

Chinese refugees was apparently conducted under the provisions of the Fair Share Act of 1960 (74 Stat. 504) which specifically authorized the parole of political refugees. This specific coverage of political refugee parole was not carried over to the amended immigration scheme in 1965. While it might be argued that the elimination of this specific provision, in conjunction with the inclusion of a particular preference category for political refugees, constitutes a Congressional intent to restrict the Attorney General's powers to non-refugee parolees, it must be noted that this power had been used by the Attorney General to parole refugees prior to the passage of the Fair Share Act and, as indicated below, Attorney General Mitchell has resorted to this power during the first six months of 1970.

³⁰ Evans, *supra* at 219-220.

³¹ Interview with staff members of the Senate Subcommittee to Investigate Problems Connected with Refugees and Escapees on July 13, 1970, and 9 HCR Bull. 7 (Jan.-March 1970).

³² See testimony by former Budget Director Charles L. Schultze before the Senate Committee on Foreign Relations (April 29, 1970); press conference, Secretary of Defense Melvin Laird, July 27, 1970.

³³ The other category mentioned in the RAND Study—Viet Cong defectors—might range from highly skilled to unskilled, but this group should not comprise the largest percentage of refugees.

³⁴ Much of the information used in this section is contained in publications of the Senate Subcommittee to Investigate Problems Connected with Refugees and Escapees including *U.S. Assistance to Refugees Throughout the World*, 91st Cong., 1st Sess. (1969) and *Resettlement of Cuban Refugees*, 88th Cong., 2nd Sess. (1963), both committee prints. See also *Report of the President's Committee for Hungarian Relief* (May 14, 1957), 36 Dept. State Bull. 984-85 (1957).

³⁵ The High Commissioner's administrative budget is financed through the overall United Nations budget, but annual budgets for direct refugee assistance programs are

separately financed through voluntary contributions from UN member governments at annual pledging conferences. Emergency programs are funded by specific appeals from the High Commissioner's Office. Seventy governments pledged contributions to the \$5.8 million 1970 budget for direct assistance programs.

³⁶ These contributions, like those to the High Commissioner's work, are authorized by the 1962 Migration and Refugee Assistance Act (Section 2601(a)).

³⁷ The remainder were national migrants who wished to move from overpopulated Western European areas to underdeveloped and sparsely populated countries.

³⁸ Of the over 32,000 refugees accepted by the United States, approximately two-thirds came to this country by the United States Military Transport Services and one-third by ICEM.

³⁹ This figure includes sizeable groups of refugees from the Portuguese African colonies, Rwanda, Sudan, Ethiopia, and the Congo.

⁴⁰ One of the world's most pressing refugee problems—that of the Palestinians—is omitted from the list of the High Commissioner's programs because it is handled exclusively by a separate UN body, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). This important agency, established prior to the High Commissioner's Office, in 1949, continues to provide aid, education and vocational training to the 1,500,000 refugees created by two Arab-Israeli wars.

⁴¹ Because the High Commissioner's mandate speaks of persons "outside their country of origin," it does not extend to persons displaced within their country by a civil war, such as the hundreds of thousands of refugees presently in Vietnam.

⁴² Sources for this section include the following materials published by the High Commissioner's Office: *Background Paper on the Office of the United Nations High Commissioner for Refugees*, UN Doc. MHCR/48/66/Rev. 2 (1966); *Report of the High Commissioner for Refugees, Addendum*, 24 U.N. GAOR Supp. 12A, UN Doc. A/7612/Add. 1 (1969); *Refugees: 20 Questions and Answers*

(1969); *The Red Cross and the Refugees* (1963); and the quarterly *HCR Bulletin*. The following ICEM-published materials were also used: *ICEM: Facts and Figures* (1970); *Review of Achievements* (1969); and *The Road to Freedom* (1969). See also, for current information on ICEM, *Hearings on Selective Migration Program for Latin America Operated by the ICEM Before the Subcommittee on Inter-American Affairs of the House Committee on Foreign Affairs*, 91st Cong., 2nd Sess. (1970).

ADJOURNMENT TO 8:30 A.M., MONDAY, AUGUST 31, 1970

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 8:30 a.m. Monday next.

The motion was agreed to; and (at 5 o'clock and 19 minutes p.m.) the Senate adjourned until Monday, August 31, 1970, at 8:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 28, 1970:

CORPORATION FOR PUBLIC BROADCASTING

The following-named persons to be members of the Board of Directors of the Corporation of Public Broadcasting for terms expiring March 26, 1976:

Frank E. Schooley, of Illinois.
John Hay Whitney, of New York.
Jack Wrather, of California.
Saul Haas, of Washington.
Thomas W. Moore, of Connecticut.

COMMUNICATIONS SATELLITE CORPORATION

Ralph A. Peterson, of California, to be a member of the board of directors of the Communications Satellite Corp. until the date of the annual meeting of the corporation in 1973.

EXTENSIONS OF REMARKS

THE FASTEST, CLEANEST FORM OF MASS TRANSPORTATION

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. PELLY. Mr. Speaker, argument over the Federal Government's financial participation in the development of two prototypes of the supersonic transport is reaching hysterical proportions by those opposed to this project. And, as is generally the case when emotion is so prevalent, all too often little regard is given to the truth.

Continually, emotional arguments regarding effects the SST will have on our environment have been answered by scientists of the Boeing Co., the builder of the U.S. SST and from Federal officials, not the least of whom is the Secretary of Transportation. Yet, the same discredited distortions are offered under the apparent theory that if they are repeated often enough they will become fact.

Yet, the fact is that the SST will provide all Americans with the fastest,

cleanest form of mass transportation ever developed. There is absolutely no proof that the SST will have an appreciable effect on the atmosphere. Its sonic boom will not be heard by those living in populated areas. It will present no radiation hazard to the average traveler.

As I said, Mr. Speaker, there is no proof that these detrimental effects to our environment will occur, but, of course, the total picture will be studied as prototype development continues. Certainly, no environmental harm can come from the production of two prototypes.

And, opponents force the issue to be raised again and again, but the contract with the manufacturer clearly states that the Federal money will be returned with the sales of the SST.

There have appeared three noteworthy articles in recent days on the subject of the SST. Two of them are columns from the *Machinist* newspaper, and the other appeared in *Parade* magazine. Lest it be forgotten that America is in competition with the British-French Concorde and the Russian TU-144, the clipping from *Parade*, and the aforementioned two from the *Machinist*, will appear at this point in the RECORD:

(NOTE.—Here is the text of the AFL-CIO

Executive Council's statement on the need for a U.S. supersonic transport aircraft. The statement was adopted at the Executive Council's recent midsummer meeting in Chicago.)

The constantly increasing desire of the American people to travel by air requires the constant development of new and more productive aircraft. In the last seven years, airline travel has doubled. It is expected to triple again by 1980.

To accommodate more air travelers without adding to the congestion of the airlines and airports, the aerospace industry must develop larger and faster airplanes.

Today, the USSR and the French and British are developing airliners that will fly at supersonic speeds on trans-oceanic flights. These nations, using government funds, have produced prototypes and are now well along in their testing programs.

READY TO PRODUCE

The American aerospace industry is ready to begin the production of two prototypes of its own supersonic transport. To make that production possible, government funds have been budgeted. The House of Representatives has voted \$290,000,000; the Senate is scheduled to vote later this month.

Without an SST, the American aerospace industry will be unable to maintain its leadership in world aviation, losing most of the market for transoceanic airliners. That would mean a loss for the United States of its

principal manufactured export with an attendant loss of some twenty-two billion dollars in the U.S. balance of payments.

American aerospace workers will also lose sorely needed employment. Production of the two prototypes will provide work for 20,000 employees of the contractor—the Boeing Company—and its subcontractors.

In full production, the SST would provide directly an estimated 50,000 jobs in 40 states and indirectly at least 100,000 more in supporting activities.

EFFECT ON ENVIRONMENT

We recognize some of the reservations about the possible effect supersonic flight might have on the quality of the earth's environment. However, no environmental harm can come from the production of two prototypes. Two government councils have stated that on the basis of knowledge available today in the free world, there is no reason to believe that a fleet of supersonic airliners will degrade the atmosphere.

Nevertheless, the Department of Transportation has stimulated further research on the effects from supersonic flight of military aircraft. This information will be augmented in 1973 when the Russian TU-144 begins commercial service and again in 1974 when the French-British Concorde goes into commercial service. This research will provide further assurance that there will be no degradation of the atmosphere from the American SST.

Per passenger mile, jet aircraft pollute the earth's atmosphere less than any other form of mechanical transportation.

We urge the United States Senate to vote funds for the development of an American SST. The age of supersonic travel over water will soon be here. The United States cannot afford to be left in the lurch.

NECESSARY

Horace Sutton, associate editor of the Saturday Review, examined the arguments for and against the Supersonic Transport (SST) in the cover article of the magazine's Aug. 15 issue. Here are excerpts from his conclusions:

Secor Browne, head of the Civil Aeronautics Board . . . finds the Russians highly pragmatic, possessed of an infinite power to allocate men and resources. Skills are the one element they know to be in short supply.

To the Russians, the SST is primarily an internal machine. It's a long crummy ride from Moscow to Vladivostok or Novosibirsk, and if you can get your skilled people there in half or a third of the time, you get more out of them. To move people who have the skills faster and get more productivity out of them—that's why they are interested.

ADVANTAGES TO MAN

The capability of moving skilled people around the world faster is a far different theory than calling the SST a fast plane for the jet set. Instead of seven hours to Europe it will fly in two-and-a-half, instead of 14 hours to Asia, it will be five. These are the advantages to man.

The continuity of an aircraft industry that provided thirty billion dollars to the economy is among the advantages to the nation. Somehow along the way, the building of an SST became, in the minds of its detractors, a product of the military-industrial complex, a bogeyman of the Seventies. As Senator Jackson has said, "If the Ford foundation were building this plane, I don't think there would be this opposition." Nor, had it surfaced in some other season, would the possible environmental dangers have provided such a fat target.

NATIONAL PRIDE

Those who ask now whether we need the SST might well have asked similar questions at the onset of the steam-powered locomotive, of the electric trolley car, of the

horseless carriage, and of the airplane itself.

No nation that has placed a man on the moon needs to worry about national pride, and surely the American SST must not be built for reasons of national honor. But national economics is a vital issue, and employment is a vital issue, especially if we are to improve the lot of twenty-six million citizens who exist below the poverty level. If we are capable of producing a functional technology that will not despoil the planet, then the SST should be considered with favor.

Given today's concern for the environment and the authority which the President holds in the National Environment Policy Act, the time to seek international and reciprocal research and development is now.

Whether we build one or not, the age of supersonic transport has arrived.

SECRET FLIGHTS

Without fanfare of any sort the Soviet Union has secretly been testing its TU-144 supersonic airliner for the past four months.

On May 11th, the 120-seat airliner, captained by test pilot Eduard Yelyan, took off from an airfield near Moscow, flew at a speed of 1256 miles per hour. On May 26th Yelyan again tested the TU-144, this time at an altitude of 50,000 feet, flew at 1344 mph, more than twice the speed of sound.

The Soviet airliner has a top speed of 1560 miles an hour, will probably carry its first load of passengers later in the year.

It is for sale to the West.

In conclusion, Mr. Speaker, it should be pointed out that the emotional outcries being heard today in opposition to the SST are very similar to those of the past to other advanced modes of transportation.

It was New York Gov. Martin Van Buren who wrote President Andrew Jackson in 1829 that the Government "should create an Interstate Commerce Commission to protect the American people from the evils of railroads and to preserve the canals for posterity." Governor Van Buren's concern, as he stated it, was "railroad carriages are pulled at the enormous speed of 15 miles per hour by engines which in addition to endangering life and limb of passengers, roar and snort their way through the countryside, setting fire to the crops, scaring the livestock and frightening women and children." He concluded, "The Almighty certainly never intended that people should travel at such breakneck speed."

Also, in light of the discussions relating to the SST and the weather, the Armed Forces Journal is quoted in the June 4, 1870, edition as stating:

It is said that the iron rails of the Pacific Road have so affected the electrical conditions of the atmosphere of the American Desert as to increase the fall of rain.

And, the summary reached by our distinguished colleague from Ohio (Mr. Brown) to the adverse Joint Economic Committee in the Senate is very timely. He said:

If the Joint Economic Committee had been advising Queen Isabella, we would still be in Barcelona waiting to prove the world round before daring the Atlantic.

Mr. Speaker, I certainly hope the Senate will look to the facts, not the illogical emotion, and that it will soon act favorably on the orderly continuation of America's supersonic transport development program.

URBAN RENEWAL IN ATCHISON, KANS.

HON. ROBERT DOLE

OF KANSAS

IN THE SENATE OF THE UNITED STATES

Friday, August 28, 1970

Mr. DOLE. Mr. President, by popular notion, urban renewal is often associated with rebuilding large deteriorated sectors of major cities, but the program is having a significant impact in smaller towns and cities. One such city, Atchison, Kans., has been conducting a substantial urban renewal program for more than 10 years, and the results have been impressive. A modern, attractive, and revitalized center for life in northeast Kansas has been established through the foresight and cooperation of local citizens and the financial aid of the Federal Government.

One of my primary contentions in recent years has been that rural and small-town America holds the ready-made answer to the crisis of pollution and overcrowding and the nearly unbearable strain of daily life which afflicts our giant urban areas. Fresh air, elbow room, and a chance for a life that is really worth living are the great resources of places such as Atchison.

President Nixon has given high priority to stimulating development of urbanized America and to encouraging local leadership for solving local problems. The Atchison example should provide encouragement for such programs in other towns and cities as well as for the concept of President Nixon's new federalism.

Mr. President, an article about urban renewal in Atchison, written by John Herbers, was published in the New York Times of August 21. I ask unanimous consent that it be printed in the RECORD.

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

URBAN RENEWAL COMES TO ATCHISON, KANS., WHERE FEDERAL AID IS SCORNE (AND ACCEPTED)

(By John Herbers)

ATCHISON, KANS., August 13.—Frank Todd is 79 years old, a retired Atchison banker and a former chairman of the Kansas Republican party, which champions self-help and a minimum of Federal spending. Yet he boasts openly that urban renewal, one of the most controversial of the big Federal domestic programs, "took this old river town that was rundown at the heels and made something of it." Urban renewal, known chiefly as a means of rejuvenating the core of big cities, is spreading to small communities across the country.

More than half of the renewal money that has been distributed from Washington in recent years has gone into cities of less than 25,000. The Department of Housing and Urban Development is besieged with new applications for aid.

Among the backlog of applications are those from about 150 small cities that have never received renewal funds. The Nixon Administration, with its strong rural and suburban orientation and a policy aimed at stemming migration of people to overcrowded urban centers, is allocating a larger share of the limited funds to the smaller communities than had the previous Administration.

In cities like Atchison, population 12,300

the results of urban renewal are faster and more dramatic than in large cities where the decay is so vast that it swallows Federal dollars for years before change is visible.

Here the central business district has been transformed. Plans for building shopping centers in the outlying areas, a trend even in small towns, have been abandoned. And the city is currently upgrading residential districts that have ruddy, unpaved streets, ramshackle houses and no sewers or street lights.

Further, urban renewal has primed the flow of other Federal funds into this basically conservative community where some of the town leaders still scorn money from Washington as a despoiler of local initiative.

Built on the bluffs of the Missouri River, 50 miles northwest of Kansas City, the community is best known, perhaps, for supplying one-third of the same of the Atchison, Topeka & Santa Fe Railway.

It has overdistinctive qualities. The other evening two citizens with nothing to do—but with an intimate knowledge of the townspeople—sat down and figured out that there were at least 31 millionaires in the city.

"And that's not counting the doubtful ones," one of them said.

The millionaires live for the most part in fine old Victorian mansions with ornate chimneys, towers and carriage houses. Half a hill away there may be the small home of a factory worker.

Atchison has St. Benedict's College, foundries, grain mills, and a public hospital that has no financial worries because it owns a profitable distillery. Some persons commute to work in Kansas City so they can live here.

In 1958 a flash flood that washed out most of the business district was, according to one resident, "the best thing that ever happened to Atchison." That was the beginning of urban renewal.

In subsequent years, with a \$2.5-million renewal grant and an \$800,000 publicly voted bond issue as matching funds, the city built a three-and-a-half-block mall—trees, grass, concrete canopies, fountains and rides for children—down the center of Commercial Street, the main artery.

Stores on either side were rebuilt and entire blocks of the buildings behind them cleared for parking lots. Children play on the mall while their parents shop, and it is used as well for square dances, art shows, fairs and other events.

"At first there was considerable opposition," recalled Mr. Todd, who served on the local renewal commission from the beginning. "People said to me, 'why, you will never close Commercial Street to automobile traffic.' But we did."

There is still opposition, Mr. Todd said, but it is more philosophical—antipathy to dependence on Washington—than practical.

C. V. O'Neill, editor of The Atchison Daily Globe, said that while some merchants had prospered greatly because of the project others not able to compete for the mall space had been hurt.

Nevertheless, when the downtown project was closed out, the city commission approved plans to open new projects in residential areas, with \$40,000 left over from the downtown project as a starter for matching funds.

Three projects are planned. One is now under way in a destitute section of the South Side. It is a wilderness of weed-covered hills and substandard housing. The city has not made improvements there, it is explained, because the homeowners could not pay the assessments and the property would revert to the city.

With an initial \$750,000 grant from Washington and local matching funds, sewer lines and water and lighting facilities will be constructed. With these improvements certain, new construction and rehabilitation of housing has begun. The array of Federal hous-

ing subsidies and relocation grants are being utilized. The plan is to make the neighborhood attractive to both the poor and non-poor.

"We had citizen participation in renewal here long before Washington made it mandatory," said James A. Schroer, director of the renewal agency, a big friendly man who seems to know everyone in town.

The spirit of it all is peculiar to small-town America.

Hugo Siebermorgen, an insurance agent of some means, lives in a big house in the renewal area. He is said to cook the finest steaks in town in his backyard, which is crowded with tomato vines, beer coolers, grills and a huge American flag flying over it all.

Only a few steps away is a just-completed public housing project on land that Mr. Siebermorgen sold to the city housing authority. When a visitor asked his feeling about living next to public housing, Mr. Siebermorgen just smiled and said he would welcome his new neighbors.

The last project still under consideration—but virtually certain to go through if funds from Washington last—is to rehabilitate a less-rundown area on the North Side of the city. Most of the black population, which comprises 10 per cent of the city, live there in a neighborhood that is in the shadow of the homes of millionaires.

"For a town that is so conservative," said one of the civil leaders, somewhat apologetically, "we certainly got deeply involved in Federal aid."

SENATOR PROUTY'S WORK TOWARD A BALANCED TRANSPORTATION SYSTEM

HON. HOWARD H. BAKER, JR.

OF TENNESSEE

IN THE SENATE OF THE UNITED STATES

Friday, August 28, 1970

Mr. BAKER. Mr. President, our Nation has the technology to develop a truly balanced transportation system. I believe to properly apply this technology we need innovative and imaginative approaches to transportation. During his service on the Commerce Committee my good friend from Vermont, Mr. PROUTY, has demonstrated great innovation and imagination in his approach to transportation. He has provided bold leadership in this field.

I ask unanimous consent that a summary of his record be printed in the Extensions of Remarks.

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

SENATOR PROUTY'S WORK TOWARD A BALANCED TRANSPORTATION SYSTEM

The transportation of people and goods in the United States accounts for more than 20 percent of our Gross National Product each year, and the way things are going, by the end of the seventies, we will be spending a total of \$320 million every year, just to move freight and people in normal everyday commerce.

In fact, the demand for transportation services of all kinds is far outstripping population growth and most other forms of economic activity in this country. In the next twenty years we must double the transportation capacity we have developed since the founding of the Republic.

We must increase our capacity in a responsible way with full consideration given the environmental impact of alternative modes of transportation.

Our transportation system must be balanced ecologically and economically.

As a member of the Senate Commerce Committee, Senator Prouty has sought to provide for balanced, yet sustained, growth in our transportation capacity.

Senator Prouty is the ranking Republican on the Surface Transportation Subcommittee and serves on the Aviation and Merchant Marine Subcommittees. He also is the ranking Republican on the Special Freight Car Shortage Subcommittee. He is, therefore, in a position to act to insure our nation moves in new directions in transportation.

RAILROAD

During the 1960's the Executive Branch was reluctant to face up to the nation's deteriorating national rail system. Primarily through Senator Prouty's leadership both Congress and the Administration have moved on several fronts in the 91st Congress.

In 1969, Senator Prouty pressed for a solution to the crisis in intercity rail passenger service. By 1969 there were fewer than 480 intercity rail passenger trains in operation and those trains were creating an annual economic loss of over \$250,000,000 for the rail industry.

In the fall of 1969 the Surface Transportation Subcommittee held extensive hearings on the decline in intercity rail passenger service and the Committee began considering possible solutions to the problem.

At that time Senator Prouty proposed a quasi-public corporation to take over the operation of intercity passenger trains. The Subcommittee did not adopt his proposal and on April 9, 1970 the Committee reported a bill authorizing \$405 million direct operating subsidies to railroads.

Undaunted, Prouty filed individual views setting forth his comprehensive plan for the establishment of a National Rail Passenger Corporation. Prouty continued to meet with representatives of the National Rail Passenger Association, rail labor, rail management, the Interstate Commerce Commission, and the Department of Transportation in order to gain support for his proposal. Prouty maintained that direct operating subsidies had never solved any transportation problem and that it was the time to face this particular transportation problem with his new and pragmatic proposal.

Prouty succeeded in gaining unanimous support for his proposal, and by May 6, 1970 when the bill came to the Senate floor, Prouty had convinced the Committee leadership to join with him and, in an unprecedented move, an amendment was offered striking the complete text of the bill reported by the Committee and substituting the Prouty alternative. The Prouty alternative passed the Senate on May 6th by a vote of 78 to 3.

Senator Prouty's long struggle was successful and his colleagues noted his efforts. Majority leader Mike Mansfield praised the Senator for this "remarkable success." The Chairman of the Surface Transportation Subcommittee, Vance Hartke, a Democrat from Indiana, joined in commending Senator Prouty and Minority leader Hugh Scott noted "If there is one man to whom credit should go for the favorable action that this body has taken today, it is to the junior Senator from Vermont (Mr. Prouty)."

The Prouty bill would establish a new quasi-public corporation to take over the operation of intercity rail passenger service.

The new corporation would have 15 directors with 8 appointed by the President and 7 by the stockholders. Common stockholders, who initially would be railroads which bought into the corporation, would elect 3 directors. Preferred stockholders, who would be those buying stock issued for public subscription would elect 4 directors.

The corporation would be financed by a one-time Federal grant of \$40 million, and would have up to a \$60 million line of credit

guaranteed by the Federal government. Rail carriers would be relieved of their obligation to provide intercity rail passenger service by buying common stock in the corporation in an amount equal to the avoidable losses they incurred during 1969 because of passenger train operators. The corporation would also raise capital through the sale of preferred stocks to the public. The preferred stocks would carry a guaranteed 6 percent annual dividend and could be converted into common stock.

Prouty's amendment also contained the most liberal labor protection provisions of any legislation ever passed by the Senate. These provisions stem from Senator Prouty's service on the Labor and Public Welfare Committee, which considers legislation vital to railroad workers.

Because of his close working knowledge of railroad management and labor relations, Prouty persuaded the Commerce Committee to give prompt consideration to amendments to the 1907 Hours of Service Act, which had been locked in Congress since 1962.

Prouty, however, recognized that far more constructive legislation was needed if a framework for producing a truly efficient and effective rail industry were to be obtained. Specifically, Prouty led the way on the Hours of Service Act Amendments. Senator Prouty pushed for prompt Senate action on a bill which had passed the House. In Subcommittee he had several of his amendments adopted which insured passage of the bill in the Senate and which insured that the amendments would be workable. Among his amendments adopted were ones which exempt wreck relief crews from the limitations of the Act and one which made clear that hours of service for non-operating personnel could be no more than 9, rather than the 12 hour limit for operating personnel. (Under the 1907 Act, operating personnel had been limited to 16 hours work at any one time.)

This legislation was signed into law by the President on December 26, 1969 (P.L. 91-169) and was a significant updating of Federal law relating to working conditions for railroad employees. Prouty's active support for the measure assured its passage, although at the same time Prouty stressed that the matters covered by the law are best handled through the collective bargaining process. One of his amendments to the bill specifies that nothing should be inferred from the Hours of Service Act to prevent labor and management from developing more favorable hours of service for employees through the collective bargaining process.

Senator Prouty viewed with alarm the increasing number of railroad train derailments and accidents. Since well-maintained railroad tracks are essential to efficient rail transportation, Prouty viewed the ever-increasing number of derailments as a serious indicator of the deterioration of the rail industry. More importantly, the Vermonter viewed the rail accidents as a direct threat to human life and communities. The need for transporting highly hazardous substances made the matter of safety even more serious.

During the first session of this Congress, Prouty was primarily responsible for putting together the Federal Railroad Safety Act and the Hazardous Materials Transportation Control Act.

Finding the absence of any comprehensive Federal law in this area, Prouty moved to solve the problem.

In April 1969 Prouty was instrumental in getting the Department of Transportation to establish a Railroad Safety Task Force, made up of representatives of rail labor, rail management, and State Public Utility Commissions. The Task Force was committed to filing a report by June 30, 1969. With considerable prodding from Prouty, they met their deadline and Prouty introduced with Sen-

ator Norris Cotton S. 3061, embodying the recommendations of the Task Force.

Prouty then held a series of meetings with representatives of the State Public Utility Commissions, rail labor and rail management and drafted the first comprehensive National Railroad Safety Act and the Hazardous Materials Transportation Control Act.

Prouty's bill was accepted as a substitute amendment to S. 1933, a less comprehensive rail safety bill pending before the Committee. On December 21, 1969, the Senate passed this historic measure.

Once again Senator Prouty was commended for his ability to reconcile various groups and get solid support for his proposals. Senator Hartke noted that "Senator Prouty brought many of the parties together in his office and personally worked to thrash out agreement upon some of the most bitterly contested issues." Senator Scott said "Senator Prouty has again demonstrated his characteristic abilities as a fine legislator."

The bill reflects Prouty's aversion to piecemeal legislation and his belief that in a Federal system of government there needs to be both horizontal and vertical coordination and cooperation. For example, the Secretary of Transportation is given comprehensive power to establish nation-wide rail safety regulations. The regulations can cover railroad operations, maintenance and employee qualifications. To insure proper surveillance and enforcement of safety standards, Prouty's proposal provides Federal matching funds to State employees engaged in railroad safety inspection.

Senator Prouty's bill also directs the Department of Transportation to study the problem of grade crossing elimination and to report their recommendations to Congress within one year. Grade crossing accidents continue to cause over 2,000 deaths a year.

Senator Prouty viewed the problem of transporting hazardous materials as one that affected all modes of transportation. Therefore, his proposal to have a separate "Hazardous Materials Transportation Control Act" was adopted by the Committee and passed by the Senate.

Under Senator Prouty's "Hazardous Materials Transportation Control Act" the Secretary of Transportation is directed to establish within the Federal Government facilities and staff to scientifically evaluate the hazards connected with the transportation of dangerous materials. Recent military shipments of nerve gas and mustard gas dramatized the present lack of information in this area.

His proposal also directs the Secretary to establish a central information source which will enable local authorities in communities where accidents occur to quickly find out the best way to prevent harm from hazardous materials.

Both the "Federal Railroad Act" and the "Hazardous Materials Transportation Control Act" are needed to insure the safe transportation of goods and people.

In designing the comprehensive "Hazardous Materials Transportation Control Act", Senator Prouty discovered a weakness in existing law which he felt needed immediate correction. The weakness was that a motor carrier could be convicted of a violation of the explosives act, but that the Interstate Commerce Commission had no existing authority for suspending or revoking the operating rights of a convicted carrier. Therefore, Prouty encouraged the Committee to promptly enact legislation giving the ICC authority to suspend or revoke operating rights for motor carriers convicted of violations of the explosives act.

On December 15, 1969 this bill passed the Senate.

FAIR FREIGHT RATES

The Surface Transportation Subcommittee conducted hearings on S. 2355, a bill to estab-

lish a special commission to study freight rates. During the hearings, Prouty questioned the need for another Commission to be established and expressed concern that the bill did not include a study of all freight rates.

Prouty introduced his own bill (S. J. Res. 186), and all of his Republican colleagues on the Committee joined him as co-sponsors.

Prouty's resolution would direct the Secretary of Transportation to conduct a study of freight rates for all modes of transportation and report to Congress within one year. Prouty's move is significant in that the nation's freight rate structure has not been studied since 1944.

The enactment of Senator Prouty's bill could lead to a complete revamping of the nation's freight rate structure. Prouty is also anxious for the passage of legislation permitting carriers to establish joint rates and through routes, which would be of particular benefit to small manufacturers in areas such as Vermont. In addition, he has asked the Committee to conduct hearings on a bill he sponsored (S. 3875) with Senator James B. Pearson of Kansas which would establish a national freight car pool so as to alleviate the persistent freight car shortage problems.

On June 23, 1970 during an oversight hearing on the I.C.C. Prouty obtained a commitment from the Commission that it would give the problem of coal car shortages top priority so that electric utilities would be assured an adequate coal supply.

Specifically, Senator Prouty worked this year to head off a power shortage in Burlington. In July it looked as though the Burlington Electric Light Department would not be able to obtain a large enough coal supply to get Burlington through the winter.

Prouty met with the Interstate Commerce Commission, the railroad industry and the National Coal Association and urged action. Within a month Burlington Electric had received the coal supplies it needed for the coming winter.

AVIATION

As a member of the Aviation Subcommittee Senator Prouty has been deeply concerned with the problems stemming from the rapid growth of air transportation.

He has been particularly concerned in three areas: (1) the development of a safe and adequate airport and airway system; (2) the adequacy of air service in non-urban areas of the country; and (3) regulations to require complete disclosure of airline ownership.

In the 90th Congress Senator Prouty explored the difficult problem of obtaining enough money to insure safe and adequate airport and airway development. Prouty was one of the first to recognize the need for airport and airways trust funds. Senator Prouty prepared legislation which would have utilized an air passenger head tax for building a trust fund. The Vermonter later became convinced that a broader based tax was needed in order to better reflect the actual airport/airway users. Late in the 90th Congress the Senate enacted a bill supported by Prouty which would have established an aviation trust fund. However, the bill never became law because it was not fully supported by the Johnson Administration.

In the 91st Congress Prouty supported a comprehensive proposal by the Nixon Administration which established an airport/airway trust fund.

In the Commerce Committee and on the Senate floor Prouty fought to insure that monies in the trust fund would not be siphoned off into terminal buildings in big cities and that programs within states should be coordinated through the state aviation agency.

On the matter of funds for terminals, the

final bill made certain that funds from the trust fund could not be used for terminal building. The bill also preserved the right for states to coordinate airport development in the 28 states which have laws requiring such coordination. Believing that "vertical coordination" in airport planning was as important as "horizontal coordination" Prouty was disappointed that coordination of airport development at the State level was not more vigorously encouraged.

As one of the prime architects of the bill, Prouty was present at the White House on May 21, 1970 when the airport/airway legislation was signed into law (P.L. 91-258).

The ten-year airport/airway development legislation represents the most significant aviation legislation since the Airport Development Act of 1946. For the first time in the Nation's history, Federal funds will be insured for developing airports and developing new technology for making airways safe.

With the passage of the Airport and Airways Development Act of 1970, a major problem reaching crisis proportions was met. Prouty then turned his attention to the problem of providing adequate and efficient air carrier service in non-urban areas.

In Vermont, Prouty has seen the transfer of air carrier service from major airlines, such as Northeast, to smaller so-called third level carriers. Prouty encouraged the Committee to conduct field hearings to determine the actual condition of air service in non-urban areas. Thus far, hearings have been held in Utah, Kansas, Nevada, and Washington, D.C. Senator Prouty has been assured that hearings will be held in New England on this matter within the near future.

In the 91st Congress Prouty strongly supported S. 1373, which revised regulations of the Civil Aeronautics Board (C.A.B.) so that air carrier mergers through stock acquisition would be brought to the knowledge of that agency. This bill became law on August 10, 1969. (P.L. 91-62).

Senator Prouty had amendments adopted which created regulations for acquisition of air carriers which were identical to Securities and Exchange Commission regulations. In the future, the C.A.B. will be able to determine "who" owns air carriers in order to be able to effectively regulate air carrier service in the public interest.

THE U.S. MERCHANT FLEET

Senator Prouty is disturbed by the condition of the U.S. Merchant Fleet. During the 1960's the number of U.S. flag ships continued to decline. Today less than 6 percent of our national exports are carried on American ships. This fact not only means fewer jobs for American seamen, but also presents a serious risk for United States national security.

As a member of the Merchant Marine Subcommittee, Senator Prouty tried to get the last Administration to support a new maritime program. Unfortunately the then Secretary of Transportation, Alan Boyd, insisted on tying foreign ship building to any maritime program. Neither Prouty nor other members of the Committee were able to support foreign shipbuilding because of the devastating effect such a program would have on both the long range ability of the United States to build ships and the immediate unfavorable balance of payments.

Prouty and other Committee members were particularly pleased that this Administration submitted legislation to revitalize our antiquated merchant fleet. The President's program envisions the construction of 30 ships a year for the next 10 years and relies on American ship building.

As of this date, the Merchant Marine Subcommittee has reported the bill favorably to the Full Committee. Prouty supported amendments restoring the "Buy American" provisions of the 1936 act (which was adopted) and amendments calling for

a pre-audit report before operating subsidies could be given to operators of both foreign and American flag vessels.

It is anticipated that Congress will enact the Nixon maritime proposal, which will represent the strongest effort at re-building the American merchant fleet since World War II.

Prouty supported the enactments of the Motor Vehicle and Highway Safety Act of 1966. During this 91st Congress this Act was extended and considerably expanded. Prouty served as a conferee for the Senate (April 15, 1970), and the bill was signed into law by the President May 22, 1970 (P.L. 91-265).

Among other amendments to the 1966 Act supported by Prouty were authority for the Secretary of Transportation to institute procedures for automobile tire recall, if necessary; a special study on farm tractor safety; and the establishment of a Federal research and compliance facility.

In a matter related to motor vehicle safety, Prouty encouraged the Secretary of Transportation to upgrade the position for the Director of Highway and Motor Vehicle Safety so as to give that office greater effectiveness within the Department of Transportation.

HIGHWAYS

The federal highway program is under the jurisdiction of the Senate Public Works Committee; however, Senator Prouty has long worked to redirect the use of highway trust funds.

Senator Prouty believes that states should have increased flexibility in their use of the funds. For some time Senator Prouty has advocated the use of the trust fund for highway maintenance. In Vermont, particularly, the cost of maintaining roads is a great burden. Senator Prouty also would expand the use of the states' highway trust fund share to include public transportation, housing where necessary to home those displaced by highways. He also co-sponsored the two bills which include provisions for public transportation and replacement housing. Senator Prouty believes these bills move in the right direction but that even more flexibility should be provided for the states.

CONCLUSION

To build a balanced transportation system requires a total view of our transportation needs. Senator Prouty insists that we must stop viewing the various modes as independent and see how they interlock.

He supports Secretary of Transportation John Volpe's work on a master plan for national transportation.

Senator Prouty stresses the need for full consideration of the environment in the plan. We must design and place our highways and airports so as to conserve land, pressure parks, and ensure healthy, balanced development of surrounding areas.

Senator Prouty believes we have the technological skills needed to achieve a balanced transportation system. He has used his legislative skills to bring us closer to the goal.

MAN'S INHUMANITY TO MAN— HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

MAX BRYDENTHAL

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. JACOBS. Mr. Speaker, Elmer Davis wrote:

This country was not created by cowards. And it will not be maintained by them either.

Max Brydenthal, of Indianapolis, a man of many activities—all good—has been taken from us by a heart attack.

Max was certainly no coward. But it would not be entirely accurate to say that he was just a fighter for causes. He was a worker for causes. And, therefore, he was the very best that America is.

No American has ever read this CONGRESSIONAL RECORD with greater scholarship or consistency than Max Brydenthal who at times literally leaned against a lathe during rest breaks to scrutinize this RECORD at his production work job in the Chevrolet body plant at Indianapolis.

So now you know the answer to the question, Does anyone ever read the CONGRESSIONAL RECORD? Max Brydenthal did regularly. And he read a great deal else also. And in so doing, he became one of the best informed public servants; whether in his capacity of president of the Marion County, Indiana, AFL-CIO Council, as a member of the Indianapolis City Council, or as a member of the Indiana General Assembly, or as an officer in his own UAW local union.

Max Brydenthal was one of the closest and most devoted friends I have had. He literally worked himself to death.

His wife, Dorothy, and his three excellent children, Nancy, Kurt and Karen deserve the kindness, respect, and gratitude all America owes to Max Brydenthal because they gave up so much of his time in order that he might spend it for us.

Mr. Speaker, I insert two newspaper, one television, and one radio editorial:

[From the Indianapolis News]

MAX E. BRYDENTHAL

Organized labor in Marion County has lost a wise and vigorous leader in the death of Max E. Brydenthal.

Brydenthal, 59, was president of the Marion County Central Labor Council, AFL-CIO. He had served five terms as president of United Auto Workers Local 23 and 10 years on its bargaining committee. He was president of its credit union, which he had organized.

Labor was not the only beneficiary of his talents and dedication. In public life he had served effectively as city councilman from 1964 to '68 and was a member of the Legislature, serving as representative from Marion County in 1959-60. He was a Democratic candidate for election this fall as state senator from Marion County.

In yet another public post he was the first chairman of the Mass Transportation Authority, but his contribution to his community extended far beyond elective, or appointive offices. He has been on the board of directors of many organizations, including the United Fund.

Brydenthal was willing to give his time and effort to any organization which he felt was helpful to the public. Both the ranks of organized labor and the community at large regret his passing.

[From the Indianapolis Star]

MAX E. BRYDENTHAL

A man of many concerns, Max Brydenthal believed deeply in personal involvement in community service and the search for solutions to community problems.

His face was familiar in the quarters of the United Fund and other volunteer agencies, in the chambers of the City Council and the Indiana General Assembly, as well as in the halls of the United Auto Workers and the AFL-CIO Central Labor Council, of which he was president. He spurred other labor union leaders to extend their participation in civic affairs.

Beneath his quiet manner were a keen mind and a tough will. He was a bargainer, and an effective one. He expended his energies and talents not only on behalf of union members when it was his job to represent them but also on behalf of the poor, of minorities and of others whom he perceived to be in need of a champion.

His death leaves a gap in the life of the community.

[From a WISH-TV editorial]

MAX BRYDENTHAL

To those who knew him, Max Brydenthal was both a leader and a friend.

His unexpected death yesterday at the age of 59 has saddened those friends he made in all areas of his life's work.

That work for Mr. Brydenthal centered around those most basic ingredients of our society, government and labor. At the time of his death, Mr. Brydenthal was president of the Marion County Central Labor Council, AFL-CIO, a post he had held for the past three years.

He was an Indianapolis City Councilman from 1964-68, the first chairman of the Mass Transportation Authority, a former state representative, and was currently running as a Democratic nominee for the State Senate.

In all of these activities, Mr. Brydenthal emerged as a leader, a man who was both respected for his convictions and admired by those who may have been on the other side of the issue.

Exemplifying that non-partisan respect for Mr. Brydenthal was the tribute from Mayor Lugar, who said, "His counsel was important to me in trying to build a greater Indianapolis. . . . He was a wonderful friend and I will miss him greatly."

Max Brydenthal attained his stature in the minds and hearts of others because of his sincere belief in his country, his community and his fellowman. And he showed that belief not just with words, but with actions. . . . personal, interested, dedicated involvement.

There are too few Max Brydenths around whose lives enrich both the community and its people. The impact they leave on the lives of others is deep and meaningful.

[From a WFBS editorial]

ON THE DEATH OF MAX BRYDENTHAL

Max Brydenthal had been president of the Marion County Central Labor Council for six years. He was also an ardent Democrat and an excellent politician, having served in both the State Legislature and the Indianapolis City Council. But he'll probably be remembered most in this community as a man who cared about people in need.

Max often said, "My business is people." And he seemed to devote almost every waking moment to that business.

At the time of his death, he was serving on the boards of such people-helping agencies as the United Fund, Community Service Council, Community Action Against Poverty, Senior Citizens Center, Marion County Mental Health Association, Community Credit Counseling Service, and the United Southside Community Organization, where he also served as vice president.

Max Brydenthal helped organize the first blood bank in Marion County. He was the first chairman of the Marion County Mass Transportation Authority. And he was a leader in the successful effort to reactivate the Indianapolis Housing Authority.

Though he was a Democrat—and currently a candidate for the State Senate, his advice was frequently sought by Mayor Lugar, who only recently named Max to the planning committee for the up-coming NATO mayor's conference, to be held in this city.

It's difficult to see how one man could do more for his community than Max Brydenthal did. And we believe his loss will be felt deeply throughout the Indianapolis area.

SELF-DETERMINATION FOR FORMOSA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. FRASER. Mr. Speaker, on July 29, 1970, I presented a paper at a Members of Congress for Peace Through Law—MCPL—luncheon. The subject of my paper was "Political Repression in 'Free China.'" In it I stated:

If the U.S. wants a resolution of the political impasse now existing in (the Formosa Straits area), the U.S. cannot continue its extensive support of the Nationalist regime simply because it is the lesser of two evils.

Mr. Speaker, I feel this very strongly. My paper amply documents the suppression of basic political liberties by the Nationalist Chinese regime. At the same time I recognize that the mainland Communist regime represents the greater evil. A recent New York Times Magazine article by Richard Hughes provides current evidence that this is the case.

It is clear that just as we must cease our support, moral and material, of the Nationalist regime on Formosa, we must not surrender the fate of Formosa to the Chinese.

It is my hope that the Congress will look closely at the China issue and seek new initiatives. Hoping to contribute to a rational debate of the subject, I place in the RECORD my MCPL paper and Mr. Hughes' New York Times article with a compilation of revolting statements concerning "Law and Order, Peking Style".

POLITICAL REPRESSION IN "FREE CHINA"

(By Donald M. Fraser)

INTRODUCTION

This paper details the authoritarian nature of the regime controlling Formosa (Taiwan). The suppression of basic political liberties is amply documented.

What are the implications for the United States' China policy? A fresh start on U.S. policy must take the country as it is, not as it might have been. The U.S. undoubtedly bears responsibility for helping establish on Formosa and continue in office the existing Nationalist Chinese government. And most Taiwanese (Formosans), as well as the transplanted mainlanders, if faced with the choice would prefer the present regime, coercive as it is, to the mainland Communist regime. But if the U.S. wants a resolution of the political impasse now existing in that part of the world, the U.S. cannot continue its extensive support of the Nationalist regime simply because it is the lesser of two evils. The people living on Formosa want to and

must become masters of their own destiny.

For all practical purposes, the State Department no longer recognizes any claim by the Nationalist government to mainland China. Inevitably the fiction that the Nationalist regime represents all of China must be abandoned. This, in turn, will force the Nationalist government to receive a mandate from the people living on Formosa or lose the legitimacy it now claims.

When these changes will occur is uncertain. Members who serve in the three national congressional bodies now based in Taiwan (Formosa) were elected in the late 1940's before the flight from the mainland. Now, as National Assembly members die, quorum requirements are lowered. The passage of time alone will force some change in the present system and outlook. But the abandonment of the current Nationalist fictions of legitimacy will be fiercely resisted as long as possible by the present regime.

Our present Ambassador to Taiwan recently said: "The established policy of our Government is to prevent the renewal of hostilities in the Taiwan Strait area which could easily imperil the peace of Asia." I agree that this should be a part of our policy. But this is not enough. Although we have no vital security interest in Formosa, we have a great humanitarian interest in and concern for the people who live on Formosa.

Thus, we should neither explicitly nor tacitly encourage incursions by the Nationalists onto the mainland or the expansion of Formosan military airfields to accommodate U.S. military aircraft as large as B-52 bombers. We should encourage more realistic military defense levels. And until a process begins that will result in the destiny of Formosa being placed in the hands of all those who live there, we should scale down or discontinue military and other support to the Nationalist regime. We should strongly assert our belief that the people living on Taiwan be given full political rights including self-determination.

Beyond reducing our support for the regime, it is unclear how the U.S. can directly aid the growth of political freedom on Formosa. Were we better equipped, we might find other ways to contribute to the growth of freedom there. But it is clear that the most important contribution the U.S. can make is its support of the morally right position—self-determination. The people of Taiwan are capable of directing their own affairs.

In any event, a more realistic appraisal of the facts about Formosa must underlie new U.S. policies toward the regime, and the American public must become aware of the realities.

BRIEF HISTORY OF FORMOSA

Chinese, primarily from Fukien Province, began to migrate in substantial numbers to the island of Formosa in the late 15th and early 16th centuries. During the 17th century, various colonial powers (the Portuguese, the Spanish, the Dutch) and dissident Chinese vied for the island. In 1683 the Ching Dynasty formally annexed Formosa. For the next two centuries, Formosa was very loosely controlled by China. After being defeated in the Sino-Japanese War of 1894-1895, China ceded Formosa to Japan and agreed to Korea's "independence." Although Korea was not annexed by Japan until 15 years later, Formosa was annexed immediately. For the next 50 years, Formosa was ruled by Japan.

In 1943, at a meeting in Cairo, President Franklin D. Roosevelt, Prime Minister Winston Churchill, and President Chiang Kai-shek issued a declaration which read in part: "All territories Japan had stolen from the Chinese, such as . . . Formosa, and the Pescadores, shall be restored to the Republic of China". The terms of this declaration were repeated two years later at the Potsdam Conference. When Japan surrendered, General MacArthur authorized the Chinese Nationalists to accept

the surrender of Formosa from the Japanese and to occupy the island in behalf of the allied powers. Peace treaties subsequently signed with Japan ended that nation's "right, title and claim" to Formosa. But the island's status was left in limbo. The official position of the U.S. is that the status of Formosa remains unresolved.

When the Chinese came to Taiwan in 1945 and 1946, they found a highly literate (80%) and modern state. Chinese troops took advantage of the relative prosperity of Formosa and numerous incidents of pillage, rape, and murder occurred. A former resident of Formosa, Albert Axelbank, wrote in *Harper's*: "Formosan rage (at the conduct of the occupation forces) exploded February 28, 1947, after police beat to death a woman who allegedly sold untaxed cigarettes." Blood literally flowed in the streets of Taipei. A recent State Department paper summarized a memorandum submitted by Ambassador J. Leighton Stuart to President Chiang on April 18, 1947: "The memorandum recounts numerous incidents of widespread and indiscriminate killings by government police and troops, particularly after reinforcements began to arrive from the mainland on March 8. Some of these incidents which occurred in Taipei were observed by American consular officials; others were reported by foreign residents there and elsewhere. U.S. official documents, written well after the event, generally have accepted the figure of 10,000 persons as the approximate number killed during the period which extended until the end of March, 1947." The Formosans have not forgotten.

This tragedy received little foreign attention because even as the Nationalists were occupying Formosa in 1947, they were engaged in a bloody civil war on the mainland. In 1949, Chiang and the remnants of his government and armies were driven out of China and sought refuge on Formosa. Chiang arrived on the island on December 10, 1949.

The area controlled by the Nationalist Government was reduced from 3,700,000 square miles and a population of 500,000,000 on the Chinese mainland to Taiwan proper, the Pescadores, and the tiny islands of Quemoy and Matsu, with a combined area of 13,890 square miles and a population of 8,000,000. Today there are 14,000,000 people on Formosa. Of that number, 85% are native Taiwanese.

PERMANENT "STATE OF SIEGE"

The Nationalist Government now had control over a relatively small territory and it had taken steps to ensure that its rule over Taiwan would be virtually complete. On May 19, 1949, the Nationalist Chinese Garrison Command in Formosa had proclaimed a general "state of siege" or martial law over Formosa and the other islands. The effect of the civil liberties of the people was devastating. Illustrative of its severity were the large number of offenses carrying the death penalty including: (1) circulating rumors and beguiling the public, (2) disrupting the money market, (3) striking by workers or traders, (4) encouraging students to strike, and (5) disrupting water supplies or electric and gas services.

Examination of these martial law regulations is essential to an understanding of the internal situation in Taiwan, because the "state of siege" still exists.¹ Since 1949, a major portion of community life in Formosa has been under the control and surveillance of military authority. Most guarantees and protections of individual rights and freedoms written into the 1947 Chinese Constitution have been suspended, and the

¹The material for this section has been obtained from a study of the laws and problems surrounding political offenses in Formosa. The study is by a lawyer with great experience in Taiwan affairs.

judicial system has become a pawn of the military.

Political offenses are defined generally as "crimes which are incidental to and form a part of political disturbances, including offenses consisting in an attack upon the political order of things established in the country . . . as well as offenses committed to obtain any political object." Several laws were added to ensure complete control over the local population. The Statute for Punishment of Rebellion (June 21, 1949), the Statute for Denouncement and Suppression of Rebels (instituted in 1940 and amended in 1954), the Military Trial Law (instituted in 1956 and amended in 1959), and the Judicial Interpretation of the Council of Grand Justices (1956) have formed the basis for the militarization of the judicial system. Since 1949, political offenses have been under the control of a military court.

Special practices abrogate important provisions of the judicial system: (1) In practice, the statute of limitations is not applicable for political offenses. Individuals have been tried for political crimes allegedly committed nearly two decades ago.

(2) The principle prohibiting *ex post facto* laws is not applicable to political offenses. This results in trials and convictions of "offenders" for political acts committed before laws prohibited the acts.

(3) Immunities and privileges of legislators are not recognized for political offenses. A member of the Legislative Yuan is "permanently responsible for opinions expressed in it if the opinion constitutes a political offense," even though the Constitution provides immunity for "an opinion expressed or a vote cast in the Yuan."

(4) Persons are not given remission of punishment for political offenses committed when they were underage. Recently, several persons were convicted of offenses committed over 24 years ago when they were less than 14 years old.

(5) Leniencies given to an offender's family who shielded him are not applicable for political offenses. Everyone is obligated to renounce the "rebel." No one is safe from being reported by members of his family. Imprisonment of from one to seven years is meted out to those who knowingly fail to denounce "rebels."

(6) There is no parole for political offenders.

If you are not caught in the web of these laws, you can be politically detained under the Statute for the Denouncement and Suppression of Rebels. This law stipulates that "those who commit (political) offenses and need reform shall be sent for reform." There are two supplements to the fundamental laws already mentioned. They are "Measures for Control of Hooligans during the Enforcement of Martial Law in Formosa" and "Measures for the Reform of Rebels during the Period of Communist Rebellion." If the government cannot imprison you on a specific charge, it can intern you for suspected thoughts or behavior. The first term is three years and it is indefinitely renewable. Political internment can, without trial, amount to life imprisonment.

The state of siege was instituted before the Nationalist Government was evicted from the mainland and is to last as long as the "period of Communist rebellion" exists on the Chinese mainland—that is, until the forces of Chiang Kai-Shek return to and occupy the mainland. Since the move to Taipei, the "temporary" capital of China, the laws have been enacted by a legislature elected on the mainland over 20 years ago and composed of representatives of all of China.

According to the election laws governing the elections held in 1947-1948—it was at these elections that the existing government was, in effect, selected—Formosa's quota of representatives was 19 of 3045 mem-

bers of the National Assembly, 8 of 773 members of the Legislative Yuan, and 5 of 223 members of the Control Yuan. These three bodies functionally constitute the "Congress," as the term is commonly understood in other political systems. Formosa's representation today in the National "Congress" remains proportionately about the same as it was in 1948.

Formosans have less than 3% representation. Yet, in practice, these laws apply only to Formosa. To suggest that the *status quo* should be changed and self-determination given the people of Taiwan is regarded by the Nationalist regime as sedition and dealt with harshly.

These laws, produced by a system in which Formosans have almost no role, are executed by an equally undemocratic court system. Political prisoners are tried in a military court. That court is controlled by the Garrison Command of Formosa, responsible for the general security of the island. And a political prisoner can be held incommunicado for months or years without even being charged. His trial is virtually always secret.

The permanent state of siege, instituted in Taiwan 21 years ago, has eliminated political life in Formosa.

Conservative United Nations sources estimate at least 1500 political prisoners are now being held by the Nationalist Government. Other sources, largely Formosan, place the figure at from 10,000 to 20,000. The March 1968 issue of *The Independent Formosa*, published in Tokyo, Paris, and Philadelphia, reported: "It has been estimated that there are approximately two hundred executions and 1,500 arrests of political offenders each year out of a total population of only twelve million." Since the Nationalist Government considers guilt established by association with "rebels" and such association is punishable under the law, the families of these detainees live under a constant threat of arrest.

A few illustrations of the Formosan political climate, provided to me by sources I believe to be very reliable, follow:

Prisoner A was arrested in 1960 for distributing pamphlets which discussed the possibility of Formosa being ruled some day by Formosans. Given a life sentence. Prisoner is 43 years old. Before arrest he was a photographer by profession. He maintained a middle-class family of wife and five children. Soon after he was put into prison, the prisoner was tortured. Torture included being suspended upside down from a rafter and having gasoline put into his nose drop by drop. He was beaten severely. Torture was intermittent. When after several months he became very weak, he was taken out of the solitary confinement section and put into a common cell with sick prisoners. Some had tuberculosis, and soon A developed tuberculosis. Later A developed a bleeding ulcer. Soon after the prisoner's arrest, his father became very ill and required extensive medical care and hospitalization. The prisoner's wife attempted to pay the medical bills of her father-in-law and went deeply into debt. The family now has a debt equivalent of \$1,000 on which it pays 3% a month. The family is very poor. The wife and all five children (now ages 16-23) work. All of them firmly believe that A was right to do what he did.

B was arrested at the same time and for the same offense as A. He was sentenced to 12 years instead of life. The prisoner is 36 years old. Before his arrest he was a camera operator at a Taipei movie house. He is married and has one child, a girl, who is now 12 years old. After B's arrest, his parents and his brothers and sisters severed all relations with B, his wife, and his child for fear of themselves coming under suspicion. B's wife became a prostitute to support herself and her daughter and her aged mother.

C was arrested in 1960 when he was a

freshman in law school. He was charged with organizing a group planning to overthrow the government. He was sentenced to 12 years in prison. C is the only member of the family to go to college. The others are illiterate. The family are fishermen, and they make very little money. Since C's arrest, the family has been constantly harassed by the police. The father, mother, two younger sisters, and a younger brother live in a single room and are very poor. Mother is in very bad health and frequently has fainting spells.

D was arrested in 1963 and sentenced to 10 years in prison for allegedly being involved in a plot to overthrow the government. He talked about the unlikelihood of the government ever recovering the mainland. His family only learned about his arrest six months after the arrest when the police came to the home to tell the family not to tell anyone of his arrest. At the time of the arrest, he was a student at a military academy. His mother and father are illiterate and very poor. They live in a one-room mud house in the country. He has five sisters who are in school.

E was arrested in 1960 and charged with having participated in the February 28, 1947, revolt on Taiwan. He was sentenced to 10 years in prison. E's wife and two sons have been taken in by his wife's brother.

F was a factory foreman. He is Taiwanese. Some of the men working for him were Chinese. Three Chinese who worked for him denounced him for listening to broadcasts from the mainland and for having "contempt for mainlanders in Taiwan." He was sentenced to five years in prison.

G is about 38 years old. He is now on trial for having distributed pamphlets which were critical of the government. If convicted, the only punishment can be death. He was arrested in March 1967. In 1968 his family received a letter from him saying that he was on a bus trip and that he was well. He was forced by the police to write that letter. He is held incommunicado. He is imprisoned at Chin Nei in a suburb of Taipei.

H was arrested in 1967 and charged with failing to denounce men who hoped to overthrow the government. H's only connection with the group is that he was hired for \$2.50 to make a name stamp which read "Action Group of the Taiwan Independence Center" for the group. He has not been tried, but if he is convicted, he will receive seven years in prison. He has been in prison since 1967 awaiting trial.

Before his arrest, I was a primary school teacher. He was sentenced to seven years in prison for having written a personal letter to a friend in which he discussed the future of Taiwan after the death of Chiang Kai-shek. I was then on reserve duty for the summer with the Navy.

THE KUOMINTANG PARTY AND EDUCATION

A dictatorial regime must, if it is to have any future, thoroughly control the educational process of the country. This lesson has been learned by the Kuomintang (KMT) leadership, and they are now implementing that control.² In 1951, two years after the flight to Formosa, Chiang Kai-shek addressed a joint meeting of the Revolutionary Academy and Officers' Training School. He said: "... the greatest cause of our failure on the mainland was the failure in education and culture. Only because we failed in the field of education did we fail in so many other fields as well." Chiang went on to explain that the Kuomintang (KMT) Party had formulated, since 1928, resolutions on educational policy, but they had not been implemented throughout China. He said: "They did not actively incorporate our party's

policy into their teaching. They disregarded party policy on education. They thought that party policy on education had nothing to do with actual education. As a result we have never realized our party's ideals in education."

On August 11, 1952, Chiang Ching-kuo, the head of his father's secret police, delivered a "Top Secret" address to cadets at a training class for party workers in which he related the goals of the KMT party in education:

"We must start a large scale youth movement to elevate and strengthen the political education of youths. Every school must have a systematic plan for strengthening political education and elevating the political knowledge of its students. In both youth movements and in political education we must carry out thought indoctrination and win the struggle for the minds of youths and make the youths accept our correct thoughts and abandon all incorrect thoughts. This course will lead to the unification of the political motives and political directions of youths and make them love our party, believe in our party, have hope in our party, support our party and make them voluntarily join our party and aid it in accomplishing its mission."

A year later, Chiang Kai-shek, in a secret address, related the control of education to the consolidation and enhancement of the powers and position of the leader of the KMT party:

"In brief, if there is no party ideology then there can be no revolution. If there is no fuhrer-type leader there can be no fatherland and no revolution can be successful. When we examine our painful experience on the mainland we must recognize that our failure on the mainland was due to our failure to believe in the Three Peoples Principles and especially on the loss of confidence in our leader. That was the cause of our tragedy. Now, today, for the sake of our revolution, for the sake of the fatherland and for the sake of our anti-communist and anti-Russian mission we have to restore confidence in the Three Peoples Principles and especially restore confidence in our leader. We cannot emphasize too much the importance of the central leadership of the revolution. Our slogan will be 'Party Ideology, Leader, Fatherland, Responsibility, and Honor.'"

To implement the goal, enunciated by Chiang Ching-kuo in 1952, the "Chinese Youth Corps for Anti-Communism and the Salvation of the Fatherland," known as the Youth Corps, was established largely to study KMT literature and the thoughts of President Chiang. All students above 12 wanting high school certificates must "voluntarily" become members. Non-Youth Corps members are not allowed to graduate from high school. In addition to the Youth Corps, the Party Headquarters for Intellectual Youth has a branch in every college in Taiwan. It generally has monthly meetings in small cells of 10 members, and leaders report directly to the party hierarchy.

The Ministry of Education naturally is controlled by the KMT Party. The Minister is usually a trusted aide of either the President or his son. In local colleges, the dean of students and the chief military instructor are either directly or indirectly appointed by the KMT. The security officer, required in each school by a 1959 statute, is directly responsible for reporting to the secret police on the activities occurring in the school. He is required to know what happens in each classroom. Consequently, at least one pupil in each class reports to the security officer. In one university these "professional students" are often veterans of the armed forces. "Student, faculty, and staff members who apply for either a passport or a job must be approved by the security officer of their school." Many faculty and student ar-

ests are believed to result from reports by the security officer.

The most odious aspect of the totalitarian educational system in Formosa is that each faculty member in every school must persuade some person other than a member of his immediate family to sign the following statement: "I guarantee that Mr. _____ will abide by the law and government orders. I guarantee that he is not a Communist, or a member of any other subversive element. If he fails to do so, or is any of the above, then I have the obligation to denounce him. If I do not denounce him, then I am willing to receive punishment according to Article V. of the Statute for the Denouncement of Rebels." The result of this system is that "if the guarantor even has the slightest suspicion that the thoughts or actions of the guaranteed are not acceptable to the government, then he is moved by fear to denounce the guaranteed immediately." A similar system is used for every college student.

Dr. Marilyn Young, of the Center for Chinese Studies at the University of Michigan, wrote in a recent letter that:

"Few American students can be unaware of the fact that the system of informal spies which permeates Taiwan has overseas branches throughout the United States. It is a safe assumption that no student from Taiwan, particularly if he is Taiwanese, can comfortably engage in public discussion of political issues unless he has permanently abandoned any intention of returning to the island."

She gave two specific examples. In August 1968, Chen Yu-hsi was "tried and sentenced for apparently having read 'The Thoughts of Mao' . . . in the Oriental Section of the U. of Hawaii's East-West Center Library and for having written articles for a journal deemed left-wing by the Nationalist Government." And in 1966, "Huang Ch'i-ming, a graduate student at the University of Wisconsin, home on a brief filial visit, was arrested and convicted on the charge of having attended meetings in Madison where 'the problem of Formosa' was discussed."

Professor Young draws certain conclusions from these two cases and others and asks hard questions:

"Suppose both Huang and Chen were guilty as charged. What does that mean about Chinese centers across the country? It means that we study with and among students who are under direct threat of imprisonment, afraid to discuss subjects of vital mutual concern. It means that we tolerate in our midst a disgusting atmosphere of fear and repression. It means that China centers have double standards for academic freedom—if you are Chinese keep your mouth shut, for we cannot help you if you get into trouble. Should American universities continue to accept students who cannot openly engage in the kind of intellectual exchange we pride ourselves in encouraging? Should we allow a foreign government to infringe upon the right of free speech on our campuses?"

The paper on education in Taiwan mentioned previously concludes:

"Many young people in Taiwan have never developed their abilities to engage in independent thought, objective analysis, and critical observation. In the Taiwan educational system there is an atmosphere, even at institutions of higher learning, in which unconventional, unorthodox, or nonconformist thinking or behavior is not only frowned upon but is severely punished. This has resulted in a complete lack of creative intellectual activity on the Taiwan campuses."

Another result of the educational system indicated in this paper is that it has produced generations of citizens who have learned that they can express themselves in public only in strict accord with govern-

² Material for this section is taken from a confidential paper on the government's influence on education in Formosa today written by a foreigner who has taught there for nearly two years.

ment policy. Even among young people, there is an inconsistency between what they say in public and what they say in private.

CHRISTIAN CHURCHES ON FORMOSA

No organization escapes the ever watchful eye of the government. The Christian churches on Formosa do not claim more than 10 or 15% of the population. But because President Chiang is a professed Christian, the size of their membership does not accurately reflect the churches' influence.³ President Chiang has little day-to-day control over the administrative bureaucracy of the country. Yet in one fairly prominent Protestant denomination, it is freely admitted that middle-range party functionaries (who are all mainlanders) have the veto power over the important activities of that church in Taiwan.

The general trend of religious action has been toward ecumenical cooperation. National (U.S.) and worldwide bodies, such as the World Council of Churches, have been concerned with social and political progress. Among other matters, the National Council of Churches in the United States and the World Council of Churches have advocated normalization of relations with the Peoples Republic of China. Naturally this is contrary to the views of those in power in Formosa. Several tactics have been used by a relatively small group of middle-level party and government functionaries to control the denominations in Taiwan. Anything that is ecumenical or connected with the worldwide Christian movement is considered "leftist" and is closely watched.

This small group of functionaries operating within religious organizations uses "terrorist tactics to intimidate others." A Christian leader received a visit from the secret police after his return from an East Asia Christian Conference (the Asian affiliate of the World Council of Churches). The secret police investigated him "on the grounds that the East Asia Christian Conference was subversive, due to its World Council connection . . . even his being a party member has not saved him inconvenience in this matter." Another minister was tipped off that he was to be put in prison; through his connections, he was able to leave the island rather than face indefinite imprisonment.

At the present time, the International Council of Christian Churches, led by an insurgent American Presbyterian minister, Dr. Carl McIntire, has established the Republic of China Council of Christian Churches in Taiwan. Dr. McIntire is connected with many right-wing causes in the U.S. under the guise of anti-communism Christianity. (He recently said that the July 4th Honor America celebration in Washington, D.C., was not sufficiently patriotic to suit him.) He is making alliances with the various party functionaries within Protestant denominations in Formosa. This combination has the ultimate objective of severing all connections between Formosa Protestant denominations and outside organizations.

As Protestant groups withdraw from Taiwan, as one important one already has, the Christians on Formosa will be at the mercy of the extremists who have strong political connections. Chinese pastors indicate that these extremist government functionaries are not representative of the feeling of the majority, but the majority is intimidated into silence.

CONCLUSION

From the facts uncovered, it seems abundantly clear that we support an unrepresentative and repressive government in Formosa as we have been doing for some time in South Vietnam. Over the long run, however, the

³The material for this section is based upon confidential communications from a foreigner well acquainted with the religious life of Formosa.

stakes in Formosa are much larger. U.S. policy toward Taiwan directly affects our relations with the Peoples Republic of China.

As we have seen, the government of Chiang Kai-shek claims to be the sole legitimate government of China, even though it has actual physical control over only the population on Taiwan. His government doesn't represent China and it doesn't represent Formosa. Chiang's government does not tolerate political discussion which raises the legitimacy of the present system or suggests changes in it. For 20 years the U.S. government has gone along with Chiang Kai-shek, helping to perpetuate the myth that he on Formosa represents the entire nation of China and Formosa.

In one sense, we are faced not with a China problem, because it is quite clear who governs the 750,000,000 people of China and they do not receive our support, either material or moral, for their efforts. But we are faced with the problem of the future status of Formosa, because we have long been involved in the present Nationalist government's affairs.

The Nationalist Government of China does not represent the people of Formosa. The Formosans have not been given any voice in determining their future. They have been subjected to government by martial law and to government by a system that includes only a handful of Formosans.

Finally, the Nationalist Government does not represent China except in the tortured reasoning of its ideology. It deludes itself that it will return to reconquer and govern China. It is time for all parties to this complex political problem to face the realities of this situation. "Free China" is neither "Free" nor "China."

[From the New York Times Magazine,
Aug. 23, 1970]

MAO MAKES THE TRIALS RUN ON TIME

(By Richard Hughes)

HONG KONG.—The public trials of 1951—when, according to reliable estimates, as many as two million "enemies of the people" were executed—have been revived throughout China. On the hard evidence of provincial radio news, monitored here, the trials were resumed at the beginning of this year, although early reports suggested that they first began in mid-December in Harbin, Shanghai and Sinkiang. Since January, there have been factual reports of similar trials in Kwangtung, Heilungkiang, Inner Mongolia, Fukien, Peking, Tientsin, Wuhan, Kwangsi and Honan. In the month of March, in Canton alone, according to the Kwangtung Province radio, more than 100 male civilians were found guilty at three mass trials and were shot on the spot. In addition, some 300 to 350 were sentenced to long terms of imprisonment in "corrective labor establishments." The "jury" at each of these public trials, by official count, averaged 10,000—attendance compulsory.

The Kwangtung trials were prudently suspended during the Canton Spring Trade Fair, attended by 3,000 foreign businessmen, but they have since resumed. The absence of regular news services from Yunnan and Szechwan probably conceals the staging of similar trials in those turbulent provinces. In conservative judgment here, more than 5,000 "major criminals" have been tried and at least 1,000 executed in the first six months of this year.

The 1951 trials represented in large part belated vengeance by tortured workers and peasants against pre-1949 tyrants and persecutors. "Blood calls for blood," as the writer Han Suyin, who survived the revolution, said recently, explaining those mass executions. The present trials are designed to suppress the turmoil which has arisen within China, in the wake of the great "cultural revolution" that began in 1967. That upheaval largely destroyed the administrative

machinery of the Chinese Communist party, leaving the army to try to fill the power vacuum on a local, piecemeal basis. One accompaniment has been a crime wave—both of "crimes" as Westerners understand the word and of "political crimes."

The crisis is called, with bland Oriental understatement, "the New Trend"—*hsin-ssu-ch'ao*. The term goes back to 1932, when Mao Tse-tung was temporarily a party outcast, and it then meant a "new trend" in confused and divided party policy and morale. In 1968, the initial lawlessness following the cultural revolution was attributed to the New Trend; in 1969, the "trend," still "new," was dubbed "antiproletarian." This year, the prefix has become "anarchist." But, let it be noted, the adjective "new" still attempts to disguise an old and mounting "trend."

The peasants are sullen and uncooperative, following the removal of the "incentives" which they had regained in the early days of the "cultural" reverse: family marketing and selling, private plots of land, pigs and poultry for one's own table. Young people in the cities are resentful of the suspension of education, and their mass transfers to the remote countryside. The local "Revolutionary Committees" which have replaced the old centralized party bureaucracy lend themselves to petty power struggles and corruption.

"This antiproletarian New Trend," a joint editorial in *The People's Daily*, *Red Flag* and *Liberation Army Daily* warned last year, "finds channels to representation in the very heart of the Revolutionary Committees, and jams the process of the strategy laid down by Chairman Mao. This is the political program of the enemy—capitalist tendencies, crime and intrigue."

The scale of the purge in both the party and army commands, which destroyed discipline and morale, is sometimes forgotten. The "casualty" lists have now been confirmed by China specialists here. Never in the history of any other dictatorship has there been such a purge of top, trusted officials, the majority of whom had apparently served the cause faithfully down the hard years and into the years of normal reward.

Twelve of the 30 members of the Politburo were purged. The Central Committee secretariat, charged with policy administration, has vanished; six of its 10 officials were disgraced; the remaining four were absorbed in the now shrinking and doomed Cultural Revolutionary group.

Of the Central Committee's 93 full members, 48 were purged and nine censured, leaving an uneasy rump of only 36 survivors (who include six doddering figureheads). Of the committee's 79 alternate members, 45 were purged and 15 suspended. In the party's six regional bureaus, there were 67 secretaries and alternate secretaries. Of these, 37 were driven into outer darkness, and 17 were suspended for self-criticism and possible rehabilitation. Finally, of the party's 28 provincial secretaries, 20 were purged, two were told to meditate upon their sins, and one committed suicide.

In the military command, it has now been definitely established that more than 100 high-ranking leaders were dismissed from Peking headquarters alone during the "cultural" purge. Another 200, at least, were purged from provincial regions of the People's Liberation Army. These totals, patiently and authoritatively documented from Chinese records of promotion, are more than double earlier estimates. They are probably still inconclusive.

The chief of staff of the navy, two deputy chiefs of staff of the army, and the deputy chief of staff of the air force were dismissed. The deputy directors of the following key military organs have all been replaced: Public Security, Military Affairs Academy, Scientific and Technological Com-

mission, Political Ministry of the Peking Military Region, Higher Military Institute, Department of Military Operations, General Political Department.

Gen. Shou Shih-ti, commander of the Chinese paratroops (and member of the party's Central Control Committee), was sunk without a trace. So were both the commanders and deputy commanders of the armored corps, the antichemical warfare corps, and the Peking garrison; the commander of the artillery corps, and the deputy commanders of the air force and the navy.

The personal fates of all these casualties are, of course, not known, and the effect on morale among their ranking officers and friends can only be surmised. Some may be in labor camps, some under "house arrest," others merely demoted and transferred.

Not surprisingly, young people in China are increasingly opposed to authority, especially now that Peking's once-proud "authority" is so diffused and weakened by the purges of the cultural revolution. Not only university students have resented the massive compulsory evacuations from the cities to "glorious productive work in the countryside" (some estimates run as high as evacuation of 20 million youths). In Canton, the center of the traditionally "rebellious south," the police, the militia and the army have been harassed by the return of rebellious youths from the farms, seeking their homes once more, embarrassing their parents, resorting to theft and robbery, lies and misrepresentation—because their work permits and ration cards are inoperative.

No one in Hong Kong can attempt to estimate the number of recalcitrant students and young urban workers who flexed their muscles under Chairman Mao's divine instructions a couple of years ago, and who—now disillusioned—are quitting their rural work. No one in Peking, either, could attempt a proper estimate. But public trials are needed to handle them.

The invocation of a public trial for juvenile delinquency—whether in a commune or a city—is now a matter for local decision by the provincial authorities—which is to say, by the army. Public trials of ordinary, minor, non-political offenders indicate that juvenile delinquency is waxing. Clearly the decadent, capitalist West is not unique in its subversion by juvenile delinquency and independence.

"In reasoning," Mao Tsetung wrote a long time before the current revival of *hsin-ssu-ch'ao*, "we must begin by administering a shock and shouting at the patient, 'You are ill,' so that he is frightened into a sweat, and then we tell him gently that he needs treatment."

That was the theory of punishment—or correction—of heretical crime in China when the mass-accusation meetings, public trials and executions of 1951 became blood-stained history. The Mao formula was primarily concerned with ideological offenses and deviations, but as a lofty principle of reform it was supposed to govern ordinary crime also. There is still neither a criminal nor a civil legal code in China. Sentences, imposed openly by a people's court—as distinct from a public trial—or privately by a national security commissar, are influenced by the personal and political background of the offender rather than by the gravity of his offense. A robber or a rapist will escape lightly if he has a "reliable" background, while a minor transgressor can cop a long stretch if, say, he has been unwise enough to have had a landlord for a father.

There are three categories of prison camps in China, known officially as Corrective Labor Establishments. My information on them is an amalgam of independent reports by former prisoners, screened in Hong Kong, Macao (before the Communists forced the Portuguese to return all Chinese escapees) and Taipei.

First, there are the Labor Reform camps, reserved customarily for long-sentence offenders who are engaged in hard labor, heavy construction, basic agriculture, railway and road building, and the like. Secondly, there are Education Through Labor camps for lesser offenders. Up to the mid-sixties, the maximum sentence in these No. 2 camps was supposed to be three years, but, as with affairs generally in China today, no one has any idea now what the rules are, or who makes them. The third category constitutes Forced Labor camps, where petty criminals, migrants and the unemployed are put to work. Many of the prisoners in these camps have not been charged with an offense, and indeed are classified as "volunteers."

Prisoners in the Education Through Labor camps may be paid a monthly wage of up to 30 yuan (\$12), and, in theory, retain their "voting rights"—a harmless enough indulgence. "Volunteers" in the Forced Labor camps can earn from 20 to 60 yuan (\$24) a month—and, if their work, behavior, self-criticism and political studies are satisfactory, may be permitted a brief visit to family, relatives or friends once a year. Semiskilled workers in these two categories of prison camps are often employed in the manufacture of plastics, textiles, clothing, socks, electric fans, footwear and other light-industry goods for low-priced export and sale in the Communist supermarkets of Hong Kong.

On all the available evidence, political offenders who have escaped the firing squad at public trials during the "New Trend" are being thrust into the top-security Labor Reform camps, among the hardened and dangerous criminals, revisionists, landlords' progeny and other "bad elements." Restive students and juvenile delinquents, now being tried at mass public trials for moral effect and warning, are probably placed in Education Through Labor camps, or else dispersed to more remote and primitive communes.

All prison escapees with whom I have talked accepted a cynical, party-line approach to crime and punishment as the *hsin-ssu-ch'ao* way of life in Mao's China. One party cadre in Canton was found guilty of corruption involving commune funds, but escaped with a reprimand because his superior (who was known to have shared in the offense) testified to his devotion to the party and to "the importance of his work for the state." Conversely, an elderly professor in Chungking, who had been under fire during the 1957 period of letting a hundred flowers bloom (when imprudent intellectuals were persuaded to criticize the regime's faults), was sentenced to eight years—in a Tsinghai prison camp, where he would have no friends—for "spreading rumors of an anti-Government nature and attacking Government policy." The evidence had shown that he had casually asked someone how long he thought Chairman Mao would live. He died in the Tsinghai camp, but "only from loneliness," my antiparty informers told me with frightening objectivity—not from ill-treatment or heavy labor. "He was a kind old man," they said, "and all the army guards in Tsinghai loved and helped him."

One bright young Cantonese student, with a good party record and the "reliable" background of a "revolutionary-peasant" father, was sentenced to two years, making chamberpots in a No. 2 labor camp, because he had contested the right of his commune production leader to transfer him from university studies to urgent river-dike construction. Examples have to be made.

Conditions inside the Labor Reform camps vary, one gathers, from area to area, and from political crisis to crisis. But certain conditions, rewards and penalties seem to be consistent. Food is carefully rationed according to the physical labor of the prisoners. During the nationwide food shortage of the

early sixties, after the "Great Leap" had become the "Great Retreat," there were thousands of prison deaths from malnutrition or plain starvation. Tuberculosis, on the testimony of a former national security cadre now living anonymously in Macao, is maintaining a death toll of around 40 per cent among old workers in most Labor Reform camps in mining areas—a legacy of those hard days, which admittedly were hard for all Chinese.

All prisoners attend self-criticism meetings of from two to three hours every night. A section leader, himself a prisoner struggling for early parole, supervises a group unit of from 12 to 20 prisoners, each of whom in turn each night must stand up and denounce himself and other prisoners. Failure to cooperate "sincerely" can mean harder work, a reduced food ration, or sometimes deferment of technically overdue parole.

Bed spaces in dormitories are changed regularly to prevent friendships developing among prisoners. Right or wrong, most of the ex-prisoners with whom I talked believed the camp legend that "criticism"—i.e., betrayal—of a minimum of six other prisoners was a necessary condition for parole. The camp authorities might not always accept the "criticism" officially, but they appreciated the "sincerity" which prompted it. Normally, army and security guards do not personally maltreat prisoners. But they look the other way, or only murmur gentle remonstrances, when bully-boy "activists" seek to hasten remission of their own sentences by beating up uncooperative fellow prisoners.

As a general rule, the regime has sought to appoint northern guards to prison camps in the south, and southern guards to camps in the north. Prisoners in Kwangtung Province count themselves lucky if they are sent to a camp controlled by locally born guards. The historic enmity between northern and southern Chinese has been widened and deepened by the cultural revolution and the New Trend.

Parole, when won, is indefinite. The ex-prisoner, wherever he ends up, must visit the resident national security representatives at least once a week and provide evidence of his enduring reform, penitence and continuing self-criticism. His family and neighbors must assume personal responsibility for his rehabilitation, and are themselves harassed by spot-check interrogations by local officials on his progress and behavior. Paroled prisoners, consequently, are seldom welcomed by neighbors or—after a lengthy absence—even by their families.

Attempts are made in hardship areas, where the prison camps naturally flourish, to "persuade" released prisoners to remain on developmental work by bringing, sometimes unannounced and unexpected, their families to join them. Early releases are then offered on condition that the offenders remain in the area, technically "free." Wages are also offered, ranging up to 60 yuan a month, which is above the average income in the commune to which the "released" prisoner would otherwise return.

Here is the officially promulgated scale of punishment for crimes in Kwangtung Province—as of the "cultural" revolution. Since then, many sentences have been increased—especially as examples at the public trials.

Theft and burglary: 1 to 8 years.

Sabotage of the national economy: 1 to 15 years (or life).

Vagrancy: 2 to 5 years.

Rape: 2 to 5 years.

Corruption: 3 to 10 years.

"Living like a playboy, and being obsessed with lascivious thoughts": 5 to 10 years.

Carnal knowledge of minors: 10 to 12 years.

Murder, a rare crime, draws death. The sentence for attempted escape from the mainland to Hong Kong has recently been raised from an average of six months to three years. The gunboat patrols of Hong Kong waters

have been doubled, and the army is cooperating by sending units to coastal villages to arrest friends and relatives of refugees, charging them with complicity.

As a general rule, the larger the "jury" at a public trial, the heavier the penalty. Peking's Current Affairs Journal has formally blessed the technique: "The enthusiasm of active elements in making accusations and passing sentences can be prepared amongst selected groups beforehand. It is desirable to regulate the degree of tension. . . . The masses can be stimulated right from the beginning; then pressure can be slackened to allow time for ideological precept and discussion; finally tension must be again strengthened so that the feeling of mass indignation can last until the end of the trial."

There has been one modification in protocol for these revived mass trials. In the past, formal approval by the Supreme Court was mandatory before the firing squad took over. That bourgeois regulation has now been repealed—or forgotten.

LAW AND ORDER, PEKING STYLE
(Compiled by Richard Hughes.)

I

Radio Peking (Jan. 20): "Six prisoners were found guilty this week at a People's Court of political crimes, counter-revolutionary plotting against the masses and the state, and conspiring with the archrenegade, archrevisionist, ugly scab and traitor Liu Shao-chi. They were found guilty of corruption, bribery and embezzlement. After a public hearing of evidence, all pleaded guilty and—amid shouts of 'Long Live Chairman Mao!'—they were executed on the spot."

Eyewitness report (from neutral Asian diplomat): "Probably 20,000 members of the 'jury,' dominated by a huge billboard portrait of Chairman Mao, were assembled in the sportsground near Peking's West Gate when the six prisoners, with shaven heads, were dragged into the arena. All rose and shouted: 'Guilty! Death!'

"It was 9 o'clock on a bitterly cold January morning this Year of the Dog, with a pitiless wind cutting high over the Great Wall and the Western Hills from the Gobi Desert.

"Three guards handled each prisoner; two grasped his arms, the other forced down his head. On each man's chest was a placard proclaiming his crimes. Five 'judges' marched into the arena; two women, two men in uniform, and a senior in civilian clothes from the secret police. A band blared 'The East Is Red,' and the execution squad, with submachine guns, stood at attention and then relaxed for the trial, bored, chatting, smoking.

"Charges were read against each prisoner in turn. Witnesses were called and bawled their evidence through loudspeakers, brandishing the little red book of Chairman Mao's 'Thoughts.' No defense was allowed or plea taken. Following a lead from the clique in the front seats of the bleachers, the whole 'jury' rose once more, shouting: 'Guilty! Death!'

"The first prisoner was dragged before the firing squad, tied to a post in front of a high screen, and shot immediately and efficiently. The body was dragged to one side and turned over on its back. Justice had taken 20 minutes.

"The same procedure was followed with the remaining five prisoners, except that proceedings were hastened, and only 10 minutes were needed to try and shoot the last man. By 11:30, the 'jury' was marching out to the tune of 'Sailing the Sea Depends Upon the Helmsman.' Some crossed the arena to file triumphantly past and spit, and even urinate, upon the six bodies. By noon, the crowd had been cleared by waiting trucks or had dispersed on foot to neighboring factories. But the bodies lay there all day."

II

Radio Canton (May 12): "A young woman was yesterday tried and found guilty at a People's Court in Lu Chueh of the theft of a bicycle. Her father was also found guilty of having failed as head of the family to hold regular family classes to study Chairman Mao's 'Thoughts.' Both admitted their guilt. The People's Court shouted approval when the comrade judge referred the prisoners to the Public Security Bureau in Namhot for sentence. The trial opened at 7 A.M. and closed at 11:30 A.M."

Eyewitness Report (from a Hong Kong resident who was visiting relatives at the Lu Chueh commune): "A teen-aged girl was charged with the theft of a bicycle—a curious offense, because she could only have ridden it around secretly at night. However, her crime assumed new dimensions when it was alleged, improbably, that she was planning to escape to Hong Kong by bicycle—a difficult venture even for an invisible cyclist. Several neighbors bore witness against her, as she sat, weeping silently, head bowed, on a stool between two militiamen; two of the witnesses struck her on the head with their copies of Chairman Mao's 'Thoughts.'

"The girl's father was charged with having been an accessory to the theft—which was not legally proved, because the bicycle was not produced and no one could suggest what the girl had done with it. Other witnesses, also striking him on the head as he squatted silently, accused the father of contempt for Chairman Mao's teachings and neglect of family study of the 'Thoughts,' and demanded that he submit to reform through hard labor.

"This trial lasted for more than four hours, and it appears that the 'jury' became restive toward the close, although none dared leave. Finally, the pair were led away, separately, for sentencing. The forecast in the commune is that they will be sent to different labor camps for terms of 'reform' ranging from two to four years."

III

Radio Canton (May 28): "Six enemies of the people, who had been convicted at a Canton People's Court of having been supporters of Liu Shao-chi, of having started factional fighting during the cultural revolution, of having helped people to escape, of having listened to reactionary radio stations and of having been employees of a foreign state, were publicly executed yesterday at Shumchün [on the Hong Kong border]. All admitted their guilt before execution."

Eyewitness report (from a Hong Kong resident who was in Shumchün after visiting relatives in Canton): "The shootings started at 9 A.M., after villagers had come to the

hillside outside the village. This execution center cannot be surveyed by Hong Kong police from their lookout at Lowu [on the Hong Kong side of the border]. The six men were dragged, in turn, to the execution spot and killed by a firing squad with submachine guns.

"The first man kept shouting, 'I am innocent,' and was crying and wailing as the army men tied him to a pole. The other five offered no resistance. One was shot sitting on a box; three were shot standing up; the last man refused to stand up and was shot kneeling. There was an interval of 10 minutes between executions. Soldiers photographed each execution.

"During the executions, there were heavy showers of rain, but this did not delay the performance. Afterward, many of the audience, men, women and children, filed past the corpses, which had been kicked over onto their backs in a row by the armed men. The bodies lay there all day and night. I did not return. But I am told that they remained there until the next noon, and were frequently defiled by passing groups, organized by the army."

Another eyewitness report (from a child of Hong Kong parents, also returning home): "My No. 1 uncle and aunt took me up on the roof to see the men shot. I did not like to see. One man was shouting out before he was shot dead. I started to cry and hid my eyes. My aunt was very angry with me and took me off the roof, while people laughed at us, saying she had lost face."

CPL. DAVID L. SMITH

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. GAYDOS. Mr. Speaker, it is with deep regret that I announce the death of another of our brave fighting men, Cpl. David L. Smith, of Clairton, Pa., who was killed in Southeast Asia.

We owe a profound debt of gratitude and appreciation to our dedicated servicemen who sacrificed their lives for this great country. In tribute to Corporal Smith for his heroic action, I wish to honor his memory and commend his courage and valor, by placing in the RECORD the following article:

CITY MARINE DIES IN SOUTHEAST ASIA

Marine Cpl. David L. Smith, son of Mr. and Mrs. Lawrence W. Smith of 31-D Miles Ave., has been reported killed in combat in Southeast Asia by the U.S. Defense Department.

Cpl. Smith, 22, a 1966 graduate of Clairton High School, entered the Marines May 23, 1968. He had been in the war theater, notably Vietnam, approximately seven and a half months, according to members of his family.

The young Marine is survived by his parents, two brothers and a sister.

SENATE—Monday, August 31, 1970

The Senate met at 8:30 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou who art from everlasting to everlasting, yet the light of each new

day, make known Thy presence to us not only in the moment of prayer, but also in the doing of each task. Take us as we are, O Lord, and reinforce our human endowments with divine energy. Sharpen our intellects. Refine our perceptions. Regulate our emotions. Direct our wills. Make sound our judgments. Grant that in all we do this Nation may be well

served, mankind uplifted, and Thy kingdom extended.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of