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And we can't do it if the legal profession is going continually to harass us with new regulations and new proceedings which give judges almost a mandate to muzzle the press. It is a fight that affects every newspaper in every city in America.

I don't for one minute condone trial by newspapers. But let's get one thing clear, let's get this straight: no civil right, including the right of a fair trial, is worth a tinker's dam unless it is protected by the right of free expression. If an accused man can't say his piece in court, cannot have lawyers and friends plead his case, what good is his so-called "civil right" to a fair trial? Without the right of free expression, justice would deteriorate into a tragic comedy. When these two amendments clash—and it seems they clash only when publicity-seeking lawyers stage the collision—the First Amendment must take precedence over the Sixth Amendment, because without the First Amendment, the Sixth Amendment would become a mockery of justice.

Thank God we have in America hundreds of judges in the high courts and in the lower courts, many of them in this state, who realize that freedom of expression is the fundamental right of all liberty.

The world of 1966, like Peter Zenger's world of 1735, is still engaged in mortal combat with those who would be free and those who would deny freedom to others; those who believe people should have access to the facts and those who are convinced they know what is best for you and for me. So long as the forces of freedom exist, we who are privileged to be part of those forces must resist arbitrary power and secrecy wherever and whenever it appears. We must take our stand on behalf of the people, all the people. It is the only choice for those who cherish freedom and justice. Liberty can be destroyed by tyrannical government and tyrannical courts if the people can be threatened or persuaded to abandon free speech and a free press. Newspapers defend the right of individuals against the entrenched power of arrogant abuse by public officials. They fight to bring the truth to light; to support justice and oppose injustice; to make certain that every individual is treated equally before the law; to make certain that every American can speak his piece without fear or favor. Today the United States is the last great bastion of liberty in the world, and a free press in America is the last great bastion of the people against complete domination by government.

If newspapers will recognize their responsibility, as well as their opportunity, to print the truth; refuse to be intimidated; refuse to bow to government bureaucracy; then they will serve the highest cause of civilization, which is individual freedom, the freedom of choice and the right of free expression. As partners in freedom, the people and the press in America can save liberty.

Without the right of freedom for the individual, without the right of free expression for everyone, there can be no lasting or satisfying progress for us in America. This is the freedom we must cherish, this is the freedom we must fight for, this is the freedom—if necessary—we must go to jail to preserve. We must cherish it and hold it the dearest thing in life, because if America maintains its freedom, then sometime, somehow, America, being free, will show the rest of the world the road to freedom. This I believe, my friends, is the divine mission of America—freedom for ourselves and eventually freedom for all the world.

And because it is our special mission we should remind ourselves every morning that "Eternal vigilance is the price of liberty."

In closing, I want to salute the University of Arizona for its vision and wisdom in recognizing the great contribution Peter Zenger

and his wife Anna made to the cause of freedom. And again a thousand grateful thanks for this award.

Good luck and God bless all of you. *JN*

PURCHASE OF GALVANIZED IRON AND STEEL PRODUCTS FOR USE IN SOUTH VIETNAM

Mr. BAYH. Mr. President, during the past few months I have made inquiries into the Agency for International Development procurement procedures for galvanized iron and steel products being purchased for use in South Vietnam. My investigation turned up a number of improprieties in the procurement procedure. These improprieties have been confirmed by reports from the Government Accounting Office and the Agency for International Development. It is apparent that the AID program in South Vietnam has grown to such degree that the operations officials for AID in the Far East are unable to properly control it.

The subject of my investigation has been galvanized iron and steel products—a commodity which accounts for only 10 percent of the total commercial import program. Information which has been developed during my inquiry indicates that the problems which have been documented in galvanized iron and steel exist throughout the supporting assistance program.

I do not seek to be critical of AID, but to offer constructive advice which will enable the Agency to properly administer their vital function in Vietnam.

Our economic assistance program has grown to such scope so quickly that the AID mission has not been able to properly oversee their program. This is despite the tremendous efforts put forth by the members of the Agency.

Profiteering businessmen in Saigon are having a field day at our expense. They are requesting licenses for the import of commodities which will sell best and at the best rate of profit, without any true regard for the needs of the people. Essential commodities being imported with priority licenses are being diverted to nonessential, but more profitable uses. Because of the tremendous difference of the official and real exchange rates between American and Vietnamese currency, huge profits are being made simply through currency manipulation on the sale of AID financed goods. Kickbacks are being required by importers. Goods are being left in the valuable warehouse space along Saigon's crowded docks for weeks and months at a time while importers speculate that the prices of the items will go up before they take title.

These problems require the immediate attention of our most skilled management people. I have today addressed a letter to Mr. David Bell, Administrator of the Agency for International Development, suggesting the immediate dispatch of a high level task force of management and economic specialists who can analyze the difficult situation which exists and recommend programs of management which could be put into effect

quickly to minimize the problems which exist there today.

At this point I would like to insert a copy of the letter so that my feelings on this matter may be properly represented to my colleagues.

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

U.S. SENATE,
May 17, 1966.

HON. DAVID BELL,
Administrator, Agency for International Development, Washington, D.C.

DEAR DAVE: My inquiry into the procurement practices of the supporting assistance program of the Agency for International Development for South Vietnam has generated a grave concern over the administrative tasks of our A.I.D. mission in Saigon.

In Vietnam, A.I.D. faces problems unlike any in its history. The swift, sudden increase in the scope of the assistance effort being programed in a war zone in an atmosphere of commercial anarchy challenges the proven methods of A.I.D. management and presents seemingly insurmountable obstacles for the meager staff of your mission there.

It is apparent to me that the size of the A.I.D. effort has outstripped the mission's ability to control the situation. Unscrupulous and profit minded businessmen are taking advantage of our assistance program to make money at the expense of the Vietnamese economy.

The law of profitability has replaced the law of need in determining products for import and sale in the country. Essential products are being diverted from priority and uses to uses which are non-essential but more profitable. Profits are being taken through currency manipulation on the sale of A.I.D. financed goods. Kickbacks to buyers is commonplace.

It is essential that A.I.D. move quickly to bring the Vietnam assistance program under better control. With anticipated expenditures of more than \$570 million projected for the coming fiscal year, it is imperative that actions be taken to bring order to the chaotic conditions which exist there.

To insure that A.I.D. dollars are spent in a manner most effective in the stabilization of the national economy of South Vietnam, it is important that the following administrative programs be developed immediately.

(1) Improved guidelines to determine the qualities and varieties of goods procured under the Commodity Import Program be established. This is needed to insure that only those goods essential to the welfare of the national economy be brought in under A.I.D. financing and that realistic quantities of the goods be purchased.

(2) Improved qualitative standards should be developed to insure that goods of serviceable and lasting quality be supplied to the Vietnamese people.

(3) Additional safeguards against corrupt business practices should be instituted to protect suppliers and end users against unscrupulous business activity.

(4) More accurate information on inventories and shipments of A.I.D. financed goods should be developed and maintained.

(5) Procedures should be developed to cut down on the variances of market prices between official and unofficial exchange rates on items financed by A.I.D. so that profits from currency manipulation can be halted.

I realize the enormity of the task facing A.I.D. and sincerely hope that the challenges of our extensive South Vietnam program can be met. I suggest that you immediately recruit a small task force of management and economic specialists, who can quickly analyze the problems in South Vietnam, prepare methods of management control, and

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develop a program of staff and equipment requirements for the mission.

Such a task force should include persons with capabilities in commercial experience in trade with oriental small business concerns, inventory and supply management, banking and commercial exchange, economic projection, engineering and quality control and data processing.

I believe a group of competent American business and educational leaders could make such an analysis and submit proposals to you within the next 30 days, which would substantially improve the current situation. I pledge my support for whatever realistic proposals for administrative staff and equipment that are indicated necessary by such a task force and will work in the Congress to provide you with the tools necessary for effective administration of our Vietnam program.

With best wishes.

Sincerely,

BROOK BAYH,
U.S. Senator.

Mr. BAYH. Mr. President, the problem which exists in Vietnam is very difficult, but I am confident that American management skills can be applied to them so that they can be brought under control in order that our AID program will reflect the integrity of our Government and the dollars invested made more efficient so that those people of Vietnam will truly profit from them.

THE URGENT NEED FOR MORE INFORMATION ON JOB VACANCIES

Mr. PROXMIER. Mr. President, the need for more information on job vacancies has been pointed out a number of times in recent years by Members of Congress, economists, and others concerned with unemployment problems. The Joint Economic Committee's Subcommittee on Economic Statistics, of which I am chairman, following up its recommendations of 1962 in a report on "Employment and Unemployment," is currently holding hearings on the feasibility of regular collection and reporting of job vacancy statistics and their potential usefulness in formulating manpower policy at the local and national levels.

This morning we have heard from three individuals who can speak with great authority in this field: Frank H. Cassell, Director of the U.S. Employment Services; Commissioner of Labor Statistics Arthur M. Ross; and Vladimir D. Chavrid, Director of the Office of Manpower Analysis and Utilization.

FRANK H. CASSELL—USES

The subject is so important and the need for support so urgent that I think Members will be interested now in a few excerpts from this testimony emphasizing the uses of job vacancy information.

Mr. Cassell underlined the value at this time of job vacancy information, making these points:

1. The identification of skill shortages in certain occupations and industries has become extremely important in recent months as the trained supply of workers continues to diminish. By providing information on the nature of available job opportunities and the imbalances which exist on a local area basis between the kinds of workers needed and the skills of available workers, the job vacancy program can be of considerable use to the Employment Service operationally in

filling current openings and in alleviating skill shortages through training, restructuring jobs, encouraging relaxation of employer specifications, and special recruitment campaigns.

2. The manpower legislation of the 1960's requires detailed knowledge of job opportunities in specific labor areas across the country to provide suitable vocational objectives in training or retraining portions of our work force. This legislation includes, in addition to the Manpower Development and Training Act and the Vocational Education Act, the Economic Opportunity Act of 1964—and the array of anti-poverty programs related to it—as well as the Public Works and Economic Development Act of 1965. In conjunction with other occupational information tools, job vacancy information can help fulfill the requirements of some aspects of this legislation by assisting in the design of improved programs for the retraining of workers with obsolescent skills, those who wish to upgrade their skills, or those who have no marketable skills at all.

3. Some desirable jobs at semiskilled and even unskilled levels are currently hard-to-fill. These could serve as entry level-jobs for "poverty" group workers who lack requisite skills and education to meet qualification standards for higher level jobs. Considerable interest in such job opportunities identified by the vacancy surveys has come from the Office of Economic Opportunity, the President's Commission on Civil Rights, and Plans for Progress employers, all of whom are attempting to fit disadvantaged workers into productive and satisfying employment.

4. Comprehensive information on job opportunities, by occupation and area can help eliminate pockets of unemployment which exist because of lack of skills, geographic isolation, cultural disadvantages, and other obstacles to the matching of workers and jobs. It provides the raw data on job prospects needed by the Employment Service to encourage worker mobility, and to provide information useful in counseling younger workers and students and guiding them toward occupational choices that provide better prospects for employment.

5. The economy has already entered a period of manpower stringency, although shortages are still of the "spot" variety rather than nationwide in scope. If this trend continues, and if the Vietnam conflict makes further demands on the economy, we may need to give further emphasis to ways and means of identifying the industries and areas experiencing the most pressing manpower shortages, to methods which employers can use to facilitate the elimination of manpower bottlenecks, and to manpower programs needed to insure the most effective development and use of human resources. The job vacancy program provides an important data resource for these purposes.

ARTHUR M. ROSS—BLS

Commissioner Ross noted that there are many collateral uses for such information. For example, it may have significance as a leading indicator of business conditions. A number of foreign countries have found job vacancy figures by area and occupations useful for analyzing the causes of unemployment and determining needed corrective measures. I think his comments on the analytical uses of job vacancy information particularly worthy of attention by the Members of Congress who must give legislative support to the collection of this information. I include a portion of his excellent statement:

1. Job vacancy information can be used to develop a picture of the size and characteristics of unfiled demand for labor. Such information can then be analyzed in its own

right, just as many useful analyses are made of the size and characteristics of unemployment.

2. Trends in job vacancies, especially if classified by occupation, can be of considerable value in throwing light on the ability of our economy to adjust to changes in the demand for labor. They may serve as a lead indicator of changing economic conditions.

3. Job vacancy information, when used in conjunction with information on employment, unemployment, labor turnover, and hours of work, can enhance our ability to analyze the current economic situation for light on major policy decisions that have to be made in dealing with unemployment, labor shortages, and inflation. I shall discuss this in more detail below.

4. In the present economic situation, the question of labor shortages has become sufficiently critical, especially in relation to skilled manpower, that the President, as previously indicated, has asked the Department of Labor to watch the situation closely and to prepare regular reports. I have already pointed out that much of our evidence on labor shortages is indirect and circumstantial. We could do a much better job if we had direct evidence on labor shortages through measures of job vacancies classified by occupation, industry and area.

5. Job vacancy information will throw additional light on demand-supply conditions in the job market in relation to changing wage levels. Analyses of the effect of employment changes upon wage rates, although potentially very useful in appraising wage developments and policy, has not exhibited highly precise results when applied to data available for the United States. The additional dimension of job vacancies in the measurement of labor demand would contribute another powerful tool of analysis.

6. Job vacancy data can help us to sharpen the Bureau of Labor Statistics' projections of manpower requirements by occupation which are so essential in developing estimates of training needs to guide in the planning of the many education and training programs supported by the Federal Government. Up to now, these projections have been based on analysis of past trends in manpower requirements as measured by employment. We have recognized that in so far as there is unsatisfied demand for labor, the figures on employment are an imperfect measure of demand for labor.

7. Job vacancy information can be used by business firms to get a picture of the area within which they are recruiting workers, and to help in developing more effective recruiting policies. This would be especially valuable to firms considering new plant locations.

8. Such information could be of equal value to labor organizations in evaluating the demand for the services of their members and in developing policies for training, apprenticeship, and collective bargaining.

In meeting these analytical needs more information is required than merely the number of vacancies. We need to know how many of the jobs employers are trying to fill have been vacant only briefly, and how many of them represent hard-to-fill jobs. The latter may indicate imbalances between supply and demand, resulting from a disparity between the skills needed by industry and the skills available among unemployed workers in the community. They may also reflect unrealistic hiring standards, or low wage rates and unfavorable conditions of employment. To get insight into these questions we need job vacancy data separately for each local area, and by specific occupation. We also need information on wages to see what proportion of the vacancies are offered at wage levels below prevailing entry rates for the occupation in the community.

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Few other Senators—and no others from Illinois—have ever made similar disclosures.

LEGALITY OF U.S. POSITION IN VIETNAM

Mr. MILLER. Mr. President, in the May 1966 issue of the American Bar Association Journal there is published an article entitled "The Legality of the U.S. Position in Vietnam," written by Eberhard P. Deutsch, chairman of the American Bar Association Committee on Peace and Law Through the United Nations.

Mr. President, this article is the most learned and scholarly I have seen on this subject. It expresses very well, I believe, the background on the basis of which the American Bar Association's House of Delegates adopted unanimously a resolution at its midwinter meeting in Chicago last February, to the effect that the United States is legally in Vietnam.

Mr. Deutsch shows that the points made in the article are supported by 31 outstanding professors of international law at the leading law schools throughout the country.

I believe that anyone who has any doubts on this particular subject will find it very illuminating to read the article, and I ask unanimous consent to have it printed in the RECORD.

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

[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".¹ 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 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 Indochina 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

³ *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.

⁴ *Aggression from the North*, 52 DEP'T STATE BULL. 404, 424 (1965).

⁵ 31 DEP'T STATE BULL. 162-163 (1954).

⁶ 101 CONG. REC. 1060 (1955).

⁷ 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).

⁸ Southeast Asia and the Southwest Pacific, Article VIII.

⁹ 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.

¹⁰ The protocol is annexed to the treaty.

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 (51) 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, guar-

¹¹ Prefatory clause.

¹² IC/43/Rev. 2, July 21, 1954; reprinted in BACKGROUND INFORMATION, *supra* note 7, page 66.

¹ 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.

² *Id.*, Chap. VI, Arts. 29, 34 *et seq.*

News, describing PAUL DOUGLAS' own willingness to disclose his entire financial picture. These articles indicate conclusively that PAUL DOUGLAS is beholden to no group and, above all, treasures his public office as a public trust.

I ask unanimous consent to insert these articles in the RECORD.

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

[From the Chicago American, Apr. 29, 1966]

DOUGLAS DISCLOSES HIS 1965 INCOME
TAX: \$5,007

(By Robert Gruenberg)

WASHINGTON.—Senator DOUGLAS paid the internal revenue service \$5,007 on a taxable income of \$22,020 in 1965.

His total income was \$35,537, but deductions and exemptions totaling \$13,517 brought the taxable portion down to \$22,020.

The Illinois Democrat is gathering detailed figures, to be made public soon, to explain his income and tax.

Publicizing these figures has become a regular practice for the Senator in the last 3 years.

The current move probably will arouse the resentment of some of his Senate colleagues.

DOUGLAS, with his New England background and his emphasis over the years on economy and ethics in government [he wrote a book about it in 1953], has projected an image of which invites the hostility of his more affluent, free-spending colleagues.

SHAKEN BY DODD CASE

They are becoming more sensitive and shaken over developments in the case of Senator THOMAS J. DODD, Democrat of Connecticut.

DODD is the object of a Senate ethics committee investigation over charges that he received more than \$100,000 from three fundraising dinners and used the money for personal expenses.

It had been widely believed that the events were for the purpose of gathering campaign money.

In justification, a number of senators have pointed out that it is becoming increasingly difficult to make ends meet on a senator's salary of \$30,000 annually.

DOUGLAS TELLS VIEW

In Washington, which can be a city of high costs—especially if you're a senator—extra sources of income are necessary, it was indicated.

Asked about this, Senator DOUGLAS said:

"I lived on \$30,000 a year without a subsidy. I lived on \$22,500 a year without a subsidy, and on \$15,000 a year without one."

The last two figures are the previous salaries of senators before they were raised.

DOUGLAS did enjoy extra income, he acknowledged—but it did not come from "testimonial dinners." It came from numerous rounds of lecturing, the former Chicago alderman and university professor explained.

EXPLAINS FEE POLICY

As his senatorial income increased, however, his lecturing decreased, he said. Even while on the lecture circuit, he would not accept fees from special interest groups who might seek his help on legislation beneficial to their cause.

He did accept fees, he said, from university groups, citizens forums, and other relatively nonpartisan groups.

DOUGLAS recalled that once he accepted a fee from the Union League club.

"I felt the Union League club should support good Republicans, so I turned around and gave the fee to [Senators] WAYNE MORSE, GEORGE AIKEN, and Charles Tobey," DOUGLAS laughed. MORSE of Oregon is a former Republican, and AIKEN of Vermont is a "progres-

sive" Republican, as was the late Senator Tobey of New Hampshire, who died in 1953.

DOUGLAS said his campaign monies are handled by two committees. One is an independent citizens committee, which receives contributions and pays many of his expenses.

"It is completely insulated," he said, "from my [personal] expenses. No money is given to me for my personal expenses."

His second campaign fund is one on which he makes a report to the secretary of the Senate after each election.

The 1960 report showed DOUGLAS received \$31,027 in contributions, and spent \$30,830. The difference, \$196, went towards a post-election dinner held for 165 of his most active campaign aids.

LIMIT ON GIFTS

DOUGLAS has a rule prohibiting acceptance—by himself or his staff—of gifts valued at more than \$2.50. It is an arbitrary figure which, he joked, "is not going up because of inflation."

DOUGLAS' 1965 income consisted of \$29,948 in senatorial salary and \$2,270 from an annuity, for a total of \$32,218. To this was added \$8,050 in other income, for a total of \$40,268.

However, \$4,731 in "adjustments" and "reimbursements" to this amount—for travel, communications, stationery and rental of his Chicago office—brought the total down to \$35,537. Included in the \$8,050 is income from "other sources" where items ranging from \$3.025 for lectures, to \$18.82 in royalties on his book, "Ethics in Government."

[From the Chicago Daily News, Apr. 30, 1966]

DOUGLAS WILLINGLY SHOWS HIS RECORDS

(By Charles Nicodemus)

WASHINGTON.—His wife does her own washing, gardening and other housework, without help from a maid.

They drive a 1960 Chevrolet.

At home, they entertain little, read a lot, and try to get to bed early.

Until this year, he owned three suits "... until my wife and staff made me buy four more, so I wouldn't be among the nation's 10 worst-dressed men."

If none of that sounds like the gay, glamorous high life that many voters seem to believe a U.S. Senator lives, that's too bad, says Senator PAUL DOUGLAS, Democrat of Illinois.

"I live within my \$30,000-a-year Senate income—with just a little extra from lectures and investments," says Illinois' senior senator.

"And if I didn't live the way I do, I couldn't stay within that income."

The question of whether a U.S. senator can really live on the money the public pays him has become a hot issue in this town, since the disclosure of the problems of Senator THOMAS DODD, Democrat, of Connecticut, and his personal use of what may or may not have been campaign funds, without paying taxes on them.

DODD is said, by his staff, to have raised nearly \$200,000 since 1961 through "testimonial" dinners: that his aides insist were not campaign functions. Instead, it is contended, they were affairs given to help DODD raise cash to meet the burdensome expenses of life as a senator.

Those expenses—for travel, entertainment and other political necessities—far exceed DODD's salary, his staff says.

Like most senators—particularly the Democrats—DOUGLAS is disinclined to sit in judgment, or comment directly on the problems of his good friend, Tom DODD.

But he does stress three points that are in sharp contrast to DODD's position:

1. "I've never raised a penny for my own, personal use—through 'testimonial dinners'

or any other device. I have enough trouble raising campaign money, let alone cash for anything else."

2. "I live on my salary and I always have. It's not easy, but it can be done."

3. "My finances are an open book. I've always preached that the public has a right to know the sources of income of their elected representatives."

Some Senators, like DODD, admit that they can't live on \$30,000 a year and still live as they would like. Many have substantial outside sources of income.

Others say they do live on \$30,000 a year—but refuse to discuss details of their private finances, particularly with inquiring newsmen trying to check out reports that a senator has sizable, unpublicized investments in, or income from, industries that come under his legislative purview.

But not DOUGLAS.

He meets inquiries by pulling out his income tax forms, his ledger books, his contribution lists, and saying, "Here it all is."

Among his expenses are:

\$4,051 for entertainment. That includes lunches and an occasional breakfast with visiting constituents, open houses and receptions at his office suite, giving out ball point pens.

"Mrs. Douglas (former Congresswoman Emily Taft Douglas) and I do almost no entertaining at home," he explains.

\$3,211 for travel to and from Illinois, and \$3,000 for expenses during such trips. DOUGLAS rents a six-room apartment at 5658 S. Blackstone, for \$180 a month, subletting five rooms to his Chicago aid, Douglas Anderson, and keeping one room for his personal use.

\$3,500 for sending out his regularly broadcast senatorial reports, over radio and television.

\$5,007 in income taxes, \$800 in District of Columbia taxes, and \$250 in personal property taxes paid in Chicago.

\$516 for memberships and subscriptions, \$2,722 for contributions to charity and similar causes, and \$1,600 in political contributions.

"Public servants are always being tapped by charities—particularly by churches," he notes. "I'd like to do more, but I can't." As for political contributions, "you have to do a lot more in a general election year—like 1964.

"I give to local Chicago and Illinois candidates, mostly."

\$1,368 in annual payments on his \$6,000 mortgage.

DOUGLAS lives in a tasteful but modest three-bedroom stone house in an upper-middle class section of Northwest Washington.

The house cost \$28,000 when he had it built in 1955—plus \$7,000 for the land, \$8,000 for a swimming pool and other extras, and \$10,000 for 1½ adjoining lots he also bought up.

"I got the down payment by selling another, older house I had in the District, which had a \$20,000 mortgage.

"I got the money for the pool by cashing in a life insurance policy—and that pool has been the best life insurance I have. It keeps me healthy."

All those expenses total more than \$26,000 a year.

Balanced against that is income of \$30,000 from the Senate, about \$3,000 a year from lectures ("I had to speak more when my Senate salary was less"), \$1,500 from bond and stock investments, and \$3,300 from two annuities.

That totals \$37,500.

"So I guess I have about \$10,000 a year to meet normal living expenses," DOUGLAS estimates.

"It doesn't make for high living," he concedes. "But it's a satisfying life—one I don't hesitate to give the details of."

anted 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 expressed 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 nonmembers 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'", assured 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 88-408.²⁵

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 Peiping". 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 Se-

¹³ 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.

¹⁴ See, for example, *Hearings* 463-465 and Joint Southeast Asia Resolution, 78 Stat. 384, approved August 10, 1964.

¹⁵ 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. 851-852 (1957).

¹⁶ 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. BOWETT, *SELF-DEFENSE IN INTERNATIONAL LAW* 193-195 (1958); KELSEN, *THE LAW OF THE UNITED NATIONS* 793 (1950).

¹⁷ OPPENHEIM, *INTERNATIONAL LAW*, 297 *et seq.* (8th (Lauterpacht) ed. 1955); JESSUP, *A MODERN LAW OF NATIONS* 163 *et seq.* (1948).

¹⁸ See footnote 16, *supra*.

¹⁹ 110 CONG. REC. 18470-18471, 18555 (1964).

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

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

²² 46 DEP'T STATE BULL. 13-14 (1962).

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

²⁴ *Hearings*, Appendix 704-705.

²⁵ *Supra* note 20.

²⁶ 51 DEP'T STATE BULL. 272-274 *passim* (1964).

curity 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-5888, 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." 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.³²

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".³³ 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.³⁴

²⁷ United States Mission to the United Nations Press Releases 4798 and 4799, January 31, 1966.

²⁸ *Id.*, No. 4798.

²⁹ 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 abstentions (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 26, 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*.

³⁰ *Hearings*, Appendix 702.

³¹ 2 OPPENHEIM, *op. cit. supra* note, 17, at 136, 137. See draft Article 42 of the LAW OF TREATIES by the International Law Commis-

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".³⁵

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.³⁶

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 10, 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 north . . . north of 21 degrees 30 minutes 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".³⁷

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 re-

sion 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).

³⁵ 2 FARRAND, RECORDS OF THE FEDERAL CONVENTION 318-319.

³⁶ See *State Department Position Paper* prepared for the Senate Committee on Foreign Relations, November 19, 1965, BACKGROUND INFORMATION, *supra* note 7, at 254.

³⁷ *Hearings*, Appendix 693.

²⁷ 52 DEPT STATE BULL. 240-241 *passim* (1965).

²⁸ *Hearings*, Appendix 695.

²⁹ 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.

³⁰ 52 DEPT 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.

ported 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:

³⁹ S. REP., 84th Cong., 1st Sess. 15 (1955). Senator WAYNE MORSE of Oregon, as a member of the committee, concurred in this report.

⁴⁰ *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 (1965).

⁴¹ *Hearings*, Appendix 693.

⁴² *Supra* note 20.

⁴³ *Hearings*, Appendix 710.

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

⁴⁵ S. REP., 88th Cong., 2d Sess. (1964).

"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 chance 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-

⁴⁶ 110 CONG. REC. 18409 (1964).

⁴⁷ *Id.* at 18427.

⁴⁸ *Id.* at 18443.

⁴⁹ "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.

⁵⁰ 110 CONG. REC. 18443 (1964).

⁵¹ 112 CONG. REC. 4192 (1966).

⁵² *Hearings* 591.

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 Viet-

⁵³ 112 CONG. REC. 4192 (1966).

⁵⁴ *Id.* at 4217.

⁵⁵ *Id.* at 4192.

⁵⁶ *Id.* at 4226.

⁵⁷ *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.

⁵⁸ *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).

⁵⁹ 112 CONG. REC. 4297-4298 (1966).

man 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 the simple 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.⁶² 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."⁶³

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.

WEATHER MODIFICATION—S. 2916

Mr. MAGNUSON. Mr. President, the Executive Office of the President has just released the Interdepartmental Committee for Atmospheric Sciences Report No. 10. ICAS continually reviews the state of the atmospheric sciences programs and makes recommendations.

The Committee on Commerce has been studying the subject of weather modification for several months. A Library of Congress report on weather modification was recently issued by the committee. Last week I introduced an amended version of S. 2916 to establish a weather modification program. I expect agency comment on this amended bill in the near future. The committee will then be in a position to report a bill.

So that all will be aware of the ICAS position, I ask unanimous consent that the weather modification recommendations from ICAS Report No. 10 be printed in the Record.

There being no objection, the excerpt from the report was ordered to be printed in the Record, as follows:

⁶⁰ Hearings, Appendix 713.

⁶¹ 112 CONG. REC. A-410 (1966).

⁶² 52 A.B.A.J. 392 (1966).

⁶³ 112 CONG. REC. 4853-4854 (1966).

WEATHER MODIFICATION

A year ago ICAS recommended that (a) a well planned, intensive investigation of the physical processes of orographic precipitation should be undertaken, (b) the Weather Bureau should conduct research and if feasible carry on practical work in weather modification, (c) new programs should in no way impair the continued growth of the programs of basic and background research in weather modification primarily under the aegis of the National Science Foundation, and (d) NSF should develop a comprehensive national plan for weather modification. Additional specific recommendations for NSF and FAA planning action (without budgetary implications) were made initiating the development of national plans for research in hail suppression and fog dispersal.

These recommendations have been reflected in the current budget proposals for the weather modification programs of (a) the Department of the Interior (Bureau of Reclamation) FY 1967—\$3.20 million and FY 1966—\$2.98 million, (b) the Department of Commerce (Environmental Science Services Administration—ESSA) FY 1967—\$1.55 million up from FY 1966—\$1.65 million, and (c) the National Science Foundation FY 1967—\$3.6 million up from FY 1966—\$2.4 million. Hail suppression and fog dispersal plans are in the making. These program levels are considered as minimal, recognizing that Federal programs in this area are undergoing critical re-evaluation as the result of two potentially monumental documents.

The report of the National Academy of Sciences—National Research Council, Publication No. 1350, Weather and Climate Modifications—Problems and Prospects and the report of the Special Commission on Weather Modification of the National Science Foundation, Weather and Climate Modifications, NSF No. 66-3 have just been completed and made available for study. These reports will be considered carefully by each interested agency and by ICAS, to determine their effect upon the national program.

WABASH VALLEY ASSOCIATION VISITS WASHINGTON

Mr. HARTKE. Mr. President, last week 150 members of the Wabash Valley Association from Indiana and Illinois came to Washington to testify before both the House and Senate Subcommittees on Public Works Appropriations.

These people made the long trip to show the Congress and the Army Corps of Engineers their intense interest in flood control, conservation of natural resources and recreation facilities. We asked the committee to approve appropriations of \$45 million, which the Bureau of the Budget recommends and an additional \$425,000. These additional funds are within the Army Corps of Engineers capability.

The amount includes: \$150,000 for preconstruction planning on the Big Pine Reservoir; \$100,000 on the Clifty Creek Reservoir; \$125,000 for Patoka Reservoir; and \$25,000 for the Lafayette Reservoir.

In addition testimony the Wabash Valley Association members discussed pollution control, the small watershed program, Interior Department programs and the work of the Army Corps of Engineers.

I ask unanimous consent to insert the following reports by the Army Corps of

Engineers: The Wabash Valley Interim Report No. 3, the Wabash Navigation Study, availability of water above Indianapolis, and a report on the joint land acquisition policy.

There being no objection, the reports were ordered to be printed in the Record, as follows:

WABASH RIVER BASIN INTERIM REPORT NUMBER 3

(For meeting with Senator HARTKE on April 29, 1966)

1. *Problems and Solutions.* The objective of the Wabash River Basin investigations is the formulation of plans to provide the best use, or combination of uses, of water and related land resources to meet all foreseeable short and long-term needs. The resulting plans of development will include projects and programs that are the responsibilities of local governments as well as the Federal Government. Project development studies consider flood control, water supply, water quality control, recreation, generation of hydro-electric power, navigation, fish and wildlife conservation, upstream water control, drainage and irrigation and allied purposes. Extensive and recurrent flood damage is a major problem in relation to water resources throughout the basin. The problem affects urban and agricultural areas and exists generally along the entire length of the main stems of the Wabash and White Rivers and along the greater portions of nearly all their tributaries, although much has been accomplished and more is underway for the alleviation of flood damages by reservoirs, levees, floodwalls and channel improvements.

Demands for municipal and industrial water supplies have been steadily increasing throughout the basin. Preliminary information indicates present need for water quality improvement of several streams in the basin, particularly White River at Indianapolis. There are also some local pollution problems from mine wastes, drainage, domestic sewage and industrial wastes. Preliminary projections of coal mining and thermal power generation in the basin indicate possibility of a very large future need for increased water supply to offset acid mine wastes and to provide for condenser cooling water.

The existing public demand for recreational water areas in the basin is insistent and growing and will be given full consideration. The basin is almost entirely devoid of water-based recreation facilities at present except for a few reservoirs which are completed or under construction. The conservation and enhancement of fish and wildlife resources is being considered at all projects. In addition, other uses such as navigation, power, and others already discussed will be studied in accordance with present and future needs and project potentialities. Local citizens have expressed great interest in navigation development of the Wabash.

2. *Progress on Interim Report Number 3.* Screening of about 140 reservoir sites resulted in completion of preliminary studies of a number of potential reservoirs including four sites in the East Fork White River Basin, Big Blue, Downeyville, Deputy, and Millport; eight sites in the West Fork White River Basin, Parker City, Perkinsville, Big Walnut, Killbuck, Frankton, Fortville, Richland, and Spencer; and four sites in the Little Wabash River Basin Louisville, Helm, Effingham, and Wilcox Bridge. Five reservoirs and one local flood protection project were selected for survey scope studies in the third interim report.

The five proposed reservoir projects are Big Blue on Blue River; Downeyville on Flat Rock River; big Walnut on Big Walnut Creek, all in Indiana; and Louisville Reservoir on Little

If he believed himself to be in the right, nothing could move him or shake his judgment, but he arrived at his conclusions only after much study and thought.

Arguments—

He once said:
are only honest misunderstandings. Any time you sit down and calmly consider all the facts, the solution can be easily discerned.

Everyone who knew him agreed that he was genial, had an engaging personality, a keen sense of humor, and a very active mind. He declined to be labeled a liberal, perhaps because with his wide experience in life he thought that no label was appropriate. In refusing to be called a liberal, he said that he was propeople, which amounts to about the same thing.

He was a great man, a great Senator, a friend of the humble and a friend of the great. We mourn his loss and extend our deepest sympathies to the grieving members of his family, whose pride in him must be even deeper than their grief.

The Call of Duty

EXTENSION OF REMARKS

OF

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1966

Mr. MINISH. Mr. Speaker, in its May 5, 1966, issue, the Advocate, the esteemed publication of the archdiocese of Newark, N.J., and diocese of Paterson, carried a timely and thoughtful editorial on the military draft. "The Call of Duty," which I am pleased to submit for the consideration of our colleagues, emphasizes the duty of citizens to serve their country. All of us must be distressed at the dangers and hardships facing our young men called to military service and must deeply regret the hard course that our Nation is compelled to follow. However, so long as the world is in its present troubled state, there is no alternative to the draft.

Our concern must be to insure that it is as fair and equitable as is humanly possible, and constructive criticism of draft policy and procedures deserves careful examination. But, despite its defects and flaws, the fact remains that, as the editorial stresses:

The draft call is the legitimate clarion of our country for service in our Armed Forces.

The editorial follows in full:

THE CALL OF DUTY

The law of the United States government is that men may be called in the draft to serve their country. It is the responsibility of the federal government to provide for the defense of the United States. A necessary element in that defense is the operation of a draft call. The draft has been part of our national history. Over the years it has been necessary for our government to meet national emergencies by draft calls to provide for our security.

In the operation of the draft, our government has recognized legitimate exemptions. Our courts have recognized the role of conscientious objectors and have granted them military exemption. However, even in that area, men have responded to the draft as medical aides.

Critics who protest the draft point to inequities in its operation, dispute the policy of our government and raise personal obstacles to its application. Perhaps never before has there been so much criticism and violent protestations about the draft as now. We are told that those eligible for the draft are not using legitimate excuses to avoid the draft but find every means to avoid responding.

The uproar over Vietnam, whether or not we should be there, the dangers of escalation, the possibility of nuclear warfare—all of these seem to some Americans to justify destructive criticism of the draft. This is not common to the average patriotic American. There must be a realization that every American has a patriotic duty to serve his country when his country needs him by responding to the draft.

It has been well observed that the measure of patriotism is found in the service and sacrifice that one makes for his country. Those who have given service in our Armed Forces in the many wars of the past have brought back with them into their lives and homes a greater love for their country and the desire to keep America free and strong. The draft call is the legitimate clarion of our country for service in our Armed Forces. To serve is to fulfill our duty as a citizen.

Provide for Popular Election of Governor of Guam

SPEECH

OF

HON. N. NEIMAN CRALEY, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 16, 1966

Mr. ASPINALL. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. CRALEY], also an able member of the Committee on Interior and Insular Affairs.

(Mr. CRALEY asked and was given permission to revise and extend his remarks.)

Mr. CRALEY. Mr. Speaker, I rise in support of the bill, H.R. 11775.

I wish to congratulate and commend the gentleman from New York [Mr. O'BRIEN], chairman of the subcommittee, and the gentleman from Colorado [Mr. ASPINALL], chairman of the full committee, and the gentleman from Pennsylvania [Mr. SAYLOR], the ranking minority member, for bringing this legislation to the floor.

But further and beyond that, Mr. Speaker, I wish to congratulate the citizens of Guam themselves on the ability and loyalty they have shown to our democracy and to the principles of our democracy. I am sure it is their efforts and their loyalty to our country that has brought this legislation to this point and to its enactment.

Mr. Speaker, I yield back the balance of my time.

An Election in Vietnam Poses Many Difficulties

EXTENSION OF REMARKS

OF

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1966

Mr. KASTENMEIER. Mr. Speaker, I would like to call to the attention of my colleagues an editorial which recently appeared in the May 11 Milwaukee Journal. The Journal addresses itself to an analysis of the political climate in South Vietnam. With free elections, a coalition government may emerge and, hopefully, bring about a peaceful settlement in South Vietnam, something the military campaign has, thus far, failed to accomplish.

The possibility for carrying out a democratic election and establishing a representative government, however, appears cloudy. The statements of General Ky cast a shadow over the prospects of a general election and leave in doubt the future of any elected civilian government.

South Vietnam, if she is to emerge from her chaotic state, has to stabilize her political life. General Ky's utterances, about the future course that the elected government should follow, only serve, however, to intensify the civil strife which is so prevalent in the areas controlled by the South Vietnamese Government.

The editorial follows:

AN ELECTION IN VIETNAM POSES MANY DIFFICULTIES

If it is ever held, it will be a strange election in South Vietnam. It is scheduled for mid-August or September or October, depending upon when Premier Ky talks about it. The election would select an assembly to write a constitution which would create a legislature to be voted upon in another election. The legislature would then choose a government. In the meantime, Ky says, he would continue to serve. And if the government finally named is unsatisfactory to him, Ky says he will fight it. Ky censored his statements and wouldn't let Vietnamese papers print them.

All this, of course, has stirred up the Buddhists, and further confused an already chaotic situation. Secretary of State Rusk has said—more hopefully than realistically, apparently—that Ky never said that he would remain in power for another year. News reporters, who heard Ky and saw him, say that he not only announced his intention to remain in power but did it dramatically. The St. Louis Post-Dispatch said that he held forth in a bright yellow flying suit, "swigging bourbon whisky out of a paper cup"—it was "like a scene from Batman." And to underline it all, Ky said again Wednesday that he will be in power at least a year.

Our government says it favors an election. The difficulties an election poses, however, are tremendous. The Vietcong control great areas of South Vietnam. Will the people in those areas vote? How can they, and if they did, could anyone be sure the election was honest? Presumably the various political factions—Buddhists, Catholics and what have you—will support slates of their own

(clubs of America. Therefore, the Communist influence is cleverly injected into civil disobedience and reprisals against our economic, political, and social system."

Some will scoff "at the significance of these student flareups," writes Hoover. "But let us make no mistake: the Communist Party does not consider them insignificant. The participants of the New Left are part of the 100,000 'state-of-mind' members Gus Hall, the party's general secretary, refers to when he talks of party strength. He recently stated the party is experiencing the greatest upsurge in its history."

"Thus the Communists' intentions are abundantly clear," Hoover continues. "We have already seen the effects of some of their stepped-up activities, and I firmly believe a vast majority of the American public is disgusted and sickened by such social orgies. One recourse is to support and encourage the millions of youth who refuse to swallow the Communist bait. Another is to let it be known far and wide that we do not intend to stand idly by and let demagogues make a mockery of our laws and demolish the foundation of our Republic."

As Mr. Hoover has explained, the "New Left" adherents on the campus are a decided minority. The Communists, however, do not by any means require a majority to accomplish their purposes. It was not true in Russia when they seized power. It was not true on the University of California campus at Berkeley. When a determined, disciplined minority is ready, it can seize control out of the chaos and confusion which it deliberately creates to give it that opportunity.

H.R. 14846

EXTENSION OF REMARKS OF

HON. JAMES H. (JIMMY) QUILLEN
OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 17, 1966

Mr. QUILLEN. Mr. Speaker, I am inserting in the Record another editorial from a newspaper in my district, the Kingsport Times of May 11, 1966, which expresses support of my bill, H.R. 14846, to prohibit the desecration of the flag.

[From the Kingsport (Tenn.) Times, May 11, 1966]

DEFILING THE FLAG

There stands north of Arlington National Cemetery a bronze statue which is one of the most popular tourist attractions in the nation's capital.

The figures depict the historic raising of the Stars and Stripes on Iwo Jima during World War II. However, it also represents the thousands of Americans who have died defending this flag.

It is hard for loyal citizens of this nation to stomach the abuse and disgrace that some would-be Americans have heaped upon this banner.

It has been burned, spat upon, torn up, defouled and made the object of ridicule by these unpatriotic characters. Yet, they run to it for protection when they claim their "rights" are being violated.

It is for these reasons we heartily endorse a bill that has been introduced in Congress aimed at punishing those who desecrate our flag.

"The measure, which Congressman JIMMY QUILLEN is co-sponsoring, provides that anyone who "publicly mutilates, defaces, defiles, tramples upon or casts contempt, either by word or act, upon any flag, standard, colors,

or ensign of the United States" shall be punished by imprisonment and a stiff fine.

This is a bill that every congressman and senator can and should support. Those who do not should have to answer to their constituents back home at election time.

Of course a great many people do not show the proper respect for the flag. Men will stand with their heads covered as it passes by and women will fail to recognize it by placing their hands over their heart in salute.

Expropriation of American-Owned Property in Venezuela

EXTENSION OF REMARKS

OF

HON. EDNA F. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1966

Mrs. KELLY. Mr. Speaker, it is with deep regret that I find it necessary to have printed in the CONGRESSIONAL RECORD the following letter relating to the problem of the seizure of American property by the Government of Venezuela. Citizens of my congressional district are involved and have sought restitution in the courts of the United States and assistance from the Department of State. These seem wanting—and I fail to understand why help cannot be given to the Venezuelan Sulphur Corp. which is a subsidiary of Chemical Natural Resources, Inc., of New York City.

CHEMICAL NATURAL RESOURCES, INC.,
New York, N. Y., May 2, 1966.

Re the expropriation and confiscation by the Government of Venezuela of the properties of citizens residing in 26 States of the United States.

Hon. EDNA F. KELLY,
House Office Building,
Washington, D. C.

MY DEAR CONGRESSWOMAN KELLY: Your attention is respectfully called to the above subject so that in the event Venezuela should again wish to be considered for aid of any type from the United States taxpayers it should be denied it.

Venezuela, disregarding international law, which holds that properties of foreign nationals should not be expropriated without prompt and adequate compensation, expropriated, confiscated and wantonly vandalized properties in Venezuela owned by investors from these 26 states. Every means to arrive at an equitable settlement was exhausted during negotiations in Caracas from 1959 to 1962. After that, suit was instituted in the United States. Venezuela pleaded sovereign immunity as its defense and thus prevented the real issues to be heard. This has been in the courts during the years 1963, 1964, 1965, and 1966. The United States Supreme Court is expected to review this matter. The Department of State has supported Venezuela from the inception of these grievous illegalities.

Dr. R. Lepervanche Parparcen, one of Venezuela's leading and most highly respected lawyers, and former President of the OAS, and one of the few, who can still speak out in Venezuela, recently publicly stated in Caracas—We who were born in Venezuela—We who have lived in Venezuela all our lives—We who are subject to the laws of Venezuela,—know there is no justice to be obtained in our courts in Venezuela. If this is the treatment given to the natives of Venezuela, what treatment could be expected for

Americans in those same courts. Nevertheless, the Department of State still recommends that this matter be returned to those Venezuelan courts.

Presently, the sons of some of these robbed investors are in Vietnam fighting to protect the properties of the South Vietnamese, while the confiscation of their own properties by the delinquent government of Venezuela is defended and condoned by their own government.

During these delaying legal maneuvers Venezuela has obtained hundreds of millions in aid, increased sugar quotas, increased oil quotas and investment guarantees, all at the expense of American taxpayers. Until Venezuela makes redress to these investors from 26 States of the United States, Venezuela should receive nothing from the United States, including investment guarantees for projects in Venezuela.

Thanks for any efforts in their behalf and best regards.

Sincerely,

BENJAMIN S. DOWD, *President.*

The Late Honorable Patrick V. McNamara, U.S. Senator From Michigan

EXTENSION OF REMARKS

OF

HON. JOHN C. MACKIE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1966

Mr. MACKIE. Mr. Speaker, the caption of an obituary article in a Washington newspaper announced the sad news of the passing of Senator Patrick Vincent McNamara of Michigan by referring to him as a "friend of labor and the aged." That was perhaps his finest epitaph. But he was a friend not only of laboring men and women and of aged men and women. His friends were numbered in the thousands, and they came from every walk of life. I am proud to have been one of them, and to have served in the Michigan congressional delegation with him.

In 1921, at the age of 27, he came to Detroit to head a construction crew. He soon left his pipefitting trade to enter the management side of the construction business, but his active interest in the problems of organized labor never waned throughout his long life. Discussing his lifelong association with the labor movement, he once said:

My vocation has been the construction industry, but my avocation has been the labor movement. I have never held a paid labor office.

He was known best for his staunch support of Federal aid to education, medical care for the aged, and similar progressive measures. He played a leading role in the struggle to pass the medicare bill for hospital insurance for the aged under the social security system. He was named chairman of the important Senate Public Works Committee in 1963, and was also the chairman of the same Committee's Flood Control-Rivers and Harbors Subcommittee. He was the successful floor manager of a minimum wage bill that raised the minimum wage to \$1.25 an hour.

May 17, 1966

for the constitutional assembly. If one side wins overwhelmingly will the others stand still for it? If the assembly is split will it be able to draft a constitution? If the threat of resistance by Ky and others hangs over it all, is the whole business feasible?

If the election did result in a civilian government that no one immediately tried to overthrow, what would the change be in the status of the war? None in all probability.

The big need in Vietnam is to stop the killing, put an end to the agony the nation is undergoing and step back from the risk of involving the United States in a wider war.

Solution to the Problems of Mass Transportation

EXTENSION OF REMARKS
OF

HON. EDNA F. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1966

Mrs. KELLY. Mr. Speaker, I wholeheartedly support the provisions of S. 2935, a bill to authorize Federal grants to encourage regional solutions to transportation problems and to authorize grants under the Mass Transportation Act of 1964.

It is axiomatic that our commuter services are in dire straits, and that those commuter and passenger services are vital to the life of our urban communities and, indeed, vital to the life of the entire country. Without those services being available, our cities would be strangled in a huge congestion of automotive traffic and the economic and social life of the country would be seriously impaired.

Our Federal Government through the years has stepped in to render assistance where the vital interests of the country are at stake. There is indeed a clear need for Federal assistance at this point. We must prevent the further closing down of these vital services and we must take forward-looking steps to achieve improvement and rationalization of transportation into, in and between our urban communities.

The provision in S. 2935 authorizing Federal grants to meet one-half of the annual net operating deficit of any mass transportation company serving urban areas is such a far-reaching step. If commuter operations and if urban transportation services were to be seriously curtailed, the impact on the economy of any urban area would be self-evident.

I would suggest, however, that the committee give serious consideration to the proposal that the bill be amended so as to permit the making of such grants not only to transportation companies, but also to authorities and systems which are operated by the municipalities or by the States. Whether such systems are operated by private companies or by municipal or State authorities, the requirements and the desired ends are identical. I would strongly urge that the committee eliminate this unnatural distinction and that the bill be broadened so as to direct Federal help where help is needed, rather than on some artificial basis.

My support of this bill does not arise solely from my concern for my own city. Every major urban area in the United States will sooner or later experience the same type of problems which are now being faced in the East. Indeed, many areas are already experiencing those problems. It is imperative that we give assistance to that one area in the transportation field where the Government has not been forthcoming with active support. The Government subsidizes the airlines and steamship companies. It provides unbelievable quantities of funds for the highway program. Commuter services, however, have received no such support and this failure of support has resulted in the deplorable conditions currently being faced by our urban communities.

I strongly urge favorable committee action on S. 2935.

Standpoint—Prayers in the School

EXTENSION OF REMARKS
OF

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1966

Mr. DERWINSKI. Mr. Speaker, once the distinguished minority leader of the other body, Illinois Senator EVERETT DIRKSEN, returns to the Senate floor, his amendment for the purpose of guaranteeing schoolchildren the right to pray in classrooms if they wish will be debated in the Senate. It is my hope that the other body will act favorably on this constitutional amendment, and I am most hopeful that we in the House will do likewise. Support of this amendment has come from across the country. Typical of the editorial comment was that carried by WBBM-TV, of Chicago, in its editorial broadcast Tuesday, May 10.

STANDPOINT—PRAYERS IN THE SCHOOL

In all of the nearly two centuries it has existed, the Constitution of the United States has been amended only twenty-four times.

The first eight amendments make up the Bill of Rights, which guarantee us our civil liberties. Others deal with such weighty matters as rights to vote, the makeup of our Congress, prohibition and the amendment which later repealed it, the income tax and the procedures for electing our leaders.

Now it is proposed that we amend the Constitution one more time. The purpose would be to guarantee school children the right to pray in their classrooms if they want to. It may sound like a small point, perhaps even frivolous, compared to the more ponderous matters dealt with in other constitutional amendments.

But we support the proposed prayer amendment, if only to clear up a confused muddle which has set neighbor against neighbor, religion against religion and community against community clear across the nation.

Senator EVERETT DIRKSEN, of Illinois, along with 43 other Senators have sponsored a Senate Joint Resolution calling for the amendment. It is a rather simply worded document. It merely provides that no one in authority can either prevent or require

any person to participate in prayer in a public building, nor can any one in authority tell any one what to pray.

The prayer issue has erupted several times in the Chicago area, as well as elsewhere. There is, in fact, a federal court case pending here now arising from the prayer issue in a school in nearby DeKalb.

We think the Dirksen prayer amendment would put an end to such disputes. We also hope it will put an end to the endless arguments over separation of church and state, and just what that issue entails.

There have been hints, for example, that a suit might one day be filed requiring all United States coins to be re-issued because the present ones carry the legend "In God We Trust."

Some have even suggested that it may be unconstitutional for a President of the United States, or any other public officer, to take the oath of office with his hand placed upon a Bible.

Three court decisions, two by the Supreme Court and one by a U.S. Court of Appeals, have virtually banished prayer from schools in this country.

But the decisions also have served to confuse the whole country on the knotty problem of the relationships between church and state. The net result has been to breed intolerance and to create bickering among friends and neighbors who adhere to differing religions.

We believe the Dirksen amendment would clear the air, by simply stating that children have the right to pray in their classrooms if they want to, and don't have to pray if they don't want to.

A Tribute to Secretaries

EXTENSION OF REMARKS
OF

HON. JOHN R. SCHMIDHAUSER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 16, 1966

Mr. SCHMIDHAUSER. Mr. Speaker, it is a distinct privilege and pleasure for me to join with my colleagues in paying tribute to the dedicated secretaries in observance of National Secretaries Week.

Today, I would like to pay tribute to those many loyal men and women who, in their dedicated careers as secretaries, give each of us in public life such capable and understanding guidance in our daily efforts to serve our constituents in the U.S. Congress.

I also would like to pay tribute to all of the secretaries in private business and in industry. I especially want to point with pride to the secretary on Capitol Hill, who plays such a vital role in serving our country and who is well trained and qualified to help keep the wheels of our economy running smoothly.

May I also take this opportunity to compliment and commend the work of the Official Reporters of Debate. This is such a demanding job, and a task that often requires a certain skill to take the dictation that is so rapidly spoken on the House floor, and when transcribed flows into such eloquent remarks.

My wholehearted thanks go out to my entire staff, who serve me faithfully in discharging my duties to the people of southeast Iowa.

May 17, 1966

The Draft: Educational Status Has Nothing To Do With Duty To Fight

EXTENSION OF REMARKS

OF

HON. ARCH A. MOORE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1966

Mr. MOORE. Mr. Speaker, one of the most controversial subjects during this war and every other war in our history is the system for drafting our young men into military service.

The Wheeling, W. Va., Intelligencer, which was founded before West Virginia became a State, has a constructive, straightforward editorial on "The Draft." What the newspaper proposes is a requirement that every man within the military age bracket be put on precisely the same draft footing. The newspaper backs this proposal up with some strong, logical reasons. I have unanimous consent that the editorial be reprinted in its entirety:

THE DRAFT: EDUCATIONAL STATUS HAS NOTHING TO DO WITH DUTY TO FIGHT

Student demonstrations against the draft examinations are understandable for the reason that no war is popular with those who have to fight it, and that this particular engagement has less patriotic appeal than most. But those who attend college and who may feel that the examination put them at a disadvantage in relation to other college men have much less cause for complaint than young men in the same age bracket who are not in college.

There is no way on earth by which these examinations can be made a fair test of young man's war service liability for the reason that the basic concept is false.

When the Country is at war—whatever may be thought of the official decisions that brought us into it—it is the duty of the people to wage it. We have a right to question the wisdom of the involvement, to criticize the conduct of the war and the policy of which it is a consequence; to control termination of the war effort. But so long as it is in progress we the people must support it, with money and men.

Because of the accident of age, the actual fighting, the risking of life and limb, is a responsibility of our young men. This is unfortunate, but it is a fact of life we cannot escape. The being so simple justice, it seems to this newspaper, requires that every man within the military age bracket be put on precisely the same footing. The fact that one boy is in college while another is not has nothing whatever to do with it, or should not have. The fact that one boy may be a brilliant, industrious student, another a dullard or trifter, should have no bearing on his draft status. If a young man chooses to work rather than pursue education; if his economic or social circumstances deny him the opportunity to go to college; if his mental capabilities are such that a college career is not for him, he does not assume, by any of these circumstances, an obligation to fight and if necessary die for his Country that does not rest as heavily on every other young man his age.

No physically and mentally able man in the appropriate age bracket whose absence would not impose a hardship on others dependent on him for their sustenance should be exempt from the draft.

To the degree, then, that these controversial examinations affect the liability of any person taking them or ignoring them or ineligible to participate they are unfair.

Private Enterprise: The Initiative of the American Way of Life

EXTENSION OF REMARKS

OF

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 16, 1966

Mr. HAGAN of Georgia. Mr. Speaker, the 71st Annual Convention of the Children of American Revolution was held recently here in Washington.

More than 1,500 people heard an eighth-grader from Lyons, Ga., Ralph Hamilton Lankford, Jr., deliver the winning oration in the CAR national oratorical contest. Young Mr. Lankford's speech was entitled "Private Enterprise: The Initiative of the American Way of Life." I was greatly impressed by the comments of such a young American, and I am inserting it in the Record with the thought in mind that my colleagues will also enjoy it:

PRIVATE ENTERPRISE: THE INITIATIVE OF THE AMERICAN WAY OF LIFE

(By Ralph Hamilton Lankford, Jr.)

In a mere one hundred sixty years, the United States of America has grown from birth to become the greatest nation the world has ever known. This could only become a reality because of the unique system in America . . . that system of private enterprise.

Private Enterprise was the guide that took Daniel Boone to Kentucky to open a new territory and to help Americans settle in this land. Private Enterprise gave Rockefeller the insight and the initiative to establish big business from a small beginning.

John Hays Hammond has said, "The function of government is not to guarantee equality of reward nor inequality of service. All a government can do in this respect, even a paternal government, is to give equality of opportunity." These words apply today as never before, and it is time for all good Americans to speak up and point to such thoughts as these and remind our government that we are where we are today because of personal initiative, and not because of government control. The trend shown today with rent subsidy and medicare is leading us only too quickly to the Communist boast of taking over the United States of America by 1973.

We have become too firmly set in the pattern of the majority, feeling that as long as we remain in the majority, "George" can take care of things! If we want to benefit from the continued practice of private enterprise, that has made our nation so great, we must begin by practicing such a theory, by doing for ourselves, and by showing the initiative to take advantage of every opportunity toward a more secure tomorrow. Private enterprise is ours only so long as we are willing to defend it, practice it, and benefit from it. Let us stop allowing Uncle Sam to do for us what we are capable of doing for ourselves.

Let us compare for a minute the communistic approach to production and the American way of private enterprise. Twice Americans have come forth with food for the Russians. First in 1922 and then more recently in 1963. When workers are deprived of incentive, when wages and living costs are provided equally to all, the natural inclination of human nature is to do no more than is necessary to exist. So, during both these periods mentioned, workers ceased to extend their energies beyond the minimum effort. As a result, Russia had shortages.

In 1922 these shortages were so severe that five million Russians died of starvation. More recently, in 1963, the deficiency of wheat threatened the communists with a similar result. And to the rescue, not once but twice, came the products of Private Enterprise . . . money and food from the free people of the United States of America.

If we in America had not been productive, it would have been impossible to help our fellow man. Whether the help was appreciated or not . . . whether it was to our best interest or not . . . would be subject for debate. The point here is that we had the means by which to help a nation in trouble that had claimed for over forty years that it was the perfect system of government.

It is our privilege as members of the Children of the American Revolution to defend Private Enterprise for future generations. How do we go about this task? We begin by studying history and becoming informed about our system of advancement . . . and let us always remember that Communism is our enemy.

Can we as American Citizens and Children of the American Revolution practice daily our system of Private Enterprise and eradicate the Communist boast of taking over the United States of America by 1973?

I am confident we can!!

Parkway Students High in Nationwide Testing

EXTENSION OF REMARKS

OF

HON. EDWARD J. GURNEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1966

Mr. GURNEY. Mr. Speaker, I ask permission to insert a self-explanatory newspaper clipping from the Titusville, Fla., Star-Advocate, a story paying proper tribute to a fine group of students at Parkway Junior High School in Titusville.

This is but one of the many fine schools in my congressional district. The principal, Mr. Ralph E. Robertson and the guidance director, Mrs. Ruth Chewning, have been kind enough to bring this article to my attention. Quite naturally, they are very proud of this achievement, and rightly so, when school dropout is unfortunately becoming fashionable and a way of life for so many youngsters today.

I commend these students for their efforts.

PARKWAY STUDENTS HIGH IN NATIONWIDE TESTING

Ten of 12 Parkway Junior High students who participated in the National Educational Development Test, given in March, placed in the upper 10 per cent on national norms, according to Principal Ralph Robertson.

Two students, Jim Current and John Kadlec, scored in the 99th percentile, nationally. Other students who scored from 92 to 98 percentile are Harry Sanders Bell, Jay Carothers, Scott Carpenter, Donna Davidson, Debbie Hock, Sarah Kahn, Alice Loudon and Lyle Shaffer, III.

The test was given to ninth year students only and was given on a voluntary basis. Most of the students of Parkway scored high in science and math.

The results have all been received in the guidance office and the students who participated should be receiving their scores within the next week.

Hawaii's 25th Division in Vietnam Pursues Military Objectives Under Extreme Climatic Conditions

EXTENSION OF REMARKS
OF

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, May 16, 1966

Mr. MATSUNAGA. Mr. Speaker, although I am well aware that "adaptability" is a necessary qualification of America's military forces today, I am nevertheless continually impressed by the efficient manner in which our troops are adapting themselves to both the irregular tactics of the Vietcong and to the extreme climatic conditions of South Vietnam. In a recent news dispatch from Cu Chi, Vietnam, Reporter Bob Jones describes how the 25th Infantry Division from Hawaii is successfully accomplishing its military objectives while also making careful preparations for the coming rainy season.

One of the primary military objectives of the Tropic Lightning Division, headquartered at Cu Chi, in the agriculturally rich and strategically situated Hau Nghia Province, is "area denial." But the continued denial to the Vietcong of this 50-mile by 50-mile Province, which is their chief food supply source and the location of some of their main travel routes, is expected to become increasingly difficult with the arrival of the rainy season in mid-May.

It is difficult to imagine that this "dusthole" which has midday temperatures of 103° will during the monsoon season receive an estimated 74 inches of rain. The highways leading into the area are expected to become almost impassable.

But the commander of the 25th Division, Maj. Gen. Fred C. Weyand, and his men know that the military objectives for this important Province must be achieved, for the Province is bordered on the northeast by the well-known patch of jungle called the Iron Triangle, and on the north by the reputed Vietcong command headquarters for the entire country, war zone C. Thus, the men of the 25th are not only pursuing the enemy without respite, but are also racing against time to prepare for the torrential rains. Foxholes are being replaced by raised bunkers and pup tents by wood-and-screen, off-the-ground tent kits.

I submit for inclusion in the CONGRESSIONAL RECORD the account by Reporter Bob Jones which appeared in the April 21 issue of the Honolulu Advertiser:

"AREA DENIAL" 25TH'S AIM
(By Bob Jones)

CU CHI, VIETNAM.—Signs began popping up around the Hau Nghia province countryside, erected by Viet Cong who face an increasingly difficult existence:

"National Liberation Front Country. Keep out. Anyone advancing beyond this point will be killed."

Maj. Gen. Fred C. Weyand, commander of the 25th Infantry Division, immediately ordered the signs torn down and new ones

put up in their place: "25th Division territory. Viet Cong will be killed."

In a series of operations named for their Hawaii links (Honolulu, Taro Leaf, Kahuku, Makaha, Kahala, Kaneohe and Kaena), Weyand's troops for nearly three months have been chasing the Viet Cong from the treacherous Ho Bo Woods north of the province to the Oriental (Vai-co) River in the south.

The number of VC killed by body count (468) was not spectacular, even considering the additional 971 "possible" kills the Tropic Lightning troops of the 2nd Brigade logged.

But as Weyand explained: "One of our primary missions here is area denial. We make sure the Viet Cong can't use the territory. Sometimes Johnny (Col. Lynnwood Johnson, 2nd Brigade commander) sends his troops back into an area he's already cleared just as a warning to the Viet Cong not to return once we've left."

Except for isolated incidents wherein the VC set up nighttime road blockades or tax travelers on Highway 1, the division has pretty much denied this traditional rice-and-peanut supply province to large units of Viet Cong.

"We belong here," said a division major. "We intend to live and stay here and rid the province of the Communist influence that's been here for 20 years. We intend to do it by aggressive military action and aggressive civic action."

From an untamed and sniper-infested island in the middle of a sea of Viet Cong guerrillas, Cu Chi has grown in three months into a military enclave which also is the headquarters for the 25th Division.

Inside the sprawling compound, which would encompass an area almost all of Wailaie-Kahala, life is markedly improving for the soldier not out on line duty.

"The Ambush" laundry has sprung up to handle dirty uniforms for more than 5,000 men. The pup tents have come down and been replaced by wood-and-screen tent kits, some of which sport names such as "Club Hubba Hubba" or "The Glades." Four sickly palm trees wave over the division headquarters.

But despite the numerous improvements in living conditions, food and general security, Cu Chi still remains a dust hole in which the heat boils up to an unbearable 103 degrees on a sunny April day.

The troops not out fighting are racing against the calendar to get everything raised off the ground before the torrential rainy season begins in mid-May.

The province's rainy season runs until late November and dumps 74 inches of rain on the terrain which is as perfectly flat as a pool table.

Foxholes must be abandoned in favor of raised bunkers. Tanks and armored personnel carriers will become useless, and even the daily convoys which bring all the division's supplies up from Saigon will be hard pressed to negotiate the 30 miles of flooded highway.

Weyand has his troops pushing the Viet Cong to the maximum before the rains hit.

Northeast of the 50-mile-wide, 50-mile-deep province is the famous Iron Triangle, a patch of heavy forestation that even the crack U.S. airborne troops haven't been able to deny to the VC.

To the north is Tay Ninh province and War Zone C, reputed to be the VC command center for the whole country.

Eventually, these areas will have to be cleaned out and the VC dragged out of the command tunnel complex. The intricacy of that operation is something most military men here don't even want to think about.

Hau Nghia province itself is a major task, and the Vietnamese government hopes to have the Cu Chi district pacified by May 31.

The province is a main travel route from easterly War Zone D and the Cambodian

border for VC supply and replacement units. Since it produces a wealthy 960 tons of pineapple and other fruit and 1,050 tons of protein-rich peanuts every year, it is a natural supply area for the VC.

It is one of the few provinces north of Saigon with a surplus of rice, cattle, pigs and poultry, also badly needed by underfed VC armies.

Its Highway 1, an all-weather surfaced road, runs from Saigon to Cambodia and has always been open only at the whim of the VC.

The area where 2nd brigade troops are running operations now is where U.S. Agency for International Development representative Douglas K. Ramsey was kidnapped by the VC last year. He still is missing.

Ironically, Ramsey was snatched while riding alone along Route No. 8, a stretch of road he had advised in one of his province reports should be traveled only when it is "lined on both sides with troops."

It's tough fighting, partially because of the temperatures. Average noon temperature is 90 degrees, which probably wouldn't be so bad were it not that the evening temperature drops off only four degrees from that. The average early morning temperature is 81 degrees.

Results of the Mize Instant Poll on National Issues

SPEECH
OF

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1966

Mr. MIZE. Mr. Speaker, the results of the questionnaire which I have circulated in the Second District of Kansas have been tabulated and I wish to bring the tabulations to the attention of my colleagues.

I called this the Mize instant poll because I visited most of the counties of the Second District during the Easter recess and handed out the questionnaire personally in every community I visited. In a great many instances, the questions on the opinion poll were answered on the spot and I was able to take them away with me. I also left additional copies in each community and mailed copies to those I did not visit personally, so the questionnaire did get good coverage in the district.

The response has been higher than average, I feel, because of the personal distribution and the fact that I could also collect a good many of the completed questionnaires before I left each community. I am pleased that so many of my constituents participated and I am confident that this cross section of opinion accurately reflects the position that a majority of the voters in the district take on each of these issues.

Under leave to extend my remarks, I respectfully request that the results of the Mize instant poll appear in the RECORD at this point. The summary follows:

THE MIZE INSTANT POLL ON NATIONAL ISSUES
[Results in percent]

1. Should Congress submit to the people a Constitutional Amendment that would permit one House of State Legislatures to be

apportioned on a basis other than population?

Yes 53
 No 34
 No opinion 3

2. Do you favor a four-year term for Congressmen?

Yes 55
 No 42
 No opinion 3

3. Do you think the benefits of the poverty program outweigh the reported costs and abuses?

Yes 45
 No 30
 No opinion 5

4. Should the minimum wage be raised from its present \$1.25 per hour level?

Yes 43
 No 58
 No opinion 4

4(a). If yes, to what level? (Not all of those who thought the minimum wage should be increased indicated a specific rate. Of those who did, these are the preferences.)

For \$1.40 48
 For \$1.60 33
 For \$1.75 19

(b). Should farm, hotel and restaurant workers receive a minimum wage guarantee?

Yes 51
 No 41
 No opinion 3

5. Do you favor setting aside a small percentage of revenue each year to reduce the national debt?

Yes 38
 No 9
 No opinion 3

6. Do you think incomes are increasing in proportion to the rising cost of living?

Yes 29
 No 66
 No opinion 5

7. Do you favor or oppose the following courses of action which the U.S. might take in Viet Nam?

(a) Withdraw?

Yes 32
 No 63

(b) Take whatever military action is necessary to achieve decisive victory?

Yes 37
 No 13

(c) Keep up our present military effort in hopes of a negotiated peace?

Yes 52
 No 48

(It should be noted that many of the respondents answered more than one part of the question. Many who voted against withdrawal also voted for one of the other proposals. By far, the greatest number of those answering this question responded to section "b".)

8. Do you favor more strict Federal regulation in the sale and ownership of firearms?

Yes 47
 No 50
 No opinion 3

9. Do you favor increasing Federal control of the Unemployment Compensation program, increasing the duration of the benefits and the amount of payments as well as employer contributions?

Yes 19
 No 37
 No opinion 3

Mr. Paul-Henri Spaak Discusses 1. The U.S. Involvement in Vietnam, 2. The Importance of NATO

EXTENSION OF REMARKS

OF

HON. J. ARTHUR YOUNGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1966

Mr. YOUNGER. Mr. Speaker, Mr. Paul-Henri Spaak delivered an address in Brussels on the 20th anniversary of the Association Belgo-Americaine in which he rather clearly defines the responsibility of the United States in Vietnam and the reasons why we are there. This is an excellent commentary from one of the European governmental leaders. His address follows:

MR. PAUL-HENRI SPAAK DISCUSSES 1. THE U.S. INVOLVEMENT IN VIET-NAM, 2. THE IMPORTANCE OF NATO

Today, you celebrate the twentieth anniversary of the Belgo-Americaine Association and you are celebrating it, let us speak frankly, at a difficult time for the United States. Their politics are not well understood, and their actions in Viet-Nam are highly criticized in many parts of the world.

All of us here, and I believe all in the United States, have a horror of war; we are all dismayed by the pictures and accounts of the fighting to which we are subjected—I wonder why—night after night on the television.

However, we are confronted with a political fact which we must try to explain to ourselves; and I believe it would be a good thing to have the members of the Association think about this problem as clearly as possible to try and counter balance the present unfavorable opinion.

ORIGINS OF THE WAR (1)

The first question to be raised is "Did the United States declare war on Viet Nam?" Obviously the problem of how a war originated is always a historical problem which is difficult to settle. The real causes and responsible parties of the 1914 war are still being discussed.

But still a number of facts are incontestable. In the years following the 1954 Geneva agreements, the United States did not intervene in Viet Nam.

So long as South Viet-Nam was living in peace, the United States was content with sending a few tens or hundreds of technical aides and advisers, in the hope that the country could by itself assert its independence and find its political equilibrium at the same time. Then in 1960, the North Viet-Namese Communist Party declared at a public meeting that North Viet-Nam's main objective was to conquer South Viet-Nam and bring it within its orbit and jurisdiction. That is when events started with the political action mentioned earlier.

Gradually North Viet-Nam began to send troops to South Viet-Nam and, relying on a political opposition which definitely existed, attempted to seize power, overthrow the government and realize its aims. It was then, and only then, that the United States intervened.

To some extent I understand the disillusion and bitterness of some United States leaders, who cannot make Europeans and other peoples understand the importance of the problems which arise down there and the fairness of the stand they have taken.

And yet there is an argument which we must understand and which concerns us. I have heard Mr. John Foster Dulles use this

argument emphatically in the past, and I have heard Mr. Dean Rusk repeat it quite often lately: If the United States does not honor a single one of the commitments they have undertaken around the world, how can the rest of the world believe that they will honor other commitments?

Here we are directly involved? If the United States, who have concluded a treaty with South Viet-Nam, who have promised to help them guarantee and defend their independence and liberty, failed to keep their word, would we not become anxious too, would we not believe that one day the United States might look for excuses not to keep promises made to us?

I believe that this argument is a basic point of view and that the United States leaders are right.

If a great nation, which makes commitments throughout the world, fails to keep its word, no one can believe in pledges anymore, and we are directly concerned.

IMPERIALISM ARRESTED THROUGHOUT THE WORLD

What discourages the leaders of the United States is that they cannot make Europeans understand that what is going on in Viet-Nam is not so different from what happened in Europe from 1948 to 1950. At that time, right or wrong so as not to start historical quarrels, we thought that we were seriously threatened, and that the Soviet imperialism then prevailing could result in countries other than those who had already experienced the Soviet yoke and influence could be subjected against their will to Communist power.

At that point, we found it very natural, indeed almost all of us rejoiced to see the United States come to our aid, to help guarantee our national defense, and to make with us more significant and weighty commitments than they had made with Europe throughout their history.

Is the situation in Asia today really so different? Would anybody dare to maintain that the free and independent nations of Asia are not threatened by Chinese imperialism, the imperialism of Communism, China; then why can't we understand that what the United States has done in Europe, their might, their influence, the position they occupy in the world, and the role they must play today compels them to take a stand in Asia, identical to the one taken in Europe.

I don't know why people cannot understand that the Viet-Nam problem is much more important than a conflict in which the independence or slavery of South Viet-Nam is at stake.

If the Americans were to voluntarily abandon Viet-Nam, why would they remain in any Asian country?

If they abandoned Viet-Nam, why would they defend Thailand, Malaysia, or the Philippines?

And tomorrow, and a very near tomorrow at that, why would they even defend Asia?

The problem of the American leaders is not only to win victory in Viet-Nam, it is also to know whether, through an abandon which would not be compulsory, they would accept the idea that all of Asia must be submerged by Chinese and Communist imperialism.

We can now realize the significance of the problem which threatens the stability of the world and—permit me to say it—and surely you will have understood it already yourselves, our destiny or at least the destiny of future generations.

The United States is making a tremendous effort in Viet-Nam.

But who desires peace today? I am astonished and dumbfounded when I receive from certain organizations requests for signatures on petitions in which the United States is asked to make peace in Viet-Nam.

This Nation came into possession of Guam in 1898 as a legacy of the Spanish American War; we acquired the Virgin Islands by purchasing them from Denmark in 1917.

I would like to point out, however, that the territory we now refer to as the District of Columbia was acquired by this Nation from Maryland in 1788 and Virginia in 1789. As a natural result of the bloody war we had just fought to achieve that right, it never occurred to the Federal Government that the people living in the new territory would not have home rule, and indeed, until 1802 the existing State laws were continued in the two municipal corporations which then made up the populated areas of the territory.

In 1802 the city was given a mayor appointed by the President and a city council elected by the people; in 1812 the city council was permitted to elect the mayor. In 1820 and thereafter the mayor was elected by the people. In 1874 when the present Commission form of government was first forced upon the people of the District of Columbia, the Congress ended home rule in Washington and for the first time in three-quarters of a century no part of the District exercised the right of suffrage. Next June 20 it will be 92 years since the people of the District of Columbia were deprived of home rule, a right until that time never contested.

Why is it, Mr. Speaker, that this Congress can, without a dissenting vote, permit the 43,100 residents of the Virgin Islands and the 67,700 residents of Guam the right to elect their own Governor while we cannot permit the 800,000 residents of the District of Columbia that same right?

The zeal for home rule for every place but Washington continues unabated. Not quite 1 year ago the Congress of Micronesia met for the first time. This is the bicameral legislature elected by the 91,700 citizens of the Trust Territory of the Pacific Islands, over which our Nation has jurisdiction as a result of a 1947 agreement with the Security Council of the United Nations. American Samoa, which we acquired in 1900, now has a locally drafted Constitution which was promulgated in 1960 and its 21,400 people elect a House of Representatives.

The fight for home rule for Washington naturally brings publicity and it becomes more and more embarrassing and more and more difficult to explain that the residents of the capital of the mightiest democracy do not have democracy; that they are not permitted to elect their own local government; that they have no say in the disposition of the tax money collected from them, a right accorded to every other individual of voting age in every State and territory of the United States.

There are many ambivalences created by man in his search for the best means of achieving the common good and no solution to the problems faced by human government can please everyone. But there are some problems which are easily solved. One of these is the right to self-determination for the people of the District of Columbia.

In view of the action this body took yesterday, how can we deny the District of Columbia the same rights and privileges?

FREE WORLD TRADE WITH NORTH VIETNAM

(Mr. MULTER (at the request of Mr. PATTEN) was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MULTER. Mr. Speaker, I have asked the Department of State to comment upon the extent of trade between the free world countries and the Communist North Vietnamese and what our Government was doing to halt this trade.

I believe that the Department's answer will be of great interest to our colleagues and I, therefore, commend to their attention the following information as furnished to me by our able and distinguished Assistant Secretary of State Douglas MacArthur:

The Department of State has been concerned for some time over voyages by free world ships to North Viet-Nam, and, through sustained diplomatic efforts, has been successful in bringing about an elimination of ships from most countries in that trade. High level approaches continue to be made to those countries which still have flag ships calling at North Viet-Nam, and it is believed that a reduction of such calls to a hard core minimum is being achieved.

The volume of free world trade with North Viet-Nam amounts to about 15 percent of North Viet-Nam's total trade. This is subject to the strategic embargo restrictions of the Coordinating Committee (COCOM) countries (NATO countries and Japan) governing strategic goods. Free world exports to North Viet-Nam consist mostly of textiles, foodstuffs and fertilizer. Purchases from North Viet-Nam are mainly anthracite, with occasional shipments of apatite, rattan ware, fruits and vegetables. Although we do not yet have complete data on free world trade with North Viet-Nam for the last half of 1965, preliminary estimates indicate that there was a decrease in that trade stemming from the sharp drop in free world shipping to North Viet-Nam during that period.

Since free world trade moves almost entirely by sea, approaches have been made to the countries concerned, through diplomatic channels, in an effort to obtain their cooperation in controlling this shipping. Such an approach is consistent with and in support of relevant United States legislation and has been remarkably successful. For the last six months the monthly average of calls by free world vessels at North Viet-Nam has dropped to 13 as compared with 34 per month in 1964.

During 1965 and early 1966 the following free world countries had one or more ships call at North Viet-Nam: Cyprus, France, Great Britain, Greece, Italy, Japan, Lebanon, Liberia, Malta, the Netherlands, Norway, and Panama. Many of these calls, however, were made early in 1965, and in the last eight months no Japanese, Lebanese, Dutch, Liberian, or Panamanian ships have called at North Vietnamese ports while France and Italy each have had only one ship making one call.

The free world shipments in question are not being made by the governments concerned, but by private traders in ships sailing under various national registries. Each country has special legal problems in controlling such shipping which take some time to resolve, but we have been making every effort to obtain early and effective action.

There were only three aid-recipient countries which had ships calling at North Viet-Nam during the last eight months, namely, Greece, Norway, and Cyprus. The Greek Government has issued regulations making it unlawful for their ships to carry cargo to or from North Viet-Nam. Norway has taken steps to remove its ships from the trade and no Norwegian ships have called at North Viet-Nam since November. We have discussed the matter with the Government of Cyprus and are confident that the problem relating to that country's ships will be resolved. Some of the ships of these three countries are under long term charters to Communist countries however, and thus not under the control of their owners. Even so, assurances have been received in some cases that once these charters expire, the ships will be removed from the North Viet-Nam trade. The effectiveness of these measures will, of course, be kept under continuing review, having in mind the relevant legislation calling for denial of aid to countries that do not take appropriate steps to remove their ships from the North Viet-Nam trade.

Most of the free world flag ships remaining in the North Viet-Nam trade are under British registry, but it should be noted that few if any are owned by United Kingdom residents. The majority are small coastal vessels owned and registered in Hong Kong and by virtue of their registry are entitled to fly the British flag. Some are controlled by Chinese Communist operators. They are on time charters to Communist China or North Viet-Nam and normally ply in trade only between mainland China and North Viet-Nam. British owners of vessels registered in the United Kingdom have either withheld or withdrawn their ships from this trade or have indicated they intend to do so as present charters expire.

On February 12, 1966, the Maritime Administration announced in the *Federal Register* that the President had approved a policy of barring the carriage of United States Government-financed cargoes shipped from the United States on foreign flag ships calling at North Viet-Nam after January 25. This announcement contained a list of five free world ships which have recently visited North Viet-Nam and which are therefore barred from the carriage of United States-financed goods. Cumulative lists are being published at frequent intervals.

The policy directive barring United States Government-financed cargoes to ships calling at North Viet-Nam was calculated to supplement our diplomatic approaches and the legislative provisions affecting recipients of United States aid whose ships have been in the North Viet-Nam trade. It is believed that these measures will be adequate to remove most of the remaining free world ships from the North Viet-Nam trade. If, however, these measures are not successful further action will be considered.

There has been improvement in the situation as far as British shipping is concerned. The problem is now mainly with ships registered in Hong Kong flying the British flag. The United Kingdom does not permit the shipment of strategic materials to either Cuba or Viet-Nam. Prime Minister Wilson has also been one of the strongest supporters of our policy in Viet-Nam. We are, nonetheless, seriously concerned that some British shipping continues to be involved in the North Viet-Nam and Cuban trade. We have made representations to the British Government on this question.

THE USE OF TAX-EXEMPT BONDS FOR FINANCING INDUSTRIAL EXPANSION NEEDS CONTROLS

(Mr. KEOGH (at the request of Mr. PATTEN) was granted permission to ex-

May 17, 1966

tend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KEOGH. Mr. Speaker, almost every day we read in the financial press of large, financially strong national companies turning the tax-exempt status of municipal bonds to their private advantage. More and more municipalities in all parts of the country are using their credit to finance the construction of giant industrial and commercial plants for lease to such companies. Individual bond flotations by small communities of \$20 million and more for this purpose are now commonplace.

About 3 years ago the Advisory Commission on Intergovernmental Relations issued a report, entitled "Industrial Development Bond Financing," in which it pointed out some of the abuses and pitfalls that stem from this practice: firms with access to adequate financing using the public treasury for their private gain; communities overextending their credit to provide facilities far beyond their employment needs and in the process overstraining their revenue resources to meet unanticipated demands for public services; and the rampant pirating of industry by one community from another that results from frenetic inter-community competition for industrial development.

Although only about a half billion dollars worth of local industrial development bonds had been issued up to the time the Advisory Commission issued its report, we recognized that the practice was growing and that safeguards were needed "to minimize intergovernmental friction, to insure that governmental resources deployed for this purpose bear a reasonable relationship to the public purpose served and that the governmental powers employed are not diverted for private advantage." Indeed the practice has been growing apace. At least another billion dollars worth of bonds has been issued since 1962 to finance plants for large, well-heeled firms. Communities in about three-fifths of the States now engage in the practice.

The Advisory Commission recommended that if the States insist on allowing their localities to engage in industrial development bond financing, they should control these activities by providing the following safeguards:

First. Subject all industrial development bond issues to approval by a State supervising agency;

Second. Restrict authority to issue such bonds to local units of general government—counties, municipalities, and organized townships;

Third. Limit the total amount of such bonds that may be outstanding at any one time in the State;

Fourth. Prohibit such financing for pirating of industrial plants by one community from another; and

Fifth. Provide machinery for informing the public as to proposed industrial development bond projects, and to enable citizens to initiate referendums on such projects.

Hawaii enacted the Commission's suggested legislation implementing those recommendations in 1964, and Maine enacted parts of it in 1965. The other

States should follow suit, before the system of industrial development bond financing topples of its own weight and in the process does irreparable damage to local finances.

Mr. Speaker, waiting upon the States to stop this unsound practice is not enough. The Congress, too, shares in this responsibility. My bill H.R. 324 strikes against the most blatant abuse of the tax exemption privilege—the purchase by a corporation of tax-exempt bonds that are issued to finance a plant it intends to lease from the bond-issuing community. It would deny the deduction for income tax purposes of rentals paid on facilities financed with industrial development bonds in those cases where the leasing corporation itself purchases some of the tax-exempt securities.

H.R. 324, as the identical bill H.R. 4069 introduced by my distinguished colleague from North Carolina [Mr. FOUNTAIN], would carry out the recommendations made to the Congress by the Advisory Commission on Intergovernmental Relations.

Mr. Speaker, this subject merits our early attention. Further delay can undermine the public's regard for the tax exemption of bona fide State and local bonds.

RELATIONSHIP BETWEEN POPULATION GROWTH AND FOOD PRODUCTION

(Mr. TODD (at the request of Mr. PATTEN) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. TODD. Mr. Speaker, I ask the following news item from the May 17 Washington Post be inserted in the CONGRESSIONAL RECORD to bring to the attention of my colleagues the relationship between population growth and food production. This news story corroborates the situation long anticipated by agricultural economists. Solutions to this deficit in food will very much depend on the kinds of aid the United States stresses to remedy the problem.

FAO FINDS POPULATION OUTPACES FOOD GAINS

ROME, May 16—World food production apparently failed to keep up with population growth last year and the prospect for this year is no better, the U.N. Food and Agricultural Organization (FAO) reported today.

"Neither food nor raw materials taken separately are likely to have advanced in step with population growth," said the organization's annual Commodity Review based on information up to the middle of March.

If later final figures show a production increase in 1965, it will be small, the report said. It added that production for 1965-66 was unlikely to keep up with the population growth rate of 2 percent.

The group said that among developed regions. North America and Western Europe saw sizable increases in agricultural production. There was a small gain in Japan but drought caused serious harvest reductions in South Africa and Australia.

Among developing countries, Latin American production increased sharply but the rapidly expanding population of the region left the output per person basically unchanged. Unfavorable weather cut production in the far east, including India, and in Africa.

In Communist economies, it said, mainland China appears to have maintained grain production at 1964 levels but severe drought in the Soviet Union and in eastern Europe sharply cut production there last year, necessitating imports.

COLISEUM CONVENTION CENTER— NEW HAVEN, CONN.

(Mr. GIAIMO (at the request of Mr. PATTEN) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GIAIMO. Mr. Speaker, I introduce for appropriate reference, a bill that would permit the city of New Haven, Conn. to count certain expenditures as local grants-in-aid. The city of New Haven plans to construct a coliseum-convention center as part of its Church Street redevelopment and renewal project—Connecticut R-2.

The purpose of the Church Street project is to feed new life into downtown New Haven, both economically and culturally. The proposed convention center would enhance and complement the work already achieved in this program. It would give an added boost to retail outlets and increase business activity of the downtown area. As a source of attraction such a convention center would have, it would naturally attract a large number of people outside the immediate geographical area of the Church Street project.

Section 110(d) of the Housing Act of 1949 prevents eligible costs of this project to be defrayed as grant-in-aid. This is because the convention center would serve an area beyond what is technically defined as the urban renewal area of the Church Street project, the very growth, however, that such an urban renewal project seeks.

I submit, therefore, Mr. Speaker, for appropriate reference, a bill to permit that, notwithstanding the extent to which the coliseum-convention center proposed to be built within the Church Street redevelopment and renewal project—Connecticut R-2—in New Haven, Conn., may benefit areas other than the urban renewal area, expenses incurred by the city of New Haven in constructing such coliseum-center shall, to the extent otherwise eligible, be counted as a grant-in-aid toward such project.

DEPENDENCY AND INDEMNITY COMPENSATION PROGRAM

(Mr. HANLEY (at the request of Mr. PATTEN) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, yesterday the House of Representatives saw fit to unanimously pass H.R. 14347, a bill which I was delighted to introduce, designed to effect a cure for an inequity which has been endured far too long by dependent fathers, mothers, and orphans of service men and women who died as a result of service-connected injuries and illnesses. This category of people are in the minimal income bracket and have had to cope with the increased cost of

restrictions imposed in 1951. Much of the business diverted from the Post Office by those restrictions has been taken over by United Parcel Service, bus lines and various other carriers.

Almost all the opposition to this bill has been generated by one company, the company that was provided a privileged economic sanctuary under the 1951 restrictions.

I find it ironic that many of the attacks on the proposed changes in parcel post regulations are being palmed off as a defense of private enterprise. It seems highly questionable to me whether any firm that wants the Government to subsidize it by handling its high-cost business while it retains all the low-cost, high-volume traffic is even in private enterprise.

One of the most regrettable aspects of the whole situation is that some of the forces opposing changes in parcel post regulations have been putting out a lot of misinformation. The bill would partially restore—and I want to emphasize the words “partially” and “restore”—parcel post service to what it was before the 1951 change in the law. The public is being told we are proposing “expansion” of parcel post service.

It has been broadly hinted that employees of the firm benefiting from the present setup would lose their pension rights. The truth is the pension rights of these employees are guaranteed by law.

These employees also are being told passage of the legislation will cost them their jobs. Yet Postmaster General O'Brien has publicly stated that the Post Office Department will hire any employee who is thrown out of work because of this legislation. Postmaster General O'Brien restated this pledge just last week in a letter to the chairman of the Post Office and Civil Service Committee.

I know the Postmaster General well enough to know this is a good faith commitment that he will honor. But I do not think enactment of this much-needed legislation will put very many, if any, employees out of a job.

Unfortunately, this misinformation has had some effect. Some railroad employees have expressed misgivings about the bill. Apparently the propaganda barrage has made them fearful liberalization of parcel post restrictions would be detrimental to their best interests.

Actually, passage of the legislation will increase parcel post volume and mean greater job security for railroad employees.

I reiterate what I said earlier. The alternative to liberalization of parcel post restrictions is a subsidized parcel post system. The alternative to passage of this bill is continued inadequate parcel post service to the American public and the American business community.

This bill is a reasonable proposal. It is in the public interest. It should be enacted.

REVIEWING THE RECORD ON VIETNAM

The SPEAKER pro tempore (Mr. KREBS). Under a previous order of the

House, the gentlewomen from Hawaii (Mrs. MINK), is recognized for 30 minutes.

Mrs. MINK. Mr. Speaker, it is now a year since President Johnson requested of the Congress a vote of confidence for his Vietnam policies through passage of the second supplemental appropriations bill to bear the expenses of our involvement until June 30, 1965. The President at that time affirmed his sincere search for peace through negotiations, a quest which I readily seconded and which I have been advocating ever since.

Now, in light of the recent unsettling political events in South Vietnam, it is incumbent upon us to review the developments during this year and our reactions to them, and in fact, a searching appraisal of our whole policy in pursuit of some form of democratic self-determination for the people of South Vietnam is surely in order. Many of us are deeply disturbed as to the present conditions which do not appear to be laying any substantial foundation for truly free elections, as so many of us desire. I urge the President to reaffirm at this time America's commitment to popular government in South Vietnam, since this is the whole purpose of our military and economic assistance to that country.

As a Member of the 89th Congress and a concerned citizen, I include in the RECORD the statements I have made in regard to the developing situation in South Vietnam, with the request that the search for peace which I and so many Americans earnestly desire not be abandoned at this critical juncture:

THE USE OF GAS IN SOUTH VIETNAM

(March 25, 1965, letter to the President signed by Representative PATSY T. MINK and 15 other Congressmen)

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The actions of our military in South Vietnam in providing riot-control type gases to the South Vietnamese appear to have violated our long-standing policy against the first use of gas in warfare.

This national policy was first enunciated on June 9, 1943, by President Franklin Delano Roosevelt, who said:

“Use of such weapons has been outlawed by the general opinion of mankind. This country has not used them, and I hope that we never will be compelled to use them. I state categorically that we shall under no circumstances resort to the use of such weapons unless they are first used by our enemies.”

It was reaffirmed on January 13, 1960, by President Dwight D. Eisenhower who said, when asked at a press conference about our government's policy on the use of gas in warfare:

“So far as my instinct is concerned, (it) is to not start such a thing as that first.”

The first use of gas in warfare, however innocuous its variety or effective its results, subjects the using country to the censure of the civilized world. In this instance it undoubtedly will provide a basis for an effective propaganda campaign against our involvement in Southeast Asia, could isolate us from many of our friends, and may result in a legacy of deep resentment in Asia.

In view of the above and the great concern, both nationally and internationally, over the use of gas in Vietnam and in the hope that some action be taken in the inter-

est of our national prestige and moral standing, may we respectfully suggest:

1. That, since the area commander apparently had authority to use these riot-control gases, in case of civil disturbances, an investigation be made into the means by which such authority was extended to authorize use of such gases in combat;
2. that exclusive control and direction over the use of chemical, biological and radiological weapons be restored to the Presidency and finally;
3. that, in the light of former executive pronouncements, an expression of this Administration's policy toward the use of these weapons be made.

Sincerely,

SECOND SUPPLEMENTAL DEFENSE APPROPRIATION

(May 10, 1965, Statement on CONGRESSIONAL RECORD page A2258)

The fifth of May, 1965 undoubtedly was a day that I shall long remember for the mental and emotional experience I just endured. The President, concerned that the people of the United States did not support his policies in Viet Nam, called upon the Congress in an extraordinary move to gain approval of his program by asking for \$700 million to the end of June 30th, 1965. The President by this request asked for a vote of confidence in his leadership. It was readily acknowledged that these funds were not needed for the furtherance of his policies in Viet Nam, for he has the authority to use general funds of the Defense Department, but that he chose this means of asking for a vote of confidence in his leadership to carry this to his avowed ends of peace through negotiations without conditions.

I do not need to state my commitment to peace, and my belief that peace can come to Viet Nam only through the conference table. And herein lies the conflict that I faced in this vote. While I do not agree with any policy of escalation of the war in Viet Nam, it has consistently been denied by the President and all concerned that this is in fact the policy of the government of the United States. Rather the President has repeated several times in recent weeks that the policy of the United States is to seek an unconditional negotiation for the peace and stability of Viet Nam, and further that the strategy now being pursued by this government is to seek this just end to hostilities. With this statement I cannot but heartily agree. Our disagreement then, comes in not knowing what the peace is which we want to secure, nor how the conflict can be stabilized to the end that the right of self-discrimination can be assured, and finally in the matter of the strategy to accomplish these ends in the fastest, most expeditious manner. And it is here at this point that I find myself in utter confusion. Without the facts and the full explanation of the strategy involved, which for obvious reasons cannot be revealed if the strategy is to work, I cannot disagree with the President purely on the assumption that my analysis is superior to his judgment. Facing this dilemma, I am asked by the President to express my confidence that the ways in which he seeks to end this conflict by negotiation can best be achieved by the methods and plans that he has laid.

Had the President never stated that he was pursuing a course which he personally believed would permit the earliest possible convening of negotiations, I would have no choice but to vote against his actions thus far. But in the context of his avowed purposes, I believed that he was entitled to pursue his course with the support of the people of the state of Hawaii, as cast by my vote as one of its representatives.

Further the President has stated to the Congress that without its overwhelming vote of confidence, his actions are subject to the interpretation by the government of

farmer will arise to the occasion and make his indignation felt. The farmer is sick and tired of being taken for a sucker by the desk farmers in the Department of Agriculture. Let's start listening to the farmer rather than the bureaucrat. The latest gimmickry is the so-called stockpiling proposal of Mr. Freeman which would give him dictatorial powers over every phase of Agriculture. I am going to help the farmer once more by opposing this punitive program. Mr. Secretary, will you join us?

CONGRESSMAN MORRISON ANSWERS ATTACKS BY CONGRESSMAN DERWINSKI ON POSTMASTER GENERAL LAWRENCE O'BRIEN

The SPEAKER. Under a previous order of the House, the gentleman from Louisiana [Mr. MORRISON] is recognized for 30 minutes.

Mr. MORRISON. Mr. Speaker, I requested this time to clarify a situation raised last week by the distinguished gentleman from Illinois [Mr. DERWINSKI]. It was implied in this Chamber last week that Post Office Department officials had acted improperly, and perhaps illegally, in supporting H.R. 14904, a bill to revise parcel post rates and increase the size and weight of parcels that could be carried through the postal system.

I have a particular interest in this bill since I have the privilege of being the chairman of the subcommittee and the vice chairman of the full committee which approved it. It is no secret that the Post Office Department strongly supports this measure. The distinguished Postmaster General, Lawrence F. O'Brien, and other postal officials testified in behalf of the bill on a number of occasions.

But I know of no instances in which any postal official, in Washington, or elsewhere, acted improperly in regard to this legislation. As the gentleman from Illinois said on the House floor last week, the Postmaster General has a well-deserved reputation for integrity. And I want to assure the gentleman from Illinois that from my vantage point as chairman of the subcommittee which considered this legislation I could detect no actions by subordinates of the Postmaster General which would reflect discredit on him or on the Department he so ably heads.

I was a bit troubled, however, by the charge made here last week that the parcel post bill was "slipped" through the Postal Rates Subcommittee. I hardly think that accurately describes the handling of a bill on which extensive public hearings were held over a period of 2 months.

Voluminous testimony was taken on this legislation from proponents and opponents of the changes it calls for. Representatives of the Post Office Department, the REA and many other groups were given ample opportunity to present their views on the legislation. Transcripts of the hearings have been printed and are available to anyone who wishes to review them.

The bill received full and open consideration.

I might point out that the bill won overwhelming endorsement in both the Postal Rates Subcommittee and the full House Post Office and Civil Service Committee. These votes reflect the well-documented case developed at the hearings that this bill is very definitely in the public interest.

In recent years we have heard a lot about fiscal responsibility. Passage of this bill will permit the Post Office to operate parcel post services in a fiscally responsible manner. Failure of the Congress to enact this bill will force the Post Office to continue operating parcel post services at an unwarranted loss.

The predicament the Post Office finds itself in today over parcel post stems from a law enacted in 1951. That law sharply reduced the size and weight of parcels that could be shipped parcel post from first-class post offices. The primary purpose of the law was to provide a financial shot-in-the-arm to a single firm, the Railway Express Agency.

But the benefit to REA has been small while the detriment to the postal service and the public has been great.

Before 1951, the Post Office Department operated a uniform parcel post system. Packages less than 70 pounds and 100 inches could be mailed anywhere in the United States.

The changes made in parcel post regulations in 1951 established two zones for shipment of packages between first-class post offices. A limit of 20 pounds and 72 inches was set on packages shipped between first-class offices more than 150 miles apart and 40 pounds and 72 inches on packages between first-class offices less than 150 miles apart.

The limit on packages shipped from second-, third-, and fourth-class offices remained 70 pounds and 100 inches.

The restrictions imposed by the 1951 law have had a number of effects, all bad.

The Post Office has been forced to continue providing service on relatively large parcels shipped from rural areas. The cost of providing this service is high.

But the Post Office Department has been severely restricted in the parcels it can handle in urban areas. The Department has lost much of the high volume, low cost service generated in urban areas.

The 140 million Americans living in urban areas are denied adequate parcel post service. Millions have been turned away from post office mailing windows. These restrictions have produced confusion and frustration.

For example, the Post Office can deliver a 70-pound, 100-inch package from a business firm in Jersey City, N.J. to a village in Alaska, but it cannot deliver a 10-pound, 73-inch package sent by the same firm to a destination just across New York State to Buffalo.

The restrictions have increased costs for all users of parcel post, whether they live in the city or the country. The same law that established the new size and weight restrictions also required the Postmaster General to certify that parcel

post receipts were within 4 percent of costs.

The loss of so much of its high volume, low cost service forced the Post Office to increase rates. This rate increase caused a further decline in volume and another rate increase was required. This undesirable spiral continues.

Although farmers and others in rural areas were supposedly not affected by the 1951 law because no change was made in the size of parcel post packages they could mail, they have suffered along with everyone else from the higher rates made inevitable by the restrictions on urban service.

Some small businesses have attempted to continue getting the full benefit of parcel post service by shipping their larger packages from other than first-class offices. This not only places an additional burden on the business firm, because these parcels usually have to be delivered to a post office out of the firm's immediate area in order to be mailed, but it also is self-defeating in the long-run.

Since the amount of revenue a post office takes in determines its class, if enough business is diverted to a second-class office to take advantage of the more liberal parcel post size limitations, that office ultimately will become a first-class station.

The difficulties I have outlined here, all stemming from the restrictions imposed in 1951, have precipitated a crisis in parcel post service. Encased in its present straitjacket, parcel post simply cannot be maintained on a break-even basis. Unless changes are approved, it will have to be subsidized.

The bill approved by the Post Office and Civil Service Committee would permit this. Under the bill, a uniform limit of 40 pounds and 100 inches would be established for all parcels mailed between first class offices.

I want to point out this would mean that the parcel post service in urban areas would still be more restrictive than it was before 1951.

The bill also would increase parcel post and catalog rates, a move that would increase revenues about \$63 million a year. The total increase in revenue under the bill would be \$107 million, enough to put parcel post service on a self-financing basis.

The establishment of a single size and weight limit for parcels mailed between first class offices, rather than the present two-zone setup, would simplify postage computations and be less confusing for the public, businesses and postal clerks.

The Postmaster General would retain his present authority over parcel post rates. He would be required to certify to the President and Congress that he has taken action to bring parcel post revenues in line with costs.

The bill is a reasonable one. It takes into consideration the interests of people living in rural and urban areas, of business and commercial operations, and of the Post Office Department. It would not, as has been charged, damage the REA.

REA did not receive the great windfall of business it expected from the re-

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North Viet Nam as not having the full support of the American people. He has explained that his hand would be weakened in his efforts to bring the parties to the conference table. His case is irrefutable. Any leader without the support of his people cannot display the resolution and conviction that this kind of crisis demands.

And so, though I am first and foremost committed to the cause of peace, I cast my vote in support of the President; that I do in fact believe his intent to seek a negotiated peace in Viet Nam. As an elected representative of the people of Hawaii I could not let my feelings as an individual outweigh my responsibilities at this point, and so I had to say to the President that we of Hawaii do have confidence in his integrity and sincerity to achieve the ends of peace by means of negotiation.

The President said to the Congress in his May 4th message:

"For in the long run, there can be no military solution to the problem of Viet Nam. We must find the path to peaceful settlement. Time and time again we have worked to open that path. We are still ready to talk, without conditions, to any government. We will go anywhere, discuss any subject, listen to any point of view in the interests of a peaceful solution."

This was the basis of my vote of confidence.

PRESS FOR IMMEDIATE NEGOTIATIONS

(August 25, 1965, Statement on CONGRESSIONAL RECORD, page 21014)

Mr. Speaker, I rise today out of grave concern that our dialogues for peace are being smothered by partisan efforts to cast upon our present Administration and upon the Democratic Administrations of the past the sole responsibility for the crisis that now exists for us and for the world in Vietnam. Let us not forget that since the Geneva agreement of 1954 until 1960 this country was led by the Republican Party and much could be said about things that could have been done then which might have prevented this painful situation in that part of the world today. But of what use is hindsight when what we must seek today is a means to end this war and to bring the parties to the conference table. We must be looking to the future and working through every possible means to bring an end to this conflict.

I am thoroughly convinced that our President is earnestly doing everything within his power and resources to seek the peace in Vietnam. I am equally certain that few are completely satisfied with the progress of our efforts to bring this matter to the stage of constructive negotiation. However, I believe that just as we are impatient that the talks begin, still in our anxiety to end this war, we must be willing to allow the President the fullest degree of flexibility to bring about the desired result. We can continue to urge the President to seek the involvement of the United Nations, but he has told us that he is doing everything possible to take this matter to the U.N. Where bombs failed to bring the necessary conciliatory attitude, the President called for a temporary cease-fire also to no immediate avail. He has agreed to negotiate without precondition, but still he has had no affirmative response.

The critical period of the monsoons are nearly over and we have been able to hold our lines. I am firmly of the opinion that Hanoi will, if not already, begin to understand that the peace conference is the only course left to take.

Being of this belief I do now urge the President to persist in his repeated efforts to draw Hanoi to the conference table in an ever increasing demonstration of good faith and determination that negotiations will in fact begin.

Let us stop this dialogue of war and more

war preparations of blame and accusations and begin in earnest our preparations for peace. Certain of our goal why should we wait. Let us ready the conference site. Let us send to Geneva our country's foreign policy technicians and statesmen now. Let us commit our course for peace immediately. Let us invite our allies to journey with us once again to Geneva to resolve a new Peace Treaty for Vietnam.

Let us hasten to sit as a nation determined that our will for Peace shall be done. Let us wait upon Hanoi in Geneva and in so doing with this war with utter and complete faith that our President is right in his great expectations for Peace.

And finally let us promise now without reservations that the bombs shall cease to fall from the very instant that the negotiations begin.

Let us be prepared to match every military dollar that we have spent these past 11 years in Vietnam with a like dollar for peace, for the restoration of this war torn country, for its economic development, for education, for food and medical care for its desperately poor people.

Let us produce a lasting peace and credit ourselves as a nation with faith that peoples everywhere liberated from the fear of hunger and deprivation will choose the way of freedom.

IN SUPPORT OF BOMBING MORATORIUM

(December 11, 1965, letter to President signed by Representative PATSY T. MINK and 16 other Congressmen)

Hon. LYNDON B. JOHNSON,
President,
White House
Washington, D.C.

DEAR MR. PRESIDENT: Recently, the Chairman of the House Armed Services Committee publicly urged that the United States extend its bombings to industrial and other targets in the Hanoi-Haiphong area. Similar proposals have been made by the Minority Leader and the last two Republican candidates for President.

We write you at this time for the purpose of stating our vigorous opposition to those views and our whole-hearted support of the Administration's continuing refusal to extend the bombings to Hanoi-Haiphong. We believe that such an extension would not bring an end to hostilities in Vietnam, but might lead to further escalations of an unpredictable character. Instead of saving lives, such a change in strategy might ultimately bring about a vast increase in American casualties. In addition, the likelihood of massive civilian casualties in North Vietnamese cities would undoubtedly produce a world-wide reaction against the United States government.

The undersigned are not all in agreement as to the precise policies we should be following in Vietnam. Some of us believe that all bombing of North Vietnam should be suspended, at least temporarily. Some of us believe that we should make unequivocally clear that representatives of the Viet Cong would inevitably have to be included in any negotiations regarding the future of South Vietnam.

Yet we are united in our conviction that an extension of our bombings to Hanoi and Haiphong would seriously jeopardize all efforts to bring an early and honorable end to the war.

Respectfully,

PETITION THE UNITED NATIONS

(January 21, 1966, letter to the President signed by Representative PATSY T. MINK and 75 other Congressmen)

WASHINGTON, D.C.—Representative PATSY T. MINK, Democrat, of Hawaii, yesterday urged President Johnson to formally request the United Nations to seek an effective cease-fire in Vietnam.

Representative MINK joined 75 other congressmen in informing the President of their strong support of his vigorous efforts to bring the war in Vietnam to the conference table and in pledging support to a formal approach to the United Nations.

"I will continue to bend every effort toward the accomplishment of a just peace in Vietnam," Representative MINK said. "It is my strong conviction that the United States must continue its determined search for peace, and that the United Nations can play a leading role in this regard."

The text of yesterday's letter to the President follows:

JANUARY 21, 1966.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We strongly support the vigorous efforts you have undertaken to bring the war in Vietnam to the conference table. Specifically, we applaud you for the moratorium on bombing North Vietnam and for the extensive personal contacts you have initiated with the leaders of other nations to make clear our unrelenting desire for a just peace. We would like to suggest that you further consider one additional dimension to this diplomatic offensive, that we formally request the United Nations to seek an effective ceasefire and that we pledge our support and our resources to such an effort.

While the response from the other side has not been encouraging, we do not believe we should yet assume that the door has been firmly closed. We cannot expect that a conflict which has raged so bitterly for so long will be quickly or easily resolved. Neither can we ignore the alternative to negotiations. A prolonged and probably expanded war with attendant costs in human suffering and material resources.

We staunchly support the determination of our Government to resist the terror and aggression which deny the people of South Vietnam the right freely to determine their own future. We continue to support you in that commitment. We recognize that there are those who urge a resumption of bombings of North Vietnam and a premature abandonment of our peace efforts. We are, however, concerned that unless we can halt or reverse the escalation of the last months it will become increasingly difficult to achieve a further pause, a cease-fire and meaningful negotiations. We urge you, therefore to continue your present determined search for peace until such time as it becomes clear that no reasonable hope remains for a just settlement by peaceful means.

Sincerely yours,

LIMITED MILITARY OBJECTIVES IN VIETNAM
(March 1, 1966, Statement signed by Representative PATSY T. MINK and 77 other Congressmen regarding supplemental defense authorization of 1966, on CONGRESSIONAL RECORD, page 4254)

Mr. Chairman, we will vote for this supplemental defense authorization. The support of the American and allied troops who are fighting in South Vietnam requires it.

We agree with President Johnson's statement that "we will strive to limit conflict, for we wish neither increased destruction nor increased danger." We therefore reject any contention that approval of this legislation will constitute a mandate for unrestrained or indiscriminate enlargement of the military effort, and we strongly support continued efforts to initiate negotiations for a settlement of the conflict.

We, in particular, wish to express our concurrence with the President's statement of last week in which he declared the Vietnamese conflict to be a limited war for limited objectives calling for the exercise of "prudent firmness under careful control."

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EXECUTION OF SOUTH VIETNAMESE
BUSINESSMAN(March 15, 1966, Statement on CONGRESSIONAL
RECORD, page 5572)

A grave travesty on justice has been perpetrated by the government of South Vietnam in the name of social and economic reform. The public justification for this execution was, and I quote yesterday's Washington Post, "to fulfill Ky's pledge to President Johnson at the Honolulu Conference to put South Vietnam's social and economic house in order." For all the influence that we have on this regime, we did nothing to stop this senseless public execution which makes a mockery of our whole system of justice.

Out of the Honolulu Conference came a display of unity of purpose of our two governments. There was renewed good will in the joint resolve and reaffirmation to help the people of South Vietnam succeed in their own efforts to secure a better life, but this recent spectacular exhibit of totalitarian edict to secure certain ends points to the vastly different worlds we truly live in.

General Ky's goals and ours may be the same, but can we, in the eyes of the Asians whom we seek to influence and to save from Communism, embrace his methods of the firing squad by our silence and our acquiescence?

I urge the President and the Vice President to quickly intercede to prevent these extreme measures from becoming the means by which all of his social and economic problems are solved.

Let us make a mockery of our valiant and tragic sacrifice of the lives of our American youth who need to have complete faith in the integrity of the South Vietnamese government, we must forcefully insist that its leadership understand and apply to its own people the same moral and ethical code of conduct that has caused our American soldiers to give their lives for the sake of the ideals of a democratic society.

This barbaric act must not be allowed to be repeated! To accept this kind of a solution to an economic phenomenon is to invite the easy road to ultimate ruin without treating the cause at all! A thousand executed profiteers will not buy a stable economy or a new social order.

SUPPORTING FREE ELECTIONS IN SOUTH
VIETNAM(May 11, 1966, Statement on CONGRESSIONAL
RECORD, page 9839)

Mr. Speaker, I am pleased to note that Secretary Dean Rusk has reinforced this nation's determination to abide by the principle of self-determination with respect to the forthcoming elections in South Vietnam, despite the ambiguous reported statements of Prime Minister Ky which his own colleagues found necessary to censor.

After the optimistic declarations of the Honolulu Conference in February about the intentions of the South Vietnamese government to implement reforms and free elections as early as possible, we have witnessed accelerated plans to prepare for those elections this fall after the people of Vietnam look to the streets themselves to demand a democratic form of government.

Skeptics are pointing out that the Vietnamese have never experienced free elections, and therefore cannot be trusted to make a rapid transition to popular government.

If we are ever to know the true will of these people, we must do everything we can to ensure that the elections are held and that the results will be uncontestable, regardless of the outcome.

Those who agitate for these elections ask only for a hand in the destiny of their country, and since that is the professed reason for our presence in Vietnam, I believe that we must now insure that the voices of all inter-

ests will be heard in the conduct of that country's affairs.

With Secretary Rusk's assurances that we will indeed honor our commitment to self-determination for South Vietnam, it now becomes incumbent upon us not to leave open the possibility of later charges that the elections were not in fact "free."

Excessive caution in this matter is further dictated by Premier Ky's reported statement that if the elections do not have results desirable to the present regime, then the Directorate will fight! This must be regarded as a real danger sign and steps must be taken now to insure the absolute validity of these elections. The closest surveillance is absolutely basic!

But, I think it wholly unrealistic for us to place ourselves in the untenable position of being the sole third-party monitor of these elections. Although our foreign policy leaders insist that we will abide by the wishes of the people of South Vietnam regardless of the outcome, there looms of course the qualification that the election be truly "free" and expressive of the "will" of the people of that war-torn nation. It is therefore, in my opinion, unwise for us to assume by ourselves this responsibility as the judge and jury of weighing the quality of these elections.

I therefore join the distinguished Senator from Connecticut in urging that the President most seriously consider the proposal that either the United Nations or the International Control Commission be called in to maintain a field surveillance of these elections, and thereby relieve this country of the untenable task of being the guarantor of the outcome. If our commitment truly is to freedom in Southeast Asia, then we have a solemn obligation to implement the conditions for that freedom. We owe the world, the Vietnamese people, and ourselves no less.

NORWEGIAN CONSTITUTION DAY

(Mr. ROONEY of New York (at the request of Mr. PATTEN) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROONEY of New York. Mr. Speaker, today is the 152d anniversary of the signing of the Norwegian Constitution at Eidsvoll, near Oslo. The Norwegian Constitution is among the oldest in the world and although, like our own, it has undergone amendment and substitution it still remains the fundamental law of the country.

The constitution drawn in Norway in 1814 leaned heavily on Norwegian legal precedent, but it also absorbed a great deal of the 18th century liberalism which produced the American Declaration of Independence and Constitution, the French Revolution, and the great expansion of democracy in Britain.

Tradition led the parliament to be called the Storting, named after a quasi-democratic body which in the 9th and 10th centuries had been an instrument of royal power. But liberalism led the Norwegians to also put into effect the doctrine of separation of powers developed by the Montesquieu in France and adopted as the basis of our system of government. In addition to dividing power between the executive branch—the King in council—the legislative—Parliament—and the courts, the Norwegian Constitution adopted the doctrines of national independence, popular sovereignty and the rights of the individual versus the state.

The fact that this document and the principles which it espoused have been the law of the land for over 150 years stands as clear tribute to the framers of the Constitution. Its measure of strength was seen in 1884 when the King agreed to appoint a council which had the confidence of the Storting, thus introducing parliamentarianism. Universal suffrage was granted to men in 1893 and women in 1913.

Nowegians are justifiably proud of the system of government they have built on the Constitution of 1814. Norway prospers today and offers a living testimonial to the staying power of a democratic government.

Mr. Speaker, in my district this is a very festive occasion and I recall with great warmth the gay parades and parties that always marked the day. Many times in the past I had the happy fortune to be able to join in the festivities with these fine people. And so it gives me a special pleasure on this important date to join with all Norwegians and Americans of Norwegian birth or descent in celebrating the historic event which took place in Norway 152 years ago.

HOME RULE FOR WASHINGTON

(Mr. MULTER (at the request of Mr. PATTEN) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MULTER. Mr. Speaker, yesterday this body reaffirmed one of the basic principles upon which this great Nation was founded: the right to self-determination, the right to choose one's own elected representatives, the right not to be taxed without representation.

Yes, Mr. Speaker, without a dissenting vote this body passed legislation yesterday to enable the Island of Guam and the Virgin Islands to elect their Governors.

The committee reports on these two bills ring with the praises of the peoples of these two territories. I quote for example from the committee's report on the bill to permit the Virgin Islands to elect its Governor:

It is clear . . . that the people of the Virgin Islands have had long experience in electing one branch of their government and thus in participating in the making of their own laws. It is the belief of the committee that the people and their legislature have . . . exercised their powers in a responsible manner.

I quote from the committee report on the bill to provide for the election of the Governor of Guam:

Following World War II . . . the Island has made remarkable economic, political and social progress. . . . The people of Guam have now had 16 years' experience in electing their own legislature and have demonstrated their capacity for doing so in a responsible manner.

I am certain that these two very commendable bills will be speedily passed by the Senate and signed by the President and I will be the first to congratulate the peoples of these two territories upon the achievement of this long sought goal.

average hourly earnings, relative wage and productivity trends, output per employee and per capita, and profit requirements; the bearing of wage rates upon the balance of payments problem; and the competitive effects of wage rates upon related industries on the mainland."

In accord with the foregoing, sub-sections (d), (e), and (f) of Section 8 become sub-sections (e), (f), and (g).

The Commonwealth Government is exceedingly conscious of the validity of the concern over the rapidly narrowing margin of Puerto Rico's locational advantage that Professors Reynolds and Gregory emphasize at the conclusion of their discussion on Wages, Productivity and Employment.¹⁸ Despite the fact that the raising of labor income has been and will continue to be a primary goal of the Commonwealth Government generally, that government is indeed faced with the dilemma mentioned in their study by Messrs. Barton and Solo, namely, "that a very rapid rise in industrial wage rates has been retarding that economic growth which is the source of expanding labor income and which is its hope for absorbing the unemployed into productive and remunerative work."¹⁹

The Commonwealth Government supports the proposals that have been reiterated by all those who have objectively examined the impact of wage policy upon the Island's imperative need for optimum economic growth, namely that the statutory provisions containing the unduly rigorous and discriminatory controlling criterion applicable to industry committees in Puerto Rico should be ameliorated so as to adequately reflect the growth needs of the Puerto Rican economy. It must simultaneously, of necessity, oppose, with just as much force, any proposal for across-the-board automatic increases which would blandly ignore almost all economic realities and jeopardize all the hard-won gains of "Operation Bootstrap."

VN
CAMBODIAN AID AND COMFORT TO THE VIETCONG

(Mr. CHAMBERLAIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include news articles.)

Mr. CHAMBERLAIN. Mr. Speaker, a number of press reports in recent days have given added evidence of the aid and comfort the Vietcong receives from Cambodia. Two news stories in particular point to the flow of contraband through the Cambodian port cities of Sihanoukville on the Gulf of Siam and Phnom Penh on the Mekong River. As I said in this Chamber on May 4 in a speech on this very subject I am satisfied that free world ships sailing up the Mekong River through South Vietnam into Cambodia are a factor in the "backdoor" aid the Vietcong is receiving from across the Cambodian border. While in South Vietnam last month I was shocked to learn from an informed naval officer that while 410 free world ships passed through South Vietnam into Cambodia during 1965 that we have no effective control over this traffic to prevent the flow of goods which we have good reason to believe in part are destined ultimately for the Vietcong.

In view of the overwhelming evidence of Prince Sihanouk's open economic and political support of the Vietcong I believe that South Vietnam should be urged in

the strongest manner possible to close the Mekong River to all Cambodian-bound ocean traffic, and I have asked the President to do just this. The conditions under which the treaty which made the Mekong International Waterway was signed and the friendly relations between the riparian states it envisaged have been radically altered by the growing hostility of the Cambodian Government. It is time that pressure be brought to bear upon Cambodia to live up to its alleged foreign policy of strict neutrality in the hope that the war itself will not spread into that country.

Mr. Speaker, under unanimous consent I insert at this point in the RECORD the following dispatches of R. W. Apple, Jr., entitled, "Port of Cambodia Tied to Vietcong," which appeared in the New York Times of May 15, 1966; and Jack Folsie, of the Los Angeles Times, entitled "Cambodia's Only Big Port Is Called Depot for Russian Military Supplies," appearing in the Washington Post, May 16, 1966; and the articles "Hitting the Sihanoukville Trail," in the May 13, 1966, issue of Time magazine; and "Birmingham-Borderline Case" in the May 16, 1966, issue of Newsweek magazine:

[From the New York Times, May 15, 1966]
PORT OF CAMBODIA TIED TO VIETCONG—U.S. INTELLIGENCE SUSPECTS FLOW OF MATERIEL

(By R. W. Apple, Jr.)

SAIGON, May 14.—Intelligence experts here are convinced that Soviet and Chinese war materiel is being landed at a new Cambodian deep-water port for shipment to Vietcong and North Vietnamese troops fighting in South Vietnam.

There is no absolute proof of this. However, a Western businessman managed recently to obtain credentials to enter the closely guarded port and has provided a detailed picture of its operations.

The port, Krong Fresh Sihanouk—also known by its French name, Sihanoukville—was built under a French aid program in the late nineteen-fifties at the entrance of Kompong Som Bay, an inlet of the Gulf of Siam.

The businessman said he had seen a Soviet ship unloading large quantities of medical supplies and small-arms ammunition at a pier. Soviet vessels with military cargoes call regularly at the port, Cambodian officials told him.

DESTINATION IS UNKNOWN

Although he learned that the ship had stopped at Canton in southern China just before sailing into the Cambodian port, the businessman was unable to establish whether her cargo was for the Cambodian army or for the Vietcong.

Prince Norodom Sihanouk, Cambodian chief of state, who denies that his country is giving assistance to the South Vietnamese insurgents, has turned increasingly to the Soviet Union for munitions and equipment for his own armed forces. The French also supply some items.

There are at least two principal routes by which military equipment could reach Vietcong from the port.

Narrow but navigable canals wind across the South Vietnamese-Cambodian border in the Mekong delta area, and sampans move without hindrance from one country to the other. The frontier is about 75 miles from the Cambodian port, over a network of secondary roads adequate for truck traffic.

Neither the United States nor South Vietnam makes any effort to patrol the frontier in this area because it is firmly under Vietcong domination.

An alternate route that could be used to

deliver war material to Vietcong forces operating in the Central Highlands involves roads and trails. A 143-mile national highway leads from the port to Pnompenh, and from there a newly discovered "Sihanouk trail" winds through Cambodia and Laos into South Vietnam near the Chuiphong mountain massif.

The Mekong River is also a possible avenue of supply, but the South Vietnamese authorities maintain a fairly effective border patrol on the river's principal branches.

The French-built port was completed in 1960. At first it was nothing more than jetties and tin huts, but a town of 10,000 has developed in the last 5 years and a major improvement program is under way.

By 1968 the port will have a new breakwater, a larger harbor and more berthing spaces for ships. The breakwater would help protect the port against southwesterly monsoon winds, which now buffet ships lying at the exposed piers.

The improvement program is also financed by the French under a long-term loan at 2 percent interest. Cambodia was a French protectorate until she won independence in 1953.

A railroad connecting the deep-water port of Pnompenh is also under construction.

[From the Washington (D.C.) Post, May 16, 1966]

CAMBODIA'S ONLY BIG PORT IS CALLED DEPOT FOR RUSSIAN MILITARY SUPPLIES
 (By Jack Folsie)

SAIGON, May 15.—Activities at "neutral" Cambodia's only deepwater port of Sihanoukville include Russia freighters unloading military goods, a Western businessman who visited the port recently reported yesterday.

The Vietnamese government has often charged neighboring Cambodia with supplying the Vietcong with arms and other military supplies. Cambodia's chief of state, Prince Norodom Sihanouk, vigorously denies such allegations.

The Westerner, who was able to obtain credentials to enter the closely guarded port on the Gulf of Thailand, said he observed a Soviet vessel unloading cases of medicines and small-arms ammunition.

ARRIVED FROM CHINA

He learned that the vessel came from Canton, a Chinese Communist port. But he was unable to determine positively the origin of the military cargo or its ultimate user.

Cambodia's own armed forces are supplied mainly by the French. Cambodia was a French protectorate, and although independent since 1953, French influence is still strong.

From sources here it was learned there is unimpeded sampan traffic moving from lower Cambodia through canals into the Delta area of South Vietnam.

The canal systems near the border are in areas under Vietcong control. It is asserted here that this is one route by which supplies unloaded at Sihanoukville reach the Vietcong. The port is about 75 miles from the border, with a secondary road system to get the cargo to the canal boats.

RIVER TRAFFIC POLICED

Another possible channel for the war supplies would be to truck them from Sihanoukville over 143 miles of paved road to the Cambodian capital of Phnom Penh. There they could be put aboard river steamers heading down the Mekong through South Vietnamese territory. However, there is reasonably effective policing of this traffic by the Vietnamese.

The Westerner was able to obtain a comprehensive account of conditions in the areas of Cambodia he visited.

The port of Sihanoukville, he said, was built by the French and completed in 1960 to give Cambodia its first salt water port.

¹⁸ *Op. cit.*, p. 103.

¹⁹ *Op. cit.*, p. 42.

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But the summer monsoon winds buffet ships and interfere with cargo operations in the open roadstead. To correct this deficiency, the harbor is being enlarged, a breakwater is being added, and more berths for ships and more space for warehousing are being provided. Work should be completed by early 1968. It is being financed by a French government loan.

RAIL LINK TO CAPITAL

A railroad connecting Sihanoukville to Phnom Penh is expected to be finished in 1969.

Meanwhile, the upstart port is becoming busy, despite its handicaps. This is partly due to Sihanouk's aggressive modernization of his country, and partly due to his careful waltzing between Russia and Communist China. Both provide him with military and economic support.

His relations with the French remain constant if not enthusiastic. His relations with the United States were severed last year after the Prince's abrasive condemnation of American assistance to South Vietnam.

In the first year of operation, 1960, the port was visited by only 15 ships. Compare this slow start with 1965, when 266 ships called at Sihanoukville. They brought 754,500 tons of cargo. The imports came mainly from France, Russia, Poland and Czechoslovakia.

HOME U.S. TRADE

Despite the lack of diplomatic relations, a little trade continues with the United States. American-bound latex (raw rubber) is transhipped at Singapore. Some American machinery reaches Phnom Penh, apparently transhipped at Saigon to river steamers moving upstream under special American export licenses.

In the wily ways of the Far East, even Cambodia and South Vietnam manage to continue trade and transportation ties.

The Western traveler said he came away from Cambodia believing that the Prince may decide to reassociate his nation with the West.

"The Russians and Red Chinese seem to be rocking the country back and forth with aid and demands," he said. "France is in heavy with aid and hard cash for industrial growth. The Prince's Indonesian friends are becoming more friendly with the Western world.

"The Prince may need to make a decision for the West, or be enveloped by the Russian or Red Chinese way of life."

[From Time magazine, May 13, 1966]

SOUTHEAST ASIA HITTING THE SIHANOUK TRAIL

An eerie lull settled over Southeast Asia last week, broken only by the rumble of Polish-built trucks on Red infiltration routes and the steady thump of American bombs aimed at interdicting them. The lull was reflected in South Viet Nam by battle statistics: the Viet Cong and their North Vietnamese allies suffered only 456 dead in the previous week—the lowest toll since January 1965—and even when U.S. air cavalrymen surrounded three Red regiments near Bong Son last week, the bulk of the Communist force slipped furtively away. The enemy battalion that was finally trapped put up a good fight—but reluctantly. The Reds were saving their strength for the monsoon, waiting for the rain-rich thunderheads that hamper American air strikes. And they were doing a lot of their waiting in the sanctuary of neighboring, "neutral" Cambodia.

Of late, Prince Norodom Sihanouk has frankly admitted that Communist troops have been using Cambodia for "rest and recreation" between battles. In April the Prince handed over seven tons of dried fish to a Viet Cong representative in a ceremony at Phnompenh's royal palace. Last week Ameri-

can officials in Saigon disclosed that U.S. troops near the town of Lo Go on the Cambodian border had received heavy weapons fire from Cambodian territory, and were ultimately forced to silence it with howitzer fire. Even more interesting evidence of Sihanouk's cooperation with the Communists was the discovery of a new infiltration route into South Viet Nam—a chain of truck roads, bicycle trails and rivers that provides transport for supplies moving north and east out of Cambodia to some of the most important fighting areas of South Viet Nam. It has come to be known as the "Sihanouk Trail."

The new route—a supplement to the maze of paths and roads leading south called the Ho Chi Minh Trail—was discovered by the Laotian air force, whose commander Brigadier General Thao Ma, had been keeping a close eye on Cambodia since last September. About that time, Ma received reports of activity along the Se Kong River, a tributary of the Mekong. Near its banks could be heard the sound of blasting and rumble of heavy equipment in a region virtually empty of inhabitants. By early April, Ma's aviators could follow the trail for 60 miles from Cambodia to where it entered South Viet Nam. Last week Time Correspondent Don Neff flew over the Sihanouk Trail in one of six Laotian T-28 fighter-bombers led by General Ma. His report:

"We left the Laotian airstrip at Pakse at 10:25 a.m., flying at 2,500 ft. Some 33 minutes later, my pilot announced: 'We are now at the Cambodian border.' Two minutes later we had located the trail. It snaked out of Cambodia, clear as a road map. The area was flat and only spottily foliaged. I could see the Se Kong River in the background. A note I made at the time says: 'No question about it. From the river going east (toward South Viet Nam) is a large road. The trail winds and turns, the trees growing thicker in a narrow valley.' Sometimes we lost sight of the road. But it seems safe to conclude that it is one continuous trail capable of carrying trucks from Cambodia through Laos into Viet Nam. We flew eastward, diving to less than 1,000 ft. for as close a look as we could get. We decided to unload our ordnance—two napalm canisters, 24 rockets and 700 rounds of .50-cal. machine-gun ammunition per plane—in a heavily forested area about four kilometers north of the Cambodian border. One after another, our planes dived in, hoping to hit hidden trucks under the foliage."

As many as 40 trucks a day use the gravel-topped Sihanouk Trail. The trail bristles with 12.7-mm. antiaircraft emplacements, and other sources say that there are at least 30 Viet Cong supply depots strung along its length. A dozen North Vietnamese regiments are currently poised for action in South Viet Nam, and of these, at least four are inside Cambodia. Half of the remaining eight are within easy marching distance of the Cambodian sanctuary and the supply lines of the Sihanouk Trail. Its strategic value to the Communists is an alternate route to the Ho Chi Minh Trail. This main south-bound network has been improved by 200 miles of new roads surfaced with crushed stone and often concealed by bamboo trellises covered with branches. Down it flow an estimated 5,500 to 7,000 men each month. In an effort to stem the tide, Guam-based B-52 Stratoforts last week carpet-bombed infiltration outlets in South Viet Nam's "Zone C" for the eighth time in eleven days. But only Ma and his antique, prop-driven T-28s have been hitting the Sihanouk Trail.

Since Cambodia's Sihanouk now offers the Reds active support, he is risking a widening of the war. If the Communist monsoon offensive is to be checked before the rains come, both trails must be severed—or at least heavily interdicted—before they join up in a ribbon of men and supplies that

cannot be cut. Though there is no indication that the U.S. will cease to respect Sihanouk's phony neutrality, his policy inevitably carries with it the chance that more and more of the bullets of war will spill over into Cambodia itself.

[From Newsweek magazine, May 16, 1966]

BIRMINGHAM—BORDERLINE CASE

It was Saturday morning, the 30th of April, when elements of the U.S. First Infantry Division ("The Big Red One") moved northward along the Cai Bac River on the border between South Vietnam and Cambodia. As the GI's backed their way through the dense jungle underbrush near the tiny village of Lo Go (map) they suddenly ran into heavy fire. There was a brief skirmish, then a heavy barrage of mortar and automatic-weapons fire pounded in on the Americans from the west bank of the river—the border in Cambodia. The U.S. troops answered with heavy artillery, pouring round after round across the Cai Bac until the hostile fire was stilled.

The incident, the first in the Vietnam war in which the U.S. openly admitted firing artillery into neighboring Cambodia, was part of a massive sweep through critical Tay Ninh Province, an operation code-named Birmingham. It was also the most dramatic event of a week that saw an end come to the month-long lull in the ground war in South Vietnam.

In another major operation called Davy Crockett, units of the First Cavalry Division (Airmobile), backed up by South Vietnamese troops, landed in three places last Wednesday in the fertile farming land north of the city of Bong Son, 280 miles northeast of Saigon. After four days of fierce fighting, friendly casualties were described as light, while 416 of the enemy lay dead and over 500 suspected Viet Cong were captured.

But if Davy Crockett was a most successful example of how to kill Viet Cong, it was Operation Birmingham, on the Cambodian border, that was strategically the most significant of the week. Carried out by 15,000 U.S. and Vietnamese troops, its major objective was to sweep through Tay Ninh Province, disrupt the infiltration route from the north and destroy the staging areas the Viet Cong might use if they launch the much anticipated offensive this month after the monsoon rains begin to fall.

Jungle cover: As of last weekend, Operation Birmingham had resulted in only 94 enemy dead, but, said a U.S. military spokesman, thirty base camps were destroyed along the Cambodian border. Located under the triple-canopied jungle cover, the camps were well dug in behind log bunkers and zig-zag trenches. Barracks with room, all told, for thousands of enemy soldiers, were put to the torch. And war materiel, perhaps the biggest cache of the war, was destroyed. In one camp, 500 yards from the Cai Bac River, 6,000 uniforms with "Made in China" labels were found. In another, GI's came upon 1,000 pairs of "Ho Chi Minh sandals," made of tire casings and inner tubes, in various stages of manufacture. One U.S. unit overran a huge, but empty, hospital complex.

It was quite a haul, and First Division spokesmen seemed convinced that they had—temporarily at least—cut off a major supply route across the Cai Bac River and into War Zone C, the Viet Cong stronghold northwest of Saigon. And if Cambodian sovereignty was bruised, the Americans in the field were still certain that it was well worth it. The Cambodian Government, predictably enough, insisted last week that its territory had been violated. The attack from across the Cai Bac, said Radio Phnom Penh, was made not by the Viet Cong. The barrages were fired at the U.S. troops by Cambodians defending the frontier against the "daily aggressions" of the United States.

The Americans, almost to a man, laughed off this explanation. On the Cambodian side of the river, say the U.S. troops, there were chutes constructed which enabled sampans to pull under the lower end and take on rice, clothing and equipment for transport across the river. On the Vietnam side, the Viet Cong had fashioned a system of pulleys and hoists to use in unloading the sampans under a cover of trees.

Given all this, U.S. officials in Saigon last week were fully satisfied that the First Division commander in the field had acted properly in replying with artillery when his men were hit from the other side of the river. According to rules announced late last year, officers may take the necessary steps to protect their units, even if this means firing into Cambodia. And, says Maj. Gen. William E. DePuy, commander of the First Division, orders have been given by him to every one of his units down to the squad level that "if they were fired at across the border, they were to fire back." Added DePuy: "I personally approved the artillery fired across the border at Lo Go. I not only approved it, I directed it." As for the results, DePuy said: "I know damn well that we killed them all over the place."

HAWAII HEARS OF RETIREMENT PLANS OF ITS STATEHOOD CHAMPION—REPRESENTATIVE LEO W. O'BRIEN

(Mr. MATSUNAGA (at the request of Mr. PATTEN) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MATSUNAGA. Mr. Speaker, one of the most highly respected and admired Members of this august body has revealed that he plans to retire at the conclusion of the 89th Congress. This news, I am sure, has been received with much regret by the people of this State and of the Nation, for LEO W. O'BRIEN has had an illustrious career as a dedicated statesman and legislator. I am also sure that those of us who have had the privilege of knowing him intimately and who desire for him, above all else, his personal happiness, wish him well as he lays his plans for retirement.

Retirement, in a sense, marks the beginning of a different byway in life's long journey, and he is truly a fortunate man who is able to savor something of the bypaths after he has successfully traversed the main road, which for Congressman O'BRIEN was that of a successful and distinguished legislator. One of the fascinating byroads which he hopes to take includes a family trip to Hawaii where he is revered as the "Father" of statehood.

The Honolulu Star-Bulletin's Washington reporter, Frank Hewlett, reveals in his "Reporting From Washington" column that the hardworking chairman of the territories subcommittee of the House Interior Committee wishes to see his bills which provide for the popular election of the Governor and the Lieutenant Governor of Guam and the Virgin Islands passed before he retires at the close of the 89th Congress. Mr. Hewlett states that Congressman O'BRIEN hopes that the Senate would pass the bills as a farewell gift to him. Both bills received favorable consideration on the floor of the House yesterday.

I submit for inclusion in the CONGRESSIONAL RECORD the article which revealed to Hawaii's citizens the planned retirement of the champion of statehood for Hawaii. It appeared in the April 27, 1966, issue of the Honolulu Star-Bulletin:

[From the Honolulu Star-Bulletin, Apr. 27, 1966]

REPRESENTATIVE O'BRIEN OF NEW YORK, CHAMPION OF TERRITORIES "FATHER" OF ISLE STATEHOOD, RETIRING FROM CONGRESS

WASHINGTON.—Representative LEO W. O'BRIEN of New York, "father" of the Hawaii and Alaska Statehood laws, has decided to retire from Congress.

The 65-year-old lawmaker says he wants to spend more time with his family. He insists he is not sick, and thinks he could win another term from his upstate New York district, but believes it's a good idea to move out at the end of the 89th Congress.

"I'd like to take my grandchildren out in the Pacific and show them some of the islands I've visited," he said. As chairman of the territories subcommittee of the House Interior Committee, O'BRIEN has become well acquainted with the Pacific area. He sponsored the legislation to convert Hawaii and Alaska from territories to states.

O'BRIEN's final project in Congress is an attempt to get authority for Guam and the Virgin Islands to elect their own governors. The bills are moving well through the House, but seem to be stirring little enthusiasm in the Senate. O'BRIEN is expected to work on the Senate, once his measures pass the House, to go along with him as a farewell gift.

PERSONAL EXPLANATION

Mr. VIGORITO. Mr. Speaker, on rollcall vote No. 98 I was absent due to attending a dedication ceremony for a day center for our senior citizens, in Erie, Pa.

If I had been present I would have voted "yea."

Mr. Speaker, on rollcall vote No. 100 I would have voted "yea."

CORRECTION OF RECORD

Mr. DEL CLAWSON. Mr. Speaker, I ask unanimous consent to correct the RECORD.

On page 10070, under the list Republicans Voting for the Report, I ask that the RECORD show that the "Mr. CLAUSEN" who voted was not a member of the committee. That was Mr. DON H. CLAUSEN.

On page 10071, in the statement of the distinguished chairman, where he mentions a member of the committee, "Mr. CLAWSON," voting for the bill, correct the RECORD to show that it was not Mr. DEL CLAWSON, who was a member of the committee.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

CONSTITUTION DAY—NORWAY

(Mr. PELLY (at the request of Mr. HALL) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PELLY. Mr. Speaker, as Members of the U.S. House of Representatives, we are deeply aware of the mean-

ing and significance of our Constitution. Indeed, our very oath of office requires us to pledge that we will uphold the Constitution which has been the firm foundation and guide for the development of our great Nation and the guarantee of our freedoms.

Perhaps our preoccupation with our own Constitution causes us all too often to overlook the constitutions of other nations of the world, constitutions which are equally meaningful and important to the governments and citizens of their respective countries. In an effort to remedy this situation, I would like today to pay tribute to the Norwegian Constitution.

May 17 is a most important day for the people of Norway and their many friends and relatives all over the world. It will mark the 151st anniversary of the Norwegian Constitution of 1814. To all Norwegians, this is truly a momentous and gala event for which they deserve our congratulations.

The adoption of the Norwegian Constitution signalled a major step in the country's drive for independence which came to fruition in 1905. While the Norwegian people had long agitated and struggled for their national freedom, from the end of the 14th century all such movements were frustrated. Nevertheless, the spirit of freedom and liberty and individual self-expression which characterizes the country today continued at an increasing pace.

Caught up in a reluctant partnership with Denmark, Norway became embroiled in the Napoleonic wars as an ally of France. According to the Kiel treaty of January 14, 1814, Denmark was to cede the territory of Norway to Sweden without Norwegian consent. Denmark's Governor in Norway, Prince Christian Frederick, quickly called together a Constitutional Assembly which drafted a Constitution for Norway which met swift approval on May 17, 1814. Prince Christian was elected king by the Norwegian National Assembly.

Sweden immediately undertook to crush the new entity, but after a short period of violence, a truce was signed. The treaty resulted in Norway's union with Sweden but as a separate kingdom under the King of Sweden. However, the king agreed to recognize the Norwegian Constitution. This union lasted until 1905 when under peaceful circumstances the Norwegian Parliament voted for independence. Thus the constitution drawn up 91 years earlier exercised a major influence in the emergence of an independent Norway.

As Americans, we should feel proud that our own Constitution was one of those exercising influence upon the Norwegians as they undertook to write their own document. Certain provisions were borrowed verbatim and others lent their influence. But the document is really a tribute to the devotion of the Norwegian people to their historic high ideals for freedom and justice, and is truly a Norwegian product. Those ideals have long since become a reality in Norway, and that is one of the many reasons I salute Norway and her people on the 151st anniversary of the Consti-

tution Day. May they continue to be an inspiration to others and celebrate many more such anniversaries.

**CONSTITUTIONAL AMENDMENT RE-
INSTATING PRAYER IN SCHOOLS
AND PUBLIC PLACES AND THE
ACKNOWLEDGMENT OF THE
EXISTENCE OF GOD**

(Mr. CRAMER (at the request of Mr. HALL) was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CRAMER. Mr. Speaker, I am today introducing a proposed amendment to the Constitution that will remove the prohibition imposed by the Supreme Court on public prayer.

In 1962 the Supreme Court ruled in the case of Engel against Vitale that a daily recitation of a short prayer by New York schoolchildren was an unconstitutional violation of the 1st and 14th amendments of the Constitution. The State Board of Regents of New York had written a short nondenominational prayer containing the following words:

Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers, and our country.

It was recommended that each school board in the State adopt this prayer, although there was no requirement to do so. Student participation in the prayer was entirely voluntary. Any student could remain silent, or upon request by parents, be excused from class during the prayer.

In ruling that this procedure was unconstitutional, Mr. Justice Black stated:

It is no part of the business of the government to compose official prayers for any group of American people to recite as part of the religious program carried on by government.

The High Court in 1963 similarly struck down, as unconstitutional, State laws requiring that a passage from the Bible or the Lord's Prayer be read—without comment—at the start of each public school day. I am referring to the case from Pennsylvania of Abington Township against Schempp and the case from Maryland of Murray against Curlett, in which the Supreme Court said the Government must be completely neutral with regard to religion; it must neither aid nor hinder religious activity in any respect.

As a result of these decisions, the people in my State—Florida—have also been told through the circuit court in a decision that was not appealed that the observance of religious holidays, such as Christmas and Easter, by pageants and plays at public schools, are contrary to the provisions of the Constitution.

The prohibition on public prayer has been the subject of litigation in courts across the land. Cases have arisen in Massachusetts, New Jersey, Delaware, Idaho, Michigan, New York, and Virginia, that prohibit public prayer under the strictures of these Supreme Court rulings. A striking, and not untypical, example of the effect of the prohibition is found in the Oshinsky case from New

York. Mr. Oshinsky, the principal of School District No. 184 in White-stone, N.Y., ordered his kindergarten teachers to stop reciting in class a simple, old fashioned, 13-word prayer with their morning cookies and milk. The prayer we all know went as follows:

God is great, God is good,
And we thank Him for our food.

I am forced to say that I cannot believe the founders of our Nation, those wise men who composed our Constitution, ever intended for that great document to prohibit such behavior. I believe the constitutional amendment I am proposing would restore, rather than change, our Constitution.

Public prayer has been a part of this land since the pilgrims first gathered on these shores. No man could doubt the strength and comfort, the guidance and hope, that public prayer afforded our colonial forebears. Let us not forget that religious motivation was an important element in colonization and creation of this Nation.

Today we commenced this session of the 89th Congress with a prayer by the Reverend Latch. In doing so we follow the tradition that legislators have followed since the first session of the Continental Congress, in September 1774. Yet tomorrow the Supreme Court may tell us that is unconstitutional and prohibit us from such prayer.

The Court, when telling the State of New York that it was violating the Constitution by writing a 22-word prayer for students to recite, also observed that—

What New York does on the opening of its public schools is what each House of Congress does at the opening of each day's business.

I refer, of course, to the decision that opened this era of prohibiting public prayers, Engel against Vitale.

I suggest that the constitutionality of our opening prayer may someday be challenged, because I know the Members of this body would not tolerate its abolition. We have all taken a solemn oath to uphold the Constitution, but I know of no Member of this body who believes that our prayer is an unconstitutional exercise, despite the fact that Justice Douglas stated in his concurring opinion in the Engel case that our activities are comparable to these activities deemed unconstitutional.

I should like to ask my colleagues to imagine their personal reaction if the Court were to prohibit our opening prayer. Indeed, I am sure we all can appreciate and understand why good people throughout the land are upset with the Supreme Court's prohibitions of prayers and Bible readings in public schools.

During the last Congress, the Judiciary Committee, of which I am a member, held extensive hearings on proposed amendments to the Constitution relating to school prayer. These hearings are a public documentation of the necessity for the amendment that I have introduced today.

The proposed amendment I have introduced would not only reverse the Court decisions prohibiting prayer in

public schools, but would also prevent any interpretation of the Constitution that might prohibit the Federal or State Governments from referring to or relying upon God in conducting the business of government.

I do not stand alone in making this proposal. Beside me I find colleagues belonging to both political parties and standing behind us are scores of men and women of all faiths and beliefs. The language of the proposed amendment, I believe, largely reflects the work of a special, bipartisan ad hoc committee, on which I served, that was created by some 50 Members of this body who are particularly interested in the problem.

It is sheer folly to think that our Supreme Court is infallible and that its rulings are sacrosanct. Abraham Lincoln, in commenting on the Dred Scott case, spoke of the Court's fallibility and concluded:

I believe the decision was improperly made, and I go for reversing it.

The same judgment is appropriate for the school prayer decisions, and I go for reversing them through the available Constitution amendment process.

I believe the Supreme Court's school prayer decisions and the lower court rulings that are following in their wake, pose a serious threat to religious liberty. I am deeply disturbed by these decisions, as are millions of other Americans. This amendment does not seek to rebuke the courts; rather it calls for a redeclaration by all Americans that we are, always have been, and will continue to be, a nation under God.

(Mr. DERWINSKI (at the request of Mr. HALL) was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

[Mr. DERWINSKI'S remarks will appear hereafter in the Appendix.]

CONSTITUTION DAY—NORWAY

(Mr. ANDREWS of North Dakota (at the request of Mr. HALL) was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ANDREWS of North Dakota. Mr. Speaker, 152 years ago today, the people of Norway adopted their Constitution. Like our own Nation's revered document, it has borne up well under the stress of time, emerging stronger and even more responsive to the freedom of the people it serves.

Over the years, a great many sons and daughters of Norway came to this country and lots of them came to settle in the State of North Dakota. As early day settlers, they were strong and spirited in the tradition of their homeland and they were well equipped to meet the rugged challenge of the new land. The importance of the role they played—and continue to have—in the growth and progress of North Dakota is well demonstrated by the fact that every segment of our State's economic, education, cultural, political, and spiritual order counts

May 17, 1966

Idaho; and \$65,000, Berlin, New Hampshire.

Also included is \$636,600 for improvements and additions at the following wildlife refuges—\$148,600, Camp Cornelia, Okefenokee Wildlife Refuge, Georgia; \$100,000, Sand Lake National Wildlife Refuge, South Dakota; \$38,000, Lake Andes National Wildlife Refuge, South Dakota; \$200,000, Eufaula, Alabama;

In addition, \$200,000 for the construction of a fish genetics laboratory at Beulah, Wyoming; \$16,000 for improvement of the access road to Interstate Highway 94, Northern States Prairie Wildlife Research Center, Jamestown, North Dakota; \$100,000 for continued rehabilitation, Wichita Mountains Wildlife Refuge, Oklahoma; and a decrease of \$177,000 for the operation of three national fish hatcheries, which amount has been transferred to the appropriation item for the management and investigations of resources.

Amendment No. 22. Appropriates \$500,000 for Appalachian Region fish and wildlife restoration projects as proposed by the Senate instead of \$1,000,000 as proposed by the House.

Amendment No. 23. Appropriates \$2,675,000 for Anadromous and Great Lakes fisheries conservation as proposed by the Senate, and deletes language "to remain available until expended".

Amendment No. 24. Appropriates \$1,549,000 for general administrative expenses as proposed by the House instead of \$1,564,000 as proposed by the Senate.

National Park Service

Amendment No. 25: Appropriates \$35,932,800 for management and protection instead of \$35,694,000 as proposed by the House and \$36,171,600 as proposed by the Senate. The increase provided over the House bill includes an additional \$82,500 for operation of new park areas and an additional \$156,300 for the operation of new facilities in existing park areas.

Amendment No. 26: Appropriates \$22,894,000 for construction as proposed by the House instead of \$23,494,000 as proposed by the Senate.

Office of the Solicitor

Amendment No. 27: Appropriates \$4,704,000 for salaries and expenses as proposed by the Senate instead of \$4,650,000 as proposed by the House.

Office of the Secretary

Amendment No. 28: Appropriates \$4,998,900 for salaries and expenses instead of \$4,984,100 as proposed by the House and \$5,051,700 as proposed by the Senate. The increase of \$14,800 is for one additional position in the Office of the Budget.

TITLE II—RELATED AGENCIES

Department of Agriculture

Forest Service

Amendment No. 29. Appropriates \$173,850,000 for forest land management instead of \$172,821,000 as proposed by the House and \$174,521,000 as proposed by the Senate. The increase over the House bill includes: \$410,000 for construction of a dam at the Trout Pond Recreation Area, George Washington National Forest, West Virginia; \$25,000 for planning of a visitor center, Mammoth Lakes, California, Inyo National Forest; \$100,000 for recreation development, Monroe Reservoir, Wayne Hoosier National Forest, Indiana; \$100,000 for recreation management, Boundary, Waters Canoe Area, Minnesota; \$90,000 for additional recreational facilities, Lake Michigan Recreation Area, Michigan; \$105,000 for construction of a bathhouse, Lake Glendale, Shawnee National Forest, Illinois; \$85,000 for preparation of plans and specifications, headquarters building, Black Hills National Forest, Custer, South Dakota; and \$114,000 for the installation of an elevator at Blanchard Springs Caverns, Ozark National Forest, Arkansas.

Amendment No. 30. Appropriates \$37,821,000 for forest research, instead of \$34,955,000 as proposed by the House and \$38,578,000 as proposed by the Senate. The increase over the House bill includes: \$110,000 for the Beaver Creek project, Arizona watershed program; \$140,000 for additional staffing at the Forest Service Laboratory, Morgantown, West Virginia; \$50,000 additional staffing at the Forest Service Laboratory, Alexandria, Louisiana; \$40,000 for additional staffing at the Forest Service Laboratory, Bottineau, North Dakota; \$100,000 for Alpine snow and avalanche control research, Fort Collins, Colorado; \$125,000 for additional staffing at the Southern Hardwood Laboratory, Stoneville, Mississippi; \$143,000 for preparation of design and specifications, Forest Service Laboratories—\$28,000, Lincoln, Nebraska; \$40,000, Burlington, Vermont; and \$75,000, Durham, New Hampshire; \$450,000 for construction of a Silviculture and Animal Problems Laboratory, Olympia, Washington; \$690,000 for construction of a Forestry Sciences Laboratory, Carbondale, Illinois; \$1,000,000 for the construction of an addition to the Forestry Sciences Laboratory, Athens, Georgia; and \$18,000 for additional staffing at the Forest Service Laboratory, Rapid City, South Dakota.

Department of Health, Education and Welfare

Public Health Service

Indian health activities

Amendment No. 31: Appropriates \$73,871,000 as proposed by the Senate instead of \$73,250,000 as proposed by the House. The increase provided over the House bill includes: \$100,000 to establish an area-wide preventive mental health program in Alaska; and \$321,000 for the operation of a health clinic in Rapid City, South Dakota to care for indigent Indians in that city.

The conferees are in agreement that \$250,000 of available funds which the House directed be used along with the increased appropriation of \$250,000 to combat trachoma, be restored to the Hospital Health Services budget, and be distributed among consultant services to broaden medical coverage and improve quality of care, maintenance, and rehabilitation for overcoming the existing backlog in that work, and equipment.

Amendment No. 32: Appropriates \$13,464,000 for construction of Indian Health facilities instead of \$13,000,000 as proposed by the House and \$13,928,000 as proposed by the Senate. The increase provided over the House bill includes: \$87,000 for the renovation of a building in Rapid City, South Dakota for use as an outpatient clinic; \$93,000 planning funds for a Public Health Service Indian hospital at Claremore, Oklahoma; and \$284,000 for sanitation facilities.

National Capital Transportation Agency

Construction, Rail Rapid Transit System

The conferees direct that this appropriation shall be available only after an amount equal to one-half of this appropriation has been provided by the District of Columbia as required by Public Law 89-177.

National Foundation on the Arts and the Humanities

Amendments Nos. 33, 34, 35, 36, and 37: Appropriate \$9,000,000 for salaries and expenses as proposed by the Senate instead of \$7,000,000 as proposed by the House. The increase over the House bill provides \$2,000,000 for the National Endowment for the Humanities under section 7(c) of the act.

Amendment No. 38: Adds Senate language providing that no funds under this appropriation item may be used for any grant or other payment which is to be used directly or indirectly for the destruction of the Metropolitan Opera House in New York City.

Smithsonian Institution

Amendment No. 39: Appropriates \$22,523,000 for salaries and expenses as proposed by

the House instead of \$22,844,000 as proposed by the Senate.

The conferees are in agreement that \$50,000 of available funds under this appropriation item shall be used by the Office of Exhibits for preparation of an Alaskan Centenary Exhibit.

National Gallery of Art

Amendment No. 40: Appropriates \$2,718,000 for salaries and expenses as proposed by the Senate instead of \$2,694,000 as proposed by the House.

Corregidor-Bataan Memorial Commission

Amendment No. 41: Appropriates \$25,000 for salaries and expenses as proposed by the House instead of \$35,000 as proposed by the Senate.

WINFIELD K. DENTON,

MICHAEL J. KIRWAN,

JULIA BUTLER HANSEN,

JOHN O. MARSH,

GEORGE MAHON,

BEN REIFEL,

JOSEPH M. MCDADE,

FRANK T. BOW,

Managers on the Part of the House.

SUBCOMMITTEE NO. 5 OF THE COMMITTEE ON THE JUDICIARY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that Subcommittee No. 5 of the Committee on the Judiciary may be permitted to sit during general debate today.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CORRECTION OF ROLL CALL

Mr. SHIPLEY. Mr. Speaker, on roll-call No. 101, on May 16, a quorum call, I am recorded as not answering to my name. I was present and answered to my name. I ask unanimous consent that the permanent Record and Journal be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. HELSTOSKI. Mr. Speaker, on Monday, May 9, I was granted an official leave of absence from the sessions of the House for the period of May 9 through May 16, for the purpose of traveling to Vietnam as a member of the Government Information and Foreign Operations Subcommittee of the Committee on Government Operations.

With our distinguished chairman, the gentleman from California, the Honorable JOHN MOSS, we spent the week in a factfinding mission and held hearings on the overall situation of our assistance to the South Vietnamese people.

During this period I missed several rollcalls on which I would like to state my position on the legislation then under discussion.

On rollcall No. 91, on the amendment to restore the \$20 million for the rent supplement program, I would have voted "aye."

On rollcall No. 92, on the passage of the independent offices appropriation bill, I would have voted "aye."

On rollcall No. 94, on the passage of the Military Medical Benefits Act, to authorize an improved health benefits pro-

amendment insert "\$173,850,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$37,821,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$13,464,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendment numbered 5.

WENFELD K. DENTON,
MICHAEL J. KIRWAN,
JULIA BUTLER HANSEN,
JOHN O. MARSH,
GEORGE MAHON,
BEN REIFEL,
JOSEPH M. MCDADE,
FRANK T. BOW,

Managers on the Part of the House.

CARL HAYDEN,
RICHARD B. RUSSELL,
JOHN L. MCCLELLAN,
ALAN BIBLE,
ROBERT C. BYRD,
KARL E. MUNDT,
MILTON R. YOUNG,

Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at a conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14215) making appropriations for the Department of the Interior and related agencies for fiscal year ending June 30, 1967, and for other purposes submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

Public Land Management

Bureau of Land Management

Amendment No. 1: Appropriates \$48,855,000 for management of lands and resources instead of \$48,755,000 as proposed by the House and \$48,970,000 as proposed by the Senate. The increase over the House bill is for the identification, evaluation, and survey of islands in Minnesota and Michigan.

Amendment No. 2: Appropriates \$3,032,000 for construction and maintenance instead of \$2,900,000 as proposed by the House and \$3,062,000 as proposed by the Senate. The increase over the House bill includes \$100,000 for the construction of an office building in Malta, Montana, and \$32,000 for development of the Fort Meade Recreation Complex on the Makotapi Project in South Dakota.

Bureau of Indian Affairs

Amendment No. 3: Appropriates \$114,690,300 for education and welfare services instead of \$114,475,000 as proposed by the House and \$115,051,300 as proposed by the Senate. The increase over the House bill provides an additional \$200,000 for the higher education program and \$15,300 for employment of a probation officer for the Turtle Mountain Indian Reservation, North Dakota.

The conferees are in agreement with the Senate proposal that of the amount recommended for resources management, the agricultural extension program shall be funded in the amount of \$1,767,000, the same amount as was available in fiscal year 1966; and that housing development will be funded at a level of \$1,299,000. This action will replace in the agriculture extension activity that amount which was proposed to be taken from it and added to the Housing Development Program.

Amendment No. 4: Appropriates \$56,118,000 for construction instead of \$55,325,000 as proposed by the House and \$56,848,000 as proposed by the Senate. The increase provided over the House bill includes: \$325,000 for construction of kitchen-dining facilities at Flandreau Indian School, South Dakota; and \$468,000 for construction of high school facilities at Maddock, North Dakota.

The conferees are in agreement with the proposal of the Senate for the allocation of the \$2,000,000 reduction made in the House bill to specific items in the construction program.

The conferees are also in agreement that in instances where water is a factor in the location of a school construction, funds are not to be requested until a site with an adequate water supply is found.

Amendment No. 5: Reported in technical disagreement. The managers on the part of the House will offer a motion to provide \$468,000 to the Maddock, North Dakota, Public School District No. 9 for construction of a public high school.

Amendment No. 6: Appropriates \$16,839,000 for road construction (liquidation of contract authorization) as proposed by the Senate instead of \$16,754,000 as proposed by the House. The increase of \$135,000 over the House bill is for grading and surfacing the road between Grass Mountain and St. Francis on the Rosebud Indian Reservation, South Dakota.

Amendments Nos. 7 and 8: Delete the language prohibiting the use of tribal funds to purchase land or water rights in Wyoming if such acquisition would result in the purchases being exempt from local taxation, as proposed by the Senate.

Bureau of Outdoor Recreation

Amendment No. 9: Appropriates \$3,910,000 for salaries and expenses as proposed by the House instead of \$3,960,000 as proposed by the Senate. The conferees are in agreement that \$50,000 of available funds shall be used for surveying recreational opportunities and recommending development of the Missouri River area between Yankton, South Dakota, and Fort Benton, Montana.

Land and Water Conservation Fund

Amendment No. 10: Allocates \$65,703,000 of the Land and Water Conservation Fund for assistance to States as proposed by the Senate instead of \$76,203,000 as proposed by the House.

Amendment No. 11: Allocates \$23,471,500 of the Land and Water Conservation Fund to the National Park Service as proposed by the Senate instead of \$17,971,500 as proposed by the House.

Amendment No. 12: Allocates \$18,093,000 of the Land and Water Conservation Fund to the Forest Service as proposed by the Senate instead of \$13,093,000 as proposed by the House.

Geological Survey

Amendment No. 13: Appropriates \$80,932,000 for surveys, investigations, and research instead of \$72,782,000 as proposed by the House and \$80,932,000 as proposed by the Senate. The increase provided over the House bill includes: \$6,000,000 for exploration and discovery programs relating to heavy metals in short supply in the United States; \$600,000 for matching State offerings for cooperative water investigations; and \$650,000 to clear phreatophytic growth from the Gila River, Arizona.

Amendment No. 14: Provides a total of \$12,950,000 instead of \$12,350,000 as proposed by the House and \$13,250,000 as proposed by the Senate, to be available only for cooperation with States or municipalities for water resources investigations.

The conferees are in agreement that at least \$50,000 of this additional amount will be made available by the Geological Survey to match state funds in order to commence

a hydrologic survey of the Delmarva Peninsula.

Bureau of Mines

Amendment No. 15: Appropriates \$34,740,000 for conservation and development of mineral resources instead of \$31,540,000 as proposed by the House and \$34,940,000 as proposed by the Senate. The net increase consists of an increase of \$3,500,000 for the development of production technologies of heavy metals which are in short supply in the United States, and a decrease of \$300,000 for the funding of a culm dump project in Pennsylvania.

Amendment No. 16: Appropriates \$4,300,000 for solid waste disposal as proposed by the Senate instead of \$4,000,000 as proposed by the House. The increase over the House bill is for a demonstration culm dump project in Pennsylvania.

Amendment No. 17: Appropriates \$7,000,000 for Appalachian-Region mining area restoration as proposed by the Senate instead of \$8,000,000 as proposed by the House.

Bureau of Commercial Fisheries

Amendment No. 18: Appropriates \$20,701,000 for management and investigations of resources instead of \$20,312,000 as proposed by the House and \$21,076,000 as proposed by the Senate. The increase over the House bill includes: \$90,000 for tail water research and expansion of biological investigations on Missouri River Reservoirs; and \$249,000 for expanded investigation, disappearance of migrating fish, upper reaches of Columbia River Basin; and \$50,000 for expanded development of the Pacific Hake Fishery program.

Amendment No. 19: Appropriates \$2,675,000 for Anadromous and Great Lakes fisheries conservation as proposed by the Senate, and deletes language "to remain available until expended".

Bureau of Sport Fisheries and Wildlife

Amendment No. 20: Appropriates \$38,145,800 for management and investigations of resources instead of \$37,164,000 as proposed by the House and \$39,161,400 as proposed by the Senate. The increase over the House bill includes: Operation and Maintenance funds for the following fish hatcheries—\$50,000, Norfolk, Arkansas; \$27,000, Natchitoches, Louisiana; \$136,500, Wytheville, Virginia; \$59,900, Lahonton, Nevada; \$13,800, Gavins Point, South Dakota; and \$10,500, Valley City, North Dakota.

In addition, \$40,000 for the establishment of a cooperative fishery unit, University of Washington; \$40,000 for financing the cooperative fishery units at Montana State College, Colorado State University, Utah State University, and the University of Missouri at a \$40,000 annual level; \$16,000 for technical fishery management assistance; Aberdeen area, Bureau of Indian Affairs; \$43,100 additional operating funds, Piedmont Wildlife Refuge; \$200,000 predatory animal control; \$200,000 studies on artificial fishing reefs; \$20,000 for the determination of a suitable site for a trout hatchery in Kentucky; and \$125,000 for research on control of Polynesian rats in Hawaii.

The conferees are in agreement that a review and analysis of the funding for the various cooperative wildlife research units shall be made by the Department and that the 1968 budget estimate shall provide uniform funding for these units at a level commensurate with the needs.

Amendment No. 21: Appropriates \$7,118,600 for construction instead of \$5,130,000 as proposed by the House and \$8,341,600 as proposed by the Senate. The increase provided over the House bill includes: \$1,363,000 for improvements and additions at the following hatcheries—\$115,000, Williams Creek, Arizona; \$334,000, Lahonton, Nevada; \$190,000, Valley City, North Dakota; \$219,000, Creston, Montana; \$121,000, New London, Minnesota; \$95,000, Dexter, New Mexico; \$224,000, Koos-

gram for retired members and members of the uniformed services and their dependents, I would, had I been present, voted "aye."

On rollcall No. 97, to amend the Interstate Commerce Act to insure the adequacy of the national railroad freight car supply, I would have voted "aye."

On rollcall No. 98, on the passage of the Foreign Agents Registration Act, I would have voted "aye."

On rollcall No. 100, on the adoption of the rule to consider H.R. 14544, to promote private financing of credit needs and to provide for an efficient and orderly method of liquidating financial assets held by Federal credit agencies, I would have voted "aye."

It is needless to say, that if I had been in Washington during the time I was officially excused, I would have answered the quorum calls which are recorded in rollcalls Nos. 88, 89, 90, 93, 95, 96, 99, and 101.

(Mr. HELSTOSKI asked and was given permission to revise and extend his remarks.)

APPOINTMENT OF AN ADVISORY COMMITTEE UNDER THE HIGH SPEED GROUND TRANSPORTATION RESEARCH AND DEVELOPMENT ACT

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, the horse-and-buggy pace the Department of Commerce has followed in regard to the appointment of an advisory committee, as provided for under the High Speed Ground Transportation Research and Development Act, has led to what I believe to be a flagrant demonstration of disregard and even disrespect for the Congress.

As the result of testimony of Secretary John T. Conner before the Subcommittee on Transportation and Aeronautics, of which I am a member, the Department's commitment to the Pennsylvania Railroad for the demonstration project between Washington and New York City would be limited to the purchase of equipment and to the cost of certain statistical studies, and that the commitment of the railroad would be to all other costs—including that pertaining to track.

It is my understanding that currently the Department is negotiating a contract with the Pennsylvania for \$1,764,000 for improvement and maintenance of test track in addition to the contract which they have already entered with the railroad for \$9,600,000 for the operation of the demonstration project.

Although last week I did receive a copy of those persons who have been invited to be on the committee, as far as I know, there has been at this time no actual appointment of the Advisory Committee—a delay of more than 8 months since the bill's passage.

It appears to me at this time that most of the contract funds and actual

plans for the demonstration program have either been committed or agreed upon—and without the advice of the Advisory Committee, which was clearly the intent of our subcommittee and that of Congress.

The Department's actions, which seem to be pointed variance with the intention of that expressed by the subcommittee, I think would raise some questions about the Department's intentions at a time when a separate Department of Transportation has been recommended.

I am before you, today, so that you may be informed of this matter, and to alert you that I have asked for an investigation into the situation.

CLEAN WATERS ACT OF 1966

(Mr. STALBAUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STALBAUM. Mr. Speaker, I am today introducing the Clean Waters Act of 1966 which is designed to halt the poisonous spread of pollution in America's principal waterways including the Great Lakes system.

It is becoming increasingly apparent that lower levels of government are unable to cope with this nationwide problem and the Federal Government must demonstrate its responsibility by taking immediate steps to help them curb municipal and industrial pollution.

My proposal would provide 90 percent Federal financing instead of the 30 to 40 percent now available and allocate \$3 billion in funds to build sewage treatment plants as the first step toward halting the calamity now overwhelming our precious natural resource—our rivers and other waterway systems.

This bill would assist local communities in establishing a comprehensive pollution control program with the assistance of Federal experts. Approximately 92 percent Federal funds would be made available to the communities who could not otherwise join in the antipollution battle.

House colleagues, particularly those who come from areas bordering the Great Lakes, are urged to join me in this proposal.

IN TRYING TO SAVE THE OLD OPERA HOUSE NEW YORK MAY LOSE THE OPERA

(Mr. CELLER asked and was given permission to address the House for 1 minute.)

Mr. CELLER. Mr. Speaker, a citizens' group has been formed in New York to save the old Metropolitan Opera House. By saving the building, however, they may destroy opera in New York, thus throwing the baby out with the bath.

The old building, according to the Landmarks Commission, is not worth saving.

The Metropolitan Opera has no endowment. With the sale of the property of the old house, the Metropolitan will be assured about a half million dollars

each year for 50 years. This would go far to make up any deficit which may exist for Metropolitan when it performs opera at the Lincoln Center for the Performing Arts.

This citizens' group induced the Legislature of the State of New York to pass a bill to prevent the sale of the old building. I hope that the Governor will veto that bill.

As a devotee of the opera and a subscriber for more than 40 years, I have helped, with others, to pay the deficit which has always existed in the opera house. The Met cannot function at Lincoln Square without this \$500,000 I have just mentioned.

The old house cannot be renovated except at a cost of \$10 million. At best it could not profitably be used. It probably would become an old movie house.

The Metropolitan, at the old house, had great difficulty in renting it in off-seasons; that is, between the various opera seasons.

Many of the members of this citizens' group never evinced the slightest interest in opera before. Why this sudden urge? Is it publicity?

I would say that some of the members of this citizens' group would think Puccini was the name of a spaghetti and that Richard Wagner was a former baseball player.

RECOGNIZING WATERLOO, N.Y. AS BIRTHPLACE OF MEMORIAL DAY

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of House Concurrent Resolution 587, officially recognizing Waterloo, N.Y., as the birthplace of Memorial Day, and authorizing the President to issue an appropriate proclamation relating to the centennial anniversary of the first celebration of Memorial Day, and ask for its immediate consideration.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 587

Whereas the United States will this year celebrate the one hundredth anniversary of the first observance of Memorial Day as a national holiday to pay tribute to those who gave their lives in all our Nation's wars; and

Whereas the people of the village of Waterloo, New York, did proclaim and observe May 5, 1866, as a special day for decorating the graves of those who had lost their lives in the Civil War and in honoring these dead; and

Whereas the village of Waterloo has each year since then observed an annual holiday for this same purpose; and

Whereas the historical records clearly show that this observance in Waterloo, New York, on May 5, 1866, represented the first formal continuous, annual, public observance of Memorial Day as a special annual holiday; and

Whereas Memorial Day has since become a national holiday, observed from one end of the land to the other on May 30 each year for the purpose of paying tribute to the honored dead of all the wars and engage-

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ments in which our Armed Forces have been involved: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress of the United States, in grateful recognition of the noble patriotic tradition set in motion one hundred years ago in the village of Waterloo, New York, does hereby officially recognize Waterloo, New York, as the birthplace of Memorial Day, and authorizes and requests the President to issue, prior to May 30, 1966, an appropriate proclamation calling the attention of all citizens to the centennial anniversary of the first observance of Memorial Day in Waterloo, New York.

AMENDMENTS OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado. Mr. Speaker, I offer two amendments and ask unanimous consent that they be considered en bloc.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the amendments, as follows:

Amendments offered by Mr. ROGERS of Colorado: On page 2, line 3, strike the word "grateful"; and strike the word "noble".

Strike all "Whereas" clauses.

The amendments were agreed to.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ONE HUNDRETH ANNIVERSARY OF THE BIRTH OF MEMORIAL DAY, AT WATERLOO, N.Y., MAY 5, 1866

Mr. STRATTON. Mr. Speaker, I am delighted that House Concurrent Resolution 587, which I had the honor of introducing on February 10, this year, to give appropriate and proper recognition to the 100th anniversary being celebrated this year of the great national holiday of Memorial Day, has passed. I want to express my appreciation, Mr. Speaker, to the distinguished chairman of the subcommittee, the gentleman from Colorado [Mr. ROGERS], for his leadership in bringing this bill to the floor today, so that this legislation might be enacted in time for the annual Memorial Day observance next weekend and also to the chairman of the full committee, the gentleman from New York [Mr. CELLER].

This resolution pays well deserved recognition to the village of Waterloo, N.Y., located in Seneca County in my congressional district, as the official birthplace of Memorial Day, and it authorizes the President to issue an appropriate proclamation to that effect.

Memorial Day is one of our most important and respected national holidays. Though it started after the Civil War as an occasion for decorating the graves and pausing to remember the sacrifices of those who lost their lives specifically in that war, both in the South and in the North, Memorial Day has since come to be recognized as an occasion for us to pay tribute to all Americans who have paid the supreme sacrifice for their country in all the wars and engagements in which we have participated, including our present operation in Vietnam.

The observance of Memorial Day as a public, annual holiday, set aside for this solemn purpose, was begun 100 years ago this year in Waterloo, N.Y., on May 5, 1866. Local citizens in other communities paused to decorate graves of servicemen killed in the Civil War in one or two instances a week or so before the people of Waterloo did. But the records in the Library of Congress clearly indicate that the ceremony which took place in Waterloo on May 5, 1866, was the first time any community had set aside a day, to be observed henceforth on an annual basis, not only for decorating graves and paying tribute to the honored dead, but also as a general, public holiday, specifically set aside and designated for that purpose.

It should be noted, Mr. Speaker, that Waterloo's original Memorial Day observance occurred 2 years before Gen. John A. Logan, first commander of the Grand Army of the Republic, issued his famous General Order No. 11 establishing Memorial Day, or "Decoration Day" as it was then known, on an official, continuing basis as far as the GAR was concerned. And it should also be noted that the date of General Logan's famous order was 2 years to the exact day, May 5, from the original Waterloo observance of Memorial Day. Subsequently, by general agreement the Nation moved its observance of the Holiday to May 30 instead of May 5.

It is also interesting to note that New York State was the first State to declare Memorial Day, May 30, as a legal holiday, in 1873. And early this year the New York State Legislature enacted legislation designating Waterloo as the official birthplace of Memorial Day and Governor Rockefeller signed an appropriate proclamation to that effect on March 7, 1966.

An account of the original Memorial Day observance in the beautiful Finger Lakes area of upstate New York is to be found in the following memorandum prepared by the Waterloo Memorial Day Centennial Committee:

The fact that Waterloo held a Memorial Day observance on May 5, 1866, is well established. Briefly, the story starts in 1865, when Henry C. Welles, a local druggist, mentioned at a social gathering that while praising the living heroes of the war, it would be well to also remember the patriotic dead by decorating their graves. In the spring of 1866, he again mentioned this subject to General John B. Murray, then Seneca County Clerk. Murray, a man of action, quickly advanced the thought and developed it. Plans were formulated by a committee and it was decided to close all businesses and devote a day to honoring the dead.

Townpeople adopted the idea wholeheartedly. Ladies of the village met at a local hall and prepared wreaths, crosses and bouquets for each veteran's grave. The village was decorated with flags at half mast, draped with evergreen boughs and mourning black streamers.

Civic societies joined the procession to the three then existing cemeteries, led by veterans marching to the strains of martial music. Impressive and lengthy services were held at each cemetery, including speeches by General Murray and a local clergyman. No festivities broke the solemnity of the day. On the same day the following year (May 5, 1867), these ceremonies were repeated. In

1868, Waterloo joined with other communities in holding their observance on May 30th. It has been held annually on that day since.

The formal, dignified manner in which Waterloo observed their first Memorial Days initiated the pattern for future Memorial Day observances all over the nation.

Mr. Speaker, appropriate recognition of the importance of this original observance is also to be found in a number of articles from the historical record. For example, the Denver Colorado Catholic states the following:

The first public demonstration in decorating the graves of federal soldiers at the North, took place at Waterloo, New York, the place where Rev. L. A. Lambert, the efficient Chaplain of the 18th Ill. Volunteers, delivered the excellent memorial address, printed on the first page of this paper. The National holiday known as Decoration Day, had its beginning from this demonstration. We remember the occasion well. Although it was as early as the 30th (sic) of May, the heat was oppressive and many persons were prostrated by it. The year was 1866. The ladies prepared wreaths of flowers for the graves of each and every fallen brave who was buried in the town. The flags of the village were at half mast, and business was entirely suspended. All of the societies of the place accompanied by all the other inhabitants and numerous visitors from the surrounding country, preceded by a band of music, marched to the three ceremonies where impressive memorial ceremonies were performed.

And the official journal of the Sons of Union Veterans of the Civil War, the Banner for May 1933, contains the following item:

The morning of May 5, 1866, dawned clear and beautiful in the little town of Waterloo, New York. It was a morning that was to see the beginning of a beautiful, sacred and solemn custom, a practice that was eventually to become accepted and universally practiced by the American people. On that pleasant morning General John B. Murray, then a resident of Waterloo, conceived the idea of calling together a platoon of ex-soldiers who had worn the Blue of the Northland during the War of the Rebellion, for the purpose of showing by their action, their intense loyalty, their love and devotion toward those of their comrades who had answered the last roll call.

Visualize to yourself what a scene this must have been. Flags floating proudly on the balmy spring breeze, flowers piled in great profusion; flowers that had been gathered by the school children previous to this occasion; members of that large body of soldiers who compressed the Union Army during the War that only a year previous, they had brought to a successful conclusion.

Standing at attention these soldiers received perhaps from the hands of the school children, these first blossoms of spring. Those men were in the prime of their life, and with heads erect, shoulders thrown back, at the command of General Murray, marched to the strains of martial music to the local cemetery and proceeded to decorate the graves of their departed comrades.

That morning, beautiful with the first blossoms of spring; the birds gaily singing; the air sweet with the perfume of flowers; the trees resplendent in their green foliage; all nature seemed to be fitted for this sacred duty. Even the Ruler of the Universe seemed in accord with these Men in Blue; this God of Love and Mercy who had carried them safely through the strife and turmoil of war, seemed to smile benignly down upon these men in Blue, who with reverential respect, with heads bowed with love and devotion,

The legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the resolution. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Wisconsin [Mr. NELSON], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from New Jersey [Mr. WILLIAMS], are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD], the Senator from Illinois [Mr. DOUGLAS], the Senator from Mississippi [Mr. EASTLAND], the Senator from Ohio [Mr. LAUSCHE], the Senator from Montana [Mr. MANSFIELD], the Senator from Wyoming [Mr. MCGEE], and the Senator from South Carolina [Mr. RUSSELL], are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. ANDERSON], the Senator from Connecticut [Mr. DODD], the Senator from Illinois [Mr. DOUGLAS], the Senator from Ohio [Mr. LAUSCHE], the Senator from Montana [Mr. MANSFIELD], the Senator from Wyoming [Mr. MCGEE], the Senator from Wisconsin [Mr. NELSON], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Connecticut [Mr. RIBICOFF], the Senator from South Carolina [Mr. RUSSELL], and the Senator from New Jersey [Mr. WILLIAMS], would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Illinois [Mr. DIRKSEN] is absent because of illness.

The Senator from Nebraska [Mr. HRUSKA], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Texas [Mr. TOWER] are necessarily absent.

If present and voting, the Senator from Illinois [Mr. DIRKSEN], the Senator from Nebraska [Mr. HRUSKA], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Texas [Mr. TOWER] would each vote "yea."

The result was announced—yeas 84, nays 0, as follows:

[No. 76 Leg.]

YEAS—84

- | | | |
|--------------|----------------|--------------|
| Aiken | Fulbright | McIntyre |
| Allott | Gore | Metcalf |
| Bartlett | Griffin | Miller |
| Bass | Gruening | Mondale |
| Bayh | Harris | Monroney |
| Bennett | Hart | Montoya |
| Bible | Hartke | Morse |
| Boggs | Hayden | Morton |
| Brewster | Hickenlooper | Moss |
| Burdick | Hill | Mundt |
| Byrd, Va. | Holland | Murphy |
| Byrd, W. Va. | Inouye | Muskie |
| Cannon | Jackson | Pastore |
| Carlson | Javits | Pearson |
| Case | Jordan, N.C. | Pell |
| Church | Jordan, Idaho | Prouty |
| Clark | Kennedy, Mass. | Proxmire |
| Cooper | Kennedy, N.Y. | Randolph |
| Cotton | Kuchel | Robertson |
| Curtis | Long, Mo. | Russell, Ga. |
| Domink | Long, La. | Saltonstall |
| Ellender | Magnuson | Simpson |
| Ervin | McCarthy | Smathers |
| Fannin | McClellan | Smith |
| Fong | McGovern | Sparkman |

- | | | |
|-----------|----------------|----------------|
| Stennis | Thurmond | Yarborough |
| Symington | Tydings | Young, N. Dak. |
| Talmadge | Williams, Del. | Young, Ohio |

NAYS—0
NOT VOTING—16

- | | | |
|----------|-----------|----------------|
| Anderson | Lausche | Russell, S.C. |
| Dirksen | Mansfield | Scott |
| Dodd | McGee | Tower |
| Douglas | Nelson | Williams, N.J. |
| Eastland | Neuberger | |
| Hruska | Ribicoff | |

So the resolution (S. Res. 179) was agreed to, as follows:

Resolved, That the Senate commends the President's serious and urgent efforts to negotiate international agreements limiting the spread of nuclear weapons and supports the principle of additional efforts by the President which are appropriate and necessary in the interest of peace for the solution of nuclear proliferous problems.

The preamble was agreed to.

THE ARROGANCE OF POWER

Mr. McCARTHY. Mr. President, on May 5 Senator FULBRIGHT delivered the third of the Christian A. Herter lectures at the School of Advanced International Studies at Johns Hopkins University, entitled "The Arrogance of Power." On May 10 Senator FULBRIGHT addressed a convocation sponsored by the Center for Democratic Institutions at Los Angeles on the subject "The University and American Foreign Policy."

There has been a good deal of discussion and of editorial comment about these speeches. I am sure that the Senator from Arkansas did not expect that everyone would accept his analysis without any reservations or all the applications of his views to contemporary foreign policy. I do believe that he has raised a number of issues and questions which deserve the kind of discussion and debate necessary to have well informed citizens in democratic government. In one of his speeches Senator FULBRIGHT stated:

I am not convinced that either the government or the universities are making the best possible use of their intellectual resources to deal with the problems of war and peace in the nuclear age.

The kind of critical challenges he has been raising can be most helpful in moving us to make this intellectual effort.

I ask unanimous consent that these speeches be printed at this point in the RECORD. I also ask unanimous consent that the article about Senator FULBRIGHT which appeared in Life magazine in May also be printed in the RECORD, since it provides an insight into his scholarly and reflective approach to problems and to his character and convictions.

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

THE UNIVERSITY AND AMERICAN FOREIGN POLICY

(Speech given by Senator J. W. FULBRIGHT on Tuesday, May 10, 1966, at a convocation sponsored by the Center for Democratic Institutions, Los Angeles, Calif.)

The prospect of death, which used to be a matter for individual contemplation, has become in our generation a problem for the human race. The situation to which we have come is not a unique one in nature; other forms of life have been threatened

with extinction or become extinct when they could not adapt to radical changes in their environments. What is unique for man is that the change of environment which threatens his species was not the work of mindless forces of nature but the result of his own creative genius. Unlike other forms of life which have faced the danger of extinction, we have had some choice in the matter, a fact which tells as much about man's folly as it does about his inventiveness. Having chosen to create the conditions for our own collective death, however, we at least retain some choice about whether it is actually going to happen.

It is hard to believe in the destruction of the human race. Because we have managed to avoid a holocaust since the invention of nuclear weapons twenty years ago, the danger of its occurrence now seems remote, like Judgment Day, and references to it have become so frequent and familiar as to lose their meaning; the prospect of our disappearance from the earth has become a cliché, even something of a bore. It is a fine thing of course that the hydrogen bomb hasn't reduced us all to nervous wrecks, but it is a fine thing that, finding the threat incredible, we act as though it did not exist and go on conducting international relations in the traditional manner, which is to say, in a manner that does little if anything to reduce the possibility of a catastrophe.

I am not convinced that either the government or the universities are making the best possible use of their intellectual resources to deal with the problems of war and peace in the nuclear age. Both seem by and large to have accepted the idea that the avoidance of nuclear war is a matter of skillful "crisis management," as though the techniques of diplomacy and deterrence which have gotten us through the last twenty years have only to be improved upon to get us through the next twenty or a hundred or a thousand years.

The law of averages has already been more than kind to us and we have had some very close calls, notably in October 1962. We escaped a nuclear war at the time of the Cuban missile affair because of President Kennedy's skillful "crisis management" and Premier Khrushchev's prudent response to it; surely we cannot count on the indefinite survival of the human race if it must depend on an indefinite number of repetitions of that sort of encounter. Sooner or later, the law of averages will turn against us; an extremist or incompetent will come to power in one major country or another, or a misjudgment will be made by some perfectly competent official, or things will just get out of hand without anyone being precisely responsible as happened in 1914. None of us, however—professors, bureaucrats or politicians—has yet undertaken a serious and concerted effort to put the survival of our species on some more solid foundation than an unending series of narrow escapes.

What we must do, in the words of Brock Chisholm, a distinguished psychiatrist and former Director-General of the World Health Organization, is nothing less than "to re-examine all of the attitudes of our ancestors and to select from those attitudes things which we, on our own authority in these present circumstances, with our knowledge, recognize as still valid in this new kind of world."

I regret that I do not have a definite plan for the execution of so considerable a project, but I have an idea as to who must accept the principal responsibility for it: clearly, the universities. I agree with Dr. Chisholm, who writes: "I think every university has an obligation to consider whether its teaching is in fact universal. Does it open all possible channels of knowledge to its students? Does it teach things in true perspective to each other? Does it take the same attitudes about other cultures as it

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does about the one which it happens to be working?"

Whatever the circumstances of the moment, whatever the demands of government and industry on the universities—and whatever the rewards for meeting these demands—the highest function of higher education is the "teaching of things in perspective," toward the purpose of enriching the life of the individual and advancing the eternal effort to bring reason and justice and humanity into the relations of men and nations. Toward these ends, the university has a responsibility to analyze existing public policies with a view to determining whether they advance or retard the realization of basic human objectives and whether and how they should be changed.

Obviously, there are great mutual benefits in relations between the universities and government, but when the relationship becomes too close, too extensive and too highly valued by the universities, the higher functions of the university are in danger of being compromised. The danger goes far beyond contractual associations with the CIA, which, unfortunate though they are, are so egregious that, once they are known, there is a tendency to terminate them with all possible haste. Nor is there any danger inherent in government sponsored research of and by itself; on the contrary, government contracts bring needed money to the universities and needed intellectual resources to the government. The danger lies rather in the extent of these connections: as long as they are secondary functions for the university, they are not harmful, but when they become primary areas of activity, when they become the major source of the university's revenue and the major source of the scholar's prestige, then the "teaching of things in perspective" is likely to be neglected and the universality of the university compromised. The harm, in short, lies less in what is done in relation to the government but in what is neglected as a result of it.

Not having been a professor for some years, I must make it clear that I am expressing strong suspicions rather than firm convictions about the effects of government on the universities. I suspect that when a university becomes very closely oriented to the current needs of government, it takes on some of the atmosphere of a place of business while losing that of a place of learning. The sciences, I would expect, are emphasized at the expense of the humanities and, within the humanities, the behavioral school of social science at the expense of the more traditional—and to my mind more humane—approaches. Generally, I would expect an interest in salable information pertaining to current problems to be emphasized at the expense of general ideas pertaining to the human condition.

In such an atmosphere, there can be little room for intellectual individualists whose interest is in making a contribution to the sum of human knowledge without regard to its immediate uses. The kind of professor needed in the government-oriented university, is one, I suspect, who, though technically brilliant, is philosophically orthodox, because the true dissenter, the man who dissents about purpose and not just technique, is likely to lose a sale.

"Sound" scholars produce "sound" disciples. In a research-oriented university, I would expect, the student who is highly valued is the one who can contribute to production. Obviously, the graduate student is a more valuable research assistant than the undergraduate and the scientifically-oriented student is more valuable than the one who is interested in history or philosophy. The latter, indeed, is likely to find himself relegated to the charge of the lower echelon of the faculty, those, that is, who are condemned to teach.

In lending themselves too much to the purposes of government, the universities are failing their higher purposes. They are not contributing to the re-examination of the ideas of our ancestors on which human survival depends; they are not dealing with the central problems of the first generation in human history which holds the power of life and death over its progeny; they are not, in Archibald MacLeish's phrase, trying to produce "an idea that mankind can hold to."

How might some of these considerations guide the universities toward a constructive contribution in the current crisis of our foreign relations?

I most emphatically do not think that the universities should act like recruits called to the colors. I do not think that the humanities must now give way to military science, that civil engineering must give way to military engineering, or that history and philosophy must give way to computerized "war games."

Unless it conceives itself as nothing more than the servant of the party in power, the university has a higher function to perform. The university, it is true, cannot separate itself from the society of which it is a part, but the community of scholars must do more than accept misfortune and consider how it can be overcome. It must ask how we came to misfortune and whether we need have. It must ask what has been done wisely and what has been done foolishly and what the answers to these questions imply for the future. It must ask how it came about that we have had for so long to devote so great a part of our resources to war and its prevention and it must ask whether we are condemned by forces beyond our control to continue to do so. It can, like the Secretary of State, ask what is wrong with the "other side," but it must not fail to ask as well what is wrong with our side, remembering always that the highest devotion we can give is not to our country as it is but to a concept of what we would like it to be.

In considering a crisis such as the war in Vietnam, the politician is usually preoccupied with technique rather than long-term needs. His concern is largely focused on the tactical questions of the war: What are the probable effects of bombing or of not bombing North Vietnam? What degree of escalation is likely to bring the Chinese into the war? What concessions, if any, are likely to induce the enemy to negotiate?

The scholar, on the other hand, in considering the war, must provide the historical and philosophical foundations on which wise political decisions can be based. His proper concern is with questions of means and ends, of motive and purpose: To what extent is the war in Vietnam a civil war, to what extent a war of international aggression, to what extent a conflict of ideologies? Does the American military intervention in Vietnam strengthen our alliances throughout the world, as the Administration believes, or does it weaken them, as General de Gaulle's statement of last winter would seem to indicate? And perhaps the most important questions of all: does this war advance the freedom of southeast Asia or make a mockery of it by subjecting the region to great power domination? does it increase the security of the United States by proving our resolve or reduce it by draining our material and moral resources?

Beyond the services to be performed in connection with the war in Vietnam or with any other single issue or crisis is the broader responsibility to deal with the fundamental questions of war and peace and their roots in human nature. When all is said and done, when the abstractions and subtleties of political science have been exhausted, there remain the most basic unanswered questions about war and peace and why we contest the issues we contest and why we even care about them. As Aldous Huxley has written: "There may be arguments about the best way of

raising wheat in a cold climate or of reforesting a denuded mountain. But such arguments never lead to organized slaughter. Organized slaughter is the result of arguments about such questions as the following: Which is the best nation? The best religion? The best political theory? The best form of government? Why are other people so stupid and wicked? Why can't they see how good and intelligent we are? Why do they resist our beneficent efforts to bring them under our control and make them like ourselves?"

Many of the wars fought by man—I am tempted to say most—have been fought over such abstractions. The more I puzzle over the great wars of history, the more I am inclined to the view that the causes attributed to them—territory, markets, resources, the defense or perpetuation of great principles—were not the root causes at all but rather explanations or excuses for certain unfathomable drives of human nature.

Why is it scholars should be asking that nations seem to have to prove that they are bigger, better or stronger than other nations. Why is it they should be asking that implicit in this drive is the assumption that the proof of superiority is force—that when a nation shows that it has the stronger army it is also proving that it has better people, better institutions, better principles—and, in general, a better civilization. Why is it they should be asking that so great a part of our organized efforts as societies is directed toward abstract and mystic goals—toward propagating an ideology, toward enhancing the pride and power and self-esteem of the nation, as if the nation had a "self" and a "soul" apart from the individuals who compose it, and as if the wishes of individual men, for life and happiness and prosperity, were selfish, dishonorable and unworthy of our best creative efforts.

It is a curious thing that in an era when interdisciplinary studies are favored in the universities little, so far as I know, has been done to apply the insights of individual and social psychology to the study of international relations.

It would be interesting—to raise one of many possible questions—to see what could be learned about the psychological roots of ideology: to what extent are ideological beliefs the result of a valid and disinterested intellectual process and to what extent are they instilled in us by conditioning or the accident of birth? Or, to put the question another way, why exactly is it that most young Russians grow up believing in communism and most young Americans grow up believing in democracy or, for that matter, what accounts for the coincidence that most Arabs believe in Islam and most Spaniards in Catholicism? What, in short, is the real source of ideological beliefs and what value do they have as concepts of reality, much less as principles for which men should be willing to fight and die? I am intrigued, for example, by the question of what Barry Goldwater would be saying and doing today if he had been born in Moscow or Peking instead of Arizona.

I recently had the privilege of a luncheon with the distinguished Johns Hopkins psychiatrist, Dr. Jerome Frank, and he explained to me some psychiatric principles which may be pertinent to a better understanding of international relations. He pointed out, for example, that an ideology gives us an identity beyond our own trivial and transitory lives on earth and also serves the purpose of "organizing the world" for us, giving us a picture, though not necessarily an accurate picture, of reality. A person's worldview, or ideology, says Dr. Frank, filters the signals that come to him, giving meaning and pattern to otherwise odd bits of information. Thus, for example, when a Chinese and an American put radically different interpretations on the Vietnamese war, it is not necessarily because one or the other has chosen to propound a wicked lie but rather because each has filtered information

from the real world through his ideological worldview, selecting the parts that fit, rejecting the parts that do not, and coming out with two radically different interpretations of the same events. Even in this country, which we consider relatively homogeneous, it is interesting that the war that began in 1861 was referred to in Massachusetts as the "rebellion of the Southern States," in Pennsylvania as the "Civil War," in Virginia as the "war between the states," and in Texas as the "war to repel Yankee aggression."

I think that the universities could profitably pursue these basic questions of human motivation and differences in perspective. Another area that might be explored is that of the relationship between a nation's foreign and domestic concerns. My own feeling is that an excessive preoccupation with foreign relations over a long period of time is a problem of great importance because it diverts a nation from the sources of its strength, which are in its domestic life. A nation immersed in foreign affairs is expending its capital, human as well as material; sooner or later that capital must be renewed by some diversion of creative energies from foreign to domestic pursuits. I would doubt that any nation has achieved a durable greatness by conducting a "strong" foreign policy, but many have been ruined by expending their energies on foreign adventures while allowing their domestic bases to deteriorate. The United States emerged as a world power in the twentieth century not because of what it had done in foreign relations but because it had spent the nineteenth century developing the North American continent; by contrast, the Austrian and Turkish empires collapsed in the twentieth century in large part because they had for so long neglected their internal development and organization. As one student of politics, I would be grateful for academic enlightenment on this basic question as to the sources of a community's strength.

Our prospects for peace and for the survival of our species depend in great part on our ability to apply the kinds of insight and understanding that only broadly based liberal education can provide. We must bring to our efforts for peace some of the perspectives of history and philosophy and psychology. We must apply the experience of the past with intelligence and discrimination, separating those experiences which seem to have general application from those which are unique or accidental. We must recognize that history can be misleading as well as instructive, and we must avoid the pitfall of simple and literal analogy—such as the eternally repeated example of Munich, which is so often cited as an object lesson for cases which it resembles only slightly or superficially. We must utilize our knowledge of man and his past in the only way it can be utilized, not as a source of detailed prescriptions for specific maladies but as a source of general insight into the kinds of efforts that are likely to succeed and the kinds that are likely to fail, the kinds of policies that are likely to increase the possibility of human survival and the kinds that are likely to reduce that possibility.

We must be prepared to examine each situation and each problem on its merits and we must be prepared, as only educated men can be, to discard old myths in the light of new realities. More important than any single policy decision that we might make is the strengthening of our capacity to reconsider established policies in the light of changing facts and circumstances. It is not so much change itself that the universities can usefully encourage as the capacity for change. Even in the case of those of our present policies which are perfectly sound, it is not at all certain that we would be prepared to alter these policies quickly in response to a wholly new situation or an un-

foreseen opportunity. One of the basic problems of our policy is thus intellectual rather than political. It is the problem of freeing our minds from the dead weight of habit and prejudice and stereotype and of bringing to bear on foreign policy the rich and diverse resources of liberally educated men.

While the relationship between the executive agencies of the federal government and the universities has become stiffly close, Congress and the community of scholars have seldom been on intimate terms and have often regarded each other with open disdain. In recent months the Senate Foreign Relations Committee has been engaged in an experiment designed to correct that long estrangement. Inspired as we have been by President Johnson's policy of "building bridges" to eastern Europe, we have undertaken to build a few bridges between the Senate and the universities.

With results thus far that seem to me highly satisfactory, the Committee has made itself available as a forum for the meeting of politicians and professors and, more broadly, as a forum through which recognized experts and scholars could contribute to Congressional and public understanding of the problems associated with the American involvement in Vietnam and relations with Communist China. We expect in the near future to hold hearings on the Atlantic Alliance and it is my hope that in coming months and years the Committee will continue to invite professors and scholars to join with it in periodic programs of public education.

I believe that a rewarding relationship can be built between the Congress and the universities without either losing sight of its principal responsibility—that of the Congress to represent and of the universities to educate. Valuable though the academic relationship can be to politicians, who have little time but great need for the insights of history, philosophy, psychology and the other disciplines, the education of politicians must obviously be no more than an avocation to those whose principal responsibility is in the classroom.

If there is any one place to which we are entitled to look for the wisdom which may save our generation and future generations from the consequences of man's creative genius, that place is the university. To a certain degree a United States Senator can point the way toward intelligent and creative policies as he sees them; to a much greater degree the President of the United States can do so; but the ultimate answer to the challenge of survival lies with the scholars whose business it is to re-examine the attitudes of our ancestors and, on the basis of that examination, to generate an "idea that mankind can hold to."

THE ARROGANCE OF POWER

(Statement by Senator J. W. FULBRIGHT, chairman, Committee on Foreign Relations, U.S. Senate, at the Christian A. Herter Lectures—lecture III, Johns Hopkins University, School of Advanced International Studies, Washington, D.C., May 5, 1966)

America is the most fortunate of nations—fortunate in its rich territory, fortunate in having had a century of relative peace in which to develop that territory, fortunate in its diverse and talented population, fortunate in the institutions devised by the founding fathers and in the wisdom of those who have adapted those institutions to a changing world.

For the most part America has made good use of its blessings, especially in its internal life but also in its foreign relations. Having done so much and succeeded so well, America is now at that historical point at which a great nation is in danger of losing its perspective on what exactly is within the realm

of its power and what is beyond it. Other great nations, reaching this critical juncture, have aspired to too much and, by over extension of effort, have declined and then fallen. I do not think for a moment that America, with its deeply rooted democratic traditions, is likely to embark upon a campaign to dominate the world in the manner of a Hitler or Napoleon. What I do fear is that it may be drifting into commitments which, though generous and benevolent in intent, are so universal as to exceed even America's great capacities. At the same time, it is my hope—and I repeat it here because it is the major point that I wish to convey in these lectures—that America will escape those fatal temptations of power which have ruined other great nations and will instead do only that good in the world which it can do, both by direct effort and by the force of its own example.

The stakes are high indeed; they include not only America's continued greatness but nothing less than the survival of the human race in an era when, for the first time in human history, one generation has the power of veto over the survival of the next.

In the seventeenth century a distinguished Frenchman, Jean de la Bruyere, asked a question that remains one of the profound paradoxes of men and nations. "How," he asked, "does it serve the people and add to their happiness if their ruler extend his empire by annexing the provinces of his enemies, . . . how does it help me or my countrymen that my country be successful and covered with glory, that my country be powerful and dreaded, if, sad and worried, I live in oppression and poverty?"¹

The question, phrased somewhat differently, is how and why it happens that the groups into which men organize themselves come to be regarded as ends in themselves, as living organisms with needs and preferences of their own which are separate from and superior to those of the individual, warranting, when necessary, the sacrifice of the hopes, the pleasures and the lives of individual men. It is a paradox of politics that so great a part of our organized efforts as societies is directed toward abstract and mystic goals—toward propagating an ideology, toward enhancing the pride and power and self-esteem of the nation, as if the nation had a "self" and a "soul" apart from the individuals who compose it, and as if the wishes of individual men, for life and happiness and prosperity, were selfish, dishonorable and unworthy of our best creative efforts.

When all is said and done, when the abstractions and subtleties of political science have been exhausted, there remain the most basic unanswered questions about war and peace and why we contest the issues we contest and why we even care about them. As Aldous Huxley has written: "There may be arguments about the best way of raising wheat in a cold climate or of re-afforesting a denuded mountain. But such arguments never lead to organized slaughter. Organized slaughter is the result of arguments about such questions as the following: Which is the best nation? The best religion? The best political theory? The best form of government? Why are other people so stupid and wicked? Why can't they see how good and intelligent we are? Why do they resist our beneficent efforts to bring them under our control and make them like ourselves?"²

¹ Jean de la Bruyere, French writer and historian, in "Du Souverain ou de la Republique," in *Ouvres Completes*, Julian Benda, ed. (Paris: Librairie Gallimard, 1951), Bibliotheque de la Pleiade, Vol. 23, pp. 302-303.

² Aldous Huxley "The Politics of Ecology," (Santa Barbara: Center for the Study of Democratic Institutions, 1963) p. 6.

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Many of the wars fought by man—I am tempted to say most—have been fought over such abstractions. The more I puzzle over the great wars of history, the more I am inclined to the view that the causes attributed to them—territory, markets, resources, the defense or perpetuation of great principles—were not the root causes at all but rather explanations or excuses for certain unfathomable drives of human nature. For lack of a clear and precise understanding of exactly what these motives are, I refer to them as the "arrogance of power"—as a psychological need that nations seem to have to prove that they are bigger, better or stronger than other nations. Implicit in this drive is the assumption that the proof of superiority is force—that when a nation shows that it has the stronger army it is also proving that it has better people, better institutions, better principles—and, in general, a better civilization.

The evidence for my proposition is the remarkable discrepancy between the apparent and hidden causes of some modern wars and the discrepancy between their causes and ultimate consequences.

The precipitating cause of the Franco-Prussian war, for example, was a dispute over the succession to the Spanish throne and the ostensible "underlying" cause was French resistance to the unification of Germany. The war was followed by German unification—which probably could have been achieved without war—but it was also followed by the loss of Alsace-Lorraine, the humiliation of France and the emergence of Germany as the greatest power in Europe, which could not have been achieved without war. The peace treaty, incidentally, said nothing about the Spanish throne, which everyone apparently had forgotten. One wonders to what extent the Germans were motivated simply by the desire to cut those haughty Frenchmen down to size and have a good excuse to build another monument in Berlin.

The United States went to war in 1898 for the stated purpose of liberating Cuba from Spanish tyranny, but then, after winning the war—a war which Spain had been willing to pay a high price to avoid—the United States brought the liberated Cubans under an American protectorate, and incidentally annexed the Philippines, because, according to President McKinley, the Lord told him it was America's duty "to educate the Filipinos, and uplift and civilize and Christianize them, and by God's grace do the very best we could by them, as our fellow-men for whom Christ also died."³

Isn't it interesting that the voice was the voice of God but the words were those of Theodore Roosevelt, Henry Cabot Lodge, Admiral Mahan, those "Imperialists of 1898" who wanted America to have an empire just because a big, powerful country like the United States ought to have an empire? The spirit of the times was expressed by Albert Beveridge who proclaimed Americans to be "a conquering race." "We must obey our blood and occupy new markets and if necessary new lands," he said, because "In the Almighty's infinite plan . . . debased civilizations and decaying races" must disappear "before the higher civilization of the nobler and more virile types of man."⁴

In 1914 all Europe went to war, ostensibly because the heir to the Austrian throne had been assassinated at Sarajevo but really because that murder became the symbolic focus of the incredibly delicate sensibilities of the great nations of Europe. The events of the summer of 1914 were a melodrama of ab-

normal psychology: Austria had to humiliate Serbia in order not to be humiliated herself, but Austria's effort to recover self-esteem was profoundly humiliating to Russia, Russia was allied to France, who had been feeling generally humiliated since 1871, and Austria in turn was allied to Germany, whose pride required her to support Austria no matter how insanely Austria behaved and who may in any case have felt that it would be fun to give the German Army another swing down the Champs Elysees. For these ennobling reasons the world was plunged into a war which took tens of millions of lives, precipitated the Russian Revolution and set in motion the events that led to another world war, a war which took tens of millions more lives and precipitated the world wide revolutions of which we spoke last week, revolutions whose consequences are beyond the foresight of any of us now alive.

Both the causes and consequences of war may have more to do with pathology than with politics, more to do with irrational pressures of pride and pain than with rational calculations of advantage and profit. It has been said that buried in the secret soul of every woman is a drum majorette; it might also be said that there is a bit of the missionary in all of our souls. We all like telling people what to do but unfortunately they usually don't appreciate it. I myself have given my wife some splendid suggestions on household management but she is so ungrateful for my advice that I have stopped offering it. The phenomenon is explained by the Canadian psychiatrist and former Director-General of the World Health Organization Brock Chisholm, who writes: ". . . Man's method of dealing with difficulties in the past has always been to tell everyone else how they should behave. We've all been doing that for centuries.

"It should be clear by now that this no longer does any good. Everybody has by now been told by everybody else how he should behave; The criticism is not effective; it never has been, and it never is going to be. . . ."

Ineffective though it has been, the giving—and enforcement—of all this unsolicited advice has at least until recently been compatible with the survival of the human race. Man is now, however, for the first time, in a situation in which the survival of his species is in jeopardy. Other forms of life have been endangered, and many destroyed, by changes in their natural environment; man is menaced by a change of environment which he himself has wrought by the invention of nuclear weapons and ballistic missiles. Our power to kill has become universal, creating a radically new situation which, if we are to survive, requires us to adopt some radically new attitudes about the giving and enforcement of advice and in general about human and international relations.

The enormity of the danger of extinction of our species is dulled by the frequency with which it is stated, as if a familiar threat of catastrophe were no threat at all. We seem to feel somehow that because the hydrogen bomb has not killed us yet it is never going to kill us. This is a dangerous assumption because it encourages the retention of traditional attitudes about world politics when our responsibility, in Dr. Chisholm's words, is nothing less than "to re-examine all of the attitudes of our ancestors and to select from those attitudes things which we, on our own authority in these present circumstances, with our knowledge, recognize as still valid in this new kind of world. . . ."

The attitude above all others which I feel sure is no longer valid is the arrogance of power, the tendency of great nations to

equate power with virtue and major responsibilities with a universal mission. The dilemmas involved are preeminently American dilemmas, not because America has weaknesses that others do not have but because America is powerful as no nation has ever been before and the discrepancy between its power and the power of others appears to be increasing. I said in a speech in New York last week that I felt confident that America, with its great resources and democratic traditions, with its diverse and creative population, would find the wisdom to match its power. Perhaps I should have been more cautious and expressed only hope instead of confidence, because the wisdom that is required is greater wisdom than any great nation has ever shown before. It must be rooted, as Dr. Chisholm says, in the reexamination of "all of the attitudes of our ancestors."

It is a tall order. Perhaps one can begin to fill it by an attempt to assess some of the effects of America's great power, on some of the small countries whom we have tried to help.

Reflecting on his voyages to Polynesia in the late eighteenth century, Captain Cook later wrote that "It would have been better for these people never to have known us." In a recently published book on European explorations of the South Pacific, Alan Moorehead relates how the Tahitians and the gentle aborigines of Australia were corrupted by the white man's diseases, alcohol, firearms, laws and concepts of morality, by what Moorehead calls "the long down-slide into Western civilization."⁵ The first missionaries to Tahiti, says Moorehead, were "determined to recreate the island in the image of lower-middle-class Protestant England * * * They kept hammering away at the Tahitian way of life until it crumbled before them, and within two decades they had achieved precisely what they set out to do." It is said that the first missionaries who went to Hawaii went for the purpose of explaining to the Polynesians that it was sinful to work on Sunday, only to discover that in those bountiful islands nobody worked on any day.

Even when acting with the best of intentions, Americans, like other Western peoples who have carried their civilization abroad, have had something of the same "fatal impact" on smaller nations that European explorers had on the Tahitians and the native Australians. We have not harmed people because we wished to; on the contrary, more often than not we have wanted to help people and, in some very important respects, we have helped them. Americans have brought medicine and education, manufactures and modern techniques to many places in the world; but they also brought themselves and the condescending attitudes of a people whose very success breeds disdain for other cultures. Bringing power without understanding, Americans as well as Europeans have had a devastating effect in less advanced areas of the world; without wishing to, without knowing they were doing it, they have shattered traditional societies, disrupted fragile economies, and undermined peoples' confidence in themselves by the invidious example of their own efficiency. They have done this in many instances simply by being big and strong, by giving good advice, by intruding on people who have not wanted them but could not resist them.

Have you ever noticed how Americans act when they go to foreign countries? Foreigners frequently comment on the contrast between the behavior of Americans at home and abroad; in our own country, they say, we are hospitable and considerate, but as soon as we get outside our own borders something seems to get into us and, wherever we are, we become noisy and demanding and

³ Samuel Flagg Bemis, *A Diplomatic History of the United States* (New York: Henry Holt and Company, 1955) p. 472.

⁴ Quoted in Barbara Tuchman, *The Proud Tower* (New York: The Macmillan Co., 1966), p. 153.

⁵ Brock Chisholm, *Prescription for Survival*, (New York: Columbia University Press, 1957), p. 54.

⁶ *Ibid.*, p. 9.

⁷ Alan Moorehead, *The Fatal Impact* (New York: Harper and Row, 1966).

strut around as if we owned the place. The British used to say during the war that the trouble with the Yanks was that they were "overpaid, oversexed and over here." I recently took a vacation in Mexico and noticed in a small-town airport two groups of students on holiday, both about undergraduate age; one group was Japanese, the other American. The Japanese were neatly dressed and were talking and laughing in a manner that neither annoyed anybody nor particularly called attention to themselves. The Americans, on the other hand, were disporting themselves in a conspicuous and offensive manner, stamping around the waiting room in sloppy clothes, drinking beer and shouting to each other as if no one else were there.

This kind of scene, unfortunately, has become familiar in many parts of the world. I do not wish to exaggerate its significance; but I have the feeling that, just as there was once something special about being a Roman or a Spaniard or an Englishman, there is now something about the consciousness of being an American abroad, something about the consciousness of belonging to the biggest, richest country in the world, that encourages people who are perfectly well behaved at home to become boorish when they are in somebody else's country and to treat the local citizens as if they weren't really there. One reason why Americans abroad may act as though they "own the place" is that in many places they very nearly do: American companies may dominate large segments of a country's economy; American products are advertised on billboards and displayed in the shop windows; American hotels and snack bars are available to protect American tourists from foreign influence, American soldiers may be stationed in the country and, even if they are not, the population are probably well aware that their very survival depends on the wisdom with which America uses her immense military power.

I think that any American, when he goes abroad, carries an unconscious knowledge of all this power with him and it affects his behavior just as it once affected the behavior of Greeks and Romans, of Spaniards, Germans and Englishmen, in the brief high noons of their respective ascendancies. It was the arrogance of their power that led nineteenth century Englishmen to suppose that if you shouted at a foreigner loud enough in English he was bound to understand you, or that now leads Americans to behave like Mark Twain's "Innocents abroad," who reported as follows on their travels in Europe:

"The peoples of those foreign countries are very ignorant. They looked curiously at the costumes that we had brought from the wilds of America. They observed that we talked loudly at table sometimes . . . In Paris, they just simply opened their eyes and stared when we spoke to them in French! We never did succeed in making these idiots understand their own language."⁸

We all, as Dr. Chisholm explains, enjoy telling people how they should behave, and the bigger and stronger and richer we are, the more we feel suited to the task, the more indeed we consider it our duty. Dr. Chisholm relates the story of an eminent cleric who had been proselyting the Eskimos and said: "You know, for years we couldn't do anything with those Eskimos at all; they didn't have any sin. We had to teach them sin for years before we could do anything with them."⁹ I am reminded of the three boy scouts who reported to their scoutmaster that as their good deed for the day they had helped an old lady cross the street. "That's

fine," said the scoutmaster, "but why did it take three of you?" "Well," they explained, "she didn't want to go."

The good deed above all others that Americans feel qualified to perform is the teaching of democracy and the dignity of man. Let us consider the results of some American good deeds in various parts of the world.

Over the years since President Monroe proclaimed his doctrine, Latin Americans have had the advantages of United States tutelage in fiscal responsibility, in collective security and in the techniques of democracy. If they have fallen short in any of these fields, the thought presents itself that the fault may lie as much with the teacher as with the pupils.

When President Theodore Roosevelt announced his "corollary" to the Monroe Doctrine in 1905, he solemnly declared that he regarded the future interventions thus sanctified as a "burden" and a "responsibility" and an obligation to "international equity." Not once, so far as I know, has the United States regarded itself as intervening in a Latin American country for selfish or unworthy motives—a view not necessarily shared by the beneficiaries. Whatever reassurance the purity of our motives may give must be shaken a little by the thought that probably no country in all human history has ever intervened in another except for what it regarded as excellent motives. "The wicked are wicked, no doubt," wrote Thackeray, "and they go astray and they fall, and they come by their deserts; but who can tell the mischief which the very virtuous do?"¹⁰

For all our noble intentions, the countries which have had most of the tutelage in democracy by United States Marines are not particularly democratic. These include Haiti, which is under a brutal and superstitious dictatorship, the Dominican Republic, which is in turmoil, and Cuba, which, as no one needs to be reminded, has replaced its traditional right wing dictatorships with a communist dictatorship.

Maybe, in the light of this extraordinary record of accomplishment, it is time for us to reconsider our teaching methods. Maybe we are not really cut out for the job of spreading the gospel of democracy. Maybe it would profit us to concentrate on our own democracy instead of trying to inflict our particular version of it on all those ungrateful Latin Americans who stubbornly oppose their North American benefactors instead of the "real" enemies whom we have so graciously chosen for them. And maybe—just maybe—if we left our neighbors to make their own judgments and their own mistakes, and confined our assistance to matters of economics and technology instead of philosophy, maybe then they would begin to find the democracy and the dignity that have largely eluded them and we in turn might begin to find the love and gratitude that we seem to crave.

Korea is another example. We went to war in 1950 to defend South Korea against the Russian-inspired aggression of North Korea. I think that intervention in that war was justified and necessary. We were defending a country that clearly wanted to be defended: its army was willing to fight and fought well, and its government, though dictatorial, was a patriotic government which commanded the support of the people. Throughout the war, however, the United States emphasized as one of its war aims the survival of the Republic of Korea as a "free society," something which it was not then or for a long time after the war. We lost 33,629 American lives in the war and have since spent \$5.61 billion on direct military and economic aid and a great deal more on indirect aid to South Korea. The country, nonetheless, remained until recently in

a condition of virtual economic stagnation and political instability. These facts are regrettable but the truly surprising fact is that, having fought a war for three years to defend the freedom of South Korea, most Americans are probably ignorant of and almost certainly uninterested in the current state of the ward for whom they sacrificed so much.

We are now engaged in a war to "defend freedom" in South Vietnam. Unlike the Republic of Korea, South Vietnam has an army which without notable success and a weak, dictatorial government which does not command the loyalty of the South Vietnamese people. The official war aims of the United States Government, as I understand them, are to defeat what is regarded as North Vietnamese aggression, to demonstrate the futility of what the communists call "wars of national liberation," and to create conditions under which the South Vietnamese people will be able freely to determine their own future. I have not the slightest doubt of the sincerity of the President and the Vice President and the Secretaries of State and Defense in propounding these aims. What I do doubt—and doubt very much—is the ability of the United States to achieve these aims by the means being used. I do not question the power of our weapons and the efficiency of our logistics; I cannot say these things delight me as they seem to delight some of our officials, but they are certainly impressive. What I do question is the ability of the United States, or France or any other Western nation, to go into a small, alien, undeveloped Asian nation and create stability where there is chaos, the will to fight where there is defeatism, democracy where there is no tradition of it and honest government where corruption is almost a way of life. Our handicap is well expressed in the pungent Chinese proverb: "In shallow waters dragons become the sport of shrimps."

Early last month demonstrators in Saigon burned American jeeps, tried to assault American soldiers, and marched through the streets shouting "Down with the American imperialists," while one of the Buddhist leaders made a speech equating the United States with the communists as a threat to South Vietnamese independence. Most Americans are understandably shocked and angered to encounter such hostility from people who by now would be under the rule of the Viet Cong but for the sacrifice of American lives and money. Why, we may ask, are they so shockingly ungrateful? Surely they must know that their very right to parade and protest and demonstrate depends on the Americans who are defending them.

The answer, I think, is that "fatal impact" of the rich and strong on the poor and weak. Dependent on it though the Vietnamese are, our very strength is a reproach to their weakness, our wealth a mockery of their poverty, our success a reminder of their failures. What they resent is the disruptive effect of our strong culture upon their fragile one, an effect which we can no more avoid than a man can help being bigger than a child. What they fear, I think rightly, is that traditional Vietnamese society cannot survive the American economic and cultural impact.

Both literally and figuratively, Saigon has become an American brothel. A *New York Times* correspondent reports that many Vietnamese find it necessary to put their wives or daughters to work as bar girls or to peddle them to American soldiers as mistresses; that it is not unusual to hear a report that a Vietnamese soldier has committed suicide out of shame because his wife has been working as a bar girl; that Vietnamese have trouble getting taxi cabs because drivers will not stop for them, preferring to

⁸ Mark Twain, *The Innocents Abroad* (New York: The Thistle Press, 1962) p. 494.

⁹ Brock Chisholm, *Prescription for Survival*, *ibid.*, pp. 55-56.

¹⁰ William Makepeace Thackeray, "The New-comers," Ch. 20.

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pick up American soldiers who will pay outrageous fares without complaint; that as a result of the American influx, bar girls, prostitutes, pimps, bar owners and taxi drivers have risen to the higher levels of the economic pyramid; that middle class Vietnamese families have difficulty renting homes because Americans have driven up the rent beyond their reach and some Vietnamese families have actually been evicted from houses and apartments by landlords who prefer to rent to the affluent Americans; that Vietnamese civil servants, junior army officers and enlisted men are unable to support their families because of the inflation generated by American spending and the purchasing power of the G.I.'s.¹¹

The Secretary of Defense recently reported with pride that his Department is providing 9.2 pounds of goods a day for each G.I. for sale in the P.X.'s; what the Secretary neglected to point out was that these vast quantities of consumer goods are the major source of supply for the thriving Vietnamese black market. It is reported that 30 thousand cans of hair spray were sent to Vietnam in March of 1966; since it is unlikely that the American fighting men are major consumers of hair spray, it seems reasonable to suppose that this item has found its way to the black market.

One Vietnamese explained to the *New York Times* reporter whom I mentioned that "Any time legions of prosperous white men descend on a rudimentary Asian society, you are bound to have trouble." Another said: "We Vietnamese are somewhat xenophobe. We don't like foreigners, any kind of foreigners, so that you shouldn't be surprised that we don't like you."¹²

Sincere though it is, the American effort to build the foundations of freedom in South Vietnam may thus have an effect quite different from the one intended. "All this struggling and striving to make the world better is a great mistake," said Bernard Shaw, "not because it isn't a good thing to improve the world if you know how to do it, but because striving and struggling is the worst way you could set about doing anything."¹³

One wonders as well how much our commitment to Vietnamese freedom is also a commitment to American pride. The two, I think, have become part of the same package. When we talk about the freedom of South Vietnam, we may be thinking about how disagreeable it would be to accept a solution short of victory; we may be thinking about how our pride would be injured if we settled for less than we set out to achieve; we may be thinking about our reputation as a great power, as though a compromise settlement would shame us before the world, marking us as a second rate people with flagging courage and determination.

Such fears are as nonsensical as their opposite, which is the presumption of a universal mission. They are simply unworthy of the richest, most powerful, most productive and best educated people in the world. One can understand an uncompromising attitude on the part of such countries as China or France; both have been stricken low in this century and arrogance may be helpful to them in recovering their pride. It is much less comprehensible on the part of the United States, a nation whose modern history has been an almost uninterrupted chronicle of success, a nation which by now should be so sure of its own power as to be capable of magnanimity, a nation which

by now should be able to act on the proposition, as expressed by George Kennan, that "there is more respect to be won in the opinion of the world by a resolute and courageous liquidation of unsound positions than in the most stubborn pursuit of extravagant or unpromising objectives."¹⁴

The cause of our difficulties in southeast Asia is not a deficiency of power but an excess of the wrong kind of power which results in a feeling of importance when it fails to achieve its desired ends. We are still acting like boy scouts dragging reluctant old ladies across the streets they do not want to cross. We are trying to remake Vietnamese society, a task which certainly cannot be accomplished by force and which probably cannot be accomplished by any means available to outsiders. The objective may be desirable, but it is not feasible.

There is wisdom if also malice in Prince Sihanouk's comparison of American and Chinese aid. "You will note the difference in the ways of giving," he writes. "On one side we are being humiliated, we are given a lecture, we are required to give something in return. On the other side, not only is our dignity as poor people being preserved, but our self-esteem is being flattered—and human beings have their weaknesses, and it would be futile to try to eradicate [them]."¹⁵ Or, as Shaw said: "Religion is a great force—the only real motive force in the world; but what you fellows don't understand is that you must get at a man through his own religion and not through yours."¹⁶

The idea of being responsible for the whole world seems to be flattering to Americans and I am afraid it is turning our heads, just as the sense of global responsibility turned the heads of ancient Romans and nineteenth century British. A prominent American is credited with having said recently that the United States was the "engine of mankind" and the rest of the world was "the train."¹⁷ A British political writer wrote last summer what he called "A Cheer for American Imperialism." An empire, he said, "has no justification except its own existence." It must never contract; it "wastes treasure and life;" its commitments "are without rhyme or reason." Nonetheless, according to the author, the "American empire" is uniquely benevolent, devoted as it is to individual liberty and the rule of law, and having performed such services as getting the author released from a Yugoslav jail simply by his threatening to involve the American consul, a service which he describes as "sublime."¹⁸

What romantic nonsense this is. And what dangerous nonsense in this age of nuclear weapons. The idea of an "American empire" might be dismissed as the arrant imagining of a British Gunga Din except for the fact that it surely strikes a responsive chord in

¹⁴ George F. Kennan, "Supplemental Foreign Assistance Fiscal Year 1966—Vietnam," Hearings before the Committee on Foreign Relations, United States Senate, 89th Congress, 2nd Session on S. 2793, Part 1 (Washington: U.S. Government Printing Office, 1966), p. 335.

¹⁵ Norodom Sihanouk, "The Failure of the United States in the 'Third World'—Seen Through the Lesson of Cambodia." Reprinted in *Congressional Record*, September 28, 1965, p. 24413.

¹⁶ George Bernard Shaw, *Getting Married* (1911).

¹⁷ McGeorge Bundy is said to have said that in an interview with Henry F. Graff, Professor of History at Columbia University, who reported it in "How Johnson Makes Foreign Policy," *New York Times Magazine*, July 4, 1965, p. 17.

¹⁸ Henry Fairlie, writer for *The Spectator* and *The Daily Telegraph* of London, in "A Cheer for American Imperialism," *New York Times Magazine*, July 11, 1965.

at least a corner of the usually sensible and humane American mind. It calls to mind the slogans of the past about the shot fired at Concord being heard round the world, about "manifest destiny" and "making the world safe for democracy" and the demand for "unconditional surrender" in World War II. It calls to mind President McKinley taking counsel with the Supreme Being about his duty to the benighted Filipinos.

The "Blessings-of-Civilization Trust," as Mark Twain called it, may have been a "Daisy" in its day, uplifting for the soul and good for business besides, but its day is past. It is past because the great majority of the human race are demanding dignity and independence not the honor of a supine role in an American empire. It is past because whatever claim America may make for the universal domain of its ideas and values is countered by the communist counter-claim, armed like our own with nuclear weapons. And, most of all, it is past because it never should have begun, because we are not the "engine of mankind" but only one of its more successful and fortunate branches, endowed by our Creator with about the same capacity for good and evil, no more or less, than the rest of humanity.

An excessive preoccupation with foreign relations over a long period of time is a problem of great importance because it diverts a nation from the sources of its strength, which are in its domestic life. A nation immersed in foreign affairs is expending its capital, human as well as material; sooner or later that capital must be renewed by some diversion of creative energies from foreign to domestic pursuits. I would doubt that any nation has achieved a durable greatness by conducting a "strong" foreign policy, but many have been ruined by expending their energies on foreign adventures while allowing their domestic bases to deteriorate. The United States emerged as a world power in the twentieth century not because of what it had done in foreign relations but because it had spent the nineteenth century developing the North American continent; by contrast, the Austrian and Turkish empires collapsed in the twentieth century in large part because they had for so long neglected their internal development and organization.

If America has a service to perform in the world—and I believe it has—it is in large part the service of its own example. In our excessive involvement in the affairs of other countries, we are not only living off our assets and denying our own people the proper enjoyment of their resources; we are also denying the world the example of a free society enjoying its freedom to the fullest. This is regrettable indeed for a nation that aspires to teach democracy to other nations, because, as Burke said, "Example is the school of mankind, and they will learn at no other."¹⁹

There is of course nothing new about the inversion of values which leads nations to squander their resources on fruitless and extravagant foreign undertakings. What is new is the power of man to destroy his species, which has made the struggles of international politics dangerous as they have never been before and confronted us, as Dr Chisholm says, with the need to reexamine the attitudes of our ancestors so as to discard those that have ceased to be valid.

Somehow, therefore, if we are to save ourselves, we must find in ourselves the judgment and the will to change the nature of international politics in order to make it at once less dangerous to mankind and more beneficial to individual men. Without deceiving ourselves as to the difficulty of the task, we must try to develop a new capacity for creative political action. We must rec-

¹¹ Nell Sheehan, "Anti-Americanism Grows in Vietnam," *The New York Times*, April 24, 1966, p. 3.

¹² *Ibid.*

¹³ George Bernard Shaw, *Cashel Byron's Profession* (1886) Ch. 5.

¹⁹ Edmund Burke, "On a Regicide Peace," (1796).

ognize, first of all, that the ultimate source of war and peace lies in human nature, that the study of politics, therefore, is the study of man, and that if politics is ever to acquire a new character, the change will not be wrought in computers but through a better understanding of the needs and fears of the human individual.

It is a curious thing that in an era when interdisciplinary studies are favored in the universities little, so far as I know, has been done to apply the insights of individual and social psychology to the study of international relations.

It would be interesting—to raise one of many possible questions—to see what could be learned about the psychological roots of ideology: to what extent are ideological beliefs the result of a valid and disinterested intellectual process and to what extent are they instilled in us by conditioning and inheritance? Or, to put the question another way, why exactly is it that most young Russians grow up believing in communism and most young Americans grow up believing in democracy or, for that matter, what accounts for the coincidence that most Arabs believe in Islam and most Spaniards in Catholicism? What, in short, is the real source of ideological beliefs and what value do they have as concepts of reality, much less as principles for which men should be willing to fight and die?

I recently had the privilege of a luncheon with the distinguished Johns Hopkins psychiatrist, Dr. Jerome Frank, and he explained to me some psychiatric principles which may be pertinent to a better understanding of international relations. He pointed out, for example, that an ideology gives us an identity beyond our own trivial and transitory lives on earth and also serves the purpose of "organizing the world" for us, giving us a picture, though not necessarily an accurate picture, of reality. A person's worldview, or ideology, says Dr. Frank, filters the signals that come to him, giving meaning and pattern to otherwise odd bits of information. Thus, for example, when a Chinese and an American put radically different interpretations on the Vietnamese war, it is not necessarily because one or the other has chosen to propound a wicked lie but rather because each has filtered information from the real world through his ideological worldview, selecting the parts that fit, rejecting the parts that do not, and coming out with two radically different interpretations of the same events.

There is a "strain toward consistency" which leads a country, once it has decided that another country is good or bad, peaceful or aggressive, to interpret every bit of information to fit that preconception, so much so that even a genuine concession offered by one is likely to be viewed by the other as a trick to gain some illicit advantage. A possible manifestation of this tendency is the North Vietnamese view of American proposals to negotiate peace as fraudulent plots. Having been betrayed after previous negotiations—by the French in 1946 and by Ngo Dinh Diem in 1955 when, with American complicity, he refused to allow the elections called for in the Geneva Accords to take place—the Hanoi Government may now feel that American offers to negotiate peace, which we believe to be genuine, are in reality plots to trick them into yielding through diplomacy what we have been unable to make them yield by force.

Another interesting point is the shaping of behavior by expectations, or what is called the self-fulfilling prophecy. Thus, for example, China, fearing the United States but lacking power, threatens and blusters, confirming the United States in its fears of China and causing it to arm against her, which in turn heightens Chinese fears of the

United States. Professor Gordon Allport of Harvard made the point some years ago that "... while most people deplore war, they nonetheless expect it to continue. And what people expect determines their behavior." "... the indispensable condition of war," wrote Professor Allport, "is that people must expect war and must prepare for war, before, under war-minded leadership, they make war. It is in this sense that 'wars begin in the minds of men.'" ²⁰

Another striking psychological phenomenon is the tendency of antagonists to dehumanize each other. To most Americans China is a strange, distant and dangerous nation, not a society made up of 700 million individual human beings but a kind of menacing abstraction. When Chinese soldiers are described, for example, as "hordes of Chinese coolies," it is clear that they are being thought of not as people but as something terrifying and abstract, or as something inanimate like the flow of lava from a volcano. Both China and America seem to think of each other as abstractions: to the Chinese we are not a society of individual people but the embodiment of an evil idea, the idea of "imperialist capitalism;" and to most of us China represents not people but an evil and frightening idea, the idea of "aggressive communism."

Obviously, this dehumanizing tendency helps to explain the savagery of war. Man's capacity for decent behavior seems to vary directly with his perception of others as individual humans with human motives and feelings, whereas his capacity for barbarous behavior seems to increase with his perception of an adversary in abstract terms. This is the only explanation I can think of for the fact that the very same good and decent citizens who would never fail to feed a hungry child or comfort a sick friend or drop a coin in the church collection basket celebrate the number of Viet Cong killed in a particular week or battle and can now contemplate with equanimity, or indeed even advocate, the use of nuclear weapons against the "hordes of Chinese coolies." I feel sure that this apparent insensitivity to the incineration of thousands of millions of our fellow human beings is not the result of feelings of savage inhumanity toward foreigners; it is the result of not thinking of them as humans at all but rather as the embodiment of doctrines that we consider evil.

Dr. Chisholm suggests that "What we the people of the world need, perhaps most, is to exercise our imaginations, to develop our ability to look at things from outside our accidental area of being." Most of us, he says, "have never taken out our imaginations for any kind of run in all our lives," but rather have kept them tightly locked up within the limits of our own national perspective. ²¹

The obvious value of liberating the imagination is that it might enable us to acquire some understanding of the view of the world held by people whose past experience and present situations are radically different from our own. It might enable us to understand, for example, what it feels like to be hungry, not hungry in the way that a middle-class American feels after a golf game or a fast tennis match, but hungry as an Asian might be hungry, with a hunger that has never been satisfied, with one's children having stunted limbs and swollen bellies, with a desire to change things that has little regard for due process of the law because the desire for change has an urgency and desperation about it that few Americans have ever ex-

²⁰ Gordon W. Allport, "The Role of Expectancy," *Tensions That Cause Wars*, Hadley Cantril, ed., (University of Illinois Press, 1950), p. 43.

²¹ Broch Chisholm, *Prescription for Survival*, *ibid.*, p. 76.

perienced. Could we but liberate our imagination in this way, we might be able to see why so many people in the world are making revolutions; we might even be able to see why some of them are communists.

Having suggested, as best an amateur can, some of the psychological principles that might be pertinent to international relations, I now venture to suggest some applications.

Paranoid fears, says Dr. Frank, are not entirely false fears; certainly, China's fear of American hostility, though distorted and exaggerated, is not pure invention. In dealing with paranoid individuals, Dr. Frank suggests, it is generally desirable to listen respectfully without agreeing but also without trying to break down or attack the patient's system of beliefs. It is also important not to get over friendly lest the patient interpret effusive overtures as a hostile plot. Dr. Frank also suggests that the paranoid patient is certain to rebuff overtures of friendship many times before beginning to respond.

Applying these principles to China, perhaps the best thing we can do for the time being is to reduce expressions of hostility, put forth only such limited proposals for friendship as might be credible, and otherwise leave her strictly alone. In the wake of the historical trauma to which I referred last week, China's fear and hatred of the West is probably still too deep and likely to remain so for some time to come, to permit of positive cooperation, or, indeed, of anything beyond what we might call mutually respectful relations from a distance.

Before China can accept the hand of Western friendship, she must first recover pride. She must recover that sense of herself as a great civilization which was so badly battered in the nineteenth century and, with it, the strength to open her door to the outside world. Having been all but destroyed as a nation by the forced intrusions of the West, China must first know that she has the strength to reject unwanted foreign influences before she can be expected to seek or accept friendly foreign associations. Or, to make the same point from the side of the United States, before we can extend the hand of friendship to China with any expectation of it being accepted, we must first persuade her that we respect her right to take what we offer or leave it as she thinks best. There is no better way to convey this message to China than by leaving her alone.

If we can give our imaginations a "good run" as Dr. Chisholm recommends, we are likely to learn that the "way of life" which we so eagerly commend to the world has little pertinent either to China's past experience or to her future needs. China, Dr. Fairbank tells us, is a society in which the concept of "individualism" which we cherish is held in low esteem because it connotes a chaotic selfishness, the opposite of the commitment to the collective good which is highly valued by the Chinese. Similarly, the very word for "freedom" (*tzu-yu*) is said to connote a lack of discipline, even license, the very opposite of the Chinese ideal of disciplined cooperation. Even such basic Western ideas as "loyal opposition" and "self-determination," Professor Fairbank points out, are alien to the Chinese. The cultural gap is further illustrated by the difference in attitudes toward philanthropy: to Americans, it is a Christian virtue; to the Chinese it is, unless reciprocal, insulting and degrading—something that we might keep in mind if relations ever thaw enough to make conceivable American economic aid or, more plausibly, disaster relief in the event of some natural calamity such as flood or famine. ²²

²² John K. Fairbank, "How to Deal with the Chinese Revolution," *New York Review of Books*, February 17, 1966, Volume VI, No. 2, p. 14.

In the light of these profound cultural differences, shall we, in Mark Twain's words, "go on conferring our Civilization upon the peoples that sit in darkness, or shall we give those poor things a rest?"²³

There are, I think, some limited positive steps which the United States might take toward improved relations with China. It would do the United States no harm in the short run and perhaps considerable good in the long run to end our opposition to the seating of Communist China in the United Nations and, depending on events, to follow that up with some positive suggestions for more normal relations. The United States has already proposed visits by scholars and newspapermen between China and the United States, and, although these proposals have been rejected by the Chinese, it might be well, though not too often and not too eagerly, to remind them of the offer from time to time. In proposing these and other initiatives to the Senate Foreign Relations Committee as major components in a policy of "without containment isolation," Professor Doak Barnett made the point that "In taking these steps, we will have to do so in full recognition of the fact that Peking's initial reaction is almost certain to be negative and hostile and that any changes in our posture will create some new problems. But we should take them nevertheless, because initiatives on our part are clearly required if we are to work, however slowly, toward the long term goal of a more stable, less explosive situation in Asia and to explore the possibilities of trying to moderate Peking's policies."²⁴

The point of such a new approach to China, writes Professor Fairbank, is psychological:

"Peking is, to say the least, maladjusted, rebellious against the whole outer world, Russia as well as America. We are Peking's principal enemy because we happen now to be the biggest outside power trying to foster world stability. But do we have to play Mao's game? Must we carry the whole burden of resisting Peking's pretensions? Why not let others in on the job?"

"A Communist China seated in the UN," Fairbank continues, "could no longer pose as a martyr excluded by American imperialism." She would have to face the self-interest of other countries, and learn to act as a full member of international society for the first time in history. This is the only way for China to grow up and eventually accept restraints on her revolutionary ardor."²⁵

The most difficult and dangerous of issues between the United States and China is the confrontation of their power in southeast Asia, an issue which, because of its explosive possibilities, cannot be consigned to the healing effects of time. I have suggested in recent statements how I think this issue might be resolved by an agreement for the neutralization of Vietnam under the guarantee of the great powers, and I will not repeat the specifications of my proposal tonight.

Should it be possible to end the Vietnamese war on the basis of an agreement for the neutralization of southeast Asia, it would then be possible to concentrate with real hope of success on the long difficult task of introducing some trust into relations between China and the West, of repairing history's ravages and bringing the great Chinese nation into its proper role as a respected member of the international community. In time it might even be possible for the Chinese and Taiwanese on their own to work out some arrangement for Taiwan that would not do too much damage either

to the concept of self-determination or to the Chinese concept of China's cultural indivisibility—perhaps some sort of an arrangement for Taiwanese self-government under nominal Chinese suzerainty. But that would be for them to decide.

All this is not, as has been suggested, a matter of "being kind to China." It is a matter of altering that fatal expectancy which is leading two great nations toward a tragic and unnecessary war. If it involves "being kind to China," those who are repelled by that thought may take some small comfort in the fact that it also involves "being kind to America."

On November 14, 1860, Alexander Hamilton Stephens, who subsequently became Vice-President of the Southern Confederacy, delivered an address to the Georgia Legislature in which he appealed to his colleagues to delay the secession of Georgia from the Union. "It may be," he said, "that out of it we may become greater and more prosperous, but I am candid and sincere in telling you that I fear if we yield to passion and without sufficient cause shall take that step, that instead of becoming greater or more peaceful, prosperous and happy—instead of becoming Gods, we will become demons, and at no distant day commence cutting one another's throats. This is my apprehension. Let us, therefore, whatever we do, meet these difficulties, great as they are, like wise and sensible men, and consider them in the light of all the consequences which may attend our action."²⁶

What a tragedy it is that the South did not accept Stephens' advice in 1860. What a blessing it would be if, faced with the danger of a war with China, we did accept it today.

In its relations with China, as indeed in its relations with all of the revolutionary or potentially revolutionary societies of the world, America has an opportunity to perform services of which no great nation has ever before been capable. To do so we must acquire wisdom to match our power and humility to match our pride. Perhaps the single word above all others that expresses America's need is "empathy," which Webster defines as the "imaginative projection of one's own consciousness into another being."

There are many respects in which America, if it can bring itself to act with the magnanimity and the empathy appropriate to its size and power, can be an intelligent example to the world. We have the opportunity to set an example of generous understanding in our relations with China, of practical cooperation for peace in our relations with Russia, of reliable and respectful partnership in our relations with Western Europe, of material helpfulness without moral presumption in our relations with the developing nations, of abstention from the temptations of hegemony in our relations with Latin America, and of the all-around advantages of minding one's own business in our relations with everybody. Most of all, we have the opportunity to serve as an example of democracy to the world by the way in which we run our own society; America, in the words of John Quincy Adams, should be "the well-wisher to the freedom and independence of all" but "the champion and vindicator only of her own."²⁷

If we can bring ourselves so to act, we will have overcome the dangers of the arrogance of power. It will involve, no doubt, the loss of certain glories, but that seems a price worth paying for the probable rewards, which are the happiness of America and the peace of the world.

[From Life magazine, May 13, 1966]

THE ROOTS OF THE ARKANSAS QUESTIONER

(By Brock Crowther)

It's hard any longer to catch the flash of sweet-water Ozark crick that runs through Senator J. WILLIAM FULBRIGHT's stony eloquence. Mostly, these days, he's keeping to dry, somber, history-minded warnings against the "fatal presumption" that, he fears, could lead America, via Vietnam, to become "what it is not now and never has been, a seeker after unlimited power and empire."

All this, like as not, in the formal rhetoric of white tie and tails. Even when he does take an incidental turn as a plain Arkansas country boy, everybody claims to know better than to believe this. They count him rich enough back home, smart enough all around the rest of the world, and long enough in the U.S. Senate—21 years—to have got over any of that he ever had in him. The countrification is purely for emphasis now, just his way of shooting an extra-hard public look over the top of his tinted glasses at the store-bought Vietnam and China policies of that other hillbilly, Dean Rusk.

Otherwise, according to those who see him as the only temperate and credible public critic of a whole series of Administration positions, Senator FULBRIGHT belongs at this critical moment not to Arkansas but to world opinion. The silly mistake too many of these intellectual admirers of his make—even as they put him atop a kind of opposing summit of American foreign policy—is to think it's some kind of secret burden for him to have come from Arkansas at all.

"They think Arkansas and the South are millstones around his neck, says one northern urban liberal, who has found out differently since going to work for his hero on the Foreign Relations Committee staff, "but they're wrong. He knows his roots."

In fact, there is an underlying parochialism in the senator's harshest arguments against the U.S. involvement in Southeast Asia. Vietnam to him is "this god-forsaken, little country" for which any Arkansas traveler, remembering some of the dragged-down patches of the Ozarks, could only feel sympathy if he ever stumbled across it.

"I wonder why these people are so dedicated?" he asks rhetorically about the Vietnam. "Why do these people do this? How do they come by their fanaticism? Well, coming from the South, with all its memories of Reconstruction, I think I can understand. They've been put upon, and it makes them so fanatical they'll fight down to the last man."

It's an attitude he can see people taking down in his own mountain corner of Arkansas, a place never so far from his mind as some would like to have it; a place, in fact, where he went to live at one earlier time in his life when he left a job in Washington, D.C. and spent seven apolitical years, teaching law part time and living on an isolated hill farm called Rabbit's Foot Lodge.

"It was a curious hybrid," he admits, probably the closest thing there'll ever be to an Ozark teahouse. It was built rustic enough, out of adzed logs and clay calking, with lots of wide porches all around. But whoever put it up had clearly been to China and, from down below the spring, looking back up at the muley roofline, it didn't take much of an eye to see it was practically a damn pagoda. For a man who hates even the noise of his wife's snow tires, that Oriental log cabin offered just about the right amount of peace and quiet. In the midst of the acrimonious hearings over Vietnam—with much of the uproar centering around his own vigorous dissent from the Administration's handling of the war—Senator FULBRIGHT didn't mind thinking an occasional long thought about what it used to be like down

²³ "To the Person Sitting in Darkness," from *Europe and Elsewhere*.

²⁴ Statement of Professor A. Doak Barnett before the United States Senate Foreign Relations Committee, March 8, 1966, pp. 2, 13-15.

²⁵ John K. Fairbank, "How to Deal with the Chinese Revolution," *ibid.*, p. 16.

²⁶ Alexander Hamilton Stephens, "Secession," in *Modern Eloquence* (New York: P. F. Collier & Sons, 1928), Vol. II, p. 203.

²⁷ John Quincy Adams, July 4, 1821, Washington, D.C. Reported in *National Intelligencer*, July 11, 1821.

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there, with no politics "to take time and energy away from the substance of things."

"It's very serene country," he says, brooding a little. He went there to live in 1936, bored with life in the capital as a Justice Department antitrust lawyer. His wife Betty was with him, very far from her own Republican upbringing on Philadelphia's Main Line. "It was just like taking a squirrel who's been in a cage all its life and letting it out in the fresh air. You know that Main Line life? It's ba-ronial!" The squirrel got loose with a pot of paint and had the whole inside of Rabbit's Foot Lodge done over in Colonial White instead of leaving it Mountain Dark, but other than that and kicking all the rousy chickens out of the cellar Betty managed to fit right in with local ways—a handsome, sophisticated woman who could still be "just as plain as pig tracks" with anybody she happened to meet.

BILL FULBRIGHT wasn't doing much besides teaching at the University of Arkansas, scene of his former glory as a Razorback halfback, a few miles away in a little Ozark town called Fayetteville that his family a-quarter-to-a-half owned. He loved teaching and the life at the university; and when the trustees suddenly decided to make him president at the tender age of 34, he felt pretty well settled. He could even stay right on out at Rabbit's Foot Lodge because the university didn't have any official manse to house its president back then.

The only one who thought to worry about them way out there was Betty's mother. When she opened up her Philadelphia Inquirer one morning and saw pictures of bales of cotton floating around in the Arkansas floods of 1938, she wired her daughter: hadn't she "better come north immediately and bring the two children." Betty wired back that the floods were as yet 1,700 feet below them and still 300 miles away. And when a hurricane struck New England later that year, they telegraphed her mother: hadn't she better come down to Arkansas to avoid being hit by a falling elm tree?

That's the way they go about keeping everybody up-to-date and informed down in Arkansas. With a needling kind of courtesy. In fact, nobody's ever going to settle for a simple, straight answer as long as there's time to work one up into a little more elaborate shape. The senator often goes to work in that same way at committee hearings, politely needling the witness in order to elicit the fullest sort of disclosure. He doesn't, for instance, just want to find out what prospects were for free elections in Vietnam in 1956. "Now [the chances] have always been poor, and will be for a hundred years, won't they?" he gently prods Dean Rusk. "That was not news to you. . . . Have they ever had them in 2,000 years of history?" And possibly one of the senator's annoyances with Dean Rusk is that the Secretary keeps giving him the same, simple, straight answers—which somehow fail to satisfy FULBRIGHT's own deep doubts about the nature of the war—and won't even try to put his replies into any more instructive form. But the senator can sympathize with the Secretary of State: "It's a hell of a job."

In late 1960, when there was loose talk around that FULBRIGHT might be picked for Secretary of State in Kennedy's cabinet, the possibility thoroughly distressed him: "It's not my dish of tea. I'd hate the protocol, and I'd be damned uncomfortable getting up and giving speeches with which I didn't agree. The poor fella in that job never has time to think for himself."

None of the kind of time for reflection that existed out at Rabbit's Foot Lodge, where the steps down to the spring are too steep to be taken any more than one at a time. "That water was so clear and cold," he likes to remember. He didn't have a single political connection, beyond the co-

incidental fact that his local congressman, Clyde T. Ellis, had been coming to his classes to pick up a little constitutional law. "I had no idea I'd ever be in politics," he insists. "I sometimes wonder what would've happened if Mother hadn't written that editorial.

"Oh, I don't mean I ponder over it all that much," he says, quickly dismissing that kind of bootless speculation. Nobody else should give it too much thought either, except just enough to keep in mind that, despite a quarter century in public life, Senator FULBRIGHT is essentially a private man manqué. More than any other senator, he comes forward to address himself to issues from the privacy of his own thoughts, and promptly returns there as soon as his opinion has been offered. Not that he doesn't enjoy the measure of political prominence that is his as chairman of the Foreign Relations Committee—always much in the headlines after another mumbled, seminal speech on the Senate floor, and often seen around social Washington with his wife, who dutifully mends the holes in his protocol. But, as one of his aides explains the difference between him and most senators: "When he's busy, he's busy behind a closed door."

He is an anomaly, especially in gregarious Southern politics, a man of intellect, almost a seminarian, pursuing an aloof career as an often dissident public counselor—he's been called "the Walter Lippmann of the Senate"—with no more real political base than perhaps those few capricious jottings in his mother's newspaper long ago.

Mrs. Roberta Fulbright, an old school-teacher herself, was the kind of woman who makes the local Rotarians wonder how far she might've gone if she'd ever been a man—only they wonder right out loud and proudly, pleased to see the local library and a university dormitory named for her. Back in 1906 her husband, Jay Fulbright, got the family off the farm in Missouri by setting up his first little, two-person bank in Arkansas and thereafter pushed the Fulbrights' fortunes to an estimable point. But, in 1923, he died suddenly, leaving Mrs. Fulbright with six offspring; BILL FULBRIGHT, their fourth child, was 18 at the time.

"We came very damn close to going to the poorhouse," FULBRIGHT says, exaggerating some, "but she managed to salvage enough of a nest egg to start over again." That is, she let go the bank stock but kept the lumber business, the Coca-Cola bottling plant, a lot of real estate and a few other Fulbright Enterprises—including a newspaper. Eventually she accumulated enough leverage to clean up the whole county once—but good, throwing out a corrupt courthouse gang and dragging her own man, Buck Lewis, with his big horse pistol, down to Little Rock to get him appointed sheriff.

"But her one big love, besides her family," says FULBRIGHT, "was that newspaper." It's now the Northwest Arkansas Times, and turning a tidy penny. But back then it was The Democrat, a sorry investment, mostly useful for printing the columns Mother Fulbright scribbled together after nobody in the family was left awake to talk to her anymore. ("She loved to talk, God, she loved to talk! She'd wear us out, staying up at night.") She'd write until 3 o'clock in the morning about anything from cooking to politics, or sometimes both at once: "Our politics remind me of the pies the mountain girl had. She asked the guests, 'Will you have kivered, unkivered or crossbar?' All apple. Now that's what we have—kivered, unkivered and crossbar politics, all Democrats." And so Mother Fulbright wrote a thing or two about a Democrat named Homer Adkins. In fact, right after Adkins' triumphant election as governor in 1940, she wrote that the people of Arkansas had just traded a statesman, Governor Car Baily, for a gladiator and a backslapper.

Governor Adkins returned the compliment

by stacking the university board of trustees high enough to have her son fired as president. So then Congressman Ellis came up to his ex-law professor, almost like it was after class, and said since he, Ellis, was going to announce for U.S. senator next Saturday, "you ought to run for my place."

"I'd have never dreamed of it," says FULBRIGHT. "I hadn't even been in three of the 10 counties in all my life." But he was pretty much at loose ends, so he got around to those last three counties before Saturday and carried all 10 in the fall of 1942 to win the House seat. And when Governor Adkins decided to run for U.S. senator in 1944, so did Congressman FULBRIGHT; and he beat Adkins, and three other candidates—kivered, unkivered and crossbar.

"Homer Adkins," his mother wrote as her final word against her old enemy, imitating his bad grammar, "has come and went." And her son has now been and gone to the Senate for four terms, not so much a political success as an outsized civic achievement for which the whole state of Arkansas feels it can humbly take a worldwide bow: "He's just as smart as \$700." "He's known in every corner of the world." "Who the hell'd've ever dreamed we'd have an international scholar from Arkansas?" "He's an institution. People don't vote against institutions."

"You can beat him," an adviser once told Governor Orval Faubus, who was eager to try in 1962, and might be even more ready in 1968, "if you can get him down off that cloud they got him on."

He's lucky, too, to have that cloud under him, because he really has little taste for the gritty, down-to-earth politicking it normally takes to survive at home and conquer in Washington. He doesn't chew cut with the snuff-dippers back in Arkansas, but he's never been a member of the inner "club" in the Senate—nor much wanted to be—despite his prestige and seniority. In fact, not a few of his colleagues in the Senate view him as a cold and scornful figure, a bit of a cynic, a lot of "a loner," dourly impatient with most lesser mortals—or, in Harry Truman's succinct phrasing, an "overeducated Oxford s.o.b."

There may be a touch or two of truth in that indictment, but the only part of it that could solidly be called a fact is Oxford. He did go there for three years as a Rhodes scholar, from 1925 to 1928, though he prefers to think of that experience as a sort of personal liberation rather than any detriment to his character. It freed him of the local countryside and provided that grounding in the greater world which ultimately—if not exactly at that moment ("All I did at Oxford," he claims, "is have a hell of a good time—played games and studied the minimum")—led to his commanding interest in foreign affairs.

"Remember, I'd never been anywhere to speak of," he explains. "I'd never been to New York or San Francisco or Washington or any of those places. And here I'm picked up out of a little village at an early age * * *—he was pushed in his studies by his father's telling him every summer: 'Go to school, or go to work'; and washing Coke bottles bored him—* * * and suddenly I go to Oxford. It has a tremendous impact on your attitude."

The best of Europe was opened up to the roaming hill boy within him, and he came away from this Grand Tour and his reading of Modern History and Political Science at Oxford with a wide-eyed internationalist outlook that, going right over the top of his squinty mountain conservatism, gave him a very odd expression indeed, especially in later politics. Unreadable, practically.

Of course, it probably has to be unreadable if he is going to make it suit all the various interests that comprise both his Arkansas constituency and his worldwide following. At one extreme are those rich planters from eastern Arkansas—far less liberal than even

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his own people up in the Ozarks—who control huge cotton allotments and large voting blocks, and often truck “their” Negroes to the polls to swell a highly deliverable part of the total vote for Fulbright. (Even this is an improvement, according to Mrs. L. C. Bates, past president of the Arkansas NAACP. “They used to didn’t even truck ‘em. They’d be in the cotton fields when they voted ‘em.”) But at the other extreme is that widespread and admiring conclave of liberal intellectuals who, also for possessive reasons, embrace Fulbright as more “their” senator than anybody they ever helped elect from their own state. His out-of-Arkansas supporters can’t vote for him—some are foreign nationals—but they expect a lot from him, and he is well aware of that expectation. So he is trapped, representing east Arkansas at the same time he is trying to function in somewhat the same intellectual manner as the M.P. whom Oxford University used to send up as its representative to the British parliament. As a result, Fulbright’s voting record is crazy-quilt, his politics are pretty much a standoff, and his public countenance—unreadable.

“Nobody knows where to put Fulbright,” says Jack Yingling, one of his past legislative assistants, trying to explain why the senator’s independent manner seems to annoy so many routine-minded politicians. “He pops up here, he pops up there.”

He popped up first in 1943 with a mere five lines of legislation that quickly became famous as “the Fulbright Resolution,” a historic gesture that put the House of Representatives on record, even a little before the Senate, as favoring “the creation of appropriate international machinery”—i.e., the United Nations—to keep “a just and lasting peace” after the war. Two years later he offered, as a kind of “economy measure,” a plan to use counterpart funds from the sale of war surplus overseas to finance a student exchange program, which ended up as the Fulbright Scholarships. He seemed to be casting his total allegiance with those who advocated the extension of U.S. foreign aid programs throughout One World. But he has since popped up as one of the sharpest critics of “the arrogance” with which he believes the U.S. has handled the whole business of helping other countries, too often forcing anti-Communist military ties upon smaller nations, thereby blunting the positive effects of the aid and creating dangers of U.S. entanglement that need never have existed, e.g., in Vietnam.

On domestic issues he pops up most often as a southern conservative, willing to filibuster against the repeal of the so-called right-to-work law and able to vote against civil rights legislation even after President Kennedy’s call to conscience in 1963—to the chagrin of his liberal friends, who will never convince labor that he isn’t a Bourbon, or the NAACP that he isn’t a bigot. Yet the worst political attacks upon him come from the superpatriots of the southern right wing, who suspect, quite correctly, that his heart isn’t really in his racial posture and who know that his deeper convictions include a thorough disapproval of “our national obsession with Communism” and a large distrust of the military mind, along with considerable boggling at what it costs to keep that mind at ease with its grim, strategic thoughts.

“He’s shocked as a kid by the expense of the military,” an aide observes. He has a gut reaction against the amount of money that must go into building an aircraft carrier—money that cannot then be used to build roads and schools in such places as Arkansas—and he is appalled on similar grounds at the expenditures for the space program. (“It’s one of our greatest mistakes. I couldn’t possibly have the language and power to say that strongly enough. I’ve made every effort to cut [the space] appropriation down. I don’t care about a mild,

gentle program. But this thing just blossomed from nothing into five billion dollars!”)

On the other hand, he greatly admires the World Bank for offering liberal terms under which a smaller nation can negotiate a generous loan—while still retaining its national pride—and he would prefer to revamp the U.S. foreign aid program to channel most of its millions, with no military strings attached, through that multilateral instrument: “I never heard anybody say, ‘World Bank, go home!’”

For this high-minded approach to the amity among nations he has been honored with full academic pomp in country after country as a kind of international culture hero. But usually on these state visits he manages to pop up at the local marketplace, going over the fruits and vegetables and handwork like a junketing 4-H leader. “I like to see what they raise, what they make,” he admits, ready to shop Fiji the same way he would War Eagle, Ark.: “You can understand then how the superiority of the Westerner can be so offensive. Sure, we have a hell of a lot of money and can make bombs, but in the local markets you can see other people showing a lot of talent too.” He can no more pass by a busy stall in any of the world’s bazaars than he can drive by a fruit stand in the Ozarks without stopping for apples. “Here he is,” one of his speech writers remembers from a trip the senator made to the South Pacific, “peering over his half glasses at fresh fruit in Tahiti. And he ends up back at the hotel with five different kinds of mangoes.”

In sum, no one position ever really quite leads to another in the unfolding of Fulbright’s scattered public stands. The senator himself rather facetiously explains this situation by saying, “I like to feel free to take each issue as it comes. On many issues I don’t have an opinion, and then I’ll trust another’s judgment. But that’s voluntary.” However, his independence of mind also involves far more complicated mental gymnastics. He happens to have remarkable powers of preoccupation. “He tends to think of one issue to the exclusion of all others,” explains a member of his staff, and often such an issue will assume the proportions of an intellectual crisis with him. “He usually has about one of these a year. Last year it was what to do about the foreign aid program.

“This year it’s the Far East.” He closets himself in his senatorial office—much the way a student at Oxford “sports his oak” to study for his examinations—and reads everything he can lay his hands on about what’s worrying him. Also: “We bring him people.” He mulls over the problem, educating himself in its history and all its possible ramifications, and then finally comes out of his darkened chambers to give a speech or hold a hearing or offer a bill—sometimes to do all three. By then, it is more than likely that the issue has become uniquely identifiable with him—more through his scholarship than his sponsorship: he simply knows the matter best—and sooner or later, in one phase or another, it will acquire his name.

In fact, it is amazing the number of diverse matters that are named Fulbright, considering he is not generally regarded as a mover of men or a perpetrator of events.

Things occasionally pick up his name even though he has little or nothing to do with them. When a letter was sent to the President by 15 senators expressing agreement with Fulbright’s stand on Vietnam, Johnson’s aide Jake Valenti began carrying it around the White House as “the Fulbright letter,” though it was in no way his; Valenti simply grabbed that letter by the easiest handle. In a sense Fulbright’s name, with all its past associations, has become that kind of eponym lately. It identifies a new mode of thinking about international affairs—

inquiring, from a sense of history, how a foreign populace may achieve its own political maturity, free of outside prescription, including any based too closely on the American experience.

Of course, not all things Fulbright are universally popular. He has come in for some heavy criticism about his views on Vietnam. But there still is no doubt that once his name is attached to a particular position, even his boldest detractors are forced into a grudging respect for it. He can never be dismissed as a maverick, the way Senator Morse of Oregon can, even when they hold practically the same views.

Fulbright has stratagems that assure him this respect; he is deftly courteous, even with a needling question, and he can be deftly elusive—even seems to enjoy being elusive—trailing off through a series of elliptical qualifying remarks that end suddenly with an abrupt, barely related question tossed back at his original interrogator. (He’ll discuss his practically nonexistent religious views this way or, for that matter, anything touching himself too closely.) But he is also accorded genuine respect because of the astonishing breadth of view he does, in fact, possess.

From up on his Ozark hilltop—territory more Pioneer West than Genteel Southern—he really can see all the way from east Arkansas to the farthest reaches of the greater world and he is always very cannily relating the one to the other. He will strike just the right note, for instance, with a delegation of visiting Africans after they have explained their difficulties, by saying, as he did recently, that he can understand their problems: “You’re about where we were 30 years ago in Arkansas.”

And, if he measures the greater world by Arkansas, he is equally willing to measure Arkansas by the greater world. “I come from a very poor state,” he never ceases to reiterate, and he likes to talk about Arkansas as if it were an underdeveloped country that had just shaken off the yoke of Arkansas Power and Light’s oligarchical rule but still had to depend on foreign aid. He investigated the Reconstruction Finance Corporation in the early 50s, he says, to protect it from politics, since he believed the RFC was “the major agency for aid to the underdeveloped states.” He has consistently voted for federal aid to education, although voters in Arkansas distrusted Big Government moving in on them, because he believes better schooling is clearly the one best hope for an emergent people. “They forgave me because, ‘Well, he’s an old professor,’” he thinks. But there are certain internal problems which, he argues, no emergent people will allow anybody from Washington to touch at this stage in their development.

Fulbright did not intervene during the 1957 integration crisis at Central High School in Little Rock, though that incident made Faubus’ name almost infamous enough to cancel out Fulbright’s own around the world. Fulbright was in England at the time, and he stayed in England for what some caustic wits said “must have been the second semester at Oxford.” The NAACP’s Mrs. Bates for one, will never forgive him: “I’ve never quite understood him. He’s an intelligent guy. Why does he have to sell his soul and his people like that? This man has a brain and he’s shown in every way where he stands. The majority of the liberals here told up he wouldn’t sign the Southern Manifesto [a pledge by southern congressmen to fight the Court’s segregation decisions]. But he did. No, I’ll listen to Faubus more than I’ll listen to Fulbright.” But Fulbright, thinking of the enfranchised among the emergent people of Arkansas insists, “You don’t trifle with them, especially about what concerns them socially.” Congressman Brooks Hays publicly supported school integration and was widely applauded for his

courage. FULBRIGHT was not. But Brooks Hays shortly lost his seat as congressman from Little Rock.

FULBRIGHT personally is a gradualist who approves of the fact that both the University of Arkansas and Fayetteville's public schools have been integrated. He tries to explain his quandary by saying that he will not buck a white majority "in a matter of this deep interest, in an area where they have knowledge and experience equal or superior to my own." With this rather flimsy justification, FULBRIGHT rides out any and all criticism of his votes against civil rights, arguing that it is simply a question of his political survival. He insists he is then left free to go against his constituents on matters where their knowledge and experience are not equal to his own—on foreign aid, for instance, for which he originally voted, "even though I felt they did oppose it, because they thought they needed it [aid] more."

Lately, however, FULBRIGHT has been wondering if his own people in Arkansas couldn't have done a better job with U.S. foreign policy than anybody in the federal government, including himself. "Maybe their instincts about foreign aid were right," he ponders. "As you know, I've been having second thoughts myself. After all, how did we get mixed up in Vietnam? You could say this whole thing started out of an aid program."

That was a long time ago, however, and his own tardiness in taking cognizance of the situation in Vietnam causes him considerable chagrin. FULBRIGHT remembers Vietnam, from the '50s, as "a very small operation. I wasn't at all concerned. I was entirely preoccupied with Europe. I don't recall we ever had a hearing on Vietnam." But early this year FULBRIGHT sported his oak for another period of intense study—"a Europe man" setting out to learn a whole new field: the other side of the world—and when he came out again, he started a long series of hearings that eventually brought him to some grim conclusions of his own.

In Vietnam he feels that the U.S., at worst, inherited the position already lost by the French in an abandoned colonial war; or that, at best, we interfered misguidedly in a civil struggle that might have resolved itself sooner had the U.S. not intervened. The Communist involvement in the war is not, for FULBRIGHT, the deciding factor; and, indeed, he is doubtful about that whole line of reasoning: "Everytime somebody calls it [a people's movement] 'Communist,' it's reason for intervention." He's convinced this approach has caused the U.S. to initiate too many mistaken troop movements—particularly into the Dominican Republic not too long ago—and that's "another thing that poisons me in this direction."

Moreover, FULBRIGHT feels that something is basically wrong when the U.S. can become so inextricably involved in the woes of a tiny country like Vietnam that a land war with China looms as a larger threat to the world than ever did the most painful destiny the tiny country might have found for itself: "I'm ashamed that the United States—a big, magnanimous country is picking on the little countries, trying to squash 'em. Why don't we challenge Russia or China directly, if that's how we feel?" He has now come to suspect that what has happened is that the U.S. has gone into too many areas of the world with an abundance of good intention all wrapped up in aid to 83 developing countries—83 possible sources of commitment, and subsequent overbearance—and that one or another of these ties was bound to ensnare us in an unwanted conflict. He has supported foreign aid and since the proposal of the Marshall Plan in 1947; but, "Back when all this started, I didn't think the United States would be so arrogant about it."

That, for FULBRIGHT, is the abiding error. As one of his staff puts it, he has "a strong

distaste for the destructive psychological effects of the donor and the suppliant. That's at the core of his reasoning. You don't humiliate people. He appreciates the pride a little country has in telling off a big country."

Indeed, FULBRIGHT feels that the best hope for peace lies in reaching some general accommodation with Communist China so as to save the little countries of Southeast Asia neutrally whole, and he has gone on the Senate floor to argue that position.

So far, nobody has exactly leaped to the support of his proposals and, indeed, nothing of FULBRIGHT's vigorous dissent from Administration policy has yet emerged as anything concrete, even from his own committee. The President is still the power broker: "As long as he's there and there's a two-to-one majority, he's running the show. He has control of this Congress, including my committee. I have a lot of the younger members with me, but they're afraid to expose themselves. They know they can be gutted." FULBRIGHT uncomfortably lacked committee support even for an amendment to the Vietnam aid appropriation that would have dissociated the Senate from any implied approval of Johnson's present course of action.

"I hate like hell to be in the minority," he admits. "It does give me pause." But it's far from a new position for him, and he has always had the inner resources to last it out until he is proven right or wrong. Actually he is really at his best when he is unhesitatingly outspoken.

"One thing you damn soon find out," recalls one faculty member who knew him at the university as a teacher, "and that's what BILL FULBRIGHT feels." It's something he gets partly from the Ozarks, but it's also something he gets from having been a professor. When he speaks out, he sounds almost as if he were exercising tenure as much as his rights as a senator. His dissents from majority opinion seem almost scholarly obligations—as if he wanted to offer a lesson in civics, full of learned references, as much as set down his own opinion. On such occasions he is especially prone to quote Alexis de Tocqueville, the traveling Frenchman who more than a hundred years ago analyzed the intellectual danger of too much conformist thinking in this country in his classic, *Democracy in America*. "De Tocqueville says things so much better than I could. About the tyranny of the majority. I always have the feeling that book could have been written about America 10 years ago."

Ten years or so ago FULBRIGHT was quoting De Tocqueville in his at-the-time lonely public opposition to Senator Joseph R. McCarthy, whose tactics violated—above all else, for FULBRIGHT—"the code of the gentleman that our democratic society presupposes." FULBRIGHT has always believed that decent conduct within the Senate, one member toward another, is needful for its survival; and when the majority of senators didn't at first seem to find this true, he vigorously dissented. It is still the vote in which he takes the most pride, the only nay that was cast against the appropriations for McCarthy's investigation in 1954. The Ozark part of it was that FULBRIGHT didn't actually make up his mind to do so until he was on the Senate floor and McCarthy insisted on a roll-call vote.

"That put the clincher on it," Jack Yingling remembers. "FULBRIGHT was damned if he was going to be on record as voting for it."

The professional part was that he promptly rose to speak against the "swinish blight" of anti-intellectualism—and from time to time thereafter dropped quotations from the Bible and Jonathan Swift into the CONGRESSIONAL RECORD as gibes at McCarthy's loudness and smear tactics. FULBRIGHT considered McCarthy to be "like an animal."

McCarthy kept up a noisy stream of abuse against "Senator Half-Bright"; but FULBRIGHT waited him out, standing up as the only one willing to be counted, until other senators gradually joined him in sufficient number to pass the censure motion that toppled McCarthy. ("This idea that everything is done by an 'inner group,' an old congressional hand scoffs. "What they do, they're forced to do by people like FULBRIGHT.") The senator has been a whipping boy for the right wing ever since; and whenever he stirs up another ruckus over superpatriotism, as he did in 1961 with a memorandum to Secretary of Defense McNamara concerning military sponsorship of civilian seminars in anti-Communism, the letters pour in.

But for all its intellectual flair, his clash with McCarthy really lacked the majestically banked thunder of his loftier disagreements with presidents of the United States, which have almost become a habit with him. So far, he has crossed every Chief Executive of the last two decades at least once: Truman over RFC scandals, Eisenhower over Dulles' Middle East policies, and Kennedy over the Bay of Pigs invasion.

Indeed, FULBRIGHT may have been slow in getting around to crossing Johnson, and he has been criticized for that. If he was so opposed to U.S. involvement in Vietnam, why did he act as floor manager in August, 1964, for the Bay of Tonkin resolution, which Johnson has used ever since as a color of congressional authority to take "all necessary steps" to repeal aggression?

"I was derelict there," FULBRIGHT admits, another result of his tardy realization of the true situation in Southeast Asia. "It would probably have been healthy to have gone into conference and had some discussion. But Goldwater had just been nominated. You know how the lines were drawn."

FULBRIGHT was for L.B.J. "publicly and privately"—much closer to Johnson than he had ever been to any previous President. Truman and FULBRIGHT are friends now, but that was hardly the case when FULBRIGHT was investigating influence peddling in the RFC. Kennedy—or the Kennedys, really—he'd never gotten to know; they struck him as a cold lot. Stevenson was much more his candidate; and then, for reasons of long friendship and some mutual understanding, Johnson. They used to sit next to each other in the Senate when Johnson was majority whip, and Johnson invariably deferred to FULBRIGHT on foreign policy matters: "See Bill. He's my Secretary of State." In return, FULBRIGHT looked upon Johnson as "a political genius," backed him for the presidential nomination in 1960 and campaigned strongly for him in Arkansas against insurgent Goldwaterism two years ago.

But they are really antipodal human beings, and even back in their days together in the Senate there was a fatal indication of what would eventually happen in FULBRIGHT's realization that "Johnson just wants to pass bills—he doesn't care what's in them" and in Johnson's impatience with FULBRIGHT's inability at Foreign Relations Committee meetings to "for ——— settle it" in time to get home for supper.

A split was bound to come between the man interested in substance and the man of politics. The issue turned out to be FULBRIGHT's dissent over U.S. intervention in the Dominican Republic: "I was reluctant to do it. I'd had preferred that an opposition member do it. But they're all for him. My final consideration was, here's all of Latin America wondering about us. Somebody ought to give the other point of view."

FULBRIGHT tried to couch his speech of last September as a criticism of bad advice given the President, but it still made Johnson furious. Afterward, besides delivering a series of petty social snubs, Johnson lessened any meaningful communication with FUL-

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BRIGHT on foreign policy down to a point where he conferred in whispers with Dean Rusk during the entire time that FULBRIGHT made his last effort to propound his views on Vietnam at a White House meeting of the congressional leadership.

"I have to defend my position whether I like doing it or not," FULBRIGHT said just before beginning the public hearings on Vietnam late in January. But he has managed to accomplish something more than significant than that. He has used the pressure within Congress for an open airing of the whole range of U.S. foreign policy—pressure that has come particularly from younger members of both houses—to pull the Foreign Relations Committee together again after several frustrating years of chronic absenteeism and foundering morale.

"We were always so plagued by the foreign aid bill," he explains. "That cursed thing took up three quarters of our time. No member really liked it. They were bored with it. It about destroyed the spirit of the committee."

But from the beginning the policy hearings revived everybody's spirits, including FULBRIGHT's—at one particularly low point, he had thought of resigning from his chairmanship—in part because he allowed the Vietnam hearings to develop in a much freer style than is normally his custom.

In the attempt to debate Vietnam and understand our China policy, FULBRIGHT threw a heavy burden upon other senators during their allotted 10 minutes of questioning. Much to his delight, most of them came forward with informed contributions.

"I've never seen them enter into it so deftly," FULBRIGHT says of his colleagues. "I was surprised by the intelligence of some of their questions. They were extraordinarily good." The whole exercise brought the Foreign Relations Committee out of its intellectual doldrums to serve once more as the classic American forum for probing—and, indeed, doubting—presidential certainties about foreign policy, whether they are Wilson's Fourteen Points or Johnson's.

This is a considerable accomplishment for FULBRIGHT—and much in line with his desire to substitute "new realities" for "old myths" which he believes Americans learned too well during their Cold War childhood—but it has not been without its political hardships. Despite his penchant for privacy, he is not immune to the deliberate coldness with which he is being treated by the White House, where his intransigence is being met with a policy of containment and isolation. Also, there has been some speculation as to how well that cloud his constituents have him on would hold up back home, what with Faubus, his eye on 1968, trying to fan it down with outbursts against FULBRIGHT's hampering the war effort.

But Arkansans, for some reason, seem to be equally proud of both Faubus and FULBRIGHT these days, and nobody back home wants to see a confrontation that would lose Arkansas either one or the other. FULBRIGHT can pretty much depend upon their many mutual backers doing everything over the next couple of years to keep them well apart, despite Faubus' obvious wish to close with him in mortal combat.

Beside, it's nearly impossible to bring BILL FULBRIGHT to care much about that kind of danger anyhow. "Maybe you can say I've been here long enough not to give a goddam," he says, almost apologizing for his perseverance in the hearings. But the matter goes much deeper than that. Carl Marcy, staff director of the Foreign Relations Committee, can tell if he's off base in any suggestion he offers if FULBRIGHT snaps back at him: "But you're giving me political advice!" The Senator doesn't want it. Often, when told something isn't good politics, he'll reply, "Wait two or three years. It will be."

"His is the approach of reason," a long-time associate concludes, "and if it doesn't appeal to his reason, it doesn't appeal to him at all."

But that does not mean that FULBRIGHT's reason is a cold, purely cerebral kind of instrument. It is actually just the opposite: a bit old-fashioned, the kind of reason associated with Edmund Burke's great 18th Century political appeals for liberty within tradition and limited human circumstance. "I do have a habit of liking old things," FULBRIGHT smiles. "Old cars, old shoes, old wives." He's had the same Mercedes for 10 years and won't paint it because then he'd have to worry about scratching the paint.

One pair of shoes from London he wore for 30 years, and "I means," says one Arkansan who greatly admired them, "they were all cracks." And Betty, the senator says, is part of that feeling of security he's always had, so that "It never bothered me that I might be defeated." Reason, he feels, is the force by which such little instances of human feeling are kept politically alive, wherever possible, in a dangerously graceless world. "He finds it increasingly difficult to understand these grandiose abstractions about society," one staff man observes. "He'll often oppose some particular approach to a problem simply because 'Nobody says anything about people being involved.'"

He is very much people himself, right down to his foibles. Ever since his father's early death, his own mortality has worried him, and at 61 he follows a strict regimen that includes constitutional before breakfast and bloodletting games of golf. ("Sinking that putt," says his wife, "is a passionate thing with him.") Lots of times he doesn't think anybody near and dear to him has a grain of sense, and he lectures them at length and accordingly. He can be as tight as a burr with money. "I'll tell you something," one Arkansas millionaire says, "if both his legs were cut off at the knee and you offered him yours for a nickel, he wouldn't have no use for 'em." And he has his petty moments—even during public hearings when his dislike of generals sometimes escapes his taut courtesy. Yet, with all these personal quirks, he retains a remarkable simplicity—"the kind of simplicity," as one staff man puts it, "that is beyond sophistication."

A story is told of Fulbright's trip to Naples in 1962 to participate in some ceremonies of acclaim for his student-exchange program, during a time when the U.S.S. *Forrestal* happened to be gaudily and mightily in port.

The aircraft carrier seemed to attract any number of junketing congressmen that spring—mostly those concerned with military appropriations—and FULBRIGHT happened to run into a party of them in a Neapolitan square one day. They tried to drag him along to visit this vast tonnage of floating American glory, but he insisted his own business lay down a different street—at the binational center where American "Fulbrights" gather with Italian students to carry on the important business of simply hearing each other out, much the way he himself once did at Oxford. Finally, after he'd politely put off the congressmen and turned back in the direction of the cultural center, he shook his head and said to one of his staff, "Those fellas just don't know where the real power is."

To come out with a statement like that, FULBRIGHT had to put a lot of what normally passes for sophistication far behind him. But he is more than willing to do so. Indeed, he anxiously searches for ways in which "the real power" can be brought to bear upon problems that so far have not been solved by such mighty exhibits as the U.S.S. *Forrestal*. He wants people to begin to "think the 'unthinkable,'" to search among what he terms realistic, if unsettling, alternatives—

and not solely among soothing myths—"to find some rational way other than war to settle problems."

"I don't for a moment think that we'll get rid of all wars," he cautions. "We'll have to accept the fact that there are going to be local wars and then try to be very discriminating about them." Even that, however, will take more patience than he is at all sure—following De Tocqueville's ancient doubts about a democracy's handling of foreign policy—Americans can summon up.

"FULBRIGHT has a pretty modest conception of what you can do," says another aide, "but he will take great satisfaction in a modest achievement." And he does indeed take great satisfaction in the modest achievements of the past few months, during which he feels committee witnesses have helped Americans become a lot more "discriminating" about "a local war" in Southeast Asia.

The question, then, naturally arises whether FULBRIGHT should be satisfied with this modest achievement. Should he perhaps attempt to become more than a thoughtful critic: a forceful critic and, for once, go after support for his position instead of waiting, as he always has, for interested parties to come to him?

That would go against his whole nature. It is hard to imagine him at the head of anything so formal-sounding as a Loyal Opposition, even if its objectives were the embodiment of his own thinking. His impress, on the contrary, continues to depend upon his utter independence, which allows him to raise a voice that carries great influence, if little—or no—power in the deliberations of the Senate.

"It's sort of like the inventor and the manufacturer," an aide says. FULBRIGHT helped invent the McCarthy censure, for instance, but he was only minimally involved in its eventual manufacture. "It's the machinery that runs the Senate," FULBRIGHT insists, and he wants never to be a part of a machine. In fact, there is an inherent repulsion within him against the whole modern mechanization of human affairs, such as to lead him to protest against something as big as a moon shot or as minor as the replacement of the commodious old wicker cars in the Senate subway by a clanking train.

"A man has to act within the possibilities of his own personality," says a close aide, "and FULBRIGHT is a private man. He could do more to solicit support. But he doesn't, partly because he thinks it's bad taste to bother people. If they like what he says, they'll say so." But this same aide admits that he himself is worried sometimes by the senator's political quietude and has pressed him on occasion about the possible disappointment he may give his loyal adherents everywhere in the world. Should he not possibly face up to the inevitable obligations of his clear private thinking: to leadership? "When you talk to him about that, he squirms," the aide says. But he notices one small sign of concession: "I don't really get the idea he wants me to stop talking."

The PRESIDING OFFICER (Mr. FELL in the chair). The Chair recognizes the Senator from Florida.

ACCREDITATION OF THE U.S. NAVAL ACADEMY

Mr. HOLLAND. Mr. President, some weeks ago I was appointed by the Vice President as a member of this year's Board of Visitors to the U.S. Naval Academy at Annapolis. In addition to distinguished members of the Board from the House of Representatives and from academic and other groups, I had

funds to continue this beneficent program.

I consider that administration officials are 100 percent wrong in deciding against direct funding of the National Defense Education Act loan program for college students. I am hopeful that Congress will overrule this unwise decision so that sons and daughters from families lacking financial resources will not meet discrimination in seeking out higher education and the advantages that go along with it.

THE LEGALITY OF THE UNITED STATES POSITION IN VIETNAM

Mr. LONG of Louisiana. Mr. President, in the current issue of the American Bar Association Journal an article appears which should be read by all Members of the Senate. It is written by Eberhard P. Deutsch, of New Orleans, an outstanding member of the bar whom I have admired for many years.

Mr. Deutsch has written this article in connection with his role as chairman of the ABA Committee on Peace and Law Through United Nations. It was in that same capacity in February of this year that he presented to the house of delegates the resolution affirming the legality of the United States role in Vietnam. That body approved the resolution and it has appeared earlier in the Record, but I should like to have it appear again, and I ask unanimous consent that it be printed immediately at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LONG of Louisiana. In his article entitled "The Legality of the U.S. Position in Vietnam," Mr. Deutsch presents the reasoning which lay behind the conclusions represented by the February resolution. Although the text of the article has no official standing so far as the ABA is concerned, it bears this notation by the editors:

Reviewing the history of developments in and concerning the Southeast Asia area since 1954, Mr. Deutsch demonstrates the soundness of the position taken by the House of Delegates of the American Bar Association last February—that the position of the United States in Vietnam is legal under international law and in accordance with the Charter of the United Nations and the Southeast Asia Treaty.

Mr. President, I shall not attempt to summarize the supporting evidence which the article presents. Mr. Deutsch has done a masterful job of marshalling the arguments and his conclusions are completely irrefutable. Any effort of mine to recapitulate or paraphrase the text could not do justice to the presentation of the author. I hope Senators will take the time to read every word of it. I ask unanimous consent that the complete text appear in the Record immediately following the text of the ABA resolution referred to above.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

EXHIBIT 1

Whereas in recent hearings before the Foreign Relations Committee of the U.S. Senate, it has been stated that international lawyers

are agreed that the U.S. position in Vietnam is illegal and in violation of the charter of the United Nations; and

Whereas articles 51 and 52 of the charter sanction steps for self-defense and collective and regional security arrangements such as the Southeast Asia Treaty Organization to which the United States is a party; and

Whereas in the course of these hearings, it has been suggested that an expression on this subject by the American Bar Association would be appropriate: Now, therefore, be it

Resolved by the American Bar Association, 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 Southwest Asia Treaty; and be it further

Resolved, That the secretary of this association be, and he is hereby, authorized and directed to transmit a copy of this resolution immediately to the chairman of the Foreign Relations Committee of the U.S. Senate.

EXHIBIT 2

THE LEGALITY OF THE UNITED STATES POSITION IN VIETNAM

("Reviewing the history of developments in and concerning the Southeast Asia area since 1954, Mr. Deutsch demonstrates the soundness of the position taken by the House of Delegates of the American Bar Association last February—that the position of the United States in Vietnam is legal under international law and in accordance with the Charter of the United Nations and the Southeast Asia Treaty." The Committee of which Mr. Deutsch is chairman was one of the sponsors of the resolution the House adopted.)

(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 command 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."¹ 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 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

¹ 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.

² *Id.*, Chap. VI, Arts. 29, 34 et seq.

³ *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.

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 Indochina 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 "their 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

⁴ *Aggression from the North*, 52 DEP'T STATE BULL. 404, 424 (1965).

⁵ 31 DEP'T STATE BULL. 162-163 (1954).

⁶ 101 CONG. REC. 1060 (1955).

⁷ 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).

⁸ Southeast Asia and the Southwest Pacific, Article VIII.

⁹ 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.

¹⁰ The protocol is annexed to the treaty.

¹¹ Prefatory clause.

such project completed in our State. Presently five more such projects are under construction under an authorized statewide reservoir program, which totals well over one-half billion dollars and is about 60 percent complete.

Kansans can well be proud of the fine progress that is being made in our State in the control of water runoff for beneficial uses. We can also be proud of the fact that during recent years water conservation programs in our State have been carried on at a much higher rate than the national average. The future growth and development of Kansas will be largely determined by the amount of water we can impound for the use of our citizens.

I ask unanimous consent that the address delivered by General Cassidy at the dedicatory ceremonies be printed in the RECORD at this point.

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

CHIEF OF ENGINEERS DEDICATES COUNCIL GROVE DAM AND RESERVOIR

(Remarks by Lieutenant General William F. Cassidy Chief of Engineers, U.S. Army, at the dedication, Council Grove Dam, Council Grove, Kans., May 15, 1966)

Governor Avery, distinguished guests, ladies and gentlemen, I consider it a great privilege to participate in these ceremonies of dedication for another fine reservoir project in the State of Kansas. Council Grove is one of eight such projects which the Corps of Engineers has completed in the Sunflower State during the past 18 years. All of these reservoirs, which so many Kansans have worked so hard to bring into being, are proving to be important stimulants to the growth and prosperity of the State. They are affording millions of people substantial protection from the devastation of floods, and rewarding opportunities for the enjoyment of a better life. With five more projects now being built, the authorized statewide reservoir program, which totals well over half a billion dollars, is already more than 60 percent complete or under construction.

Two of the four reservoir projects in the program for the control of your Grand-Neosho basin—this and John Redmond—have been finished, and we expect to have Marion on the Cottonwood completed by December of 1967. The fourth—Cedar Point—is now in the preconstruction planning phase. So the long dreams of the people of this basin are well along toward fulfillment.

Council Grove is already returning a handsome dividend on the investment which has been made in it. As you know from painful experience, this valley through the years has been subjected to extensive flood damages—over \$19 million in 1951 alone, when 238,000 acres were inundated. In that flood, the city of Council Grove suffered damages of nearly ¼ of a million dollars. Now this dam stands guard over the city and many miles of good valley below it. By itself, it protects 34,000 acres of fertile agricultural lands, valued, with improvements, at over \$163 million. Although there has been no extraordinary rainfall since Council Grove began impounding water about 18 months ago, it is so far credited with preventing damages of \$200,000, which is close to the annual average expected during its lifetime. When the four reservoir system has been completed, serious flooding will be substantially reduced throughout the basin. Annual flood control benefits will be almost \$3½ million.

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Storage of flood flows in reservoir projects such as this is the key function in water resources development. It provides the primary answer both to problems caused by too much water and those caused by too little. Water impounded in flood time so that it will not destroy life and property is available later for whatever beneficial uses we wish to make of it.

More than 24,000 acre-feet of the capacity of Council Grove reservoir is earmarked for the conservation of water to meet future municipal and industrial needs of Council Grove and Emporia. The controlled release of water will also be an important factor in maintaining acceptable water quality—reducing the concentration of residual pollutants discharged into the river from various sources.

One of the basic objectives of our nationwide water resources development program is to help meet the increasing demand for healthful outdoor recreational opportunities, which are becoming more and more important to the wellbeing of the American people in this complex age. Council Grove, like the other reservoirs which have been built in Kansas, contributes substantially to meeting this need. An investment of almost half a million dollars has been made in recreational improvements. Visitors here find good access roads, boat launching ramps, camping and picnic grounds and other conveniences. Up to December of last year, 180,000 people had visited the project. We estimate that annual attendance at this new scenic lake will reach half a million in 1967, which will represent a very handsome extra economic dividend for nearby communities.

In addition to affording primary protection to life and property, and other tangible benefits, flood control facilities such as this are major stimulators and aids to beautification. Floods create blight and ugliness on the American scene. When there is nothing better to look forward to than another flood, the incentive to invest in the improvement and beautification of property is diminished or lost entirely. Effective flood control changes all that, because people are able to build and beautify for the future with confidence that their work will not be in vain.

Kansas is one of the leaders in our nationwide effort to develop and put to beneficial use our precious and limited water resources. During recent years the water conservation program here has been booming at a rate considerably higher than the national average, which is a great tribute to the foresight and energy of your State's leadership. Over the last decade, annual expenditures by the Corps of Engineers throughout the country have doubled. Comparative expenditures in Kansas were more than fivefold greater in 1965 than they were ten years ago. And, of course, these expenditures relate to only a part of your state-wide development program.

Although so much has been accomplished, much more remains to be done throughout the State. For one thing, 11 of your 24 active authorized reservoir projects remain to be started, although we are now engaged in preconstruction planning on five of them. The timely completion of this program will be of immense value to all the people of the State.

I foresee that the Kansas Water Plan, adopted last year, will be an increasingly important factor in the coordinated, orderly, and full development of the State's water resources at all levels of effort during years to come. Kansas is fortunate to have such a far-reaching and comprehensive blueprint for action.

I want particularly to compliment on this occasion all of the public-spirited citizens whose cooperative effort and faith in the future have carried forward the vital pro-

gram for the development of the Grand-Neosho basin. Among others have been the members and leaders, past and present, of the prime-moving Neosho-Cottonwood Flood Control Association; the members of your Congressional delegation, who have so effectively supported Council Grove and the other elements of the basin system, and your former Congressman and present chief executive, Governor Avery.

Special tribute is due to the people—and I am sure many of them are present today—who gave up much that was dear to them—homes, farms, and businesses—to make this conservation project possible. Your sacrifice was not a small one, and your reward lies in the knowledge that your contribution will benefit a great number of people for many, many years to come. All of those who will enjoy a fuller life because of Council Grove Reservoir owe you a debt of lasting gratitude.

I offer my congratulations to the primary contractor—the Cook Construction Company of Hattiesburg, Mississippi—on a fine job brought to timely completion. Compliments are also due the Corps' area engineer here, Frank J. Bosche; and our resident engineer, Richard N. Palmer, for their effective supervision and coordination during the construction period.

Council Grove Dam and Reservoir is another monument to the true American spirit of public endeavor to serve the greatest good of the greatest number of our people. I now dedicate it to the achievement of that high purpose during the years to come.

NDEA SHOULD NOT BE SHORT-CHANGED

Mr. YOUNG of Ohio. Mr. President, in 1958 Congress enacted the National Defense Education Act. One of its major provisions was direct financial assistance to college students under which a student may borrow up to \$5,000 during his entire college career or an annual maximum of \$1,000. Loans are granted on the basis of ability and need.

Students who lacked financial resources, but possessed good academic potential, could borrow money from the Federal Government and pay it back at low interest rates over a reasonable period of time.

The National Defense Education Act was a boon to many youngsters from poor families who desired a college education but could not afford one. Now, with the Vietnam conflict costing billions of taxpayers' dollars, the administration has decided to place the responsibility for these loans on the private credit market. Given the limited amount of money that private institutions have to loan out, it is a very real possibility that students from well-to-do families will be preferred over youngsters from families lacking financial resources.

Estimates reveal that more than 17,000 college students in Ohio alone will require financial assistance to continue their education. It is disheartening that many of these students may not be able to receive needed assistance simply because they come from poor families or because other applicants have a better credit rating.

Mr. President, I am hopeful that the administration request to slash appropriations for the National Defense Education Act will be denied and that the Congress will appropriate the necessary

tional 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 88-408.²⁵

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, 1964, 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-5888, 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

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

²⁶ *Hearings*, Appendix 695.

²⁷ 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.

²⁸ 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.

²⁹ United States Mission to the United Nations Press Releases 4798 and 4799, January 31, 1966.

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 United States 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

³² *Id.*, No. 4798.

³³ 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 abstentions (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 Viet-Nam 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 26, 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*.

³⁴ *Hearings*, Appendix 702.

³⁵ 2 OPPENHEIM, *op. cit.* *supra* note 17, at 136, 137. 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).

²⁸ *Supra* note 20.

²⁹ 51 DEP'T STATE BULL. 272-274 *passim* (1964).

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 (51) 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

¹² IC/43/Rev. 2, July 21, 1954; reprinted in BACKGROUND INFORMATION, *supra* note 7, page 66.

¹³ 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.

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 Viet Nam 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 expressed 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 nonmembers 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 to 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 individuals 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

¹⁴ See, for example, *Hearings* 463-465 and Joint Southeast Asia Resolution, 78 Stat. 384, approved August 10, 1964.

¹⁵ 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. 851-852 (1957).

¹⁶ 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. BOWETT, *SELF-DEFENSE IN INTERNATIONAL LAW* 193-195 (1958); KELSEN, *THE LAW OF THE UNITED NATIONS* 793 (1950).

¹⁷ OPPENHEIM, *INTERNATIONAL LAW*, 297 *et seq.* (8th (Lauterpacht) ed. 1955); JESSUP, *A MODERN LAW OF NATIONS* 163 *et seq.* (1948).

¹⁸ See footnote 16, *supra*.

¹⁹ 110 CONG. REC. 18470-18471, 18555 (1964).

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 of 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 out 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'", assured 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 guerilla 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 na-

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

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

²² 46 DEP'T STATE BULL. 13-14 (1962).

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

²⁴ *Hearings*, Appendix 704-705.

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 had 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 former 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 10, 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 minutes 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 Vietnam 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 Towards 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

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 (1965).

⁴¹ *Hearings*, Appendix 693.

⁴² *Supra* note 20.

⁴³ *Hearings*, Appendix 710.

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

⁴⁵ S. REP., 88th Cong., 2d Sess. (1964).

⁴⁶ 110 CONG. REC. 18409 (1964).

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 chance 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 amendment 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

⁴⁷ *Id.* at 18427.

⁴⁸ *Id.* at 18443.

⁴⁹ "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.

⁵⁰ 110 CONG. REC. 18443 (1964).

⁵¹ 112 CONG. REC. 4192 (1966).

⁵² *Hearings* 591.

⁵³ 112 CONG. REC. 4192 (1966).

⁵⁴ *Id.* at 4217.

³⁶ 2 FARRAND, RECORDS OF THE FEDERAL CONVENTION 318-319.

³⁷ See *State Department Position Paper* prepared for the Senate Committee on Foreign Relations, November 19, 1965, BACKGROUND INFORMATION, *supra* note 7, at 254.

³⁸ *Hearings*, Appendix 693.

³⁹ S. REP., 84th Cong., 1st Sess. 15 (1955). Senator WAYNE MORSE of Oregon, as a member of the committee, concurred in this report.

⁴⁰ *Supra* note 6. The negative vote was that of Senator William Langer of North Dakota. Senator MORSE voted for ratification of the

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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."⁵³

After full debate, Senator MANSFIELD of Montana, the majority leader, moved to table Senator Morse's amendment, and the motion was carried, 92 to 5.⁵⁴ 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 vote of 93 to 2. The vote in the 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 Toward 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 state-

⁵³ *Id.* at 4192.

⁵⁴ *Id.* at 4226.

⁵⁷ *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.

⁵⁸ *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).

⁵⁹ 112 CONG. REC. 4297-4298 (1966).

⁶⁰ *Hearings*, Appendix 713.

ment 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 US 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 US 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 of the memorandum of the Lawyers Committee on American Policy Towards Vietnam is the simple 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.⁶² 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."⁶³

These conclusions as to the legality of the presence of the United States forces in Vietnam under the Constitution of the 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.

THE STATUS OF THE NATIONAL LIBERATION FRONT IN SOUTH VIETNAM

Mr. LONG of Louisiana. Mr. President, in the New York Times for May 2, one of its staff writers, Neil Sheehan, outlines the evidence we have concerning the status of the so-called National Liberation Front in South Vietnam, and he brings up to date the chronicle of events by which this phony organization has been promoted. As in other presentations on this subject, the Times article reveals clearly that the NLF is nothing more than an instrument of Hanoi—and perhaps not even a tool which its masters trust to any great extent.

One of the most important questions for any pretended national political organization is whether it controls and directs the armed forces with which it is associated. It is clear that the NLF does not control the Vietcong forces; that task is handled by a group called the Central Office for South Vietnam, which is the Communist headquarters for the south and reports directly to the politburo of the Communist Party in Hanoi.

The NLF is the supposedly political and administrative arm of Hanoi, but, even in these activities, it is subject to the direction of the same people who direct the Central Office for South Vietnam, or COSVIN, as it is called. This is done through the key memberships which the COSVIN holds in the committees of the NLF. Thus, Mr. Sheehan says:

The front's committees appear to be appended to the party committees at various levels and, although the party members act in the name of the front, they receive their orders through party channels. In much the

⁶¹ 112 CONG. REC. A-410 (1966).

⁶² 52 A.B.A.J. 392 (1966).

⁶³ 112 CONG. REC. 4853-4854 (1966).

same manner, the Communist Party controls the governmental machinery in the North, by making certain that party members hold the important positions at all levels.

There is no evidence that the front's presidium and central committee exercise any independent direction over the front's mass organizations and local committees.

There is no question, Mr. President, that all of the efforts being made in South Vietnam to subvert its people and destroy its government at all levels are directly under the strict supervision of the Communist Party at Hanoi. It is merely a matter of its choice as to the means and channels for exercising that control and direction. This subject is important, of course, because of the many statements often made by those who oppose the President's actions in Vietnam that what is going on in South Vietnam is some type of spontaneous local revolution against the generals at Saigon. This article, and others which appear occasionally in responsible publications, such as the recent article in *Foreign Affairs*, entitled "The Faceless Vietcong," make it clear how completely false such statements are.

I ask unanimous consent that the article from the New York Times be printed in the RECORD.

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

[From the New York Times, May 2, 1966]
HANOI'S TROOP INFILTRATION SAID TO TROUBLE VIETCONG

(By Neil Sheehan)

SAIGON, May 1.—The increasing infiltration of North Vietnamese into South Vietnam, which United States military officials say has amounted to more than 20,000 troops since Jan. 1, is reported to have started some difficulties for the Vietcong.

The extent of these difficulties is not known. They do not yet appear to have affected the discipline of the Vietcong fighting units or political and administrative apparatus in South Vietnam.

Intelligence reports indicate, however, that the indigenous southerners, who form the bulk of the approximately 210,000 guerrillas, are beginning to complain that the northerners treat them condescendingly and receive favored treatment.

The infiltration of such large numbers of North Vietnamese has raised once more questions concerning the status of the South Vietnamese National Liberation Front, the political organization of the Vietcong.

While the front publicly acknowledges an alliance with the Government of North Vietnam, it says it is a separate movement that exercises independent control over the guerrilla units and the Vietcong political and administrative apparatus.

The front also acknowledges that Communists exercise a leading role in its activities, but says it has important non-Communist leaders as well.

Informed Vietnamese and Western analysts here do not accept these assertions. While they agree that there are considerable numbers of non-Communists in the front, they believe that the front is an organization created by the Vietnamese Communist party and is ultimately controlled by the party politburo in Hanoi.

Analysts offer no incontrovertible proof to support their belief. In Vietnam, little of importance is obvious and neat; legalistic documentation to support any given position cannot usually be found.

Instead, analysts base their case on evidence provided by captured Communist

documents, the interrogation of prisoners and the public pronouncements of Hanoi and the Liberation Front.

First of all there are the historical circumstances connected with the creation of the front.

When the Hanoi radio announced in January, 1961, that a South Vietnamese National Liberation Front was founded on Dec. 20, 1960, the guerrilla war in the South had been under way for four years.

The guerrillas grew from small assassination squads in 1957 to armed bands ranging the countryside. They were challenging the South Vietnamese armed forces and were beginning to threaten the existence of the Saigon Government. It is thus evident that, although the front now claims to lead the Vietcong, it did not initiate the war in the South.

HANOI ROLE INDICATED

The available evidence strongly indicates that the war was actually initiated on orders from Hanoi after the regime of the late President Ngo Dinh Diem refused in 1956, with United States support, to hold the Vietnam-wide elections that were to decide the circumstances for a reunification of the country.

These elections were provided for in the 1954 Geneva agreements that ended the French Indochina war and divided Vietnam into two zones—the Communist North and the non-Communist South.

Hanoi had hoped, by one means or another, to win these elections and thus to extend its rule. When this peaceful avenue was closed to it, Hanoi resorted to renewed guerrilla warfare.

The instrument for the renewal of guerrilla warfare was the clandestine organization that had been deliberately left behind when the bulk of the Communist-led Vietminh troops, who fought the French and were the predecessors of the Vietcong, were withdrawn to the North in 1954.

The existence of such a clandestine Communist party organization in the South has been documented in this regard, analysts also point out a fact often little understood in the West, that there is only one Communist party in Vietnam and that its organizational tentacles extend throughout both the North and the South. At no time since the mid-nineteen-forties, when the struggle against the Japanese and then the French began, has the politburo of the party lost control over its branch in the South.

The men who led the developing guerrilla units in 1957 and 1958 were the men who had directed the Vietminh campaign in the South against the French. South Vietnamese villagers still often refer to the Vietcong as Vietminh. The name Vietcong, which means Vietnamese Communist, was applied to the guerrillas by the Diem regime in an attempt to remove the nationalistic connotations of the guerrilla movement against the French.

By 1960, the evidence indicates, Hanoi decided that some instrument was necessary to lend an aura of legitimacy and to disguise Communist control over the guerrilla warfare its cadres had fostered in the South.

The occasion for the announcement of this decision was the third national congress of the Vietnamese Communist party in Hanoi in September, 1960. Le Duan, the party secretary general, called for the formation of a South Vietnamese National Liberation Front.

On Sept. 10, the congress introduced a resolution stating that "to insure the complete success of the revolutionary struggle in South Vietnam, our people there must strive to establish a united bloc of workers, peasants and soldiers and to bring into being a broad national front, directed against the United States-Diem clique and based on the worker-peasant alliance."

Three months later, the Hanoi radio announced the founding of the front.

Analysts here note that the Liberation Front is almost identical in organizational structure with the Fatherland Front, the Communist organization in North Vietnam.

A comparative organizational table shows that three political parties are listed within each front. One of these parties is the Communist party and the two others are the allegedly non-Communist parties.

The Communist party carries a different name to each of the fronts. In the North, it is called the Vietnam Workers party (Dang Lao Dong Vietnam) and in the South the People's Revolutionary party.

The People's Revolutionary party describes itself as a "Marxist-Leninist party" purportedly formed in January, 1962. It is believed, on the basis of documentary evidence, to be the surface element of the southern branch of the Vietnamese Communist party. Analysts believe that its establishment was aimed at creating the fiction that an independent Southern Communist party exists.

ALMOST SAME TITLES USED

The two allegedly non-Communist parties, however, use almost the same titles both in the Fatherland Front in the North and in the National Liberation Front in the South.

They are the Democratic and Socialist parties. In the Liberation Front the Socialist party has altered its title to read Radical Socialist. Both these parties were organized by the Communists in North Vietnam in 1944 as typical Communist-front parties to attract left-wing Vietnamese intellectuals and members of the bourgeoisie. There are, in fact, no political groups within the Liberation Front of non-Communist origin.

Both the National Liberation Front and the Fatherland Front have the usual presidium and central committee. They then list a number of mass organizations representing labor, peasants, women, youth, artists and writers, journalists and Buddhists.

The similarity between the organizational structure of the two fronts is so striking that analysts here often wonder why the Vietnamese Communists did not make greater efforts to differentiate the Liberation Front from the Fatherland Front.

Students of Vietnamese Communism view the character of the alleged non-Communist leadership within the Liberation Front as another indication that it is Communist controlled. Little is known about these men, but what is known indicates that they are, without exception, colorless figures with no significant political standing. All have histories of left-wing activities.

LEADER A FORMER LAWYER

Nguyen Huu Tho, the chairman of the Liberation Front, is a 56-year-old former Saigon lawyer who describes himself as a "non-Marxist patriot." No proof has ever been uncovered that Mr. Tho is a member of the Vietnamese Communist party, but he did spend a number of years in prison for pro-Communist activities under both the French colonial administration and under the Diem regime.

The Vietcong freed Mr. Tho from a prison in Phuyen Province on the central Vietnamese coast in December, 1961, and he was subsequently named Liberation Front chairman.

Huynh Tan Phat, chairman of the Democratic party, secretary general of the Liberation Front and head of its Saigon-Cholon-Gladinh committee, was a founding member of the Democratic party in Hanoi in 1944.

He was, however, also reported in 1945 to be a member of the executive committee of the Southern branch of the Vietnamese Communist party. In 1955, his name was listed as one of the members of the executive committee of the Fatherland Front in the South. At that time, the Fatherland Front still encompassed all of Vietnam and

had not yet been officially limited to the North.

The third major allegedly non-Communist Liberation Front leader is Nguyen Van Hieu, chief of the Radical Socialist party and the front's unofficial foreign minister. He now heads the front's office in Prague. Mr. Hieu was active in the Vietminh movement during the Indochina war and was an editor of Giai Phong (Liberation), one of the most important official Vietminh publications in the South.

The official Liberation Front newspaper, incidentally, now carries the same title. The editor now is Mr. Phat.

Most analysts here have concluded on the basis of the available evidence that these men are either pro-Communists or clandestine members of the Communist party.

The Liberation Front's method of operation is a further major factor that had led analysts to believe it is Communist-controlled.

Firstly, the Liberation Front does not control the Vietcong armed forces, despite its claims to the contrary. Documentary evidence, interrogation of prisoners and other intelligence data indicate that the guerrilla units are directed by an organization known as the Central Office for South Vietnam, or Cosvin as it is commonly called here.

Cosvin is believed to be the senior Communist headquarters in the South, reporting directly to the reunification department of the Communist party in Hanoi and thus to the politburo. Through its military affairs department, Cosvin acts as a high command for the Vietcong guerrilla units.

The Liberation Front's jurisdiction, as far as is known, is limited to political and administrative matters handled by its mass organizations and its provincial, district, village and then hamlet committees.

These committees and mass organizations, however, are controlled by Cosvin through the Communist party members who fill the key positions. The Front's committees appear to be appended to the party committees at various levels and, although the party members act in the name of the front, they receive their orders through party channels. In much the same manner, the Communist party controls the governmental machinery in the North, by making certain that party members hold the important positions at all levels.

There is no evidence that the front's presidium and central committee exercise any independent direction over the front's mass organizations and local committees.

A final major indication to analysts here of Communist control over the Liberation Front is the fact that its foreign and internal policy pronouncements have never deviated from the official North Vietnamese position. Over the years, there has been tight coordination between the public voices of Hanoi and the front.

EVIDENCE QUESTIONED

A proposal by Nguyen Huu Tho in January, 1964, for negotiations toward a peaceful end to the Vietnam war, has sometimes been taken as evidence of the front's independence. Closer examination of Mr. Tho's proposal, however, discloses that it was tied to the withdrawal of all United States troops from the South, thus making it identical to the North Vietnamese position.

The front's office abroad, with the exception of Cairo, Algiers and Jakarta, have also been limited to Communist countries. In Jakarta and Algiers the front's offices are in buildings owned or rented by the North Vietnamese embassies there. The offices receive their administrative support from the embassies and the front's representatives are reported to travel on North Vietnamese passports.

The formation of a captive national front organization such as the Liberation Front

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has a historical precedent within the Vietnamese Communist movement. The tactic as employed with great success in the war against the French through the use of the original Vietminh front, the League for National Independence, and the Lien Viet front, or Vietnamese Alliance, which followed it. Both of these were succeeded by the Fatherland Front.

This time the national-front tactic does not appear to have worked so well as it did in the past. The Communists had hoped at the time of the Liberation Front's formation in 1960 to attract prominent South Vietnamese intellectuals, politicians and religious leaders.

None have as yet joined the front. Thich Tri Quang, for example, the militant Buddhist leader who has opposed almost every Saigon Government since 1954, and who has expressed open hostility to United States policies in Vietnam, has not entered the ranks of the front although he has had many opportunities to do so.

Other Vietnamese nationalist politicians, such as Dr. Pham Huy Co, who lived in exile in Paris during President Diem's reign, also declined to join the front. Practically all prominent non-Communist Vietnamese politicians, including Thich Tri Quang, have repeatedly stated their belief that the front is controlled by the Communists.

Analysts cite two probable reasons why they have not joined—first, the rather obvious Communist nature of the front and second, the fact that the guerrilla war against the Saigon Government and the United States has so far lacked the widespread and intense emotional and patriotic appeal of the struggle against the French.

This does not mean to imply that the Liberation Front and the Vietnamese Communist party have failed to develop considerable support in the South. On the contrary, it is believed that the front and the Communist party have rooted themselves firmly within a significant segment of the peasantry and that as much as 20 to 25 per cent of the population in the South supports the front's program.

The Communist party is the only purely political party here with any appreciable mass following.

The non-Communist elements in the front do not, however, occupy important positions. They are low-level followers or political captives. Analysts feel that they might be weaned away from the front or discouraged from supporting it in the course of protracted warfare.

TIME TO RESIST PRESIDENT NASSER'S BLACKMAIL

Mr. JAVITS. Mr. President, I noted in the press with the greatest interest the other day that President Nasser had "demanded"—that was the word used—aid from the United States in the form of a \$150-million package of economic assistance. He had demanded this aid as a right. I think it is time to have a word about this subject, in view of the expressed attitude of Congress delivered so often.

By brazen arrogance, by threats of war against his brother Arabs, by active subversion within the Arab States as well as in Africa and elsewhere, by arousing expectations that he might tone down his anti-American campaign throughout the Near East and Africa, and even by keeping alive in the breasts of the most sanguine the hope that he might at last keep his oft-repeated promises to desist from war in Yemen, President Nasser hopes to blackmail the United States into

granting up to \$150 million worth of food aid, which he has now asked of us.

The \$55 million program of American aid began in January runs out in June and President Nasser is seeking more fuel for his military and propaganda machine. I protest the granting of food aid to President Nasser's United Arab Republic under these circumstances.

I wish to affirm that I will do anything I can to provide food to Egypt's people when they need it. But this should be done directly as a relief measure if it becomes necessary, and the aid should not be allowed to be transposed into arms for President Nasser's war machine. In fact, the estimated costs of maintaining President Nasser's troops in Yemen runs between \$150 million and \$200 million annually, so we are in effect being asked to finance this adventure through food aid.

As the Senate Foreign Relations Committee hearings last week indicated, there is a widespread disquiet in the Congress concerning U.S.-Middle East policy—and most especially our policy toward the United Arab Republic. I strongly feel that the American people should be fully informed of the direction of our policy toward the United Arab Republic in the light of President Nasser's recent threats before any new U.S. aid is committed.

Last year, \$55 million of U.S. aid was promised by the administration after the congressional session was concluded—such an end run by the administration must not be repeated. I have asked the State Department to inform the American people as to the status of President Nasser's aid application, the progress of the negotiations with respect to it, and whether the United States is assuming a strong posture in the face of Nasser blackmail and threats.

President Nasser brags about his ability to play the East and West against each other—which usually ends with the United States holding the bag. The recent visit to Egypt of Soviet Premier Kosygin was the signal for anti-U.S. blasts and renewed threats by President Nasser to wage warfare against his Arab brethren more inclined to the free world—with the usual anti-Israel counterpoint. The forthcoming visit of Red China's Chou En-lai is clearly designed to introduce a new theme calculated to worry both Moscow and Washington.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent to proceed for 4 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, President Nasser is in trouble. He faces increased isolation as some of his closest allies are no longer in power—Ben Bella deposed in Algeria, Kwame Nkrumah deposed in Ghana, Sukarno down but not quite out in Indonesia, and Iraq's President Aref the victim of an airplane crash. And longtime President Nasser targets such as Jordan, Saudi Arabia, and Iran are drawing together in their own Moslem alliance. In addition, only last month, 20 top Egyptian Army officers

were arrested on charges of plotting against President Nasser because of his unpopular war in Yemen.

President Nasser continues to squander his country's limited resources on a war in Yemen where some 70,000 troops are now committed and by purchases of Soviet arms. These purchases have resulted in the United Arab Republic mortgaging its cotton crop, a chief source of Egyptian foreign trade, to the Soviets for years to come. In addition, the United Arab Republic has turned more and more toward actively assisting the Soviets in penetrating the Middle East, not only in Yemen, but in the Eastern Mediterranean, the Persian Gulf, and the Red Sea.

Britain will be withdrawing from bases in southern Arabia the year after next, a withdrawal for which Nasserite subversion must take some credit. A vacuum of power will exist in a strategic part of the world which the Soviets and the Egyptians yearn to fill. Will the United States permit itself to be blackmailed into aiding the United Arab Republic in filling that vacuum and in seeking to strengthen its now waning influence over Jordan, Saudi Arabia, Libya, Sudan, and other independent nations in the area?

Last year President Nasser told the United States to drink "the waters of the sea." After kiss-and-make-up talks, he received \$55 million in U.S. food aid. This year he has gone a step further and is arrogantly demanding the aid as a right. If President Nasser's blackmail succeeds, if we extend economic aid which he can use to release his limited resources for warfare against his neighbors and threats and propaganda against the United States and its allies, then we will deserve what we get, which will probably be another disaster in another part of the world—this time, the Near East.

THE RIGHT TO KNOW

Mr. JAVITS. Mr. President, the Government Operations Committee in the other body last week reported out S. 1160, the Senate-passed version of the freedom-of-information bill. Nothing is more vital today than for our citizens to know the facts of their own Government.

This bill was carefully considered in the Senate. The Subcommittee on Administrative Practice and Procedure bent over backward to satisfy the many requests for more secrecy authority made by agency representatives, while at the same time preserving the idea that Government records are public records. I am pleased to be a member of the subcommittee which is chaired by my colleague, Senator EDWARD V. LONG, of Missouri.

A recent editorial in the Washington Post comments that the bill "should have been put on the statute books generations ago." Perhaps it is still not too late, but I sincerely hope that the other body will pass the bill with all due speed and send it on to the President.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial from the April 29, 1966, issue of the Washington Post.