

### Senate Votes a Curb

By JOHN W. FINNEY  
Special to The New York Times

WASHINGTON, Sept. 17

The Senate unanimously adopted an amendment today ostensibly designed to prevent American troops from being committed to combat in Thailand or Laos.

Whether the amendment would have such effect was disputed by the Defense Department and Senator John Stennis of Mississippi, chairman of the Senate Armed Services Committee.

The amendment was offered by Senator John Sherman Cooper, Republican of Kentucky, and approved by an 86-to-0 vote after a confused debate that left the amendment open to widely different interpretations.

The amendment, to a \$20-billion military authorization bill, specified that none of the funds could be used for American combat support of "local forces" in Thailand or Laos. His purpose, Senator Cooper declared, was to "prevent, if from moving step by step into war in Laos or Thailand, as it did in Vietnam."

Senator Stennis argued that the Cooper Amendment would apply to only \$2.5-billion in military aid for Thailand and Laos, as well as South Vietnam. Thus, he contended, the amendment would impose no restriction on the use of other military funds to support combat operations in Laos or Thailand.

In this contention Mr. Stennis was supported by a Defense Department memorandum that he read to the Senate. The memorandum said that under the amendment the current military aid to local forces in Laos and Thailand could be continued and the amendment would "have no impact on the use of funds for support of U.S. forces in Laos or Thailand."

Throughout the debate ran an element of uncertainty over

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whether American forces might already be committed in Thailand and Laos without any official acknowledgment by the Administration and without any specific approval by Congress.

At one point, Senator Cooper questioned whether "the President and the Secretary of Defense don't want it [the amendment] because we already have forces fighting in Laos or Thailand."

The Senate action came as dispatches from Laos reported important military gains by Laotian Government forces, with United States air and logistical support, against the Pathet Lao, Communist-led guerrillas.

Senator Cooper — without any specific contradiction by Senator Stennis — said "I think we are fighting there." But he noted that neither the Pentagon nor the State Department had ever told Congressional committees that American troops were engaged in combat in Laos or Thailand.

#### 45,000 Troops in Thailand

The United States has 45,000 troops in Thailand, with American bases there used for bombing operations in South Vietnam. Except for an incident a few years ago in which American pilots were flying helicopters carrying Thai troops, there has been no public indication that American troops were assisting Thai forces in operations against insurgents.

In Laos, the United States conducts bombing operations against enemy supply lines leading into South Vietnam. The Central Intelligence Agency is known to provide logistic support to the neutralist Government, but again there has been no official confirmation that American troops are providing combat support.

Under a recently disclosed contingency plan signed in 1946, the United States agreed to supply combat troops to help Thailand resist attack through Laos.

The Nixon Administration however, has made clear that it is not necessarily bound by the plan, and the effect of the Senate adoption of the Cooper Amendment could be to further vitiate the effectiveness of the controversial agreement by the Johnson Administration.

For all the confusion today it seemed apparent that Senator Cooper had taken the Senate one step toward using its control over funds to prevent the Administration from committing the nation to war in Laos or Thailand without approval by Congress.

As the majority leader, Senator Mike Mansfield, summed it up at the conclusion of the debate:

"The purpose is well known — to see that we do not back into another Vietnam in Laos or Thailand."

Senator Stennis said he supported the purpose of the Cooper amendment, although he believed it ineffective as phrased. Thus a more restrictive amendment may be offered to the appropriations bill when it reaches the Senate floor this fall.

A national commitments resolution voted by the Senate in June called on the Administration not to commit American troops to foreign hostilities without "affirmative action" by Congress. The Cooper amendment was seen as a further manifestation of the rising demand in the Senate for a check on the foreign policy powers of the executive branch, particularly on the war-making powers.

# U.S.-Backed Laos Troops Capture Two Rebel Areas

## Thai Force Also Used

By T. D. ALLMAN

Special to The New York Times

VIENTIANE, Laos, Sept. 17

—In a series of secret military operations in the last three weeks, American-backed troops have seized two strategic areas of Laos long held by pro-Communist forces.

In northeast Laos, rightist forces, stiffened by Thai soldiers and officers, have seized the Plaine des Jarres, a strategic area 105 miles north of here. The plain had been held by the Communist since 1964. In central Laos, similar forces have pushed east along Route 9.

### Integrated Planning Reported

Reliable sources confirmed today that Laotian Government troops, with heavy United States air and logistic support, had taken Khang Khai, until recently the site of a Chinese Communist diplomatic mission, and Sepone.

In addition, Laotian troops have seized the town of Muong Phine, also in central Laos, and the towns of Muong Phan, Xieng Khouangville, Ban Ban, Ban Lat Sene and Phong Savan—all in the Plaine des Jarres area.

Well-informed sources today said that the successes were the result of fully integrated American-Laotian military planning and the most intense American bombing ever seen in Laos. So far, the advances

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have met little resistance, leading military observers to believe that the offensives caught the Communist-led Pathet Lao and their North Vietnamese allies by surprise.

The sources said Laotian units, some made up largely of Royal Thai soldiers in Laotian uniforms, had moved onto the plain and west along Route 9 after round-the-clock bombing had leveled several towns and scattered small defending forces.

The offensives, planned late last month at conferences in Long Cheng in northeast Laos and at Savannakhet in central Laos, appear designed to deal the Communists a serious blow

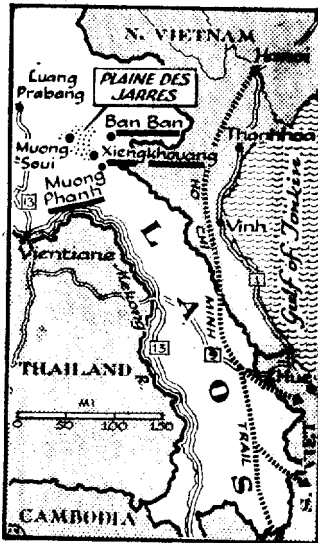
## Goal is Ho Chi Minh Trail

The thrust across central Laos, according to well-informed sources, is an attempt to use Laotian and Thai troops to cut the Ho Chi Minh Trail and reduce North Vietnamese infiltration into South Vietnam.

"In a very real sense, the war in Vietnam is now being fought in Laos," said one diplomatic source today. He said the American-Laotian thrust toward the South Vietnamese border might provide the Nixon Administration with reduction in infiltration to justify large-scale troop withdrawals from South Vietnam.

United States B-52 strikes along the Laotian sections of the trail have increased greatly in the last two weeks, the sources said. They said as many as 500 sorties a day were being flown over Laos, and that the increase in bombing in Laos was part of the reason for the lull in the air war in South Vietnam.

American participation in both the Plaine des Jarres and Ho Chi Minh Trail campaigns now extends to the field level, the sources said. They confirmed that United States planes—of Air America, Continental Air Services and the United States Air Force—were flying reinforcements, supplies and arms to advanced areas, while American Army officers and agents of the Central Intelligence Agency were advising local commanders. So far, there has been at least one confirmed American battle death in Laos. It occurred last week when an American C.I.A. agent was killed by gunfire at an advanced post.



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as United States troops are withdrawn from Vietnam.

The thrust into northeast Laos—where during the last years the Government position had steadily deteriorated—counteracts rebel military victories that seemed to discredit the neutralist Laotian Premier Prince Souvanna Phouma.

In June, North Vietnamese and Pathet Lao troops seized Muong Soui, a neutralist base northwest of the plain.

## A 'Vietnam' in Laos?

When the United States is trying painfully to extricate itself from one war in Vietnam, it is disturbing to learn how heavily American troops are involved in military operations in neighboring Laos.

A Times dispatch from Vientiane describes massive American air support, along with advice on the ground, for two thrusts by Laotian Government forces against their Communist enemy. It quotes a diplomat as saying, "In a very real sense, the war in Vietnam is now being fought in Laos." Senator Stuart Symington adds that the United States actually has been at war in Laos "for years."

The only American operations in Laos of which most of the Congress and the country have been aware are the bombing attacks against supplies moving along the Ho Chi Minh Trail into South Vietnam. Now come reports of American planes flying reinforcements, arms and supplies to front-line forces, and of American Army officers and C.I.A. agents advising local commanders.

No wonder that Senators who were never informed of such an involvement even in secret briefings are reacting in anger by trying to bar the use of funds in a \$20-billion military authorization bill for American combat support of local forces in Laos or Thailand. A measure of the Senate concern that "we do not back into another Vietnam," as Majority Leader Mansfield puts it, is the 86-to-0 vote for this restrictive amendment.

It is impossible to fathom Administration thinking on this astonishing business—President Nixon and his associates are well aware of the earlier concern on Capitol Hill about the extent of the American commitment to Thailand; they can hardly have forgotten the overwhelming approval last June of a Senate resolution calling on the Executive not to commit troops or financial resources to foreign countries without the express approval of Congress.

This kind of clandestine involvement seems, as Senator Albert Gore says, to illustrate the extent to which the military establishment makes United States foreign policy. Or perhaps it simply indicates that no one in the Administration is really in charge of that policy.

The evasiveness of State Department and Pentagon comment on the nature of current operations in Laos indicates the need for a speedy inquiry.

## Waist Deep in Laos (II)

*"Pull your chair up close to the edge of the precipice and let me tell you a story."*

—F. Scott Fitzgerald.

The State Department's explanation of the American position in Laos was entirely unsatisfactory, since it elided the two major questions that have raised public and congressional criticism. The department declined to specify precisely what the 833-man American country team in Laos is doing, its "roles and missions" in Pentagon argot; second, it did not give any coherent explanation of American objectives. Worse, there is reason to doubt that the 833-man figure is even accurate. So we are on square one today—as yesterday.

Since the early 1960s, American policy in Laos has been based on a single premise, fundamentally negative, but in the early days probably wise. It was the premise that it would be easier to stop doing what we were doing if no one knew we were doing it in the first place. Only in America in the 1960s can a sentence like that be written, but eccentric as it sounds it appears to be the case. Having put the chair at the precipice in the dark of night, you could pull it back with no one being the wiser. It is easier to liquidate an unknown position than a known one, and in a condition as persistently confusing as Laos it was convenient to suppress extraneous pressures; equally, if it all turned out well and Laos metamorphosed into an East Asian Switzerland those who direct American policy could take just and anonymous satisfaction in a job well done. Translated, that means that the war hawks can hardly set up a screeching for a war not known to exist; similarly, the doves are kept at bay. What has happened is that the war in Laos has proceeded in a vacuum, uniquely isolated from the domestic pressures which have so transformed the Vietnamese struggle. A case can be made for this policy, though it is doubtful that anyone who truly believed in a free society would want to make it. In any case, what the critics are asking for now is not a policy reversal but a detailed explanation of what the policy is. What are Americans doing in Laos and why?

The conventional response of American officials to demands for more information on the American involvement in Laos is an embarrassed smile and a reference to the Geneva Accords, which forbid American military intervention. In the next breath, anyone who asks is told that the North Vietnamese have violated the accords to the extent of some 50,000 troops in eastern Laos. But one asks: For whom is the fiction of the accords being preserved?

Everyone in Vientiane from the concierge of the Constellation Hotel to the Chinese ambassador knows what is happening, is aware of the American advisers, the logistics support, the air strikes, Thai troops and all the rest. It is common knowledge in Bangkok and in Saigon, not to mention Hanoi and Peking. Recently, thanks to some aggressive reporting by American newspapermen, the public here has been made increasingly aware of an air war and a ground war in which Americans are apparently deeply involved. But, in practice, the only people who are left in the dark about the full extent of the American commitment are the ones with the most at stake after the Laotians themselves, the American people.

Without being absolutely certain, the suspicion is that the situation in Laos is now at a critical point. The administration will be forced to choose how far and how fast to push its military plans, or whether to scale them down to smaller proportions. So it is time then to take the war out of its vacuum and tell the American people the story, explain precisely what is at stake there. Is Laos vital to the American national interest? Is it vital to the prosecution (or resolution) of the war in Vietnam? Is it now part of the war in Vietnam? How many American troops (or advisers, or whatever other euphemism the administration chooses to use) are involved?

This administration might, as a collateral matter, reveal any commitments, written or verbal, given to the Laotians. Is there a secret agreement with Laos, as there is with Thailand? And, if there is, the administration ought to explain why we haven't been told about it.

S11558

## CONGRESSIONAL RECORD — SENATE

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throughout the country. The amendment provides a logical and practical solution to a major crisis in education, and undoubtedly will have widespread support.

Unquestionably the disadvantaged youngsters in the Chicago public schools need much more help than they are presently receiving and S. 2625 would help to provide it. We could really utilize more than the 30% "add-on" for fiscal year 1970, but this is a great step in the right direction.

You were wise to specify that the funds were to be restricted to the elementary grades since this is the level at which it will do the most good. If the educational assistance is not provided to the disadvantaged at an early age, no later help can make up for the lost years. Concentration of the additional funds in the schools having the greatest need is also a very sound policy which has been proven over the past several years in the regular ESEA Title I programs in our city.

Your amendment appears to be extremely well thought out and its passage should do much for children in the urban and rural disadvantaged areas. You may be certain that it has the complete support of the Chicago public schools, and that we will extend every effort to assist in obtaining approval by Congress.

With every best wish for the early passage of S. 2625.

Sincerely,

JAMES F. REDMOND,  
General Superintendent of Schools.

#### NOMINATION OF ROBERT E. WIECZOROWSKI

Mr. PERCY. Mr. President, today President Nixon is announcing the nomination of Robert E. Wieczorowski, of Chicago, to be Executive Director for the United States at the International Bank for Reconstruction and Development. This is a fine choice. I have known Mr. Wieczorowski for many years, and can vouch for his business and civic leadership in the Middle West where he has been an outstanding investment banker and a guiding force in the development of the Chicago Council on Foreign Relations. During his 4 years as president of the council he vastly expanded the council's activities in public information and education.

Mr. Wieczorowski's selection is the latest in a series of appointments of distinguished Illinoisans by the President. I am pleased to express the pride of the people of Illinois in our State's contribution to the service of the Nation.

#### CLOSED TREATY HEARINGS

Mr. PERCY. Mr. President, the Senator from Arizona (Mr. GOLDWATER) has urged that the closed hearings before the Subcommittee on Security Agreements and Commitments Abroad of the Committee on Foreign Relations be opened to the press and the public. He states that "there is no reason for secrecy in questions involving treaties which were openly ratified by the Senate," and he contends that "there are no security matters that would be breached by cautious questioning of witnesses in open session."

I agree with Senator GOLDWATER and I commend him for speaking out. The American people pay the bills in blood and treasure for our foreign treaty com-

mitments, and they have a right to know the extent and details of our national commitments.

#### DESIGN CONCEPT TEAMS

Mr. TYDINGS. Mr. President, I invite attention to two articles in *Innovation* magazine about the highway program and the city of Baltimore. There has been a good deal of controversy over the advance of the superhighways in Baltimore, as in many other cities, and in one of the articles that I shall place in the *RECORD* today, this battle is described. In Baltimore, we have been exceptionally fortunate in having our urban highway planning done in a unique manner with design concept teams. This new approach to planning is a very significant breakthrough for our cities.

Therefore, I shall place in the *RECORD* an article describing the design concept teams and their use in Baltimore. The article was written by Archibald Rogers the originator of this design concept team and a partner in the outstanding architectural firm of Rogers, Taliaferro, Kosrinsky, Lamb.

Mr. President, I ask unanimous consent that these two articles be printed in the *RECORD*. I also hope to address the Senate in the near future about design concept teams and our urban highway program.

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

#### HOW TO COMBINE EXPERTS' IDEAS AND CITIZENS' IDEAS AND YOUR OWN PROFESSIONAL TALENTS IN BUILDING AN ENVIRONMENT THAT IS RIGHT FOR PEOPLE

Over the next thirty years, we of the United States will spend several trillion dollars to rebuild our physical environment. Billions for new homes. Billions for highways. Billions for the renewal of our cities.

Come what may, those trillions will be spent.

But how? What kind of environment are we creating? And the big question, the question that hangs heavy over us—threatening a resounding no:

Can a democracy build a beautiful environment—beautiful in both a humane and aesthetic sense?

The answer I keep hearing is not really an answer at all. "Why certainly it can," goes the ringing response, "provided we set aside democratic processes."

Many important people hold to this belief. And many who are concerned about aesthetics, including a good number of my colleagues in architecture, will tell you that "the people" are not to be trusted in this area called urban design.

I cannot agree. I say not only must the people be trusted, but that there is no alternative. We saw this in Baltimore—as recounted by David Allison in last month's *Innovation*—where the community organized itself against the expressways. The people will fight you unless you involve them, unless they feel they are participants in the design process.

Baltimore encouraged a degree of community participation, through the creation of its Design Concept Team. (It was my proposal that such a team be set up in Baltimore, but I did not serve as a member.) However, the creation of a design team of professional specialists—architects, social scientists, engineers, and so on—is only one step toward the kind of community involvement I am talking about.

The design team alone is not the answer.

You also need the people, the community, organized as a team themselves. And along with the community team and the design team, you must establish what I call a decision-making team.

These are the three essential components in the urban design process. Within these next pages, I will talk about their makeup, their working relationships, and how this triumvirate can achieve a new order of urban design.

I will speak from the viewpoint of the architect, since architecture is my professional base. But as I discuss the problem of rebuilding our physical environment, I will assume that you bring a different professional perspective to it. Perhaps you are as systems engineer, or a banker, or a politician, or a scientist. I will assume further that you have a professional skill to offer in solving this problem of environmental renewal—as a potential member of one of the three teams I will be describing, whether as a member of the design team, the decisionmaking team, or as a representative of the community.

I have always said that great design is not a produce of a great architect. Great design is a product of a great architect with a great client. To cite Baltimore again, I believe the community of Baltimore is at least latently a great client—and I know that its design team is potentially a great architect. I believe this architect working with this client can indeed produce a great work of civic architecture.

But to achieve what it has thus far, Baltimore had to go through some agonizing reappraisals. It had to learn that the true client is not that mythical character called the "highway uses"—the man who is presumed to spend his life in his automobile and who cheers for new expressways wherever they can be built. What Baltimore taught—and what is being taught in a score of cities—is that the true client is the community itself.

As of today, the Baltimore project is still no more than an experiment—an idea for solving the design and political problems of urban expressways. Many years will pass before we know whether the experiment was a success. But meanwhile the idea itself is catching on. A design team is at work in Chicago and others are being formed in Cambridge and Seattle.

What encourages me about these various experiments is the fact that the experience gained from them is bound to be valuable in many other areas—beyond the immediate problem of urban expressways.

The fact is, the design team idea is applicable to nearly every scale of project—from that scale we normally classify as architecture to a much larger scale, a national scale. Here I am referring to national planning—and this is the second subject I want to discuss, for I believe that our nation is now prepared—perhaps for the first time since the days of Thomas Jefferson—to think about something as comprehensive as a national plan.

But not by the old methods—the old procedures of design. Indeed, I believe the real significance of the design teams—in Baltimore and the other cities—is that they may herald the emergence of a new architecture that may prove as important for Western culture as did the earlier experiment of the twenties within the Bauhaus under Walter Gropius.

To understand this new architecture, we must appraise conventional architecture as practiced today. To my profession, its clientele, and the general public, architecture is generally understood to consist of independent buildings—as individual elements against the backdrop of landscape or streetscape. From this conventional view has sprung an obsessive concern with external appearance, and many gifted designers attempting what architect Ming Pei calls "head

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eight depletion rates as applied to the production of iron ore and urges that the rates for both remain at 15 percent.

#### Foreign Tax Credit

Urges that the present rules for the computation of the foreign tax credit be retained. Believes that in attempting to eliminate a possible "double benefit", the House bill does violence to other sections of the Code and should be rejected.

States that the House proposals adversely affect their international competitive position. Suggests that American capital must develop foreign iron ore reserves, not only to complement our domestic supplies but in order that United States controlled operations can effectively compete in the foreign markets for iron ore.

*Charles E. Brady, on behalf of the National Sand & Gravel Association*  
Sand and Gravel Industry

Notes that the sand and gravel industry is the largest nonfuel mineral industry in the United States. Indicates that sand and gravel is not an inexhaustible natural resource, but that currently held reserves had a life expectancy of 24 years as of 1963.

States that sand and gravel operations must be located close to metropolitan areas, and that the land price for operations has increased substantially. Argues that without a depletion allowance of at least 5 percent, the sand and gravel industry will not be able to locate and acquire the necessary land close to the market.

*Earle T. Andrews, member, taxation committee, National Industrial Sand Association*  
Mineral Depletion Allowance

Opposes the proposed rate reduction in depletion for industrial sand from 15 to 11 percent. Argues that the proposal is contrary to national policy to encourage development of mineral resources. States that this change was not based upon any study of either the industrial sand industry or the mining industries generally.

Contents that the proposed rate reduction would be a serious dislocation to the economies of the industrial sand industry, yet not greatly increase tax revenues.

*S. James Campbell, National Crushed Stone Association*

#### Percentage Depletion for Crushed Stone

States that the reasons which caused the Congress in 1951 to grant the crushed stone industry a depletion allowance of 5 percent on construction aggregates and 15 percent on chemical and agricultural stone are even more compelling today and require the continuance of this treatment. Expresses the opinion that a change in a tax provision is not a "reform," if the reasons which prompted the provisions originally remain valid.

States that the depletion allowance incentive is needed if the production of stone is to meet projected demand. Notes that marketable stone is becoming more difficult to locate, and the capital investment required to open and develop a stone quarry is becoming greater.

Urges the retention of the present rates of depletion for the crushed stone industry in order that the needs of this Nation will be properly supplied in 1985 and in the year 2000.

*Philip L. Corson, chairman, tax committee, National Lime Association*

#### Percentage Depletion of Limestone

Points out that high-quality limestone is indispensable in the manufacture of iron and steel and in the beneficiation of copper ore and copper refining, and states that known reserves of high-quality ("metallurgical grade") limestone in this country are in relatively short supply.

States that limestone companies are being forced to invest heavily in elaborate dust control equipment and systems in order to comply with recent stringent air pollution standards.

Requests the restoration to the House bill of the current 15 percent depletion rate on limestone as well as the 5 percent rate on construction aggregates.

*Paul W. Seitz, first vice president, board of directors, National Limestone Institute, Inc.*

#### Percentage Depletion of Limestone

Opposes the proposed reduction under the House bill in the existing percentage depletion rates for limestone from 15 and 5 percent to 11 and 4 percent. States that the proposed reductions indicate a significant change from the policy which recognized that mineral resources are wasting assets.

Expresses the opinion that the proposals were not based upon any study of either the limestone industry or the mining industries generally, and that it is unlikely the Ways and Means Committee even considered them in terms of any mining industries other than oil and gas.

Suggests that investors in the limestone industry need the incentive of percentage depletion to develop limestone deposits and to efficiently produce marketable limestone products.

#### Depletion of Real Estate

States that the House proposals respecting depletion of real estate would result in a serious impact on the cash flow of the iron ore mining industry. States that the provisions are broad enough in scope to include appreciable industrial real estate constructed or acquired for use as an integral part of a mining operation.

Does not oppose the recapture provisions of the House bill—states the provisions provide ample protection against so-called abuses involving real estate depletion.

*Rhync Simpson, Jr., first vice president, Gypsum Association*

#### Percentage Depletion Rates

Opposes any reduction in percentage depletion rates. Requests, in the alternative, relief for gypsum from the general 30-percent reduction in percentage depletion rates. Points out that the principal market for the gypsum mining industry is products used in residential construction, which has been artificially depressed by high interest rates. Indicates that the need for residential construction, particularly in urban centers, is a pressing national problem. States that the gypsum industry has in the past and hopes in the future to aid in solving this problem, but that this will take funds which are restricted because of depressed housing. Urges the retention of the percentage depletion rate for gypsum under the precedent established in the House bill continuing accelerated depletion for residential construction.

*John W. Roberts, president, Solite Corp.*

#### Percentage Depletion

Opposes the proposed reduction in the existing percentage depletion rate for sintered or burned lightweight aggregate. Urges (1) continuation of the 7½-percent rate for lightweight aggregate, or preferably, (2) amendment of code section 613(c)(4) to treat as a mining process the sintering or burning of clay, shale and slate used or sold for use as lightweight aggregate. Draws attention to discrimination between clay, shale, and slate used as lightweight aggregate and other competitive concrete aggregates. Points out that the rate for lightweight aggregates is reduced by the House bill from 7½ to 5 percent (a one-third cutback), while the rate for gravel, sand and crushed stone used as concrete aggregate is reduced from 5 to 4 percent (only a one-fifth cutback). Emphasizes that clay, shale and slate used as lightweight

aggregate be allowed a 6-percent rate, which is a cutback of one-fifth from present rate. Also points out that competitive products compute percentage depletion on selling price whereas clay, shale and slate aggregates must compute percentage depletion on the value before burning and sintering.

Urges that discovery and development of a deposit of suitable raw material for lightweight aggregate is a difficult and expensive project consequently the lightweight aggregate industry needs percentage depletion. Emphasizes that the proposed cutback in the depletion allowance cannot have a significant impact on national revenues, however, the effect on individual producers of lightweight aggregate will be substantial.

*Clark Sutherland, chairman, clay pipe industry depletion committee, National Clay Pipe Institute*

#### Clay Pipe Depletion

Recommends no reduction of the current 7½ percent depletion allowance. States that expansion and modernization are sorely needed, but risk capital is hard to find and would doubtless be less than adequate with a further reduction in the percentage depletion allowance.

Points out that limestone and shale (clay), the principal ingredients used in the manufacture of cement, enjoy a 15-percent depletion allowance rate while sewer pipe clay has been reduced. States that refractory clay purchased for manufacture of sewer pipe, although 15 percent when mined, becomes 7.5 percent when used in clay pipe production. Urges an equitable adjustment in clay pipe depletion to eliminate arbitrary competitive disadvantages between the cement pipe and clay pipe industries.

States that clay used in the manufacture of sewer pipe, supported by Internal Revenue Service rulings, under earlier law was permitted a 15-percent allowance until it was summarily reduced in 1960 to 5 percent. Indicates that this amount was subsequently increased to 7½ percent in 1966 amounting to only 50 percent of its original allowance. Argues that it is unfair to reduce again an already reduced percentage on an across-the-board basis, compared to other minerals which have not heretofore suffered any reductions.

#### CHICAGO CALLS S. 2625 A PRACTICAL SOLUTION TO THE EDUCATION CRISIS

Mr. MURPHY, Mr. President, from the city of Chicago, I have received a letter from Superintendent Redmond endorsing the Urban and Rural Education Act, which I introduced on July 15. The superintendent says that S. 2625 "provides a logical and practical solution to a major crisis in education and undoubtedly will have widespread support."

I ask unanimous consent that the letter be printed in the RECORD.

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

BOARD OF EDUCATION,  
CITY OF CHICAGO,  
Chicago, Ill., August 14, 1969.

HON. GEORGE MURPHY,  
Senate Office Building,  
Washington, D.C.

DEAR SENATOR MURPHY: Thank you for your letter of August 7, 1969 with the enclosed reprint from the CONGRESSIONAL RECORD.

Introduction of the Urban and Rural Education Act of 1969 in the Senate was a master stroke on your part which is worthy of the highest commendation from educators

September 29, 1969

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traveling on study grants from the Alicia Patterson fellowship fund, a Star-Bulletin reporter in Eastern Europe and the editorial-page editor of The Advertiser in the South Pacific.

Reporters of both papers have won fellowships to seminars and study programs at such leading universities as Stanford and Northwestern.

Each of the papers has won a national Headliners' Club award. The Advertiser's editor, who was a Nieman Fellow at Harvard, is a winner of the Overseas Press Club award for outstanding interpretation of foreign affairs.

The papers have won local and national honors for medical reporting, for science reporting, for traffic safety campaigns, for excellence in the coverage of city and regional planning.

The editors of the Honolulu papers are both extremely active in community affairs, including directorships in the Friends of the East-West Center, the institution of technical and cultural interchange which you gentlemen of the Congress finance; in the Pacific and Asian Affairs Council, which conducts world affairs forums for thousands of Hawaii high school students; in the Honolulu Symphony Society and numerous other community organizations.

The Advertiser sponsors a Contemporary Arts Center in the News Building, primarily designed to encourage and recognize the paintings and sculpture of Island artists and to widen public appreciation of the arts. This arts center two years ago won a national "Business in the Arts" award from Esquire Magazine.

I have gone into some detail about the editorial excellence and community service of the Honolulu papers to demonstrate that participation in a joint operating arrangement need have no effect on the intense editorial competition or on the high sense of journalistic craftsmanship.

Hawaii is a young and vibrant State, the nation's youngest, having observed its 10th anniversary of Statehood only last month. It places tremendous emphasis on education, at all levels. It has a young population. It is a society which needs and must have the widest possible competition of news, ideas and opinion. Television and radio, as all know, are essentially media of entertainment. Both provide news programs but these represent but a fraction of the broadcast day. For a citizen to be truly informed he must read—he must read not only "spot" news but the kind of background and analytical articles which in Honolulu both papers provide on a regular basis.

Even though my years in the newspaper field have been devoted to the commercial side, to the sale of advertising, I recognize that newspapers fundamentally exist to present news and commentary, for without competition in ideas our free society cannot survive.

The late Joe Liebling of the New Yorker magazine, a very perceptive critic, once wrote that "A city with one newspaper or with a morning and evening paper under one ownership, is like a man with one eye—and often the eye is glass." In some cases that may be harsh, but certainly no one can argue that a community is better served by one voice than by two independent voices.

In Honolulu, I have at times been asked whether the arrangement between The Star-Bulletin and The Advertiser could not function just as well if it were limited to the mechanical operation, and possibly to a common business office, and did not include the advertising and circulation departments. My answer has been and is that it will not function as well; in fact, it won't function at all, since I believe the economies from the mechanical side are insufficient.

It is my understanding that in its best year since entering the joint arrangement, The

Advertiser has never made as much as \$300,000 net. If it had to establish a separate advertising department and a separate circulation department, it would very quickly be in the red and once again in danger of dying.

If it did vanish, I am enough of a realist and well enough versed with the economic situation in Honolulu to know that no new independent newspaper would take its place. The market would not sustain it. So the prospect would be for the Star-Bulletin to acquire The Advertiser and create a full monopoly.

I am no expert on newspapers nationally, but I can't recall a single city where one of two newspapers has died and a fresh, independent newspaper has moved in to take its place. On the other hand, suburban papers have flourished in Hawaii as elsewhere. I think it is pertinent that a chain of suburban papers in Honolulu and elsewhere in Hawaii was bought several years ago by a division of the Scripps League after the Honolulu papers had entered into their joint arrangement. To the best of my knowledge, those suburban papers are doing very well indeed. They, like other suburban papers, serve a most useful purpose in printing neighborhood news. But for wider local news and for national and international news, the reader is dependent upon city newspapers, especially at a time when world issues are more complex than ever.

The choice in Honolulu, and I say this with the deepest conviction, is between having a commercial merger with two separate, independent and hearty voices or having both a commercial and editorial monopoly with one viewpoint. The Newspaper Preservation Act would assure a continuation of the first, which operates to the benefit of the general community. A breakup of the present arrangement would result in the latter, bringing the tragic death of an important editorial voice.

On behalf of the Hawaii Newspaper Guild, I voice enthusiastic support of the Newspaper Preservation Act and express the hope this Subcommittee will act favorably on it. I should also like to submit for inclusion in the record the endorsements of the Guild, of other unions and of various government bodies in Hawaii. I am grateful to you for giving me this opportunity to appear.

#### THE FUTURE OF MAN

Mr. NELSON. Mr. President, there is great concern these days about national and world priorities, and how they are affecting the future of man. There is a questioning of the relevancy of many of our goals, and some of our values. There is an insistence by our youth that we take a new look at what "progress" really means, and that we pursue the objective of quality as well as quantity in our lives.

I believe it boils down to the fact that we are going through a historic period of reassessment, realizing that perhaps the greatest challenge we face as we enter the last third of the 20th century is finding new standards by which we must measure our achievements.

Will it be an achievement for America, for instance, to produce the supersonic transport plane, or will we simply be springing loose a technological innovation whose byproducts will be even more gigantic airport needs in already crowded metropolitan areas and an increase in the already noisy clamor of day-to-day living.

Will it be an achievement for America to produce an antiballistic missile and other exotic new devices, such as MIRV,

the multiheaded nuclear missile, or will we simply be assuring a tragic new spiral in the world arms race?

Will it be an achievement to continue to produce an endless stream of automobiles that, as they are now made, spew masses of pollutants into our atmosphere each day?

An editorial entitled "Nigerian Debate on Man," written by Mr. Norman Cousins and published in the September 20 issue of ~~Saturday~~ Review puts the question nicely. Mr. Cousins reports watching on television an interesting debate in Lagos, Nigeria, between a young man and a young woman on the future of the human race. The young man was pessimistic, the young woman was the optimist.

Mr. Cousins said:

What was especially striking was the extent to which the evidence offered by both sides was drawn from life in the United States.

The debate judges awarded a verdict in favor of the young woman.

The real question, though, is which view will win the verdict of history?

At this stage, man is showing a tragic unwillingness to utilize his capability, which sets him apart from the other species, to manage his own destiny. Today, in fact, man can be said to be on the endangered species list. Some ecologists and biologists have already concluded that it will only be a matter of time before mankind breeds and pollutes itself to extinction.

The Nigerian debate on man raises grave questions which must move immediately to the top of our priority list. I ask unanimous consent that the article be printed in the RECORD.

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

#### A NIGERIAN DEBATE ON MAN

(By Norman Cousins)

Watching our hotel television set in Lagos, Nigeria, we were fascinated by an hour-long program in which college students debated the proposition that the human race is decadent. The debate took the classical form, with prepared opening statements followed by rebuttals and counter-rebuttals, and with supporting statements by members of each team. What was especially striking to an American observer was the extent to which the evidence offered by both sides was drawn from life in the United States.

The Nigerian student who took the gloomy view of the human race was a tall, bespectacled, neatly dressed young man. He spoke about the personal tragedy in store for any leader who genuinely tried to upgrade the conditions of life, then referred to the assassinations of four men—John F. Kennedy, Robert F. Kennedy, Martin Luther King, and Kenya's Tom Mboya. Any civilization that is unable to tolerate men of stature, he said, could only be considered decadent.

The young man proceeded to develop the theme that violence was the dominant characteristic of our time. He cited the large number of Nigerian television programs glorifying brutality or cruelty. I couldn't help noting that most of the programs were imported from the United States. He then said that most of the energies of mankind today were turned to the manufacture of weapons that could smash civilization beyond recognition or repair. He found it difficult to accept the argument that these weapons would never be used in actual warfare. He reminded his viewers that the United States had not

hesitated to use atomic explosives even on a living target, not once but twice, when it was in its interest to do so. He also spoke about the great disparity of wealth in the world, pointing to the fact that 80 per cent of the world's goods was produced or owned by only 6 per cent of the world's peoples—again a reference to the United States.

The young man referred to the increased poisoning of the human environment. He spoke of millions of dead fish in the Rhine River and the Great Lakes to prove his point that man was unable to use his scientific knowledge in his own interest. He quoted from sociologists who warned it may be only a few years before all the oceans will be vast dead bodies of water unable to contribute any longer to the sustaining of life on land. He spoke of the mammoth automobile industries and the networks of highways as creating a perilous combination resulting in vast quantities of poisons in the air.

The television camera panned to the applauding studio audience as the young speaker observed that man reveals himself in his entertainment. He declared that the dominant entertainment tastes today were depraved, judging by motion pictures, plays, books and magazines. In particular, he spoke of Broadway plays in which men and women cavorted in total nudity and exploited each other's bodies, not excluding sexual intercourse on stage. He referred to the high divorce rates in many parts of the world, then quoted from research studies showing the prevalence of extramarital relations in the United States and elsewhere. All in all, he said, the preponderance of evidence was that our age was not merely decadent but downright degenerate.

The young man acknowledged the further applause of the studio audience and stepped down. His opponent, a lovely and attractively dressed young lady, came forward. She began by saying that at any given time in history it would be possible to point to any number of serious faults in the human record. But the general movement of history was forward. Man was not perfect but he was at least perfectible. Whatever his propensity for error, she declared, he had an unerring instinct for justice that was at least equal to his instinct for survival. Man's ability to define the right and his insistence on achieving it, even at fearsome cost, were his main tools in fashioning an ever-better life. She spoke of the inexorable process by which peoples liberated themselves from outside rule, beginning with the American Revolution of 1776 and extending to the national freedom movements in Africa today.

The young lady did not despair of man's ability to use his science for his own good. She felt that human intelligence was on the verge of its greatest victories; disease, ignorance, poverty, and venality would eventually all fall before it. Meanwhile, all humanity could exult over man's voyage to the moon, representing as it did the combined triumph of man's knowledge, technology, and spirit. She emphasized the expedition to the moon as offering proof of man's ability to meet any problem worth meeting.

The sense of affirmation was vibrant in everything she said and was reflected in the enthusiastic and frequent applause of the studio audience. It didn't take the judges very long to reach a unanimous decision in favor of the young lady.

To repeat: What seemed most significant about the TV debate to an American viewer was the frequency with which the debaters referred to life in the United States for their main arguments, and the ease with which they could find evidence that was salutary or saddening. There is nothing new, of course, in the fact of the American mixture as a center of world attention. This side-by-side abundance of the good and the bad in the United States is a phenomenon that has attracted the analytical eyes of America-

watchers all the way back to Tocqueville and Crèvecoeur. What is new today is that we have aroused fresh expectations and anticipations.

The message from the moon which we have flashed to the far corners of this planet is that no problem need any longer be considered insoluble. When we mobilize brains, energies, money, and resources on an unprecedented scale in putting a man on the moon, we also proclaimed the doom of disease and squalor in the human habitat. For no one is going to believe any longer that we can sustain human life on the moon but are unable to do it on earth.

The young Nigerian lady, in her television debate, spoke for millions of people everywhere when she declared she had new hopes about the human future as the result of America's demonstration of man's infinite capacities.

Now, when does our mobilization against famine, wretchedness, and unnecessary death begin?

*Symington*

#### ISOLATIONIST HYSTERIA

Mr. DOLE. Mr. President, there are some in America who have, apparently, succumbed to an isolationist hysteria, the like of which we have not seen in this century, not even in the days before World War I or World War II.

They would have us withdraw not only from Vietnam, but also from Laos and Thailand. And if they succeed there, would they have us abandon our commitments to the rest of Asia and eventually to Europe?

Finally, would they have us curl up in the fetal position and withdraw, literally and actually, from the world?

The demand from the Nation surely is not that great; and surely is not a demand that we abandon honor and principle and responsibility.

Some would have the Nation flee when no man follows. Others would destroy the right and duty of the President of the United States to conduct the foreign affairs of the Nation.

A sample is clearly evident in the effort by some to turn the U.S. presence in Laos into a cause célèbre.

Mr. President, the Washington Star yesterday, in a lengthy editorial, put our presence in that little country in the proper perspective. I ask unanimous consent that it be printed in the RECORD.

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

#### ANOTHER VIETNAM UNLIKELY IN "SECRET" WAR

Efforts on the part of Senators John Sherman Cooper, Mike Mansfield and Stuart Symington to force a full-blown debate on the U.S. role in Laos—with the inference, in Senator Mansfield's words, that we could get involved there "in the pattern of Vietnam"—are ill-advised, badly timed and dangerous.

They are ill-advised because the senators concerned—and any members of the press or public interested in the question—would have to be remarkably obtuse not to know what the small number of U.S. troops and intelligence agents are doing in Laos and why they are doing it.

They are badly timed because Senator Symington's subcommittee on foreign commitments will begin hearings on the subject on October 14, which is the beginning in Laos of the dry season which traditionally heralds a major offensive by the Communist Pathet Lao and their North Vietnamese allies. Consequently, Communist negotiators at the

Paris peace talks once again will be in the happy position of having at their disposal quotations from high U.S. officials to justify North Vietnam's far greater intervention in the Southeast Asian jungle kingdom.

They are dangerous because, as anyone capable of distinguishing between the Jersey Turnpike and the Laos-straddling Ho Chi Minh Trail should appreciate, American ability to interdict the flow of North Vietnamese men and supplies into South Vietnam—and to deny landlocked Laos to the Communists—has a direct bearing not only on the conduct of the war in Vietnam but on the future political shape of Southeast Asia.

Laos, as visitors to that improbable land know, is more a state of inertia than a nation. Conditions there have been desperate but not serious for years. A long, squiggly, Idaho-sized blob of apple-green mountain and jungle which touches upon Red China, the two Vietnams, Burma, Thailand and Cambodia, it lacks geographic, linguistic or ethnic unity, produces little and exports nothing but illegal opium and smuggled gold.

Political scientists who seek a rational solution to the problem of Laos, which has been catapulted abruptly into the Fifteenth Century by recent events, are trying to build on sand. Most Ho, Lu, Kha, Khalom, Black Thai, Meo and Yao tribesmen—some of whom have been advised by American intelligence agents in the war against the Communists since 1964—would not know King Savang Vathana from Frank Howard, Equally, 99 percent of the third of the country's three million people nominally under Communist control would find it difficult to distinguish between Karl Marx and Groucho.

The rest of the population, Buddhist, valley-dwelling Lao closely related to the Thais, don't even call the kingdom Laos, To them it is LanXan, which means "Land of One Million Elephants and the White Parasol."

To Laotian hillbilly and flatlander alike, American "kings" with implausible names such as Kennedy, Johnson and Nixon—despite the herculean efforts of USIS—remain remote, almost mythical monarchs who, for reasons best known to themselves, delightfully drench the country in economic and military aid totaling nearly one billion dollars since 1955.

Laos, as it always has been, remains run in Byzantine fashion for the benefit of its top 100 families, be they pro-Communist, pro-Western or, more ingenuously, pro-themselves. Even those who have lost out have not done too badly: General Phoumi Nosavan, former right-wing deputy premier and sometime CIA protege, is alive, well and rich in Bangkok; Captain Kong Le, the Hamlet-like former neutralist not-so-strong man, now savors the delights of Honk Kong.

The French, who had ruled it since 1893, created the kingdom of Laos in 1946 by pasting together the principalities of Vientiane ("The Place of Sandalwood"), Luang Prabang and Champassak. They gave the throne to King Sisavang Vong of Luang Prabang, thought to be the most tractable of the three pretenders. The gentle king died in 1959 and in his place reigns his crew-cut French-educated son, Savang Vathana, 62.

The Lao, who are Buddhists of the Little Vehicle (they believe Buddha was a great prophet, not God), loathe taking life and are among the world's most reluctant warriors. But the long-haired, tattooed hill-tribes, advised by American agents and supplied by the CIA-chartered aircraft of Air America and Continental Air Services, are animists and hence untroubled by this confessional impediment.

Although there have been exceptions, most encounters between opposing units—there are as many armies in Laos as there are political persuasions—bear a marked similarity to the campaigns of old-time Chinese war lords: Much marching and countermarching, mutual heroic posturing, a tre-



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mendous expenditure of ammunition . . . and few casualties.

Some 97 U.S. airmen have been lost over Laos. Even allowing for a far deeper U.S. involvement in Laos than seems probable—President Nixon said Friday that our activities there are confined to “logistical support and some training” plus “some other activities”—it is doubtful if more than 200 American lives have been lost in Laos over the past decade.

If the Lao do not enjoy fighting, they are addicted to pagoda parties (a mixture of state fair, fireworks display, revival meeting and barbecue), cremations (jolly affairs designed to dispatch the departing spirit to its reincarnation in a good mood), badminton, charcoal-broiled toads, story-telling and, unaccountably, parachuting.

It is the tyranny of geography which has betrayed this fragrant land and its shy, improvident people. Forming the Indochinese peninsula's central corridor, the rice-rich Mekong River valley flanks embattled South Vietnam, forms a long border with anti-Communist Thailand and touches upon neutralist Cambodia. For this reason alone, while absolute control of Laos is essential to neither side in the Vietnam war, each must seek to deny the other domination there.

The fourteen-nation 1961-62 Geneva Conference accords, signed by both Vietnams, the U.S., Russia and Red China, guaranteed the neutrality of Laos, called for the withdrawal of all foreign troops, and created a dangerous power-vacuum. According to Averell Harriman, Hanoi violated that accord “before the ink of the treaty was dry”: The U.S. pulled out its 666 military advisers; North Vietnam, which had an estimated 7,000 troops there, withdrew only 40 through official control points.

Both China and North Vietnam now are flagrantly violating the Geneva accord. Peking has two battalions of troops in northern Laos guarding coolies building a road leading from the Chinese border to a hamlet called Dienbienphu near the North Vietnamese frontier. The North Vietnamese, according to Laotian Premier Prince Souvanna Phouma—whose half-brother, the decidedly unproletarian Prince Souphanouvong, is titular head of the Pathet Lao—have 60,000 troops in Laos (at his press conference on Friday, President Nixon set the number of Hanoi's troops in Laos at 50,000 with “more perhaps coming”).

Not too much should be expected from the recent recapture after five years of the Plain of Jars by the American-backed Meo irregulars of General Vang Pao. The government's objective apparently is to clear the plain of civilians anxious to escape conscription into the Pathet Lao, to deny the rice crop to the Communists, and to knock off balance the expected Pathet Lao dry-weather offensive.

That offensive will have two objectives: To solidify Communist control of the Ho Chi Minh Trail and to make the case that anti-government “neutralists” allied with the Communists are entitled to the eleven neutralist cabinet seats agreed to by the Geneva conferees, who gave four portfolios to the Communists (they left the government in 1963) and an equal number to the rightists.

Both sides, in short, are fighting the Laotian war for limited but important objectives. Even the most strident of the Nixon administration's critics has yet to claim that more than a couple of thousand U.S. government personnel—military, paramilitary or CIA—are involved in Laos. Small, covert and relatively bloodless wars fought by volunteers may not be desirable. But they are preferable to large, overt and bloody conflicts fought by draftees. And after the Vietnam experience, no American president in his right mind is going to allow a side show such as Laos to expand into a full-scale war

involving commitment of large numbers of U.S. ground troops.

The most frequently heard Lao phrase is “bo pen nyan,” which can mean “never mind,” “too bad” or “it doesn't matter.” In that spirit, King Savang Vatthana has dealt with the pocket-war which has sputtered in his country since 1953 by ignoring it. Senators Cooper, Mansfield and Symington would be well-advised to do the same.

## COURT ADMINISTRATORS

Mr. TYDINGS. Mr. President, despite hundreds of years of criticism, our courts are administered today in essentially the same way that they were two centuries ago. Congestion, waste, and delay, unfortunately, too often characterize many of our Federal and State courts. And too often in the past the only solution judges, executives, and legislators have offered to redress these evils are more judges or more supporting personnel.

This manpower, though often necessary, offers little hope for making our courts truly modern instruments of our justice. Courts will not have modern and efficient administration until they begin to tap the knowledge of management consultants and systems analysts. To date, such experts have largely been ignored in the development of ideas for improving the administration of our courts. In order to make our courts function effectively and to avoid administrative chaos, any court system of substantial size needs, as an integral part of its administrative machinery, a court administrator or executive subject to the general supervision of the judge responsible for administration.

The court executive should be skilled in modern management techniques and the social sciences and capable of utilizing such knowledge and modern business machines, including computers, to study and improve the administration of the court system. His job would be not only to plan more effective use of court space and supporting personnel, but also to streamline management of the court's calendars and dockets and supervise the flow of cases through the system. He would not make judicial decisions. He would be responsible for seeing that cases are moved to a point where the judges' art can be employed to hear and decide the matter.

A judge's time must be conserved for the exercise of the judicial function. He should not be, as too many judges are now forced to be, a personnel manager and a calendar controller. His expertise lies in applying the rules of law to the facts of a case and in preserving the integrity of our judicial process. His expertise does not lie, nor can it be expected to lie, in the more mundane but indispensable management function of assuring that cases are not lost or ignored on the dockets or that competent and professional supporting personnel are hired and employed effectively.

This year the Subcommittee on Improvements in Judicial Machinery, of which I am chairman, was assigned the task of reviewing S. 952, a bill to create additional Federal district court judgeships. During the hearings on the bill, the subcommittee heard persuasive tes-

timony disclosing not only a need for additional district judgeships, but also documenting the need to improve the administrative capacity of the Federal judicial system. The subcommittee recommended, and the Judiciary Committee approved amendments to S. 952 designed to improve the administrative efficiency of the Federal judicial system. I am proud to say that the Senate recognized that need, and on June 23, 1969, passed the amended version of S. 952, thus signaling its approval of not only additional judgeships for the Federal courts, but also several provisions designed to improve the administration of the courts. Among these provisions were amendments requiring the creation of a position of court executive for each judicial circuit and also permitting district courts with six or more permanent judges to appoint such an executive. The bill is now pending before the House of Representatives. Hopefully it will be enacted in the relatively near future.

As chairman of the Committee on the District of Columbia, I introduced, in April of this year, S. 1711, a bill to provide a court executive for the local trial court in the District of Columbia. The need for such an administrative officer was well documented in the District Committee's hearings on the operation of the local courts. Indeed, the so-called Ellison committee which has been studying in depth the operation of the District of Columbia courts for more than 2 years cited the need for a local court executive as the top priority in making the local courts operate effectively. The Ellison committee quite correctly declared in May that no method of court reorganization or transfer of jurisdiction could succeed without a professional court executive to supervise the nonjudicial functions of the local court.

When the administration put forth in July its long-awaited proposal to improve the courts of the District of Columbia, the proposal wisely included provision for a local court executive officer. The Committee on the District of Columbia endorsed this proposal in reporting to the Senate S. 2601, as amended.

During this year, then, we have witnessed two Senate committees report legislation to improve court operations and both committees have included court administrators in their proposals for improvement. Both committees have stressed that the court executive be a professional management expert who could bring his knowledge of systems analysis and social sciences to bear on court administrative problems. I genuinely believe, therefore, that the efficacy of better court operations through the use of professional management experts has been recognized. It is an idea that has come of age.

Support for the concept of court administrators has also come from a most important and influential source, the Chief Justice of the United States, the Honorable Warren E. Burger. Speaking in Dallas during the American Bar Association Convention, the Chief Justice gave clear indication of his intense interest in more effective court administration and clear support for court ad-

ministrators. He argued eloquently and persuasively for the utilization of the services of skilled court administrators and endorsed the legislation passed by the Senate.

The Chief Justice's comments received much discussion in the press, and I ask that the several of these news reports and the Chief Justice's comments be printed in the RECORD.

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

[From the Louisville (Ky.) Courier-Journal, Aug. 14, 1969]

#### WHAT WE'VE BEEN DOING ISN'T WORKING

There is nothing new in what Warren E. Burger has been telling the American Bar Association about our correctional system and our courts. Others have made similar criticisms and called for changes.

The difference is that Warren E. Burger is the new Chief Justice of the United States, and his words have the prestige of the office behind them. We hope this is sufficient to stir the Bar Association to bring its influence to bear upon improving our penal system and modernizing our courts, in both civil and criminal procedures.

It is plain in his statements that the Chief Justice wants to shift the emphasis from the rights of criminal defendants to what happens to people after they are convicted. The implication is that we have been overly concerned with the rights of the accused. We do not agree, but the two points are not mutually exclusive. There is no doubt that we have not been concerned enough about whether our correctional system corrects. Our court system, as the Chief Justice says, is in many respects obsolete and inefficient. The administration of justice proceeds at a snail's pace. Except in details, Mr. Burger said, a criminal trial today is essentially the same as in Daniel Webster's day. "I do not know the answer," he added, "but I do know that the patience of the American people with the processes of litigation is wearing thin."

#### CRIMES ARE TOO FREQUENT

As a possible solution he suggested the training of skilled court administrators to take over the administration of much of court business, leaving the judges with more time to judge. He endorsed legislation before Congress to provide administrators for the federal court system. They are needed even more, however, in state and local courts.

As for the correctional system, Chief Justice Burger urged the Bar Association to take the leadership in a serious study of the way we handle people convicted of crimes and to underwrite the costs of a "comprehensive and profound examination into our penal system," including approaches to dealing with the abnormal psychology of the habitual offender.

God knows whatever we have been doing isn't working, as the daily run of crime news makes frighteningly clear. The recent outbreaks of bizarre and seemingly motiveless murders suggests that our society produces psychopathic personalities we are not prepared to cope with. We cannot spot them in advance; we do not know what to do with them when and if they are apprehended, except incarcerate them for varying periods of time.

Crimes of violence, whether motiveless or otherwise, we are entirely too frequent in a society which considers itself civilized. It is time for our best minds, in and out of the legal profession, thoughtfully, but with a sense of urgency, to grapple with the problem of crime in America.

[From the Valdosta (Ga.) Times, Aug. 16, 1969]

#### TOWARD JUDICIAL REFORM

For years the courts of our land have operated without basic change. The system is

little different from what it was 100 years ago.

When there are demands for change, they usually come in the form of adding more courts and additional judges. The basic structure remains the same.

As a result court dockets are so crowded in some areas that it is three or four years before a case is called up. The progress of justice is so slow that in many cases justice is never served.

Lawyers and judges have recognized the problem for years. Yet little has been done.

It is one basically of court administration. Cases are handled on dockets and processed as though it were the 19th Century.

Chief Justice Warren E. Burger feels there are changes that must be made. In a speech to the American Bar Association he said it is not unusual for a criminal case to take three to four years as it goes through appeals. The Chief Justice pinned the blame on, among other things, the "lack of up-to-date effective procedures and standards for administration or management and the lack of trained managers."

The problem can not be solved by merely asking Congress or the state legislatures for more money, said Chief Burger. "We must demonstrate the need and make a solid case that court managers will be effective and possibly even save the country money in the long run," he said. There is a need for a review and revision of standards of judicial administration.

In short, the problem is one of bringing the courts of this land into this modern era. It is one of implementing sound practices of business administration.

Until our courts are put on a business-like basis, while retaining all safeguards demanded by our system of justice, they will continue to plod on almost totally in the dark with dockets stacked up and cases years behind.

[From The Dallas Morning News, Aug. 13, 1969]

#### BURGER PROPOSES CORPS OF MANAGERS

(By John Geddie)

Supreme Court Chief Justice Warren Burger revealed the third of three major proposals—the creation of a corps of court managers to expedite justice—during his final appearances here Tuesday before the American Bar Association.

Justice Burger said there is "urgent and immediate" need for a lay-member planning board and pilot programs to demonstrate the feasibility of a system of court administrators.

"The day is gone when a few judges resisted because they felt that court managers or administrators would in some way impinge on judicial independence," he said.

"With few exceptions—and I think they are very few—every large courthouse in this country regularly witnesses the spectacle of frustrated and angry citizens called for jury service and finding that perhaps 20 per cent of their time is spent in trials and 80 per cent just waiting.

"As I see it, the primary available option is to secure skilled managers to run the litigation machinery so that judges can get on with what they are presumed to be qualified to do—namely disposing of cases," he told the Institute of Judicial Administration at a Statler Hilton breakfast meeting.

He urged the ABA to contact the Federal Bar Association and the Institute of Judicial Administration in an effort to develop a plan palatable to state and federal legislators.

In his final appearance before the ABA House of Delegates Tuesday afternoon, Justice Burger summarized his court administrator program and two other recommendations made in Dallas:

"I have urged and I now urge that the American Bar Association followup the great Criminal Law Project with a searching in-

quiry into the penal and correctional systems and the correctional problems at every level of government.

"Without it was continue the revolving door of crime-punishment-crime-punishment," he added. "Every one of the many organizations and institutions concerned with this problem should be drawn into this enterprise."

[From the Boston (Mass.) Christian Science Monitor, Aug. 23, 1969]

#### JUSTICE BURGER SPEAKS OUT

(By Roscoe Drummond)

WASHINGTON.—Another voice of national leadership is being heard in the land—and to good effect.

It is the voice of the new Chief Justice of the United States, Warren Earl Burger, who is putting himself without delay or timidity at the head of a campaign to bring off a set of legal reforms touching nearly every aspect of the administration of justice.

#### VOLUNTEERS

His goal: to bring the nation's creaking judicial system—from outdated legal education to outmoded court procedures and prison methods—into the second half of the 20th century.

His strategy: to mobilize public-minded lawyers, law deans, social scientists, business administrators, and judges to volunteer their services to propose how best to do it.

His target: the leaders of the prestigious American Bar Association with whom Burger's relations are more cordial and cooperative than any recent chief justice, and public opinion from which the hot breath of popular pressure must come to help cut through the traditional resistance to change among lawyers and judges.

He is setting out to win support on both fronts simultaneously, and his beginning is impressive. He has just spent a week mingling with the members of the ABA with outstretched hand and a comfortable "Hello, I'm Warren Burger." They know him all right; they like him; they will be hearing from him often in the coming months.

Justice Burger is seeking to carry forward with something more than all deliberate speed the kind of legal reform which Chief Justice Earl Warren tried to get. He tried but didn't make much headway. The difficulty was that Warren's associations with both the state chief justices and the ABA soon became so controversial and strained—because of the direction of the Warren court decisions—that they were unable to work together effectively. Warren never attended ABA meetings after 1958.

#### SWEEPING CHANGES

Two things stand out from the public speeches and private conversations on which Justice Burger is embarked.

He is not talking about minor, peripheral reforms to tidy up the administration of justice. He is talking about improving justice not just improving its administrations. He is talking about radical, far-reaching, wide-ranging reforms modernizing legal education, shaking prison methods and correctional institutions to their foundations, and taking the management of the courts out of the hands of the judges and putting them in the hands of expert court administrators.

He is convinced that such sweeping changes in the ways things are done by the law and with the law must be forthcoming soon—with evidence at once that they are coming—if the administration of justice is to regain the confidence and respect of the American people as a whole.

He points out that jurors and witnesses "become frustrated and angry citizens when they find that 20 percent of their time is spent in trials and 80 percent just waiting around." Court procedures have become so slow that it takes years to bring cases to completion and the Chief Justice thinks it is not

*Symington Subcommittee*

# Senate Unit Seeks to Lift Lid on Laos

By Jack Foisie  
Los Angeles Times

BANGKOK, Oct. 5—A week ago the American embassy in Laos received cabled instructions to make Loring Waggoner available to testify before the special Senate Foreign Relations subcommittee on national commitments.

That a 28-year-old rural development worker is being summoned, rather than Laos Aid Director Charles Mann or one of his top assistants, caused a stir.

To members of the American mission, it indicated that the subcommittee under the chairmanship of Sen. Stuart Symington (D-Mo.) "is going to try to lift the lid" on American involvement in Laos, much of which has been secret.

Waggoner is highly regarded, both for his courage and his loyalty to the basic aims of the American program in Laos. His experience is impressive. Fluent in the Lao language, Waggoner and his pretty wife, Ann, and their two young sons have lived in the rural area of Laos for almost four years.

He has all the credentials to "tell it like it really is" in Laos. Presumably this is why he was summoned. Symington aide Walter Pincus met Waggoner while on a trip to Laos to gather information for the hearing.

A little bewildered, somewhat bemused, Waggoner passed through here Friday en route to Washington where the Laos hearings are slated to start Oct. 13.

He carried a draft of an opening statement which he had prepared, in concert with his superiors. "But I hope they ask a lot of questions," he said.

Waggoner, who comes from Santa Fe, N.M., and was a Peace Corps worker in South America before coming to Laos, belongs to a growing number of veteran AID workers who see a need for a fundamental change—but no diminishment—in the foreign aid program.

They think that economic aid, without concurrent political and social improvement for the people receiving such aid, discredits the American efforts.