. We as teachers, are proud and delighted with our 4 and 5 year olds, and know that this has been a most rewarding and enriching experience for them.

The second letter is to our fightingmen from the children themselves and is accompanied by a prayer on the first page of the booklet.

ORLANDO, FLA.,

April 1966.

DEAR SERVICEMEN: We are only 4 and 5 years old, but our teachers have told us all about you and the wonderful job you are doing.

We know you are in Viet Nam to help the Vietnamese people be free. Just as other

servicemen have done before, you are protecting us now. We learned that Freedom is our most important (gift) heritage. Ever since our Pilgrim fathers came to our country, we have fought to keep freedom, and help other nations keep theirs.

We hope our pictures will make the days happier for you. We want you to know how very proud we all are of you, and we pray that you will all come back home safe and sound very soon.

Here is our special prayer for you:

O God, May the time soon come when people in all the lands will live in peace, and will show the whole world the way you want men to live with one another.

O God, let there be peace. Be kind to our men in service. Help them to live happily. Amen.

The students who participated in this project are:

Barbara Albertson, Andrea Behn, Craig Cuenson, Teddy Chira, Lisa Graham, Robin Grant, Ben Lefkowitz, Howard Levy, Elise Levy, Jeffrey Lieberman, Loretta Mastanick, Howard Meister, Aaron Oser, Robert Pesamanick, Bruce Roberts, Scott Roberts, Kyle Roth, Stephen Tresser, Roger Spitzer, Gregory Van Torne, Sharon Weinrauch, and Joshua Weinreich.

These pupils have several small photographs of their classroom activities and many very good paintings and drawings of their individual interpretation of the war in Vietnam.

There are many poignant reminders, throughout this touching salute to our servicemen, of the monumental struggle going on so far away in miles, so near to all of us in consequence.

I am sending this volume to the Department of Defense, asking that it be brought to the attention of Gen. William C. Westmoreland, who is doing such a fine job in leading our troops in Vietnam.

There can be no doubt that our servicemen who turn the pages of this booklet will be reminded and comforted that their countrymen of all ages, even the little children, are keenly aware of the great sacrifice and contribution our soldiers are making in behalf of our Nation and the peace of the world.

Frustration in Vietnam

EXTENSION OF REMARKS

OF

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1966

Mr. WOLFF. Mr. Speaker, I should like to commend to the membership the following editorial written by David Jacobs of the Long Island Press. It clearly delineates the problem we face in Vietnam:

FRUSTRATION IN VIETNAM

Viet Nam, seen from here on a sweet day in May, is a ludicrous "happening," a crazy-quilt explosion of events fitting no sensible, controlled pattern. It would be laughable—if the theme in this madness weren't death.

It's a strange, shifting war-within-a-war, an Oriental puzzle that doesn't seem to have an answer, which appears differently to everyone who looks at it.

May 18, 1966

us who are concerned with the well-being of the merchant fleet and the maritime industry, the recommendations of this Task Force can only be described as shocking.

What are some of the major differences between the Task Force and Maritime Advisory Committee proposals?

First, the Advisory Committee has recognized the urgent need for building American-flag bulk carriers and has called for the building of bulk carriers sufficient to carry at least 30 percent of our bulk cargoes—or about 250 bulk carriers in the next 20 years. The Task Force, however, has called for the building of only five bulk carriers a year—or 100 in the next 20 years.

Second, the Advisory Committee has recognized the need for preventing our presently unsubsidized fleet of over 100 cargo liners from sinking in seas of obsolescence, and has called for the replacement of this entire fleet in 5–8 years, as well as for the extension of operating subsidies to it. The Task Force, however, would extend subsidy aid to only 30–40 of these presently unsubsidized cargo liners.

Third, the Advisory Committee has recognized the value of maintaining U.S. passenger liners and has called for their retention. The Task Force, however, has recommended phasing out all passenger ship services.

Fourth, the Advisory Committee has recognized the need for retaining the cargo preference requirements. The Task Force, however, has called for phasing out the cargo preference program.

Fifth, the Advisory Committee has recognized the need for maintaining the American shipbuilding industry and has called for all ships constructed under its program to be built in American yards. The Task Force, however, would permit ships to be built abroad and operated under American registry in all trades, including the domestic trades.

Sixth, the Advisory Committee has recognized the need for maintaining an independent American-flag tanker fleet and has called for Government action in this area, including the imposition of a mandatory oil import quota program, if necessary. The Task Force, however, has made no recommendations for assisting the tanker fleet; and, on the contrary, has opposed an oil import quota.

Seventh, the Advisory Committee has recognized the significant role in our total fleet capability played by proprietary carriers, and has recommended the inclusion of such carriers in Government aid programs. The Task Force, however, has recommended that Government aid be denied to proprietary carriers.

Finally, the Advisory Committee has condemned runaway-flag ships and the theory of "effective control" and has called for action to replace runaways with American-flag vessels. The Task Force, however, has recommended no action against the runaways.

Summing up, our studies of the Advisory Committee and Task Force reports have convinced us that the Advisory Committee recommendations would result in a larger and more effective American-flag merchant marine while the Task Force proposals would have the opposite effect.

Moreover, our own views, we believe, have been substantiated by studies made by the Andrew Furuseth Foundation for Maritime Research, an industry-supported research group which, utilizing the cost figures and other statistical data estimated by the Task Force itself, has prepared a series of charts indicating the relative impacts of the Advisory Committee and Task Force proposals on the maritime industry.

These charts were first published in the Foundation's monthly Maritime Newsletter for February, 1966, and—with the Foundation's permission—are appended as part of this statement.

Chart No. 1—entitled "Projections of the Interagency Task Force"—indicates that the percentage of our foreign commerce carried by American-flag ships will decline from 8.5 percent at present to about 7.5 percent by 1985, although the total value of our foreign commerce will double in this period.

Chart No. 2—entitled "U.S. Foreign Trade"—indicates the manner in which the participation of our merchant fleet in our foreign trade would be increased under the Advisory Committee proposals, both in terms of ships and in terms of deadweight tonnage. The graph also indicates the considerably steeper decline of employment opportunities in this area under the Task Force proposals.

Chart No. 3—entitled "U.S. Fleet Production in Foreign Trade"—indicates that American-flag tonnage employed in our foreign trade would increase by six times under the Advisory Committee proposals, but would remain at a virtual standstill under the Task Force recommendations. In the tanker segment, the Advisory Committee proposals would increase American tonnage in this trade by some 12 times, while the Task Force recommendations would decrease it.

Chart No. 4—entitled "U.S.-Flag Participation in Foreign Trade"—indicates that under the Advisory Committee proposals, American-flag participation would rise to about 30 percent in all areas of foreign trade—in the general cargo, dry bulk and tanker trades—while under the Task Force recommendations there would be declines in all of these areas.

Chart No. 5—entitled "Ships in the Fleet"—indicates that the Advisory Committee proposals would increase the size of the fleet by 162 ships in the next 20 years, while the Task Force proposals would decrease it by some 185 ships.

Chart No. 6—entitled "Expected Costs of Cargo Preference"—indicates that the cargo preference rate differential between American-flag and foreign-flag ships will disappear under the Advisory Committee proposals by 1970, while under the Task Force proposals this rate differential would not vanish until 1985. This, of course, is due to the more rapid building of competitive bulk carriers under the Advisory Committee program.

Chart No. 7—entitled "Cost of Federal Input"—indicates that the cost of the Task Force program would be lower than that of the Advisory Committee program. In this connection, however, it must be noted that while the Task Force program has obviously been designed as an economy measure which enable the Government to reduce its expenditures for maritime purposes, the fact is that the Advisory Committee program would not increase the cost to the taxpayer of maintaining the merchant marine.

Considering the anticipated growth of our gross national product during the next 20 years—as shown in Chart No. 1—as well as the increase which may be expected to occur in our Federal budget, maritime expenditures would remain just about what they are now—that is, at about 40 cents out of every \$100 of our Federal budget, and at about 6 cents out of every \$100 of our total national wealth. Certainly, this would be a small amount to pay for the improved and expanded American-flag fleet contemplated by the President's advisory panel.

Chart No. 8—entitled "Private Capital Input"—indicates that the Advisory Committee proposals would encourage a considerably greater influx of private capital into the maritime industry than would the Task Force recommendations.

Chart No. 9—entitled "Shipboard Employment"—indicates that, while both programs would decrease job opportunities for seamen, the decreases would be considerably greater under the Task Force proposals. The Advisory Committee proposals, for example,

would decrease the number of seamen's jobs by about 9,000 during the next 20 years, while the Task Force proposals would decrease them by about 20,000—or about half of what they are now.

Chart No. 10—entitled "Shipyard Employment"—indicates the manner in which the Advisory Committee proposals would maintain a considerably higher level of shipyard employment than would the Task Force proposals. This, of course, is due to the Task Force proposal for building ships abroad—a proposal which would not only reduce the reservoir of skilled shipbuilding manpower which should be available to this country, but which would also have a detrimental impact upon our balance of payments position.

[Charts not printed in RECORD.]

We believe that the facts cited above make it obvious that all of us who are concerned with the future well-being of the American merchant marine and maritime industry should reject the recommendations of the Interagency Maritime Task Force and exert all of our efforts to see to it that the Advisory Committee proposals are implemented and become the basis of the new national maritime program pledged by the President in his State of the Union message in 1965.

We believe that America needs the kind of merchant marine envisioned in the Advisory Committee report.

(NOTE.—The charts which are appended were prepared by the Andrew Furuseth Foundation for Maritime Research and are based upon data compiled by the Interagency Maritime Task Force and contained in a document which was distributed to all members of the President's Maritime Advisory Committee at their meeting of November 30, 1965, and which is entitled "A Comparative Analysis: The Public Members' Subcommittee Report to the Maritime Advisory Committee Compared with the Task Force Paper".)

¹ Congressional Information Bureau—Oct. 18, 1965: "Subsidized Lines Which Charter to MSTS Will Be Permitted to Charter Foreign Ships".

² N.Y. Herald Tribune—Sept. 7, 1965: "Viet Shipping: More Woes".

Hearings Held in Minneapolis on War in Vietnam—I

EXTENSION OF REMARKS

OF

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1966

Mr. FRASER. Mr. Speaker, a while ago I held hearings in my congressional district to bring out all viewpoints on our involvement in Vietnam. The discussion was most stimulating.

I believe that some of the material presented at those hearings deserves broader distribution and will be placing it in the RECORD from time to time.

Events of the past 2 months in Vietnam have clearly indicated the need for our Government to continuously examine its commitments and the assumptions underlining these commitments. The urgent questions of what can we do for the Vietnamese people, what should we do for them, and what do they want us to do for them must be answered.

Two expert witnesses at the Vietnam hearings in Minneapolis were Burton

May 18, 1966

erty. She then indicated she would show the property to the prospective buyers. The listing broker maintained that a short time later he received a call from the seller's attorney indicating that she would be out of the city and therefore would not be available to show the property to Mr. and Mrs. X.

It was rather obvious that the listing broker felt compelled to point out to the seller that our firm was Negro, and therefore the badge of color became the prime reason for rejection and repudiation. Furthermore, this undemocratic and antichristian and immoral attitude obviates, underestimates and precludes my ability to sell homes to anyone other than Negroes.

Could not my buyers have been white? Or, is my black badge of identification to prevent me from serving those whites who come to me for service? The State of Wisconsin has granted me the privilege of being licensed only after having been duly satisfied of my competence in the field of real estate brokerage. Therefore, I submit to you this question: How can I or any Negro realtor reach his fullest potential if unnatural barriers such as skin color hinder maximum development and economic achievement? This kind of treatment is nothing more than psychologic emasculation.

Therefore, this is one more inescapable reason why an Effective Comprehensive Fair Housing Bill is a Must!

Posture of Our Maritime Industry— Statement of Mr. Paul Hall, President, Seafarers International Union

EXTENSION OF REMARKS OF

HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1966

Mr. GILBERT. Mr. Speaker, Mr. Paul Hall, president of the Seafarers International Union of North America, AFL-CIO, testified before my Merchant Marine Committee this morning on the posture of our shipping industry. I feel that his excellent statement is worthy of the attention of all Members of the Congress, and I insert it in the RECORD.

STATEMENT BY PAUL HALL, PRESIDENT, SEAFARERS INTERNATIONAL UNION OF NORTH AMERICA, AFL-CIO, BEFORE THE HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES, WASHINGTON, D.C., MAY 18, 1966

My name is Paul Hall. I am president of the Seafarers International Union of North America, which represents unlicensed seamen aboard American-flag merchant ships, and I am also president of the AFL-CIO Maritime Trades Department, which consists of 32 unions representing nearly half a million American workers in seagoing and related shoreside industries. I am appearing before this Committee as a representative of both of these organizations.

It is my understanding that this Committee is interested in virtually all aspects of American shipping policies and practices, and I am here today to present the positions of the organizations I represent on those matters which are of particular concern to us.

To begin with, this Committee opened its deliberations by hearing a number of witnesses testify with respect to the role being played by American shipping in the present Vietnam situation, and we concur with the views of those witnesses who indicated that the Vietnam situation has exposed the inadequacy of our present merchant fleet.

As all of us know, this nation—even though the war in Vietnam has been limited in scope so far—has nevertheless had to turn to foreign-flag ships, not only to carry military supplies to Vietnam, but also to enable American shipping companies, whose vessels have been diverted to military use, to fulfill their commercial commitments.

Last September, for example, at least two subsidized American steamship companies were permitted by the Maritime Administration to time charter foreign-flag vessels to meet their commercial requirements. These were Farrell Lines, which was permitted to charter the Norwegian-flag freighter *Tungus* for a voyage from Australia to the U.S., and Moore-McCormack Lines, which was allowed to charter the British-flag freighter *Polgate* for a run from the Great Lakes to South America.¹

Thus the Vietnam situation has made clear the fact that our present merchant fleet is deficient both with respect to its defense and commercial abilities, although the Merchant Marine Act of 1936 states that this nation shall have a merchant fleet capable of meeting both its defense and commercial needs.

Moreover, the Vietnam situation, in our view, has exposed the unreliability of the Defense Department's attitudes toward our merchant marine.

Time and again, within the councils of the President's Maritime Advisory Committee and elsewhere, we have heard representatives of the Defense Department express the view that our merchant fleet is presently adequate because we can rely on foreign-flag vessels, particularly the runaway-flag vessels and the vessels of our NATO allies.

Yet numerous events that have transpired—not only during the Vietnam crisis but prior to it as well—have convinced us of the fallibility of the Defense Department's judgments.

Both the runaway-flag ships and the NATO vessels, of course, are manned by foreign seamen, whose allegiance to the United States is at least open to question, and all of us know that there have been a number of instances in which these foreign crews—including some from NATO countries like Greece—have refused to carry our supplies to Vietnam, and have delayed and hampered our war effort by forcing the transfer of their cargoes to American-flag ships.

In August, for example, the crew of the Greek-flag freighter *Stamatios S. Embricos* reportedly turned down a bonus of \$10,000 to carry Army supplies from California to South Vietnam, and this 9,000-ton shipment had to be reloaded aboard the American-flag freighter *Bay State*, of States Marine Lines.²

Again, in September, the crew of the Greek-flag freighter *Marilena P* refused a bonus to deliver tanks, artillery and other military supplies to South Vietnam from Tacoma, and the Moore-McCormack freighter *Mormacregel* had to be diverted from San Francisco to take on this cargo.³

Now the two examples we have cited in each case, of instances in which foreign-flag ships have been chartered to carry our commercial cargoes, and of instances in which foreign crews have refused to carry our military cargoes, may not seem to be determining factors in themselves.

There are some who may say that these are isolated episodes which do not and will not affect either the commercial or defense posture of our merchant fleet to any great degree.

But we must recognize that there is an interrelationship between these events. We must recognize that they constitute, in fact, a vicious circle in which the American fleet becomes the chief victim of its own deficiencies. Because the American fleet is inherently weak, its foreign-flag competitors are able

to exploit it in this emergency situation. And because its foreign-flag competitors are able to exploit it, the American fleet becomes even weaker than it was before.

We must remember that when these foreign crews, like the Greeks, refuse to carry our military cargoes, they not only place the entire burden of this effort on the American fleet, but at the same time put themselves in a position to carry off the commercial cargoes which these American vessels, diverted to military use, themselves cannot carry.

There is certainly a possibility—even a probability—that commercial cargoes lost to American vessels in this manner may never be recouped. This is a tragedy and it is made more tragic by the fact that the chief danger here is to the only real fleet we have—the subsidized fleet, which is the only fleet of modern and efficient vessels we have in being, and which is the fleet on which we must rely the most in any war effort.

Our fleets of dry cargo tramps and independent tankers, largely because of Government apathy and neglect, have been allowed to deteriorate to a point where the foreign flags, including the runways, are now carrying about 95 percent of our commercial foreign waterborne cargoes in these categories.

Only our subsidized fleet of some 318 vessels has been carrying anywhere near the percentage of our cargoes envisioned when the Merchant Marine Act of 1936 was passed—about 30 percent of our liner cargoes—and if we permit our commercial cargoes in this area to be carried off by the foreign flags, then we will be suffering a blow from which we may never recover.

And so, when we look at the matter from this standpoint, we can see that we face a genuine danger. The weakness of the American fleet which we have allowed to develop tends only to generate increased weakness, and we face the real threat of becoming the principal prey of our own ineptitude and lack of vision and planning—of our failure to create the strong and adequate American-flag merchant marine which this country needs.

The Vietnam situation has taught us—or should have taught us—a number of important lessons.

First, it has shown us that our present American-flag merchant fleet is inadequate to meet either our commercial or defense needs—and certainly not both at the same time.

Second, it has shown us that the deficiencies in our merchant fleet cannot be overcome by reliance on foreign flags, and that the Defense Department is in error in so believing—as are other agencies such as the State Department, which has always been a champion of the foreign flags, even though many of these have not only been seeking to grab off even the small share of cargoes which American ships still carry, but have at the same time been profiting from trade with the enemies of democracy in North Vietnam, in Cuba, and in Red China.

Finally—and most important—the Vietnam situation has shown us that the only way we can ever achieve real strength and security on the seas, in either the defense or commercial areas, is through the creation of a strong and adequate merchant fleet which flies the American flag and which is manned by American seamen.

How do we go about obtaining such a fleet? We do not believe we have to provide a detailed answer because such an answer has already been provided by the President's Maritime Advisory Committee, and we believe that implementation of the recommendations made by it would go far toward restoring the American merchant marine to its rightful place upon the seas.

As we all know, however, a set of proposals regarding the future of our merchant marine has also been put forth by the Interagency Maritime Task Force, and to those of

¹Footnotes at end of speech.

May 18, 1966

A2699

Stein, associate professor of history at the University of Minnesota, and Wesley St. John, professor of political science at Hamline University.

I call attention to their analyses in the hope that they will be helpful at this time:

UNIVERSITY OF MINNESOTA,
COLLEGE OF LIBERAL ARTS, DEPARTMENT OF HISTORY,
Minneapolis, Minn., December 7, 1965.

DONALD M. FRASER,
432 House Office Building,
Congress of the United States,
Washington, D.C.

DEAR CONGRESSMAN FRASER: I am sure that I speak for many of my colleagues at the University of Minnesota as well as others in your constituency in applauding your decision to hold open hearings on Vietnam. It is to be profoundly hoped that others in the Congress are doing the same thing in order to probe more deeply than opinion polls do the attitudes of American citizens on this important and dangerous issue. In this letter I want to set before you, in very brief form, my responses to your queries of 19 November.

You will appreciate, of course, that it is very difficult to provide even the beginning of an answer to the five searching questions which you posed. Indeed, in a statement of this length, none of the five questions can be satisfactorily discussed, as I am certain that you and the panel are aware. Because I consider it first in significance and precedence, I direct the principal portion of my remarks to question 4: "What should be an acceptable basis for settlement of the conflict in Vietnam?"

However, any discussion of the question of settlement of the conflict in Vietnam must consider the three questions which you raised prior to that question. I assume that most of us would agree that there is an important role for the United Nations in any conflict which threatens the peace of the world in such a direct way as that of Vietnam. I also assume that we would all agree about the importance of the role of the United States in any political, social, and economic development which could occur in Vietnam as it would with most of the emerging nations of the world. Finally, I think that we would all agree that there can be no effective United Nations participation nor can there be any effective United States participation in political, social, and economic developments as long as an intensively military solution is sought in Vietnam. In fact, any question of constructive U.N. or U.S. operations there is rendered meaningless as long as the military solution is ascendant. I conclude, therefore, that your queries 1 through 3 are tragically irrelevant in the short term, while, in the long term, and with an end to military operations, or their drastic reduction, these points become the most important that one could consider. It is absolutely vital for the United Nations to take a central place in the solution of the conflict in Vietnam as a condition of its continued viability as a peace-preserving organization. The longer the U.N. is denied this place by the military efforts of the United States, the more damaged the U.N. will be in its capacity to deal with that matter or any other similar matter. Similarly, it is absolutely vital for military operations to cease so that the United States can do what it, and it alone, can do through technical assistance and loans to provide for the political, social, and economic development of that unhappy land. Each day that the United States is denied its position as prime contributor to the development of Vietnam—and we are denied this by the war conditions there—we offer the communists

of Asia an incredible advantage, for we are thereby preventing ourselves from fulfilling our unique mission of contributing to the maintenance of freedom in the world by helping to establish viable, relatively open societies.

The central objective of American policy in Asia generally, and Vietnam in particular, should therefore be to regain a perch from which we can directly contribute to political, social, and economic stability. This seems to me to require a fundamentally different diplomatic posture than we have had for the last decade in Asia. The objectives of this modified posture should be the following three:

1. *Long term.* To establish and help to maintain a stable state system and peace in Southeast Asia for at least thirty years in order to permit these yet unstable states to achieve viable political structures and economies. Such viability cannot come sooner, and may not come at all, but that much time is assuredly necessary.

2. *Middle term.* The achievement of an umbrella of peace cannot be attained unilaterally by the United States but must represent a condominium of the U.S. and the Communist Chinese. Any stable and peaceful state system in Southeast Asia requires the participation of the Peoples' Republic, hence minimal cooperation with them must be effected in which the U.S. and Communist Chinese agree to support a U.N. supervised peace in Southeast Asia.

3. *Short term.* The U.S. must move to end military operations in Vietnam and move to establish effective diplomatic relations with the Communist Chinese. These desiderata may be approached separately or simultaneously.

I plan to suggest a series of steps for the partial realization of the short term objectives I mention above, but from experience I know that what I have already stated above and what I will say below requires a set of arguments that must be seriously examined.

A. There is no genuine solution of the Vietnam conflict through military means, for, as I have stated above, a condition of war prevents the United Nations from participating, it prevents the United States from playing the developmental role for which it is uniquely qualified, and war directly serves the communists of Vietnam and China for it prevents any amelioration of the conditions upon which they depend for success.

B. There can be no genuine or long term solution of the Vietnam conflict, nor general peace in Southeast Asia without negotiations and agreement with Communist China whose growing power and aspirations, proximity, and traditional importance in this part of the world are beyond dispute or reverse.

C. United States prestige will not suffer as much diminution by conscientiously seeking to develop a more effective, if less heroic, position in Southeast Asia as it will by holding to its present seemingly inflexible position. Prestige is, of course, an important component of foreign policy, but it is not the most important component, nor should it be a determining element in Southeast Asia or elsewhere.

D. The interest of the United States in Vietnam, as an aspect of our national interest, has never been carefully defined, and, like our other commitments in the world, it is changing in its character and in its relationship to other interests. Since our escalation in February, it has seemed to many that our commitment has come to exceed our interest so much as to raise the question of whether a full war with North Vietnam or Communist China are costs which yield commensurate benefits to our security and interests. Recalling the way in which war

aims during World War I had to be altered to correspond with the high costs of that war by 1915, the question should seriously be raised of whether, when the number of American dead begin to mount, as it shows signs of doing, we will not be forced to "discover" aims equal to these losses. War has a way of justifying itself through its very destructiveness.

E. We have consistently minimized the extent to which Vietnamese nationalism may be considered as a partial counterpoise to Chinese domination. This nationalism is real and it is important; but it is also perishable as an element upon which we might depend. We should be in the position of protecting the nationalism of Vietnam against Chinese domination, not permitting the Chinese to protect it against us which is what we are doing today.

F. "Wars of National Liberation" sponsored by the communists need not succeed. We should not be fighting a war in Vietnam in order to oppose a doctrine, any doctrine, but especially one that has been proven demonstrably false. Since 1948, these "wars of national liberation" have been suppressed by free governments all over Southeast Asia largely by their own will and with their own resources. It happened again in Indonesia last month. The "domino theory" about which much has been said is but a variant of the "war of national liberation" doctrine and is thus equally fallacious.

I conclude from the arguments that I have advanced above that there are three bases for an acceptable settlement of the conflict in Vietnam. These are:

1. *Immediate* termination of the war because it is dysfunctional with respects to United States interests however these may be defined and because a state of war prevents the U.S. from having a maximal effect upon the development of free societies in Southeast Asia;

2. Recognition of and negotiations with the People's Republic of China seeking to establish an extended period of peace in Southeast Asia;

3. Immediate involvement of the United Nations.

The steps which appear to be necessary to realize a settlement are the following:

1. Ending, immediately and unilaterally, the bombing of North and South Vietnam as palpably counter-productive.

2. Replacing the South Vietnamese military clique by a broad, civilian coalition, including the National Liberation Front, with the charge of negotiating for the reunification of Vietnam and elections within two years.

3. Reducing U.S. armed forces to a number, which, with forces contributed by other states recruited through the United Nations, would serve as a peace-keeping force in South Vietnam under U.N. supervision. The total withdrawal of U.S. troops should occur as soon as possible though the United States should be prepared to bear the major cost of the U.N. mission in South Vietnam. The terms of U.N. supervision should assure that there be no troops in South Vietnam except those under the U.N. (including Chinese and U.S.) and that all efforts be made to permit political factions to operate openly and peacefully to organize supporters for the elections to take place in two years.

4. Providing for the relocation of any South Vietnamese persons and their families who desire this because of the removal of U.S. protection. Efforts should be made to determine where, besides the U.S., such persons would desire to relocate and what countries would be willing to offer asylum.

Respectfully and sincerely submitted,
BURTON STEIN,
Associate Professor.

May 18, 1966

STATEMENT BY DR. WESLEY ST. JOHN, PROFESSOR OF POLITICAL SCIENCE, HAMLINE UNIVERSITY, AT CONGRESSMAN DONALD FRASER'S HEARING ON VIETNAM, TUESDAY, DECEMBER 7, 1965, MINNEAPOLIS AUDITORIUM

The military involvement of the United States in the Vietnamese conflict presents one of the most perplexing problems in international relations which this country has faced since World War II. The basic objective of our military presence in Vietnam is to prevent the expansion of Chinese military power. The problem is one of finding the course of action best suited to meeting that objective.

Because of the dangers inherent in further escalation of the war, in an intensification of military activity, the United States should explore every possible avenue to a negotiated settlement which would make it possible to cease military activities and, over a period of time, to withdraw our military forces from Vietnam. The alternative to negotiation is in all likelihood continued escalation with every additional military effort increasing the danger of reaching the point of no return from large scale war, even nuclear war. The willingness and indeed the desire to negotiate is present United States policy and it should be pursued with all possible vigor and determination.

Our many interests in Southeast Asia are both significant and legitimate and our interest in the area in terms of strategic considerations is very great indeed. Therefore the removal of United States military forces from Vietnam in the absence of negotiated agreements prescribing the conditions of withdrawal would be unwise and not in the national interest of the United States.

As an acceptable basis for settlement of the military conflict the United States should seek an arrangement which would call for cessation of military operations and withdrawal by both sides of military forces in accordance with an agreed time schedule to be followed by elections for the establishment of a government for all Vietnam. Elections properly conducted, conceivably under United Nations supervision, would hopefully result in a relatively stable government. Our national interest calls for a strong, independent Southeast Asia of which Vietnam would necessarily be a major part. Our interest therefore is in creating a strong, stable and independent Vietnam.

We should not conclude that a Vietnamese government created as a result of free elections would be a government closely tied to China or that it would be dominated by China in the form of a Chinese satellite. The Vietnamese are not Chinese and historically Vietnam and China have been enemies. This fact coupled with other considerations such as Vietnamese nationalism and the natural suspicions generated on the part of small powers toward their larger neighbors could, and in all likelihood would, produce division between the two regimes. Under present conditions Hanoi is being drawn into closer cooperation and union with Peking but under different conditions, such as those suggested above, this would not necessarily be true. United States influence—political and economic—might well be used in such a way as to aid and support Vietnam's historical desire to be independent of China. In this effort we would in all likelihood have the support of our non-Communist allies and also of the Soviet Union—support arising from a common desire to provide barriers against expansion of the military power of China.

While military operations quite naturally attract the major portion of our attention, the problem is by no means military alone. We must make every effort to strengthen the social and economic structures of the South-east Asian nations. The proposal announced

by President Johnson in his speech April 7, 1965 in Baltimore is most significant in persuance of this objective. The Administration should be commended for the emphasis which the President placed upon the need for economic and social development. The proposal immediately aroused considerable interest throughout Southeast Asia and we should give it full support. Hopefully the Congress will act favorably upon it when it is submitted to the next session. The program is based upon a realistic appraisal of the problems which lie at the root of many of the difficulties plaguing Southeast Asia, including Vietnam.

Plans for the development of the Mekong Basin offer many far-reaching and significant possibilities for agricultural, industrial and commercial advancement. Much effort has already gone into basic feasibility studies of the Mekong Basin over the past five to seven years and a large number of nations and international agencies have participated. Even more significant, the four riparian powers, Laos, Thailand, Cambodia and Vietnam have shown enthusiasm for the venture and a willingness to cooperate. The President's announcement envisions economic and social programs and projects designed to strengthen all of Southeast Asia and it is to be hoped that plans for effectuating the proposals will proceed as rapidly as possible. The establishment of the Asian Development Bank is an important step in the right direction.

In Vietnam we are faced with the necessity of devoting our attention to a number of different tasks at the same time. Under present conditions military operations as well as programs providing maximum security for the population and plans and projects for strengthening the economic and social structures must all be coordinated and carried out together. In this difficult undertaking, everything possible should be done to prevent civilian operations from becoming overshadowed and even overwhelmed by the increasing weight of our military effort. The political task of winning the goodwill of those portions of the population which are either hostile toward us or uncommitted will require continued effort and on a scale perhaps greater than in the past. We must continue to emphasize and perhaps even to increase our efforts on programs of community development, resettlement of refugees, education and medical service. Political work carried out by the United States Embassy and the programs of the foreign aid mission and the United States Information Agency must not be de-emphasized as a result of preoccupation with increased military operations. This is perhaps one of the greatest dangers at the present time and calls for carefully considered inter-agency planning and action to eliminate or reduce tensions between civilian and military officials. The civilian effort must not be diminished, for the long-range solutions to the problems of Vietnam and of Southeast Asia must be framed not in military terms but in terms of political, economic and social progress.

U.S. Fiscal Policy—The Critical Years

EXTENSION OF REMARKS

OF

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1966

Mr. DUNCAN of Tennessee. Mr. Speaker, the May 1966 issue of the Fi-

nancial Executive contains a thought-provoking article about our fiscal policy. I call this article to the attention of my colleagues:

U.S. FISCAL POLICY—THE CRITICAL YEARS

(By Maurice H. Stans)

The federal budget was last balanced in 1960. Since then there have been seven deficits in a row, amounting to \$36 billion. This figure includes the deficit of \$1.8 billion recently proposed by the President for fiscal 1967.

The budget now before the Congress illustrates so effectively some of the aspects of present fiscal policy that analyzing it provides a good start on the broader long-range considerations. After some study, I have reached these conclusions:

1. With or without a letup in Vietnam, the actual deficit at the end of the 1967 fiscal year will probably be much larger than that forecast by the President—it is more likely to be in the range of \$5 billion or more.

2. Even the latter amount is a misleading base upon which to project the future. The budget relies on large amounts of non-recurring income, and it appears to underestimate the probable outgo in many categories of spending. If these abnormal elements are normalized, I calculate that the deficit base for 1967 on which subsequent budgets will have to be constructed is in excess of \$12 billion.

3. The pipelines for future spending already contain enormous pressures. There is a \$115 billion backlog of unspent appropriations carried over from prior years, even before the new budget is enacted. The new authorizations proposed for fiscal 1967 will raise to \$236 billion the total that will be available to the Administration for spending. Beyond that, the Great Society programs have barely started and their promises involve stratospheric costs to come. And who knows what our military needs will be?

4. Under this course a balanced budget is a long way off. In the meantime, the continuing deficits are contributing to inflationary forces that even now threaten a disastrous explosion to our economy.

In the face of all this, here is how I would sum up my views on the immediate economic and fiscal situation:

The economy is now operating at a very favorable level. Employment is high and a general prosperity is evident. The economic outlook is optimistic, but only so if serious inflation can be avoided.

As the Administration has repeatedly said, these are the conditions under which the federal budget ought to be in balance or in surplus. Eliminating the deficit should be our immediate goal. A balanced budget should be achieved through cuts in spending rather than through increases in taxes.

In the face of our international commitments, no fault can be found at this time with the growing military expenditures. But, considering the uncertainties of the requirements for military escalation and the rising public concern with inflation, spending for domestic purposes ought to be curtailed much below the budget proposals. Many new programs of the last few years, enacted when economic conditions were considerably less favorable, can be held at lower levels; the money thus saved can bring the budget into balance, stop the growth of our national debt, and shrink the inflationary forces that seriously threaten us.

LONG-RANGE FISCAL POLICY

The current situation provides a good setting in which to discuss the broad subject of fiscal policy. As you know, there are many people who sincerely believe that the federal budget need never be balanced and that our fiscal policies are sound and safe. But there