

H. Res. 491. Resolution requesting the President, the Secretary of State, Secretary of Defense, and the Director of the Central Intelligence Agency to furnish the text of the study entitled "United States-Viet Nam Relationships, 1945-1967" and other relevant information regarding the U.S. involvement in Southeast Asia; to the Committee on Armed Services.

By Mr. McCLOSKEY:

H. Res. 492. Resolution directing the Secretary of State to furnish to the House certain information respecting U.S. operations in Laos; to the Committee on Foreign Affairs.

H. Res. 493. Resolution directing the Secretary of State to furnish to the House certain information respecting the Phoenix program; to the Committee on Foreign Affairs.

H. Res. 494. Resolution directing the Sec-

retary of State to furnish to the House the report "United States-Viet Nam Relationships, 1945-1967"; to the Committee on Foreign Affairs.

H. Res. 495. Resolution directing the Secretary of State to furnish to the House certain information respecting bombing operations in northern Laos; to the Committee on Foreign Affairs.

By Mr. RARICK (for himself, Mr. DERWINSKI, and Mr. SCHMITZ):

H. Res. 496. Resolution creating a select committee to conduct an investigation into all crimes against humanity perpetrated by Communists or under Communist direction, and to express the sense of Congress that a monument be erected as a suitable memorial to all victims of Communist actions; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

216. The SPEAKER presented a memorial of the Legislature of the State of Michigan, relative to issuing a commemorative stamp honoring Spanish War veterans, which was referred to the Committee on Post Office and Civil Service.

PETITIONS, ETC.

Under clause 1 of rule XXII,

88. The SPEAKER presented a petition of the Council of the City of New York, N.Y., relative to treatment of Soviet Jews by the Soviet Union; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

CHINN HO, NOTED PUBLISHER AND BUSINESS LEADER, URGES INTERNATIONAL EFFORT TO SECURE WORLD PEACE

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, June 21, 1971

Mr. RANDOLPH. Mr. President, an editorial published recently in the *Huntington, W. Va., Herald-Dispatch* declared that:

The vastness of today's America, stretching northward to Alaska and eastward to Hawaii, is a preachment against parochialism and reminder that the nation's modern interests are nearly as sensitive to an event in the Far East as to a situation in the more familiar setting of Western Europe . . .

Then the editorial, entitled "World Advised To Think of 'Unmistakable Events'," quoted from an address by the chairman of the board of the *Huntington Publishing Co.*, Chinn Ho, who traveled from his home in Honolulu to Helsinki, Finland, to address the *International Press Institute* on June 7. Mr. Ho, a noted business leader, told the international journalists that:

Communication and commerce can rise above the restrictions of diplomatic protocol—can overcome the stiffness of the present formal international relations. . . . The pressures of change force adjustments that need not and should not be forced. . . . We have long since reached the day that the "unthinkables of the past" should not be permitted to continue as "unthinkables."

Consider how much farther we would all be down the road of fruitful living if man had accepted in the past and would accept now the "mandate of change."

The timely editorial next highlighted that portion of Mr. Ho's address in which he enumerated for his distinguished audience of international journalists these "unthinkable" landmark events of the last century:

1—The American Civil War, which thrust upon the world's scene the proposition that "all men are created equal," and which motivated the U.S. to "look west;"

2—The Russian Revolution, "which projected into the world picture the proposition that equality applies to economics of human kind as well as to race. World revolu-

tion finally gave way to acknowledgment and acceptance."

3—The Great Depression, which compelled the sick U.S. economic system to modify, adjust and re-evaluate. The right of "oppressive economic control" could never again be held paramount to human needs;

4—Germany's Invasion of Russia, the strategic error which ended the threat that totalitarian government could "emerge victorious over those who would seek to control their own destinies;"

5—The Hiroshima Bomb, "a crisis in which the average man played no part and had no decision, but one that once committed would hang like a ghostly specter over the world;"

6—The Defeat of Winston Churchill, which demonstrated that "victory in war was not enough. Victory for the individual in his struggle for a better life became paramount;"

7—The Communist Victory in China, "which will probably be the most important event of the last 100 years in terms of its effect on the future of the world;"

8—The U.S. Supreme Court Desegregation Decision of 1954, which provided the basic ingredients for change that is still under way;

9—U.S. Project Against the War in Vietnam—a movement at first unpopular which is now strong, significant and growing;

10—Fidel Castro's Revolt in Cuba, which "at first popular, then very unpopular, is now being accepted."

The editorial accurately suggested that perhaps Mr. Ho's 10 "turning points in history" are as significant for what is omitted as for the landmark events he selected, and then it asked:

Did Winston Churchill's defeat by the Labor Party in 1945 have greater impact on men's institutions and aspirations than the two world wars? It's at least a provocative idea—a challenge to journalists who are the historians of the present—and a reminder of the rule that profound social changes seldom occur during wartime. Perhaps the changes now occurring as a result of the burgeoning anti-emotionalism are the exceptions that tend to verify that rule.

Noting that thoughtful men everywhere will take inspiration, as well as gain enlightenment, from Mr. Ho's international message, the editorial quoted in conclusion from it:

The time is now that the nations of the world must seek to find peace through serving each other's wants—intellectually and economically. A major responsibility in the successful accomplishment of this rests with you, the newspaper people of the world. Do

not treat lightly this heavy, heavy responsibility. Help mankind to think those things that were unthinkable in the past.

Mr. President, the *Huntington Herald-Dispatch*, a morning newspaper, and the *Huntington Advertiser*, an afternoon newspaper, and the *Sunday Herald-Advertiser* were recently acquired by Chinn Ho when he and associates purchased the *Huntington Publishing Co.* I have known Mr. Ho for a substantial number of years as a successful businessman and newspaper publisher especially well informed on world affairs. Those of us in West Virginia who have known him have confidence that, as chairman of the board of the *Huntington Publishing Co.*, Mr. Ho will constantly strive to give the readers of the *Huntington newspapers* high-quality journalistic media and will provide the community with a continuing sound business enterprise. When John L. Foy was named publisher and general manager, the *Huntington newspapers* were assured of experienced and capable operational leadership.

DISTRICT OF COLUMBIA ENVIRONMENT—SECOND-CLASS EDUCATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. RARICK. Mr. Speaker, an interesting confession of the inadequacy of the District school system to prepare its youth for full citizenship appeared recently in the *Washington Post*, the progressive conscience of the District. Hugh J. Scott, superintendent of the District of Columbia school system, was forced to revise his policies in an attempt to bring the performance level of the students in the city schools closer to the national averages.

At present, the *Post* confesses, the average gain of the students in the District of Columbia schools is about three-fourths of the national rate. This would mean that the average eighth-grade student in the District schools is equivalent to the average sixth-grade student on a national basis.

But, and this is even more shocking,

these facts mean that the average high school graduate of the District of Columbia school system has the educational ability of the average ninth-grade student nationwide. This comparison is based on relative scores on standardized tests administered nationwide.

This means that the average 18- or 19-year-old in the District, who has completed his schooling, has the educational ability or training of a 15-year-old, yet, this 18-year-old will soon have the right to vote. The educational system in our Nation's Capital is not preparing our children for their role as responsible citizens.

Recently I testified before the District of Columbia Committee on House Concurrent Resolution 172, a resolution I offered making it the sense of Congress that Members of Congress and Federal employees who worked in the District should send their children to the District schools. The only opposition to the bill came from the two black members of the District Committee. They seemed more concerned with increased taxes and child-care nurseries than with upgrading the educational level of the children in the District.

This seems very strange. The District schools are over 91 percent black and the students are falling far below the national average, yet the only two members of the District Committee that opposed my bill were black—and one of them was the nonvoting delegate from the District.

The trend evident in the public schools of our Nation's Capital suggests a dangerous future for the public school systems of all our cities. What is occurring in the District of Columbia schools must also be occurring in our other large city school systems; as the black population of the cities increases the quality of education falls as the educational funding spirals higher and higher.

The conclusion is evident—forced total integration of our public school system signals the doom of public education in America. Why else did the House see fit to pass today H.R. 434, a bill authorizing funds for the Education and Labor Committee to visit and study the school systems of such nations as the Union of Soviet Socialist Republics, Ethiopia, and Kenya?

I insert the columns from the June 5 edition of the Washington Post and the June 18 Chicago Tribune at this point:

SCHOOL CHIEF EASES PUPIL PLAN STAND

(By Lawrence Feinberg)

Washington School Supt. Hugh J. Scott, under pressure from the school board, yesterday dropped much of his opposition to key parts of the Clark reading mobilization plan.

In a series of written proposals, Scott told the board his goal for next year is that city students stop falling further behind the national norms and that they make one month's progress, as measured by standardized tests, for each month in school.

Presently, the average gain here is about three-fourths the national rate.

The plan developed by psychologist Kenneth B. Clark and endorsed by the board last year proposed bringing average scores here up to national norms within one year, a goal Scott resisted as "unrealistic."

The new proposal is thus a compromise, but goes further than Scott had agreed to before.

In addition to this compromise, Scott said yesterday that he wanted to continue nearly

full ability mixing in elementary school classrooms next year, give standardized tests to all students, and end automatic promotions regardless of achievement, starting next June, at grades three, six and nine.

The superintendent had also been hesitant earlier on these points.

Because Washington students are now so far behind, Scott's goal of month-to-month normal achievement would not bring the system up to national norms, the goal suggested by Clark.

But if it were accomplished, city students would be doing much better than in the past. By eighth grade, the average reading achievement in D.C. is now equivalent to sixth-grade standards nationwide.

Previously, Scott had said it was "simplistic" to establish any definite achievement goal, but board members had pressed him to set a target by which they and the public could judge progress in the school system.

In letters sent yesterday, the board announced eight community hearings on Scott's proposals in different parts of the city between June 21 and 28. The board is expected to take final action on the proposals in mid-July, about one year after it adopted the Clark reading plan.

Although Scott's recommendations moved close to Clark's yesterday in several important areas, the superintendent made no mention of Clark's proposal to pay teachers partly according to the achievement gains of their students.

As he said last month, Scott indicated that instead of using incentives to get results as Clark proposed—with few specific directions—he would give clear instructions to teachers on how their classrooms should be organized.

(Later yesterday the board instructed Scott to develop a plan to base teacher pay at least in part on student gains, as part of its plan to comply with U.S. Judge J. Skelly Wright's recent spending equalization order.)

Scott also proposed setting up an inspection system to see that his suggestions for a "model classroom" is in fact being followed. As Clark recommended, Scott's classroom model places heavy emphasis on the basic skills of reading and mathematics.

On grouping, Scott asked for nearly a full mixture of students of all ability levels in every classroom in grades one through six. His proposal does not discuss grouping in the junior high schools, although the Clark plan provided for full mixing through ninth grade.

Last month Scott proposed a system of narrow ability grouping with no more than one year's spread of achievement in each classroom. After this drew criticism from board members, Scott suggested that each room contain about two-thirds of the range in any grade.

His proposal yesterday gives each room about five-sixths of the range, producing, for example, a spread of about four years in achievement in some sixth grade classrooms.

Last month, Scott said he agreed with Clark's insistence that there be definite standards for promotion from grade to grade, but when questioned by the board he said it would be "unrealistic" to enforce them next year.

Yesterday, however, Scott said he wanted to apply "minimum standards," which he did not spell out, next June in grades three, six and nine.

In response to criticism by the board, Scott said he wants to continue giving standardized tests to all students in grades one through nine as proposed by Clark. In May, the superintendent had said these tests, which compare the achievement of Washington students with those around the country, should be phased out.

He said then that they should be replaced by special tests, based only on Washington's curriculum, but yesterday Scott said that both the standardized and special tests should be given.

[From the Chicago (Ill.) Tribune, June 18, 1971]

WHAT'S WRONG WITH OUR SCHOOLS?

Once again, Chicago's school system has flunked its most important test, this time even more dismally than before. Test scores released by the Board of Education, and based on the 1969-70 season, show that Chicago's public school children remain far behind national standards and that 8th graders have dropped even farther behind the preceding year in reading and arithmetic, the two subjects most widely tested.

The record shows up worse still when you consider that Chicago's 1st graders score slightly above the national norm in learning ability. This score is based on a sort of IQ test given five months after admission. It means that the Chicago schools are receiving material at least as good as the national norm at the input end, and turning out products that are inferior and falling behind every year.

And this, in turn, rules out the familiar excuse that Chicago's schools are handicapped by the family backgrounds of children from the urban ghettos. Certainly the background of big-city public school children is likely to be inferior, on the average, to that of children in private or suburban schools. But this doesn't explain why Chicago's schools are doing a steadily worse job with the material they have.

We are now told that \$10 million would have to be spent on a training program to teach teachers to teach pupils to read. Supt. James F. Redmond says this training has proved successful experimentally but that the money simply isn't available. He is right. And besides, why should the taxpayers have to spend \$10 million to train teachers to do what they were presumably trained to do in order to qualify under a teacher certification system so rigid [and obviously misdirected] that some of the best educators in the country couldn't qualify under it?

And why should the School Board have to pour out more overtime pay for the training of teachers whose union regularly insists, every time a wage contract ends, that higher salaries are necessary in order to improve the quality of teaching? Chicago's teachers are now among the highest paid in the country, but where is the improved quality?

The shocking fact is that the higher the wages go, the more the quality of teaching has deteriorated. This may not prove a cause-and-effect relationship, but it certainly suggests that the teachers, through their union, have done very little to improve matters. The union seems to devote most of its attention to preserving seniority privileges which enable experienced teachers to move out of schools which they don't like [and which are often most likely to need their experience] as fast as possible.

Something is clearly rotten in the Chicago schools, and money alone isn't going to cure it. The remedy may lie in teacher education, teacher certification, and teacher attitude. It may lie elsewhere as well. But the School Board and the union are going to have to come up with some answers that will work, because Chicago can't tolerate any further deterioration of its schools.

DETERIORATING POSITION OF THE UNITED STATES IN INTERNATIONAL MONEY MARKETS

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, June 21, 1971

Mr. BYRD of Virginia. Mr. President, the Wall Street Journal recently pub-

lished an excerpt from an address by Gaylor A. Freeman, Jr., chairman of the First National Bank of Chicago and a member of the President's Commission on International Trade and Investment Policy.

The reprinted section of the address, which was delivered before the 24th Annual Conference of Bank Correspondents, concerns the deteriorating position of the United States in international money markets.

Mr. Nelson makes the sound point that West Germany and other friendly foreign nations have shown great patience in not demanding gold for their dollars. But he questions whether we can expect their patience to last indefinitely.

It is obvious that the dollar is declining in value. And until the Government embarks on a sound financial policy—until it sets its fiscal house in order—this decline will continue.

I ask unanimous consent that the text of the excerpt from Mr. Freeman's address, captioned "Can We Make Our Chips Good?" be printed in the Extensions of Remarks.

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

CAN WE MAKE OUR CHIPS GOOD?

(NOTE.—The following, which appeared in the Wall Street Journal, is an excerpt from a speech by Gaylor A. Freeman, Jr., chairman of the First National Bank of Chicago and a member of the President's Commission on International Trade and Investment Policy, as presented before the 24th Annual Conference of Bank Correspondents.)

Our country's position is a little like mine would be if I invited four or five of you in to play poker and got out the cigar box full of chips and sold you each \$10 worth. If I lost hand after hand for perhaps 20 hands and continually reached into the box to replenish my own pile of chips, you might begin to wonder whether I would have the cash to redeem all of the chips piling up on the table. Then, after an hour or two of this, if I said that I could no longer redeem all of the chips and asked you not to cash any in, but to just keep on playing, you, as a friend, might say, "Okay—for a while." But as the hour grew later and I continued to lose every hand and constantly put more chips on the table, the time would come when you would say, "We aren't going to play any more unless you can make those chips good—or at least begin to bring some more money into the game."

As you know, our country has (with only two exceptions) had a balance of payments deficits in every year since 1950. That is, we have lost 18 hands in the Big Game between nations and have just continued to issue more dollars. At first we were not greatly distressed. As the world's banker, our nation—perhaps like your bank—recognized that we could not escape borrowing short and lending long, thus incurring a degree of illiquidity.

But the analogy is not all that good, for our country's long-term assets are not government assets, but private assets. Privately owned factories abroad are not available for the payment of foreign-held claims for which foreign central banks can ask the U.S. government to pay in gold.

As the deficit continued, the problem became more aggravated. We will have another balance of payments deficit this year—and again will finance it by issuing more dollar claims—more chips.

Since we can't redeem all of those foreign-held dollar claims, we have, since early in the 1960's, asked Germany and our other foreign friends not to ask for gold for their dollars, but to wait a while. They have waited and

waited and waited. Meanwhile, our position has deteriorated every year. Our time is running out.

MILLIONS FOR SUBSIDIES, PENNIES FOR SAFETY AND HEALTH

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. O'HARA. Mr. Speaker, last year the Congress enacted the Occupational Safety and Health Act. As is the custom of this administration with programs of which it does not in fact approve, but which it cannot afford politically to oppose directly, the administration is seeking to render the Daniels Act meaningless by requesting ridiculously inadequate appropriations.

Occupational accidents and illness cost the Nation something like \$20 billion per year. The Nixon administration, while perfectly willing to request hundreds of millions in subsidies for industries which have fallen prey to economic or managerial accidents and illness, has only asked one-fourth of 1 percent of that for the activities of two Cabinet departments in this area. The administration has requested \$50 million to underwrite a program which involves an expansion of the inspector staff, a major effort to begin development of up-to-date safety and health standards, a major research program, and a major State grant program. Obviously this figure is inadequate. Obviously, those who submitted the request know it is inadequate, and are content to have it so.

Last Friday, my friend, Jack Beidler, legislative director of the United Automobile Workers appeared before the Appropriations Subcommittee chaired by the distinguished gentleman from Pennsylvania (Mr. Flood), and requested a tripling of the administration request. On Tuesday, June 15, the subcommittee heard from two other friends of mine, Mr. Ken Peterson, speaking for the AFL-CIO, and from Jerome Gordon, executive vice president of Haldi Associates, and director of a definitive study on occupational safety reporting and statistics. The recommendations of these organizations and individuals differ in detail, but all three have one thing in common.

These spokesmen for the working people the Daniels Act was passed to protect, and this expert on the actual incidence of occupational accidents, assess the real need far more realistically than does the administration. The request by Mr. Gordon—for a "counter-budget" of \$2.2 billion over the next 5 years—is perhaps the most realistic in terms of what it will take to do the job. The estimates by the AFL-CIO and the UAW are more modest ones, and given an administration which knows, to use an old phrase, the "cost of everything and the value of nothing," their recommendations may be more in keeping with what we can expect to see spent. But certainly the thrust of all three statements points up the inadequacy of the administration's request.

I hope, Mr. Speaker, that the distinguished members of the Committee on Appropriations will give careful consideration to the views of those who are interested in protecting the working man.

I include, Mr. Speaker, the prepared statements of Mr. Peterson, Mr. Beidler, and Mr. Gordon in the RECORD at this point:

STATEMENT OF KENNETH PETERSON, LEGISLATIVE REPRESENTATIVE AFL-CIO

JUNE 15, 1971.

Mr. Chairman, on behalf of the AFL-CIO, I wish to express our appreciation for the opportunity to testify on appropriations for the Department of Labor, Health, Education and Welfare and related agencies.

Our concern about the Department of Labor, we believe, is self-evident. Our interest in Health, Education and Welfare is a continuing one and is rooted in the basic reason for our being an organization of working men and women.

With your permission, Mr. Chairman, I shall file a supplemental statement that will be more detailed than this statement. I will cite specific recommendations and the logic behind these requests.

We urge that you and the members of this subcommittee find these recommendations acceptable.

LABOR-HEW APPROPRIATIONS FOR FISCAL YEAR 1972

Occupational safety and health

The AFL-CIO regards as of highest importance the need for adequate funding for the Departments of Labor and of Health, Education, and Welfare, to implement the programs under the Occupational Safety and Health Act of 1970.

The Congress has stated that the goal of this Act is "to assure as far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources."

Organized labor worked long and hard to help achieve this Act and the programs which it contains. Millions of workers exposed to every kind of occupational safety and health hazard, have awaited enactment and the effective date of the Act with high expectations that now they see the beginnings of a vigorous and effective program that will lessen the shadows of death, injury and illness that hang over America's millions of workplaces.

Their expectations must be brought close to realization by adequate financial resources to carry out the strong preventive and remedial programs which the Congress wrought in building and passing PL. 91-596.

Mr. Chairman, every year more than 14,000 workers die, 2.6 million are disabled from job incurred injuries. Probably half a million workers are incapacitated, and hundreds die from occupational illnesses.

The investment in preventive programs to reduce this grim and mounting toll is small in proportion to its gains which can be achieved, gains that can be measured by added dollars in production, in steady wages and salaries, and reduction of the costs of workmen's compensation, and equally important but more difficult to assess, the human gains that are reflected in workers' lives, and the welfare and solidarity of their families.

Organized labor most urgently requests this subcommittee, therefore, to consider the following proposals with respect to appropriations under the Occupational Safety and Health Act for Fiscal Year 1972.

I. Department of Labor

The Department of Labor's proposed budget of \$25.3 million for fiscal 1972 is woefully inadequate to implement meaningfully the Occupational Safety and Health Act.

With 4.1 million American workplaces

covered by this Act, we recommend that at least 1,000 safety officers and appropriate Departmental personnel be acquired during fiscal year 1972.

Only with a force of this size can a compliance program be started which will give this Act some meaning to the millions of American workers who have for so long been exposed to every kind of safety and health hazard on the job. They have every right to regard this Act as the beginning of a new day in their working lives, and not to expect that they will have to wait for years before they begin to benefit from it.

The additional costs of placing 1,000 inspectors in the field over fiscal year 1972 would not exceed an additional \$10 million. There should also be additional funds provided for personnel engaged in the training program. There are 6,000 applicants already for these kinds of positions. Thus, there is no shortage of manpower capable of performing these duties. Such a program includes not only preparation of safety officers for the field, but carrying out the Secretary's statutory responsibilities to develop and carry out training programs for employees and management personnel so that they can better work together in reducing accidents and injuries in their own work environments, and thus promote the goals of the Act as established by the Congress.

Increasing the capability of the federal government to carry out its responsibilities is clearly needed now, particularly in view of the fact that the various states will not for some time be able to amend their statutes in order to submit plans to the Secretary for assumption of federal jurisdiction of some or all occupational safety and health areas, as provided in Sec. 18(b) of PL 91-596.

The legislatures of 32 states will not meet again until next year, although a few are still in session. Those of 18 other states will not convene until 1973. Even with regard to those meeting next January, no concrete assumptions can be made as to what course of action they will take in amending their statutes in areas that would be required to meet the criteria of the Act, or providing the necessary appropriations and training manpower to satisfy the Secretary that such a plan, if submitted, meet the tests of the Act.

These are the hard facts which lead inescapably to the conclusion that the first priority of implementing this Act should be that of rapidly building up the capability of the Department of Labor to carry out its major responsibilities and not diverting scarce resources on high pressure campaigns to sell the states on participation.

It was the general failure through the years of the states to protect worker safety and health when they had the chance that led to adoption of PL 91-596. They must fully demonstrate a changed attitude reflected by laws and programs at least as effective as those of the federal government as provided by the Act. In the meantime Congress should make sure that the Department of Labor is given the necessary resources to fully meet its responsibilities to protect the health and safety of 57 million covered workers with a strong beginning in fiscal year 1972.

II. Department of Health, Education, and Welfare

We urge that the \$8 million additional money authorized for the newly created Institute for Occupational Safety and Health for FY 1972, be approved by this subcommittee. The Institute has a vital role to play under the Act, with major responsibilities in the fields of research, demonstrations, training, development of criteria, and recommended standards, and monitoring, measurement, and publishing and maintaining a list of toxic materials used or found in America's workplaces. It is also necessary to provide the funds to establish its physical location.

Health hazards in America's workplaces

are increasing, as new processes, new chemicals and physical agents are being developed and placed in use at a rate of over 600 a year. This fact, together with the need to develop criteria and standards over many of known occupational health hazards, makes the operations of the Institute a major key to successful prosecution of this Act.

III. Occupational Safety and Health Review Commission

The three-member Occupational Safety and Health Review Commission has been given the responsibility under PL 91-596 to adjudicate all contested citations for violations of the Act.

The effective operation of this Commission is therefore a major key to effective enforcement.

We wish to call attention to the fact that under the Coal Mine Safety Act, a statute of limited scope in terms of both workers and establishments covered, more than 900 contested enforcement actions are being received each week by the Department of the Interior's Bureau of Mines.

The Occupational Safety and Health Act of 1970 covers 4.1 million establishments and 57 million workers—a coverage enormously larger than that of the Coal Mine Safety Act.

It can reasonably be expected therefore, that the volume of contested citations that will face the Occupational Safety and Health Review Commission will very quickly surpass by a large factor the enforcement matters dealing with Coal Mine Safety regulation.

If the resources of the Commission are not made adequate to this expected case load, it could very well be the bottleneck of the total enforcement program under the Act.

The Fiscal year 1972 budget authorization of \$300,000 for the activities of the Commission is inadequate. We urge that it be at least doubled in order to acquire the necessary number of hearing examiners and backup personnel required to assure swift and orderly adjudication of the inevitable file of contested citations during the year.

Mr. Chairman, the AFL-CIO Executive Council in its policy statement on Occupational Safety and Health, stated that "For the first time in the history of the Republic, the federal government can now begin to undertake a broad and progressive program to make the workplaces of America safe and healthful.

We earnestly request your subcommittee to aid in this humanitarian attempt by voting the necessary appropriations to make this Act work.

SUPPLEMENTAL STATEMENT OF KENNETH PETERSON

WORKMEN'S COMPENSATION ACTIVITIES OF THE DEPARTMENT OF LABOR

JUNE 15, 1971.

Occupational safety and health was formerly a responsibility of the Workplace Standards Administration of the Department of Labor, and in particular, of the Bureau of Labor Standards. The workmen's compensation responsibilities of the Bureau have now been reassigned to the newly established Employment Standards Administration, and its responsibilities for workmen's compensation activities within the Department have been increased substantially.

Employment Standards Administration

In prior years, the Bureau of Labor Standards devoted substantial resources—approximately \$600,000 in fiscal year 1971—to assisting the states improve their workmen's compensation programs. In fiscal year 1971, activity related to workmen's compensation assumed increased importance within the Department and required a supplemental appropriation of \$148,000. Implementation of some of the workmen's compensation provisions of the Coal Mine Health and Safety Act of 1969 (PL 91-173) was primarily responsible for this development.

This act requires the Department of Labor to give much greater attention to state workmen's compensation programs than it has in the past. In addition, PL 91-596, the Occupational Safety and Health Act of 1970 will place additional demands on the Department in terms of workmen's compensation issues during this fiscal year. Section 27 of PL 91-596 specifically authorizes and directs every agency and Department of the Government to assist in implementing the workmen's compensation provisions of this law. The Department of Labor will surely be involved in this activity.

In view of the workmen's compensation activities we are certain the Employment Standards Administration will be called upon to undertake, we are shocked at the fiscal year 1972 budget request. The budget request would merely fund workmen's compensation activity at the 1971 level prior to the supplemental appropriation. We can only assume the Department intends to shut its eyes to the needs of the injured workers and their families.

The AFL-CIO has repeatedly urged the Department of Labor to undertake greater responsibility in terms of assisting the states in their efforts to improve workmen's compensation programs. The Congress has recognized this need, and it has, in the Coal Mine Safety Act and the Occupational Safety and Health Act, placed greater workmen's compensation responsibilities within the Department. The states, in the fiscal year ahead, will need substantial technical assistance from the Department. The 1971 budget provided only the funds needed to maintain a modest effort at assisting the states. In 1972, since the demands for workmen's compensation assistance at the state level will be much greater, we urge you to increase the budget request for this activity to at least \$1,000,000 to permit some improvement over the 1971 effort.

Bureau of Employees' Compensation

We are also disturbed by what appears to us in this budget as a down-grading of the Bureau of Employees' Compensation. This Bureau administers, in an excellent manner, some of the better workmen's compensation programs in the nation—the Federal Employees' Compensation Act (FECA), the Longshoremen's and Harbor Workers' Act and others. The Bureau has been given additional responsibility under the Coal Mine Health and Safety Act.

The Bureau, during the fiscal year ahead, will be required to develop a program to assume the present responsibilities of the Department of Health, Education and Welfare related to the Coal Mine Health and Safety Act. At the present time the Social Security Administration is receiving claims for black lung compensation at the rate of 3,000 a week. The Bureau should begin this year to develop the staff and procedures to assume this increased workload in an orderly fashion.

In addition, the Bureau must also undertake much more activity in fiscal year 1972 related to state workmen's compensation laws. The failure of state laws to meet the requirements of the Coal Mine Health and Safety Act or the regulations promulgated under it by the Secretary of Labor will add substantially to the workload of the Bureau. The Bureau budget request represents an increase of 16 percent above 1971. Much of this increase will be utilized in the payment of increased benefits. This budget request will permit little increased workmen's compensation activity to be undertaken by the Bureau. The budget request should be increased by an amount that would permit it to do more than simply make benefit payments. An increase of 1.0 or 1.5 percent in this budget request would enable the Bureau to staff and maintain a genuinely effective program in fiscal 1972.

The Bureau must process claims, adjudicate controverted cases, police insurance carriers, employers, and the medical profession.

It must review insurance policies, investigate accidents, and enforce safety measures. In addition, it must constantly review every aspect in the operation of far-reaching workmen's compensation programs that have an impact upon American workers all over the world. We hope you will increase the budget request for the Bureau of Employees' Compensation activities by at least \$2,000,000 to permit the Bureau to properly carry out its functions.

WORKPLACE STANDARD ADMINISTRATION

Improving and protecting wages of the nation's workers

Over 50% of the Workplace Standards Administration Budget represents the budget of the previously independent Wage and Hour Administration. This portion of the budget, we believe, is particularly important since it is responsible not only for assuring that some 46 million non-supervisory workers are paid proper minimum wage, equal pay, and overtime amounts but also since it administers such important pieces of legislation as the age discrimination in the Employment Act, Service Contract Act, the Davis-Bacon and related Acts, the Contract Work Hours and the Safety Standards Act, the Walsh-Healey Public Contracts Act, and the Garnishment Provisions of the Consumer Credit Protection Act.

Employee complaints of employer violations continue to mount. Because of a lack of adequate staffing, some 8,500 complaints were back-logged in the beginning of 1971. In addition to the 22 positions that the Department has requested for equal pay enforcement and wage garnishment, we propose that the total staff be increased by 10% so that the thousands of workers currently underpaid will receive their due. The current expenditures of approximately \$25 million, more than pays off in the recovery of approximately \$95 million found due workers in back wages. The large majority of workers who are directly aided by enforcement efforts may be classified as working poor.

Bureau of Labor statistics

A number of program items providing for increases in the BLS budget receive our whole-hearted support. However, there are a number of items that are questionable in our estimation. Work to improve statistics on the construction industry is a desirable move as we feel many of the prescriptions made today for this industry are not based on solid fact. We have long called for increased frequency in the studies dealing with labor and material requirements for major types of construction. Also we support the work on developing more comprehensive data on prices of construction materials. We believe that there may be some misallocation of emphasis within this area, as we believe the above two items should receive the greatest attention.

The additional funds for the revision of the Consumer Price Index is an item that no one can oppose. However, we feel that the Bureau is not carrying out its responsibilities in this area. The bureau has succumbed to pressures by the Office of Management and Budget in changing from an annual survey of consumer expenditures to a quarterly survey. Last year the BLS requested approximately \$1.5 million to revise the Consumer Price Index by conducting two Consumer Expenditures Surveys. Now suddenly it has switched its proposal. Instead of two annual Consumer Expenditures Surveys, covering the year 1971 and 1972, the BLS would conduct five quarterly surveys providing data only for the year 1972. It assumes that 1972, by itself, will be a representative year to be used as a basis for Consumer Price Index and the City Worker's Family Budget. Also this change from the traditional methods followed in the 1940, 1950 and 1960 revisions raises a number of technical problems. The new proposed method will provide less de-

tall than the traditional method, and also fails to give any checks in terms of the change in a family's assets over the period of a year. This change in methodology raised the cost of the expenditure survey by approximately 20 percent.

We are also gravely concerned with the additional delay that this quarterly method will bring to the revision of the Consumer Price Index. The Bureau estimates that this change will delay the revision by some 12 to 24 months, meaning that until approximately 1979, we will be dependent upon the Consumer Expenditures Survey of 1960-61, as the basis for the City Workers Family Budget.

We oppose the change in methodology and resultant delay of the index revision process and urge the committee to direct the Bureau to proceed on the basis that the funds were initially allocated to the Bureau and under the same time table.

BUDGET TESTIMONY DEPARTMENT OF LABOR

Unemployment Compensation

Ex-Servicemen and Federal Employees

The federal government has extended the protection of the nation's unemployment insurance program to members of the United States armed services since 1944. Originally, the protection for separated members of the armed forces was furnished through the Servicemen's Readjustment Act of 1944. In 1958, this protection was made a permanent part of the Social Security Act.

Workers employed by the federal government have been protected by unemployment insurance since 1955 through the Unemployment Compensation Program for Federal Employees.

The 1972 budget request for these programs, \$274,500,000, is far too modest. The 1971 budget request for these programs was underestimated by approximately \$100,000,000. The AFL-CIO was appalled by the lack of funds for these programs revealed in the budget request proposed for separate transmittal. Lack of these funds will deprive jobless ex-servicemen and jobless federal workers of the basic protection unemployment insurance is designed to furnish.

During the past year, employment opportunities for ex-servicemen, former federal workers, and workers in private industry have steadily declined. National unemployment in excess of 6.0 percent is a reality with which every jobless worker must contend.

Longer periods of unemployment for increasing members of jobless workers are reflected in every index related to unemployment insurance. At this time, insured unemployment among ex-servicemen is more than 100 percent greater than it was in 1970. Insured unemployment among former federal workers is 50 percent higher than it was in 1970. The duration of joblessness for all job seekers has been increasing noticeably throughout the nation. State legislatures are seeking a stop-gap solution to this aspect of unemployment through enactment of extended unemployment compensation benefit programs.

This budget request fails to properly assess the labor market condition which will confront ex-service personnel upon their separation from the armed forces. The budget also reflects this unjustified optimism in the request related to federal workers.

We urge you to provide at least an additional \$100,000,000 to properly fund these programs in fiscal 1972. The Congress established these programs to protect ex-servicemen and federal employees against the extreme ravages of unemployment. We hope this Committee will enable the Department of Labor to effectively meet this goal. The additional funds we are requesting are essential if jobless ex-servicemen and jobless federal workers are to be permitted to maintain their homes and families while seeking employment during fiscal year 1972.

GRANTS TO STATES FOR UNEMPLOYMENT COMPENSATION

Unemployment Insurance Services

Since 1935, this nation's unemployment compensation program has provided a wage replacement income to millions of working men and women in periods of temporary unemployment. The program has also contributed to the stability of the nation's economy and has helped to moderate economic recession. During the latter 1960's the program contributed more than \$2.0 billion annually to the nation's economy. This contribution increased by 75 percent in 1970 to \$3.7 billion.

The program is performing an essential service for the nation at this very moment, approximately 3 million workers have been receiving the protection of the program every week this year. Monthly benefit payments in 1971 are 30 percent higher than comparable months in 1970. We hope the Committee will scrutinize this budget request closely and substantially improve upon it. The budget request before the Committee is woefully inadequate for the efficient operation of the unemployment insurance service at this critical period.

The nation's unemployment rate has soared to the highest level in ten years. We fear this situation will get worse before any hope for improvement can be entertained. The Congress, in 1970, concerned about the trends in the economy, enacted legislation to strengthen and improve the unemployment compensation program.

This legislation is being implemented daily at the state level. We feel it is essential this effort be continued without interruption. This budget will not permit the needed maintenance of effort unless it is improved.

The 1972 budget request would provide for a modest increase in personnel at the state level. This request is based upon the assumptions of a reduced workload for the unemployment insurance service. The budget request for fiscal year 1972 anticipates:

- A decline in initial claims;
- A decline in weeks claimed;
- A decline in contested claims;
- A decline in the number of appeals, and
- A decline in the number of weeks compensated under both state and federal unemployment compensation programs.

The AFL-CIO sincerely hopes unemployment levels will decline to the point at which these expectations become a reality. However, these expectations do not, in our opinion, reflect the increased demands placed upon the program due to the changes being enacted at the state level during 1971.

Every state legislature meeting in 1971 has enacted legislation which will increase the demands placed upon state unemployment insurance agencies in fiscal year 1972. We urge you to increase this budget request substantially to enable the state agencies to properly meet the heavy demands they will encounter.

The budget estimates for federal participation in the administration of the unemployment insurance service should be increased. The Employment Security Amendments of 1970 require extensive changes in every aspect of the program. The Unemployment Insurance Service will be called upon to assist the states in implementing the required changes. Extensions of coverage will have an impact on approximately 1 million employers and 5 million workers. The extension of coverage to new employers involves a workload increase, in terms of employer coverage only, 10 times greater than in any recent year. This is merely one example of the increased demands which will be placed upon the state programs. However, the total budget request permit only an 8.0 percent increase in state personnel.

The implementation of the increase in the taxable wage base and the extension of the reimbursement method of financing to all

nonprofit employers and public employers will place great demands upon the service.

The Department has been directed by the Congress in Public Law 91-373 to establish a continuing and comprehensive research program. The proposed budget should be increased in order that more than token compliance with this directive can be initiated.

In addition, Congress has authorized appropriations for training of unemployment compensation personnel. Programs of this nature are needed throughout the system. However, unless this budget request is substantially increased to provide additional funds for this activity very few training opportunities will be made available to federal and state unemployment compensation personnel. In just one area of the program—appeals—training of current personnel presents serious problems for the Department.

Excessive delays in processing contested claims have resulted in court decisions that have required changes in state procedures. The decisions and pending cases before the courts have also required the Department to examine closely its administration of this aspect of the program. The Department's review of appeals procedures has revealed a serious need for improvement.

It is essential that funds for a substantial increase in personnel be provided if this aspect of the program is to be improved. Jobless workers need unemployment compensation benefits when they are without employment. Unnecessary and lengthy delays in the appeals procedures of state programs are depriving jobless workers of their benefits for as much as seven weeks while they wait for a hearing on their claim. These practices are defeating the purposes for which Congress established the unemployment compensation program.

We urge the Committee to provide additional funds in this budget to make certain needed personnel can be recruited by the Department to improve this part of the program. We also urge you to make certain adequate funds are available to the Department for training this personnel.

Appropriations

Women's Bureau

We ask that the appropriations request for the Women's Bureau, totalling \$1,326,000 for the fiscal year 1972, be approved in full and increased if at all possible.

Issues concerning the status of women are commanding national attention, but too often the problems facing working women in the lowest economic brackets are lost in the shuffle. The struggle over "equality" should not obscure the need for minimum wage coverage, protection against excessive hours of work, the maintenance of decent conditions of employment, the expansion of child care facilities, and other fundamental needs of working class women.

Traditionally, the Women's Bureau has spoken in behalf of these concerns, but with decreasing effectiveness. In particular, funds should be made available to the Bureau for the purpose of direct, rather than second-hand, research on the needs and problems of low-income working women.

Manpower budget—Fiscal year 1972

The FY budgetary allocations for manpower training program within the purview of the Labor Department are structured to conform to the Administration's manpower revenue sharing proposal. This is the block grant system which we categorically reject. It represents an almost complete abdication of federal responsibility in the manpower field and jeopardizes such national programs as the Job Corps, Mainstream, etc.

While the budget proposes some overall increases in manpower expenditures for FY 1972, there will be no significant expansion in manpower programs. With unemployment at the present level the major need for the

coming year is in the area of job creation in the public sector.

The Administration's budget proposal cannot be expected to provide the funding necessary to create even a modest number of public service jobs except at the expense of other manpower programs. Substantial appropriations for public service jobs are needed now, if any reduction is to be made on the number of unemployment workers.

Social Security Administration

The Social Security Administration's budget for 1972 reflects the continuing growth and expansion of the social security program. In total, benefits under social security programs under present law are estimated at \$43.4 billion for 1972 and represent an increase of almost \$2.5 billion over 1971. The increase in old-age, survivors, and disability benefits is due primarily to increases in the number of aged persons in the population, in the proportion of the aged who are insured, and in the average monthly benefits as the general earnings level continues to rise. The increase in Medicare benefits is a result of increases in the size of the covered population and in the utilization and cost of covered services.

For salaries and expenses, the Social Security Administration has requested \$1,101 million, an increase in its limitation to spend from the social security trust funds of about \$72.2 million over 1971. Of this total increase, \$25 million is for restoring the contingency reserve which is being used in 1971 to fund unbudgeted needs. The remaining increase of \$47.2 million results from:

1. A 4.8 percent increase in the volume of work to be handled by the Social Security Administration, State agencies and health insurance intermediaries at a cost of \$22.5 million.

2. Built-in salary increases for employees of the Social Security Administration and increases in prices and wages paid by State agencies and intermediaries, amounting to \$27.7 million; and

3. Other changes which net out to a reduction of \$3 million.

Administrative expenses for the social security program continue at a low level and administrative cost ratios compare very favorably with comparable expenses under private insurance.

The appropriation for Special Benefits for Disabled Coal Miners is for benefit payments and administrative expenses for implementation of title IV of the Federal Coal Mine Health and Safety Act of 1969, enacted on December 30, 1969. The 1972 budget request of \$643.5 million cover obligations for fiscal years 1971 and 1972 as well as obligations for 1970 which were not fully funded in that year. This new program turned out to have a much greater impact than originally anticipated (current claims estimates through fiscal year 1972 are 45 percent higher than earlier estimates) and progress at first was not as rapid as SSA would have liked it to be because of the heavy concentration of the workload in a few states where most of the district offices are small and because policy and operating problems were extensive and time consuming. However, claims processing has increased rapidly and the SSA expects to make decisions on practically all of the initial backlog of claims before the end of fiscal year 1971. There are expected to be a large volume of reconsiderations and appeals from these initial decisions; most of this work will take place in fiscal year 1972.

The social security program directly affects the well-being of practically all of the American people. We urge that adequate funds be provided this program to properly service the millions of Americans dependent on it for their income.

Rehabilitation Services Administration

Many of our members and their families have been helped directly from the services

that are available in communities as a result of this State-Federal program. It helps people who are disabled to return to work, or to qualify for work status in the case of people so disabled that they have difficulty in finding and keeping suitable work. Organized labor supports the budget for this program because it helps people to help themselves, and it more than pays its own way in terms of the national economy. Rehabilitation programs should not be supported primarily for the monetary gain to society, but Congress should know that it can help our economy, both monetarily and productively, as it appropriates money to rehabilitate the disabled.

In 1970, a total of 266,975 disabled people were restored to employment. This is an increase of more than 10 percent over the previous year. Prospects are even better for this present year, with estimates going to 288,000. The people who are helped go into the skilled trades, the professions and agriculture. They will add about 250 million man-hours of work each year to the nation's productive efforts. They will increase their annual earning rate to about \$863 million compared to pre-rehabilitation rate of about \$195 million. In any one year about three-fourths of the people rehabilitated and placed in jobs were not working at the time they were accepted for service. Others were in marginal or otherwise unsatisfactory employment.

We hope that the funds this program needs will be appropriated in full so that the successes and breakthroughs that have been made in care for the disabled can be extended to ever increasing numbers of people eligible and waiting for help. We are especially anxious to see that Federal grants to States be kept to the highest possible level with assurance of Federal funds to match all the money the States can and wish to spend of their own money for this purpose.

Labor has a special interest in seeing that resources are made available for work evaluation and work adjustment services. Although Congress authorized appropriations of \$50, \$75 and \$100 million for the three years ending in 1971, and extended this authorization of \$100 million for another year through 1972, this work has not been funded. In our opinion, this work should be highly, if not fully, funded in order to continue the manpower development thrust which both political parties have agreed is most important to our national welfare.

The great importance of putting people to work in suitable employment and helping them to stay employed as productive members of society requires that high priority be given to the budget requests for this program.

At the present time there is the equivalent of two full time people working in Central operations in all aspects of the Medicaid nursing home program. We feel that any program that spends as much of the federal dollar as the Medicaid program does for nursing home care should have more direction from Central operations. We note that the President's budget asks for a cutback in appropriations for central operations of Social and Rehabilitation Services. We feel strongly that the federal money allocated for the care of those who must seek medical care in a nursing home must have strong federal leadership to eliminate the abuses in the operation of nursing homes.

Administration of Aging

The AFL-CIO is gravely concerned about the lack of adequate funding for AOA programs—programs which are of vital concern to our 20 million senior citizens and others affected by problems related to aging.

The Administration on Aging, the agency that was created by the Older Americans Act, has always been under-financed and understaffed. As a result, the law has never been fully implemented. The Administration originally recommended a 10 percent reduction in AOA funding. The original recommendation was to reduce the overall \$32 million for

fiscal 1971 to \$285 million in fiscal 1972. These latter figures did not include the \$1.65 million appropriated to meet expenses for the White House Conference on Aging in fiscal 1971. No funds were recommended for Conference expenses for fiscal '72.

In a recent statement to the Senate Special Committee on Aging, the Secretary of Health, Education and Welfare announced the intention of the Administration to amend the AOA budget request so that Community Project grants and the Foster Grandparents Program will continue at the current fiscal year funding. In addition, he stated that the Administration will request that funds for research and development and training be restored to the fiscal year 1971 level. However, when account is taken of the rapidly increased costs during the last fiscal year, this actually means a reduction in funding for these programs.

AOA programs are vitally important to our elderly population. For example, the RSVP program was designed to provide new opportunities for needed community services for persons 60 and older. Leading experts in the field of aging have estimated that perhaps one million older Americans would be willing to volunteer their services in their communities—a large reservoir of talent which is still largely untapped.

The Foster Grandparent program has enabled low-income persons 60 and over to provide supportive services for disadvantaged young children. Unlike RSVP participants, these individuals are paid wages for their services to disadvantaged young children. The evidence is abundant and compelling from the elderly participants, individuals served, and community leaders that this program is working well.

These kinds of programs are essential to raise a substantial number of the aged poor out of poverty or to give them a sense of participation in something that is important and at the same time help to resolve serious social problems. We urge a 25 percent increase in appropriations so that these programs not only will be maintained at present levels but will be able to expand. We urge a realistic financial commitment responsive to the growing needs of a growing elderly population.

Public Assistance and Social Services Appropriations

In 1967 the Congress recognized the need to provide the states with the means with which to supply services to assist in the reduction of poverty and social problems. These services include extension of day care programs, homemaker services, legal services, family counseling, money management and consumer education, referrals and preparation for education and employment, protective service for abused and neglected children, family planning, health, foster care arrangements for the aged and infirm, securing support from deserting fathers, counseling for unmarried mothers and many others.

Just as these programs are beginning to take effect, the Administration has decided to severely cut Federal funding for them. The argument is that they are unable to measure the value of the services. Their attempt to curtail spending for services in last year's appropriation was defeated in both Houses of Congress. The outcry from the governors, local public officials, educators and welfare directors when the Senate Appropriations Subcommittee tentatively approved a 115% limitation, would indicate that those closer to the problems disagree with the Administration's assessment of the need for these services.

We contend that if the Administration is unable to measure the effects of programs which could be funded under Title IV A of the Social Security Act, it is because in only a few areas have there been any in operation for any length of time. A good example

of the use of the services money under Title IV is here in Washington, D.C. With the combined efforts of community organizations, the District government, labor unions, sympathetic Congressmen, and paid consultants, it took 18 months to get the 25% matching local share and to qualify under the rigid requirements for obtaining the Federal share to provide a half dozen day care centers. The Administration pays lip service to the need for more day care centers to free mothers to take jobs, but at the same time they are attempting to reduce drastically the one source of Federal money for such services.

We urge the Congress to recognize the increasing need for services to assist in reduction of poverty and not to eliminate the source of Federal financing of such services.

In addition to the Administration's decision that services that are of no measurable value they also seem to have arbitrarily decided that social workers have no place in our society. They have cut by more than half the grant money available to universities for the training of social workers, and plan to eliminate such money altogether in next year's budget.

At a time when the need to offer training, education, counseling, protective services for children and other services is at its greatest for an ever increasing number of people, the money to train people to perform these services should be increased, not eliminated.

Health Services and Mental Health Administration

All Americans should have access to comprehensive health services. This policy is the explicit goal of the Comprehensive Health Planning Act of 1966 (P.L. 89-749). Several barriers stand in the path of this goal. Three of the most important barriers are (1) the lack of needed health facilities, especially outpatient facilities; (2) the need for more health manpower; and most importantly, (3) the need for organization and rationalization of the health delivery system.

All of these points were brought out in the President's message to Congress on February 18, 1971. These were the first three points of his six point program. In his statement, the president said:

"In recent years, a new method for delivering health services has achieved growing respect. This new approach has two essential attributes. It brings together a comprehensive range of medical services in a single organization so that a patient is assured of convenient access to all of them. And it provides needed service for a fixed contract fee which is paid in advance by all subscribers."

The President further stated in introducing his second point under the heading of Meeting the Special Needs of Scarcity Areas:

"Americans who live in remote rural areas or in urban poverty neighborhoods often have special difficulty obtaining adequate medical care. On the average, there is now one doctor for every 630 persons in America. But in over one-third of our counties, the number of doctors per capita is less than one-third that high. In over 130 counties, comprising over eight percent of our land area, there are no private doctors at all—and the number of such counties is growing."

Under the heading of Meeting the Personnel Needs of our Growing Medical System the President stated:

"Our proposals for encouraging HMO's and for serving scarcity areas will help us use medical manpower more effectively. But it is important that we produce more health professionals and that we educate more of them to perform critically needed services."

We think that the President has pointed out three critical areas of concern that need immediate attention. Proper funding is needed to carry out these laudable goals. Unfortunately, the budget does not reflect these stated goals.

The Health Services and Mental Health

Administration is a very important part of the national effort to implement these goals to improve the health of the American people. The AFL-CIO strongly supports full funding of the programs that HSMHA administers. The improvement of our capacity to deliver health care and the organization of the delivery system to fully meet the medical needs of the American public are a particular concern of ours. Appropriations to meet these goals need to be increased.

We feel the following programs should have priority for the 1972 fiscal year:

- (1) Mental Health;
- (2) Health Services Research and Development;
- (3) Comprehensive Health Planning and Services:
 - (a) Project grants for the development of health services;
 - (b) Migrant health programs;
 - (4) Maternal and Child Health;
 - (5) Regional Medical Programs;
 - (6) Public Health Hospitals;
 - (7) National Institutes of Health: (a) Health Manpower.

National Institute of Mental Health

We are most concerned about the failure to follow through on the country's long overdue obligation to provide comprehensive community-based services for America's mentally ill and their families. The President's 1972 Budget Allowance provides only \$15 million more for the staffing of community mental health centers than was appropriated for the current fiscal year. This figure is totally unrealistic, and, in fact, will not even provide funds for staffing grants that have previously been approved. The token increase, especially in view of the increased costs brought about by inflation, represents an abdication of the previous commitment to provide these badly needed services and is directly contrary to both professional judgment and the intent of Congress. These sums will permit the development of only a handful, at the most, of badly needed services in poverty areas, rural as well as urban. In addition, almost as though to drive the last nail into the coffin of the community mental health centers program, no funds at all are provided for the construction of new facilities.

Trained personnel, both professional and paraprofessional, are urgently needed to provide treatment and preventive services in community mental health centers, in State hospitals, in psychiatric services of general hospitals, in alcoholism clinics, and in drug abuse and narcotic addiction programs. The President's proposal in the "Manpower Development" area, however, would reduce the NIMH funds for these purposes by slightly over \$3 million. Because of this reduction and the inflation of the last four years, the proposed NIMH budget for training (\$113 million) will provide for the training of approximately one-third fewer psychiatrists, clinical psychologists, psychiatric social workers, psychiatric nurses and paraprofessional mental health workers than were trained in 1969. The current level of support for mental health training is rapidly eroding the significant, but incomplete, gains that were made during the late 1950's and the early 1960's in overcoming the severe shortage of persons trained to work in the mental health field.

Despite the explicit action of the last Congress in enacting comprehensive legislation to deal with the drug abuse and narcotic addiction problems, the 1972 Budget Allowance provides for an increase in this area which is only slightly more than the added costs due to inflation. The 1972 Budget will not permit the initiation of any new community-based drug abuse and narcotic addiction treatment programs. This clearly is not the way to deal with these major problems—in the ghetto as well as in the suburbs.

The 91st Congress also enacted important legislation dealing with alcoholism. The

Budget Allowance for fiscal year 1972, however, provides for less than \$8 million for new State and community alcoholism programs. This is in stark contrast to the \$95 million authorized by Congress at its last session. Alcoholism affects a minimum of six million Americans. At a time when there is finally national recognition that something can and must be done about this major medical-social problem, only a very minor effort in this critical area is called for in the President's Budget proposals.

We feel the minimum increases required over the President's Budget in these four areas should be as follows:

1. Community Mental Health Centers:	
a. Construction	\$45,000,000
b. Staffing	\$65,000,000
2. Manpower Development.....	\$43,700,000
3. Alcoholism and Narcotic Addiction	\$184,000,000

We urge the Committee to insure that the NIMH budget for the coming fiscal year more nearly meets the nation's needs. Surely, the nation can do more, not less, for its mentally ill.

Health Services Research and Development

The National Center for Health Services Research and Development plays a very important role in developing and testing the HMO's that the President has stated are so important to the reorganization of the health care delivery system. Because of the very important role this agency is playing, it only logically follows that increased appropriations are going to be necessary to carry out this Presidential mandate. The increase of \$4,000,000 over the 1971 F.Y. budget is inadequate to carry out these increased responsibilities.

The Center is currently working with the development and evaluation of 15 HMO's. In order to properly support this activity, we ask the Committee to fully fund this program as authorized under the Public Health Service Act, Title III, Section 304.

In order to place this request of \$82,000,000 in the proper perspective, consider the costs of developing a Statewide medical information system. No such systems presently exist. The few successful sub-systems that exist, along with the well-recognized need for improved information handling in medicine, argue strongly for continued support for experimental medical information systems. A Statewide information system will cost from \$35 to \$50 million to build and at least \$3 million a year to operate. In order to build a much needed system in each State, nearly \$2 billion in funds would be necessary. But only \$61,484,000 is asked for in the budget for programs such as this and other much-needed applied research.

Comprehensive health planning

Comprehensive Health Planning is recognized as one of the ways to bring about a better utilization of health resources. While we support this concept we are disappointed that consumers have not been able to play a significant role in health planning in most of the States. We especially feel that with the increased attention that is being paid today to the need for training, for public health services and for reorganizing the health care delivery system that full funding to the authorized limit of Section 314(c), (d) and especially (e) should be appropriated. These three programs authorize the expenditure of \$290,000,000 for F.Y. 1972 to upgrade the much needed health care facilities and train the personnel to bring good health care to areas that desperately need it.

For migratory health services some \$18,056,000 has been budgeted for grants and direct operations. Because of the value of this program to the more than one million men, women and children who are migrant workers, this program should be broadened to in-

clude as many of these people as possible. The budget request provides enough funds to provide services to 470,000. In order to broaden this program to cover a larger portion of these migratory workers and their families, \$25 million should be appropriated.

Maternal and child health

The United States ranks 13th among industrial nations in infant mortality. Health care for mothers and infants of the poor is much below the average for the country as a whole. Most of the women who are poor have no prenatal care. Because of these conditions we ask the Committee to fully fund the Maternal and Child Health program. The President has asked for a total of \$235,435,000 for these programs. We recommend that the Committee give consideration to appropriating \$325,000,000 for the Maternal and Child Health program to help bring better medical care to crippled and retarded children included in this program.

Regional medical program

This program promotes the development of cooperative arrangements between medical schools, teaching hospitals and other health institutions to improve care and to eliminate duplication of facilities and equipment in the treatment of such dread diseases as heart, cancer, stroke and kidney disease. Because of an unobligated balance of \$34,500,000 carried over from fiscal 1971, the budget only calls for an appropriation of \$52,456,000. RMP will therefore have available for its program in fiscal 1972 a total of about \$87 million. This is a substantial cut from the amount appropriated last year. We suggest that funds available for obligations in fiscal 1972 should be equal to last year's appropriation. This would amount to an appropriation of about \$72 million for the coming fiscal year.

Medical facilities construction

As we earlier stated, we support the Administration on the need to develop HMO's. We feel very strongly that this is a step in the right direction. But when we look at the budget, we see a reduction of over \$111,000,000 in construction grants in the 1972 budget for the Hill-Burton program. The development of HMO's is going to depend largely on the amount of funds appropriated for construction grants, especially those allotted for ambulatory facilities to provide comprehensive health care services on a pre-paid basis. The necessity for a grant program as opposed to a guarantee program for a facility that is in the developmental stage seems obvious. The proposed loan guarantees cannot replace the grant for developing HMO's because of the substantial start-up costs involved in such programs. We therefore ask the Committee to increase the amount budgeted for fiscal 1972 for the Hill-Burton program to the full amount authorized by Congress, or about \$400 million.

Public Health Service hospitals

We have been quite concerned over the attempts of the Administration to close down the Public Health Service Hospitals. The Public Health Service Hospitals need to be modernized, not abolished. The AFL-CIO urges the Committee to increase the appropriations over what is asked for in the budget by \$71,369,000 to a total of \$146,000,000. \$36,000,000 of this should be appropriated to modernize and upgrade the Public Health Service Hospitals, \$10,000,000 for a study to enable the Public Health Service to find the best possible way that these facilities could be of optimal use to the total community and \$100,000,000 for operating expenses for the hospitals and clinics.

Although we realize that the medical care system that is operated by the Veterans' Administration is outside this Committee's jurisdiction, we would like to add a comment about them because it has been proposed that Public Health Service Hospital patients could be cared for in Veterans' Administra-

tion Hospitals. The VA hospitals are seriously understaffed and overcrowded and cannot even serve the veterans properly not to speak of adding an additional burden on them by having to serve the patients of the Public Health Service Hospitals.

These existing Public Health Service Hospitals would make excellent demonstration HMO's. One of the things that the President has been emphasizing is pluralism. These hospitals would make excellent yardsticks to measure the effectiveness of privately sponsored HMO's as compared to a publicly operated HMO.

National Institutes of Health

The need for research is great today. In examining the amounts budgeted to the vast majority of the programs of the National Institutes of Health, we see that programs are being cut back when appropriations should be increased. In the cases of those programs that have been budgeted close to the level of last year's appropriations, it is, in effect, a curtailment of these programs when one considers increased salaries and other costs. We call on the Committee to substantially increase appropriations for these programs of the National Institutes of Health. We recommend an increase over the Administration budget of \$200 million. As we are not experts in the field of medical research, we offer no specific recommendations as to how the appropriation for NIH should be allocated between the different Institutes.

The need for medical research to conquer dread diseases goes without question. Of even more vital importance today is the need for manpower to bring the fruits of this research to the consumer. Increased appropriations to those institutions that are developing this much-needed manpower is in our opinion a must.

We particularly want to call to the attention of the Committee our concern for the budget for the Bureau of Health Manpower. The need for additional personnel in the medical field is something all authorities now recognize. We note that organized medicine now recognizes the need for more physicians and accepts federal funding as a means of increasing the supply of physicians. For the last several years a high proportion of those applying for acceptance to American medical schools have been turned down. It has been estimated that as high as 75 percent of those turned down were eminently qualified to be physicians. It isn't a question of not having interested and qualified applicants but a question of financial resources to expand our capacity to increase the supply of physicians and other health manpower.

While the capitation grant of \$6,000 per graduating student that the President has suggested as the basis of funding medical education is a new approach to the institutional support of our medical schools, it does not increase the amount of money available for such support.

Two programs that have been operating in the past have given medical schools, in effect, the same \$6,000 for each student during the four years he spends in medical school. Title VII, Part E, Section 770-774, does this in two ways. One is based on the number of students and the other is an institutional grant. Together these add up to \$1,500 per student per year or \$6,000 per graduate. In view of the significant inroads that inflation has made in the budgets of these schools, we suggest that the Committee give serious consideration to significant increases in institutional support. We support full appropriations to the level authorized in the Health Manpower Act; namely, \$570,000,000.

Deserving students from low and middle-income groups are effectively shut out from training institutions in the health care field by reducing appropriations for scholarships and student loans. The vehicle of administering student loans is particularly important because of the antipathy many minorities

and low-income groups have against private lending institutions. We believe that full funding of loans and scholarships administered by the learning institutions would be a better source of funds for these students. Therefore, we request that \$60,000,000 in direct loans and \$29,000,000 for scholarships be appropriated by the Committee. In contrast, the President's budget asks for \$22,027,000 for direct loans, nearly \$3,000,000 less than appropriated in F.Y. 1971, and only \$15.5 million for scholarships, the same as for fiscal 1971.

Institutional support for nurses training is important to assure a better supply of one of the most important resources of health care that has been in short supply for many years. Many nurses training institutions have closed their doors because they had insufficient financial support. Bold steps are needed to give these institutions adequate support. We urge the Committee to appropriate \$295,000,000 for this institutional support. The President's budget only calls for \$9.6 million for student loans, a reduction of \$7.5 million from fiscal 1971. Scholarships are budgeted at \$17 million and traineeships at \$11.5 million. We recommend \$25 million for loans, \$25 million for scholarships, and \$20 million for traineeships.

Institutional support for schools of public health in the 1972 budget remains the same as for the 1971 budget in spite of inflation. The amount requested for public health traineeships is also the same as last year. In view of the great emphasis that the Administration has placed on air and water pollution control, it seems somewhat of a paradox not to support more trained manpower in public health. We recommend the budget be increased \$17 million for institutional support and \$7.6 million for traineeships.

In order to achieve the goal of making health services accessible to all Americans, we need more physicians and we need more allied health professionals such as physician assistants, dental assistants and pediatric nurses in order to utilize physician time more effectively and efficiently. The President's budget asks for \$10 million for institutional support and only \$3,750,000 for traineeships. Nothing is requested for the construction of schools for the allied health professions. We recommend \$20 million for institutional support, \$6.5 million for traineeships and \$30 million for construction.

OEO appropriations

The proposed budget for OEO for Fiscal Year 1972 is totally inadequate to effectively carry out the programs and functions for which it is responsible. In the face of a report from the Census Bureau that 1.2 million persons were added to those counted as poor in 1970, up 5 percent from 1969 (a not unanticipated statistic), the OEO budget reflects a disregard for proven programs which can effectively help the poor.

The proposed OEO budget would cut the Community Action allocation by more than 6 percent, and increase the local share contribution from 20 percent to 25 percent. This increase in the local share contribution is hardly justified by the relatively small savings that will result to OEO. And in view of the Administration's professed concern for making additional funds available to local communities through its revenue sharing proposals, it is understandable only as a means of reducing the number and effectiveness of the Community Action Program.

The net effect of the increase will, in many communities, result in less money for the local CAP agency, which, in turn, will mean reductions in staff for some CAP-supported agencies and the closing down of others. This, coming at a time of high unemployment in the nation as a whole, with almost double the national unemployment rate in the poverty areas where local CAPs function, would serve only to heighten the frustration of those who are forced to live in the ghettos.

The Legal Services program is maintained

at its present budget level. This program which had the general support of the legal profession and has been of service to thousands who would have had no one to represent them in the civil courts, deserves to be strengthened and expanded. Legislation has been introduced into the Congress by the Administration and others that would restructure the Legal Services program by insulating it within a public service corporation. Regardless of whatever is taken on these legislative proposals, solely on the basis of its excellent record of supplying a basic service in helping the poor get a fair shake within our judicial system, the Legal Services program deserves a substantially expanded budget.

In the area of nutrition, while there has been substantial expansion in the availability of food stamps and commodities, as well as some upgrading of these programs, there is no room for complacency about the elimination of hunger in our land.

Private studies by reputable citizens suggest that hunger is still very much with us. In view of the rising rate of unemployment and a concomitant increase in the number of poor people, the decision by the Administration not to request funds for Fiscal Year 1972 for the Emergency Food and Medical Services, is a gross disservice to all poor people. This program was intended to fill gaps in the Food Stamps and Commodities program at the local level, to provide facilitative services and to encourage reform of local practices. These objectives and needs are still valid and the OEO should request adequate funds for Fiscal Year 1972 to continue and expand this program. This is hardly the time to start retrenching this program for ultimate phase-out.

VISTA has been a useful program which has provided an avenue for young people to work with the poor toward achieving useful social and economic goals. The Administration has indicated that it plans to merge VISTA with the Peace Corps. What the ultimate fate of VISTA will be is not clear at this time. But the record that VISTA has written warrants a substantial budgetary increase not the proposed cut of almost 9 percent for Fiscal Year 1972. Further, VISTA deserves to be continued as an independent program within OEO.

It seems quite clear from the submissions of the Administration to the Congress on revenue sharing that the request for a simple two-year extension of the Economic Opportunity Act of 1964 is merely a holding operation. Under the Administration's revenue sharing proposals, OEO will disappear as the spearhead of a federal anti-poverty effort, and its various programs will be absorbed by old-line federal agencies where their impact and visibility will be lost.

While OEO was never intended to be the sale, or even the major anti-poverty vehicle in the federal drive against poverty, it was intended to be the voice of the poor within the federal establishment calling attention to the needs of those in our society who, for whatever reason, have not shared in the opportunity to attain the base minimum of economic and social stability. To diffuse the leadership role that OEO has played in helping poor people toward a better life would be callous indifference to their needs. OEO's Fiscal Year 1972 budgetary requests seem to assume that OEO as an independent agency is finished.

The Congress, in the final analysis, will determine whether or not revenue sharing is to become the policy of the government. Until that decision is finally made, we in the AFL-CIO would hope that your Committee will recognize the need for full and adequate funding for all OEO programs.

THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED

The President's Committee on Employment of the Handicapped is requesting \$726,000 for fiscal year 1972—an increase of a

mere \$20,000 over the 1971 figure of \$706,000.

This entire increase is earmarked for such mandatory expenditures as salary increases under the recent Federal Pay Act, in-grade promotions and similar items the President's Committee is obligated to meet.

The \$20,000 increase cannot possibly be used for new programs or new activities. In other words, the fiscal year 1972 budget request permits the President's Committee to do little more than tread water, to stay in the same place, to hold its own.

The President's Committee needs more money for fiscal year 1972. The AFL-CIO urges an additional appropriation of \$25,000. These additional funds are necessary to hire an additional field executive. This will enable the President's Committee to work more closely with Governors' Committees on Employment of the Handicapped in all the States of the Union in efforts to improve their operations.

An additional field executive, responsible for improving the effectiveness of Governors' Committees throughout the country can make a considerable contribution to improving the total climate of America in behalf of the handicapped. He would work with several States, helping establish and maintain local Committees on Employment of the Handicapped; encouraging State funds for operating expenses and for full time executive secretaries to Governors' Committees; helping design State programs eliminating architectural and transportation barriers; and working with State and local committees in mobilizing all State organizations and agencies into greater service to the handicapped.

In short, a few dollars allotted to the President's Committee will pay off in countless millions of dollars worth of voluntary service to handicapped people who need rehabilitation and employment. All this is a bargain for a modest \$25,000 increase in the President's Committee's appropriation. We hope the Congress agrees.

STATEMENT OF JACK BEIDLER, LEGISLATIVE DIRECTOR, UAW

JUNE 11, 1971.

The UAW strongly supports a much larger level of funding for the Occupational Health and Safety Act of 1970. The present level of \$25 million for DOL and the \$26 million for HEW is, in our judgment, a nickles and dimes approach which can only tragically delay the goal of a safer and healthier workplace for the 57 million workers covered by the law.

There is no federal legislation today which more directly affects the daily lives of all working Americans than does Public Law 91-596, but until Congress adequately appropriates money to carry out the authorized responsibilities of this law, the words in the law will become nothing but harmless bits of parchment.

The U.S. Department of Labor completed this year a \$250,000 study on working conditions which shows that on a scale of 19 sources of job discontent the number two irritant of 1,500 workers sampled is "health and safety hazards." Other related working conditions which scored high in the survey made by the University of Michigan Research Center were "unpleasant working conditions," "inconvenient or excessive hours," "work-related illness and injury," and "occupational handicaps." This study covered a sample of all people in the workforce, including highly paid professionals, white collar workers and blue collar workers.

There are 80 million working Americans today out of a population over 200 million. They provide the muscle and backbone for the other two-thirds of the nation. Is it asking too much of the Congress that the well-being of the working Americans be given the same urgency that we give the disabled, the young, the poor, the elderly, and the very ill?

We do not think for a moment that Con-

gress can suddenly by voting large sums of money deal with the health and safety of working Americans.

Dr. Jerome Gordon who is scheduled to appear before you next Tuesday has prepared a safety counterbudget which calls for a national outlay of \$2.2 billion during the next five years. The pending DOL and HEW budgets for PL 91-596 come to roughly \$1 spent each year for covered workers. The Gordon counterbudget calls for a level of spending \$4.22 for Fiscal '72 rising to a spending level of \$10.27 for Fiscal '76 taking into account the expected covered employment in 1976 of 63.1 million workers.

We regard this approach as a more realistic way to tackle the serious health and safety problems of working Americans. Some 25 million injuries occurred last year and an untold number of occupational illnesses were acquired on the job. Dust, noise, fumes, untested chemicals, extremes of heat and cold, radiation—these are but suggestions of the hazards to which millions of workers are daily exposed.

A Public Health Service study of the Chicago area found in 1968 that 45 percent of some 1 million workers in a six-county area were exposed to serious and urgent health hazards. Workers in manufacturing, as might be expected, were exposed to an even greater degree of hazards.

The Institute of Occupational Safety and Health has the potential in program and manpower to deal with these problems. DOL's Occupational Safety and Health Administration likewise has excellent programs on the drawing boards. But both HEW and DOL are engaging in fiscal timidity by requesting pennies when we need dollars instead.

Specifically we ask that the House subcommittee triple the request of Labor/HEW so that more money for safety inspectors will be available, more research can be conducted into the causes and prevention of occupational illnesses, and more training programs can be made available to both management and labor representatives.

It has been estimated that \$20 billion annually is lost because of accidents, deaths, illnesses, and other preventable impediments to production. We may never reach perfection so that all of these manpower losses are prevented, but in terms of cost-benefit ratios we can surely narrow the gap so that with stronger federal outlays the annual national loss of \$20 billion is lessened.

The federal law encourages a stronger commitment by the states and we are for this. The purpose of the law was to correct the shortcomings of the states and to raise a national standard of excellence for workplace safety and health. But the states today are not encouraged to put their best foot forward with the insignificant money available now. It is our understanding that \$80 million is now requested from the 50 states, yet only a fraction of the DOL budget request for Fiscal '72 can possibly be allocated to fulfill these state requests.

We appreciate the fact that this committee's responsibility is to trim and monitor the sometimes exorbitant requests of the federal agencies. But we emphatically state that money spent to improve and lengthen the lives of working Americans is money which is both morally sound and will repay the nation many times over.

We speak here not only for our own membership of 1.4 million workers, but for the millions more who have no union voice. Over half of the covered workers are not union members. There are 4.1 million workplaces which Congress has placed under the protection of the law. If the DOL projection of 1,000 inspectors during Fiscal '72 is reached—and we doubt that it can—only 250,000 inspections could be made under the best of circumstances leaving no time for administrative paperwork.

We in the UAW have gladly worked for the

downtrodden, the helpless, and the weak. We are here today asking something for ourselves and for our fellow workers. Only by tripling the level of spending—or a total of \$150 million for the combined Labor/HEW job safety and health budgets—can Congress begin to meet its responsibilities.

Even this would amount to only \$3 spent per worker and falls short of the projections in the Gordon Counterbudget. But it would mean an inspection staff of 3,000, training funds sufficient to meet the growing needs of both management and union personnel, and the kind of research money which HEW needs to carry out its responsibility under the law.

STATEMENT OF JEROME B. GORDON, EXECUTIVE VICE PRESIDENT, HALDI ASSOCIATES, INC.

JUNE 15, 1971.

INTRODUCTION

On April 28, 1971, the Occupational Safety and Health Act of 1970 went into effect with less than \$11 Million in appropriated funds to implement it. Both the House and Senate Labor Committees and the Nixon Administration were caught completely unprepared with strong fiscal counter-proposals with which to present to both the House Appropriations and Senate Finance Committees. As a result, the programs at both H.E.W. and Labor, as well as those in the states are crippled and workers are unprotected.

In order that all parties concerned might be better prepared for the current appropriations hearings on the Act for Fiscal Year 1972, I have prepared a five year program budget to meet the basic goals of the Act: protecting those on the job and cleaning up the nation's industrial environment. The proposed budget is motivated by the following facts unearthed during the tumultuous debates that led to the Act's passage:

- 15,000 lives lost on the job;
- Half a million workers disabled by occupational diseases;
- 25 million serious injuries sustained by American workers annually;
- 16 million workers with serious hearing loss resulting from the ravages of industrial noise; and
- 8 to 10 million workers with no protection under the law.

If we can resolve to spend \$40 Billion to reach the moon; \$1.1 Billion annually to clean up our rivers and streams, then we can spend \$2.2 Billion to clean up the nation's workplaces and cease the unseemly toll of human lives and misery.

Program budget objectives

To assure clean and healthful workplaces for all workers covered under PL 91-596 by 1976;

To enforce PL 91-596 through a unified national system of federal and state compliance and technical assistance;

To accelerate development of federal standards for effective enforcement of PL 91-596;

To monitor and determine the extent of hazards in the nation's industrial environment and the health status of workers on the job;

To acquire basic knowledge about the hazards of the work environment and translate it into systems and devices for combatting and correcting them;

To develop the basic human resources through the nation's universities, research centers, industrial and labor organizations to man occupational safety and health programs; and

To procure the pre-requisite facilities, systems and devices to protect the worker on the job.

The budget in brief

To meet the primary objective of assuring clean and healthful workplaces for all workers by 1976 will require the cumulative expenditure of over \$2.2 Billion dollars over the next five fiscal years. The breakdown by major program is as follows:

[Dollar amounts in millions of constant dollars]

Program	Cumulative 5-year spending	Percent distribution
Standards development.....	\$116	5.2
Compliance and technical assistance.....	838	37.9
Hazard and health surveillance.....	60	2.7
Research and development.....	344	15.6
Resource development.....	119	5.4
Procurement.....	733	33.2
Total.....	2,210	100.0

Slightly less than two-fifths (37.6 per cent or \$833 Million) of the budget is allocated to mandated state programs and projects requiring 100 per cent federal funding. The U.S. Departments of Labor and Health, Education and Welfare receive, respectively, 24.4 per cent or \$536.0 Millions and 37.6 per cent or \$841.0 Millions over the five year budget period.

At its peak, fiscal year 1976, an average of over \$10.27 per worker would be expended to provide program services for an estimated 63.1 million covered by the Act.

Almost half of the cost of the proposed program (\$980 Millions) could be financed through the establishment of a 5% levy on employer workmen's compensation premiums. The yield would be earmarked for application to the complete support of national, regional and state compliance and technical assistance and related program operations. This simple, yet equitable system of taxation is already used by such states as Michigan and Oklahoma in funding occupational safety and health programs. To adopt this useful measure for the nation would require an amendment of PL 91-596.

Among some of the applications of the proposed budget among major programs are:

Production of an estimated backlog of over 20,000 new and revised occupational safety and health standards required by the Act;

Establishment of a unified national occupational safety and health service comprised of a federal and state compliance and technical assistance field force of over 17,000 specialists in safety engineering, industrial hygiene, industrial medicine and other disciplines;

Construction of a national network of regional occupational safety and health laboratories;

Providing institutional grants to implement training for production of professional and technical manpower to man the program in both government and industry;

Establishing training programs for the development of "in-plant monitoring" personnel;

Conduct of an annual national survey of worker health; and

Funding systems development competitions for the design, construction and operation of less hazardous industrial processes, machinery, chemicals and facilities.

Tables 1 and 2 display the time phasing and relative distribution of the cost of the program over the next five fiscal years. Table 3 depicts the relative federal and state shares of the program budget. Table 4 contains the estimated annual yield from the proposed 5% levy on workmen's compensation premiums.

Program details

The following is a description of the major activities and outputs of each program category.

Standard development

Development and production of an estimated backlog of 10-12,000 new and revised job "system" safety standards;

Development and production of an estimated backlog of 8-10,000 occupational health standards and Threshold Limit Values (TLVs); and

Initiating and Completing the activities of the mandated National Workmen's Compensa-

sation Commission to establish a uniform national system.

Compliance and technical assistance

Creation of up to 7,000 national and regional field force positions; and

Creation and funding of up to 10,000 state field force positions.

Hazard and health surveillance

Expansion and Operation of the National Survey of Work Injury by the U.S.B.L.S. and co-operating states; and

Expansion and funding of the National Occupational Safety and Health Hazards Survey of in plant conditions by U.S. H.E.W. and co-operating states; and

Creation and funding of a National Survey of Worker Health to be operated by U.S. H.E.W.

Research and development

Establishment and funding of the basic program of the National Institute of Occupational Safety and Health (N.I.O.S.H.) mandated by the Act; and

Establishment and funding of a contract and grant program of Basic Research and Systems Development to acquire basic knowledge and hardware for controlling and abating job safety and health hazards.

Resource development

Creation of a continuing program of institutional grants for the production of industrial hygienists, safety engineers, industrial physicians and for conversion of underemployed aerospace industry professionals to these disciplines; and

Creation of a continuing program of grants

and contracts for training of in-plant monitoring personnel.

Procurement

Construction of up to 40 regional and satellite occupational safety and health laboratories;

Procurement of work hazard detection and monitoring devices and systems; and

System procurement of less hazardous industrial machinery, processes, chemicals and facilities.

\$2.2 Billion is a cheap investment in the best form of preventive health care—eliminating the health hazards and diseases that daily ravage 80 million workmen and women each year. How can we do less than this over the next five years, when the cost of not controlling the workplace environment is over \$20 Billions each year.

TABLE 1.—A 5-YEAR PROGRAM BUDGET FOR OCCUPATIONAL SAFETY AND HEALTH
(In millions of constant dollars)

Program	Fiscal year—				
	1972	1973	1974	1975	1976
Standards development.....	\$14.00	\$26.00	\$30.00	\$24.00	\$22.00
Compliance and technical assistance.....	98.00	131.00	168.00	203.00	238.00
Hazard and health surveillance.....	6.00	9.00	15.00	15.00	15.00
Research and development.....	41.00	54.00	68.00	83.00	98.00
Resource development.....	7.00	14.00	28.00	35.00	35.00
Procurement.....	70.00	100.00	138.00	185.00	240.00
Total.....	236.00	334.00	447.00	545.00	648.00
Cost per worker.....	4.22	5.77	7.51	8.89	10.27
Covered employment (in millions).....	56	57.8	59.5	61.3	63.1

TABLE 2.—5-YEAR PROGRAM BUDGET FOR OCCUPATIONAL SAFETY AND HEALTH
(In percent distribution)

Program	Fiscal year—				
	1972	1973	1974	1975	1976
Standards development.....	5.9	7.8	6.7	4.4	3.4
Compliance and technical assistance.....	41.5	39.2	37.6	37.2	36.8
Hazard and health surveillance.....	2.5	2.7	3.4	2.8	2.3
Research and development.....	17.4	16.2	15.2	15.2	15.3
Resource development.....	3.0	4.2	6.3	6.4	5.4
Procurement.....	29.7	29.9	30.8	34.0	36.8
Total.....	100.0	100.0	100.0	100.0	100.0

TABLE 3.—5-YEAR PROGRAM BUDGET FOR OCCUPATIONAL SAFETY AND HEALTH—FEDERAL/STATE SHARES
(In percent distribution)

Federal	Fiscal year—				
	1972	1973	1974	1975	1976
U.S. HEW.....	42.8	40.3	37.6	36.5	36.6
U.S. dollars.....	22.5	23.2	24.4	24.8	25.2
Total.....	65.3	63.5	62.0	61.3	61.8
State.....	34.7	36.5	38.0	38.7	38.2
Total.....	100.0	100.0	100.0	100.0	100.0

TABLE 4.—ESTIMATED YIELD FROM 5 PERCENT TAX ON WORKMEN'S COMPENSATION PREMIUMS

Fiscal year	Estimated National Workmen's Compensation premiums (in billions)	Tax yield (in millions)
1972.....	\$3.2	\$160
1973.....	3.5	175
1974.....	3.9	195
1975.....	4.3	215
1976.....	4.7	235

WHO REVEALED CLASSIFIED INFORMATION?

HON. HARRY F. BYRD, JR.
OF VIRGINIA

IN THE SENATE OF THE UNITED STATES
Monday, June 21, 1971

Mr. BYRD of Virginia. Mr. President, the Richmond Times-Dispatch of June 17 contains an excellent editorial concerning the controversy surrounding the Vietnam war study which has served as the basis for articles in the New York Times and the Washington Post.

The editorial makes the important point—which I raised in a speech on the floor of the Senate last week—that whatever the justification for the top secret classification of the study, or lack of

justification, the fact remains that some person or persons illegally revealed classified information.

It is the duty of the Department of Defense to determine who is responsible for this disclosure. The person or persons responsible should be prosecuted. How do we know what other top secret documents have been stolen?

I ask unanimous consent that the text of the editorial entitled "Top Secret?" be printed in the Extensions of Remarks. The editor of the editorial page of the Richmond Times-Dispatch is Edward Grimley.

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

TOP SECRET?

Whatever the ultimate effect of publication of the Pentagon's war study, its unauthorized release to the New York Times raises some profoundly disturbing questions about the security of all highly sensitive government information.

Events may validate the newspaper's argument that publication of the report will not endanger "the life of a single American soldier" or threaten "the security of our country or the peace of the world." But this is irrelevant here. The point is that a report bearing a "top secret" label has been clandestinely and illegally transmitted to the Times for release in effect to the whole wide world.

"Unless the Defense Department makes known just how this document was stolen, and by whom," Virginia Sen. Harry F. Byrd Jr. has observed, "it will forfeit additional confidence in the effectiveness and forthrightness of the Department of Defense."

One unnamed federal official, quoted in the Washington Post, declared that "If this doesn't get tracked down, then nothing is safe."

These two statements go to the heart of the matter: Apparently someone trusted enough to have access to "top secret" information is guilty of extreme disloyalty or of gross negligence.

Possibly, as Sen. Byrd noted, the report should not have been classified "top secret."

After all, the federal government has been known to put such a label on information that could have been safely released. Still, when the Defense Department officially designates something "top secret," no individual employe has the right to veto that decision simply because he disagrees with it. If each clerk, administrative assistant or under secretary could ignore departmental policy and decide for himself how information should be classified, nothing, as the anonymous Washington official observed, would be safe.

Conceivably, the report was released by someone outside the government, for the report, despite its "top secret" label was rather loosely handled. Of the fifteen legitimate copies distributed, six are in the Pentagon, one is in the White House, two are in the State Department, one is in the LBJ library in Austin, Tex., two are with the Rand Corp., and one is with former Defense Secretary Clark M. Clifford. If all "top secret" information is so liberally distributed, it's a wonder that the world doesn't know everything about this nation's supposedly confidential affairs.

No matter how useful—or how harmful—publication of the report might prove to be, its illegal release demonstrates the need for vast improvements to the government's system of guarding sensitive information. National security may not be at stake in this instance, but it could be in others.

TO HEAL AND TO BUILD

HON. HAROLD T. JOHNSON
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Monday, June 21, 1971

Mr. JOHNSON of California. Mr. Speaker, Historian James McGregor Burns titled his book on the programs of President Lyndon Baines Johnson "To Heal and To Build," taking these words from the comments made by President Johnson in Chicago, April 1, 1968, when he said:

Sometimes I have been called a seeker of "consensus"—more often in criticism than

in praise. And I have never denied it. Because to heal and to build in support of something worthy is, I believe, a noble task. In the region of the country where I have spent my life, where brother was once divided against brother, this lesson has been burned deep into my memory.

Certainly the administration of President Johnson was one in which a tremendous amount of energy was devoted to the domestic problems of our Nation. Many, many fine programs in the field of education, civil rights, science, manpower training, public works, and elimination of poverty were placed on the statute books as a result of the joint efforts of the legislative and executive branches of Government during those important years.

Because of President Johnson's extreme interest in the educational fields which I am sure go back to his early days as a schoolteacher it is most fitting that a library should be dedicated in his honor. Libraries are especially fine educational tools because they provide for the growth and development of ones mind throughout his lifetime. Many years ago, the theme of a National Library Week was "Something For Everyone" and I think this expresses extremely well the true meaning of any library. In our libraries we can find the inspiration and the knowledge to achieve the goal of "To Heal and To Build."

The Lyndon Baines Johnson Library on the University of Texas campus is an institution for all the people, not only of this Nation but of the world. For here will be encouraged the study of our American governmental system which reflects the most wonderful form of government yet devised by man.

Mrs. Johnson and I were privileged and honored to participate in this dedication—and I should also say, to join in the fine Texas barbecue which followed—and to join the rest of the Nation in paying our respects to a truly human person, one who exemplified by his life's work the concern and dedication to individual welfare and rights of man.

In making these comments I would like to end with those made at the beginning of the formal ceremony. The invocation given by the Rev. Billy Graham at the dedication, Saturday morning, May 22, expresses, I am sure, the thoughts of a grateful Nation for the services of this man:

God of our fathers, by whose grace this nation was founded, and by whose providence we have survived, we ask You to bless all of us who have gathered here today to dedicate this Library and School honoring Lyndon Baines Johnson. We are grateful that he and his wife chose to give the best years of their lives in public service. We thank Thee that we live in a nation where it is possible for a boy to go from a Texas farm to the highest office that his country could bestow. Grant that from the studies made in this building, we may learn the lessons that only history can teach us, and that future leaders of America may profit from them as they guide our nation in its search for justice and peace. Help us to recognize that the fear of the Lord is the beginning of wisdom. Help us as a person to understand once again our spiritual heritage and the necessity for full dependence on God, as we face the crisis of today

and tomorrow, for we ask it in the name of Jesus Christ, our Lord. Amen.

A CHARGE TO GRADUATES

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, June 21, 1971

Mr. RANDOLPH. Mr. President, over the past few weeks thousands of commencement speakers have delivered millions of words to young graduates poised on the threshold of their adult careers. There has been a verbal ocean of advice, exhortation, condemnation, and adulation poured on the heads of young men and women. Many commencement speakers seek applause by praising the obscene antics of a handful of radicals; others rightly applaud the vast majority of students who do not shout, curse, be foul, and bomb campuses. Still other speakers universally condemn all youth for seeking change, while some apologetically plead for students' forgiveness for leaving them the mess of an anguished earth.

Out of this plethora of postulations has come a clear, concise statement of fact that sets the whole subject in proper perspective. It is a commencement address by Dr. Eric A. Walker, former president of Penn State University, which has been reprinted in the *Allegheny Airwaves* magazine. I commend the reading of Dr. Walker's "A Charge to Graduates" to Senators, and hope that his message will impel future commencement speakers to weigh its contents. In the belief that this significant summary of the generational exchange deserves a wider audience, I ask unanimous consent that it be printed in the RECORD.

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

A CHARGE TO GRADUATES

(An address by Eric A. Walker, Ph.D., to the graduating class of Penn State University during his recent tenure as president)

This ceremony marks the completion of an important phase of your life. It is an occasion in which all who knew you can share in your sense of pride and accomplishment. But no one has more pride in your accomplishment than the older generation. But I am not going to say we have made a mess of things and you, the younger ones, are the hope of mankind. I would like to reverse that process. For if you of the graduating class will look over into the bleachers to your left or right, I will reintroduce you to representatives of some of the most remarkable people ever to walk the earth. These are people you already know—your parents and grandparents. And, if you will bear with me for five minutes, I think you will agree that a remarkable people they are indeed.

These—your parents and grandparents—are the people who within just five decades 1919-1969 have by their work increased your life expectancy by approximately 50 per cent—who, while cutting the working day by a third, have more than doubled per capita output.

These are the people who have given you a healthier world than they found. And because of this you no longer have to fear epidemics of flu, typhus, diphtheria, smallpox,

scarlet fever, measles or mumps that they knew in their youth.

Let me remind you that these remarkable people lived through history's greatest depression. Many of these people know what it is to be poor, what it is to be hungry and cold. And because of this, they determined that it would not happen to you.

Because they gave you the best, you are the tallest, healthiest, brightest, and probably best looking generation to inhabit the land.

They are also the people who fought man's grisliest war. They are the people who defeated the tyranny of Hitler, and who when it was all over, had the compassion to spend billions of dollars to help their former enemies rebuild their homelands. And these are the people who had the sense to begin the United Nations.

And they made a start—although a late one—in healing the scars of the earth and in fighting pollution and the destruction of our natural environment.

While they have done all these things, they have had some failures. They have not yet found an alternative for war, nor for racial hatred. Perhaps you, the members of this graduating class, will perfect the social mechanisms by which all men may follow their ambitions without the threat of force—so that the earth will no longer need police to enforce the laws, nor armies to prevent some men from trespassing against others. But they—those generations—made more progress by the sweat of their brows than in any previous era, and don't you forget it. And if your generation can make as much progress in as many areas as these two generations have, you should be able to solve a good many of the world's remaining ills.

It is my hope, and I know the hope of these two generations, that you find the answers to many of these problems that plague mankind.

But it won't be easy. And you won't do it by negative thoughts nor by tearing down or belittling. You may and can do it by hard work, humility, hope, and faith in mankind. Try it.

Goodby and good luck to all of you.

POWER FOR THE PEOPLE

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. HOLIFIELD. Mr. Speaker, under unanimous consent to extend my remarks in the RECORD, I attach thereto an editorial from the Los Angeles Times under date of June 13, 1971.

Mr. Speaker, there is a growing awareness of the potential energy crisis in our Nation. There is also a growing understanding of the inseparable problem of the use of additional energy for the purpose of solving our pollution problems. The Times editorial is timely and factual. The editorial referred to follows:

POWER FOR THE PEOPLE

America's economy and standard of living depend on energy, and consumption of energy has been increasing faster than our ability to produce new sources. Use of electrical power alone, on which industry and most home comforts depend, has been doubling every 10 years. "Power to the people" is not only a political slogan but a requisite of our life-style.

We are demanding not only more energy

but cleaner energy. Right now the two goals are in conflict. Nearly all electricity is produced by the burning of fossil fuels—coal primarily, then natural gas and to a lesser extent oil. Gas is an ideal fuel. It burns cleanly and can be transported long distances easily and relatively cheaply. But natural gas is also the energy source in shortest supply. The burden for production of electric power thus falls heavily on coal and oil.

Both usually have a high sulfur content, which means that when they are burned toxic compounds are released into the air, millions of tons of them a year. These sulfur oxides affect health. The public outcry to curb them has been growing, but so has use of power produced by combustion of the fuels from which they come. Hence the conflict: between environmental values on one hand and, on the other, the rising demand for the comforts, conveniences and material products that depend on energy consumption.

A voluntary reduction in energy consumption simply is unrealistic. The need is to develop new sources of energy and to improve existing ones. Both needs can be met, though one result inevitably will be higher costs to consumers.

In his recent message on energy, Mr. Nixon asked for an expansion of federal programs in a number of areas to boost cleaner energy production. Special emphasis was placed on development of a new generation of nuclear reactors, called liquid metal fast breeder reactors. Nuclear power plants currently provide about 2% of the nation's electricity. By 1980, says Dr. Glenn T. Seaborg, chairman of the Atomic Energy Commission, it will be 25%, and perhaps 40% by 2000. But there are problems first to be overcome.

One is a shortage of high-grade uranium that is used in existing reactors. A virtue of the breeder reactor is that it actually creates more usable fuel than it consumes; it also will provide power more efficiently. A second problem is the fear and possibility of deadly accidents in nuclear power plants.

A nuclear reactor cannot explode, like a bomb. It could conceivably malfunction in ways that might release radioactive materials. Stringent and constantly upgraded safety standards set by the AEC are intended to prevent this possibility, though there is no such thing as foolproof safety, in nuclear plants or indeed any industry. The point is that continuing demands for energy will mean greater reliance on nuclear energy, and that reliance will carry with it some risks, slight perhaps but real.

The first breeder reactor won't be ready before 1980. Until then and for a long time after then, fossil fuels will be our chief sources of energy. Mr. Nixon wants more federal support for programs to clean up these fuels.

One program is to develop techniques for taking sulfur out of the gases discharged by power plants. The Environmental Protection Agency thinks technology can be available in just a few years that will remove 80-90% of emitted sulfur. This would permit continued use of more readily available high-sulfur fuels.

A second program is aimed at turning coal into clean, burnable gas. The nation's coal reserves are estimated at between 800 billion and 1 trillion tons; conversion of coal to gas could result in a 600-year supply of the cleaner fuel. The technology for gasification is far enough along so that the Administration thinks a commercial plant could be operating by 1980.

We can indeed have adequate and cleaner energy, then. But we will have to pay for it and we will have to accept some risks. In the meantime, our energy demands will go on and so will environmental pollution. It is a penalty of our prosperity, but a penalty that by sound investment can be lessened considerably.

REVENUE SHARING—VIEWS OF HON. WALTHER B. FIDLER, VIRGINIA HOUSE OF DELEGATES

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, June 21, 1971

Mr. BYRD of Virginia. Mr. President, one of the most able members of the Virginia Legislature is the Honorable Walther B. Fidler. Mr. Fidler of Warsaw, Va., represents the northern neck of Virginia; namely, the counties of Northumberland, Westmoreland, Richmond, and Lancaster, in the Virginia House of Delegates.

Mr. Fidler is independent minded in his political thinking. His record in the legislature is one of a thoughtful, dedicated official, devoted to the solid principles of government upon which our Nation was built.

Under date of June 9, Mr. Fidler wrote me giving his analysis of President Nixon's proposals on the sharing of Federal funds with the representative States.

While I myself have not made a firm decision regarding the various revenue-sharing proposals before Congress, I found Mr. Fidler's letter to be most interesting.

I feel that his analysis should be brought to the attention of Congress. I have received his permission to make public his letter.

I ask unanimous consent that Mr. Fidler's letter and my comments thereon be printed in the Extensions of Remarks.

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

COMMONWEALTH OF VIRGINIA,
HOUSE OF DELEGATES,
Richmond, June 9, 1971.

Senator Harry F. Byrd, Jr.,
U.S. Senator from Virginia,
Senate Office Building, Washington, D.C.

DEAR HARRY: I have spent some time trying to analyze the President's proposal for revenue sharing of federal funds with the respective states.

I have concluded that it will be a bad proposition for the federal government and even worse for the states for the following reasons:

1. The federal government has no funds to share with the states and can enter into additional sharing only through further deficits or increasing the federal income tax.

2. The statements that these funds will flow to the states without restrictions attached are false. Restrictions most certainly will attach based on all prior experience.

3. Within five (5) years after these funds begin to flow to the states, they will find themselves unable to prepare any state budget without first looking to Washington as a major source of funds. The states will become totally dependent on the federal government and will soon become impotent vassals of the federal establishment.

4. Under this proposal, the taxes will be raised by one governmental authority and spent by another making it virtually impossible for the citizens to exercise any control over either taxes or spending.

5. This proposal to me is a snare and a delusion, it will remove government further from the people, will vastly increase the power of the federal government and will reduce the independence and effectiveness of state governments drastically, reducing them to mere provinces in a new national scheme.

The proper solution, in my judgment, is to reduce federal taxes and permit the states to levy sufficient taxes in lieu thereof to render the services needed on a state level. In this way, we will get more for our money and most of all, the citizens will have some degree of control over what funds are raised and what they are spent for.

These are my views and I surely hope you will oppose the Revenue Sharing Proposal now before the Congress.

Sincerely,

WALTHER B. FIDLER.

SELF-DETERMINATION OF THE BALTIC PEOPLES

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. MURPHY of New York. Mr. Speaker, Americans of Baltic origin or descent and their friends will mark some sad and glorious anniversaries during the second part of this month. First, the Baltic States were overrun by the Soviets 31 years ago, and second, 30 years ago Lithuanians were successful in their revolt against the Soviet Union. Finally, the Baltic peoples have lost more than one-fourth of their population during these 31 years of Soviet terror and occupation.

I insert at the end of my remarks House Concurrent Resolution 416 which was unanimously passed by the House and Senate. I urge the President of the United States to implement this legislation by bringing the Baltic States' question before the United Nations and requesting the Soviets to withdraw from Lithuania, Latvia and Estonia.

I also insert the essay entitled "Self-Determination of the Baltic Peoples" at the end of my remarks in the RECORD for the information of my colleagues and the American public.

I commend the Lithuanian American Community of the United States of America, Inc., and all of those who have fought so valiantly for the freedom of these countries from the domination of the Soviet Union, and I pledge to support them in the future as I have in the past.

The material follows:

SELF-DETERMINATION OF THE BALTIC PEOPLES—RED TERROR IN LITHUANIA, LATVIA AND ESTONIA

The Soviet Union invaded the Baltic States on June 15, 1940, and took over Lithuania, Latvia and Estonia by force of arms. These three peace-loving republics have been suffering in Russian-Communist slavery for more than 30 years.

At a time when the Western Powers have granted freedom and independence to many nations in Africa, Asia and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia and Estonia whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

The Balts are proud peoples who have lived peacefully on the shores of the Baltic from time immemorial. For instance, this year

marks the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251.

The Lithuanians, Latvians and Estonians have suffered for centuries from the "accident of geography." From the West they were invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Balts, it should be kept in mind, are ethnically related neither to the Germans nor the Russians.

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into the Baltic republics and annexed them in June of 1940. In one of history's greatest frauds, "elections" were held under Red army guns. The Kremlin then claimed that Lithuania, Latvia and Estonia voted for inclusion in the Soviet empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Balts were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic or Siberia. The Baltic peoples have never experienced such an extermination and annihilation of their people in their long history through centuries as during the last three decades. Since June 15, 1940, these three nations have lost more than one-fourth of their entire population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet Russian occupation, however, the Balts have waged an intensive fight for freedom. During the period between 1940 and 1952 alone, some 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of the Baltic resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

This year marks the 30th anniversary of Lithuania's successful revolt against the Soviet Union. During the second part of June of 1941 the people of Lithuania succeeded in getting rid of the Communist regime in the country; freedom and independence were restored and a free government was re-established. This free, provisional government remained in existence for more than six weeks. At that time Lithuania was overrun by the Nazis who suppressed all the activities of this free government and the government itself.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania, Latvia and Estonia by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Governments of the Baltic States. Since June of 1940, when the Soviet Union took over Lithuania, Latvia and Estonia, all the Presidents of the United States (Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon) have stated, restated and confirmed our country's nonrecognition policy of the occupation of the Baltic States by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering Baltic peoples to get rid of the Communist regimes in their countries.

The case of the Baltic States is not a question about the rights of self-rule of Lithuania, Latvia and Estonia, since this is established beyond any reasonable doubt, but the question is how to stop the Soviet crime and restore the freedom and independence of these countries. The Select Committee of the House of Representatives to Investigate the Incorporation of the Baltic States into the U.S.S.R., created by the 83rd Congress, after

having held 50 public hearings during which the testimony of 335 persons was taken, made a number of recommendations to our Government pertaining to the whole question of liberation of the Baltic States. According to the findings of this House committee, "no nation, including the Russian Federated Soviet Republic, has ever voluntarily adopted communism." All of them were enslaved by the use of infiltration, subversion, and force. The American foreign policy toward the Communist enslaved nations, the aforesaid House committee stated, must be guided by "the moral and political principles of the American Declaration of Independence." The present generation of Americans, the committee suggested, should recognize that the bonds which many Americans have with enslaved lands of their ancestry are a great asset to the struggle against communism and that, furthermore, the Communist danger should be abolished during the present generation. The only hope of avoiding a new world war, according to this committee, is a "bold, positive political offensive by the United States and the entire free world." The committee included a declaration of the U.S. Congress which states that the eventual liberation and self-determination of nations are "firm and unchanging parts of our policy."

The United States Congress has made a right step into the right direction by adopting *H. Con. Res. 416* (89th Congress) that calls for freedom for Lithuania and the other two Baltic republics—Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this very important legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union, is surely intolerable.

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

IS 13 PERCENT A MAJORITY?

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. SIKES. Mr. Speaker, I am pleased to present for reprinting in the Extensions of Remarks of the RECORD an excellent editorial from the pen of Pete Ballas, a retired Air Force colonel and now publisher of the Fort Walton Beach Advertiser. The editorial is entitled, "Is 13 Percent a Majority?" It is interesting and worthwhile reading and follows:

IS 13 PERCENT A MAJORITY?

(By Pete Ballas)

The answer is "yes", according to the recent Fort Walton Beach election. Mathematics and statistics be damned, this is the "tote-board" figure at the last local expression "by-the-people" of their democratic preference.

In the late 1770's, France's able young political writer, Baron De Toqueville was enchanted with the new concept of Democracy as typified by the rising young Nation, the United States of America. Having fought for, and won the right to decide its government, issues, and representatives, Americans passed the milestone where there was "Taxation-without-representation" by the tyrannical George of England.

De Toqueville stated that "Americans deserve the type of government they get, because only they have the right to change it", or control it.

The concept of American Government is based on a republican form of democracy where the governing is done by elected representatives, with consent of the governed. It is based on "majority rule with protection of minority rights".

But is 13% a majority? 26% of the local voters bothered to vote. Results were close enough to be determined only after absentee votes were counted. Three-fourths of the electorate "couldn't care less".

Is it fair to the candidates to leave elections to the will of one-out-of-eight? Do they have a clear mandate of the desires of the electorate? Would the results have been the same if an actual majority made the decision?

The answer to the first two questions above is an unqualified "no". We may never know the answer to the last question.

Fortunately both incumbents and challengers for the recent municipal election are "good-men-and-true", so there are no dire consequences for the city. Actually, as long as the electorate "doesn't care", we are lucky to have candidates and incumbents who "do care."

But heed this. The same electoral process for which we fought so hard to attain and preserve, can be the method of legal loss-of-freedom, if we don't care.

In our super-liberally interpreted court decisions, militant minorities, dissidents, near-traitors, anti-Americans, misdirected pacifists, ne'er-do-wells, and even Communists' rights are not only protected, but at many times non-caring majority views are ignored. Only an enlightened voting majority electorate can protect majority rights.

Turn your eyes to the south—In Chile, a near-democratic nation, a "minority" government has taken over. In this case, the Allende government is Communist. Property, foreign investments, capital, and money are being taken-over by the government, in the "name-of-the-people". This happened by a zealous minority assuring that their numbers voted as a "bloc", and opposition forces were set against each other by effective propaganda.

It could happen here. Wake Up America.

THE RULE OF LAW: PRINCIPLE
AND PRACTICE

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. NEDZI. Mr. Speaker, my good friend, Leon S. Cohan, who has served 11 distinguished years as the deputy attorney general of Michigan, recently delivered a keenly analytical and thoughtful address to the Eastern Michigan Law Enforcement Group meeting at Harbor Beach, Mich. Mr. Cohan's remarks deserve our careful attention.

Under leave to extend my remarks in the RECORD, Mr. Cohan's speech follows:

SPEECH BY LEON S. COHAN

All around us these days we find evidence of what might be called the New Nostalgia. We look back to the days of the 1920s, '30s, and '40s with affection and with an apparent yearning for the simplicity and security of an earlier time.

Even the impact of the Great Depression and the Second World War is blurred by the passage of time. In those three decades there were only the "Good Guys" and the "Bad Guys," and the "Good Guys" always won.

We yearn so much for those times that mementoes of those years are bringing very high prices. Just try to buy one of the original Mickey Mouse watches, or an early Doc Savage magazine, or a recording of "Jack Armstrong, the All-American Boy."

Of course, this surge of nostalgia tells us as much, or even more, about our time as it does about those so-called "days of yesteryear." The complexity of today, our tensions, our strife, and our violence, weary our senses and sap our energy. We turn to those happy memories of earlier years for solace and reassurance.

There is an ancient Chinese curse which states: "May you live in interesting times." Well, we are apparently living under that curse now. And while we can indulge ourselves in the luxury of occasional nostalgia, we find it necessary to live with the reality of today's troubled world.

The question to which I would like to address myself today is whether our approach to the law, and in such observances as we have recently had for Law Day, indicates an awareness of the realities; or whether it has become an exercise in nostalgia as beguiling but as meaningless as a Mickey Mouse watch.

The answer to that question lies, of course, in our attitude toward the law, and our real allegiance to it. There is very little question of our professed support for the Rule of Law. Any opinion poll taken in this room or almost anywhere else in the United States, will find close to universal support for the principle. But the gap between principle and practice in regard to this issue is probably the most critical problem facing our nation today.

In this regard, it is my belief that there is greater disrespect for the law by more segments of our society than at any time in our history. Before you agree with me in that assessment, you may want to know that it is also my judgment that this disrespect is current among the affluent as well as the disadvantaged, the old as well as the young, the white as well as the black, and even the so-called "establishment" as well as those who are alienated. It takes different forms, of course, but its corrosive effect on the Rule of Law in our nation is just as severe.

It is always easier to see that disrespect in others than in ourselves. The suburbanite sees it in the ghetto-dwelling welfare cheat, but fails to see it in his own efforts to cheat on his income tax. The unemployed worker

sees it in the consumer frauds perpetrated by the neighborhood businessman, but does not see it when he throws a brick through that businessman's store window.

What we have forgotten, or perhaps never learned, is that the Rule of Law must be related to each individual's own economic, social, and political status. So that while it is certainly a rejection of that concept for the jobless slum dweller to loot and burn a neighborhood store, it is also a rejection for the businessman, who owns that store to cheat on his income tax. In other words, the businessman has no need to loot, he has enough. The slum dweller does not have to cheat on his income tax, he has little or no income. But both within their terms of reference are chipping away at the doctrine of the Rule of Law to which we all claim devotion.

And there are many other examples of this erosion of the Rule of Law.

We see it in the inner city when the rabble rouser screams out his defiance of the authority of the police, and we see it in the suburb when the politician thunders his defiance of the authority of the Supreme Court.

We see it at the factory gate when the worker plunks down 25 cents for a chance on the numbers, and we see it in the executive suite when his boss shells out \$25 for a football pool ticket. By the way, organized crime gets its cut from both bets to carry on its activities of murder, narcotic sales, and prostitution.

We see it in the purse snatcher who makes off with \$10, and in the business fraud who separates consumers from tens of thousands of dollars.

Now, I do not cite these examples to make excuses for one side or the other—neither the poor man nor the rich man can properly point to the actions of the other to justify his own violations of the law.

But it seems that we almost invariably seek to blame others—individuals, groups, or institutions—for our troubles. But we are looking in the wrong direction. It is in ourselves that we must find the answers to these questions. Judge Learned Hand, one of the greatest judges our nation has produced, reminds us that "we should not rest our hopes too much upon constitutions, upon laws and upon courts . . . Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, nor court can save it . . ."

It is our own responsibility, ladies and gentlemen; none other than our own. And we must carefully judge the consequences of everything we say and do to determine their effect on this precious cornerstone of our democracy—this Rule of Law.

What can be said about our devotion to that concept when on the one hand we call for special treatment for a man who has been duly convicted in a trial, where his rights were punctiliously protected, of the murder of more than a score of human beings; while on the other hand we adopt a law in the nation's capital for the preventative detention in prison of others who have not yet even been tried for much less grievous offenses.

It is precisely in situations such as these that our allegiance to the law is most critically tested. When the results of legal action do not conform with our own interests, biases, and judgments, we reach the confrontation which is central to our nation's crisis of confidence in the law.

But it is ultimately in our response to the problem of crime that these tensions and conflicts come into the sharpest focus. Crime begets fear, and fear breeds panic. When panic reigns, we hear calls for quick and easy answers to achieve what is called "Law and Order."

At this point, many express a willingness to sacrifice their freedom and to use the law as a bludgeon, a repressive force that stifles the individual.

Is it really *this* voice that speaks for

America? This land that has bred men and women of genius and generosity who have conquered some of the most perplexing problems facing mankind; this nation that has developed leaders who have summoned the best in us to heal the most grievous wounds that have ever been suffered by a people—are we to turn to the tactics of terror utilized by the despotic regimes of the right and of the left which we have condemned so fervently for so many years?

We cannot turn our back on our freedoms. Hard-headed, clear-thinking Americans have the ability to find rational and legal means to curb crime by modernizing our crime-fighting machinery, by giving dignity and status to our law enforcement community, by revamping our antiquated judicial machinery, and by working to eliminate the causes of crime.

Freedom and order can survive side by side.

A former Attorney General of the United States, Ramsey Clark, said:

"There is no conflict between liberty and safety. We will have both, or neither. You cannot purchase security at the price of freedom, because freedom is essential to human dignity and crime flows from acts that demean the individual. We can enlarge both liberty and safety if we turn from repressiveness, recognize the causes of crime and move constructively."

But our loyalty to this system of laws will be challenged continuously by our own biases. What does the liberal say when the Supreme Court of the United States reverses the trend of recent years and limits, rather than expands, the rights of the accused in criminal cases? And what does the conservative say when that same Court rules unanimously that busing to achieve integration in the public schools is perfectly legal?

These are decisions by our nation's highest court, rendered by men who have the constitutional responsibility and power to do so. Do we urge defiance of their judgments because we disagree with them and because they may even be against our own interests; or do we urge compliance, even though voicing disagreement?

We reach the crux of the problem of our belief in the law when we seek to apply it to our adversaries. The just rights of others, even those whose interests are inimical to our own, should be as jealously guarded by each of us as our own. For those rights are so carefully interwoven that a tear in one part of the fabric of freedom can affect us all.

The story is told of Pastor Martin Niemöller, a Protestant minister in Germany in the 1930s. When the Nazis used illegal means to attack the Communists, Pastor Niemöller was a little uneasy, but he was not a Communist and he did nothing. When they attacked the Socialists, he was uncomfortable, but he was not a Socialist and did nothing. Then the Nazis attacked the Jews, the schools, and the press; but he was not directly affected and he did nothing. Finally, they attacked the church. Pastor Niemöller was a churchman. He tried to do something, but it was too late.

Pastor Niemöller's tragedy must not become ours. Our nation has too much at stake. For the hard truth is that the law will survive only as long as we believe in it and support it even when it goes contrary to our wishes. The test of our maturity as a democracy will be how we cope with these times of trouble, not the halcyon days with which we are beguiled by our nostalgia.

Our devotion to the law, then, challenges us more than it comforts us. Are we tough enough to apply the principles we profess with an even hand to foe as well as friend? Are we strong enough to fight for the primacy of the law at a time when lawlessness is a cult to some and an obsession to others?

One of John Kennedy's favorite quotations was from the Italian poet, Dante, who said:

"The hottest places in hell are reserved for those who remain neutral in a time of moral crisis."

And so in this time of moral crisis, all of us are called upon to make a difficult choice. Upon it will depend the future of our nation. Our history gives us solace and encouragement, but it is upon ourselves today that we must ultimately depend. And it is the Rule of Law for one and for all that we must choose if we are to survive. And once we have made that choice, such observances as Law Day will become the most American holiday of all.

DECLASSIFY AND RELEASE THE VIETNAM PENTAGON REPORT

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. KEATING. Mr. Speaker, today I am urging President Nixon to declassify and release the 7,000-page Vietnam Pentagon report to the American public. The doubts, fears, and total disillusionment of American citizens demand strict candor in releasing the entire text of this report.

At this point in time, any breach of national security is, at most, minimal. Three extensive articles by the New York Times and two articles by the Washington Post have already been published. Under these circumstances, the benefit of complete knowledge of these documents overrides any potential harm relating to security matters. As elected officials, we in Congress and the executive branch must do everything possible to give the people a renewed faith in the credibility of Government. Withholding this information only works to confirm the belief of the public that the Government is trying to conceal its mistakes.

I, therefore, urge the administration to make the entire 2.5-million-word report available for review, inspection, and publication for the general public. This would include all forms of the mass media.

Failure to release the complete report creates two problems. Selective editing by only two newspapers of the 47-volume report cannot give the American public a complete view of what the report says.

Second, the circumstances under which the report was developed needs clarification. It is my understanding that some 30 to 40 Government officials took part in writing these papers under Secretary McNamara and President Johnson. The mere fact that 30 to 40 Pentagon bureaucrats took part in writing this report presents a strong case for complete and open scrutiny by other Government officials and the American public.

There is a precedent for the immediate declassification of war-related documents. In 1955 the then Secretary of State, John Foster Dulles, leaked the Yalta Papers to the New York Times. There was such an uproar from the other media that Mr. Dulles immediately declassified the treaty papers and made them available to all members of the press.

It is my understanding that the Na-
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tional Archives, the Government agency which retains official Federal documents, is now declassifying World War II secret documents. It will be several years before the Archives completes this project and then begins declassifying other war-related documents including the Korean conflict.

Under the present system, the Archives only gets to declassify the material that the Pentagon or other Federal agencies deem acceptable. It is my understanding that the three detailed copies of the documents in question were delivered to the Archives. One copy was sent to the L. B. J. Library in Austin, another one is being retained by the Archives for the Kennedy Library and a third, partial copy, was sent by Secretary McNamara to the Archives. This copy was returned by the Archives to Mr. McNamara.

A legitimate question arises over the entire classification procedure and I urge the President, the Secretary of Defense, and the Secretary of State to have a thorough investigation into the entire classification and declassification process. I request a complete report on the classification of war-related documents to be given to the Congress by this administration as soon as practical.

Other proposals for creation of a security review release board may do nothing more than set up another bureaucratic level for arbitrary actions which are contrary to the great public interest.

REPORT TO NINTH DISTRICT CONSTITUENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following commentary on the Nation's economy:

WASHINGTON REPORT

(By Congressman LEE HAMILTON)

The nation's rebound from the economic setback of 1970 is the slowest and most sluggish of any recovery since World War II.

As we approach mid-year, 6.2 percent of the labor force is unemployed, and the prospects for substantial improvement by the end of the year are not encouraging—unless more muscle is put into the forces of recovery.

So far this year, industrial production has moved up by only 2.8 percent, and the increase in the real Gross National Product (GNP), the total of all goods and services produced, has been only 1.7 percent. In previous post-war recoveries, production has increased at an annual rate of 6 to 10 percent, and the real GNP has increased by 2 to 5 percent each year.

Some progress has been made against inflation, however. It appears the inflation rate will be reduced from the 5½ percent registered last year to perhaps 4½ percent this year.

It appears, then, that 1971 will be a year of moderate economic accomplishments. It will not measure up to the predictions of the President at the beginning of the year. His target of a total of \$1,065 billion in goods and services (GNP) looks more unlikely each day. The non-government forecasters' target of \$1,050 billion seems much more probable.

There will be about a 7½ percent increase in our economic growth. Employment will not go down very much from the present 6 percent level. Because of rising productivity, inflation will continue to subside slightly, despite increases in wages and in wholesale and industrial prices.

The social price of a slow recovery is very great. There has been an alarming increase in poverty in the United States. For ten years, 1959-1969, the number of people living in poverty declined. But in 1970, the total increased by 1.2 million, to 25.5 million people. The major reason—unemployment increases.

Many economists are saying that a combination of tax cuts and accelerated government spending is necessary to put people back to work, and to start the economy growing again. They would depend upon a vigorous incomes policy to dampen inflation.

Others oppose the incomes policy and argue that the present expansionary fiscal and monetary policies are sufficient. They point out that there already is a tremendous fiscal stimulus from the huge budget deficits created by a combination of the expense of Southeast Asia and the "full employment" concept of government spending. The budget deficit for the year ending will be \$26.5 billion and the prospect for the new fiscal year, ending June 30, 1972, is for a deficiency of larger dimensions—\$28.7 billion.

In the face of these massive government expenditures, and the very sharp increases in our money supply, they stress the likelihood of inflation is rising again.

So at one end of the economic spectrum, there are economists counseling action to prod the economy with more personal income tax cuts, better unemployment programs and more Federal assistance to states and local governments. At the other end, economists counsel patience, saying that our economy is gathering strength, and that it does not need any new stimulus. Even among the President's top economic advisors there appears to be a split.

As usual, there is a wide variety of opinion among the experts on what ails the economy and what should be done for it.

THE ULTIMATE RESPONSIBILITY RESTS WITH US

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. HATHAWAY. Mr. Speaker, in an article published in yesterday's New York Times, the eminent journalist James Reston suggests that the present conflict between America's Fourth Estate and the U.S. Government is but a symbol of a larger, more serious problem—the relationship between the executive and legislative branches of our Government and the serious threat that relationship poses to the integrity of government's democratic, constitutional foundations.

The only way to solve the press against the Government problem, he recommends, is to attack the more fundamental intragovernment conflict at its roots, to attempt to restore the shambles of the executive-legislative branch relationship, to reassert constitutionality assigned congressional prerogatives, to encourage the erosion of executive branch mistrust of popularly elected representatives of the people and the lack of faith in the people themselves which that mistrust mirrors.

Reston suggests, and I endorse his basic suggestion, that Congress, not the press, has the ultimate responsibility for effecting these changes. The Congress, he says:

Has the power of subpoena. It can bring in legally the men who wrote the Pentagon Papers, if they want to come, without subjecting them to criminal penalties. It can hear testimony in private about secret codes and sensitive diplomatic exchanges with other nations—that is to say it can do all these useful things, which are part of its duty.

Legislation will soon be introduced in this body by my good friend and distinguished colleague from Massachusetts (Mr. HARRINGTON) to create a Joint Select Committee on Freedom of Information, whose function it would be to—

Conduct a full and complete investigation and study as to whether the policies and procedures followed by the agencies, departments, and instrumentalities of the Federal Government, with respect to the classification and dissemination of information, are adequate to ensure the free flow of information that is necessary for the intelligent and responsible exercise of constitutional rights, duties, and powers by Members of the Congress, the Congress, and the people of the United States.

The proposal has a worthy purpose, for, as Mr. Harrington says:

It is obviously in the interest of the people of this country and the Congress to be informed and it is a fundamental responsibility of the news media to so inform the American people as long as such information does not endanger national security. Clearly there are times when access to documents should be limited, but the Congress should know if present practices are indeed justified.

But our obligation to the Constitution, to ourselves, and to the public we have been chosen to represent goes beyond an assurance that the policies and practices involved in the classification and dissemination of information by the executive agencies strike the necessary delicate balance between the congressional and popular need to know and the interests of national security.

We must also learn and analyze the facts detailed in the Pentagon papers with respect to our prolonged involvement in Southeast Asia, which facts these policies and practices caused to be concealed from the people and their Congress. Consider, in this regard, C. L. Sulzberger's Sunday Times article, which notes the idiocy of "steps against press publication of classified documents while Government officials are permitted to rush into print with memoirs quoting secret papers." Says Mr. Sulzberger:

Trunkloads of highly classified documents have been removed from official files in recent years by American officials planning to write about them. It is ridiculous to even consider press violations of security when a free hand is allowed the officials who themselves make the policy of secrecy.

Proposals are emerging in the Congress for the creation of special committees to study the Pentagon papers and to assess their meaning and possible ramifications. Such a study is necessary. But the proposals I have reviewed to this point call for the establishment of such a panel in one or the other of the Houses of Congress. I believe that the Congress should present a unified front on this essential issue. The crippled relationship between the executive and legislative branches

should not be compounded by an uncoordinated and fragmented attempt to mend that relationship. Our effort must be a joint effort and it must be undertaken now.

Mr. Speaker, I enclose for the attention of my colleagues both the Reston and the Sulzberger articles:

BACK TO THE CONGRESS

(By James Reston)

("A cantankerous press, an obstinate press, a ubiquitous press must be suffered by those in authority in order to preserve the even greater values of freedom of expression."—U.S. District Judge M. L. Gurfein in U.S.A. vs. The New York Times.)

The press is still riding the tide of tradition in the courts against the rising power of the Presidency, but even when it prevails in its conflicts with the White House, its power is limited.

It can expose but cannot correct error. It can oppose executive power and on great issues find the judiciary on the side of free dissent, but even when it wins in court, it is no substitute for the Congress as an effective instrument of investigation. It is "suffered" but not followed. Accordingly, a very strong case has now been made for a thorough Congressional investigation of the war, going far deeper and far beyond anything the press has been able to do. The integrity of the Government, the judgment and even the honor of many officials are at issue. The cost has been appalling and confusion over how it all happened and where it is all leading remains. In short, the issues are too important to be evaded any longer, or to be left to the Department of Justice and the press.

It was only when Secretary of Defense Laird refused to decontaminate and declassify the documents for the Foreign Relations Committee that men who had worked on the papers and reporters who had heard about them set out to expose the blunders and the cover-up.

This conflict between the Government and the press is only a symbol of a much larger and more serious problem. There has always been a certain amount of deception between the executive and legislative branches, but it has been much worse under President Johnson and Nixon and suspicion grows on itself. For years now, we have not had that feeling of honest differences openly faced and plainly discussed which is essential even in adversary proceedings. Almost everybody in Washington is looking for the other motive or the dirty trick.

This case has done more to revive the muckraker tradition of the American press than anything since the days of Lincoln Steffens. The evidence already published demonstrates the capacity of the President to expand this war, deceive the public and intimidate even the most intelligent of men in the civil service, the Cabinet and the White House staff, but by disclosing the evidence, the press cannot cure the problem.

What it can do and has done in this case is to get the facts of the Pentagon Papers to the official representatives of the people, and they will have to take it from here. They are better able than the press to discriminate between documents that may really do damage to the security or diplomatic relations of the nation and documents which expose the blunders of officials or the errors in the decision-making process.

All the documents in the Pentagon Papers are marked "top secret"—the documents that cover military maneuvers long ago, the documents that cover sensitive diplomatic problems that still exist, and the documents that expose the most calculated deception by the President and the most arrogant misjudgment by his staff.

The press cannot sort all this out. It is a blunt but limited instrument of democracy. For example, when The Times got the Pentagon Papers, it could not do what it nor-

mally does—double-check its facts, go to the men mentioned in the papers for their side of the story—it could not do this in advance without inviting legal action and blocking the facts it was trying to disclose.

But the Congress can deal with these important distinctions. It has the power of subpoena. It can bring in legally the men who wrote the Pentagon Papers, if they want to come, without subjecting them to criminal penalties. It can hear testimony in private about secret codes and sensitive diplomatic exchanges with other nations—that is to say, it can do all these useful things, which are part of its duty, if it has the facts and a decent and fair relationship with the White House and the Cabinet.

This, however, is precisely the problem. There is no such relationship today. The political game, as it is now played in Washington, is like a football game without boundaries, rules or officials. All the men in the press box can do is report the shambles. Who elected The New York Times to get into the game? some people ask, and the answer is nobody but the men who wrote the First Amendment to the Constitution.

The reporters—in the Pentagon case a handsome, pugnacious Irishman named Neil Sheehan of The Times, half cop, half idealist, respected by the men who knew him best, hated and vilified by his subjects in the Pentagon and the war hawks in the press—have liberated the Government's own official Vietnam indictment of itself. But they cannot do much more than that.

The facts have to be shifted and analyzed much more carefully than the press can do, and this is now a job for the Congress or for some outside commission of respected and experienced citizens.

SECRECY AGAINST SECURITY

(By C. L. Sulzberger)

PONT-SAINTE-MAXENCE, FRANCE.—One blazing difference between free government and government by restraint comes in their contrasting views of the press. Authoritarian regimes insist on deciding themselves what is proper for the people to know.

Lenin wrote: "Just as the army cannot fight without arms, so the party cannot carry out its ideological mission without that efficient and powerful weapon, the press . . . We cannot put the press into unreliable hands."

There has never been a press problem in the Soviet Union, Lee Hills, when president of the American Society of Newspaper Editors, observed several years ago: "Manipulation of the news is the Soviet way of manipulating people, and this manipulation of human beings is the biggest difference between Communism and our system."

Free government accepts the principle of press freedom but seeks to insure that such freedom doesn't impinge upon national security. This has produced legal restrictions which never quite seem to work.

Articles 99 and 100 of the West German Penal Code ban publication of information deemed prejudicial to "the interest of the Federal Republic," a vague concept already successfully challenged by one magazine. The French Penal Code (Article 78) prohibits disclosure of "military information which has not been made public by the competent authority and whose disclosure is manifestly of a nature to prejudice national defense."

The French have been rather successful in making this stick and one consequence has been periodic complaints about government interference with the information media. The British Official Secrets Act (comprising three separate laws of 1911, 1920 and 1939) bans information "prejudicial to the safety or interests of the state" and publication or even retention of an official document by anyone who "has no right to retain it."

But the British have had trouble reconciling law and liberty. Long before the secrets legislation, William Howard Russell of The

Times of London horrified the Government when he wrote of the "incompetency, lethargy, aristocratic hauteur, official indifference, favor, routine, perverseness and stupidity" on the Crimean battlefield.

The concept of official secrets was grossly misused when the whole world knew the story of King Edward VIII's impending abdication but Englishmen had to glean what they could from foreign reports. This year The London Sunday Telegraph won an action brought against it by the Government for publishing a classified report that manifestly should not have been classified. The British law is both too broad in its application and too feeble in its authority.

For its part, the United States tried twice (1798 and 1918) to legislate against security infringements as "sedition." The first short-lived effort banned "scandalous and malicious writing or writings against the Government." The second, enacted under Wilson during World War I, aimed at Socialists and pacifists—and also failed.

In 1788 James Madison warned against "gradual and silent encroachments" against liberties, including that of the press. Every President since Hoover—except Eisenhower—had sharp disputes with that institution. The Kennedy, Johnson and Nixon Administrations sought in various ways to manage the news as (quoting a Pentagon official) "part of the arsenal of weaponry."

This is the philosophical, legal and political background to the specific argument between The New York Times and the Government over publication of classified reports. It is a sour note that the U.S. legal structure is so confused that Federal action must be pressed under the espionage law.

Once I asked Eisenhower whether he thought an official secrets act desirable and he indignantly rejected the idea, saying he would never muffle the press. This might not necessarily be the case with a well-drafted statute providing for impartial referees who could be consulted by private and public media but the implied dangers are frightening.

Certainly there is risk in the absence of some such machinery, as demonstrated during World War II when a newspaper disclosed that the U.S.A. had broken the Japanese naval code. But there is also risk in even contemplating legal blockage of leaks if such blockage can ever be used to accomplish "gradual and silent encroachments."

Moreover it is ridiculous to consider steps against press publication of classified documents while Government officials are permitted to rush into print with memoirs quoting secret papers. The spate of books following President Kennedy's death, to say nothing of Lyndon Johnson's forthcoming recollections, are notable examples.

Trunkloads of highly classified documents have been removed from official files in recent years by American officials planning to write about them. It is ridiculous to even consider press violations of security when a free hand is allowed the officials who themselves make the policy of secrecy.

structure will be known as Kilday Hall.

Many Members of the House remember Paul Kilday. Elected to the 76th Congress, he was reelected 11 times and resigned in 1961 to accept a Presidential appointment as judge of the U.S. Court of Military Appeals. He had served, with great distinction, on the Military Affairs Committee and the retitled Committee on Armed Services from 1939 to 1961. For 10 years he was a member of the Joint Committee on Atomic Energy.

It will be recalled that Mr. Kilday participated in a groundbreaking ceremony for the USAF School of Aviation Medicine at Brooks AFB on May 10, 1957, and that he was a chief sponsor of the legislation which made that project a reality. That facility, which has grown tremendously, is today preeminent in its field and in its contributions to the advancement of medical science.

The dedication ceremony for Kilday Hall was attended by a number of former commanders of that base, many others in the medical profession, and a large number of local citizens. The spotlight was, of course, upon the widow, Mrs. Kilday, along with the two daughters and their families—Mr. and Mrs. George Malzone, and Mr. and Mrs. Fred Drogula and their three children, Jennifer, Cynthia, and Fred Kilday.

The ceremony, held in Kilday Hall, was presided over by Brig. Gen. George E. Schafer, Commander, Aerospace Medical Division. The invocation was given by Chaplain Cyril M. Stolarik. The plague was unveiled by Mrs. Kilday, assisted by Col. Evan R. Goltra, Commander, USAF School of Aerospace Medicine.

It was my pleasure to deliver the dedicatory address, which follows:

DEDICATION OF KILDAY HALL

I feel highly honored to participate in this dedication ceremony, honoring the memory of my good friend and former colleague, the late Paul Kilday, who for 24 years represented—with great distinction—Bexar County in the Congress.

I call attention to the presence here today of the former Chairman of the House Armed Services Committee, the Honorable Dewey Short, a contemporary of Paul's, and one of the latter's close personal friends. Also in attendance is another of Mr. Kilday's personal friends, District Judge Ed Gossett of Dallas, and Mrs. Gossett. Judge Gossett, a distinguished lawyer and jurist, served a number of years in the Congress with Paul.

Congressman F. Edward Hébert, the present chairman of the House Armed Services Committee, and also a former colleague and close friend of Paul's, would be here except for important legislation in the House which requires his presence. He sends his greetings and appreciation for the occasion. He, too, held Mr. Kilday in the highest esteem, and was a party to many of his legislative accomplishments.

It is most appropriate that this building here at Brooke Army Medical Center be named the Kilday Hall. It will serve as a lasting memorial to the memory of this great statesman and lawmaker.

Paul was one of the most active and influential members of the House Armed Services Committee. He was undoubtedly one of the best informed men in the nation on military matters, and the imprint of his vast expertise in this field is reflected in most of the important military legislation which was enacted during his tenure. In that respect he was the most effective legislator I have known during my 29 years in the House.

Among other things, he was author of the following landmark legislative enactments: The Career Compensation Act of 1949. The Army Organization Act of 1950. The Air Force Organization Act of 1951. Amendments to the Army-Navy Nurses Act.

Amendments to the Officer Personnel Act. All pay increases affecting the Armed Forces from 1949 to 1961.

Of particular interest to the Medical Center, he was author of the Army, Navy, Air Force Medical and Dental Procurement Act of 1956.

He authored many retirement and promotion laws, and many laws affecting the various Service academies.

He was author of the Contingency Option Act, which later became the Retired Serviceman's Family Protection Plan.

I recall that the late illustrious Speaker of the House, Sam Rayburn, once said that Paul could make very simple and understandable the most difficult and intricate measures presented on the floor of the House.

Those who served in the House with Paul will recall that during the heat of debate he never lost his temper, was always cool and deliberate. His sense of humor was never absent. When he rose to speak those in cloak-rooms would flock to the floor to listen. While he was cool and restrained, and always dealt from the top of the deck, he was a vigorous adversary in support of a proposition he considered to be right and valid.

It will be recalled that when Paul retired from the House he became a member of the Court of Military Appeals, member after member of the House stood in the well to express their regret that he was leaving the House and to commend him for his outstanding record.

It was most appropriate that Mr. Kilday be named to that court. He had played a most important role in the enactment of the Uniform Code of Military Justice, and he was very directly instrumental in the first review of the Articles of War and the Articles of Government for the Navy. His appointment to the Nation's highest court on military appeals was widely acclaimed.

In attendance here today, to pay honor to Paul's memory, are a number of his associates on that tribunal.

I could, of course, go on at length in recalling the legislative achievements of this remarkable man. Legislating is not a one-man job, however. In all of these achievements he worked hand-in-hand with the great Carl Vinson, long-time Chairman of the committee; with Dewey Short, who is here with us today, and with the late and lamented L. Mendell Rivers, all of whom were towers of strength in many battles to maintain a powerful military establishment. Books could be written about the accomplishments of each of them. They were truly great Americans—every one of them.

To me Paul was a close personal friend. It was he who had a hand in having me placed on the Armed Services Committee to fill a Texas vacancy on that committee when Lyndon Johnson was elected to the Senate 23 years ago.

Above all, Paul Kilday was devoted to the welfare of every man in uniform, from the private to the general. I dare say Paul had more personal friends among the military than any other individual who served during his time in the Congress.

Let me conclude by saying this: If Paul were alive today he would view with understandable concern the anti-military sentiment which has erupted in this country in right recent years, which, if not abated, can seriously endanger the Nation's security. Paul was a great patriot who never compromised or equivocated when the Nation's security was involved.

San Antonio, Texas, and the entire Nation owes an everlasting debt of gratitude to the

KILDAY HALL DEDICATED TO MEMORY OF THE LATE GREAT CONGRESSMAN PAUL J. KILDAY

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. FISHER. Mr. Speaker, on June 18 ceremonies were held at Brooks Air Force Base in San Antonio, at which a new building was dedicated to the memory of the late Paul J. Kilday. The

monumental services rendered by Paul Kil-day during his fruitful two and one half decades in the United States Congress.

**PITTSBURGH WOMAN ADVANCES
"RESOURCES" IDEA**

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. MOORHEAD. Mr. Speaker, we are all aware of one of today's great social dilemmas—unemployment of our highly trained and skilled engineers and scientists—caused in large part by a lesser need for the tools of aerospace and defense as we wind down the war in South-east Asia.

While those of us who have been directing our energies toward ending the war and redirecting our national priorities are hopeful about this, the unemployment side effect is drastic. What can be done?

One of my constituents in Pittsburgh, Miss Helen Golob, has brought an excellent editorial from the May issue of *Industrial Research* to my attention. It suggests the merger of our unemployed experts and unused research facilities to concentrate on solving some immediate social problems in our local areas. I include the article at this point in the RECORD for the attention of my colleagues:

USING WASTED RESOURCES

Two of the Nation's great wastes—unemployed scientists and engineers and unoccupied technical facilities—can be brought together to help solve immediate social problems and benefit local areas.

Estimates now place technical unemployment at 75,000 and higher. This valuable—but wasting—source of manpower, could be combined with some of the nation's unused research facilities to seek solutions to our urban and environmental problems. The combination could provide significant regional economic benefits in the form of immediate employment and subsequent new industry.

Let's have the National Academy of Science and the National Academy of Engineering, in concert with others, draw up an extensive list of urban and environmental problems that need to be solved—now! Not large-scale problems, such as better mass transportation, but immediate projects that eventually could build into the large-scale solutions—long-life materials for catalytic exhaust converters in cars, better coagulants for sewage treatment, or self-contained oil tanker bilge-cleaning systems.

Select a group of unemployed scientists and engineers who have the capability to direct (3- to 6-man) research teams. Large numbers of such project leaders or managers are available in the unemployed labor pool. These managers, with assistance, would select their research teams from the expanding and interdisciplinary list of unemployed scientists and engineers. Assignments in hand, the teams then would utilize unoccupied space, perhaps at research parks, to attack their urban or environmental problems.

The overall occupancy rate of the nation's research parks is 37%. Part of this low rate, of course, represents unbuilt facilities (land space available) but in many cases fully built and equipped facilities are unused and available. Technology Square in Cambridge, Mass., recently 100% occupied now is down to 50%.

Most technical unemployment is concentrated geographically in high-technology areas, such as California and Massachusetts,

where for the same reason there is a high concentration of research parks. California, for example, leads the nation with 17 research parks and Massachusetts is second with seven. This match of men and facilities would reduce relocation.

Both federal and state governments already have authorized funds that could be applied to the proposed use of men and facilities. Now we can direct these funds toward a program that would ensure the benefits of increased employment, re-occupancy of existing facilities, local economic gains, and new solutions to social problems.

**PROVIDE FREE LONG-DISTANCE
TELEPHONE SERVICE FOR PA-
TIENTS IN VA HOSPITALS**

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, today I am joining a bipartisan coalition of my colleagues in introducing legislation that provides for free long-distance telephone service for patients in Veterans' Administration hospitals throughout the country.

Under this proposal hospitalized veterans would be allowed to use the existing lines of the Federal Telecommunications System—FTS—for calling their families—their wives, their children, and their parents.

I am sure my colleagues are aware that the FTS is an interlocking communications system provided by the General Services Administration for Government agencies within the United States and its possessions. This service is now in use in Veterans' Administration hospitals, but presently can be used only by authorized personnel.

The bill which I am cosponsoring would make the FTS lines available to the hospitalized veterans after regular business hours. This would in no way interfere with Government business since the FTS lines would not be available to the veterans during the hours in which Government business is conducted.

There are thousands of wounded and disabled veterans in the Nation's 166 VA hospitals. This service could be of great benefit in my own congressional district to the approximately 7,000 veterans treated annually in the VA hospital in Allen Park, Mich. The beneficiaries of this service would include veterans of World War I, World War II, the Korean war, and the war in Southeast Asia. I can think of nothing more reassuring to these men than to be able to enjoy free access to telephone which would enable them to speak frequently with their families.

By making this service available to our veterans, Congress can demonstrate its appreciation for the sacrifices which these men have made for the American people. I would hope that my colleagues will give this bill their prompt and favorable attention.

For the benefit of my colleagues, I am including the text of this resolution in the RECORD:

A RESOLUTION

Whereas the total number of veterans hospitals, psychiatric and general, numbers one

hundred and sixty-six, and the total capacity is one hundred thousand; and

Whereas the Federal telecommunications system now in effect in the Veterans' Administration hospitals is for authorized personnel use only; and

Whereas our veterans of World Wars I and II and the Korean and Vietnam conflicts must use public telephones to contact their families and loved ones: Now, therefore, be it resolved, That—

(1) the policy of the Veterans' Administration Regulation 204.02, regarding the Federal telecommunications system as an official telephone, be changed and that a new regulation include the provision that all patients shall have public use of the Federal telecommunications system to contact their families and loved ones;

(2) the number of Federal telecommunications system telephones be determined by a ratio table, stating the capacity of each hospital and the number of telephones to be installed per capacity; and resolved further, That—

(3) the time when the F.T.S. telephones can be used publicly by our veterans, be designated at the end of the ordinary business day, or to be determined by the Veterans' Administration; and resolved further, That—

(4) the number of Federal telecommunication system telephones installed in each Veterans' Administration hospital shall meet the standards proposed by the Veterans' Administration regarding length of service, mental capacity of patient (psychiatric hospitals), and so forth.

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. RES. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"The question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp."
"The question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: *Provided*, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

TRIBUTE TO WRIGHT PATMAN ON
THE 35TH ANNIVERSARY OF THE
SIGNING OF THE ROBINSON-PAT-
MAN ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. DINGELL. Mr. Speaker, 35 years ago today, President Franklin Delano Roosevelt signed the Robinson-Patman Act, which is recognized as one of the prime protections for the small businessman. The Robinson-Patman Act was passed by Congress to assure the right of the individual small businessman to enter the marketplace as a competitor, hopefully to survive there, and to have a fair chance while encountering competition and the other buffeting forces inherent in a free enterprise economy.

As many will recall, this legislation was guided through the House of Representatives by our colleague from the First District of Texas, the Hon. WRIGHT PATMAN, who today serves as chairman of the Banking and Currency Committee. Almost from the day he set foot in the House, Mr. Patman went to work in an attempt to shore up the regulatory and statutory protections for small business.

Despite the Sherman Act of 1890, and the Clayton Act of 1914, small business was still being discriminated against and thousands were being put out of business by unfair practices. The Robinson-Patman Act was pushed through the Congress to close these loopholes in the anti-trust laws, and to assure to the small businessman of this Nation the right and opportunity to compete fairly and not to be subjected to the abusive use of market power through the price discriminations of large competing concerns holding substantial amounts of economic power. The legislation dealt with five major areas of discriminatory price policy which had been plaguing small business:

First. Price discounts for big purchases which are available only to big buyers or which exceed the actual differences in cost of manufacture, sale, and delivery.

Second. Special commissions or other payments by sellers to favored buyers.

Third. Payments for advertising or promotion which are not available on fair terms to competing retailers, regardless of their size.

Fourth. Services or facilities furnished on terms which prevent competing retailers from sharing fairly in the benefits.

Fifth. Secret rebates or other concessions to favored buyers.

The Robinson-Patman Act has frequently been characterized as the Magna Carta for small business, and Congress has repeatedly announced, since the passage of the act, its determination to promote, aid, and assist small business enterprise in this country. This manifestation of congressional intent is evidenced by the overwhelming support of the majority of the members of both political parties.

As the first chairman of the House Select Committee on Small Business and a Member for 30 years, Mr. PATMAN has al-

ways been a champion of small business. He has sponsored many pieces of important small business legislation, and I think the House should pause today to commend the gentleman from Texas on the anniversary of the signing of the Robinson-Patman Act. It stands as a recognition of congressional concern for small business and as a major accomplishment in the long legislative career of Mr. PATMAN.

A RESOLUTION ADVOCATING THE
RESTORATION OF BUDGET CUTS
IN THE VETERANS' ADMINISTRATION
MEDICAL SERVICE BUDGET

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. BYRNE of Pennsylvania. Mr. Speaker, the Honorable Vincent F. Scarscell, chief clerk of the House of Representatives, Commonwealth of Pennsylvania, has advised me House Resolution No. 51, advocating the restoration of budget cuts in the Veterans' Administration medical service budget, has been adopted by the house in Harrisburg. I am in hearty concurrence with the sentiment expressed in the resolution and want to call this important resolution to the attention of my colleagues. It is impossible for me to understand why a proposal to cut these funds is recommended at the very time we need more medical service—and better medical service—to take care of our veterans returning from Vietnam. These men have served our country ably and bravely—with great sacrifice—and the very least we can do is to provide them with excellent medical care.

HOUSE RESOLUTION No. 51

The office of management and budget has recommended a cut in the Veterans Administration medical services budget. If the recommendations are approved, the budget cut would result in a nationwide loss of more than eight thousand hospital beds of which one hundred twenty-two would be in the Pittsburgh area, one hundred eleven in the Philadelphia area, sixty-seven in Lebanon, fifty-three in Butler, twenty-four in Wilkes-Barre and thirteen in the Altoona Veterans Hospital. In addition a reduction of fifty beds is anticipated in the Wilmington Veterans Hospital and seventy-four in the Martinsburg (West Virginia) Veterans Hospital, both of which serve substantial numbers of Pennsylvania Veterans.

The cut in budget is a matter of great concern to Pennsylvanians because it would result in loss of hospital beds to deserving and need veterans who require hospital care and many servicemen would be deprived of adequate hospital care; therefore be it

Resolved (the Senate concurring), That the General Assembly of the Commonwealth of Pennsylvania memorialize the Congress of the United States to restore budget cuts in the Veterans Administration medical service budget in so far as they relate to result in the loss of hospital beds in veterans' hospitals; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officer of each House of Congress of the United States and to each Senator and Representative from Pennsylvania in the Congress of the United States.

THE JAPANESE CONCEPT OF FREE
TRADE

HON. WAYNE L. HAYS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. HAYS. Mr. Speaker, last week you heard me make some remarks about the kind of treatment our manufacturers get at the hands of the Japanese Government. Japan has asked us to be fair—has asked us not to raise the walls of protectionism. Let us take a look at the record of the Japanese Government with respect to fair trade—let us look at how Japan builds walls of protectionism for its industry.

Mr. Speaker, I include the following letter which illustrates the Japanese concept of free trade to be inserted into the RECORD:

THE TIMKEN CO.,
Canton, Ohio, June 11, 1971.

Hon. WAYNE L. HAYS,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. HAYS: It was at this time last year that we had the pleasure of meeting with you at the Madison Hotel. We presented to you the very serious matter of the business practices of our Japanese competition. As you are well aware, this continues to be one of the most pressing problems facing our country today. Accordingly, we believe it is essential to keep you informed of the current effects of the unfair trade practices of the Japanese upon our Company and what steps have been or could be taken to counteract such practices.

The dumping practices of the Japanese have shown some very interesting results since we filed our anti-dumping complaint, notice of which appeared in the Federal Register of December 1, 1969. Subsequent to our presentation of last year, the Treasury Department issued a tentative determination of no sales at less than fair value, which appeared in the Federal Register of January 9, 1971. We appealed the finding on March 10, 1971, at a hearing before the Treasury Department and submitted evidence to support our position that the Japanese have been and continue to dump tapered roller bearings in the United States. The Treasury Department is still in the process of reviewing our presentation and evidence. The results to which I refer relate to the imports of Japanese tapered roller bearings into the United States during this period.

During the year 1970, when the anti-dumping investigation was being conducted, the imports of Japanese tapered roller bearings into the United States declined by 13.3% from the previous year, 1969. Imports of other types of roller bearings and ball bearings increased by 8.5% during this same period. Since the announcement by the Treasury Department of their tentative determination on January 9, 1971, imports of Japanese tapered roller bearings for the first quarter of 1971 have increased by 47.5% over the same period last year.

Another of our major concerns with the trade practices of the Japanese is the bounties or grants provided by the Japanese government to subsidize exports, especially at a time when Japan is building a large surplus in foreign exchange. These incentives have been recently extended for another three-year period to 1974. According to the May 13, 1971 edition of the Japanese newspaper, *Asahi Evening News*, the Japanese government has been providing the equivalent of \$200,000,000 in various exemptions and tax preferences for exporters. Such subsidies continue to violate the U.S. Countervailing Duty Statutes.

Bearings have been removed from the Japanese Automatic Import Quota system (AIQ) and have been placed under the Automatic Approval (AA) system. However, on two subsequent trips to Japan, we have not yet been able to gain any substantial increase in our sales to Japan. We believe that we can be competitive in price with Japanese-made bearings used in automobiles that are exported to the United States. These bearings imported into Japan under bond for assembly into automobiles to be exported to the United States would be exempt from Japan's import duty, and the U.S. dutiable value of the imported automobile would be reduced by the value of the U.S.-made bearings, resulting in a savings of U.S. import duty. We presented this proposal to major Japanese automobile companies and received a reply from one of them that they would have to have an "opinion" from MITI (Ministry of International Trade and Industry). We confronted MITI and they denied such a requirement existed, but they would not state that they would give a favorable response if asked. The other automobile manufacturers stated that they had such long-established relationships with the Japanese bearing manufacturers that it would be very difficult ever to purchase bearings from a foreign company. These cases serve to illustrate the government-business relationships that exist in Japan and also that "free trade" does not, in fact, exist in Japan.

Evidence of the threat to our industry is illustrated by the current status of the miniature precision ball bearing segment of the anti-friction bearing industry as summarized in the attached news release. New Hampshire Ball Bearings, Inc., is one of the three companies remaining in the miniature precision field which included ten companies approximately ten years ago. The one plant they are closing equals one-third of the U.S. productive capacity, which emphasizes the plight of the industry. The Japanese have acquired a major share of this business. The Office of Emergency Preparedness recently denied relief to this industry which is vital to the defense of the United States. No missile, spacecraft, aircraft, ship, tank or similar equipment can operate without miniature precision ball bearings. In the past, the majority of these bearings has been supplied by the Japanese. The status of the miniature precision ball bearing industry has deteriorated to the extent that it is very doubtful the Defense Department's declining purchases can sustain it.

International trade and its effects on the U.S. balance of payments, foreign exchange reserve and related matters is one of the most pressing problems facing the country today. The most rational solution, or the initial step for such a solution, has to be a change in the attitude and practices of the Japanese. They must assume the responsibility that goes with being one of the world's major economic powers. For example, the Yen must be revalued upward to a realistic figure which, of course, the Japanese are opposed to because it again is another unfair advantage they are unwilling to correct.

If a rational solution to this problem is not achieved, the ever increasing loss of jobs to the Japanese, aided by rapidly rising U.S. wage costs, will force a solution that may only increase the severity of the problem.

Sincerely,

H. E. MARKLEY,
President.

[News release]

NEW HAMPSHIRE CLOSING LAONIA PLANT 10 DAYS AFTER DOD "BUY AMERICAN" DIRECTIVE

APPROXIMATELY 33 PERCENT OF U.S. PRODUCTION CAPACITY LOST AS A RESULT OF IMPORTS

R. H. Cherwin, President of New Hampshire Ball Bearings, Inc., Peterborough, New

Hampshire, today announced the closing of his Laconia miniature ball bearing plant effective May 1, 1971. The plant was the most modern ball bearing plant of this type in the world, and manufactured approximately 33% of the miniature bearings produced in the United States for contractors to NASA, USAF, Navy, Army, and Atomic Energy Commission.

Mr. Cherwin stated, "The fact that this action was becoming urgently necessary had been constantly brought to the attention of the U.S. Government over the last 2½ years. Increasing imports principally from one manufacturer in Japan, NMB, had threatened the continued operation of this plant well before the effects of decline in the Aerospace and Defense industries had been felt. This was documented in the "National Security" case we filed with the OEP in January 1969."

Commenting further he stated, "The action of DOD last week though definitely constructive is too little and too late as far as the U.S. miniature ball bearing industry is concerned, as is evidenced by this plant closing. Furthermore, the non-recognition of the basic problem here—Japanese imports—by the Government gives us no incentive to maintain this critical defense mobilization facility."

The bearing company President added that all work now being done at the Laconia Division will be transferred to the Peterborough facility, where ample capacity exists.

NO ONE TO PESTER HIM

HON. JOHN BRADEMÁS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. BRADEMÁS. Mr. Speaker, the National Foundation for the Arts and Humanities through the National Endowment for the Arts and the National Endowment for the Humanities plays a vital role in the life of this Nation. Federal money given through the endowments is not intended to supplant private philanthropy or the role of the box office in financing the arts in America, but rather, plays a vital role at the margin of the treasurer's books.

By adding a small extra measure of money at the financial margin, the endowments, in fact, add to artistic freedom and the breadth of America's achievements in the arts and humanities.

Mr. Speaker, a recent address by Michael Straight, the distinguished deputy chairman of the National Endowment for the Arts, speaks eloquently of the value of the Endowments in American life. I insert Mr. Straight's keynote address to the 1971 annual meeting of the National Music Council in the RECORD at this point:

NO ONE TO PESTER HIM

(Keynote Address, Annual Meeting of National Music Council, by Michael Straight, Deputy Chairman, National Endowment for the Arts, New York City, June 3, 1971)

We meet today as men and women whose lives have been enriched by music.

We do not hold ourselves apart from our Nation. We believe that the experience of playing great music, or of hearing it played, can and will enrich the lives of most Americans.

We know, from our reading of the past, that music, great music, must be supported if it is to endure. We know that in music, as in all art, there is a close and a continuing relationship between patronage and per-

formance. Great art is sustained and strengthened by great patronage. Poor patronage discourages and diminishes art. We grant, of course, that a few great men of genius were born in poverty and raised in poverty; that they worked in poverty and died in poverty; and that, nonetheless, because their spirits were indomitable, they were able to surmount their circumstances and to bequeath to the world, creations which today are part of our priceless heritage. Yet, we remember Haydn's words of gentle reproach to the city of Prague, for its neglect of Mozart. Failing support, he wrote, "the story of great men of genius is a sad one, and gives succeeding generations little encouragement for further endeavor."

Haydn was one who surmounted his circumstances, and who mastered his inmost feelings of doubt, bordering on despair (those who doubt it need only listen to his Thirty Ninth Symphony). His astounding achievements were made possible, in part, by the support which he was given by Nicholas Esterhazy:

"My Prince, had been satisfied with all of my works . . . Being the head of an orchestra, I was able to venture . . . There was no one to pester me . . . therefore I had to become original. . . ."

For me, Haydn's comment embodies in a few lines, the three essential qualities that are demanded of the patron:

Discernment: the ability to identify talent, in its lifetime;

Restraint: the recognition that the artist, in Haydn's words, must not be "pestered"; and

A Command of Resources: to grant to the artist the time and the scale that his work requires.

The Esterhazys, whatever their motivations may have been, met these three standards. They made Haydn *kapelmeister* at 32; they entrusted to him an orchestra of the highest renown. They gave him a schedule of performances that would have felled lesser men, but in his own, creative work, they did not pester him. Over many centuries they and their counterparts in the aristocracy, the court and the Church, gained the discernment, the taste, the wisdom, the patience, and the wealth that made great patronage possible. Toward the close of the nineteenth century their counterparts appeared in Boston, New York, Philadelphia and San Francisco. But by then the banquet was almost over.

THE QUALITIES OF GREAT PATRONAGE

Granted that patronage is still essential to the arts, the question now is: can the people, acting through their elected representatives, develop the qualities that great patronage of the arts demands?

The National Council on the Arts, and fifty five councils in the States and the Special Jurisdictions are today proceeding on the assumption that the answer to that question is *yes*. They may well be proven wrong. Six years—the span of their existence—is, of course, too short a time to permit a definitive answer to be given. But, on two of the three standards which I suggest as measures, the evidence that we have gathered so far, is to me, encouraging.

Our first standard is *discernment*. We will, I'm sure, grant that the United States Government cannot, like the Esterhazys, act in a manner that is personal, arbitrary and at times, capricious. It must look for some measure of consensus. It does this by enlisting, as its advisors, the wisest, the most talented, the best qualified men and women in the nation. (And here, I must mention my own keen sense of reassurance and of relief when, in October, 1969, I asked the President of the National Music Council, Dr. Peter Mennin, to serve as Chairman of the new music panel that we were organizing, and he said *yes*.) The Government then asks these men and women, to whom its funds, allocated for

support of each art form, should be given. They work from their own knowledge and experience, and only in the rarest instances is their advice not accepted by the National Council on the Arts, and by the Chairman.

Needless to say, it is easier, within an art form such as music, to assess the relative merits of performing as against creative artists. And, it is easier to measure merit in some art forms than in others in which mastery of technique counts for less. Given these handicaps, the record of five years is promising. There has been little if any pressure from the Congress upon the selection process; there has been little if any inclination, on the part of the panels, to settle for the safe and the mediocre; there have been few if any signs of the emergence, through public patronage, of an official style, a new Academy in the arts. Many of our great painters and playwrights of the Fifties were men and women who were supported and given full freedom to experiment in the Thirties, under the arts programs of the New Deal. Dr. Mennin, I think, would hold that there is every reason to hope and to believe that the nation in the Eighties will hold in high renown many of the unknown young men and women who are receiving Endowment grants this year.

Our second standard in measuring patronage, is *Restraint*. Here the Congress showed foresight and wisdom in writing into the Arts and Humanities Act of 1965 a section forbidding the National Endowment to exercise any "direction, supervision or control over the policy determination, personnel or curriculum, or the administration or operation of any school . . . institution, organization or association." We are, in Haydn's phrase, forbidden to pester. And, to the best of my knowledge, no one has charged us thus far with that misdemeanor. The National Endowment for the Arts as of June 1971, has made almost 3,000 grants or contracts. The only criticism that I can recall, was when I wrote a very friendly and almost apologetic letter to 120 recipients of National Endowment fellowships for painting and sculpture, to inquire how they had made use of the taxpayers' money, and whether they felt that the program was worthwhile. In response, one of the Fellows did return my letter with a message scrawled across it in large, red letters: *Stop writing, send more money!*

Our third quality, essential to great patronage of the arts, is *A Command of Resources* sufficient to grant to the artist the time and the scale that his work requires. For the present, and for the foreseeable future, this is present, and for the foreseeable future, this is, plainly, the central standard by which the National Endowment for the Arts, and the Arts, and the state councils, will be judged.

Two years ago, in June 1969, Dr. Walter Anderson, Director of Music Programs for the National Endowment, spoke to this annual meeting of the National Music Council. He reviewed the support given to individual musicians by the National Endowment; he stated that grants would be made, on a pilot program basis, to five symphony orchestras, for innovative projects. He ended with the hope that support for the arts would become a high priority "in our time." As a man of high integrity, and a realist, Dr. Anderson could say no more than that. Yet more had to be said. Senator Jacob Javits, one of the founders of the Arts Endowment, noted that it was receiving less than one hundredth of one percent of the national budget. Yet, he added, "Outside the great cultural centers of our country there is a parched musical expanse, watered but infrequently by touring artists . . . and dotted with an insufficient number of musical oases." August Heckscher in his address to the Council, remarked that he knew of no performing arts organization in New York that was "not in trouble, or on the threshold of trouble." He added that,

at the beginning of the Sixties, many people had looked forward to a decade of rapid expansion in the arts and in the support which they would be given by government. He voiced his disappointment that the hoped-for expansion had not taken place.

Certainly, in the Summer of 1969, there were sound reasons for anxiety and for concern. The costs of our performing arts organizations were mounting; their private patronage was plainly overburdened, but deficits were multiplying; at the same time the appropriations for the federal agency charged with responsibility for the arts were, apparently, in a state of stagnation. Congress had appropriated \$7,757,000 for the fiscal year that was ending; that was less than the sum appropriated two years before. Of this total, \$861,000, or about 13 percent of the amount allocated for programs had been assigned to music.

At this level of funding, the Government of the United States simply could not meet the third measure of the great patron of the arts. In addition, the Endowment in June 1969 was apparently without leadership. Mr. Stevens' term in office as Chairman had expired in the Spring. His successor had not been named; a fact which the National Music Council noted, in a resolution sent to the President.

June, 1969, was perhaps a low point in the history of the Endowment. Soon after, Miss Hanks was named by the President to be Mr. Stevens' successor. Long before her nomination was confirmed by the Senate she had come to two conclusions: first, that a higher level of total funding was essential if the Endowment was to come to grips with the central and urgent problems confronting the arts, and second, that, within the many programs of the Endowment, music deserved increased support.

THE PRESIDENT AND OUR ARTISTS

Two questions then, remained to be resolved in the Autumn of 1969: would the President, pressed as he was by the necessities of financial stringency, support a substantial increase in funding for the Endowment, and, would a projected expansion in federal support for the arts be expressive of the will and the determination of our artists themselves and of those who cherish the arts?

The first of these questions was answered on December 10, 1969, when the President sent to the Congress his Special Message, in which he asked the Congress to double the funding provided for the Arts and the Humanities Endowments in the Fiscal Year 1971.

An early indication of the response to the second question was provided in November when the representatives of 77 leading symphony orchestras met in New York to consider and to act upon their orchestras financial plight. They concluded that the uncovered losses of their orchestras in the 1970-71 season would be \$8.5 million. They called unanimously for governmental assistance and promised to do what they could to make it possible. They set out, in the months that followed, to alert audiences in every section of the nation to the need for increased public funding for the arts. And, the audiences responded in ways that the elected representatives of the Nation understand.

In the Fiscal Year 1971, the Endowment was able to make grants amounting to \$3,870,000 to music programs. Twenty-five major symphony orchestras were given grants ranging from \$15,500 to \$250,000; 39 metropolitan orchestras received assistance ranging from \$5,000 to \$60,900; 9 opera companies were given grants ranging from \$10,000 to \$100,000; and 51 grants amounting to \$50,000 were given in support of jazz.

In Fiscal 1972, if the Congress sustains the President in his plea for full funding of \$30 million for each of the Arts and the Humanities Endowments, the opera and the jazz

programs will be greatly expanded, and the program in support of symphony orchestras will again be substantially increased.

We are, once again, in motion. But judging by the third quality of patronage, we have a long way to go. The grants which the Endowment can provide to great national resources, such as the Cleveland Orchestra, are still marginal in their struggle to survive. Other important institutions, such as the Metropolitan Opera Company are just beginning to examine the possibilities and the responsibilities which accompany public support. Beyond the performing arts institutions are the training institutions whose financial straits are well known to all of us, and without whom the future of great music in this Nation would be dim.

WHEN NEEDS OUTFRAN RESOURCES

When needs outrun resources, every would-be patron of the arts, private and public, is faced with a cruel dilemma: is it better to share among all worthy arts organizations the funds which are available; or is the responsible course to ensure the future of the few outstanding and irreplaceable groups, and to allow the others to fend for themselves?

The private patron is rarely confronted by this choice any longer, save in the case of a few, very wealthy and very generous individuals. The federal government, in its turn, has not yet had to make choices as difficult as those which may confront it in the future. Nor is it well suited to make the kinds of decisions which great patrons of the arts made in the past. In this nation, immense as we are, diverse as we are, suspicious as we are of the powers of government, and hostile as we are to the whole concept of elites, the tendency may always be to distribute widely, what patronage we have, rather than concentrating it upon a core of extraordinary talent. One factor which is likely to reinforce this trend is the reluctance of the government, even with the assistance of its advisory panels, to make aesthetic choices in an area as fluid as subjective, and as complicated as the arts. Yet, if the gap widens between the essential needs of arts organizations, and the resources available to meet those needs, then the choices will be made, consciously, or by default.

Believing this as I do, let me close by emphasizing three points that relate to the future:

First, public patronage cannot and should not, in the foreseeable future, take the place of private patronage; but, if the two, acting together are to cover the gap between the developing needs of the arts and their earnings, then the sums available to the public sector for patronage will need to be increased. Hopefully, these sums will be spent in employing rather than in supporting artists, but, in one way or another, great patronage will be the partner of great art.

Second, in presenting their case to the Congress and the Nation, the arts will, like other embattled partisans, hang together, or separately. We have, in the past, heard more than one segment of the arts community announce that it will stand for six months or a year and then, if greatly increased funds are not forthcoming for its members, it will go it alone. That way lies disaster, even for the most powerful of arts organizations. For the pressures upon the Congress are immense and unrelenting, and so one segment of the arts today is strong enough to overcome those pressures on its own.

Third and last, even if we work together, we who want to strengthen the arts, cannot win a role for the artists of America that they are not prepared to claim for themselves. We cannot insist that the taxpayers of all the Nation give increasing support to our symphony orchestras, if the members of those orchestras are preoccupied with security and indifferent to growth. We cannot help the

artist to regain the place he once held, as an integral, and a leading member of society, if the artist clings to his status as an outsider, working within his protected enclave, for himself, and a few friends. The purpose of art is communication; the role of great art is to communicate great truths, to great numbers of people. Independent as art is, and free from restraint as it must be, it belongs in the mainstream of American life, turbulent, muddy, polluted as the mainstream is today. For art is a means by which society cleanses itself, as well as a consolation or a reward.

FIRMNESS URGED ON CHINA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. CRANE. Mr. Speaker, at this time when our China policy is allegedly undergoing a "reassessment" it is essential that we not break faith with our allies on Taiwan or with the 750 million people of China who today suffer under a cruel tyranny.

There are those who urge recognition of Communist China, and others who say that Communist China should be admitted into the United Nations. They forget, as commentator John Chancellor recently pointed out, that—

China still holds American prisoners . . . China is a dangerous nuclear power . . . China is a country drenched in anti-American propaganda . . . China is an unpredictable, thermo-nuclear, dangerous country.

Mr. Chancellor asked the question, "How do you make friends with such a country?" His answer: "Carefully."

Recently the Committee of One Million Against the Admission of Communist China to the United Nations wrote an open letter to President Nixon which appeared as an advertisement in the Washington Post of June 21, 1971.

Signed by its able chairman, Dr. Walter Judd, the letter tells President Nixon that—

Whether Communist China will be admitted into the United Nations this fall, or not, depends on you.

The letter states that—

Your firmness, at this time as in the past, will reaffirm our nation's commitment to the principles embodied in the United Nations Charter.

Those principles, we must remember, do not include rewarding aggression.

I wish to share this important open letter with my colleagues, and place it in the RECORD at this time:

WHAT IS MORE "IMPORTANT" TO THE FUTURE OF THE UNITED NATIONS THAN THE "QUESTION" OF COMMUNIST CHINA?

AN OPEN LETTER TO PRESIDENT RICHARD NIXON

DEAR MR. PRESIDENT: Whether Communist China will be admitted into the United Nations this fall, or not, depends on you.

Your firmness, at this time as in the past, will reaffirm our nation's commitment to the principles embodied in the United Nations Charter.

You must strongly support those principles of freedom, of peace, of justice which Communist rulers in Peking so callously ignore! You must go farther than merely di-

recting a token U.S. vote of opposition when this matter comes to the floor of the General Assembly—as it will.

A RESOLUTE COURSE

Your insistence, now as in the past, that admission of Communist China into the United Nations must be regarded as an "important question," will alert all concerned that we intend to follow principle—not expediency.

And yet even political expediency would seem to indicate that you state—in the strongest terms—your present conviction that the United States cannot reward international belligerency, aggression, or hostility.

RED CHINA TODAY

Only two weeks after the much-heralded visit of our table tennis team to mainland China, the Chinese Communists were crying, "Peoples of the world, unite to crush American aggressors and their running dogs!"

Did that visit signify that Red China is at last abandoning its plans for producing a Communist world by promoting subversion within other countries?

Did it mean that Red China is modifying its bitter hostility toward the United States?

Did it show that Red China has changed its decades-long policies of aggression and repression, which you yourself so rightly condemned in 1968?

WHAT'S CHANGED SINCE 1968?

In April of 1968, you declared, "I would not recognize Red China now, and I would not agree to admitting it to the United Nations, and I wouldn't go along with those well-intentioned people that said, 'Trade with them,' because that may change them. Because doing it would only encourage them, the hard-liners in Peking and the hardline policy they're following. And it would have an immense effect in discouraging great numbers of non-Communist elements in Free Asia that are now just beginning to develop their own confidence."

And in September of 1968, you said, "Any American policy toward Asia must come urgently to grips with the reality of China. This does not mean, as many would simplistically have it, rushing to grant recognition of Peking, to admit it to the United Nations and to ply it with offers of trade—all of which would serve to confirm its rulers in their present course . . ."

"For the short run, then, this means a policy of firm restraint, of no reward, of a creative counter-pressure designed to persuade Peking that its interest can be served only by accepting the basic rules of international civility . . ."

That was in 1968; those statements were enthusiastically endorsed by most responsible Americans who recognized how serious was the question of giving legitimacy to the Communist dictatorship in Peking as representative of the Chinese people.

Today, what is the official Red Chinese line?

"Resolutely oppose American imperialistic support for Israeli aggression against the Arab countries."

"Support the American people against the American government's aggressive policy."

And on May 5, Peking accused the U.S. government of "hostility to the Chinese people" and of "brazen interference" in their affairs.

Just where is the "thaw"?

What has happened to change the firm and realistic appraisals you announced in 1968?

RED CHINA IN THE UNITED NATIONS?

It has been asserted that the U.S. is "stubbornly keeping Red China out of the U.N." The truth, as you know, is that Peking is stubbornly keeping itself out, by refusing to qualify for membership according to the conditions laid down in the U.N. Charter . . . by refusing to accept the "basic rules of international civility" you set forth as essential—in 1968.

Again, it is said that the 750 million Chinese people are entitled to be represented in the U.N. Of course. And they will be a constructive force for peace there . . . when represented by a government of their own choosing, rather than by the self-selected, self-perpetuating tyranny in Peking that you so aptly characterized as "hard-liners"—in 1968.

We are told that we cannot ignore Red China, or pretend it doesn't exist. Of course not. It is just because we are aware of Red China's existence, and the threat it constitutes to world order and peace, that we urge it not be admitted to the U.N. until it is willing to bring its policies into accord with the requirements of the U.N. Charter. That is the "policy of firm restraint, of no reward, of a creative counterpressure" you declared—in 1968.

It is asked, "How can we deal with Red China if it is not in the U.N.?" The answer, as everyone knows, is, "In the same way we deal with West Germany, which also is not a U.N. member, having been kept out by the Soviet Union." The only thing necessary for normal relations with any government is that it be willing to act responsibly . . . in accordance with the principles of the U.N. Charter, as West Germany does. Red China still refuses that role.

A CONSTRUCTIVE APPROACH

Your Commission for the Observance of the 25th Anniversary of the United Nations, headed by Henry Cabot Lodge, was widely quoted recently as recommending that Communist China be brought into the United Nations.

As you know, that was not what the Commission recommended. What it did recommend was ". . . that the U.S. seek agreement as early as practicable whereby the People's Republic of China might accept the principles of the U.N. Charter and be represented in the Organization."

THE COMMITTEE OF ONE MILLION AGREES

What your Commission recommends is exactly the long-standing position of our Committee of One Million.

We cannot believe it is progress toward lasting world peace to downgrade the standards of the U.N. Charter to the levels demonstrated by an outlaw government. What is needed is patient insistence that Communist China change its policy of international aggression and subversion to meet the Charter's standards. What incentive would there be for it to improve its conduct, once it already had the benefits of U.N. membership?

The Committee of One Million believes the United States must not:

Abandon 750 million Chinese people on the mainland to Mao's cruel tyranny;

Consign the Republic of China on Taiwan to the same fate;

Force our other Asian allies into acceptance of Red China on its terms;

Discredit the U.S. around the world as a nation unwilling or unable to keep its pledged word;

Turn the U.N. into an agency which our enemies can increasingly use to prevent—not make—real peace in the world.

A SOUND U.S. POLICY

Irresponsible demands for the admission of Red China into the United Nations have risen to a din before now. Always before, such demands have been stopped by our insistence that the question of their admission be considered an "important question" under the rules governing U.N. debate.

And rightly so, for what more important question than this is likely to come before the United Nations?

Knowing this, you must make it clear to all, through public and private diplomatic channels, that the United States will not settle for anything less than the question of ad-

mission—sure to come up again this fall—be discussed as an "important question."

"IMPORTANT QUESTION" THE KEY

In the last analysis, your insistence that admission of Communist China into the United Nations must be regarded as an "important question" will be the key factor in the outcome of the General Assembly's vote.

It follows, therefore, that if you consent to that question's coming to the floor of the General Assembly under the rules governing routine procedural matters, you will have given your tacit approval to the aims and ends of our country's and the U.N.'s avowed enemies!

Is it likely that *those you would delight* by such a course can be won over by this action to become your supporters on other issues?

Is it not more likely that *those you would dismay* will be lost?

A QUESTION OF PRINCIPLE

We hope you will agree in our analysis today, Mr. President, as you did in 1968. We hope you will retain the successful U.S. policy of the last 22 years (maintained by five American presidents, including yourself) of no diplomatic recognition and no admission to the U.N. of the present Communist dictatorship in China.

We hope you will act promptly to end worldwide speculation by announcing that the U.S. will insist that the matter of admission of Red China into the U.N. must be considered as an "important question."

Sincerely,

WALTER H. JUDD,

Chairman, Committee of One Million.

Committee of One Million (Against the Admission of Communist China to the United Nations), 1735 DeSales Street, N.W., Suite 500, Washington, D.C. (202) 783-9448.

Lee Edwards, Secretary; Dr. William H. Roberts, Treasurer.

A CROSS-SECTION OF CURRENT OPINION REGARDING COMMUNIST CHINA

Vice-President Agnew: "Thus, when his opinion was sought by Nixon in the National Security Council the other day about playing diplomatic ping-pong with Communist China, he said he was against it. He thought it would be a cheap propaganda victory for Peking and said so . . . He thinks the Chinese Communists are a menace and he's not about to change this opinion for a couple of ping-pong games and a few tentative smiles." James Reston, *Evening Star*, April 21, 1971.

Chicago Daily News: "This small beginning does not and should not signal a grand rush to climb in bed with the rulers of the People's Republic. Nor does it mean that the United States should do an about-face in the United Nations and abandon Nationalist China while welcoming the People's Republic. The issues that divide the United States and Red China still far outweigh any that would tend to bring them together."

Crosby S. Noyes: "The essence of that responsibility, as it has been seen by a succession of American governments since 1949, has been to contain the expansion of militant communism throughout Asia."

"The threat was no pipe-dream of overstimulated American cold warriors. With the single exception of Pakistan, every country on China's borders has felt the pressure of Chinese expansionism and so have many others which are not immediate neighbors. Except for the intervention of American power, it is quite certain that the map of Asia would look very different today than it does."

Smith Hempstone: "It is a pity no editor thought to ask Mr. Nixon if he would make the progress of the thaw between Peking and Washington conditional on the immediate release of Communist China's American prisoners, two of whom have been rot-

ting in Mao's jails for nearly nineteen years. For if the President of the United States does not care about the fate of these men, who are in prison because of their service to this country, nobody else will."

Tenzing Gyatso, the 14th Dalai Lama of Tibet, who lives in exile in India, on Feb. 10, 1971, in the *New York Times*: "The Chinese have launched a veritable reign of terror. Tibetans of all classes are beaten, humiliated, tortured or killed on such flimsy, trumped-up charges as: harboring subversive designs against the regime, possessing religious objects or collaborating and helping 'reactionary elements.'"

Miami Herald: "A constructive relationship with the world community requires the world good citizenship which Peking has yet to demonstrate by word and deed. Until it does, there will be no reason to thrust respectability upon it."

Washington Daily News (Scripps-Howard Newspapers): "If the Reds have indeed decided on a change of course the United States and the whole world should take advantage of this. But we need to be sure, as we go along, that there is a 'thaw in Red China as well as here.'"

Holmes Alexander: "But the politics of the matter are that the China policy has alienated many old friends of Richard Nixon and not made him any new ones who will stick when the going gets rough."

Anthony Harrigan (columnist, and executive vice president of the Southern States Industrial Council): "It is undesirable for the Nixon Administration to appease Red China or seek an accommodation. Continued U.S. firmness—and non-recognition—makes sense in terms of both the security needs to the United States and the interest of world peace."

John Chancellor: "It is an illustration of the crazy world in which we live, that Mr. Nixon can keep troops on patrol in Vietnam, where they are shot at with Chinese guns and ammunition, and at the same time talk about the normalization of relations with the people who make and supply the weapons and the bullets."

"China still holds American prisoners, not many, but people held in a detention which flaunts international law."

"China is a dangerous nuclear power. Not fully developed but potentially alarming."

"China is a country drenched in anti-American propaganda."

" . . . China is an unpredictable, thermo-nuclear, dangerous country."

"How do you make friends with such a country? Very carefully."

Richard Wilson: ". . . there is no doubt at all of what Peking propagandists have in mind . . ."

"Peking could quite conceivably get by smiles and friendly gestures from a gullible 'American people' what it has not been able to get from four succeeding presidential administrations—a rapid and complete exit from a strong sphere of influence in Eastern Asia and the Western Pacific."

New York Daily News: "All this does not mean that Mao Tse-tung has changed his spots. He and his regime still are branded as aggressors by the United Nations. Communists the world over still are bent on ruining the United States sooner or later."

San Diego Union: "Nor can the U.S. government and the American people afford to forget that the emissaries Red China is sending to world capitals—and would send to the United Nations—are not ping-pong players. They are representatives of a regime that bases its claim of sovereignty on terrorism, violence and oppression, a regime that has declared itself opposed to the very existence of the United States of America."

Newark News: "But the ultimate test of whether Peking desires decent relations with the United States would be if it were to close

down its Maoist-inspired schools for insurrectionists, terrorists, and political saboteurs."

Ralph De Toledano: "To admit Red China to the United Nations is to proclaim its charter, already tattered, is less than a scrap of paper. It rewards belligerence and military aggression and it punishes a member, Nationalist China, whose only crime is that she has abided by the international laws prescribed by the U.N."

TRIBUTE TO JAMES A. FARLEY

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. MURPHY of New York. Mr. Speaker, I request permission to insert in the RECORD two articles concerning my good friend, Jim Farley. He has been a loyal Democrat who has given outstanding service to his party and his country for as long as I can remember and he deserves the warm praise and admiration of his fellow Americans.

JIM FARLEY—PHENOMENAL IRISH TITAN
(By Elaine Shepard)

PART I

James Aloysius Farley, former boxing commissioner, Postmaster General, and politician extraordinaire, is alert and ramrod straight. Never drank. Never smoked. Never needed a psychiatrist to tell him right from wrong—has always found it possible to afford the luxury of integrity. He has legendary recall, the largest acquaintance of any man in the country, has had a half dozen audiences with Pope Paul, three or four with Pope John, and countless talks with Pope Pius XII. Around the globe he has met nobodies and nabobs of every conceivable order, even Mussolini.

GREAT MEMORY

I can attest to his phenomenal memory. At "No, No, Nanette," he sat with his granddaughter Joan in third row center. When Ruby Keeler started kicking up her heels in a show-stopping routine, 83-year-old Jim leaned forward and adjusted his glasses. I sat behind him with my mother who was enjoying her 79th birthday anniversary. At intermission I touched Jim's elbow.

1962 IN BEIRUT

"Say," he began, "did you know that fellow died in a plane crash?" He was referring to a 1962 dinner party in Beirut where we'd both been guests of honor. I hadn't seen Jim since. Our Lebanese host, Emile Bustani, chairman of the largest industrial enterprise in the Middle East, had died shortly after in a tragic air accident.

"When in doubt call Jim. He's an absolute delight. A reporter's dream. Covers all fields. He'll supply the name you're searching for, reproduce the scene, tell you something new about the subject. He's a two-legged encyclopedia on politics, sports, life in general, and made a 'little man named FDR,'" Bob Con-sidine or most any newsman will tell you.

LOYAL SECRETARY

Greeting guests in his office, Jim rises from his chair, making easy work of it. There is little structural fatigue except visually. At the 1948 Democratic convention a flying placard hit him in the eye. His secretary, Claudia Wallace, eats her lunch in half an hour, then watches a favorite soap opera "As the World Turns." Jim humors her because she's been with him since the 1932 convention. "Now don't mention her age," he gallantly admonishes. "She can turn out as

much accurate work as anyone around here," manning Coca-Cola Export Corp. of which Mr. Farley is chairman of the board.

He lost his beloved wife in 1955. An old Irish custom, he still refers to her with a comma after her name. "Bess, God bless her." His personal convictions: "After my church, my family, and my country, the party comes next." It was Jim who broke down a great deal of prejudice against Roman Catholic politicians.

FDR JEALOUS

FDR eventually became jealous of Jim's popularity and the gap yawned unbridgeable between them, but Farley was instrumental in changing the course of this nation by finding, bringing to the front, building up, presenting, promoting, and electing Roosevelt. In turn (cheer or grind your teeth), FDR introduced today's guidelines—Social Security, more liberal laws, welfare for sick and needy, civil rights. There have been many extensions but the late President initiated the original trends.

Two titans. A political drummer and a head of state. Jim not only put FDR in the White House but built up one of the most brilliantly efficient party organizations this country has ever known. FDR's elaborate political maneuverings and Farley's meteoric rise to political genius of the Democratic Party developed the two most controversial political figures of the time.

POST WAR MISTAKE

It is not always evil that shocks. It is the unexpected. "When Roosevelt violated the rules of the game I lost faith in him. In 1937 and 1938 it was shattered." Jim was morally opposed to FDR's seeking a third term, something that George Washington had declined. "And a man in better mental health would have performed differently at Teheran and Yalta, would not have divided Germany so ineptly, and left slave states in Europe. A healthy president would have realized the horrible consequences. Churchill once told me that he sought permission for Montgomery to stop the Russians. Our government would not go along. We had the bomb at the time and the Prime Minister said if he had his way he'd go back and blow up the bloody b——s. It was a miserable mistake after World War II bringing home the troops, letting the Russians take over."

He thinks FDR saved the capitalistic system, "but his place in history would be more secure if he had not gone for the third and fourth terms. Now he's been dead since 1945 and there are no monuments. A bust, I think, in the Justice Department. They've named so many schools after JFK they had to cut it out in Massachusetts. It was getting ridiculously confusing at interscholastic meets."

Farley feels no real bitterness. He knows that malice is a little self-destructive device inside that is ticking away more rapidly than nature intended. But his Bess minded the slights to her husband. Only twice did he make cruises on the Presidential yacht *Potomac*, both political occasions.

WAITING FOR GODOT

As for meaningful invitations to the White House, this man who never went to college but has 25 honorary degrees, who has the manners of nineteenth century into which he was born, and twenty-first century visions, might as well have waited for Godot.

"Never was I invited to spend the night in the historic mansion."

JIM FARLEY: AN IRISH SELF-STARTER

(By Elaine Shepard)

PART II

"A lot of stiffs come on the scene and never meet a reporter. You could call up Jim Farley night or day," claims the newspaper corps who have covered Big Jim since the

thirties when he put dramatic FDR over the top. What a difference one good advisor can make.

On the walls of Jim's skyscraper New York Coca-Cola Export office hang photos of Princes of the Church—"of all persons I have met in some degree of intimacy, the greatest is His Holiness, Pope Pius XII. Simple dignity, breadth of intellect, devout humility, made him a beacon of light in a sorely troubled world"—prime ministers—Australia's Sir Robert Menzies has a classic flow of thought in public or private that beats anything I ever heard—military elite—"General MacArthur was perhaps our greatest soldier"—Presidents—"You don't hear LBJ criticizing Nixon. Too much respect for the office."

HAMMERLOCK ON HISTORY

There are kings, athletic greats, his three children, grandchildren, assorted hot shots of industry, and a leakproof friend and favorite, Vice President John "Cactus Jack" Garner. It is a fascinating 40-year panorama of a man who had a hammerlock on history. He was the pole that held the Party tent up. All structures of society still orbit around him. His uncomplicated Irish face seems to say: "Navigate by your own special compass; the truth can make you strong."

John Lindsay? "Most inept mayor New York ever had." Agnew? "He's certainly not afraid to talk out." (For spherical Democrat Farley, that's tantamount to approval.) Ted Kennedy? "I take him at his word that under no circumstances will he be a candidate." Then Jim softens that a little. "He's young. Plenty of time." Jim is at his anecdotal best telling the famous British Embassy garden party story about Veep Garner's whacking King George on the back at a story punchline. "The looks on the faces of astounded Britishers was memorable."

Jim signs everything in the familiar green ink. His paternal ancestors migrated from Castletown, County Meath, Ireland. They and his maternal grandmother sailed to America in 1847. "The pitiful wages Irish got make today's welfare standards look like a Roman feast. They've won their standing with sweat and tears, their American citizenship with blood. Irish-descended Americans are second to none, from the Revolution to the Fighting 69th—17 Kellys and 16 Murphys alone won the Congressional Medal of Honor. Check it."

"What kept the Irish together was the Roman Catholic Church. It was their shield. Politics was their sword. Suffering gave these warm-hearted people great understanding. They knew what unemployment, in all its horror, means. It is much more than hunger and other privations. It is a humiliation of the spirit."

WARNED ABOUT RUSSIA

Farley was in Poland and Germany days before War II erupted. Polish leaders told him: "An alliance with Russia would be 'walking into a bear's mouth to escape a wolf.'" August, 1939 he talked alone with Pope Pius XII, who by prayer and diplomacy tried to avoid the coming catastrophe. "Then the Holy Father astonished me by posing a third term question. 'Will the President run again?' I told him no one had ever done so within our party system. It would be breaking an unwritten law."

"The Pope laughed quietly and said, 'You know, I am the first Italian Papal Secretary to be elected Pope.' I have often thought that on that day he was a far better political prophet than I."

Always critical of Joe Kennedy, U.S. ambassador to England, FDR told Farley, "He writes me the silliest messages I've ever received. Joe has been taken in by the British government and the royal family." FDR caved in to co-existing, appeasing, cooperating with Russia, else they might get "suspicious."

FDR AND THE WAR

In July 1941 Farley visited FDR's former vice president, John Garner, in Uvalde, Tex. "Roosevelt's going for a fourth term," Garner predicted. "No other way to explain his actions. He'll get us into the war by the back door rather than go through Congress. I'm concerned about the future of the country and the huge debt piling up."

Later, Secretary of State Cordell Hull became deeply disturbed over the Morgenthau plan which would destroy Germany and put Europe out of economic balance. In January, 1944, General Eisenhower secretly flew from London to Washington to protest vigorously the plans for postwar division of Germany that left Berlin isolated inside Soviet-occupied territory. FDR, chin all the way out in Dutch stubbornness, replied to Ike: "I can handle Uncle Joe" (U.S. News & World Report, April 26, 1971, page 70). That the ailing Roosevelt was no match for Stalin is the understatement of the century.

RIFT WITH FDR

Suave FDR, the father-image, also was a grudge-nurser. Not fevered by the fame dream, but determined to make a gesture of dissent to FDR's third term ambitions, Farley threw his hat in the ring. The President gave Jim a shot in the tail feathers via a planted story about a "stalking horse for the Pope." It wounded Jim deeply. Their rift was one of America's resounding thunderclaps. It is to the late Joe Kennedy, Jr.'s credit that he stuck gamely by Farley at the 1940 convention.

After FDR was elected in '40 and yet again in '44, he, Eleanor, and scores of ambitious men who had done a lobotomy on their consciences by encouraging the President to remain in office, tirelessly pleaded with Jim to actively get back on the team. "You're the most popular man in the Party." His principles were unbudgeable. "History will deliver its judgment when all the testimony is in." Jim Farley stands at mountain height, but he was never taller than when deciding to get out of the parade of a leader with a broken baton.

Farley's loyal Party contributions were never lost on President Johnson. At the 1964 Atlantic City convention he sent former Texas Governor Price Daniel to help Jim fetch his clothes at the Fremor Hotel, then they all flew on Air Force One back to Washington. For a self-starter of humble origins who grew up to do it all twice, it was a small coronation.

"First time I ever slept in the White House," Jim remembers. "LBJ put me up in Lincoln's bedroom."

TRUTH IN FOOD LABELING

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. ROSENTHAL. Mr. Speaker, I have introduced legislation to require that all ingredients be printed, in order of their predominance, on the labels of all food products.

The Truth in Food Labeling Act, H.R. 8670, aims to protect the consumer's right to know what he is buying and eating.

The urgency of this bill is poignantly shown in a letter I received today from Mr. and Mrs. Dean Gordon of Bowie, Md. Their 5-year-old son, Michael, is one of thousands of children with severe dietary allergy problems which are seriously

complicated by the present poor state of food labeling practices.

Michael's parents have virtually no way of knowing what foods are safe for him to eat because they have virtually no way of knowing what a package may contain. Michael is able to eat fresh tomatoes and those his mother canned at home, but he developed an allergic reaction to commercially canned tomatoes which came labeled as only tomatoes and water. Later investigation revealed the presence of additional ascorbic acid, or vitamin C, as a preservative. Because canned tomatoes are covered by a standard of identity approved by the Food and Drug Administration, there was no requirement for the producer to tell Michael's mother or any other consumer about the presence of the additional vitamin C by putting it on the label.

Because some canned tomatoes contain additional vitamin C and others do not, and because this varies from time to time, depending on the producer, there is no way for consumers to know for sure. Hence, Michael and others like him "would have to be denied any commercially canned tomatoes," his mother reports. "Without proper labeling there is no other possible method of positive protection."

I am inserting the letter from Michael's parents in the RECORD because I feel their message should be read by everyone.

There are millions of persons, not just children, who must have their diets managed for various reasons, such as allergies, control of cholesterol and religious beliefs.

This legislation is especially vital for them, but it is also important to everyone else. It is part of the consumer's fundamental right to know what he is eating.

The letter follows:

HON. BENJAMIN S. ROSENTHAL,
House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. ROSENTHAL: Your Truth in Food Labeling bill is of direct consequence to our son Michael because his diet is severely restricted due to allergy problems and must be closely managed.

Any mother of a child who has demonstrated an allergic reaction to specific foods or food additives should have the capability as well as the right to protect her child from unnecessary and repeated exposure, no matter how innocently intended, to the proved allergen(s). The trial and error method of testing a new food for dietary compatibility by eating that food every day for ten days is the only guaranteed method, but it is effective only when the number of unknowns involved can be controlled. Without strict labeling of all contents in a packaged food, each and every brand of a food has to be tested just as does each food itself.

An example of one of the problems that we have had to solve will illustrate the kind of difficulty that we must face daily. Canned tomatoes, a staple item in many American homes, was probably the first food to introduce us to the inadequacy of labeling.

In the summer of 1967, Michael at age two demonstrated his ability to eat raw tomatoes that were from our garden. Thanks to an abundant yield, many tomatoes were canned that year, and Michael was able to ingest

these through the winter without special limitation. When the supply of home canned tomatoes ran out, commercially canned ones were substituted. Within about 15 minutes from the time he ate some of these, Michael developed a rash over his face. The label on the can listed the contents to be only tomatoes and water. Michael's reaction indicated that either our earlier findings with raw and home-canned tomatoes were incomplete or that there was something else in the commercially-canned product.

There was no instant awareness on our part as to the cause of Michael's rash. The recounting of our actions was slow and tedious but generally led us to suspect the purchased tomatoes. A phone call was made to the FDA, and the problem was explained to a very nice lady. She wrote down many details and promised to do some investigation for us. Later she called to inform us that the tomatoes could have contained ascorbic acid, or vitamin C, as a preservative. (Additional vitamin C was then and is now a specific allergen to Michael.) When the lady was asked why ascorbic acid was not listed on the label, she said that if a company files a "Standardization Report with the FDA, it may add ascorbic acid as a preservative without listing the fact on the label. When asked which companies had filed reports, the response was, "that varies from time to time." That statement was translated in our family to mean that Michael would have to be denied any commercially canned tomatoes. In some or perhaps even many cases this denial may be unwarranted, but without proper labeling there is no other possible method of positive protection.

Through Michael's experiences we have also learned that the words "vegetable oil" on a label are of little value to one who is allergic to corn. The vegetable could be soybean, safflower, sunflower, corn, or any combination of these. We have found a product labeled "soybean oil" to be acceptable.

For the many children like Michael who are allergic to milk, sherbet is the only passable substitute for ice cream. But each dairy or packer has to be called to find out if it is putting non-fat dry milk in its sherbet. An identical problem has to be faced for bread, mayonnaise, peanut butter, and numerous other products.

The Standard of Identity defined in a Standardization Report is extremely technical and is not intended to be of any use to the consumer. Instead, the Report provides business with license to operate under government approval to satisfy its own needs first, government needs possibly as second, and consumer needs last and only when these needs happen to be compatible with what business has offered.

Many people are allergic, and many people are chronically ill. People who have cystic fibrosis, or phenylketonuria, or diabetes, or cardiac disease, or kidney disease—just to name a few of the more well known maladies—must know what additives are in the processed foods they are eating just to maintain a survival without unnecessary and needless sickness.

Part 125.3 of the FDA regulations specifies that if a food purports to be or is represented for special dietary use then the added vitamin content must be listed on the label. From this one might conclude that if a food processor wants just to sell tomatoes, for example, and is not purporting them for special diets, then the added vitamin content need not be listed. Thus, it is the processor's intent that is regulated and not necessarily his labeling.

On page 249 of Cooper's Nutrition in Health and Disease is the statement, "If a standard of identity has been established for a food,

the list of ingredients does not have to be on the label except for a statement of the presence of artificial flavoring and coloring or chemical preservatives, if added." Either additional vitamin C is or is not a chemical preservative. If it or anything else is added to a food, we feel it should be listed on the label.

Part 125.8 of the FDA regulations refers to "hypoallergenic" foods. All that section means is that if a product is advertised as hypoallergenic, its contents must be listed on its label. Many people mistakenly think that hypoallergenic means safe for people with allergies. This is simply not true. For example, powdered Mull-Soy formula manufactured by The Borden Company bears the word hypoallergenic on its label. Two years ago artificial vitamins were added to this formula and it became unsafe for Michael to consume. Fortunately for us, The Borden Company has been providing us with stocks from their earlier process.

If we can be of further assistance, please let us know. This is long overdue and most necessary legislation. Attached are excerpts from some annual family Christmas letters which may help to give you a chronology of Michael's history and types of allergy related dietary problems we have had.

Sincerely,

Mr. and Mrs. DEAN GORDON.

EXCERPT FROM ANNUAL LETTERS TO FRIENDS
CHRISTMAS 1966

At 14 months, Mike continues to show a quiet, relaxed temperament . . . He walked at nine months and has been into everything since. He's still a blue-eyed blonde and is 33 inches tall and weighs about 25 pounds. He's still allergic to milk, artificial vitamins, and most starches but continues to grow and gain with his Mull-Soy formula, meats, vegetables, and fruits.

CHRISTMAS 1967

Mike is a very tall two year old, almost 39 inches tall. He is still on soybean formula and a limited diet, and he does very well when we follow it. He was hospitalized twice this year—in January with a bad bout of diarrhea which eventually caused him to dehydrate and again in February for a minor and planned operation. In both instances Mike came through fine while we suffered the usual parental concern.

CHRISTMAS 1968

Mike is now 42 inches tall; he's lean and lanky but a very fast runner . . . We have been adding new foods to Mike's diet. As long as we keep away from milk products, artificial preservatives, artificial vitamins, chocolate, citric acid, and a few other things he is fine. Compared with last year, we can see that he is much more tolerant of frequent indulgences in things on the "sometimes" list, such as lollipops because of the citric acid. Compared with times past, we can almost say that he can eat anything.

CHRISTMAS 1969

Mike is already 44 inches tall and is still lean and lanky. His diet is still quiet limited but, since he is growing well and staying healthy, we can't complain. The doctors did prescribe daily medication since last March because Mike's nose just never did stop running. They also suggested that we take a vacation up north somewhere to see if that would help. In July we went to northern Wisconsin—ten miles from the Michigan border—with Grandma and Grandpa Paska and spent a week swimming and fishing. We took Mike off his pills as an experiment and he was fine. Half way back to Kenosha, however, the sneezing and runny nose began so we put him back on the pills again.

THE SECRET PENTAGON DOCUMENTS ON THE WAR

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. HARRINGTON. Mr. Speaker, the documents first published by the New York Times and the articles later published in the Washington Post sadly raise serious questions about the credibility of our leaders. Before, many of us may have disagreed with them about their conclusions and their interpretation of events, but never did we suspect the coordinated policy of duplicity which marked the governmental policy on Vietnam.

Although the Vietnam study ended in 1968, the Nixon administration is currently engaged in an unprecedented attempt to censor the two newspapers on the grounds that the reports jeopardize national security. As I said several times last week, only through full disclosure is there any hope of insuring that future policy decisions will not lead us into the pit that we have discovered in Vietnam. The New York Times and the Washington Post, by printing the documents and supporting articles, have raised the questions on Vietnam which needed to be asked. But more than that, they have demonstrated the value of what can be learned when the shroud of secrecy is removed from Government documents which bear "Top Secret" stamps merely to protect the embarrassing mistakes of those who were wrong, 4, 5, and 6 years ago.

When these papers become available, as I believe they must, I hope the veneer from past policy will be lifted to expose it for the folly it was. I hope that we will have learned where this country lost track of its goals so we will never again use our power to prop up petty dictatorships out of some misguided fear of communism. I hope that we have learned so more Americans will never have to die for lost causes which from the beginning never deserved our support.

At this point, I would like to insert articles from the Washington Post and Time magazine relating to the documents for the benefit of my colleagues:

[From Time magazine, June 28, 1971]

PENTAGON PAPERS: THE SECRET WAR

(To see the conflict and our part in it as a tragedy without villains, war crimes without criminals, lies without liars, espouses and promulgates a view of process, roles and motives that is not only grossly mistaken but which underwrites deceptions that have served a succession of Presidents.—DANIEL ELLSBERG.)

The issues were momentous, the situation unprecedented. The most massive leak of secret documents in U.S. history had suddenly exposed the sensitive inner processes whereby the Johnson Administration had abruptly escalated the nation's most unpopular—and unsuccessful—war. The Nixon Government, battling stubbornly to withdraw from that war at its own deliberate pace, took the historic step of seeking to suppress articles before publication, and threatened criminal action against the nation's most eminent newspaper.

The dramatic collision between the Nixon Administration and first the New York Times, then the Washington Post, raised in a new and spectacular form the unresolved constitutional questions about the Government's right to keep its planning papers secret and the conflicting right of a free press to inform the public how its Government has functioned (see story page 17). Yet, even more fundamental, the legal battle focused national attention on the records that the Government was fighting so fiercely to protect. Those records afforded a rare insight into how high officials make decisions affecting the lives of millions as well as the fate of nations. The view, however constricted or incomplete, was deeply disconcerting. The records revealed a dismaying degree of miscalculation, bureaucratic arrogance and deception. The revelations severely damaged the reputations of some officials, enhanced those of a few, and so angered Senate Majority Leader Mike Mansfield—a long-patient Democrat whose own party was hurt most—that he promised to conduct a Senate investigation of Government decision making.

The sensational affair began quietly with the dull thud of the 486-page Sunday New York Times arriving on doorsteps and in newsrooms. A dry Page One headline—"Vietnam Archive: Pentagon Study Traces Three Decades of Growing U.S. Involvement"—was followed by six pages of deliberately low-key prose and column after gray column of official cables, memorandums and position papers. The mass of material seemed to repel readers and even other newsmen. Nearly a day went by before the networks and wire services took note. The first White House reaction was to refrain from comment so as not to give the series any greater "exposure." But when Attorney General John Mitchell charged that the Times's disclosures would cause "irreparable injury to the defense of the United States" and obtained a temporary restraining order to stop the series after three installments, worldwide attention was inevitably assured.

A STUDY IGNORED

The Times had obviously turned up a big story (see Press). Daniel Ellsberg, a former Pentagon analyst and superhawk-turned-superdove, apparently had felt so concerned about his involvement in the Viet Nam tragedy that he had somehow conveyed about 40 volumes of an extraordinary Pentagon history of the war to the newspaper. Included were 4,000 pages of documents, 3,000 pages of analysis and 2.5 million words—all classified as secret, top secret or top secret-sensitive.

The study was begun in 1967 by Secretary of Defense Robert McNamara, who had become disillusioned by the futility of the war and wanted future historians to be able to determine what had gone wrong. For more than a year, 35 researchers, including Ellsberg, Rand Corporation experts, civilians and uniformed Pentagon personnel, worked out of an office adjoining McNamara's. With his backing, they were able to obtain Pentagon documents dating back to arguments within the Truman Administration on whether the U.S. should help the French in their vain effort to put down Communist-led Viet Minh up-risings in Viet Nam. The work was carried up to mid-1968, when it was delivered to McNamara's successor, Clark Clifford, who says he never took the time to read it. One of the scholars called in early to help guide the project was Harvard's Henry Kissinger, who is now President Nixon's national security adviser and chief White House strategist on the war. Yet the study was so completely ignored that until last week even he had not examined it.

By early 1964, the U.S. was supporting and directing a number of covert operations: air strikes over Laos by CIA-hired civilian pilots

and by Thai flyers, South Vietnamese harassment raids (Operation 34A) along the North Viet Nam coast, and U-2 reconnaissance flights over the North. Announced U.S. retaliatory air strikes against the North started in August 1964. A sustained air campaign (Rolling Thunder) was ordered to assault the North in February, 1965. The first U.S. ground troops landed in force in South Viet Nam during the spring of 1965. By the end of the year 184,000 U.S. troops had been deployed in the South.

THE CAST OF CHARACTERS

Each step seems to have been taken almost in desperation because the preceding step had failed to check the crumbling of the South Vietnamese government and its troops—and despite frequently expressed doubts that the next move would be much more effective. Yet the bureaucracy, the Pentagon papers indicate, always demanded new options; each option was to apply more force. Each tightening of the screw created a position that must be defended; once committed, the military pressure must be maintained. A pause, it was argued, would reveal lack of resolve, embolden the Communists and further demoralize the South Vietnamese. Almost no one said: "Wait—where are we going? Should we turn back?"

As the documents bared the planning process, they also demolished any lingering faith that the nation's weightiest decisions are made by deliberative men, calmly examining all the implications of a policy and then carefully laying out their reasoning in depth. The proliferation of papers, the cabled requests for clarification, the briskness of language but not of logic, convey an impression of harassed men, thinking and writing too quickly and sometimes being mystified at the enemy's refusal to conform to official projections.

Ambassador to Saigon Maxwell Taylor, a former Chairman of the Joint Chiefs of Staff, candidly declared in November 1964: "We still find no plausible explanation of the continued strength of the Viet Cong if our data on the Viet Cong losses are even approximately correct. Not only do the Viet Cong units have the recuperative powers of the Phoenix, but they have an amazing ability to maintain morale." The experienced Taylor sounded downright naive when, on assuming his post in Saigon, he advised the JCS: "No sophisticated psychological approach is necessary to attract the country people to the GVN [Government of Viet Nam, Saigon] at this time. The assurance of a reasonably secure life is all that is necessary." That assurance was at the core of the conflict—and has still not been wholly achieved.

Yet the articulate Taylor, who read French and German newspapers at breakfast, could make prophetic sense. Reporters remember him rejecting the idea of U.S. ground troops in South Viet Nam put to him for the hundredth time: "No, that was what the French did. The last thing we want is American boys from Maine and Georgia running through the jungles shooting at friend and enemy alike because they can't tell the difference."

Beneath the patina of the published papers, other images form from those turbulent days. Early on, there was the alert, trim Secretary of Defense Robert McNamara sitting at his huge Pershing desk, the believer of 1963, the man who thought it could be done and who kept saying "Things are getting better." Then, gray and pinched in 1967, trying to explain why he had become the first to turn publicly against the war. There was his tall, taut Assistant Secretary, John McNaughton, now dead, sweeping confident eyes across the map of the world and talking fast, very fast. Speaking ever so precisely of the potential of yet another of Saigon's revolving governments, the coatless Assistant Secretary of State William Bundy

stretched out on his leather couch. Brooding over all loomed the peaked profile of Lyndon Johnson, secretive, holding his options open until the final moment, seemingly unwilling even to confide in himself what he would do next.

ALLEGIANCE DOMINOES

That it lacked the minutes of Johnson's mind was only one of the serious weaknesses in the Pentagon study. The papers were gathered mainly at the Pentagon by researchers who were given full cooperation but had to specify what they wanted to see; they could not browse freely through files of the Joint Chiefs. There were no minutes of National Security Council meetings or transcriptions of telephone calls. The *Times* was able to print only about 5% of the documents in its possession, and critics would certainly wonder if its long antiwar perspective had influenced, however unconsciously, its selection. Nonetheless, publication of the papers opened a wide window on what had been the largely invisible world of policymaking.

One vista revealed a U.S. Government far less interested in negotiations on either Laos or Viet Nam than its public stance indicated. In fact, the U.S. sought ways to avert international pressure for talks. It continually withheld from the American people a full disclosure of its increasing military moves against North Viet Nam, but often briefed Hanoi, Peking and Moscow on precisely what it intended. Moreover, the documents, while showing a stubborn allegiance to the domino theory of Viet Nam's critical significance despite CIA doubts, also reveal a shifting rationale for the massive U.S. commitment.

The most surprising specific disclosures of the *Times*'s papers include:

War aims

Both publicly and in a National Security memorandum in March 1964, President Johnson insisted that the central U.S. aim was to secure an "independent, non-Communist South Viet Nam." McNamara used identical wording in a memo to L.B.J. the same month, but fudged the goal by adding the far broader view of Viet Nam as a "test case of U.S. capacity to help a nation meet a Communist war of liberation . . . not only in Asia, but in the rest of the world." Then, in January 1965, McNamara penciled his approval on a statement by his assistant, McNaughton, that the real U.S. goal was "not to help friend, but to contain China." A month later, McNaughton, demonstrating the McNamara team's fondness for figures, put the U.S. aims in a far different order: "70%—to avoid a humiliating U.S. defeat, 20%—to keep SVN (South Viet Nam) territory from Chinese hands, 10%—to permit the people of SVN to enjoy a better, freer way of life. Also—to emerge from crisis without unacceptable taint from methods used." That was hardly an idealistic statement of U.S. purposes.

Pessimism about Saigon

While higher officials sought to knock down persistent reports by newsmen in Saigon that the war was going badly, McNaughton in a memo on Nov. 6, 1964, offered a firm evaluation and prediction: "The situation in South Viet Nam is deteriorating. Unless new actions are taken, the new government will probably be unstable and ineffectual and the VC will probably continue to extend their hold over the population and territory. It can be expected that, soon (6 months? two years?), (a) government officials at all levels will adjust their behavior to an eventual VC takeover, (b) defections of significant military forces will take place, (c) whole integrated regions of the country will be totally denied to the GVN, (d) neutral and/or left-wing elements will enter the government, (e) a popular front regime will

emerge which will invite the U.S. out, and (f) fundamental concessions to the VC and accommodations to [Hanoi] will put South Viet Nam behind the Curtain." Generally, officials put a carefully cheerful face on matters and berated the U.S. press for its position while privately agreeing.

Concealment of air strikes

The documents reveal that, in Operation Barrel Roll, the CIA was regularly using U.S. civilian pilots flying U.S. planes to make air strikes along infiltration routes in Laos early in 1964. In December, this campaign was stepped up to semiweekly attacks by regular U.S. Air Force and Navy flyers, but the National Security Council ordered: "There would be no public operations statements about armed reconnaissance [a euphemism for operations in which pilots are allowed to attack any target they find rather than limited to assigned targets] in Laos unless a plane were lost. In such an event the Government should continue to insist that we were merely escorting reconnaissance flights as requested by the Laotian Government."

Concealment at Tonkin

The North Vietnamese PT-boat attacks on the U.S. destroyer *Maddox* in the Gulf of Tonkin in August 1964 were among the most pivotal and controversial events of the war—and the Johnson Administration clearly deceived the public about them. U.S. officials claimed to be unaware that South Vietnamese naval units had been covertly operating in the area shortly before the *Maddox* was fired upon. McNamara was asked at a press conference on Aug. 5, 1964: "Have there been any incidents that you know of involving the South Vietnamese vessels and the North Vietnamese?" His reply: "No, none that I know of." Yet the secret Pentagon study declares that "at midnight on July 30, South Vietnamese naval commandos under General Westmoreland's command staged an amphibious raid on the North Vietnamese islands of Hon Me and Hon Ngu in the Gulf of Tonkin. Apparently [the North Vietnamese boats that attacked the *Maddox*] had mistaken *Maddox* for a South Vietnamese escort vessel." The rapidity of U.S. air reprisals—within twelve hours of Washington's receipt of the news—argued that the U.S. had been positioned to strike as soon as attacked.

Concealment about troops

Similarly, when U.S. Marine battalions in South Viet Nam were authorized for the first time to take offensive action, Johnson directed that "premature publicity be avoided by all possible precautions" and that steps be taken to "minimize any appearance of sudden changes in policy." The whole question of introducing ground troops into South Viet Nam was so cloaked and confusing that Ambassador Taylor cabled Secretary of State Dean Rusk: "I badly need a clarification of our purposes and objectives." Taylor was especially angry at the fact that though he had sharply opposed the introduction of more U.S. troops into the area, his ostensible subordinate, General William Westmoreland, had been assigned an airborne brigade without Taylor's knowledge.

Ordering Allies Around

Throughout the papers, U.S. officials indicate that the various Saigon governments, the non-Communist Laotian Prime Minister Souvanna Phouma, other U.S. allies and even the U.S. Congress were too often regarded as entities to be manipulated in order to accomplish U.S. foreign policy aims. Administration officials framed a Tonkin Gulf-style resolution long before the PT-boat attacks but failed to ask Congress for concurrence on what they were doing in Viet Nam. The State Department's Bundy writes of how Canada's J. Blair Seaborn, a member of the International Control Commission in Viet

Nam, could be "revved up" to carry secret messages to Hanoi. McNaughton described the Saigon government as being "in such a deep funk it may throw in the sponge."

The most abrasive treatment of an ally was Taylor's schoolmaster scolding of a group of young South Vietnamese generals, including Nguyen Cao Ky and Nguyen Van Thieu, after they had dismissed the civilian High National Council. Said Taylor: "Do all of you understand English? I told you all clearly at General Westmoreland's dinner we Americans were tired of coups. Apparently I wasted my words. Now you have made a real mess. We cannot carry you forever if you do things like this." Taylor's irritation seemed justified, but, as General Nguyen Khanh said last week. "He was conking me as if he were MacArthur on occupation in Japan."

Provocation plans

Although the option apparently was never exercised, secret documents indicate that U.S. planners were seriously considering provoking the North Vietnamese into attacking U.S. units so that an open retaliatory air attack could be made against the North, a key escalation of the conflict. The step would be a prelude to sustained air strikes against the North. A Pentagon "Plan of Action for South Viet Nam," drafted by McNaughton in September 1964, proposed actions that "should be likely at some point to provoke a military response [and] the provoked response should be likely to provide good ground for us to escalate if we wished." He suggested that the downing of any U.S. reconnaissance plane over the north by U-2 aircraft would be an appropriate incident.

When the *Times* was enjoined from publishing any more of its series, the Washington Post began carrying its own summary of the papers—up through L.B.J.'s sudden decision to seek negotiations in 1968—until it, too, was enjoined. The Post carefully refrained from reprinting the classified documents, but paraphrased or quoted briefly from them. The papers, it reported, absolved the U.S. of any complicity in preventing elections throughout North and South Viet Nam in 1955, despite a Geneva agreement calling for them. According to the study, it was South Vietnamese President Ngo Dinh Diem who, fearing a Communist victory, blocked the election.

The Post articles indicate that divisions emerged, mainly between the State and Defense departments, about the desirability of declaring halts in the U.S. bombing of the North—but each approached the idea cynically. When a temporary halt was agreed upon in March 1968, the State Department promptly advised all U.S. embassies that it did not really expect Hanoi to make any reciprocal response and thus the enemy would "free our hand after a short period"; meanwhile the planes could be used to bomb Laos. The Defense Department's McNaughton saw bombing pauses as useful "ratchets," placating public opinion and freeing the U.S. to bomb a notch harder after Hanoi had failed to respond.

One of the first breaks in the official hard-line thinking occurred in 1966, when the imaginative McNaughton advocated a "lowering of sights from victory to compromise." He warned that this might "unhinge" Saigon and give the North "the smell of blood," and that it would require careful preparation to get in position for compromise. "We should not expect the enemy's molasses to pour any faster than ours. And we should tip the pitchers now if we want them to pour a year from now." McNamara raised the possibility of compromise with Johnson, but did not urge it, and Johnson chose to unleash more Rolling Thunder. The papers also reveal that Johnson authorized serious consideration, including consultation with academic scientists, of the idea of creating an electronic and manned "fence" that would cut the infiltration trails across South Viet Nam's

northern border. The proposal was abandoned as impractical.

One of the unresolvable controversies that the study raises is whether or not President Johnson had already decided to initiate a U.S. air campaign against North Viet Nam when he was insisting in his 1964 re-election campaign against Barry Goldwater that "we seek no wider war." The documents leave no doubt that Johnson was being strongly urged by his subordinates to authorize such strikes on more than a tit-for-tat reprisal basis and that aircraft had been positioned to do so since before the Tonkin clash. Johnson flatly denies that he made such a decision before the election. Goldwater, who was sharply criticized for urging such attacks, claims he knew of the plans but did not raise the issue during the campaigns because he felt that he would not be believed if Johnson denied their existence.

The records bear out Johnson's claim that he rejected several requests to authorize retaliatory strikes after the election, finally yielded only when a devastating Viet Cong raid on Pleiku airfield in February 1965 destroyed or damaged numerous U.S. planes. "Mr. President, this is a momentous decision," Secretary of State Dean Rusk told Johnson at the time, and Johnson agrees that it was. He approved Rolling Thunder's sustained air attacks a month later.

WINNERS AND LOSERS

Johnson emerges from the Pentagon history with added credibility problems. Although he is portrayed as a restraining influence on his more military-minded advisers—and he did move more slowly than many of them wished—he eventually adopted most of their escalation options. He, too, vastly underrated the tenacity of the Communists, and continued to employ massive airpower even after his own experts had discovered that it might actually be strengthening the North's determination to resist. Badly buffeted by events and advisers, Johnson was both commendably hesitant and condemnably conniving. As usual, he both infuriates and elicits sympathy.

Also tarnished was the man who courageously initiated the study, Secretary McNamara. His bloodless passion for systems management did not permit him to grasp the matters of spirit and motivation that technology could not conquer—until the human price had far exceeded the value of the attainable ends. Too much a proponent of the Defense and State Department plans that reached him, McGeorge Bundy failed to perform his role of giving the President a wide and honest range of choices. His brother Bill, like McNaughton, comes across as too cute and manipulation-minded for his own—and the nation's—good. The two men spun elaborate and dangerous scenarios that frequently underestimated North Vietnamese strengths.

Characteristically, the quiet Secretary of State appears too seldom in the papers to be either hurt or helped—although his reluctance to put every hasty thought on paper now looks wise. The Joint Chiefs played their usual strong, if myopic role, continually urging sterner measures, but not with any overblown certainty of victory.

THE CIA WAS RIGHT

The one Government agency that emerged from the Viet Nam debacle with its honor largely intact was the CIA. Its director in the years of escalation was John McCone, a conservative Republican who believed the U.S. had to try for a knockout blow in Viet Nam or get out. He argued constantly against the consensus policy of gradual escalation.

Shaken by McCone's vigorous dissent, Johnson submitted a searching question to the CIA: Would the rest of Southeast Asia fall into Communist hands if South Viet Nam and Laos did? The reply took issue with

the conventional application of the domino theory. "With the possible exception of Cambodia," said the CIA, "it is likely that no nation in the area would quickly succumb to Communism." The spread of Communism would not be "inexorable."

McCone kept badgering the President. On a flight to New York with Johnson in late 1964, he argued that limited bombing of North Viet Nam would be ineffective. "They'll turn their collars up around their ears, pull in their necks and ride it out." Finally, in April 1965, he put his thoughts on a paper circulated among top-level Government officials. The memo predicted events with uncanny accuracy. The bombing strikes had not demoralized the North Vietnamese, McCone argued. "If anything, the strikes to date have hardened their attitude. With the passage of each day and each week, we can expect increasing pressure to stop the bombing. Therefore time will run against us in this operation and I think the North Vietnamese are counting on this. We can expect requirements for an ever-increasing commitment of U.S. personnel without materially improving the chances of victory. We will find ourselves mired down in combat in the jungle in a military effort that we cannot win, and from which we will have extreme difficulty extricating ourselves."

In a sense, McCone and the CIA were only doing what they were paid \$600 million a year to do: provide accurate information to guide American policymakers. Allowed to go its own way, largely immune to the pressures that cause other agencies to oversell policies, the CIA takes pride in its detachment. When he once briefed McNamara, the late respected operations chief, Desmond Fitzgerald, expressed doubt that the data reflected the actual situation. "Why?" demanded McNamara. "It's just a feeling," replied Fitzgerald. McNamara gave him a stony stare and later ordered: "Don't ever let that man in here again."

Equally prescient and independent was Under Secretary of State George Ball. Unswayed by the technocrats around him, he kept warning respectfully that their course was wrong. His memo to President Johnson on July 1, 1965, took account of souls, and French history, as well as weapons. It concluded: "No one can assure you that we can beat the Viet Cong or even force them to the conference table on our terms, no matter how many hundred thousand white, foreign [U.S.] troops we deploy. Once we deploy substantial numbers of troops in combat, it will become a war between the U.S. and a large part of the population of South Viet Nam. U.S. troops will begin to take heavy casualties in a war they are ill-equipped to fight in a noncooperative if not downright hostile countryside. Once we suffer large casualties, we will have started a well-nigh irreversible process. Our involvement will be so great that we cannot—without national humiliation—stop short of achieving our objectives. I think humiliation would be more likely—even after we have paid terrible costs."

CONGRESSIONAL OUTRAGE

The revelations of the Pentagon papers angered war critics on Capitol Hill, who claimed vindication for their long-held feeling that Congress had been misled by the Executive Branch. "These documents," fumed Idaho Democrat Frank Church, "secure Johnson's position as a liar." Declared Maryland Republican Charles Mathias: "I am outraged—but I'm worn down with outrage." Yet the Congress made no immediate move to grasp control of the war from the Nixon Administration.

The Senate promptly defeated the McGovern-Hatfield amendment to cut off all funds for the war by the end of this year. The vote was 55 to 42, a margin only six votes smaller than that on a similar motion last year. A compromise to set the deadline at next June

1 also failed, 52 to 44. The House easily rejected (254-158) the Nedzi-Whalen amendment, which would have cut off military procurement funds for Viet Nam by Dec. 31. The Pentagon study revealed "a humiliation of Congress," agreed Michigan Democrat Lucien Nedzi, "but it simply hasn't filtered down yet." Vermont's Republican Senator George Aiken contended that the Congress had grown all too accustomed to its inferior role. "For a long time, the Executive Branch has tended to regard Congress as a foreign enemy—to be told as little as possible," he charged.

NO DIVERTING DEBATE

Whether the papers will have any impact on next year's presidential campaign seems to hinge partly on the outcome of the legal contest now under way and on what the rest of the papers reveal. With the documents beginning to circulate, more disclosures seem inevitable as other publications probe the wars' secret history. Certainly Hubert Humphrey's tentative candidacy for the presidency has been weakened. Although his aides insist he so persistently opposed Johnson's war policies that he was finally excluded from planning sessions, Humphrey cannot completely sever his ties with L.B.J. in the public mind.

What lessons can be lifted from all of those pages of secret papers? The most instructive revelation may be how little faith the leaders had in those they led—a classic case of the arrogance of the powerful. The deceptions and misrepresentations stemmed from a conviction that the public would not face up to the harsh realities of Viet Nam. Even within the Government, sound intelligence estimates were often rudely ignored if they failed to fit policy preconceptions. There was a self-deception that if the U.S. unflinchingly demonstrated its determination to persevere, Hanoi would buckle. But the North Vietnamese always knew that the struggle was ultimate for them, peripheral for the U.S.

Partly because they held secrecy so dear, the Johnson officials rarely had to face publicly those questions that Bill Bundy described as "disagreeable," and thus they never had to think through the tough answers. Although complete candor is not always possible, policies that must stand the test of grueling public debate tend to be better policies, as Harvard's John Kenneth Galbraith argued last week. Through it all, there seemed to be no time for quiet contemplation. Exhausted men concentrated on immediate means rather than eventual ends. A poignant example of this thinking was recalled by TIME Correspondent Jess Cook. In the spring of 1967, after a long and fruitless retrospective interview, he asked McNamara: "Isn't there anything you regret at all about how the war was conducted?" There was a long pause. "Yes," replied the weary Secretary. "There is one thing. We should have been able to come up with a better technique for population control."

POINTERS FROM HISTORY

The man who directed the Pentagon study, Brookings Historian Leslie Gelb, recently declared in a *Foreign Policy* article that the question is not "Why did the system fail?" but "Why did it work so tragically well?" The men who had decided that Viet Nam must not fall into Communist hands—"and almost all of our leaders since 1949 shared this conviction"—dominated the decisions. The paradox and tragedy of Viet Nam, argues Gelb, was that "most of our leaders and their critics did see that Viet Nam was a quagmire, but did not see that the real stakes—who shall govern Viet Nam—were not negotiable. What were legitimate compromises from Washington's point of view were matters of life and death to the Vietnamese."

How can this kind of thinking be changed? Gelb contends that a President must de-

mand much more of his security advisers; they must probe more deeply into what really is in the national interest. The President must also take the risk of "re-educating the public and congressional opinion about Communism." If Nixon and his predecessors, it now seems clear, had not spoken so often about the need for "victory" and the humiliation of "defeat," and had more coolly assessed the real stakes—as well as the terrible price—in Viet Nam, there would be less trauma over withdrawal and countless lives might have been saved.

LEARNING FROM THE PAST

Has the Nixon Administration learned any such lessons? How much different is the Nixon Administration's decision-making process? There have been qualitative changes. Nixon is a more orderly, more disciplined and less instinctive thinker than Johnson. He would rather read than talk; he probably demands and gets better briefs. Henry Kissinger is a more brilliant thinker than Walt Rostow or McGeorge Bundy. Under Nixon, there have been efforts to elicit a more systematic range of views from federal agencies, but whether they get any closer to the top man is doubtful. There is no convincing indication that the psychology and life-or-death motivation of the enemy is any clearer to Nixon officials, and fears of a U.S. "defeat" still unduly haunt the White House. The exaggerated claims of success in Laos and Cambodia carry hints of continuing attempts at deception. But Nixon is of course disengaging, however slowly, and that is in itself proof of a new realism.

Last week the Administration seemed more intent on proving that, as one White House source put it, the New York Times "has taken stolen goods and printed them." As for the war, a high Administration official argued that "when the records of this Administration are stolen, they will show that we made monumental efforts to end the war. But the question is whether it is possible to end the war when everybody is kicking and shoving you to surrender." Conceding that this Administration, too, has lost credibility with its critics, the official declared: "Ultimately we can disarm our critics only by our performance. All we can do is prove by deeds that we meant what we said."

That is fair enough. Whether Daniel Ellsberg has advanced the end of the war by his transmission of the stolen documents remains doubtful. But his larger purpose may yet be served. If the Government and the public come to understand the atmosphere, the pressures, the false and strained hopes, and the futile decisions that pervade the whole secret history of Viet Nam, the wrong decisions may not be made again—or at least not so easily.

THE LEGAL BATTLE OVER CENSORSHIP

The confrontation was historic. For the first time in U.S. history, the Government had gone to court to suppress publication of a major article in a major newspaper. In so doing, the Nixon Administration revived that ancient antithesis of a free press, the long discredited practice of "prior restraint." For its part, the Government claimed that never before had a newspaper published top-secret information that would endanger the national interest.

The drama began last Monday night after the New York Times had already published two installments of its massive report. After researching what action he could take, Attorney General John Mitchell finally sent a telegram to the paper, citing a provision in the espionage law that carries a possible ten-year sentence or \$10,000 fine for any one convicted of willingly disclosing secret defense information that could jeopardize the

safety of the country. The Justice Department chose not to file criminal charges because its main concern was to prevent publication of the documents. Instead, Mitchell asked the paper to stop printing the report and return all the material in order to avoid "irreparable injury" to the U.S.

THE PROBLEM OF PROOF

When the Times refused to comply, Assistant Attorney General Robert Mardian began the Government's legal attack by seeking a temporary restraining order—the prelude to a permanent injunction—in Manhattan's federal court. By chance, the case went before a recent Nixon appointee, U.S. District Judge Murray I. Gurfein, who was serving his first day on the bench. Last Tuesday the new judge issued the restraining order and set a Friday hearing to consider the injunction. Meanwhile, the Government showed concern about its key legal problem: how to prove the alleged injury. It asked Judge Gurfein to order the Times to turn over its "stolen documents" for examination. Though Gurfein barred any such "fishing expedition," the paper provided a list of the documents in its possession.

When the hearing (much of it *in camera*) began on Friday, a new development complicated the case. The Washington Post started to publish its own version of the Pentagon report. It did not print the classified memos verbatim as the Times had done, but it quoted liberally from them. The story also went out to the 345 client newspapers that subscribe to the Combined Los Angeles Times-Washington Post news service. In addition, both the A.P. and U.P.I. picked up the story for the benefit of hundreds of other papers.

During the Manhattan hearing, Yale Law Professor Alexander Bickel, representing the Times, suggested that the Post's move had mooted the case against his client. As he saw it, the injunction was now academic and the Times itself had become the injured party. "The readers of the New York Times alone in this country are being deprived of the story," Bickel argued. That became even more evident when U.S. District Judge Gerhard Gesell in Washington rejected the Government's request for a temporary injunction against the Post. Lacking clear proof that the pre-1968 report was damaging to current national security, Gesell refused to give the Government the right "to impose a prior restraint on publication of essentially historical data." The Government's only remedy, he said, was to bring criminal charges against the paper after it published the material. He also warned the Post that it was in "jeopardy of criminal prosecution."

Some five hours later, a three-judge appeals court reversed Judge Gesell's ruling. By a vote of 2 to 1, the higher court halted further Post disclosures pending a full hearing in which the Government must prove the need for a permanent injunction. Meanwhile in Manhattan, the Government failed to prove that need to Judge Garfein's satisfaction. Denying the injunction against the Times, Gurfein reported that Friday's secret hearing had produced no evidence of damaging data. "Without revealing the content of the testimony," he wrote, "suffice it to say that no cogent reasons were advanced as to why these documents, except in the general framework of embarrassment, would vitally affect the security of the nation." But the Times was still blocked from publishing the report until the U.S. Court of Appeals ruled on the case the following Monday. The U.S. Supreme Court may well have the final say on the subject.

If the Government ultimately prevails, it could compromise the basic principle of a free press. As far back as 1644, John Milton fought against prior restraint in *Areopagitica*, his famous protest to Parliament "for the Liberty of Unlicensed Printing." Hard-won demo-

cratic tradition insists that a free press is vital to an informed electorate: Anglo-American law has generally rejected any Government right to license a newspaper or censor its publication for any reason. William Blackstone, the great 18th century English jurist, stated the basic proposition: "The liberty of the press is indeed essential to the nature of a free state; but this consists in laying no previous restraints upon publication, and not in freedom from censure for criminal matters when published. Every free man has an undoubted right to lay what sentiments he pleases before the public; to forbid this is to destroy the freedom of the press."

ARTILLERY OF THE PRESS

This principle was embodied in the First Amendment, which shields virtually all free speech and printed matter. Jefferson, a target of bruising journalistic attacks, spoke ruefully of "the artillery of the press." But like most Presidents since, he recoiled from censorship and cheered the demise of the infamous Sedition Act, which had enabled the Government to jail critical newspaper editors. In various wars the Government has often tried to penalize a newspaper for something it has published—but only after the article appeared, not before. In 1931 the Supreme Court reinforced that principle in the case of *Near v. Minnesota*. Under a Minnesota statute, the state government shut down a scandal sheet that had printed articles lambasting official graft. The Supreme Court declared the law unconstitutional. Calling the closure "the essence of censorship," Chief Justice Charles Evans Hughes wrote: "That the liberty of the press may be abused by miscreant purveyors of scandal does not make any the less necessary the immunity of the press from previous restraints in dealing with official misconduct."

In the case of the New York Times and the Washington Post, the Government claims that it is simply trying to recover "stolen" documents that are vital to American security. It is the issue of security that colors the case and sets it apart from earlier precedents. In their more feverish moments, Government officials have argued that disclosure of the documents will enable the Communists to break American codes. They would only have to compare the deciphered cables in the Times with the coded U.S. messages they have on file for the same day. They might then acquire enough information to break up any number of secret U.S. missions and capture the agents. But experts tend to doubt this particular nightmare. Modern cryptography, they feel, is so sophisticated that enemies would face an all but insuperable task in trying to learn anything from the scattered documents in the Times.

Other Government objections are more solidly based. A certain amount of privacy is necessary both in dealings between agencies in Washington and in diplomatic negotiations with other nations. Officials may be less likely to be candid even in private if they are afraid that their remarks will be published. Many more will adopt Dean Rusk's practice of communicating orally and putting very little in writing. Says longtime Public Servant Averell Harriman: "If governments can't have private papers kept in confidence, I don't know how you can do business in government."

But the Government's case is weakened by the fact that it has removed so much information from the public eye in recent years. In the name of national security, it has often classified material that simply embarrasses it. Historians, for example, are not allowed access to State Department records of any event that occurred less than 25 years ago. A court of Appeals decision last year upheld the right of the U.S. Army to prevent a reputable historian from examining files on the forced repatriation of Soviet prisoners after World War II.

ARBITRARY SILENCE AND LEAKS

Meanwhile, bureaucrats freely use secret information to suit their own purposes; the U.S. Government almost runs on calculated leaks. Many important state papers, classified as secret, have been passed surreptitiously to favored members of the press. The Yalta Conference papers were one example, the Galther report on national defense another. Just last week, a Defense Department study on the dovish side was leaked to the *Washington Post*. It revealed that the multiple warheads on the Soviet SS-9 intercontinental missile lack the accuracy to destroy U.S. ICBMs in a surprise attack. Once they leave Government service, innumerable officials bring out memoirs bristling with once-classified material intended to put the author in the best possible light.

No less than any other American institution, the press has a responsibility to consider the national interest when it covers the news. But it is also true that a free press is a vital part of the national interest. This is especially true of the U.S.: unlike Britain's Parliament, Congress does not have an automatic right to question members of the Executive Branch, who wield increasing power over the lives of Americans. Such scrutiny falls to the press, which must be unhindered in its honest endeavor to seek out the truth. This pursuit surely outranks the squeamishness and even the reputations of public officials—unless it can be proved beyond cavil that the national interest is seriously endangered. And that takes a lot of proving.

THREE PRINCIPALS DEFEND THEMSELVES

General Maxwell Taylor, former Chairman of the Joint Chiefs of Staff, was the U.S. Ambassador to South Viet Nam during the period of initial troop buildups covered by the Pentagon papers. In an interview with *Time* Correspondent Frank McCulloch last week, he noted: "We—all of us—are up against a very fundamental issue here, and there seems to be little chance at this moment that we will approach it rationally." The issue, as Taylor sees it, is simply how much undigested information can be made public in a complex and dangerous world; in other words, what is the proper role of a free press *v.* the role of the government in a free society?

But is not publication that is apt to offend some sensibilities—even large ones—part of the price of maintaining a truly open society? "We have never paid it before. To my knowledge, this is the first time in history that a government's right to carry on some of its business outside the public eye has, in effect, been challenged."

Taylor does not recall the exact chronology of decisions that led to U.S. takeover of the prime combat role in Viet Nam. "Those decisions," he says, "were all reached in Washington. But I was reluctant to concur in them." At the time Taylor argued that at some indeterminate point, perhaps when the number of U.S. troops reached between 100,000 and 125,000, a "Plimsoll line" would be reached: for every American soldier invested, a Vietnamese soldier would be lost. The war-weary Vietnamese, as the then ambassador saw it, would be only too glad to hand over the fighting to the Americans.

Was there any deliberate deception? "No. One of the problems here is exactly what is meant. In the practice of foreign policy, a President owes a good deal to certain elements of Congress—the leadership—in the way of openness. But the President does not by any means owe that to all of Congress."

Nor does Taylor think that L.B.J. was guilty of duplicity with regard to the bombing of the North. He points out that the issue is one of timing. If the President indeed made the decision to bomb the North before the 1964 election, Taylor admits, then he is

guilty because he clearly said in that campaign that he had been urged by others to bomb but had refused. Yet, Taylor says, even after the election Johnson was still rejecting recommendations for bombing, so "it seems highly unfair to accuse him of having made up his mind before the election but putting it off for political reasons."

Lyndon Johnson, of course, is the principal figure in the published articles. He feels strongly that the documents do not tell the true story because they are mostly contingency plans, some of which neither he nor Secretary of State Dean Rusk ever heard of. In 1964 Johnson sincerely hoped to be able to negotiate his way out of a major war in Viet Nam. At one point, he told his advisers not to come to him with any plans to escalate this war unless they carried with them a joint congressional resolution.

The former President is particularly sensitive to charges that he misled the people about U.S. involvement in the Asian ground war. His position is that at the time he vowed not to send American boys to do the fighting that Asians should do for themselves. With some casuistry, Johnson believes he fulfilled this pledge, since there were thousands of South Vietnamese under arms—and still the situation was critical—before the major U.S. troop buildup began. The U.S. only did what the Asians could not do for themselves.

In retrospect, Johnson thinks his greatest mistake was waiting too long—18 months in office—before putting more men in, for by then Viet Nam was almost lost. Another mistake, he feels, was failing to institute censorship—not to cover up mistakes, but to prevent the enemy from knowing what the U.S. was going to do next. As for trying to hide the troop buildup, L.B.J.'s rationale is that he was trying to avoid inflaming hawk sentiment in the U.S. and to avoid goading Hanoi into calling on the Communist Chinese for help.

Contrary to rumor, intimates say that Johnson does not plan to rewrite his memoirs because of the articles; rather, he believes that all of the material on Viet Nam in the book will successfully parry their implications.

The man responsible for the newspapers' series, in one sense, is Robert McNamara, who ordered the Pentagon study while he was Secretary of Defense. McNamara is said to hope that the entire report will be declassified soon for use in libraries and archives, but feels the sensational way in which the documents were released is tragic.

He is known to believe that if the more delicate messages between allies come out, there will be enormous embarrassment and distrust of the U.S. in a number of countries that jeopardized their diplomatic credibility to aid the U.S. Even more serious is the likelihood that young people are now just not going to believe in the Government, in their institutions, and in their history.

Yet McNamara is credited with the most pragmatic view of the incident: now that the documents are out, the country should forget about the man who leaked them and get on with the task of learning from the Pentagon papers.

MAN WITH THE MONKEY WRENCH

(If I could find the proper forum, I would be willing to risk 20 years in jail. I must expose the duplicity of the Government.)

Daniel Ellsberg, 40, one of the authors of the documents he has made public, is a nervous, intense and brilliant man. He is seen by his associates as possessing the mind of a Niels Bohr and the soul of a tortured Dostoevsky hero. As a former Pentagon colleague put it: "Dan would have been an excellent Jesuit in another time. He has a perfect logical mind and an unbending sense of morality." Ellsberg was for a time one of

those faceless bureaucrats who sit at the fulcrum of decisionmaking and are privy to the most guarded information. Yet he has a marked capacity for excess. One friend says that his reversal from a pro-war to an unequivocal antiwar position is completely in character. "That's the kind of guy Dan is. He's sensitive and passionate, as well as being immensely intelligent. When he was a hawk, he wanted to be up along the DMZ fighting. When he became a dove, he became an active dove."

Born in Chicago, he graduated from Harvard *summa cum laude* in 1952. During his junior year, he was editor of the *Advocate*, the school's literary magazine, a rare post for an economics major. As a senior, he served on the *Crimson*, stayed on at Harvard to win his master's and eventually a Ph. D. His thesis on the nature of the decision-making process, titled *Risk, Ambiguity and Decision*, was so complicated and so incisive that he became an overnight star in the rapidly developing field of systems analysis. Ellsberg joined the Rand Corp., where he became the protege of Henry Rowen, currently the corporation's president.

The critical step in Ellsberg's career came in 1965, when he went to the Pentagon as a special assistant to John McNaughton, then Assistant Secretary of Defense for International Security Affairs. He landed the job because of McNaughton's role in nuclear issues, such as the test-ban treaty. As a former professor put it: "Ellsberg just got drawn into Viet Nam, the same way McNaughton did, the same way all of us did." He became so drawn in that he seriously wanted to re-enter the Marine Corps, in which he had done a stint as an officer. He once gloomily said: "If I went back into the corps, they'd never give me a company anyway. Once they learned that I wrote speeches for McNaughton and Robert McNamara, they'd have me writing speeches for some general." He consoled himself by inserting such stridently militant phrases into McNaughton's and McNamara's speeches as "The only way to think the Viet Cong is to think of the Mafia."

Ellsberg did finally get to Viet Nam—as a member of Major General Edward Lansdale's senior liaison office of elite intelligence agents. Later he was put in charge of evaluating the new pacification program for the U.S. embassy. In this sensitive post, Ellsberg traveled all over Viet Nam, had access to the highest civilian officials and saw the ugliest face of the war: the corruption, manipulation and terrorism on both sides. He must have also seen more than his share of civilian casualties, for it was the Vietnamese victims that eventually came to plague his conscience. Still, while he was serving his tour with Lansdale and the U.S. embassy, his only reservations about the war revolved around its conduct. Otherwise, as he wrote in the class notes for his 15th Harvard reunion, his role as a combat observer compensated for "a somewhat unfulfilled career as a Marine platoon leader and company commander during peacetime."

When he wrote that, Ellsberg was laid up in Bangkok with a severe case of hepatitis. He felt that "the alternatives before me are to stay on with the Government in Viet Nam or to return home to research and consult: a choice between the engine room and the belly of the whale." The hepatitis helped him to make up his mind, and Ellsberg returned to the Rand Corp. in 1967, working basically out of the Santa Monica, Calif., office. He kept all of his top-level security clearances and remained active as a Government consultant. Ellsberg worked with Henry Kissinger—his former teacher—to smooth the transition from the Johnson to the Nixon Administration, and has said that he drew up the options for a Nixon Viet Nam policy. According to Ellsberg, Kissinger adopted all of his pro-

posals almost verbatim except one: a fixed withdrawal date.

Soon Ellsberg, who seemed set for a brilliant Government career, was beginning to feel the lash of collective guilt. Even before the Tet offensive in 1968, he began to voice his doubts about the war; his initial attack came during a gathering of intellectuals in Bermuda under the sponsorship of the Carnegie Endowment. As the war dragged on, his sense of personal guilt heightened and his torment deepened. His conflict had developed to a point that even Kissinger was reluctant to include Ellsberg in the Nixon planning group.

Ellsberg disconcerted Rand officials by organizing a group of five associates to write a sulfurous letter to the *New York Times* and the *Washington Post* denouncing the war. He also wrote a scathing piece for the *New York Review of Books* on Nixon and the Laos incursion. He began to see not only himself but everyone who did not demonstrate actively against the war as a "war criminal." He seemed obsessed, and his friends found it impossible to get him to talk of other topics; many were put off when he called them "good Germans" for not protesting against the war.

By the spring of 1970, he realized that his views were becoming an embarrassment to Rand, so he resigned and accepted a fellowship at M.I.T., aiming to write a book on Viet Nam. He remarried (he has two teen-age children by a previous marriage) and settled down in Cambridge, Mass. But Ellsberg could not keep his singular mind off the war. He had the support of his wife Patricia, a Radcliffe graduate and daughter of Toy Manufacturer Louis Marx, a Nixon supporter.

By week's end, Ellsberg had not emerged from underground. He disappeared Wednesday afternoon from his house near Harvard Square. When he does come back into public view, no one is quite sure just what will happen to him. As one friend notes: "If the Government decides to prosecute him, it's going to be one helluva trial because he's really a very impressive figure. I think he'd like a platform like that."

In a sense, Ellsberg symbolizes the national torment that the brutal, seemingly interminable war has created. He grew to believe that the war would not end in the foreseeable future unless a massive monkey wrench was thrown into what, in his view, was a perpetual-motion machine. The documents were the wrench. Ellsberg had earlier offered them to Senator George McGovern, who decided not to make them public.

In a broad sense, Ellsberg is but the latest in a series of Government elitists—McNaughton, McNamara, Clark Clifford—who have turned away from the war they once so fervently supported. He himself is particularly scornful of the war's apologists, such as Arthur Schlesinger and Richard Goodwin. Ellsberg has put it this way: "My role in the war was as a participant, along with a lot of other people, in a conspiracy to commit a number of war crimes, including, I believe, aggressive war." He especially takes issue with Schlesinger's view that Vietnam resulted from a series of small decisions and that it is unfair to seek out guilty men. "The only trouble with that account of our decision making," he said, "is that it's totally wrong for every Viet Nam decision of the last 20 years."

[From the *Washington Post*, June 13, 1971]
DOCUMENTS REVEAL U.S. EFFORT IN 1954 TO
DELAY VIET ELECTION—I

(By Mr. Chalmers M. Roberts)

The Eisenhower administration, fearful that elections throughout North and South Vietnam would bring victory to Ho Chi Minh, fought hard but in vain at the 1954 Geneva Conference to reduce the possibility that the conference would call for such elections.

But the following year it was South Vietnamese President Ngo Dinh Diem, far more

than the American government, who was responsible for the elections' not taking place. Diem flatly refused even to discuss the elections with the Communist regime in Hanoi.

These are among the facts emerging from sections of the Pentagon study on the origins of the Vietnam war, made available to The Washington Post.

The chief architect of the American policy of opposition to elections, as was well known at the time, was President Eisenhower's Secretary of State, John Foster Dulles. But it was Eisenhower who had insisted on allied support if he were to ask Congress for authority to use American military force to save the French army in Indochina in early 1954. The United States did not get that allied support.

The origin of the idea of holding an election in divided Vietnam, called for in the Geneva accords of 1954, remains obscure. But there is nothing obscure about Dulles' attitude.

In July of 1954, he sent a cable to various American diplomats then struggling with the problem. It said in part:

"... Thus since undoubtedly true that elections might eventually mean unification Vietnam under Ho Chi Minh this makes it all more important they should be only held as long after ceasefire agreement as possible and in conditions free from intimidation to give democratic elements best chance. We believe important that no date should be set now and especially that no conditions should be accepted by French which would have direct or indirect effect of preventing effective international supervision of agreement ensuring political as well as military guarantees."

Dulles went on to call attention to a joint statement by President Eisenhower and British Prime Minister Churchill in June, especially that part which spoke of achieving "unity through free elections supervised by the UN."

Later in July, shortly before issuance in Geneva of the "final declaration" of the long conference, a declaration that included the statement that "general elections shall be held in July 1956," Dulles cabled his unhappiness at the impending outcome.

He sent Walter Bedell Smith, the Under Secretary of State who had returned to the Geneva Conference to limit as much as possible what Dulles foresaw as the disastrous outcome, a cable that said in part:

"While we don't want to take responsibility of imposing our views on the French, I feel particularly concerned about provisions of paragraph 6 which gives the Control Commission constituted as per SECTO 666 authority also to control the general elections. The ink is hardly dry on the Declaration of President Eisenhower and Prime Minister Churchill of June 29 to the effect that 'In the case of nations now divided against their will, we shall continue to seek unity through free elections supervised by the UN to insure that they are conducted fairly.' It is rather humiliating to see that Declaration now so quickly go down the drain with our apparent acquiescence."

About a week before the above cable, and after French Premier Pierre Mendes-France had asked that Dulles return to Geneva and before Dulles agreed to send Smith as his stand-in, Dulles cabled some of his unhappiness to Mendes-France via the American Embassy in Paris.

Dulles complained to Mendes-France of "a whittling-away process, each stroke of which may in itself seem unessential, but which cumulatively could produce a result quite different from that envisaged" in a seven-point minimum program, agreed upon by Britain and the United States, that he then was trying to sell France.

He included this paragraph as illustrative of that "whittling-away process."

"Allowing Communist forces to remain in

Northern Laos; accepting a Vietnam line of military demarcation considerable south of Donghol; neutralizing and [one word indistinct] demilitarizing, Laos, Cambodia and Vietnam so as to impair their capacity to maintain stable, noncommunist regimes; accepting elections so early and so ill-prepared and ill-supervised as to risk the loss of the entire area to Communism; accepting international supervision by a body which cannot be effective because it includes a Communist state which has veto power."

In the end the election was called for, but not without considerable argument at Geneva, where the United States worked through the French. But others had the important say.

Chief among these important people were Chou En-lai, then as now Chinese Premier, and V. M. Molotov, the Soviet Union's redoubtable foreign minister.

In June of 1954, American Ambassador to France Douglas Dillon cabled Dulles to report conversations with Jean Chauvel, a key diplomat at the conference. Chauvel reported that Chou had "said that he recognized that there were now two governments in the territory of Vietnam, the Viet Minh Government and the Vietnamese Government. According to Chauvel, this was the first time that Chou had recognized the valid existence of the Vietnamese Government."

As to elections, Dillon reported:

"Regarding the final political settlement, Chou said this should be reached by direct negotiations between the two governments in Vietnam . . . Mendes at this point said that since the war had been going on for 8 years and passions were high, it would take a long time before elections could be held as the people must be given a full opportunity to cool off and calm down. Chou made no objection to this statement by Mendes and did not press for early elections."

On June 19, Smith called on Molotov at his Geneva villa. He filed a long report, with his comment, which included this:

"In private conversations with Mr. Eden and others, Communist delegates, in particular Chou En-lai, had taken an apparently reasonable view on Laos and Cambodia, but that here again, when we came to the point of trying to get open agreement on specific points we were unable to do so. I specifically mentioned Chou En-lai's statements to Eden in which he said that China would have no objections to recognizing the kingdoms of Laos and Cambodia or to these States having forces and arms sufficient to maintain security, or their remaining in French Union so long as they were not used as military bases by the United States. We could not disagree with any of this, although if we kept out the Chinese would have to keep out, and these small states would have to be allowed to join with their neighbors in whatever regional security arrangements would best protect their integrity without constituting a threat to any one else.

"Chou En-lai might be anxious about possibility of U.S. bases in Laos and Cambodia. We wanted on our part to be sure that these countries were not handed over to the Chinese. Molotov said that while he did not know about what attitude Chinese might have on other questions in future, he could assure me that Chinese attitude on this particular question was not at all unreasonable, and that there was nothing in it which would give rise to conflicts. He added, however, that if we continued to take a one-sided view and insist on one-sided solutions, he must 'in all frankness say that this would not succeed.'"

Smith told Molotov that "appearance of 'partition' was repugnant to U.S." and he reported that "in regard to U.S. aversion to partition, he [Molotov] said that this problem could easily be solved by holding elec-

tions at once, which would decide 'one way or the other.'

When Molotov indicated Smith might encourage the French to agree, "I replied," reported Smith "that U.S. was not one of principals to Indochinese dispute and did not cast deciding vote, to which Molotov remarked 'maybe so, but you have veto, that word I hear you use so often.'"

In his "comment," Smith cabled: "It is probable that initial Soviet tactics were to forestall US intervention in the Delta by some kind of compromise formula involving Hanoi and Haiphong if it appeared that such intervention were imminent. The recent raising of the ante in negotiations here by the Communist side probably reflects an estimate on their part that our intervention is improbable and that they are safe to go ahead there, keeping, of course, a sharp eye out for indications of change in our attitude."

Dulles had fought any partition of Vietnam but Chauvel reported in Geneva in June to U. Alexis Johnson of the American delegation that "there had been conversation between Vietnamese and Viet Minh in which Viet Minh had made it clear that only two alternatives were coalition government or partition."

The same day Dulles cabled that the suggestion then surfacing for a line dividing Vietnam at the "Thakhek-Donghoi line, coupled with rapid Delta deterioration, is leading us to reexamine possible defacto partition Vietnam."

Both Dulles and the Joint Chiefs of Staff had opposed partition and/or elections. In April of 1954 Dulles cabled Dillon in Paris and American Ambassador Winthrop Aldrich in London a summary of what he had told French Ambassador Henri Bonnet on the eve of the Geneva Conference.

In part, it said that "division of Indochina impractical. Quote Mixed Unquote government would be beginning of disaster." Both, he said would lead to a "face-saving formula to cover surrender of French Union forces."

A March memorandum from the Chairman of the Joint Chiefs of Staff, Adm. Arthur Radford, to Secretary of Defense Charles Wilson on the JCS views about the then-impending negotiations said this about "establishment of a coalition government:"

"The acceptance of a settlement based upon the establishment of a coalition government in one or more of the Associated States [Vietnam, Laos and Cambodia] would open the way for the ultimate seizure of control by the Communists under conditions which might preclude timely and effective external assistance in the prevention of such seizure."

In a paragraph about "self-determination through free elections," the JCS said in part:

"The Communists, by virtue of their superior capability in the field of propaganda, could readily pervert the issue as being a choice between national independence and French colonial rule. Furthermore, it would be militarily infeasible to prevent widespread intimidation of voters by Communist partisans. While it is obviously impossible to make a dependable forecast as to the outcome of a free election, current intelligence leads the Joint Chiefs of Staff to the belief that a settlement based upon free elections would be attended by almost certain loss of the Associated States to Communist control."

"Longer term" results of such a loss, said the JCS, "involving the gravest threats to fundamental United States security interests in the Far East and even to the stability and security of Europe could be expected to ensue."

By the time the Geneva Conference opened, as has been known for many years, the United States had actively considered the idea of military intervention. The documents made available to The Washington Post reflect this consideration at many points.

For example, a January, 1954, meeting of the President's Special Committee on Indochina discussed sending various aircraft to the French as well as 200 military mechanics. Deputy Defense Secretary Roger Kyes "questioned" whether sending the men "would not so commit the U.S. to support the French that we must be prepared eventually for complete intervention, including use of U.S. combat forces." State's Undersecretary Smith disagreed, saying "we were sending maintenance forces not ground forces. He felt, however, that the importance of winning in Indochina was so great that if worst came to the worst he personally would favor intervention with U.S. air and naval forces—not ground forces."

Kyes said he "felt this consideration was so important that it should be put to the highest level. The President himself should decide. General Smith agreed."

But there were contrary voices as well. Late in January, Sen. John Stennis (D-Miss.), then a low-ranking member and now chairman of the Armed Services Committee, wrote Secretary Wilson to say that "I have been impressed for some time that we have been steadily moving closer and closer to participation in the war in Indo-China."

He said he did not object to policy thus far but that "it seems to me that we should certainly stop short of sending our troops or airmen to this area, either for participation in the conflict or as instructors. As always, when we send one group, we shall have to send another to protect the first and we shall thus be fully involved in a short time."

The available papers do not include a response from Wilson to the senator.

Earlier that month, President Eisenhower approved the policy statement set at the National Security Council table two days earlier on "United States objectives and courses of action with respect to Southeast Asia." It began with a sweeping statement of "general considerations," one foreshadowed in the Truman administration and to be continued in one form or another, as the documents show, into the Johnson administration.

"1. Communist domination, by whatever means, of all Southeast Asia would seriously endanger in the short term, and critically endanger in the longer term, United States security interests.

"a. In the conflict in Indochina, the Communist and non-Communist worlds clearly confront one another on the field of battle. The loss of the struggle in Indochina, in addition to its impact in Southeast Asia and in South Asia, would therefore have the most serious repercussions on U.S. and free world interests in Europe and elsewhere.

"b. Such is the interrelation of the countries of the area that effective contraction would be immediately necessary to prevent the loss of any single country from leading to submission to or an alignment with communism by the remaining countries of Southeast Asia and Indonesia. Furthermore, in the event all of Southeast Asia falls under communism, an alignment with communism of India, and in the longer term, of the Middle East (with the probable exceptions of at least Pakistan and Turkey) could follow progressively. Such widespread alignment would seriously endanger the stability and security of Europe.

"c. Communist control of all of Southeast Asia and Indonesia would threaten the U.S. position in the Pacific offshore island chain and would seriously jeopardize fundamental U.S. security interests in the Far East.

"d. The loss of Southeast Asia would have serious economic consequences for many nations of the free world and conversely would add significant resources to the Soviet bloc. Southeast Asia, especially Malaya and Indonesia, is the principal world source of natural rubber and tin, and a producer of

petroleum and other strategically important commodities. The rice exports of Burma, Indochina and Thailand are critically important to Malaya, Ceylon and Hong Kong and are of considerable significance to Japan and India, all important areas of free Asia. Furthermore, this area has an important potential as a market for the industrialized countries of the free world.

"e. The loss of Southeast Asia, especially of Malaya and Indonesia, could result in such economic and political pressures in Japan as to make it extremely difficult to prevent Japan's eventual accommodation to communism."

While the NSC study stated that "overt Chinese Communist attack on any part of Southeast Asia is less probable than continued Communist efforts to achieve domination through armed rebellion or subversion," the possibility of war with China was explored. It was stated that "in the event the United States participates in the fighting, there is a substantial risk that the Chinese Communists would intervene."

The immediate aim was to help the French by expediting, "and if necessary" increasing aid, to "assist them in:

"a. An aggressive military, political and psychological program, including covert operations, to eliminate organized Viet Minh forces by mid-1955.

"b. Developing indigenous armed forces, including logistical and administrative services, which will eventually be capable of maintaining internal security without assistance from French units."

In the event of Chinese intervention, the NSC concluded, the United Nations should be asked to call on member nations to "take whatever action may be necessary . . . to meet such an aggression." Whether or not the U.N. did act, it was proposed, the United States either under U.N. auspices or in concert with France, Britain and "other friendly governments" should take such steps as interdicting Chinese communication lines "including those in China," and, "if appropriate," also establish a joint "naval blockade of Communist China" and "as desirable and feasible" utilize Chinese Nationalist forces "in military operations in Southeast Asia, Korea, or China proper."

The NSC paper noted that if such actions as those outlined indeed were taken "the United States should recognize that it may become involved in an all-out war with Communist China, and possibly with the USSR and the rest of the Soviet bloc, and should therefore proceed to take large-scale mobilization measures."

Military studies suggested that if the United States were to be involved on the ground "seven U.S. divisions or their equivalent, with appropriate naval and air support, would be required to win a victory in Indochina if the French withdrew and the Chinese Communists did not intervene." These were the words of the "Army position" on one NSC action memorandum.

But President Eisenhower, although he had approved the planning, wanted both Congressional approval and allied participation for any American intervention. An April telegram from Dulles to Dillon reported that "Congressional action would be required. After conference at highest level, I must confirm this position." He added: "US is doing everything possible" to "prepare public, Congressional and Constitutional basis for united action in Indochina. However, such action is impossible except on coalition basis with active British Commonwealth's participation. Meanwhile US prepared, as has been demonstrated, to do everything short of beligerency."

But Dulles had trouble rounding up allies, especially the British. Dulles reported to Smith on an April 27 talk with Foreign Secretary Anthony Eden in London and found Eden worrying that military intervention

would be "a bigger affair than Korea," where hostilities had ended less than a year earlier.

A few days later Dulles summarized his findings, in part, this way:

"UK attitude is one of increasing weakness. British seem to feel that we are disposed to accept present risks of a Chinese war and this, coupled with their fear that we would start using atomic weapons, has badly frightened them."

Dulles confessed to uncertainty by adding that "I do not underestimate the immense difficulty of our finding the right course in this troubled situation. Nor do I mean to imply that this is the moment for a bold or war-like course. I lack here the US political and NSC judgments needed for overall evaluation."

Summary statements in the papers available to The Washington Post do not include any Eisenhower decision not to intervene at any of the several points during 1954 when that was under consideration. The closest thing to a clear definition of the chief executive's thinking is a May memorandum to the Secretary of Defense and the Chairman of the Joint Chiefs by Robert Cutler, the special assistant to the President who handled NSC affairs.

Cutler reported on a meeting in the President's office with only President Eisenhower, Dulles and Cutler present, at which the chief executive approved instructions for Smith, then in Geneva. It was essentially an expression of unhappiness over Eden's proposals, which fell far short of intervention.

Point 3, however, was expressive of the President's frame of mind. It said "The United States will not agree to a 'white man's party' to determine the problems of the Southeast Asian nations."

In the available papers there is no evidence of a post-Geneva American effort to prevent the elections throughout all of Vietnam from taking place.

The Soviets had "proposed June 1955" according to one report from Geneva but they and the Chinese and the North Vietnamese had finally agreed to only 1956. But South Vietnam, which the telegrams make clear had been told almost nothing about the secret Geneva talks although there was a Saigon delegation present, never accepted the Geneva accords, then or to this day.

A summary paper does as part of the Pentagon papers by an unnamed analyst put the outcome this way:

"As the deadline for consultations approached (20 July 1955) Diem was increasingly explicit that he did not consider free elections possible in North Vietnam, and had no intention of consulting with the DRV concerning them. The U.S. did not—as is often alleged—connive with Diem to ignore the elections. U.S. State Department records indicate that Diem's refusal to be bound by the Geneva Accords and his opposition to pre-election consultations were at his own initiative.

"However, the U.S. which had expected elections to be held, and up until May 1955, had fully supported them, shifted its position in the face of Diem's opposition, and of the evidence then accumulated about the oppressive nature of the regime in North Vietnam. 'In essence,' a State Department historical study found, 'our position would be that the whole subject of consultation and elections in Vietnam should be let up to the Vietnamese themselves and not dictated by external arrangements which one of the parties never accepted and still rejects.'"

On Jan. 19, 1961, President Eisenhower met in the oval room of the White House with President-elect John F. Kennedy. The President said that "Laos is the key to the entire area of Southeast Asia." The President-elect asked "how long it would take to put a U.S. division into Laos."

There was no discussion of Vietnam. That would become the problem for President Kennedy—and President Johnson—and President Nixon.

[From the Washington Post, June 19, 1971]
VIET STUDY SAYS BOMBING LULL PRESSURE
MOVE—II

(By Murrey Marder)

Johnson Administration strategists had almost no expectation that the many pauses in the bombing of North Vietnam between 1965 and 1968 would produce peace talks but believed they would help placate domestic and world opinion, according to the Defense Department's study of those war years.

The Pentagon study discloses that some strategists planned to use unproductive bombing pauses as a justification for escalating the war. This idea was first outlined privately by U.S. officials soon after the bombing of the North began in 1965. These planners regarded the lulls in bombing as a "ratchet" to reduce tension and then intensify it, to produce "one more turn of the screw" in order to "crack the enemy's resistance to negotiations," the report states.

Throughout these years American officials regarded their terms for peace as virtually irreconcilable with conditions offered by North Vietnam and the Vietcong. They recognized that the terms for peace talks would have to be eased before negotiations could even begin.

The United States eventually relaxed its terms on March 31, 1968. The occasion was President Johnson's dramatic television announcement that he would not run for reelection. At the same time he also announced an indefinite halt to some of the bombing and Hanoi, to the surprise of most U.S. experts, agreed to start preliminary talks.

Through the 1965-1968 period, the most uncompromising U.S. planners insisted that the enemy would interpret the pauses in the bombing as a sign of American softness, the report states. Consequently, the failure of the Communist side to make a conciliatory response to each bombing lull was used as an argument for escalating U.S. involvement either in the air over North Vietnam, or on the ground in South Vietnam, and usually both.

President Johnson was often caught in the crossfire between the hawks and doves over this issue, as he often protested in private.

The Pentagon review also throws significant new light on the public controversy of recent years about who was primarily responsible for urging the President to order the partial bombing halt of March 31, 1968, to halt U.S. escalation, and to start negotiations.

Former Defense Secretary Clark M. Clifford was lauded by his supporters as the adviser who led what came to be called the "struggle for the mind of the President." President Johnson on Feb. 6, 1970, publicly labeled that claim "totally inaccurate." President Johnson ridiculed the claim that there was any struggle for his mind and said that instead it was his most continually loyal lieutenant, Secretary of State Dean Rusk—and not Clifford—who first suggested the partial bomb halt on March 5 or 6, 1968 and that Mr. Johnson immediately instructed him to "get on your horses" and produce an operating proposal swiftly.

The newly disclosed Pentagon study—which is admittedly incomplete, especially on White House and State Department activities—presents information that shows a far more complex background for the President's critical March 31 decision than either party to the continuing public debate has offered so far.

The new documentation asserts, in part, that the idea of a bombing limitation was aired inside the Johnson Administration at least as early as 1966 by Robert S. McNamara, then Defense Secretary, and explored by Assistant Secretary John McNaughton. According to this account, it was Under Secretary of State Nicholas de B. Katzenbach in May, 1967, who first specifically proposed a "territorially limited bomb halt" which is what

finally was put into effect at the 20th Parallel of North Vietnam.

This study also confirms, however, that in early March, 1968, it was Rusk, as President Johnson said, rather than Clifford, who proposed the partial bombing halt to the President at that time.

But the new documentation also indicates that Rusk's objectives may have differed from Clifford's. Clifford, a "hawk" who suddenly turned "dove" soon after—but not immediately after—he replaced McNamara as Defense Secretary on March 1, 1968, became convinced, as he later wrote, "that the military course we were pursuing was not only endless, but hopeless."

Clifford's goal was to change the course of the war. Rusk's fundamental commitment to achieving the original goals of the war was unchanged.

U.S. intelligence had pointed out that the weather for bombing over the North was turning bad, and "It is not until May that more than four good bombing days per month can be anticipated." The prevailing view, therefore, was that the United States was risking only another limited bombing "pause."

A State Department advisory cable later in March to all U.S. embassies abroad, cited in the Pentagon study, in part said precisely that:

"... You should make clear that Hanoi is most likely to denounce the (partial bomb halt and the accompanying offer to Hanoi to 'not take advantage' of it) project and thus free our hand after a short period . . ."

"In view of weather limitations, bombing north of the 20th Parallel will in any event be limited at least for the next four weeks or so—which we tentatively envisage as a maximum testing period in any event. Hence, we are not giving up anything really serious in this time frame."

"Moreover," the message to U.S. ambassadors continued, "air power now being used north of 20th can probably be used in Laos (where no policy change was planned) and in SVN." (South Vietnam).

"Insofar as our announcement foreshadows any possibility of a complete bombing stoppage, in the event Hanoi really exercises reciprocal restraints, we regard this as unlikely . . ."

According to the study, the initial paragraph of this previously unpublished cablegram emphasized what the United States had expressed with each previous bombing pause, a priority on continuing U.S. "resolve" to pursue the war if necessary:

"You should call attention," ambassadors were instructed initially, "to force increases that would be announced at the same time" (as the partial bomb halt) "and would make clear our continuing resolve. Also our top priority to re-equipping ARVN (South Vietnamese) forces."

The message clearly did not anticipate the President's startling announcement at the end of his March 31 speech, that he was taking himself out of the 1968 election race in order to try to bring the war to an end and unify the war-fractured nation.

Between 1965 and 1968, as optimistic forecasts about the war repeatedly collapsed, the U.S. strategists attempted every form of military pressure they could devise to crack the Communist will to pursue the war in South Vietnam—within limits President Johnson imposed to avoid open, big-power warfare.

As outlined in The Washington Post Friday, the Pentagon study reported that the risk of a major war was recognized as early as the Eisenhower Administration. A National Security Council paper of that period stated: ". . . The United States should recognize that it may become involved in an all-out war with Communist China, and possibly with the USSR. . . ."

The study shows that from the earliest days of the Johnson Administration's massive expansion of the war, many U.S. planners had a more pessimistic assessment of

the duration of the war, the cost, and the price of a settlement than was ever communicated to the public.

For example, a month before the partial U.S. halt in the bombing of North Vietnam, the Pentagon survey shows that the Central Intelligence Agency in February forecast the critical issues to be faced to reach any peace settlement:

If the United States stopped bombing North Vietnam (as it did on Nov. 1, 1968 by President Johnson's order after the first Paris peace talks paved the way for that decision), the CIA projected that North Vietnam would engage in "exploration of issues, but would not moderate its terms for a final settlement or stop fighting in the South."

There would be two key demands from the Communist side, the 1968 CIA analysis said: "the establishment of a new 'coalition' government, which would in fact if not in appearance be under the domination of the Communists. Secondly, they would insist on a guaranteed withdrawal of all U.S. forces within some precisely defined period."

It was presumably for these, or related reasons, that Dean Rusk and others who shared his viewpoint were convinced in 1968, it is known from sources other than the Pentagon review, that no negotiated peace settlement could come out of the Paris talks. Rusk was convinced that the United States would hold to its fundamental objectives in South Vietnam and that North Vietnam would do exactly the same for theirs.

According to the Pentagon documents, in a "memorandum" which Rusk wrote in July, 1965, which is not otherwise identified, "Rusk stated bluntly" that:

"The central objective of the United States in South Vietnam must be to insure that North Vietnam not succeed in taking over or determining the future of South Vietnam by force. We must accomplish this objective without a general war if possible."

The document then quotes Rusk on what he, and President Johnson and other officials often said publicly and privately:

"The integrity of the U.S. commitment is the principal pillar of peace throughout the world. If that commitment becomes unreliable, the Communist world would certainly draw conclusions that would lead to our ruin and almost certainly to a catastrophic war..."

From the time of the Tonkin Gulf incident of August, 1964 onward, the Pentagon review shows, private warnings against any "rush to the conference table" were repeated through the top layer of the U.S. government. In 1964, and more so in 1965, South Vietnam's troops were in real danger of outright Communist defeat, as American officials publicly admitted only long afterward when the introduction of large U.S. forces relieved the danger.

This admonition against the risk of peace talks at a time when Communist forces were threatening to take control in Saigon was shared equally by McNamara and his associates and many others throughout government who later became discouraged about the course of U.S. policy.

A July, 1965, McNamara memorandum quoted in the review advocates combining political and military initiatives, but with priority on the latter.

"At the same time as we are taking steps to turn the tide in South Vietnam," McNamara said, the United States should open a "dialogue" with the Soviet Union, North Vietnam and "perhaps even with the VC" (Vietcong) to make diplomatic overtures for "laying the groundwork for a settlement when the time is ripe..."

Although McNamara authorized this Pentagon historical review, the unidentified analyst's caustic comment about these and other political initiatives suggested by McNamara was: "McNamara's essentially procedural (as opposed to substantive) recom-

mendations amounted to little more than saying that the United States should provide channels for the enemy's discreet and relatively face-saving surrender when he decided that the game had grown too costly."

The reviewer's commentary adds: "This was, in fact, what official Washington (again with the exception of Ball) meant in mid-1965 when it spoke of a 'political settlement.'" Ball is Under Secretary of State George W. Ball, then the only "dove" in the top layer of the administration. A footnote adds that even McNamara's viewpoint "went too far" for Henry Cabot Lodge, then Ambassador-designate to Saigon, "whose view was that 'any further initiative by us now (before we are strong) would simply harden the Communist resolve not to stop fighting.'"

The Pentagon study credits McNamara and the late Assistant Secretary for Internal Security Affairs John McNaughton in July, 1965, with proposing a major 37-day bomb halt at the end of the year. The first pause in the air war was a five-day suspension, in May, 1965. The review, which is especially incomplete on White House actions, states that the five-day pause was "apparently inspired by the President himself in an effort to see if the North Vietnamese government—which had previously indicated that any progress towards a settlement would be impossible so long as its territory was being bombed—would respond with de-escalatory measures of its own."

The reviewer comments:

"To have expected a meaningful response in so short a time, given the complexity of the political relationships not only within the North Vietnamese government and party, but also between Hanoi and the NLF (National Liberation Front) in the South, and between Hanoi and its separate (and quarreling) supporters within the Communist world, was to expect the impossible."

In projecting his ideas for what came to be the 37-day bombing interregnum, a McNamara memorandum to the President of Nov. 30, 1965 stated:

"It is my belief that there should be a three- or four-week pause... in the program of bombing the North before we either greatly increase our troop deployments to Vietnam or intensify our strikes against the North."

"The reasons for this belief are, first, that we must lay a foundation in the mind of the American public and in world opinion for such an enlarged phase of the war and, second, we should give North Vietnam a face-saving chance to stop the aggression."

The Pentagon analyst adds:

"John McNaughton had perfectly encapsulated the Washington establishment's view of a bombing pause the previous July, when he had noted in pencil in the margin of a draft memorandum the words 'RT [i.e. Rolling Thunder] (incl. Pause), ratchet.' The image of a ratchet, such as the device which raises the net on a tennis court, backing off tension between each phase of increasing it, was precisely what McNaughton and McNamara, William Bundy and Alexis Johnson at State, and the Joint Chiefs of Staff, had in mind when they thought of a pause. The only danker was, as McNamara put it in his memorandum of 3 November, 'being trapped in a status quo cease-fire or in negotiations which, though unaccompanied by real concessions by the VC, made it politically costly for us to terminate the Pause.'"

"Rolling Thunder" referred to the bombing campaign against North Vietnam.

The study states that "McNamara and McNaughton were optimistic that, by skillful diplomacy," it would be possible to avoid getting "trapped" in such a way.

But the Joint Chiefs of Staff, the chronology continues, "who were professionally distrustful of the diplomatic art and of the ability of the political decision-makers in

Washington to resist the pressures from the 'peace movement' in the United States were not so sure.

"The Chiefs (echoing Gen. Westmoreland and Admiral Sharp) were also opposed to any measures which would, even momentarily, reduce the pressure on North Vietnam." Gen. William C. Westmoreland was then U.S. military commander in South Vietnam; Admiral U. S. G. Sharp was U.S. commander in chief in the Pacific.

At that point, according to the review, a State Department "paper—speaking for Secretary Rusk—came down against a bombing pause."

The Pentagon study said that after reviewing pro and con arguments, the State memorandum said: "On balance, the arguments against the pause are convincing to the Secretary of State, who recommends that it not be undertaken at the present time."

"The Secretary... believes that a pause should be undertaken only when and if the chances are significantly greater than they now appear that Hanoi would respond by reciprocal actions leading in the direction of a peaceful settlement."

"He further believes that, from the standpoint of international and domestic opinion, a pause might become an overriding requirement only if we were about to reach the advanced stages of an extrapolated Rolling Thunder program involving extensive air operations in the Hanoi/Haiphong area."

"Since the Secretary of State believes that such advanced stages are not in themselves desirable until the tide in the South is more favorable, he does not feel that, even accepting the point of view of the Secretary of Defense, there is now any international requirement to consider a 'Pause.'"

The review states that on the same day the State viewpoint was received McNaughton informed McNamara in a memorandum that Rusk's basic "assumption" was "that a bombing pause was a 'card' which could be 'played' only once."

"In fact, McNaughton wrote, 'it is more reasonable to think that it could be played any number of times, with the arguments against it, but not those for it, becoming less valid each time.'" The analysis said that one chief reason why the Defense Department wanted the "pause" was "that even if it were to produce no response from Hanoi, it might set the stage or another pause, perhaps late in 1966, which might be more 'productive.'"

According to the Pentagon review, President Johnson, for reasons not revealed in the documents "delayed positively committing himself either for or against a pause until very shortly before the actual pause began." The reviewer cites additional arguments for and against a pause, submitted by Assistant Secretary of State William P. Bundy on Dec. 1.

While the Bundy memorandum lacked any recommendations the unnamed analyst's assessment of it was that it "amounted... to the contention that just as the United States could not afford to initiate a bombing pause that might fall to produce negotiations and a deescalation, neither could it afford to initiate one that succeeded."

The interests of the Joint Chiefs of Staff, according to the survey, transcended arguments about pauses which they consistently resisted. The military chiefs, it was stated "pressed throughout the autumn and winter of 1965-66 for permission to expand the bombing virtually into a program of strategic bombing aimed at all industrial and economic resources as well as at all interdiction targets."

The review stated, "The Chiefs did so, it may be added, despite the steady stream of memorandum from the intelligence community consistently expressing skepticism that bombing of any conceivable sort (that is, any except bombing aimed primarily at the

destruction of North Vietnam's population) could either persuade Hanoi to negotiate a settlement on US/GVN terms or effectively limit Hanoi's ability to infiltrate men and supplies into the South."

This then was the tenor of much of the debate behind the scenes while U.S. Ambassador W. Averell Harriman, the President's chief searcher for peace, and other U.S. envoys, were circling the globe for 37 days in a spectacular search for negotiations.

The documents show that at the end of this pause period, with the Joint Chiefs pressing for more bombing, inside the Pentagon McNamara was examining the overall situation and suggesting some major changes in U.S. policy.

McNamara said in early 1966 that South Vietnam's forces were "tired, passive and accommodation prone," while North Vietnam and the Vietcong "are effectively matching our deployments." The effect of bombing on reinforcing infiltration into the South was uncertain. In addition, said McNamara, "pacification is stalled despite efforts and hopes." Saigon's "political infrastructure is moribund and weaker" than the Vietcong's in rural areas, and "South Vietnam is near the edge of serious inflation and economic chaos."

"The present U.S. objective in Vietnam," said McNamara, "is to avoid humiliation." McNamara's central point, according to the review, was that both the Communist side and the United States, in the reviewer's words, "should consider coming to terms," because, in part, "we are in an escalating military stalemate."

McNamara said that the U.S. objective of preventing a Communist takeover by force "does not necessarily rule out" a "coalition government including Communists."

In the reviewer's words, McNamara was maintaining that the U.S. commitment could be fulfilled "considerably short of victory."

"It takes time to make hard decisions," McNamara wrote. "It took us almost a year to take the decision to bomb North Vietnam; it took us weeks to decide on a pause; it could take us months (and could involve lopping some white as well as brown heads) to get us in position to go for a compromise. We should not expect the enemy's molasses to pour any faster than ours. And we should 'tip the pitchers' now, if we want them to 'pour' a year from now."

Yet while advocating a "lowering of sights from victory to compromise," McNamara acknowledged that this would "unhinge" the Saigon regime and give North Vietnam "the smell of blood." Therefore, he said that to follow this course "requires a willingness to escalate the war if the enemy miscalculates, misinterpreting our willingness to compromise as implying that we are on the run."

McNamara, who had recently visited South Vietnam, recommended increased air and ground measures in January, 1966, in a memorandum to the President. The review said, however, that McNamara in a November memorandum also said "we have but two options . . . one is to go now for a compromise solution. . . . The other is to stick with our stated objectives and with the war, and provide what it takes in men and material. . . ."

The report states that McNamara did not commit himself to a "compromise" solution and "The President, of course, decided against it."

But McNamara was to become disenchanted with the effectiveness of constantly increased bombing as Rolling Thunder soared into tremendous bombing tonnages which McNamara appeared to take pleasure in citing publicly.

"Disenthralled" by the inability of the bombing to alter the escalating pattern of the war, the review states, McNamara seized an idea for a "barrier" or "fence" extending across the northern border of South Viet-

nam in an attempt to cut infiltration. The idea, according to the survey, "was first proposed in January, 1966, by Roger Fisher of Harvard Law School in one of his periodic memos to McNamara."

The Joint Chiefs protested that to man the barrier would take seven to eight divisions on the ground, extensive air resources, and as much as three and a half to four years to complete the combined air and ground fence which Adm. Sharp at CINCPAC labeled "impractical." Instead, CINCPAC favored "the relentless application of force" to curtail "North Vietnam's war-making capacity."

McNamara asked a group of Cambridge, Mass., experts including Jerome Weisner of the Massachusetts Institute of Technology, and George Kistiakowsky and Karl Kaysen of Harvard to study the idea.

President Johnson approved the barrier concept. But the record reports a "running battle" over strategy continued through 1967.

Inside the administration, the review reports that during 1967 the tide began to turn inside the government. A consensus of civilians registered opposition "either in whole or in part" to the military calls for intensifying warfare.

But the military chiefs turned to a powerful ally, Sen. John C. Stennis (D-Miss.), chairman of the Senate's Preparedness Subcommittee. Stennis' committee agreed with the Joint Chiefs' claims that they were being unjustifiably restricted on bombing targets in North Vietnam. The report was recorded under a section heading, "Senator Stennis Forces an Escalation."

The pressure on the President was effective, since added brief bombing pauses during 1967 "produced, as expected, no major breakthrough to peace," the analysis says. Then came the jolting, still-disputed consequences of the massive Communist offensive at Tet, starting Jan. 31, 1968, smashing at South Vietnam's cities and assaulting the optimism created in the United States about progress in the war.

The pressures to put a ceiling on the American share of the war became immense. President Johnson did so, and banked his hopes instead on the peace table.

[From the Washington Post, June 20, 1971]

LBJ SHOWN AS CRAFTY, BUT NO LIAR

(By Bernard D. Nossiter)

A comparison of the Johnson administration's public remarks with the material that has been published from the Pentagon's private study of the Vietnam war discloses a public record marked by half-truths, careful ambiguities, and misleading and deceptive statements rather than flatfooted untruths.

What appears at first glance to be the grossest misstatement in public frequently turns out, on close examination, to contain a phrase or word that saves it from the label "lie."

For example, on April 1, 1965, according to the published documents, Mr. Johnson secretly made a fateful decision, ordering the 3500 Marines in Vietnam to shift from a static defense of the base at Danang to offensive actions. This was the beginning of an offensive combat role for U.S. ground troops.

The first public hint of this change came on June 8 when a State Department spokesman said that "American forces would be available for combat support." The next day, the White House put out a statement asserting:

"There has been no change in the mission of United States ground combat units in Vietnam in recent days or weeks. The President has issued no order of any kind in this regard to Gen. Westmoreland recently or at any other time."

This appears to be the lie direct. But the statement continued:

"The primary mission of these troops is to

secure and safeguard important military installations like the airbase at Danang. They have the associated mission of actively patrolling and securing action in and near the area thus safeguarded."

"If help is requested by appropriate Vietnamese commanders, Gen. Westmoreland also has authority within the assigned mission to employ these troops in support of Vietnamese forces faced with aggressive attack. . . ."

Thus, the last two paragraphs, although still avoiding the full truth, soften the impact of the first and patently false paragraph.

Again in late November 1964 the Administration's topmost circle, according to published material, agreed to adopt a "determined action program" aimed at putting pressure on Hanoi and raising South Vietnamese morale. A draft position paper of Nov. 29 charts a two-phase bombing program as a key element in this plan—possible reprisal strikes against North Vietnam and a U.S. readiness to conduct sustained bombing against the North.

At a press conference on Nov. 28, a preselected reporter asked the President:

"Is expansion of the Vietnam war into Laos or North Vietnam a live possibility at this point?"

Mr. Johnson, in a lengthy reply, allowed that his top advisers were then meeting, but in the operative part of his response said:

"I anticipate that there will be no dramatic announcement (emphasis added) to come out of these meetings except in the form of your speculation."

This was literally true but substantively misleading. No dramatic announcement was made but the meetings all but sealed the dramatic decision to launch the two-phase bombing program that began in February.

Administration leaders rarely made outright misstatements about the crucial events in the 20 months up to July 1965 when, as the already published Pentagon documents say, the United States entered into an open-ended commitment and an Asian land war.

Perhaps Defense Secretary Robert S. McNamara came as close as any to complete falsification in his testimony before the Senate Foreign Relations Committee in February, 1968.

The Committee was exploring the origins of the Tonkin Gulf Resolution, the authority on which the Johnson regime relied to enlarge the war. Sen. William Fulbright (D-Ark.), the chairman, was attempting to discover whether the administration had decided well in advance of the August incidents in the Tonkin Gulf to ask Congress for a broad grant of authority. The dialogue went like this:

The Chairman: Mr. Secretary did you see the contingency draft of what became the Southeast Asia resolution before it was ready?

Secretary McNamara: Mr. Chairman, I read in the newspaper a few weeks ago there had been such a contingency draft. I don't believe I ever saw it . . . But I can't testify absolutely that I didn't. My memory is not clear on that.

EXECUTIVE COMMITTEE

In fact, the Executive Committee of the National Security Council—which included McNamara—had decided after its meetings on May 24 and 25, 1964 to seek a Congressional resolution (authorizing "all measures") to assist South Vietnam. Thus, McNamara and the others had approved a draft of the Tonkin Gulf resolution nearly ten weeks before the attack on the American destroyers in those waters.

Even here, McNamara's choice of words to the Senate Committee is artful. He says he didn't believe he saw the draft and it is conceivable that he approved the substance without reading all the language. Moreover, he tells the committee that his memory isn't

clear on the crucial point and he won't "absolutely" deny having seen it.

At the same hearing, Gen. Earle Wheeler, chairman to the Joint Chiefs of Staff, skirted perilously close to untruth. Whether he avoided it is an exercise in higher semantics. Chairman Fulbright asked Wheeler whether in the period around July 1964 the military had recommended extending the war to the north by bombing or other means. Gen. Wheeler replied:

"I don't believe so, Mr. Chairman. I think that the proper answer would be that there were certain intelligence activities (deleted) but to the best of my knowledge and belief during that period there was no thought of extending the war into the North in the sense of our participation in such actions, activities."

Then, for the record, the Pentagon supplied an insertion:

"We have identified no such recommendation. A check of the records of the Joint Chiefs of Staff is continuing."

In fact, published records show, as early as Jan. 22, 1964—six months before the period about which Fulbright was inquiring—the top brass sent McNamara a lengthy memo saying:

"Accordingly, the Joint Chiefs of Staff consider that the United States must make ready to conduct increasingly bolder actions in Southeast Asia to:

... h. Conduct aerial bombing of key North Vietnam targets, using U.S. resources under Vietnamese cover, and with the Vietnamese openly assuming responsibility for the actions.

"J. Commit U.S. forces as necessary in direct actions against North Vietnam . . ."

Wheeler was stretching the truth to say the Chiefs harbored "no thought" of extending the war North. On the other hand, he could argue that a proposal "to make ready" northward actions is less than a recommendation and that he equates "thought" with an unqualified proposal.

The gap between public oratory and private belief is strikingly illustrated by Mr. Johnson's State of the Union address on Jan. 4, 1965.

Why are we in Vietnam, The President asked rhetorically.

He answered himself:

"We are there, first, because a friendly nation has asked us for help against the Communist aggression."

But behind closed doors, the American objectives were described quite differently as a memo of Mar. 24, 1965 from John T. McNaughton, Assistant Secretary of Defense for International Security Affairs, illustrates. Writing less than three months after Mr. Johnson spoke, McNaughton begins:

1. U.S. Aims

70 percent—To avoid a humiliating U.S. defeat (to our reputation as guarantor)

20 percent—To keep SVN (and the adjacent) territory from Chinese hands.

10 percent—To permit the people of SVN to enjoy a better, freer way of life.

Also—To emerge from crisis without unacceptable taint from methods used.

Not—To "help a friend," although it would be hard to stay in if asked out.

What follows is a further comparison of differences between public statement and private discussion as disclosed by the Pentagon's secret study of the war's origins in some key areas during the crucial 20 months from December, 1963 through July, 1965. Single parentheses surround language in the documents or supplied by the unidentified Pentagon historian. The brackets embrace language supplied by The Washington Post.

PROGRESS OF THE WAR

In private, these estimates were made:

"The situation is very disturbing . . . the

situation has in fact been deteriorating in the countryside since July to a far greater extent than we realized . . ."—McNamara memo to the President, Dec. 21, 1963.

"The situation has unquestionably been growing worse, at least since September . . ."—McNamara memo to the President, Mar. 16, 1964.

"In terms of equipment and training, the VC are better armed and led today than ever in the past . . . No indication that the VC are experiencing any difficulty in replacing their losses in men and equipment . . ."—Ambassador Maxwell Taylor's report to the Joint Chiefs, Aug. 10, 1964.

" . . . the counter-insurgency program country-wide is bogged down . . . the evidence shows we are playing a losing game in South Vietnam . . ."—Ambassador Taylor's briefing to senior officials, Nov. 27, 1964.

"Highest authority [identified as the President] believes the situation in South Vietnam has been deteriorating . . ."—McNaughton cable to Taylor, Apr. 15, 1965.

But the public was being told these things: "I am leaving [Saigon] optimistic as to the progress that can be made during the coming year . . ."—McNamara to press, Dec. 20, 1963, one day before he privately wrote the President of a "deteriorating" situation.

"I do not think that the speculation . . . that we are losing the fight in that area, or that things have gone to pot there, are at all justified . . ."—President to press, Feb. 29, 1964.

"Some progress has been made recently" and "compared to a month or two ago, we can look ahead with greater confidence . . ."—McNamara to press at Austin, Nov. 10, 1964.

ATTITUDE ON NEGOTIATIONS

In private, these judgments have been reported as follows:

"There would be the problem of marshaling the case to justify such action (bombing the North), the problem of Communist escalation, and the problem of dealing with the pressures for premature or 'stacked' negotiations . . ."—McNamara to President, March 16, 1964.

"Stall off any 'conference' (Laos or) Vietnam until D-Day [bombing strikes against the North] . . . (D-Day) Call for conference on Vietnam (and go to U.N.) . . . Essential that it be made clear that attacks on the North will continue (i.e. no cease-fire) until (a) terrorism, armed attacks and armed resistance to pacification efforts in the South stop, and (b) communications on the networks out of the North are conducted entirely in uncoded form."—Unused scenario of William Bundy, Assistant Secretary of State, May 23, 1964, as quoted by the Pentagon historian in the already published Pentagon documents.

"We must continue to oppose any Vietnam conference, and must play the prospect of a Laos conference very carefully . . ."—William Bundy memo, Aug. 11, 1964.

"Should pressure for negotiations become too formidable to resist and discussion begin before a Communist agreement to comply, it was stressed that the United States should define its negotiating position 'in a way which makes Communist acceptance unlikely.' In this manner it would be 'very likely that the conference would break up rather rapidly,' thus enabling our military pressure to be resumed."—Unidentified Pentagon historian, summarizing options presented to an inner group of the National Security Council, Nov. 24, 1964.

"Moreover, it would be folly to assume that (Premier) Khanh, who is now in a fairly euphoric state as a result of our Gulf of Tonkin action, would do anything other than slump into deepest funk if we sought to persuade him to send GVN (Government of Vietnam) del (delegate) to conf (conference)."

"Intensified pressure for Geneva-type conf . . . would appear to us to be coming almost entirely from those who are opposed to U.S. policy objectives in (Southeast Asia) . . . Under circumstances, we see very little hope that results of such conference would be advantageous to U.S. . . ."—Ambassador Taylor cable to Secretary of State Dean Rusk, Aug. 9, 1964.

The spring, 1965 public statements of the President and his aides "were not 'compromise' terms, but more akin to a 'cease and desist' order that, (North Vietnam/Viet Cong) point of view were tantamount to a demand for their surrender."—Unidentified Pentagon historian.

"And I pledge you here today I will go to any remote corner of the world to meet anyone, any time, to promote freedom and to promote peace."—President Johnson at El Paso, Sept. 25, 1964.

"The United States will never be second in seeking a settlement in Vietnam that is based on an end of Communist aggression. As I have said in every part of the Union, I am ready to go anywhere at any time, and meet with anyone whenever there is promise of progress towards an honorable peace . . ."—President's statement on Vietnam, March 25, 1965.

"The window to peace is still open. We are still ready for unconditional discussion. We will impose no conditions of any kind on any government willing to talk, nor will we accept any. On this basis, we are ready to begin discussion next week, tomorrow or tonight . . . To those governments who doubt our willingness to talk, the answer is simple: Agree to discussion. Come to the meeting room. We will be there."—President's statement, April 17, 1965.

"The bombing is not an end in itself, as we all know. Its purpose is to bring us closer to the final day of peace, and whenever it will serve the interests of peace to do so, we will immediately end it . . . There are those who frequently talk of negotiation and political settlement and that they believe this is the course we should pursue, and so do I. When they talk that way I say, welcome to the club. I want to negotiate. I would much rather talk than fight and I think everyone would. Bring in who you want us to negotiate with. I have searched high and wide and I am a reasonably good cowboy and I can't even rope anybody and bring him in that is willing to talk and reason and settle this thing by negotiation . . ."—President to Congressional committee members on the need for more funds for military purposes in Vietnam and the Dominican Republic, May 4, 1965.

"As I indicated the day after I took over as President, I'd be glad to go anywhere, do anything, see anybody, anytime that offered an hope of peace . . . We will welcome any attempt, as we told them about the Cambodian conference . . ."—President to press, June 17, 1965.

"I have spoken many times of our objectives in Vietnam. So has the Government of South Vietnam. Hanoi has set forth its own proposals. We are ready to discuss their proposals and our proposals and any proposals of any government whose people may be affected, for we fear the meeting room no more than we fear the battlefield."—President announcing an "almost" immediate increase in U.S. combat forces in Vietnam from 75,000 to 125,000, July 28, 1965.

AMERICAN ROLE IN LAOS

In private, these things were happening and were discussed, according to already published Pentagon documents.

During 1964, American-supplied T-28 fighter-bombers were bombing and strafing Pathet Lao and North Vietnamese troops and targets in Laos near the North Vietnamese border. Some of the T-28s were manned by pilots from a CIA-controlled airline and some

by pilots from Thailand. Their operations were controlled by Ambassador to Laos Leonard Unger.

In addition, Navy jets were flying reconnaissance missions over Laos. After two were shot down in June, the Administration provided armed escorts for these flights and, beginning June 9, they struck and continued to strike at Pathet Lao positions.

A State Department memo of Nov. 7, 1964 for Assistant Secretary Bundy describes the operations:

"There are now 27 T-28 . . . aircraft in Laos . . .

(The Pacific Commander in Chief) has taken action in response to Ambassador Unger's request to build this inventory back up to 40 aircraft for which a pilot capability, including Thai, is present, in Laos."

"The T-28's are conducting the following operations:

"1. General harassing operations against Pathet Lao military installations . . . efforts to interdict Routs 7 . . . Tactical support missions . . . Strikes on targets of opportunity . . . Corridor interdiction program . . . plans are underway to hit four additional targets . . . Ambassador Unger has submitted for approval under this program 6 additional targets. . . ."

"(North Vietnam) claims T-28's have violated North Vietnamese airspace and bombed/strafed NVN villages in August 1 and 2 . . . The charges are probably accurate with respect to the first two dates . . ."

The public relations strategy governing the Laos operation was spelled out by the unidentified Pentagon historian's summary of a decision at the National Security Council meeting, Dec. 12, 1964.

It was "agreed that there would be no public operations statement about armed reconnaissance in Laos unless a plane was lost. In such an event, the principals stated, the Government should continue to insist that we were merely escorting reconnaissance flights as requested by the Laotian government."

In public, the President has already been saying what the National Security Council suggested as a cover for the American bombing and strafing in Laos.

"Where the International Control Commission has been kept out, our airmen have been sent to look—and where they are fired on, they are ready to defend themselves. This armed reconnaissance can be ended tomorrow if those who are breaking the peace of Laos will simply keep their agreements. We specifically support full compliance by everyone with the Geneva accords of 1962 (which barred foreign forces in Laos)."—Mr. Johnson to press, June 23, 1964.

"In May, following new acts of Communist aggression in Laos, the United States undertook reconnaissance flights over Laotian territory, at the request of the Government of Laos . . . When the Communists attacked these aircraft, I responded by furnishing escort fighters with instructions to fire when fired upon . . ."—Mr. Johnson to Congress, Aug. 5, 1964.

CARRYING WAR TO NORTH

In one sense, the public discussion during 1964 and early 1965 over whether the United States would strike in some form directly against North Vietnam was academic. As the already published parts of the Pentagon study report, the United States had been mounting small scale, clandestine operations in North Vietnam since Feb. 1, 1964.

These attacks—commando raids from the sea, shelling of North Vietnamese coastal installations, parachuting sabotage and psychological warfare teams into North Vietnam—were conducted by South Vietnamese and Chinese Nationalists. But they were directed by the chief of the United States Mil-

itary Assistance Command in Saigon, first Gen. Paul D. Harkins and then Gen. William Westmoreland.

In his memo to the President of Mar. 16, 1964, McNamara refers to it as "a very modest 'covert' program." The Joint Chiefs of Staff supplied the Defense and State Departments with a monthly schedule of specific, proposed targets for the secret groups.

Several of these operations preceded the attack on the American destroyers, Maddox and Turner Joy, that provided the occasion for Mr. Johnson's Tonkin Gulf resolution. On the night of July 30-Aug. 1, Vietnamese commandos under Gen. Westmoreland's direction struck two North Vietnamese islands. The Maddox was first attacked on Aug. 2. Two more covert assaults against North Vietnam were launched on Aug. 3, and, according to already published documents the Pentagon study, both the American destroyers were warned they were coming. The two U.S. ships were attacked on Aug. 4 and Mr. Johnson then asked Congress for his resolution.

On Aug. 6, McNamara held a press conference that sharply illustrated how public statements differed from private decisions. He was asked:

"Have there been any incidents that you know involving the South Vietnamese vessels and the North Vietnamese?"

He answered:

"No. None that I know of, although I think that I should mention to you the South Vietnamese patrol activities that are carried on to prevent in the infiltration of men and material from the North into the South."

McNamara then went into a lengthy description of a South Vietnamese junk patrol, set up with American aid, to guard against infiltration. He acknowledged that these junks might have strayed above the 17th parallel, the boundary between North and South, and, in response to another question, said, "They operate on their own. They are part of the South Vietnamese Navy."

This was the literal truth. The junk patrol, according to knowledgeable former Naval officers, was part of the South Vietnamese Navy, not under American control and McNamara would not likely have any knowledge of its detailed operations.

But in context the original question, inadvertently or otherwise, referred to the covert operations that preceded the attacks on the destroyers. These clandestine raids were under American control and the Defense Department was told of them in advance. Thus, the Secretary answered factually something he was not asked—to avoid a direct answer or misstatement about the crucial matter on which he was asked.

Perhaps the trickiest question in this survey is the extent to which Johnson did or did not mislead the people about his intentions to bomb North Vietnam. The answer depends on a judgment as to precisely when Mr. Johnson and his advisors decided to carry out continuous air strikes against the North.

According to the already published materials, the unidentified Pentagon historian made a determination. He concludes that a consensus of key advisors was reached to bomb North Vietnam as early as September 1964. The historian finds documentary support for his position in the final paragraph of a National Security action memorandum from McGeorge Bundy, Presidential advisor on national security, to Secretaries McNamara and Rusk.

The already published memorandum reviews several Presidential decisions, including one to resume the covert operations temporarily halted by the Tonkin Gulf incidents, and concludes:

"These decisions are governed by a prevailing judgment that the first order of business at present is to take actions which will help to strengthen the fabric of the Government of South Vietnam; to the extent that

the situation permits, such action should precede larger decisions. If such larger decisions are required at any time by a change in the situation, they will be taken." (emphasis added).

PENTAGON HISTORIAN

The Pentagon historian has equated "larger decisions" with the plans to bomb, something the text does not say. The crucial word is the conditional "if." The historian apparently reads the sentence to mean that the "larger decisions" might be taken even before "the first order of business," strengthening the Saigon government, is completed. But, in any event, the "larger decisions" will be taken.

This, too, is a plausible reading.

But it could be argued with equal plausibility that the "if" is controlling, that the "larger decisions" have not been made but will be should a change in the situation require them.

Again, the unidentified Pentagon historian concludes that the "decision" to bomb was refined on Nov. 28 with the adoption of a plan for a two-phase approach—30 days of infrequent "reprisal" strikes followed by two to six months of sustained bombing.

But the already published "Draft Position Paper on Southeast Asia" of Nov. 29, summarizing the crucial meetings, uses conditional language. It talks of agreeing on a "determined action program" aimed at North Vietnamese activities in both South Vietnam and Laos. Under things to be done in the next 30 days, it speaks flatly of "US armed reconnaissance strikes in Laos" and South Vietnamese "and possible U.S. air strikes against the DRV [North Vietnam], as reprisals against any major or spectacular Viet Cong action in the South . . ." [emphasis added]

The "Draft Position Paper" continues:

"Thereafter . . . the U.S. is prepared—to a time to be determined—to enter into a second phase program . . . of graduated military pressures directed systematically against the DRV. Such a program would consist of progressively more serious air strikes . . ." [emphasis added].

Once again, it could be argued that this paper does not set forth firm conclusions but speaks to possibilities in a subjunctive mode.

Perhaps a close reading of the texts overlooks their context and ignores a bureaucratic affinity for fuzzy language. But the literal reading does raise some questions about the historian's conclusions.

THE DECISION TO BOMB

If the historian is right and the decision to bomb was taken, for all practical purposes, in early September, the President's campaign rhetoric was grossly misleading. Some samples follow:

"There are those who say you ought to go North and drop bombs, to try to wipe out the supply lines, and they think that would escalate the war. We don't want our American boys to do the fighting for Asian boys. We don't want to get involved in a nation with 700 million people and get tied down in a land war in Asia."—Mr. Johnson at the Eufaula, Dam, Oklahoma, Sept. 25, 1964.

"Some of our people—Mr. Nixon, Mr. Rockefeller, Mr. Scranton and Mr. Goldwater—have all, at some time or other, suggested the possible wisdom of going North in Vietnam. Well now, before you start attacking someone and you launch a big offensive, you better give some consideration to how you are going to protect what you have . . . As far as I am concerned, I want to be very cautious and careful, and use it only as a last resort when I start dropping bombs around that are likely to involve American boys in a war in Asia with 700 million Chinese.

"So just for the moment I have not thought we were ready for American boys to do the fighting for Asian boys. What I have been trying to do, with the situation that I found, was to get the boys in Vietnam to do their own fighting with our advice and with our equipment. That is the course we are following. So we are not going North and drop bombs at this stage of the game . . ."—Mr. Johnson in Manchester, N.H., Sept. 28."

In any event, American bombing of North Vietnam began in February and reached its sustained tempo in March of 1965.

The already published portions of the Pentagon study reveal comparatively little about the series of decisions that put American combat forces into a land war on the Asian mainland. As already noted, the Joint Chiefs, as far back as Jan., 1964, were recommending that the United States "make ready" to "commit additional US forces, as necessary, in support of the combat action within South Vietnam" and even "commit US forces as necessary in direct actions against North Vietnam."

By June, McNamara was ordering the Army to ready supplies in Thailand for possible combat operations by an American brigade.

The Marines didn't land until March, 1965, but their change in mission, to go on the offensive, was ordered within four weeks. The already published National Security Action memorandum of April 6 ordering the new mission, contains this language:

"The President desires that with respect to the actions in paragraphs 5 through 7 (dealing with the new Marine offensive mission and an increase in men), premature publicity be avoided by all possible precautions. The actions themselves should be taken as rapidly as practicable, but in ways that should minimize any appearance of sudden changes in policy . . . The President's desire is that these movements and changes should be understood as being gradual and wholly consistent with existing policy.

This explains why the White House, on June 9, tried to blur the revelation made the day before at the State Department, a disclosure that all but gave the Marines' new show away.

THE SPRING OF 1965

In view of the fact that the decision to commit ground combat troops was not made until the spring of 1965, after the initial bombing assaults proved futile, Mr. Johnson's campaign rhetoric might fall under the heading of "bad prophecy" rather than "untruth."

On Oct. 2 in Akron, for example, he said: "But we are not about to send American boys 9 or 10,000 miles away from home to do what Asian boys ought to be doing for themselves."

This was a line he repeated with minor variations throughout the campaign and the record indicates he believed what he said at the time.

By late July, 1965, the President was publicly announcing that the number of troops in Vietnam would be raised to 125,000 and Gen. Westmoreland had been given authority to embark on his "search and destroy" strategy. The Pentagon historian concludes that this "left the U.S. commitment to Vietnam open ended . . . Final acceptance of the desirability of inflicting defeat on the enemy rather than merely denying him victory opened the door to an indeterminate amount of additional force."

Mr. Johnson was asked about the big troop increases at his July 28 press conference. The dialogue went like this:

Question: Mr. President, does the fact that you are sending additional forces to Vietnam imply any change in the existing policy of relying mainly on the South Vietnamese op-

erations and using American forces to guard American installations and to act as an emergency backup?

The President: It does not imply any change in policy whatever. It does not imply any change of objective.

IT IS OUR MOVE

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. ADDABBO. Mr. Speaker, this past week there appeared an editorial I believe would be of interest to all. I insert the Westbury, N.Y., Times June 17, 1971 article:

IT IS OUR MOVE

(Martin E. Weiss, Editor and Publisher)

The credibility gap over the question of whether or not U.S. prisoners held by Hanoi would be released if Washington set a date for withdrawal from South Vietnam has hit a new peak.

At his televised press conference on June 1, President Nixon asserted that no such indication had been given to Ambassador Bruce, head of the American delegation to the Paris peace talks.

Rep. Lester L. Wolff (D., Great Neck), a member of the House Foreign Affairs Committee, emphatically challenges the accuracy of that statement—basing the challenge on his own meeting in April with Senator Vy, deputy chief of the North Vietnamese delegation in Paris.

Mr. Wolff insists that the Hanoi representative said explicitly that were the U.S. to set a "reasonable date" for the total withdrawal of American forces from Vietnam, "arrangements would be made for the release of our men now being held captive."

It would seem that the President should set such a date as a means of testing North Vietnam's sincerity. Should Hanoi renege, Washington can adjust its policy; should it live up to such a commitment, our prisoners of war will be returned.

It is a minor risk for a major goal. We know we're pulling out of Vietnam, Hanoi knows it, and so does the rest of the world.

The administration owes the American public some honest answers; most especially, it owes our men fighting in Vietnam, the prisoners held by Hanoi, and the families of both, an end to their being used as pawns in a bloody game of global chess.

It's our move. Let's make one that will save lives and stop worrying about saving face.

NUTS TO THAT!

Speaking of Vietnam, the current NY Times series detailing a 7,000-page, hitherto secret, report put together during the administration of former President Lyndon Johnson, indicates that the American public has been led down the primrose path since 1964.

The administration is seeking to prevent the NY Times from continuing the series because it may infringe on national security.

Nuts to that! It's about time we knew how, and why, we got so deeply involved.

BEGINNING OF THE END

Speaking further about Vietnam, a "Register For Peace" rally, the largest anti-war demonstration ever held on LI, brought thousands of new voters together last Sunday.

The rally was, in part, political. Rep. Bella

Abzug (D, Manhattan) did the cause of peace little good by aiming her remarks at a demand that minorities and middle-income people have a greater share of political power.

However, Rep. Lester L. Wolff (D, Great Neck) set the tone of what the audience had come to hear. "This must," he said, "be the beginning of the end of the war."

Moments later, Rep. Paul McCloskey (R, Calif.), an announced candidate for the GOP Presidential nomination in 1972, said: "We have the capacity to convince the men and women of both houses of Congress to end the war."

Did they believe? Well, some 5,250 signed pledge cards distributed by Citizens for Alternatives Now. The cards read: "I, as a recently-enfranchised voter, hereby pledge to exercise my right to vote only in favor of candidates who (1) insist upon immediate withdrawal of all U.S. personnel from Indochina by a specified date, and (2) insist upon the exercise of congressional authority over decisions affecting war and peace."

Let's hope they're listening at 1600 Pennsylvania Avenue in Washington.

"MAY DAY" IN BOSTON

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, on May 8, 1971, at a banquet in honor of Grande Chef De Gare Herbert G. White, at a Legion post in my congressional district, Mr. George K. Walker, a prominent community member, gave a most informative and up-to-the-date speech which I wish to share with my colleagues at this time:

During the past week we have experienced a relatively new phenomenon which for lack of a better appellation its perpetrators call May Day.

Perhaps the elders among us, the grizzled veterans of World War II recognize "May Day" as the call of a comrade for help. It once was. But today that once honorable phrase has become the howl of the wolf pack leader, voicing his lust for rape, rampage, sabotage, disruption and annihilation of a nebulous enemy whom he calls the establishment.

Thursday morning I stood on the outer perimeter of the John F. Kennedy Building in Boston as the pack circled each access route in an inane and inept effort to bar Federal employees from their work sites. I saw groups of young people prostrate in the approaches to each doorway. At the main entrance helmeted police, visors lowered, held the pack at bay as they maintained a narrow lane through which reporting employees passed in relative safety into the building.

The faces of those who had already penetrated the barrier appeared at the windows. Armed guards patrolled the hallways. The sharp bark of trained police dogs and the occasional siren of a patrol car echoed in the Mall. Surely, I thought, this is not Boston, Massachusetts in the United States of America in the year of our Lord 1971. It smacks too much of Marxist nihilism. Could these placarded and outlandish appearing robots be the young Americans who in a succeeding generation are destined to govern and control our nation? Most certainly there is cause for concern.

I looked again at the milling masses of young demonstrators. My eyes searched their faces. How youthful, almost adolescent, most of them were. So vacant were the expressions of so many.

The Boston scene has been duplicated many times in many places during the past few years. It appears as an endless tide eroding the rocks on which stands our democratic way of life. Assuredly it lacks the spontaneity and verve which characterized the youth of past generations. It shows clearly as a planned and well organized effort to reduce to nothingness all those rights and freedoms guaranteed by the Constitution and zealously guarded by millions of brave men and women who have since contributed so much to preserve our way of life.

Who are the planners of these so called "peaceful" demonstrations? What are their plans? How do they intend to divorce us from the good life all of us cherish?

Before, during and immediately after World War II international communism, using the same tactics it found successful in other countries, attempted to gain control of our government through the so called working class. But every attempt to control American labor unions failed. What appeal could communism furnish, to the working man who owned his own home, drove his own car, sent his kids to college and played golf on week-ends? None. In the late 1940's the planners developed a new four-pronged approach, each of which was aimed at the young. They had given up on us oldtimers.

The old frontal assault which had heretofore characterized communism now appeared as an insidious effort to influence and control education, religion, news media and the film industry.

Through the educational process our young were to be taught to question everything. Question the judgment of your parents, question the laws by which we are governed, question the credibility of your elected leaders, question the very existence of God.

Use a religious appeal to develop the theme of love for your fellow man. Exploit the second commandment to the utmost. Pervert and prostitute the deep meaning of real love into the obscenities that once were hidden in the bordello. Use the morality of God's love for man to bring out the basest instincts in man.

Give the big lie to news developed from government sources. Color the news to paint the wrong picture. Develop news calculated to make headlines.

Convert our greatest media of entertainment, the motion picture, into a bawdy and senseless display of flesh and immorality. Lure the young into sex as a casual thing, a means of self indulgence and pleasure, having no permanence or responsibility. Do away with the mores and morals of countless past generations. Tear down the family as the basic form of government and the chief stabilizing influence on the young.

All these pressures notwithstanding, youth generally held steadfast to the course its heredity and environment had ordained. Some minds were captivated by the idea of a better life and guided by a few poorly educated educators conceived communism as that better way. These we know today as the new left—new in years but still spouting the old Communist Party line. They are the leaders of the New Wolf Pack, the political activists whose howls—strange to say—attract the lambs. They are the 100 odd taken into custody by Boston police on Thursday last.

But what of the others? Those who shuffle listlessly and meaninglessly in these demonstrations? What is their purpose? What are their hopes?

Because the minds of the majority of our young could not be breached by a continuous and insistent preachment of Communism as a new and better way of life, some other

method had to be found to break the barrier. That other way already existed—drugs.

In my youth a person addicted to their use was called a dope fiend. He was ostracized by humanity and his addiction created a mental and physical dependence on narcotics. His ability to think clearly or to exercise sound judgment often was totally impaired by his obsession, and because his mind could no longer function, he readily accepted the ideas implanted by others.

There are those who believe that the so-called drug culture appeared on the American scene more or less as the by-product of the natural curiosity and desire to experiment that all youth experiences. I think otherwise.

Marihuana first appeared in our universities where it was often advocated as a booster to create mental expansion and a relief from the tensions of the world. Presumably its users had greater insight and developed a greater power of concentration. But the milder effects of marihuana soon gave way to more powerful chemicals such as LSD and "speed." Finally the heroin, the killer of mind and body, was introduced in the very orderly process of proceeding from the simple to the complex. The very order of introduction should be sufficient manifestation of a well designed plan to fetter youthful minds. In these diabolic chemicals lies the reason for so many vacant looks on the faces of many young demonstrators.

The leaders of the new left preach to these enslaved minds of love of fellowman, freedom and peace. They would have us believe that love and freedom beget peace. They demand instant withdrawal from Indochina in the name of love—their kind of love. And in their lexicon the sacrifices made by so many young Americans in Vietnam are not expressive of love because their definition does not include self-sacrifice for the benefit of someone else. They would have us believe that we entered Asia and remain there for personal gain. We are never right, Communist nations are never wrong.

Our institutions, our government, our way of life benefits the few at the expense of the many. This is the pap on which they nurture our young. And with all this they raise a persistent clamor for peace—peace—peace.

But their real plan does not include peace except as they care to define it. They have excluded the words "honest", "just" and "lasting" from the definition. Their cry for peace is an open sesame to the doors of the remaining free nations of Asia to allow the enslavement of millions of humans at no cost, military or otherwise to a Communist ideology. And these ideas they preach to the drugged minds of some of the youth of our country.

Love, peace and freedom as these wolves really mean them to be can best be defined as destruction and chaos. They are not ready yet to give us the word on the new order—the total elimination of our form of democracy and the immediate introduction of a new order—that of totalitarian communism, a government of the few, by the few and for the few. This they cannot preach while so many of us remain and so long as the vast majority of our young minds refuse to submit to the blandishments of drugs of the fleeting dream of a heaven here on earth. The majority of college and university students, tired of the campus disruptions which interfered with their educations have organized to ban demonstrations from the educational scene. They have taken matters out of the hands of those weak administrators who, lulled into a false sense of security by a few radical faculty members, wrung those hands helplessly while those same radicals in the name of academic freedom preached malice and destruction to those members of the student body foolish enough to listen, and who later urged those students to riot and violence.

There is much to hope for in the future but be not misled. Already we hear the cry of the pack "legalize marihuana." And the lambs who find it a soporific bleat in unison. And the wolf leaders expound on the benefits to be gained and the freedom of man to do as he pleases.

Those of us who once served our country in time of need cannot now relax in the false belief that we are secure. For we exist only so long as our youth are ready, willing and able to assume the burden of constant challenge from the outside as we continue to find, fix, fight and finish the relentless forces of evil which burrow from within. Be not misled that marihuana is harmless. Be not beguiled by the wolves who tout its desirability. Be positive in your rejection of this first step in the enslavement of men's minds.

The fight for real freedom, our kind of freedom, the search for real peace, our kind of peace, demands that we now and forever man the bastions of our real democracy, ever conscious of the perils from within and without and ever vigilant and militant in their defeat.

We do not stand alone. We are not witnessing the death of a great nation. As we weep in sorrow for those who are lost we stir in anger and hatred toward those who would tear down that which we helped build. For we have done much to make our land a better land. And the great majority of our young recognize this.

Eric A. Walker, the president of Pennsylvania University, in his address to a graduating class, enumerated our successes better perhaps than can I. Here is what he told his graduating students in an address which he termed "The Generation Gap."

THE GENERATION GAP

"These—your parents and grandparents—are the people who within just five decades—1919-1969—have by their work increased your life expectancy by approximately 50%—who while cutting the working day by a third, have more than doubled per capita output. These are the people who have given you a healthier world than they found. And because of this you no longer have to fear epidemics of flu, typhus, diphtheria, smallpox, scarlet fever, measles or mumps that they knew in their youth. And the dreaded polio is no longer a medical factor, while TB is almost unheard of. Let us remind you that these remarkable people lived through history's greatest depression. Many of these people know what it is to be poor, what it is to be hungry and cold. And because of this, they determined that it would not happen to you, that you would have a better life, you would have food to eat, milk to drink, vitamins to nourish you, a warm home, better schools and greater opportunities to succeed than they had. Because they gave you the best, you are the tallest, healthiest, brightest, and probably best-looking generation to inhabit the land. And because they were materialistic, you will work fewer hours, learn more, have more leisure time, travel to more distant places, and have more of a chance to follow your life's ambition. These are also the people who fought man's grisliest war. They are the people who defeated the tyranny of Hitler, and who when it was all over, had the compassion to spend billions of dollars to help their former enemies rebuild their homelands. And these are the people who had the sense to begin the United Nations.

"It was the representatives of these two generations, who through the highest court of the land, fought racial discrimination at every turn to begin a new era in civil rights. They built thousands of high schools, trained and hired tens of thousands of better teachers, and at the same time made higher education a very real possibility for millions of youngsters, where once it was only the dream of a wealthy few. While they have done

these things, they have had some failures. They have not yet found an alternative for war, nor for racial hatred. Perhaps you will perfect these social mechanisms by which all men may follow their ambitions without the threat of force—so that the earth will no longer need police to enforce laws, nor armies to prevent some men from trespassing against others. But they—those generations—made more progress by the sweat of their brows than in any previous era."

Ours has been an era of progress. We have done well and our youth know it. We have made the world a better place in which to live. Under our guidance and the guidance of people like President Walker our young can improve on the foundation we have laid. Let's give them the opportunity. Our chief obligation is to protect them from the ravages of the insanity of communism under its new cloak—the New Left.

A WORKABLE APPROACH TO ACCIDENT REPARATION AND LITIGATION

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. BRASCO. Mr. Speaker, the New York Law Journal of June 14, 1971, carried an article written by the distinguished State supreme court justice for Kings County, Louis B. Heller.

Justice Heller addresses himself to the problem of automobile accident reparation, and in the event some of my colleagues missed this article, I include it in the CONGRESSIONAL RECORD at this time:

A WORKABLE APPROACH TO ACCIDENT REPARATION AND LITIGATION

(By Louis B. Heller)

(NOTE.—The state Legislature adjourned without acting upon the various no-fault proposals submitted. It is the writer's opinion that this hiatus will benefit the public, the judicial system and the litigants. It will now provide needed time for an objective and dispassionate analysis of the entire mechanism of accident reparations. After many years as a judge and trial lawyer, this writer offers the following proposals:)

The no-fault concept of auto liability insurance, first suggested in 1932, did not receive serious consideration until 1965 as a result of a proposed plan set forth in a book by Professors Keaton and O'Connell entitled "After the crash . . . the need for Legal and Insurance Reform."

In recent years, we have witnessed the growth of the population in this country, particularly in urban centers. In addition, the tremendous increase of high-powered automobiles containing insufficient safety devices, the crowding of many of our highways and a failure of government to control the inept and dangerous driver has resulted in accidents involving approximately 60,000 deaths and 5,000,000 injuries yearly.

This enormous increase in automobile accidents has contributed to a growing cost of automobile liability and collision premium insurance. The rise in the cost of insurance, the deluge of automobile accident claims clogging the court calendars and the costly expense of litigation have produced the Stewart no-fault proposal for automobile insurance (named after former State Insurance Commissioner Richard E. Stewart) as a panacea for the problems of auto liability insurance.

The Stewart plan is meant to satisfy the public and critics for and against reform. However, the plan has met with strong opposition due to the radical nature of many of the proposals. Under this plan the owner of an automobile insures himself and the occupants of his car for certain actual losses sustained in an automobile accident. The injured party receives payment from the insured's carrier and foregoes the right to sue any party involved in the accident. Payment is made to any and all parties injured for certain actual losses regardless of whose fault caused the accident. Actual loss includes and is defined as medical and hospital care, rehabilitation, certain property damage (but not for property damage to automobiles), miscellaneous expenses and net economic loss. This system would eliminate the need to prove the negligence of a defendant and plaintiff's freedom from contributory negligence.

DELAY IN CLAIMS

It is pointed out in support of the no-fault plan that long and costly legal suits which, particularly in urban communities, are not tried or settled for many years, would be eliminated. Proponents of the plan argue that delayed payment of claims is a financial hardship on the accident victim whereas comparatively prompt payment of claims would be made under the proposed plan. Premium costs for auto coverage would be allegedly lower by 56 per cent under the Stewart plan due to savings in legal and administration expenses, savings on overpayment by insurance companies of so-called "nuisance cases" and savings effectuated by payment only for net economic loss. Furthermore, court calendars would be eased, releasing judges for assignment to other matters.

Twenty-three cents out of the premium dollar paid by the assured at the present time is allegedly spent on lawyers and claim investigators; thirty-three cents on insurance company overhead; twenty-one and one-half cents on intangible "pain and suffering" awards, including disfigurements, dismemberments and enucleations; eight cents for economic loss already compensated by other insurance, leaving only fourteen and one-half cents of each premium dollar to cover economic losses for all classes of victims of automobile accidents. Thus, statistics submitted by proponents claim that liability insurance pays only one-sixth of the premium dollar for the economic losses of seriously injured victims. Under the proposed plan it is projected that certain car owners would have an overall average saving of 33 per cent on liability insurance premiums.

In summary, proponents of the no-fault legislation urge that a fundamental change of the present system of automobile liability insurance is needed wherein the legal fault principle is discarded and the vague and indeterminate method of measuring damages, particularly in the area of pain and suffering, is replaced by a streamlined efficient system awarding true economic loss to its victims. This would purportedly reduce the cost of automobile insurance and thus best serve the interests of the public.

The Stewart proposal is palpably weak, faulty, inadequate and unworkable. Very little independent research was made in drawing the Stewart proposal. Most of the statistics which the plan relies on for its arguments were supplied by the American Insurance Association, a strong supporter of the no-fault plan.

It is to be expected that insurance companies with their powerful legislative lobbies would support such a plan. Great savings to the companies would be affected in not having to pay for pain and suffering and permanent impairment or disfigurement of victims, which undoubtedly is the greatest factor in negligence law suits preventing greater profits for the companies.

"NET ECONOMIC LOSS"

The restriction that recovery may be had only for "net economic loss" is comparable to a Workman's Compensation type of system and is manifestly unfair to victims sustaining personal injuries in automobile accidents. Injured parties would receive no compensation for pain and suffering, facial or other disfigurement, or a possible lifetime of discomfort and mental suffering. In fact, the Stewart plan reduces a human being to nothing more than a unit of economic production. It is repugnant to anyone valuing the worth of the person to ignore what a serious auto accident can do to destroy a victim's life and only compensate the injured person for what is tantamount to his out-of-pocket loss.

The no-fault system encourages careless driving. There is no control over drunken driving, those under the influence of drugs and the habitual violator of traffic rules and regulations. This stems from the fact that regardless of fault, under the Stewart plan the careless or drunken driver, etc., will be compensated. Under our present system the driver and owner of the car at fault must account for lax driving by filing reports of the accident, becoming involved in a law suit, appearing before opposing lawyers in court and being involved in all the ramifications of a legal proceeding. This, to some extent, is a deterrent to careless driving.

The claim that the Stewart proposal would lower premium costs is illusory. What the plan does is redistribute the burden of premium payments in an inequitable fashion. Assuming that automobile liability policy coverage would eliminate protection for property damage, recovery for pain and suffering, recurrent discomfort, limited mobility of the injured party, loss of beauty, permanent scars, etc., then, of course, it may be true that the premium costs would be smaller. Furthermore, an injured person who is covered for benefits from other sources and received payment for his injuries would be precluded from claiming the benefits for the same injuries from his automobile liability insurance company.

However, offsetting any claimed savings on premiums is the fact that under the no-fault plan a car owner with high earnings, a large family and who probably is a wage earner, because he is a higher actuarial risk would pay a higher premium even if he was a careful driver than the young unmarried male without dependents and low earnings. Even though statistics show the latter driver has a higher percentage of accidents actuarial risk as to the number of injured persons and amount of actual economic loss is less.

The Stewart plan rewards the poor rather than the good driver.

Other articles on this subject have already appeared evidencing the fact that under the no-fault plan there would not be a decrease in the number of claims, that few judges would be freed from overcrowded calendars, that the present long-wait court system would be replaced by an equally bad complex rating and adjustment procedure.

FEES AND PREMIUMS

Proponents of the Stewart plan point to the alleged high percentage that attorneys' fees cost in terms of the premium dollar. However, accusations hurled at the legal profession for opposing no-fault insurance merely to protect the attorneys' interest in preserving lucrative legal fee income in automobile negligence cases are unfounded. In our nation, death and injuries due to auto accidents are commonplace and it is estimated that the average person is injured two to three times during his lifetime. Attorneys not only participate in claims and litigation but acquire a singular measure of knowledge in regard to automobile negligence and liability insurance. This expertise aids injured parties to recover the full measure

of their damages in terms of suffering, permanent disfigurements and loss of services as well as economic loss.

Being experts in their field, lawyers would be remiss in their duty to the public if they did not take a great interest in any changes in the present system. Where a fair, workable and equitable change is submitted it will be considered and supported by the legal profession.

It would be well to mention that a limited form of no-fault auto liability insurance was enacted in the State of Massachusetts in 1969. This is the only state where such a law exists and although it appeared simple in theory, it was very difficult to put into operation. A recently published article in the New York Law Journal points out many of its potential injustices (Ghirdi and Kircher, "Automobile Insurance: The Massachusetts Plan," N.Y.L.J., March 25-26, 1971).

The usefulness of the Massachusetts experiment is still too new to evaluate and what the ultimate effects of the law will be is speculative. Another recent article (N.Y. L.J., April 26, 1971, p. 1) indicates that so far there has been no reduction in insurance rates. A careful eye should be kept by New York legislators on the results of no-fault insurance in Massachusetts before plunging into a Stewart-type plan, which completely eliminates any possibility for a fair recovery even in the most serious cases.

Before embarking on the radical course suggested by the advocates of "no-fault," I would suggest two changes in the present system which in my view would correct the manifest injustices of the present system and at the same time end the inordinate delays in the legal machinery for disposing of the claims. If these changes do not solve the present problems, there will be time enough to consider such an extreme solution as "no-fault," especially in the form proposed by the Stewart plan, which allows no recovery at all for pain and suffering.

NEW YORK LAW

The New York State rule of contributory negligence which developed in the early part of the 19th Century is an outgrowth of the English common law. It is unnecessary to dwell upon the reasons for the adoption of the rule of contributory negligence in New York State. It has been said that nobody has ever succeeded in justifying the rule of contributory negligence as a policy, and no one ever will. The rule is antiquated, impractical, unfair, unreasonable and has lost its usefulness. In the recently reported case of *Rosman v. Cohn* (N. Y. L. J. May 12, 1971) the New York Court of Appeals, in reviewing the doctrine of contributory negligence, quoted with favor the following passage of Dean Prosser:

"The history of the doctrine has been that of a chronic invalid who will not die." He concluded: "With the gradual change in social viewpoint, stressing the humanitarian desire to see injuries compensated, the defense of contributory negligence has gradually come to be looked upon with increasing disfavor by the courts, and its rigors have been quite extensively modified" (Prosser, *Law of Torts* [3d ed.], p. 428). The theories justifying application of the doctrine were regarded by Prosser as "the antique heritage of an older day" (p. 428).

Several states, groups and committees have already made proposals and changes and have adopted in its place some form of the comparative negligence rule. In 1963 the committee on reform of the law of the Association of Supreme Court Justices of New York State submitted a report which included a unanimous recommendation that the present contributory negligence rule be abolished and a form of the comparative negligence rule be adopted. However, no conclusive agreement was reached in regard to the precise nature of comparative negligence rule to adopt.

The New York, or slight, negligence rule has been criticized for the harsh results that it produces. The slightest amount of contributory negligence on the part of the plaintiff bars any recovery. Under the New York rule the plaintiff may be 1 per cent at fault in relation to the occurrence and the defendant 99 per cent at fault. Yet the defendant, perhaps with no injuries, no disfigurement, no economic loss, walks away unscathed, whereas the plaintiff, because of his minute contribution of negligence, may have to suffer a lifetime of disfigurement, discomfort, pain, suffering and loss of earnings.

Results as unjust as the foregoing undoubtedly occur in the New York courts, although they are probably infrequent. A jury would have to be sadistic to deprive a plaintiff of a favorable verdict under a situation where it was believed that plaintiff on a weighted scale of fault was guilty of perhaps 1 percent contributory negligence.

On the other hand, maybe many injustices are occurring. No one knows what occurs in the deliberations of a jury leading to its verdict. Juries may strictly construe a judge's charge as to slight negligence as easily as they may discard the charge, either because it is misunderstood or not considered equitable. Until somebody masterminds the answer to the perplexing question of how juries actually come to a decision, we will never know in how many cases a judge's charge that the plaintiff may not recover if he has contributed the slightest amount of negligence is applied in its fullest severity.

Some form of the comparative negligence rule is here espoused. Such a rule would ameliorate the harsh effects of the present New York rule. If a plaintiff is 20 per cent at fault then he should be allowed to recover 80 per cent of the amount he would have recovered had he been free of fault. In some states if plaintiff is 50 per cent or more at fault, then he is completely barred from any recovery, the theory being that defendant, or more realistically speaking, defendant's insurance carrier, shouldn't have to pay for the consequences of an accident which is at least one-half due to the carelessness of the plaintiff. This argument has some merit; however, it has been pointed out that it may be arbitrary to allow a plaintiff who is 49 per cent at fault to recover 51 per cent of his damages, whereas a plaintiff only one percentage point worse is barred from any recovery.

Since I criticized no-fault insurance earlier in this article, perhaps I may offer some sort of compromise with proponents of no-fault insurance by proposing a plan of comparative negligence whereby any party may recover his complete damages in proportion to the percentage that he is not at fault. This would throw the burden of compensation in liability cases completely on the insurance companies where it belongs for both would-be injured plaintiffs and counterclaiming defendants could recover for their injuries in a case stemming from a common accident to the extent that the respective parties involved were not at fault. No injured party in an automobile accident would go completely uncompensated unless that party was completely at fault.

An added value of comparative negligence is that it will expedite the settlement of cases. The present rule of contributory negligence introduces an "irrational element" into any attempt to intelligently "value" a case. Under comparative negligence, the risk of an all-or-nothing result would be eliminated for both a plaintiff and the insurance company.

Comparative negligence will also make my second proposal more acceptable to the Bar. This is to eliminate jury trials in negligence cases. Most members of the Bar would be reluctant to accept the possible vagaries of a particular judge as distinguished from those of twelve laymen so long as the all-or-

nothing alternatives of the contributory negligence rule continues. Under comparative negligence, this risk would be almost completely gone. A lawyer can be fairly assured that he will not be exposing his client to the unacceptable danger, especially in a serious case, that a particular judge's prejudices will determine the outcome. There will be no all-or-nothing results.

Jury trials result in long delays, congested calendars and excessive costs, among other ills. Hundreds of years of development of the common-law rule relating to trial by jury has made little change in the functions and respective duties of the judge and jury, thus perpetuating various perplexing problems.

The instructions of a judge to a jury relate to the law applicable to the possible findings of facts as presented by all the evidence in the case. The instructions generally are long and involved, stated in language capable of being understood only by lawyers and at times the instructions are inaccurate. It is a matter of conjecture whether charges are fully understood by the jury. Yet, an error in a charge may lead to a reversal on appeal resulting in additional delay and expense to the state, litigants and lawyers.

Jurors come from a mixed bag of the community and are picked by the opposing attorneys to best meet the interests of their respective clients. Numerous times it is evident that verdicts are reached as a result of compromise, sympathy, animus, personalities and other factors beyond comprehension. It is an old and common saying among lawyers that once a jury is locked in the jury room for deliberation you never know what it will do. It is not uncommon in personal injury trials for juries to reach a verdict for the plaintiff though the defendant was not at fault or when the plaintiff was guilty of contributory negligence.

Comparatively speaking, as between verdicts by the jury and those by judges, more of the former are appealed from and more reversed. It is estimated that an average negligence trial costs several thousands of dollars of public funds. Together with the loss of work days by jurors and other economic factors, the present yearly costs in New York are many millions of dollars.

The abrogation of jury trials in negligence cases has long been advocated by many who have made a study of the subject. It is estimated that jury trials take 60 per cent more time than nonjury trials. Although the common belief is that the chances of success of a plaintiff's attorney in negligence cases lies in a trial with a jury, the fact is that a project report would no doubt show that the judges and juries are approximately equal on the question of liability, but juries are somewhat more generous in the amount of money that is awarded to plaintiffs.

The common equalizer is the factor that there are incompetent and incapable jurors giving bad verdicts as well as there are some conservative judges awarding inadequate amounts of money. Inadequate awards that may be given by over-conservative judges is an insufficient reason to continue the use of the jury trial in negligence cases. What is of greater importance in considering the switch to trial by judge is the cost to the public of jury trials, the congestion of the court calendars leading to many inequities to litigants. Witnesses die or disappear, evidence grows stale and, in general, this results in the inability to provide true and fair administration of justice. Furthermore, the abolition of the jury trial and attendant reduction of calendar congestion would free judges for criminal court work for which they are so sorely needed. Changing times demand changing priorities.

We have glorified the jury trial in the past in civil cases as an ancient ideal, not only in our fundamental law but in the minds of the people. The public has been conditioned to look upon a jury trial as an inviolate right.

This may be so in criminal cases but not in civil cases.

There has been clamor for radical changes in our nation. Social and economic upheavals have caused a great strain on the administration of justice in the criminal courts. The criminal calendars are congested and growing worse each day. Inability to provide sufficient judges for criminal trials is truly a denial of liberty to an innocent person incarcerated awaiting trial. The assignment of judges to criminal cases who would be freed from civil cases would greatly help to eliminate this condition.

Times have changed and conditions must be met in order to improve the administration of justice. It is my proposal that the Stewart plan of no-fault insurance be rejected.

I propose that New York adopt a system of comparative negligence wherein all parties may recover all forms of their damages in proportion to the percentage that they are not in fault in causing the particular accident.

Finally, it is my proposal that both the questions of fault and amount of damages be determined in all cases by a judge without a jury.

McGOVERN ON "FACE THE NATION"

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

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

FACE THE NATION

(As broadcast over the CBS television network and the CBS radio network, Sunday, June 20, 1971—11:30 AM—12:00 Noon EDT. Origination: Washington, D.C.)

Guest: Senator George McGovern, Democrat of South Dakota.

Reporters: George Herman, CBS News; Godfrey Sperling, Jr., Christian Science Monitor; Nelson Benton, CBS News.

Producers: Sylvia Westerman and Prentiss Childs.

GEORGE HERMAN. Senator McGovern, you made a strong speech against the Viet Nam war in 1963, but during '64 and '65 you fairly generally endorsed President Johnson's policies, saying that he was not a war hawk but a man of prudence. Have the Viet Nam documents, which have now been published by the New York Times, caused you to re-think those 1965 sentiments at all?

Senator McGOVERN. Well, I have been opposed to this war ever since September of 1963. I think it's fair to say that President Johnson did convince both the Congress and the American people in 1964 and early '65 that he would not widen the war, that he would reject Senator Goldwater's counsel in favor of the bombing and escalation, and for that reason I backed President Johnson as a man I believed committed to peace in 1964. We learned after the bombing began in 1965 and the escalation took off that that was not the case, and I've been a critic of our policy in Viet Nam consistently ever since then.

ANNOUNCER. From CBS, Washington, Face the Nation, a spontaneous and unrehearsed news interview with the only declared candidate for the Democratic Presidential nomination, Senator George McGovern of South Dakota. Senator McGovern will be questioned by CBS News Correspondent Nelson Benton, Godfrey Sperling, National Political Correspondent for the Christian Science Monitor, and CBS Correspondent George Herman.

HERMAN. Senator McGovern, I take it from your first answer that you feel that what President Johnson told you in '64 and perhaps early '65 convinced you that he was not going to escalate the war. You've since read the documents about the planning the administration was doing at that time to escalate the war. Do you feel that the President was lying to you during that period?

Senator McGOVERN. I don't think there's any question that the President and the high officials in his administration deliberately deceived the Congress of the United States and the American people at the very time they were ridiculing candidate Goldwater for advocating the bombing of North Viet Nam, and a greater combat role for America forces on the ground. They themselves were planning precisely that kind of an operation. In other words, they were planning to do the very thing that they condemned Mr. Goldwater for advocating publicly.

I think what disturbs me most of all is the way the Congress was misled on the Gulf of Tonkin incident. We were told in replies to questions about whether American vessels were involved in provocative behavior that no such role was played by our vessels, that they were attacked without warning and without provocation on the high seas. Now the truth is that that incident apparently was deliberately provoked by American policy, and the Gulf of Tonkin resolution was written months in advance of its actual presentation to the Congress. That's the kind of deception that I think these documents are now revealing.

SPEERLING. Senator, where does it take us if we say that the publication of the Pentagon report was all right, because it was done by responsible newspapers, acting in a responsible way and in the public interest. My question is this, doesn't this line of reasoning open the door to the declassifying of government papers by irresponsible papers, acting irresponsibly, and not in the public interest?

Senator McGOVERN. Mr. Sperling, I think what it points up is the need for a new approach to the classification of government documents. Perhaps it would be in order at this point for us to establish some new ground rules on the classification of documents. I think, for example, that documents ought to lose their classified status after a certain period of time, perhaps two or three years, and then any document to be reclassified would have to be looked at again by the particular government agency involved. That at least would get around this business of permanently classifying documents of the kind that are now being revealed, which I think most reasonable people will say do not threaten American security.

As Judge Gurfein said, they may be embarrassing to the people that signed their names to those documents, but they don't threaten the lives of any American troops, and I think that's the judgment the New York Times and the Washington Post correctly reached. They were acting within their constitutional rights under the freedom of the press amendment to the Constitution when they made those documents available to the American people. They didn't steal the documents from government files. They were apparently provided by a former government official.

BENTON. Senator McGovern, could I take you back to your reflection of the duplicity that was apparently involved in what two successive Democratic administrations told the press and the public. Does this not, in its political effect, really hamper the chances for your party to have a victory next year?

Senator McGOVERN. Well, I think the real losers in this operation is government itself because if our Viet Nam policy has been anything at all, mistaken as it has been, it has been a bipartisan policy. I don't know of

any decision that was made by the previous administration that was not supported heavily by Mr. Nixon. There were high-ranking Republicans within that administration, so that the worst thing we can do is to begin looking at this war as a Democratic or a Republican war, and it should be noted that it is a Republican administration that has moved for the first time in American history to persuade a court of law that they should deny to a newspaper the right to publish certain materials bearing on the national interest.

So this is a matter that we all have to share in, as Republicans and Democrats. We have been following a policy heavily supported by the leadership of both parties. Those of us who have spoken out did not wait until there was a Republican administration to start our criticism. We were speaking out in the Kennedy administration, in the Johnson administration—we are continuing to speak out—

HERMAN. But, Senator, do you feel that the Nixon administration should have done nothing when it saw a newspaper publishing what are classified documents, that it should simply have stood aside?

Senator McGOVERN. I think they should have released the documents, instead of trying to hush it up as though the national interest were involved, that is, national security was involved. What is desperately needed in this country today is truthfulness from our government, full information on matters that in no way jeopardize national security. The greatest danger to this country today is not the release of these documents, but the secrecy, the deception, the politics and manipulation, which is undermining the confidence of the American people in both political parties. The Nixon administration could have helped to reduce that damage in confidence to our government by releasing these documents, rather than trying to cover them up.

SPEERLING. In this same vein, Senator, was it right for President Johnson and other Democrats too to picture Senator Goldwater as a warmonger in the 1964 election?

Senator McGOVERN. Well, I think Senator Goldwater was a warmonger in 1964. What was wrong is that the people inside our government were engaged in some fancy warmongering themselves while talking the words of peace, and that's even worse. At least we knew where Senator Goldwater stood. We knew that he was a war hawk. We knew that he wanted to bomb North Viet Nam. We knew he wanted to send more American combat forces to Asia. I think he was wrong, and I think he was a warmonger, but I think the great mistake was that those who criticized him were guilty of a second sin, the sin of hypocrisy, and deception, and that's what is undermining the faith of the American people in their government.

HERMAN. A personal question there—you had made a speech against the Viet Nam War in 1963, as I mentioned. In 1964-65, you personally muted your criticism of the administration. Had President Johnson talked to you? Had President Johnson—I asked you this question before; I'll ask it again—had President Johnson lied to you personally to get you to quiet down?

Senator McGOVERN. No, he said nothing to me personally, but what he said to the American people publicly and what his officials told the Congress of the United States is that we were not going to escalate this war. He said we seek no wider war; we're not going to send American boys to fight the battles that ought to be fought by Asian boys. He said that the Gulf of Tonkin incident was one that was provoked by an attack on American vessels on the high seas—an unprovoked attack.

Now under those circumstances, I think it would have been asking too much of the

Congress of the United States to assume that the President was lying to us. We might have had some doubts about it, but the assurances were so strong from all the officials that talked to us, that the Congress was inclined to give the administration the benefit of the doubt. Now let me just say on this point that while I disagreed very sharply with Secretary of Defense McNamara during that period, as I have in some of the things that he has said and done since then, I do give him credit for having the courage to order this massive study of how we got involved in Viet Nam. He must have known that it would be embarrassing to him and to those around him, and yet he had the courage to do it. And I think he deserves great credit for ordering that systematic study.

SPERLING. Senator, how about Hubert Humphrey? Was he scared by this report? Your top aide, Ted Van Dyk, on Friday in a news conference used that word and said he was scared.

Senator McGOVERN. Well, I suppose in a sense everyone in the administration in that period was scared, but Mr. Sperling, what we have to avoid at this time in the life of this country is a lot of scapegoating and trying to single out the devils in either the previous administration or in this one. What we ought to recognize is that our basic weakness is that we've been following policies that were not in our national interest. It's the reexamination of policy—the reexamination of the decision-making process—the reexamination of secrecy in government—the reexamination of the assumption of some of our policymakers that they have the right to lie to the American people. Those are the kind of questions that we ought to bring out into the open, not for the purpose of finding one evil man, but to address ourselves to mistaken policy assumptions that are going to bedevil us as a country as long as we continue on the course we've followed since the end of World War II.

I think you'd have to trace the origins of this Viet Nam disaster clear back to 1946 and '47 when we set out on the assumption that we had to send American troops or American military equipment, or do whatever was necessary to combat a communist revolutionist no matter where he showed up and no matter how corrupt the government was that he was revolting against. Those are the kind of assumptions that we need to reexamine, rather than looking for personal devils in recent American history.

BENTON. Senator, you talk of reexamining. What sort of investigation do you suggest so far as the Pentagon papers and what they have revealed thus far concern? We still don't know everything that's in them. Do you suggest a congressional investigation?

Senator McGOVERN. Yes, I think what I would really like to see is a thoughtful, well-staffed—that is, professionally staffed study—of the entire history of our involvement in Indochina, and I would not point that toward finding a scapegoat. But I would reexamine the policy assumption that took us so deeply into this war. I think it ought to be an investigation under the direction of the Senate Foreign Relations Committee and perhaps the House Committee on Foreign Affairs, that it ought to be staffed in part by good, competent historians, by students of international affairs, by men who could bring a broad perspective to bear on these questions. And its purpose ought to be to develop insight into where we got off the track in American foreign policy.

How did we get to the point where we now invest over half of our federal budget in the weapons of death, in warfare, while neglecting serious sources of national weakness here at home. Those are the kind of questions that I would like to see in a far-ranging investigation.

BENTON. Would you subpoena Lyndon Johnson for such an investigation?

Senator McGOVERN. I'm not interested in subpoenaing President Johnson. I don't think it serves any useful purpose to single him out or to single out any other person. There's enough guilt in this thing to go around for all of us. I can think of things that I wish I had done differently in bringing my criticisms more effectively to bear. I wish I had asked more questions about some of the doubts I had years ago. And I'm not interested in making a devil out of President Johnson or anyone else. Let's try to find out where our country went off the track. How did we get into a situation where 67 per cent of the American people said in a recent poll that they don't think this administration is telling them the truth. And the same people said a year ago that they didn't trust the previous administration. Now those are the kind of things that ought to concern us.

HERMAN. Do you agree—do you, for example—or what is your feeling about Senator Kennedy's remark on the floor of the Senate that President Nixon's timing of events in the Viet Nam War, in ending the Viet Nam War, is dictated by politics of 1972?

Senator McGOVERN. Well, I think there's a certain validity to that. President Nixon told us way back in '68 that he had a plan to end the war and that he would reveal it once the considerations of the '68 campaign were out of the way. We waited for a full year before the outline of that plan was revealed, and it now does seem that it's all pointed in the direction of trying to get our casualties down to an acceptable level by the time Mr. Nixon comes up for reelection in 1972.

HERMAN. The implication was that he was delaying.

Senator McGOVERN. Well, another—another 15 or 16 thousand Americans have died while we've been waiting for this Nixon plan to unfold; sixty-five or seventy thousand terribly wounded and maimed; we've spent another 30 or 40 billion dollars on this war. I think the time has come to recognize that Mr. Nixon ought to be thinking more about the future of this country and less and less about a timetable that's geared to the '72 election campaign.

HERMAN. But do you seriously believe that President Nixon is slowing down or delaying moves towards peace so that they will come right before election day?

Senator McGOVERN. I think his hangup is that he's worried about doing anything that might jeopardize his friend General Thieu in Saigon. He doesn't want to pull American forces out in such a fashion as to jeopardize the future of that regime. Now I—

HERMAN. I still haven't gotten an answer to this particular question that Senator Kennedy posed and that I'm putting to you now, as to whether you think the President is deliberately timing peace in Viet Nam to come for maximum political—

Senator McGOVERN. I don't—I don't have any knowledge of that. What I'm saying to you is that instead of putting the American interest first, he seems to be more concerned about preserving that regime in Saigon than he is removing American forces. Now with some 40 or 50 thousand of those troops over there addicted to heroin, which may be a fate worse than death, I think we ought to get them out of there with all the urgency we can bring to bear on this problem.

But gentlemen, there's one thing that concerns me, not just about this line of questioning here today, but about what is happening to this country, and that's the fact that all of us have become so obsessed with this war that we're overlooking problems here at home that are undermining the strength of this nation. I come from an agricultural state, where the farmers are in deep trouble. They're at the lowest income level they've been since the 1930's. We're driving people out of agricultural America at an unprecedented rate, and I think Mr. Nixon is going to lose the 1972 election partly because

he's going to lose the farm belt. While he's preoccupied with Saigon and with the preservation of General Thieu, our agricultural economy is in a near state of collapse. We've got an unemployment rate in this country of almost an unprecedented degree, when we ought to have full employment, when we ought to have men and women working on new housing, new transportation systems, new devices to combat pollution. And those are the things that I think are going to bring about the defeat of this administration in 1972, at a time when they're so preoccupied with the welfare of Saigon that they forget about our problems here in our own society.

SPERLING. Senator, I'd like to move to another area of the world, at least briefly, the Mid-East. It has been said and it has been written that some senators who are doves on Viet Nam are hawks on the Mid-East. Does this apply to you?

Senator McGOVERN. Well, if you say that a senator such as I, who is committed to the preservation of Israel, is a hawk, then I will accept the label. I think the United States has to do whatever we can to make sure that the one free democratic state in the Middle East survives. And if I were President of the United States, I would take whatever steps were necessary to see that Israel survived.

SPERLING. Is the President taking sufficient steps?

McGOVERN. Well, he's doing better there than elsewhere in the world. He has made available jet aircraft and, more important than that, he has pressed for a negotiated settlement involving the government of Israel and the Arab states. And that ought to be the cornerstone of our policy, to press for direct negotiations between these principal countries that sooner or later hold the key to peace in the Middle East, the government of Israel and the Arab states. Any settlement that is worked out there that will last must be negotiated between the principal parties; it can't be imposed from the outside.

BENTON. Senator, I'd like to go back to the Viet Nam issue for a minute. An amendment proposed by you and Senator Hatfield lost in the Senate last week. You talked right after the defeat of that amendment of new strategies. Now there are other set-the-date amendments scheduled this week. Do you think the Senate is finally going to approve some sort of rather mild set-the-date amendment?

Senator McGOVERN. I think over half the Senate favors setting a definite withdrawal date. And we know that 73 per cent of the American people do; they favored the McGovern-Hatfield formula of ending this war before December 31 of this year. But if we can find some other formula, I don't care whose name is on the bill, whether it is Cook, or Stevens or Chiles—I supported Senator Chiles' substitute amendment because I thought he would do better with this modified amendment than Senator Hatfield and I would do. We only picked up two additional votes, but if these other senators can convince me over the next couple of days that they have an amendment that will bring the war to an end, I'm willing to support it no matter whose name is on it.

BENTON. Well, would you support the Cook amendment which I believe allows for nine months, providing the POW question is settled to the satisfaction of—

McGOVERN. Yes, it's not as good as the McGovern-Hatfield amendment and I regret that Senator Cook and Senator Stevens declined to support our amendment last week, but I am not interested in any politicking on this issue, and if their amendment proves to be satisfactory, I'll support it. It does seem to me to be better than the stance we are in today. If I had to vote right now, I'd be inclined to support that as the second best to the McGovern-Hatfield amendment that was defeated last week.

HERMAN. Senator, the Republicans have said that in the election of 1972 Viet Nam will not be an issue. What do you think?

McGOVERN. I think that unemployment will be one of the big issues in 1972, perhaps more important even than Viet Nam.

HERMAN. You are the only announced candidate. Are you gearing your campaign to deal with this problem of economics rather than Viet Nam?

McGOVERN. Absolutely, and I advocate on this program today a full-employment policy for the United States, not rhetoric. I think we ought to convene a conference immediately of the leaders of industry and labor in the communities across this country, not for some more rhetoric, but to spell out an immediate plan to put everybody to work that wants a job in this country. The most wasteful single practice we have today is the presence of five or six million people who can't find jobs. Now we ought to set up three or four major NASA-type agencies, of the kind that helped us get to the moon in ten years, and we ought to have one of those agencies look at the problem of housing and say by the end of this decade everyone is going to live in a decent house. We ought to have one on the problems of transportation in the cities, one on rural development, one on pollution. And if we brought the same kind of commitment to ending those problems that we have brought to reaching the moon, we would have everybody in this country working that wants to work.

We can do that by proper leadership, and we would meet the really critical needs of this country. Those are the programs I'm going to press over the next year and a half.

HERMAN. In the meantime, do you still favor, as you did in a speech fairly recently, at least selective wage and price controls?

McGOVERN. Yes, I would immediately recommend that we go into a six-month wage and price freeze. I think that is long overdue. That will at least break the spiral of inflation in this country. I paid \$94 last week to a man who came out to fix my refrigerator. He was there about 20 minutes. Now that's an outrage. The housewife going to the grocery store is paying higher and higher prices for the food that she buys. The same thing is true of all of the things that we buy. We need a program of wage and price controls now for at least the next six months, and then take a look and see whether we ought to keep it in effect.

SPEERLING. Senator, there is a heavy coloration of former Kennedy people among your advisors and workers even though there are also, I know, Humphrey and McCarthy people in your camp. My question is this, isn't it going to be awfully difficult for you to disassociate yourself from the opinion that if you should fall short of your goal, your support would go to Senator Kennedy? Particularly if there is a convention deadlock?

HERMAN. We have about two minutes.

McGOVERN. I've made no decision at all about where my support will go, if I don't make the nomination. I intend to stay in this race to the very end. I can tell you this, if Senator Kennedy or anyone else gets that nomination, they are going to have to take it away from me. I'm not yielding to anyone. I was the first announced candidate, I didn't come in to please anyone else, I came in because I felt the nation was in trouble and that my views were views that were more hopeful than the ones that we've been following in recent years, and I intend to stay in this race. Anyone that takes me out will have to beat me. There is not going to be any negotiated deal or any yielding to anyone else. Now it's true that some of the people who once worked for President Kennedy, or Robert Kennedy, are working for me. Most of the people who've been in government as Democrats over the last ten years have been affiliated in one way or another with those two men, but we have other people working

for us. The former campaign manager of Senator McCarthy is a co-chairman of my campaign. Ted Van Dyk, who was a key figure all during the time Vice President Humphrey was in office, is now working with us. And we are going to take support from wherever we can get it, but no one of us believes that we are here to serve the interest of some other candidate. We are here to win the nomination, and that's what we are going to do.

HERMAN. We have about 20 seconds left. Very quickly, do the Democrats have enough money to fight each other through the primaries?

McGOVERN. I think we've got enough money to put on a good race and give the voters a fair choice. The question is do we have the integrity and the courage to face the issues before the country. That's what is needed.

HERMAN. Do you?

McGOVERN. I think we do.

HERMAN. Thank you very much, Senator McGovern, for being with us today on Face the Nation.

ANNOUNCER. Today on Face the Nation, Senator George McGovern, Democrat of South Dakota, was interviewed by CBS News Correspondent Nelson Benton, Godfrey Sperling, National Political Correspondent of the Christian Science Monitor, and CBS News Correspondent George Herman. Next week, another prominent figure in the news will Face the Nation.

VIETNAM AMENDMENTS

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. BURKE of Florida. Mr. Speaker, during the past weeks I received many letters here in Washington requesting that I vote in favor of certain alleged antiwar amendments when they came to the House floor. One of these amendments is the McGovern-Hatfield amendment, which would direct the complete unilateral withdrawal of all American forces from Vietnam by December 31, 1971. On Wednesday, June 16 the McGovern-Hatfield amendment was defeated in the Senate and, therefore, will not come to the House floor for action.

I have also received many letters requesting that I vote in favor of the Nedzi-Whalen amendment to the military procurement bill, which most people erroneously felt directed the President to completely withdraw all American troops from Vietnam by December 31, 1971.

In discussing these amendments, let me state that I never favored the "no win" policy that has been our Nation's position in Vietnam from the beginning. Nor did I approve of President Johnson's escalation of the war.

I can also state that I sympathize wholeheartedly with the idea of ending our involvement in Southeast Asia as quickly as possible. In fact, I do not know of any Congressman who actually favors war or would not like to see the Vietnam conflict come to an end. Unfortunately, to put an end to the war is not as easy as many, who oversimplify the problem, might like all of us to believe.

It goes without saying, that the Congress certainly has the right—and prob-

ably the responsibility—to give some direction to our Nation's fundamental policy in Vietnam. Actually, the lone initiative of the Congress thus far was the passing of the Gulf of Tonkin resolution in 1964, which was passed prior to my becoming a Member of Congress. The Gulf of Tonkin resolution has now, however, been repealed, and I voted for its repeal. Yet, the Gulf of Tonkin resolution was the real force that so greatly involved our Nation in the war. But removing us from it now is not quite so simple—short of unconditional surrender.

It would seem essential to me that if we are to consider a resolution of any kind, we must first define the goals of our future military actions in Vietnam before we can consider any precise legislation which sets forth calendar deadlines for withdrawal. Furthermore, it is my belief that calendar deadlines work to our detriment and work against us in negotiating for any settlement. I believe that our goal is the total withdrawal of our military forces at the earliest possible date but also such withdrawal must be coupled with the humanitarian considerations that are also so vitally important.

We must be assured of the safe release of our prisoners of war, asylum and humanitarian care for refugees, as well as insurance for the security of the residents of South Vietnam, who have been engaged with us in the conflict against the Vietcong.

Despite all the rhetoric and talk by some, especially those in the Senate, the Congress has never truly acted in giving any policy directions, but rather it has pounded the drums solely for a unilateral withdrawal policy, which in my opinion has not only been political but it has also helped the enemy. In fact, most so-called antiwar Members of Congress did not even do this until President Nixon began troop withdrawals on his own. I might add, that the policies of the President have never been rejected by the action of Congress, although some have rejected the President's policy of troop withdrawal even more than they did the escalation of our troops into the conflict by President Johnson.

Certainly, there are few who can disagree with the fact that President Nixon's announcement of withdrawal of troops has now become irrevocable. In fact, in so doing he has indirectly announced the planned withdrawal of our troops. Yet in doing so he has still retained the trump card, which is so essential in international negotiations—as sensitive as those necessary if we are to end the Vietnam conflict, with the considerations I have previously mentioned.

Under no circumstances, should the Congress do anything that would limit the authority of the President to take the necessary steps to insure the safe return of, not only our U.S. servicemen, but also those of our servicemen who are held prisoners of war.

Because people are so often misled by emotional pleas, many who wrote requesting that I vote for the Nedzi-Whalen amendment erroneously presumed that the amendment would automatically mean the withdrawal of our

troops from Vietnam by December 31, 1971. This was not true.

The Nedzi-Whalen amendment simply would prohibit the use after December 31, 1971, of equipment, authorized in the military appropriations bill, in South Vietnam, North Vietnam, and Cambodia, but the amendment did not prohibit the use of other equipment, nor did it provide for the removal of any military equipment presently in Southeast Asia, or which might be delivered there prior to December 31, 1971.

In fact, many who voted for the amendment questioned whether it was actually very effective. Its sponsors stated that its passage would, however, present a clear mandate by the people to the President that they wanted our troops out of Indochina by a set date, regardless of concessions of any kind by the Communists. I, together, with many of my colleagues in the Congress, questioned the wisdom of setting a date for us to unilaterally withdraw. It is difficult for me to see what is so magical about December 31, 1971, which is the magic date banded around, and in my opinion sometimes erroneously used by the supporters of both the McGovern-Hatfield and the Nedzi-Whalen amendments. The date December 31, 1971, is important only insofar as it is the date set by the Communists. What is more important, it seems to me, is that we recognize not only our responsibilities, but also we assert a proper policy with regard to our engagement in Vietnam during the interim period from the present to any so-called magic date. Neither of the amendments referred to in any way established an honest policy for the benefit of our Nation, but what they did in effect do, was to mouth the North Vietnamese by setting the exact date which they requested.

To sum it up, despite all the clamor, the Nedzi-Whalen amendment would not have removed our troops from South Vietnam after December 31, 1971. It would not have denied American troops the use of equipment already in Vietnam, nor deny the use of equipment or systems already authorized in previous procurement programs. Furthermore, it did not deny to the President the right to provide military assistance to our allies in Indochina, nor did it prohibit the use by either South Vietnam, Laotian, or Cambodian troops of equipment authorized by the military appropriations bill, which it purported to amend.

The Nedzi-Whalen amendment did not do what its backers said it would, and as I indicated earlier, I feel that the setting of any certain date for the ending of the war by the Congress would aid only the North Vietnamese and the Communists without our Nation receiving any commitment of any kind from them.

The Nedzi-Whalen amendment was defeated in the House by a vote of 256-158. I voted against the amendment.

I feel that it is my responsibility to make my vote known to my constituents, but at the same time I feel it proper to give to you also the problems in deciding which way to vote on controversial issues

which truly try the souls of us who are your elected Representatives in the Congress.

NIXON ADMINISTRATION IGNORES THE PLIGHT OF THE SMALL BUSINESSMAN

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, the Nixon administration is now insisting on using taxpayers' money to bail out the Lockheed Corp. The administration's favorite justification for this proposal is that if Lockheed goes bankrupt, thousands of Americans will lose their jobs.

Yet last year, which incidentally was one of the most disastrous years for the American economy in recent history, approximately 10 thousand small businesses were forced into bankruptcy. The result was the loss of many more jobs than would be lost if the Lockheed Corp. were to go bankrupt. Yet the Nixon administration did nothing whatsoever to help the ailing small businesses.

On June 7, Mr. David Brinkley recently pointed this out very clearly in his remarks on the NBC network, and at this point I would like to insert a copy of these remarks into the RECORD for the benefit of my colleagues.

REMARKS ON NBC NETWORK

Lockheed is in financial trouble and maybe should be helped. But if Lockheed were a corner hardware store, Washington would not pay the slightest attention.

The Lockheed Corporation seems to have a great talent for losing money . . . has lost hundreds of millions—and now wants the taxpayers to bail it out . . . to keep it out of bankruptcy. And a Senate committee is having hearings to decide what ought to be done. Lockheed cannot borrow any more money from the banks because it already owes millions . . . the bankers do not see it as a good risk and will not lend any more. So, it's turned to Washington for help.

Whether Lockheed should or should not be bailed out . . . it's an interesting question of public policy . . . and the use of the taxpayers' money. And the question of using tax money to bail out a big business when it's failing . . . when tax money is not used to bail out small business when it's failing. If Lockheed were a corner hardware store, Congress wouldn't give it a second glance. More likely, agents of Internal Revenue would be around demanding the storekeeper pay his taxes before he even pays his employees . . . and if that drives him into bankruptcy, too bad. That happens almost every day . . . and nobody in Washington pays any attention.

Lockheed is, one of the biggest defense contractors . . . and its prime customer is the Pentagon, a tough customer . . . because it often doesn't know what it wants. It orders something . . . like a new airplane . . . and then keeps making changes and adding new features . . . often including features nobody really knows how to build and often including features they don't need but some general or admiral thinks would be nice to have. This kind of work is costly . . . often in the billions . . . and very chancy. The contractor may wind up making huge profits . . . or with huge losses.

Beyond that . . . a defense contractor is a

private business in a sense . . . but really semi-public. Often it uses money furnished by the Pentagon . . . machine tools and buildings furnished by the Pentagon . . . and all the contractor furnishes, is the management. But it is argued this is better than outright public ownership . . . because arms plants owned by the Government . . . called arsenals . . . are not famous for efficiency or productivity . . . because they don't even have to try to make a dollar.

And it is argued that places like Lockheed have to be kept in business . . . because they're needed to build military hardware. That they are a national resource that must be preserved.

Maybe so. Also it's argued if Lockheed goes bankrupt, it will mean a loss of jobs for thousands of employees. That also is true. But last year 10 thousand small businesses went bankrupt, costing even more jobs than Lockheed would . . . and the Washington establishment did nothing to help them. David Brinkley, NBC News, Washington.

WHAT AILS THE DOLLAR

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. DUNCAN. Mr. Speaker, a constituent of mine sent a very interesting article from the June issue of Fortune magazine which I wish every Member of this legislative body would read.

Written by Gaylord Freeman, chairman of the First National Bank of Chicago, "What Ails the Dollar" is most "interesting, if painful" said the correspondent.

I include the article as follows:

WHAT AILS THE DOLLAR

BECAUSE OUR PRICES ARE TOO HIGH, FOREIGNERS DON'T USE ENOUGH OF THEIR DOLLARS TO BUY OUR GOODS. THAT'S THE HEART OF THE PROBLEM. THERE ARE NO PAINLESS REMEDIES

(By Gaylord Freeman)

With the wave of European currency revisions in May—the West German mark set afloat, the Swiss franc revalued, and the rest—the first of a probable series of dollar crises has passed. As the Nobel Prize economist Paul Samuelson observed, "It was no economic Pearl Harbor."

So why worry?

Well, because we are doing little or nothing to remedy the underlying ills of the dollar. The crisis represented an acceleration in the movement away from the dollar that has been going on for several years and gaining velocity over the past few months. The temporary respite accorded the dollar by the floating of the mark and the changes in other currencies will only tend to reinforce the conviction of our people that they can devote their attention exclusively to domestic problems. Statements to the effect that the recent disturbance was a German problem expressed a truly disturbing point of view.

The attitude of the Administration appears to be one of relief that the crisis has passed. Instead of undertaking to regain competitive prices for our goods around the world, the Administration apparently intends to continue to stimulate the economy for short-range domestic reasons. The inevitable result will be more rapid increases in our domestic prices and a further worsening in our competitive position in world markets.

THE SURPLUSES OF YORE

If foreigners would use some of their accumulated billions of dollars to buy our

goods, that would greatly benefit business and employment in the U.S. But they are not using those dollars to buy our goods, and the consequent glut of dollars has moved into their central banks, swelling the supply of money and credit. The resultant inflationary pressures can thwart foreign countries' own internal economic policies. Foreigners resent this and blame the U.S. for upsetting their economies.

Why is it that they do not use the dollars to buy our goods? Because our goods are too high-priced. It is this reluctance of foreigners to use their dollars to buy our goods—because they are priced too high in relation to goods from other countries—that is the heart of our problem.

Things were not always like that, of course. In years past, the U.S., with its large domestic market, competed very effectively in foreign markets. For most of the past century we consistently had a substantial trade surplus.

We still have a surplus in merchandise trade, though the \$2.2 billion of last year was less than half the level during the middle 1960's, before our prices and costs began to move up rapidly. We also have a surplus on our over-all international investment accounts—in 1970 our net foreign investment earnings of \$6 billion amounted to \$3.5 billion more than our net outflows for new investments. But these surpluses in merchandise trade and investment accounts do not come anywhere near balancing the dollars that flow abroad in the form of economic and military aid to foreign countries, the costs of our military forces overseas, tourist expenditures, and payments for such "invisibles" as foreign shipping and insurance services.

Accordingly, we run a deficit in our over-all balance of payments and we have done so for nineteen out of the last twenty-one years. As a consequence of these repeated deficits in our balance of payments, foreigners have been accumulating additional dollars year after year. These dollar claims held abroad increased from \$7 billion in 1950 to \$43 billion at the end of 1970.

For the past several years the fact that foreigners were accumulating more dollars than they wanted was obscured. Foreign commercial banks were quite willing to accept dollars because they knew that whenever they wanted to they could take dollars to their central bank and get their own or other currencies at a fixed parity. Besides that, the commercial banks were able to lend out dollars at higher rates than they could lend their own currencies. This was so because, with the supply of funds restricted in the U.S., Americans borrowed a lot of these dollars owned in Europe—so-called Eurodollars.

Last year, however, funds became more available in the U.S., and interest rates went down. Accordingly, Americans have to a great extent repaid their Eurodollar borrowings, and Eurodollar interest rates have dropped, so foreign commercial banks no longer want to hold as many dollars. As a consequence, they channel the dollars to their central banks and obtain other currencies in exchange.

Foreign central banks have been assured since the 1930's, by law, tradition, and repeated U.S. assurances, that the Treasury would buy dollars for gold at a fixed price (\$35 per ounce of gold) any time the central bank so desired. In view of our promise, central banks were for many years quite willing to accept dollars. What troubles the central banks now is the one thing that always makes a creditor uneasy—uncertainty as to whether the debtor can pay.

IN A SENSE, INSOLVENT

Over the years, as dollar claims piled up abroad, our gold stock dwindled to the point where it no longer covered the foreign claims against it. As of December, 1970, foreign

central banks held \$20.1 billion in short-term dollar claims, and the U.S. Government held only \$11.1 billion in gold. Other reserve assets available—convertible currencies and drawing rights—amounted to only \$3.4 billion. So if the foreign central banks should press for payment, our Treasury would be unable to redeem its obligations as they were presented. In that sense, our nation is insolvent. Only through the forbearance of our creditors, the central banks, do we avoid the humiliation of presentation and confessed inability to pay.

Some economists, while conceding the deterioration in our competitive position, still contend that the other nations have become so dependent upon the dollar as to have little choice in the matter. They may either go on accumulating unwanted dollars or alter their own policies, reducing their own payments surplus (and incidentally reducing our deficit in the process) by appreciating their exchange rates, by reducing their trade barriers to our exports, or perhaps even by assuming a greater portion of the foreign aid and defense expenditures that the U.S. now bears. Economists who share this view argue that we should not be overly concerned about our payments deficit.

I hardly need point out, however, that our creditors are not inclined to blame themselves for our situation. Some feel that they adopted the domestic disciplines required to prevent their own prices from rising and should not now have to pay for our unwillingness to do the same. As a consequence, they are unwilling to revalue their currency upward (and therefore lose exports) just to help us—at least not until we show some willingness to take the steps required to solve our own problem.

WILLING TO PLAY HARDER

What happened? We were rich and powerful and generous and respected, and somehow all of a sudden we find that our credit has deteriorated. We are considered "slow pay," perhaps insolvent, a debtor existing by the sufferance of creditors on whom we were showering our largess just a short time ago.

What has happened is that certain basic advantages the U.S. enjoyed—access to raw materials, a large internal market, adequate capital, and industrious and educated people—have been acquired by other major nations. We have failed to realize, moreover, that these advantages are no longer ours exclusively. But in fact we are now playing the economic game with the same advantages and under the same handicaps as are the Western Europeans and the Japanese. And they appear to be willing to play harder.

There is no quick solution, there is no easy solution, and there is no single solution. Dollars are continuing to accumulate abroad—dollars that are not wanted because they cannot in fact be exchanged either for gold or for goods at competitive prices. Our creditors, the dollar holders, are restive and impatient. And they are beginning to doubt that we will do better in the future.

Under these circumstances the U.S. has three alternatives and only three. We can:

1. Reduce our foreign expenditures by curtailing imports, tourist outlays, foreign aid, military assistance, and the defense of the free world;
2. Reduce our costs and prices in terms of other currencies by adjusting the parity of the dollar downward in relation to other currencies;
3. Reduce our costs and prices in dollars.

It would be appropriate for us to ask other nations for which we have done so much since the end of World War II—particularly West Germany and Japan—to bear a higher proportion of world expenditures for defense and foreign aid. But to expect sudden turnarounds is unrealistic. It is also unrealistic to suppose that once the Vietnam war is over there will be no further tensions, no need to keep U.S. forces stationed in Europe,

no need to prop up friends with foreign aid. While some reductions may be achieved in these costs, savings large enough to resolve our over-all payments deficit are not in sight.

We should not attempt to improve our payments position by imposing controls on imports or movements of capital. One of the greatest threats to the continued growth of international trade is the possibility of increased nationalism. Last year the U.S., long a leader in freeing trade, came close to a disastrous decision to impose severe restrictions on imports. Except in respect to products without which we could not survive in a period of war or restricted shipping, we should not give in to pressures for tariffs, nontariff barriers, or negotiated agreements to limit imports from lower-cost producers abroad. Instead, we should reaffirm our commitment to freer trade—insisting, of course, that trade be a two-way street.

There will be inequities, and we should provide adjustment assistance for injured industries and displaced workers—though it is not possible, of course, to make up for the losses entirely. While the gains from trade are broadly distributed in the form of lower prices to consumers and higher wages in the export industries, the costs and dislocations that imports impose upon domestic producers and workers are sometimes quite concentrated. Transfer of these displaced resources to other more productive industries should be assisted. Just as the nation should not have to bear the costs of indefinitely supporting high-cost workers or companies, it does not seem proper that the costs of adjusting to increased imports should fall only upon the displaced workers and companies.

Another mistake we could make would be to adopt stiff controls over U.S. private investment abroad. It lays golden eggs. We already get back more each year in earnings on earlier investments than we send abroad in new investments. Furthermore, it would be a major error for our government to restrict our right to invest abroad while we still have the opportunity. Foreign governments, turning more nationalistic, may restrict that opportunity in the years ahead.

The second alternative, making our prices more competitive by reducing the parity of the dollar in relation to other currencies, would require the cooperation of other nations. Our competitors might not be agreeable to an adjustment of parities that would significantly stimulate our exports and inhibit our imports. If we could achieve agreement, however, we might initiate a new series of parities, either on a broad scale through an international meeting like the Bretton Woods conference in 1944, or more quickly, with far less disruption of trade, through the Group of Ten leading industrial nations.

TO GET BEYOND STOPGAPS

But while this might be a wise course, the benefits would prove to be only temporary if we failed to get on with the third alternative of holding down our dollar costs. If we didn't do that, the reductions in our export prices in relation to other currencies would be gradually offset by continuing domestic inflation. The inflation would be reinforced, moreover, as labor and business sought to increase their wages and profits so they could pay the new higher prices for imports.

Our prices constitute the underlying problem that we must resolve if we are to maintain our position of leadership in the world. Otherwise, any other remedy would be no more than a temporary stopgap. In order to compete in world markets, we must get our costs and prices in line with those of other nations. But we must also insist that the rules of the game be enforced. We must see to it that our competitors do not sell below cost.

Under the General Agreement on Tariffs and Trade, all of the major trading nations have agreed on prohibition of dumping—sale of exports at less than comparable prices in the exporting country, after allowance for differences in taxation, conditions and terms of sale, and other considerations affecting price comparability. Even so, it is striking that over the past decade our principal trading partners have had much more moderate increases in export prices than in their general domestic price indexes. (See chart, page 48.) There may be innocent explanations for the slower rise in export prices. In some instances, very rapid increases in export sales may have held down unit labor costs. Also, indexes of domestic consumer prices typically include a large component of services, and unit labor costs tend to rise more rapidly in services than in production of goods. But a suspicion remains that other nations do in fact hold down their export prices by means of tax credits, low-rate financing, and other forms of assistance.

Our government should explore this matter to ascertain (1) whether the other nations are violating the provisions of GATT, and (2) if not, how we can achieve a more equal competitive position either by adopting similar policies or by inducing other nations to abandon theirs. In this and other aspects of our international relations, the U.S. must adopt a much tougher bargaining attitude than what has appeared to characterize our negotiations since World War II.

THE NARROWING TECHNOLOGICAL LEAD

One way to foster exports without violating the provisions of GATT is to offer tax incentives. Tax incentives are subsidies, and are not generally in the public interest. But in this instance we are asking both labor and management to help the nation achieve price stability and cope with the dollar problem. In these circumstances it would seem appropriate for the government to contribute by subsidizing exports.

The Administration has proposed, and is encouraging Congress to adopt, a program under which a corporation could set up a Domestic International Sales Corporation (DISC) to handle its export business. Tax deferral and other concessions would be granted to the DISC subsidiary. Such concessions are comparable to the special benefits that many foreign governments have granted to their exporters. If I were free to write the measure, I would relate the benefits to increases in exports, whereas the current DISC proposal rewards the existing volume of exports. But since DISC would be far preferable to no tax incentives at all, it should be enacted.

Another way to improve our exports is to concentrate on our strength, our technology. We can't sell significantly more low-technology items—textiles, shoes, processed foods, radios. They are available elsewhere at lower cost. The foreign markets that we have kept and expanded are the markets for high-technology products, such as computers and aircraft. But our technological advantages are continually being reduced. Actually, we must run very fast in order just to stand still. Are we prepared to widen our technological lead? Are we even prepared to maintain our present lead?

UNPOPULAR ACCOMPANIMENT

A technological lead lasts only a year or two unless new innovations are continuously developed. Enrollment in our engineering schools has generally leveled off and begun to decline partly because of presently unfavorable job-market opportunities. Our foreign competitors are devoting more and more resources to research and development. Per-

haps the U.S. Government should undertake to support research on commercial products.

The most direct way to increase our exports is to hold down the dollar prices of our goods. Ways to do that include: reducing wages, eliminating restrictive labor practices, and reducing profits. None of these commends itself to the people who would suffer therefrom. This crisis does not inspire patriotism. There are few heroes in the war against inflation.

In stating the problem, however, we must be careful not to overstate it. We need not reduce our costs. We merely need to slow the rate of rise. Our competitors' costs are rising too. Our goal should be to restrain our rise in costs so that their costs gradually catch up.

Is this possible? Yes, indeed. In the years 1957 through 1964, our prices rose only 1 percent a year and our unit labor costs went up less rapidly than those of competing nations. And now we are doing it again. It appears that last year and early this year our unit labor costs grew at a more moderate rate than did those of our principal competitors.

The trouble is that slow growth in unit labor costs has been accompanied by high rates of unemployment. From 1957 through 1964, the average rate was 6 percent, a state of affairs sufficiently unpopular that in 1960 John Kennedy could successfully campaign with the promise "to get the country moving again." The restrictive monetary policies that brought about the present degree of stabilization again resulted in a 6 percent unemployment rate. Again that was unacceptable, and so monetary and fiscal policies moved in the direction of ease.

In the desires of the American people, it seems, low unemployment comes ahead of stable prices, and improvement in the balance of payments is near the bottom in the list of priorities. It is not the task of political leadership, however, to cater to the public's emotions. Leadership should inform and influence the public's attitudes so as to foster movement toward goals that are in the public interest.

A TEST AT DESKS AND MACHINES

The lessons of the past suggest that if our price increases are to be held below those of our competitors, several preconditions must be met. The public must be convinced that the problem is sufficiently serious to warrant some sacrifice. The control of inflation must be given a higher priority than it has received in the past. We must develop methods to make stabilization policies more acceptable to the public. More effective use of fiscal policy, for example, might help us to avoid excessively restrictive monetary policy, which drives interest rates so high as to inhibit housing and high-priority municipal projects.

We must also develop measures to alleviate the inequitable burden of unemployment—perhaps including taxes specifically designed to make the employed and the wealthy bear a greater share of the costs of moderating inflation and preserving the value of the dollar. If these measures were combined with others to remove restrictive labor practices and retrain those segments of the labor force now lacking in skills that are in demand, productivity might be significantly enhanced.

And we must be willing to work at least as hard as our competitors abroad. Are we willing to postpone further shortening of the work week until our competitors are down to the same level? Are we willing to work more intensively while we are at our desks or machines? If not, we may have to accept declines in our relative standard of living and our influence in the world.

WILLIAM H. BARTLEY IS NEW INS DIRECTOR AT BUFFALO

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. DULSKI. Mr. Speaker, the Buffalo district of the Immigration and Naturalization Service has a new director effective last Thursday.

He is William H. Bartley, deputy director for the past 6 years, who steps into the big shoes of Col. William J. King, who retired at the end of May.

While working in the shadow of Colonel King, Mr. Bartley has made his mark in our community with the ever-increasing activity along the international border, and his promotion is well deserved.

As part of my remarks, I include an article from the Buffalo Courier Express:

BARTLEY NEW INS DIRECTOR

(By Anne McIlhenney Matthews)

For his 54th birthday Thursday William H. Bartley, deputy district director of the Immigration and Naturalization Service, Buffalo district of the Dept. of Justice, got the job of his former boss. He succeeds Col. William J. King who retired two weeks ago.

The appointment of Bartley as the new chief was announced Thursday in Washington. Meanwhile Bartley has been serving as interim director until the announcement of King's successor, so he won't be moving into a new office or desk. He is extremely efficient and well liked and there was jubilation in the U.S. Courthouse Thursday at the confirmation of his appointment.

Bartley has been in the Buffalo area serving as deputy director for the last six years. He has been in the INS for 31 years. Working for Col. King was not new to him when he was assigned here. When Col. King formed the Criminal Investigation Division for the U.S. Army in London during World War II, he picked Bartley as one of his chief investigators because of his experience in the Immigration Border Patrol.

Bartley was born in Miles City, Mont., June 17, 1917, is married and resides in Amherst. Bartley has a daughter who is married to a career officer in the Air Force, and resides in Los Angeles, Calif., and a son, who is a student at the University of New Mexico at Albuquerque.

Bartley graduated from the University of Montana in June 1940 with a bachelor's degree in business administration. In July 1940, he entered the U.S. Immigration Border Patrol and was assigned to Orville, Wash. He was promoted to immigration inspector in June 1942 and assigned to Eastport, Idaho. He enlisted in the Army July 12, 1943 and served until March 19, 1945.

He was assigned during this time to the Criminal Investigative Division of the Provost Marshal, conducting investigations of major crimes committed in the European Theatre Operations. He served in England, France, Belgium, Luxembourg, Netherlands and Germany.

Bartley returned to the Immigration Service on Nov. 20, 1945, at Eastport, Idaho. On June 26, 1949, he was detailed to Germany in connection with the Displaced Persons Act of 1948, serving in Bremen and Munich. In April, 1951, he was promoted to Investigator in Charge of all Immigration Service investigative activities in Europe.

In January, 1952, he returned to the United States and was assigned to the position of hearing examiner in Blaine, Wash. In June, 1953, he was promoted to investigator in the Chicago office of the Immigration Service.

In January, 1956, he was promoted to regional intelligence officer, Immigration Service, Field Inspection and Security Division, Southeast Region of the United States including the Caribbean, with headquarters in Richmond, Va.

In June, 1963, he was promoted to the position of officer in charge, U.S. Immigration and Naturalization Service, Tokyo, Japan, assigned as attache to the American Embassy. In this position, he had jurisdiction over all immigration activities in Japan, South Korea and Okinawa.

In Sept. 1965, he was reassigned to Buffalo as deputy district director.

SLEEP ON, SLEEP ON, SILENT
AMERICAN

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. HAGAN. Mr. Speaker, I am taking this opportunity of sharing with my colleagues a very interesting and thought-provoking article which I have received from one of my constituents, Mr. O. E. Bright, of Savannah, Ga. This short article cuts deeply into what seems to be happening in America today and is well worth taking the time to read and ponder and take a closer look at ourselves. The article follows:

SLEEP ON, SLEEP ON, SILENT AMERICAN

Sleep on silent American. Turn your ears away from the dissonant clamor of the mob in the street, the thunder of the artillery shell in a Cambodian jungle, the wail of a starving child. Sleep on, silent American. If the 6:30 p.m. newscast shocks your sensibilities too much, or if tomorrow's headlines frighten you, or if the cover of "Life" makes you sick to your stomach, just don't look.

Sleep on, silent American. Don't worry about the hundreds of thousands of student protestors who are commandeering administration buildings and bombing banks and exalting false gods.

Sleep on, silent American. Say nothing, think nothing, do nothing—and the problems of this nation will vanish away. Sleep on, silent American. Preach the gospel of peace and tell your next door neighbor as he reclines on his patio that the President should end that nasty war in Vietnam and withdraw 100,000 more troops this month, but don't give any thought to those 50,000 men who'll be left in Vietnam to be slaughtered mercilessly.

Sleep on, silent American. Tell your toddler to go to his room and play with his toys, but not to bother you. Your eight-year-old has books and games and a color TV in his room. It's not necessary for you to go into his room to hear his prayers. Let him entertain himself.

Sleep on, silent American. Tell your teenager to go have himself a good time. Throw him the car keys and give him a ten-dollar bill. But don't ask him where he's going. That would be a violation of his privacy and an infringement of his rights.

Don't even question his judgment. Always take his part in a confrontation with the high school principal or the highway patrolman. Never ask for an explanation of how he spends his spare time or who he runs around with or why he stayed out all night.

Don't require him to work and earn his own money. You remember the lean times when you were a boy, and you're going to make sure that your own child never has to do without anything. Protect him from responsibility and hard work and don't force him to make decisions for himself.

Sleep on, silent American. Do not bestir yourself to the polls on election day. Politics is a rotten mess anyway, and you're better off to stay out of it. Don't tire yourself out with any serious thinking. Just listen to the opinions of others and emulate them.

Never be seen with your hand over your heart and resist that nagging urge to put up an American flag on your front lawn.

Continue to applaud nudity in the theater and pornography and filth on the newstands. This is the new morality, haven't you heard?

Stand idly by and watch our system of justice made a mockery. Watch the Supreme Court of our land degenerate into a handful of bitter, bungling old men, who command neither respect nor dignity, yet who still have the authority to tie the hands of law enforcement agencies.

Sleep on, silent American. Go to the golf course on Sunday morning. You've worked hard all week and you deserve a little time off to relax and enjoy yourself.

Of course, on your way to the greens you might drop the kids off at Sunday School and give them a Quarter to drop into the collection plate.

Let peace and tranquility be the quintessence of your summer day. Lie back in the hammock of complacency and inhale the amnesia of indifference.

Sleep on, silent American. You have everything to lose!

DO DAIRYMEN WANT THIS?

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. FINDLEY. Mr. Speaker, the editorial in the June-July issue of Successful Farming, entitled "Do Dairymen Want This?" has a constructive message for all farmers and Members of Congress.

Wayne E. Swegle, the magazine's managing editor, writes about the pressure brought to bear by some of the Nation's dairy groups to obtain the boost in dairy price support announced in late March. Dairy farmers in many marketing areas have been contributing just short of the \$100 level, which requires a report, to a political campaign fund developed by several dairy marketing groups.

No one can be critical of farmers contributing as individuals to the political campaign funds of office-seekers, but as Mr. Swegle so well points out, it is completely out of character for farmers to make contributions to a political action fund which is then distributed at the whim of a management team.

Farmers, like all citizens, should and do take part in efforts to elect candidates who they feel will represent them well. To copy the programs of other political contribution groups may, for a brief moment, give some satisfaction. But I suggest the better feeling on the part of the contributor, as well as the recipient, will result when an individual farm family decides to contribute to a candidate of its choice rather than through a group seeking some special consideration. I highly recommend the message of the

Successful Farming editorial, which is included as part of my remarks.

The editorial follows:

DO DAIRYMEN WANT THIS?

Just as one gets to feeling good about some promising moves in the field of marketing and bargaining, along comes the report of what leaders of some of the political action funds of the big dairy marketing organizations are doing. Then one doesn't feel so good.

Labor unions, big business, and certain trade groups with large treasuries have splashed their money around Washington and in state capitals for years. They often have gotten their way—even when they were wrong—as a result.

Generally speaking, farmers and farm groups have been immune to this sort of approach. They have gone after legislation (or lack of it) because of what was right, not because of the political muscle they could buy.

Now we have lost our innocence. And I believe something in agriculture died. I feel a little less proud of my profession after reading of the thousands of dollars given in political contributions to members of Congress—much of it when they weren't even running or when they were running with no competition.

POLITICAL CLOUT

Leaders of dairy marketing groups who splashed the money around now are very proud of their newfound political clout, as it's called in Washington.

Now that they have spent their money—or yours if you were a dairyman who contributed up to \$99 (to stay under the \$100 reporting level)—they can get an hour stating their case to the President of the United States. They can force the Secretary of Agriculture to reverse his position and announce an increase in price supports when he had earlier announced no increase (but no decrease, either).

I cannot share their enthusiasm and pride. I have been in too many countries where bribes and payoffs are the rule, not the exception. Graft rots the core of government—and I really don't think that's what dairymen want.

WISE SPENDING?

And these leaders who now are so happy with what they bought may have to answer to their members—who coughed up the dough—in 2 to 5 years. Here's why: It doesn't take anyone with a very long memory to recall the days of huge dairy surpluses, prices lying on the support level, and dairy farmers going broke.

After the dairy support price was cut, production adjusted more closely to demand, prices rose above the support level and dairy farmers have had some pretty good years. And dairymen have had better public relations with their customers since the government has been less involved in buying surpluses.

Government price support isn't the only factor that makes price. What some farm leaders never seem to learn is that it's the size of the milk check that farmers live on. Most farmers would take a low support and a high price any day in preference to a high support if it then becomes a ceiling on price.

The higher assured dairy support may again encourage a buildup in cow numbers and production—and another round of surpluses with prices lying flat on the support rate.

This was among reasons the big Land O'Lakes' farmers' cooperative came out against an increase in the support price.

DEFENSE

Sure, it feels good to farmers—feeling ignored and frustrated about being unable to fight back against ever-higher taxes and inflation—to gain some political clout.

But if we were going to go to the political clout route, many dairymen may have preferred to see their money go for something which would have really helped farmers in the long run, such as actions to result in an increase in demand, domestically and internationally.

I have never seen a time of good farm prices except when demand was outrunning or threatening to outrun supply. There's a message there.

CAMPAIGN SLUSH FUNDS—A 1972 TEAPOT DOME SCANDAL?

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. MADDEN. Mr. Speaker, the American voters are alerted and alarmed over the fabulous millions spent in recent elections and especially the 1968-70 presidential and senatorial elections.

One news media reported approximately \$45 million in one presidential campaign and \$3 to \$5 million in some senatorial elections. Several congressional election campaigns cost \$200,000 to \$300,000.

One Governor admitted publicly \$10 million was the price to buy the Governor's victory in the State of New York.

If the 92d Congress fails to pass legislation restricting the purchasing of public office the future of representative government in the United States is in serious danger; over 3 million of America's youth will demand an opportunity to participate in future elections without combating the power of wealthy special privileged conglomerate's tax loopholes will financed lobbys.

The following article by Roscoe Drummond should be read by all Members of Congress:

CAMPAIGN SPENDING LAW NEEDS TEETH (By Roscoe Drummond)

WASHINGTON.—The Senate is shaping what began as a tough and useful measure to reduce the skyrocketing costs of political campaigns.

But if something isn't done to strengthen its enforcement the whole thing will be a deception.

It is urgent to cut campaign spending and contributions and to require full and continuous disclosure.

But these desirable provisions will be mere words if the means to enforce them are lacking.

They are lacking in the bill as it is currently being written.

The proposed means for enforcement are anemic, toothless—and perhaps so intended.

The bill which is now before the Senate Rules and Administration Committee looks more like a loophole than a law.

The present provision of the bill would put the responsibility for enforcing it in the hands of the secretary of the Senate and the clerk of the House.

There could hardly be a weaker or worse method.

There are four solid reasons why this is the wrong way to do it:

1. The secretary of the Senate and the clerk of the House are partisan public officials chosen by the majority party in Congress. They are the servants of incumbent senators and congressmen and it is unfair and im-

practical to ask them to judge those for whom they work.

2. They are inexperienced and unskilled in law enforcement.

3. These congressional officers are not in a position to provide strong enforcement. They haven't adequate staff and wouldn't know how to use it if it was given to them.

4. The new campaign spending act will affect the presidential elections as well as the congressional elections. Officials of the Congress should not be called on to oversee the campaign spending of the presidential and vice-presidential candidates. This would create additional problems of jurisdiction, partisanship and enforceability.

To do it this way seems to be a way to ensure that the act would not be toughly enforced.

If it is not going to be toughly enforced it would be better not to pass it. No law is better than a facade.

There is a way to get effective enforcement. Not one of the numerous studies of how best to control campaign spending has ever proposed that the functionaries of Congress should be assigned this task.

The latest study was made by a 20th Century Fund task force, which unanimously recommended a bipartisan federal elections commission to administer the law.

Thus far most Democratic senators have been supporting soft enforcement of the spending act through congressional functionaries while most Republican senators have been backing tough enforcement through a federal elections commission.

I am not suggesting that Republican senators are more virtuous. Perhaps they just figure they will not be in control of Congress for some years and the advantage of enforcement by congressional functionaries will be on the side of the Democrats.

This simply isn't good enough. Enforcement must be independent and nonpartisan if it is to command public confidence and do the job fairly.

BENEFITS FOR POLICEMEN AND FIREMEN

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. KARTH. Mr. Speaker, in the past few months there has been an alarming rise in the number of police and firemen killed in the line of duty. Our reaction is becoming redundant. After each statistic there is a great deal of hand wringing and commenting that something should be done.

Mr. Speaker, I remind my colleagues that something can be done. I refer to H.R. 5235 which would provide death disability benefits for police and firemen killed or injured in the line of duty.

Mr. Speaker, the following letter well illustrates the value and need for passage of this bill. As it is now the family of a police or fireman killed in the line of duty must rely on the benevolence of the community. In the particular case Ramsey County Sheriff Kermit Hedman recounts here, I am proud that the community responded, because Ramsey County is my community. But what will happen after the immediate bills are paid off?

Mr. Speaker, because an officer must often provide for the immediate needs

of his family rather than prepare for an unexpected tragedy, and because there is a real need present we should give this bill the earliest possible consideration. I place this letter on the record as a reminder that a policeman's death is more than a statistic, and while good community response is heartwarming, a family needs more than that.

The letter follows:

ST. PAUL, MINN.,

June 16, 1971.

HON. JOSEPH E. KARTH,
Washington, D.C.

DEAR JOE: I would like to commend you for your efforts on behalf of H.R. 5235 which would provide federal death benefits for policemen killed in the line of duty, as well as firemen. This is a timely Bill. As you know on January 28, one of my deputies, Sgt. Roger Rosengren of North St. Paul was killed in the line of duty at St. Paul-Ramsey Hospital. He left a widow, who had recently undergone open heart surgery, and three small children, who were left in 'not too good' of a financial situation. It was necessary for this department to organize dances, sell tickets, appeal to the news media for funds, etc. We were assisted by several banks, and will probably come up with a total near \$20,000. The sad part is that an incident of this type is soon forgotten.

The benefits of H.R. 5235 would have been a great help to this family, to know they would not have to depend on private donations.

I think the morale of a police officer would be more secure and he would be a better officer knowing that each day as he left for his assignment, in case anything should happen, the government would have help for his family.

As an officer with thirty-six years experience, I have seen tragedy strike many times for both police and firemen, and I can assure you that our State Association, and the Metropolitan Sheriffs, of which I am secretary, are very much in favor. We have tried to have a State Bill providing payment to officers' families passed this session but were not successful.

I am sure the citizens of this County will commend you for your actions on this Bill.

KERMIT HEDMAN,
Sheriff, Ramsey County.

THE EAST PAKISTAN REFUGEE PROBLEM

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. SIKES. Mr. Speaker, it is to be hoped that a satisfactory degree of calm has been established in the controversy over the East Pakistan refugee problem. There has been altogether too much agitation in the press on this subject, much of it biased and hostile to the established Government of Pakistan. The exodus of the refugees was indeed an unfortunate situation and it is to be hoped that they are now encouraged to return and will be appropriately provided for when they recross the border. There is no better way to bring about a proper understanding between East and West Pakistan. The morning press indicated that India has established troop concentrations along the India-Pakistan border contrary to treaty agreement. There have also been

repeated references to a belligerent attitude by India toward her unhappy neighbor. World leaders and the United Nations should accept the responsibility to press for a better understanding between these nations so that India will not in fact be tempted to take advantage of the unfortunate circumstances which have beset Pakistan.

A letter to me and to other Congressmen from the distinguished Ambassador from Pakistan, Mr. Hilaly, and recent comments in the Christian Science Monitor testify to the efforts to bring about a return to normalcy in East Pakistan. I submit both for reprinting in the RECORD.

EMBASSY OF PAKISTAN,
Washington, D.C., June 16, 1971.

HON. ROBERT L. F. SIKES,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN. I wish to draw your attention to the following extracts from a Reuter dispatch from New Delhi this morning.

"A bitter dispute loomed today over the repatriation prospects for nearly six million East Pakistani refugees after Indian Prime Minister Indira Gandhi and a top U.N. official gave contrasting assessments of conditions in East Pakistan. Prince Sadruddin Aga Khan, U.N. High Commissioner for Refugees, told reporters last night that during a recent visit to Dacca he found what appeared to be an improvement in the situation in East Pakistan. The High Commissioner, speaking at Bongaon on the India-Pakistan border about 50 miles northeast of Calcutta, said he had seen reception centers being set up for returning refugees. Reuter correspondent Mackenzie said the Prince appeared optimistic about the future of East Pakistan. . . . Prince Sadruddin, who visited several refugee camps, was asked if he thought the refugees in India could return to East Pakistan. He said he did not see why they should not, in time."

The Government of Pakistan has reported that the exodus of refugees from Pakistan has almost stopped. On the contrary Pakistani nationals who crossed to India are now pouring into East Pakistan in large numbers both through authorized and unauthorized routes. Furthermore, East Pakistan is not only free from cholera at present, but there has been no cholera epidemic in any part of the province during the past six months.

The fact that the situation in East Pakistan is normal is confirmed in the enclosed article which appeared in the Christian Science Monitor this morning.

Yours sincerely,

A. HILALY,
Ambassador.

[From the Christian Science Monitor,
June 16, 1971]

EAST PAKISTANI CALM—POLICE TAKE OVER
STREET PATROLS AS DIN OF BATTLE FADES

(By A. B. Musa)

DACCA, PAKISTAN.—President Yahya Khan, confident that order has been restored in East Pakistan, is planning a civilian takeover of the embattled area. The first indication of this came recently when the police took over street patrols in Dacca from the Army.

The population of Dacca, which shrank from more than 1 million to 500,000 during the March emergency, is slowly returning. Bazaars are open again, and in some of the busier markets destroyed during the Army operations, shopkeepers have set up improvised stalls.

The responsibility for maintaining order in the country areas also has been given to civilian authorities and the police. Even when there is bomb throwing, attributed to the Mukti Fauz, or "liberation army," it is the police and not the Army or its intelligence branch that does the investigation. The curfew imposed March 26 was lifted June 11.

HARD ON SABOTAGE

The civilian administration is also taking over the main cities of East Pakistan—Chittagong, Khulna, Mymensingh, and Comilla—and the smaller towns. In the villages, also, where Army operations started later than in the cities, village police now guard the bridges and railway tracks. Acts of sabotage and sniping are dealt with severely.

The Army, besides guarding the border with India, has been deployed to repair bridges, culverts, roads, and railway lines damaged or blown up by the Mukti Fauz. Troops are also engaged in relief work in areas devastated by last year's cyclone.

Most of the road links have been fully restored, but the major communication network is still the rivers. Launches and ferries that have been lying idle for months, some of which were capsize by Awami League men, are being restored to service.

PROVINCIAL CONTROLS FORECAST

President Yahya Khan is expected to give some indication of his plans to restore normalcy in the next two weeks. He is said to be prepared to concede to all provinces, including the east wing, control of all affairs except foreign affairs, defense, currency, foreign trade, and foreign aid. Although political activities are banned, various parties have been suggesting their own formulas. In East Pakistan some 25 of the 167 Awami League members elected to the National Assembly are believed to have indicated their willingness to cooperate with the President. The general amnesty declared by the military government is expected to encourage more to join them.

Many elected members fled to the other side of the border when the Army operations began, and it has been difficult to make contact with them. The military administration has received reports that one or two of them who tried to come back were threatened that they would be shot by the Mukti Fauz.

ROUNDUP EFFORT PUSHED

Some members elected to the national and provincial assembly, who have been in hiding in rural areas, are also expected to surface again. They were not considered staunch Awami League members and are thought to have joined the party chiefly for electoral convenience.

One of those trying to gather these politicians together is Begum Akhtar Sulaiman, daughter of H. S. Suhrawardy, the founder of the Awami League and a former prime minister of Pakistan. She hopes that about 100 National Assembly and 200 of the 300 provincial-assembly members will be willing to cooperate if they receive the necessary assurances. It is felt that if this target is reached, it will be easier for General Yahya Khan to plan for civilian rule.

It is expected that the President will first order by-elections to fill the seats declared vacant. Awami League activities have been forbidden, but the party itself has not been declared illegal. Approved members may even be allowed to work under their old party banner. The President will then submit constitutional proposals for ratification by the National Assembly.

CONSTITUTION DRAFTING

Two veteran constitutionalists are already at work drawing up a new constitution. One of them is Justice A. R. Cornelius, a former

chief justice and a law minister, and the other Manzur Quadir, a former attorney general and Ayub Khan's first foreign minister, who was also responsible for drawing up his basic-democracy Constitution in 1962.

It is felt that the establishment of any form of civilian government in East Pakistan will neutralize any claims to legitimacy of those who crossed the Indian border to set up a "Bangla Dosh government."

The impact of the Bangla Dosh movement is not visibly felt in East Pakistan except among those who tune in to Swadhin Bangla Radio (Radio Free Bengal). The authorities believe these broadcasts are transmitted from Agartala, capital of the Indian state of Tripura.

The general mood was summed up by a Bengal middle-class clerk in Dacca: "We want peace no matter whether it is Bangla Dosh or Pakistan," he said.

FBI SEEKING EX-PENTAGON AIDE IN LEAK

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. JACOBS. Mr. Speaker, with all due respect to those who have suggested administration inconsistency in its handling of Otto Otepka's—shall we say—frankness with the American people on the one hand; and the administration's handling of Daniel Ellsberg's frankness on the other, it should be pointed out in all fairness to the administration, that an FBI inquiry concerning Ellsberg does not necessarily imply punishment.

In the Otepka case it mean preliminary work in connection with a rewarding administration appointment to a \$36,000 per year "no-show."

Since A. Ernest Fitzgerald was frank about the greatest military secret of them all—the \$2,000,000,000 by which Lockheed overcharged the American taxpayers—the most imaginative mind boggles—nay goes on "Tilt" in contemplating the administration's concept of his just reward:

An article which appeared in the Washington Post of June 18, 1971, follows:

FBI SEEKING EX-PENTAGON AIDE IN LEAK

(By Ken W. Clawson)

CAMBRIDGE, MASS.—Two FBI agents tried unsuccessfully today to interview Daniel Ellsberg, 40, a former government economist who was a member of the federal task force that prepared a secret study of the Vietnam war that has been leaked to The New York Times.

The FBI agents left the Ellsberg residence on a shady, tree-lined Cambridge street when no one responded to their knock at the door.

Neither the FBI nor the Justice Department would comment, but it was learned that efforts to find Ellsberg were intensified when he was not available this morning.

Ellsberg was publicly named as the source of the secret documents Wednesday night by a former New York Times reporter, Sidney Zion. On a local New York radio show, Zion identified Ellsberg as the person who leaked the documents and said his information came from "impeccable sources."

The New York Times declined to comment on Zion's allegation.

DOCUMENTS REVEAL U.S. EFFORT
IN 1954 TO DELAY VIET ELECTION

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. McCLOSKEY. Mr. Speaker, with continuing refusal of the administration to transmit to the Congress for our examination the 1945 to 1967 Defense Task Force Study of United States-Vietnam relationships, we remain limited to what we can read in the newspapers.

I offer for my colleagues consideration the articles on such task force study appearing in the Washington Post last Friday, June 18 and Saturday, June 19:

DOCUMENTS REVEAL U.S. EFFORT IN 1954 TO
DELAY VIET ELECTION

(By Chalmers M. Roberts)

The Eisenhower administration, fearful that elections throughout North and South Vietnam would bring victory to Ho Chi Minh, fought hard but in vain at the 1954 Geneva Conference to reduce the possibility that the conference would call for such elections.

But the following year it was South Vietnamese President Ngo Dinh Diem, far more than the American government, who was responsible for the elections' not taking place. Diem flatly refused even to discuss the elections with the Communist regime in Hanoi.

These are among the facts emerging from sections of the Pentagon study on the origins of the Vietnam war, made available to The Washington Post.

The chief architect of the American policy of opposition to elections, as was well known at the time, was President Eisenhower's Secretary of State, John Foster Dulles. But it was Eisenhower who has insisted on allied support if he were to ask Congress for authority to use American military force to save the French army in Indochina in early 1954. The United States did not get that allied support.

The origin of the idea of holding an election in divided Vietnam, called for in the Geneva accords of 1954, remains obscure. But there is nothing obscure about Dulles' attitude.

In July of 1954, he sent a cable to various American diplomats then struggling with the problem. It said in part:

"... Thus since undoubtedly true that elections might eventually mean unification Vietnam under Ho Chi Minh this makes it all more important they should be only held as long after cease-fire agreement as possible and in conditions free from intimidation to give democratic elements best chance. We believe important that no date should be set now and especially that no conditions should be accepted by French which would have direct or indirect effect of preventing effective international supervision of agreement ensuring political as well as military guarantees."

Dulles went on to call attention to a joint statement by President Eisenhower and British Prime Minister Churchill in June, especially that part which spoke of achieving "unity through free elections supervised by the UN."

Later in July, shortly before issuance in Geneva of the "final declaration" of the long conference, a declaration that included the statement that "general elections shall be held in July 1956," Dulles cabled his unhappiness at the impending outcome.

He sent Walter Bedell Smith, the Under Secretary of State who had returned to the Geneva Conference to limit as much as possible what Dulles foresaw as the disastrous outcome, a cable that said in part:

"While we don't want to take responsibility of imposing our views on the French, I feel

particularly concerned about provisions of paragraph 6 which gives the Control Commission constituted as per SECTO 666 authority also to control the general elections. The ink is hardly dry on the Declaration of President Eisenhower and Prime Minister Churchill of June 29 to the effect that 'In the case of nations now divided against their will, we shall continue to seek to achieve unity through free elections supervised by the UN to insure that they are conducted fairly.' It is rather humiliating to see that Declaration now so quickly go down the drain with our apparent acquiescence."

About a week before the above cable, and after French Premier Pierre Mendes-France had asked that Dulles return to Geneva and before Dulles agreed to send Smith as his stand-in, Dulles cabled some of his unhappiness to Mendes-France via the American Embassy in Paris.

Dulles complained to Mendes-France of "a whittling-away process, each stroke of which may in itself seem unessential, but which cumulatively could produce a result quite different from that envisaged" in a seven-point minimum program, agreed upon by Britain and the United States, that he then was trying to sell France.

He included this paragraph as illustrative of that "whittling away process."

"Allowing Communist forces to remain in Northern Laos; accepting a Vietnam line of military demarcation considerably south of Donghoi; neutralizing and [one word indistinct] demilitarizing Laos, Cambodia and Vietnam so as to impair their capacity to maintain stable, noncommunist regimes; accepting elections so early and so ill-prepared and ill-supervised as to risk the loss of the entire area to Communism; accepting international supervision by a body which cannot be effective because it includes a Communist state which has veto power."

In the end the election was called for, but not without considerable argument at Geneva, where the United States worked through the French. But others had the important say.

Chief among these important people were Chou En-lai, then as now Chinese Premier, and V. M. Molotov, the Soviet Union's redoubtable foreign minister.

In June of 1954, American Ambassador to France Douglas Dillon cabled Dulles to report conversations with Jean Chauvel, a key diplomat at the conference. Chauvel reported that Chou had "said that he recognized that there were now two governments in the territory of Vietnam, the Viet Minh Government and the Vietnamese Government. According to Chauvel, this was the first time that Chou had recognized the valid existence of the Vietnamese Government."

As to elections, Dillon reported:

"Regarding the final political settlement, Chou said this should be reached by direct negotiations between the two governments in Vietnam. . . . Mendes at this point said that since the war had been going on for 8 years and passions were high, it would take a long time before elections could be held as the people must be given a full opportunity to cool off and calm down. Chou made no objection to this statement by Mendes and did not press for early elections."

On June 19, Smith called on Molotov at his Geneva villa. He filed a long report, with his comment, which included this:

"In private conversations with Mr. Eden and others, Communist delegates, in particular Chou En-lai, had taken an apparently reasonable view on Laos and Cambodia, but that here again, when we came to the point of trying to get open agreement on specific points we were unable to do so. I specifically mentioned Chou En-lai's statements to Eden in which he said that China would have no objections to recognizing the kingdoms of Laos and Cambodia or to these States having forces and arms sufficient to maintain security, or their remaining in

French Union so long as they were not used as military bases by the United States. We could not disagree with any of this, although if we kept out the Chinese would have to keep out, and these small states would have to be allowed to join with their neighbors in whatever regional security arrangements would best protect their integrity without constituting a threat to any one else.

"Chou En-lai might be anxious about possibility of U.S. bases in Laos and Cambodia. We wanted on our part to be sure that these countries were not handed over to the Chinese. Molotov said that while he did not know about what attitude Chinese might have on other questions in future, he could assure me that Chinese attitude on this particular question was not at all unreasonable, and that there was nothing in it which would give rise to conflicts. He added, however, that if we continued to take a one-sided view and insist on one-sided solutions, he must 'in all frankness say that this would not succeed.'"

Smith told Molotov that "appearance of 'partition' was repugnant to U.S." and he reported that "in regard to U.S. aversion to partition, he [Molotov] said that this problem could easily be solved by holding elections at once, which would decide 'one way or the other.'"

When Molotov indicated Smith might encourage the French to agree, "I replied," reported Smith "that US was not one of principals to Indochinese dispute and did not cast deciding vote, to which Molotov remarked 'maybe so, but you have veto, that word I hear you use so often.'"

In his "comment," Smith cabled:

"It is probable that initial Soviet tactics were to forestall US intervention in the Delta by some kind of a compromise formula involving Hanoi and Haiphong if it appeared that such intervention were imminent. The recent raising of the ante in negotiations here by the Communist side probably reflects an estimate on their part that our intervention is improbable and that they are safe to go ahead there, keeping, of course, a sharp eye out for indications of change in our attitude."

Dulles had fought any partition of Vietnam but Chauvel reported in Geneva in June to U. Alexis Johnson of the American delegation that "there had been conversations between Vietnamese and Viet Minh in which Viet Minh had made it clear that only two alternatives were coalition government or partition."

The same day Dulles cabled that the suggestion then surfacing for a line dividing Vietnam at the "Thakhek-Donghoi line, coupled with rapid Delta deterioration, is leading us to reexamine possible defacto partition Vietnam."

Both Dulles and the Joint Chiefs of Staff had opposed partition and/or elections. In April of 1954 Dulles cabled Dillon in Paris and American Ambassador Winthrop Aldrich in London a summary of what he had told French Ambassador Henri Bonnet on the eve of the Geneva Conference.

In part, it said that "division of Indochina impractical. Quote Mixed Unquote government would be beginning of disaster." Both, he said, would lead to a "face-saving formula to cover surrender of French Union forces."

A March memorandum from the Chairman of the Joint Chiefs of Staff, Adm. Arthur Radford, to Secretary of Defense Charles Wilson on the JCS views about the then-pending negotiations said this about "establishment of a coalition government:"

"The acceptance of a settlement based upon the establishment of a coalition government in one or more of the Associated States [Vietnam, Laos and Cambodia] would open the way for the ultimate seizure of control by the Communists under conditions which might preclude timely and effective external assistance in the prevention of such seizure."

In a paragraph about "self-determination through free elections," the JCS said in part: "The Communists, by virtue of their superior capability in the field of propaganda, could readily pervert the issue as being a choice between national independence and French colonial rule. Furthermore, it would be militarily infeasible to prevent widespread intimidation of voters by Communist partisans. While it is obviously impossible to make a dependable forecast as to the outcome of a free election, current intelligence leads the Joint Chiefs of Staff to the belief that a settlement based upon free elections would be attended by almost certain loss of the Associated States to Communist control."

"Longer term" results of such a loss, said the JCS, "involving the gravest threats to fundamental United States security interests in the Far East and even to the stability and security of Europe could be expected to ensue."

By the time the Geneva Conference opened, as has been known for many years, the United States had actively considered the idea of military intervention. The documents made available to The Washington Post reflect this consideration at many points.

For example, a January, 1954, meeting of the President's Special Committee on Indochina discussed sending various aircraft to the French as well as 260 military mechanics. Deputy Defense Secretary Roger Kyes "questioned" whether sending the men "would not so commit the U.S. to support the French that we must be prepared eventually for complete intervention, including use of U.S. combat forces." State's Undersecretary Smith disagreed, saying "we were sending maintenance forces not ground forces. He felt, however, that the importance of winning in Indochina was so great that if worse came to the worst he personally would favor intervention with U.S. air and naval forces—not ground forces."

Kyes said he "felt this consideration was so important that it should be put to the highest level. The President himself should decide. General Smith agreed."

But there were contrary voices as well. Late in January, Sen. John Stennis (D-Miss.), then a low-ranking member and now chairman of the Armed Services Committee, wrote Secretary Wilson to say that "I have been impressed for some time that we have been steadily moving closer and closer to participation in the war in Indo-China."

He said he did not object to policy thus far but that "it seems to me that we should certainly stop short of sending our troops or airmen to the area, either for participation in the conflict or as instructors. As always, when we send one group, we shall have to send another to protect the first and we shall thus be fully involved in a short time."

The available papers do not include a response from Wilson to the senator.

Earlier that month, President Eisenhower approved the policy statement set at the National Security Council table two days earlier on "United States objectives and courses of action with respect to Southeast Asia." It began with a sweeping statement of "general considerations," one foreshadowed in the Truman administration and to be continued in one form or another, as the documents show, into the Johnson administration.

"1. Communist domination, by whatever means, of all Southeast Asia would seriously endanger in the short term, and critically endanger in the longer term, United States security interests.

"a. In the conflict in Indochina, the Communist and non-Communist worlds clearly confront one another on the field of battle. The loss of the struggle in Indochina, in addition to its impact in Southeast Asia and in South Asia, would therefore have the most serious repercussions on U.S. and free world interests in Europe and elsewhere.

"b. Such is the interrelation of the countries of the area that effective counteraction would be immediately necessary to prevent the loss of any single country from leading to submission to or an alignment with communism by the remaining countries of Southeast Asia and Indonesia. Furthermore, in the event all of Southeast Asia falls under communism, an alignment with communism of India, and in the longer term, of the Middle East (with the probable exceptions of at least Pakistan and Turkey) could follow progressively. Such widespread alignment would seriously endanger the stability and security of Europe.

"c. Communist control of all of Southeast Asia and Indonesia would threaten the U.S. position in the Pacific offshore island chain and would seriously jeopardize fundamental U.S. security interests in the Far East.

"d. The loss of Southeast Asia would have serious economic consequences for many nations of the free world and conversely would add significant resources to the Soviet bloc. Southeast Asia, especially Malaya and Indonesia, is the principal world source of natural rubber and tin, and a producer of petroleum and other strategically important commodities. The rice exports of Burma, Indochina and Thailand are critically important to Malaya, Ceylon and Hong Kong and are of considerable significance to Japan and India, all important areas of free Asia. Furthermore, this area has an important potential as a market for the industrialized countries of the free world.

"e. The loss of Southeast Asia, especially of Malaya and Indonesia, could result in such economic and political pressures in Japan as to make it extremely difficult to prevent Japan's eventual accommodation to communism."

While the NSC study stated that "overt Chinese Communist attack on any part of Southeast Asia is less probable than continued Communist efforts to achieve domination through armed rebellion or subversion," the possibility of war with China was explored. It was stated that "in the event the United States participates in the fighting, there is a substantial risk that the Chinese Communists would intervene."

The immediate aim was to help the French by expediting, "and if necessary" increasing aid, to "assist them in:

"a. An aggressive military, political and psychological program, including covert operations, to eliminate organized Viet Minh forces by mid-1955.

"b. Developing indigenous armed forces, including logistical and administrative services, which will eventually be capable of maintaining internal security without assistance from French units."

In the event of Chinese intervention, the NSC concluded, the United Nations should be asked to call on member nations to "take whatever action may be necessary . . . to meet such an aggression." Whether or not the U.N. did act, it was proposed, the United States either under U.N. auspices or in concert with France, Britain and "other friendly governments" should take such steps as interdicting Chinese communication lines "including those in China," and, "if appropriate," also establish a joint "naval blockade of Communist China and "as desirable and feasible" utilize Chinese Nationalist forces "in military operations in Southeast Asia, Korea, or China proper."

The NSC paper noted that if such actions as those outlined indeed were taken, "the United States should recognize that it may become involved in an all-out war with Communist China, and possibly with the USSR and the rest of the Soviet bloc, and should therefore proceed to take large-scale mobilization measures."

Military studies suggested that if the United States were to be involved on the

ground "seven U.S. divisions or their equivalent, with appropriate naval and air support, would be required to win a victory in Indochina if the French withdrew and the Chinese Communists did not intervene." These were the words of the "Army position" on one NSC action memorandum.

But President Eisenhower, although he had approved the planning, wanted both Congressional approval and allied participation for any American intervention. An April telegram from Dulles to Dillon reported that "Congressional action would be required. After conference at highest level, I must confirm this position." He added: "US is doing everything possible" to "prepare public, Congressional and Constitutional basis for united action in Indochina. However, such action is impossible except on coalition basis with active British Commonwealth's participation. Meanwhile US prepared, as has been demonstrated, to do everything short of belligerency."

But Dulles had trouble rounding up allies, especially the British. Dulles reported to Smith on an April 27 talk with Foreign Secretary Anthony Eden in London and found Eden worrying that military intervention would be "a bigger affair than Korea," where hostilities had ended less than a year earlier.

A few days later Dulles summarized his findings, in part, this way:

"UK attitude is one of increasing weakness. British seem to feel that we are disposed to accept present risks of a Chinese war and this, coupled with their fear that we would start using atomic weapons, has badly frightened them."

Dulles confessed to uncertainty by adding that "I do not underestimate the immense difficulty of our finding the right course in this troubled situation. Nor do I mean to imply that this is the moment for a bold or war-like course. I lack here the US political and NSC judgements needed for overall evaluation."

Summary statements in the papers available to The Washington Post do not include any Eisenhower decision not to intervene at any of the several points during 1954 when that was under consideration. The closest thing to a clear definition of the chief executive's thinking is a May memorandum to the Secretary of Defense and the Chairman of the Joint Chiefs by Robert Cutler, the special assistant to the President who handled NSC affairs.

Cutler reported on a meeting in the President's office with only President Eisenhower, Dulles and Cutler present, at which the chief executive approved instructions for Smith, then in Geneva. It was essentially an expression of unhappiness over Eden's proposals, which fell far short of intervention.

Point 3, however, was expressive of the President's frame of mind. It said: "The United States will not agree to a 'white man's party' to determine the problems of the Southeast Asian nations."

In the available papers there is no evidence of a post-Geneva American effort to prevent the elections throughout all of Vietnam from taking place.

The Soviets had "proposed June 1955" according to one report from Geneva but they and the Chinese and the North Vietnamese had finally agreed to July 1956. But South Vietnam, which the telegrams made clear had been told almost nothing about the secret Geneva talks although there was a Saigon delegation present, never accepted the Geneva accords, then or to this day.

A summary paper done as part of the Pentagon papers by an unnamed analyst put the outcome this way:

"As the deadline for consultations approached (20 July 1955) Diem was increasingly explicit that he did not consider free elections possible in North Vietnam, and had no intention of consulting with the DRV concerning them. The U.S. did not—as is

often alleged—connive with Diem to ignore the elections. U.S. State Department records indicate that Diem's refusal to be bound by the Geneva Accords and his opposition to pre-election consultations were at his own initiative.

"However, the U.S., which had expected elections to be held, and up until May 1955 had fully supported them, shifted its position in the face of Diem's opposition, and of the evidence then accumulated about the oppressive nature of the regime in North Vietnam. 'In essence,' a State Department historical study found, 'our position would be that the whole subject of consultation and elections in Vietnam should be left up to the Vietnamese themselves and not dictated by external arrangements which one of the parties never accepted and still rejects.'"

On Jan. 19, 1961, President Eisenhower met in the oval room of the White House with President-elect John F. Kennedy. The President said that "Laos is the key to the entire area of Southeast Asia." The President-elect asked "how long it would take to put a U.S. division into Laos."

There was no discussion of Vietnam. That would become the problem for President Kennedy—and President Johnson—and President Nixon.

[From the Washington Post, June 19, 1971]
VIET STUDY SAYS BOMBING LULL PRESSURE MOVE—II

(By Murrey Marder)

Johnson Administration strategists had almost no expectation that the many pauses in the bombing of North Vietnam between 1965 and 1968 would produce peace talks but believed they would help placate domestic and world opinion, according to the Defense Department's study of those war years.

The Pentagon study discloses that some strategists planned to use unproductive bombing pauses as a justification for escalating the war. This idea was first outlined privately by U.S. officials soon after the bombing of the North began in 1965. These planners regarded the lulls in bombing as a "ratchet" to reduce tension and then intensify it, to produce "one more turn of the screw" in order to "crack the enemy's resistance to negotiations," the report states.

Throughout these years American officials regarded their terms for peace as virtually irreconcilable with conditions offered by North Vietnam and the Vietcong. They recognized that the terms for peace talks would have to be eased before negotiations could even begin.

The United States eventually relaxed its terms on March 31, 1968. The occasion was President Johnson's dramatic television announcement that he would not run for reelection. At the same time he also announced an indefinite halt to some of the bombing and Hanoi, to the surprise of most U.S. experts, agreed to start preliminary talks.

Through the 1965-1968 period, the most uncompromising U.S. planners insisted that the enemy would interpret the pauses in the bombing as a sign of American softness, the report states. Consequently, the failure of the Communist side to make a conciliatory response to each bombing lull was used as an argument for escalating U.S. involvement, either in the air over North Vietnam, or on the ground in South Vietnam, and usually both.

President Johnson was often caught in the crossfire between the hawks and doves over this issue, as he often protested in private.

The Pentagon review also throws significant new light on the public controversy of recent years about who was primarily responsible for urging the President to order the partial bombing halt of March 31, 1968, to halt U.S. escalation, and to start negotiations.

Former Defense Secretary Clark M. Clifford was lauded by his supporters as the ad-

viser who led what came to be called the "struggle for the mind of the President." President Johnson on Feb. 6, 1970, publicly labeled that claim "totally inaccurate." President Johnson ridiculed the claim that there was any struggle for his mind and said that instead it was his most continually loyal lieutenant, Secretary of State Dean Rusk—and not Clifford—who first suggested the partial bomb halt on March 5 or 6, 1968 and that Mr. Johnson immediately instructed him to "get on your horses" and produce an operating proposal swiftly.

The newly disclosed Pentagon study—which is admittedly incomplete, especially on White House and State Department activities—presents information that shows a far more complex background for the President's critical March 31 decision than either party to the continuing public debate has offered so far.

The new documentation asserts, in part, that the idea of a bombing limitation was aired inside the Johnson Administration at least as early as 1966 by Robert S. McNamara, then Defense Secretary, and explored by Assistant Secretary John McNaughton. According to this account, it was Under Secretary of State Nicholas deB. Katzenbach in May, 1967, who first specifically proposed a "territorially limited bomb halt" which is what finally was put into effect at the 20th Parallel of North Vietnam.

This study also confirms, however, that in early March, 1968, it was Rusk as President Johnson said, rather than Clifford, who proposed the partial bombing halt to the President at that time.

But the new documentation also indicates that Rusk's objectives may have differed from Clifford's. Clifford, a "hawk" who suddenly turned "dove" soon after—but not immediately after—he replaced McNamara as Defense Secretary on March 1, 1968, became convinced, as he later wrote, "that the military course we were pursuing was not only endless, but hopeless."

Clifford's goal was to change the course of the war. Rusk's fundamental commitment to achieving the original goals of the war was unchanged.

U.S. intelligence had pointed out that the weather for bombing over the North was turning bad, and "It is not until May that more than four good bombing days per month can be anticipated." The prevailing view, therefore, was that the United States was risking only another limited bombing "pause."

A State Department advisory cable later in March to all U.S. embassies abroad, cited in the Pentagon study, in part said precisely that:

"... You should make clear that Hanoi is most likely to denounce the (partial bomb halt and the accompanying offer to Hanoi to 'not take advantage' of it) project and thus free our hand after a short period . . ."

"In view of weather limitations, bombing north of the 20th Parallel will in any event be limited at least for the next four weeks or so—which we tentatively envisage as a maximum testing period in any event. Hence, we are not giving up anything really serious in this time frame."

"Moreover," the message to U.S. Ambassadors continued, "air power now being used north of 20th can probably be used in Laos (where no policy change planned) and in SVN." (South Vietnam).

"Insofar as our announcement foreshadows any possibility of a complete bombing stoppage, in the event Hanoi really exercises reciprocal restraints, we regard this as unlikely . . ."

According to the study, the initial paragraph of this previously unpublished cablegram emphasized what the United States had expressed with each previous bombing pause, a priority on continuing U.S. "resolve" to pursue the war if necessary:

"You should call attention," ambassadors

were instructed initially, "to force increases that would be announced at the same time" (as the partial bomb halt) "and would make clear our continuing resolve. Also our top priority to re-equipping ARVN (South Vietnamese) forces."

The message clearly did not anticipate the President's startling announcement at the end of his March 31 speech, that he was taking himself out of the 1968 election race in order to try to bring the war to an end and unify the war-fractured nation.

Between 1965 and 1968, as optimistic forecasts about the war repeatedly collapsed, the U.S. strategists attempted every form of military pressure they could devise to crack the Communist will to pursue the war in South Vietnam—within limits President Johnson imposed to avoid open, big-power warfare.

As outlined in *The Washington Post* Friday, the Pentagon study reported that the risk of a major war was recognized as early as the Eisenhower Administration. A National Security Council paper of that period stated: ". . . The United States should recognize that it may become involved in an all-out war with Communist China, and possibly with the U.S.S.R. . . ."

The study shows that from the earliest days of the Johnson Administration's massive expansion of the war, many U.S. planners had a more pessimistic assessment of the duration of the war, the cost, and the price of a settlement than was ever communicated to the public.

For example, a month before the partial U.S. halt in the bombing of North Vietnam, the Pentagon survey shows that the Central Intelligence Agency in February forecast the critical issues to be faced to reach any peace settlement:

If the United States stopped bombing North Vietnam (as it did on Nov. 1, 1968 by President Johnson's order after the first Paris peace talks paved the way for that decision), the CIA projected that North Vietnam would engage in "exploration of issues, but would not moderate its terms for a final settlement or stop fighting in the South."

There would be two key demands from the Communist side, the 1968 CIA analysis said: "the establishment of a new 'coalition' government, which would in fact if not in appearance be under the domination of the Communists. Secondly, they would insist on a guaranteed withdrawal of all U.S. forces within some precisely defined period."

It was presumably for these, or related reasons, that Dean Rusk and others who shared his viewpoint were convinced in 1968, it is known from sources other than the Pentagon review, that no negotiated peace settlement could come out of the Paris talks. Rusk was convinced that the United States would hold to its fundamental objectives in South Vietnam and that North Vietnam would do exactly the same for theirs.

According to the Pentagon documents, in a "memorandum" which Rusk wrote in July, 1965, which is not otherwise identified, "Rusk stated bluntly" that:

"The central objective of the United States in South Vietnam must be to insure that North Vietnam not succeed in taking over or determining the future of South Vietnam by force. We must accomplish this objective without a general war if possible."

"The integrity of the U.S. commitment is the principal pillar of peace throughout the world. If that commitment becomes unreliable, the Communist world would certainly draw conclusions that would lead to our ruin and almost certainly to a catastrophic war . . ."

From the time of the Tonkin Gulf incident of August, 1964 onward, the Pentagon review shows, private warnings against any "rush to the conference table" were repeated through the top layer of the U.S. government. In 1964, and more so in 1965, South Vietnam's troops were in real danger of outright Communist defeat, as American officials

publicly admitted only long afterward when the introduction of large U.S. forces relieved the danger.

This admonition against the risk of peace talks at a time when Communist forces were threatening to take control in Saigon was shared equally by McNamara and his associates and many others throughout government who later became discouraged about the course of U.S. policy.

A July, 1965, McNamara memorandum quoted in the review advocated combining political and military initiatives, but with priority on the latter.

"At the same time as we are taking steps to turn the tide in South Vietnam," McNamara said, the United States should open a "dialogue" with the Soviet Union, North Vietnam and "perhaps even with the VC" (Vietcong) to make diplomatic overtures for "laying the groundwork for a settlement when the time is ripe . . ."

Although McNamara authorized this Pentagon historical review, the unidentified analyst's caustic comment about these and other political initiatives suggested by McNamara was: "McNamara's essentially procedural (as opposed to substantive) recommendations amounted to little more than saying that the United States should provide channels for the enemy's discreet and relatively face-saving surrender when he decided that the game had grown too costly."

The reviewer's commentary adds: "This was, in fact, what official Washington (again with the exception of Ball) meant in mid-1965 when it spoke of a 'political settlement.'" Ball is Under Secretary of State George W. Ball, then the only "dove" in the top layer of the administration. A footnote adds that even McNamara's viewpoint "went too far" for Henry Cabot Lodge, then Ambassador-designate to Saigon, "whose view was that 'any further initiative by us now (before we are strong) would simply harden the Communist resolve not to stop fighting.'"

The Pentagon study credits McNamara and the late Assistant Secretary for Internal Security Affairs John McNaughton in July, 1965, with proposing a major 37-day bomb halt at the end of the year. The first pause in the air war was a five-day suspension, in May, 1965. The review, which is especially incomplete on White House actions, states that the five-day pause was "apparently inspired by the President himself in an effort to see if the North Vietnamese government—which had previously indicated that any progress towards a settlement would be impossible so long as its territory was being bombed—would respond with de-escalatory measures of its own."

The reviewer comments:

"To have expected a meaningful response in so short a time, given the complexity of the political relationships not only within the North Vietnamese government and party, but also between Hanoi and the NLF (National Liberation Front) in the South, and between Hanoi and its separate (and quarreling) supporters within the Communist world, was to expect the impossible."

In projecting his ideas for what came to be the 37-day bombing interregnum, a McNamara memorandum to the President of Nov. 30, 1965 stated:

"It is my belief that there should be a three- or four-week pause . . . in the program of bombing the North before we either greatly increase our troop deployments to Vietnam or intensify our strikes against the North."

"The reasons for this belief are, first, that we must lay a foundation in the mind of the American public and in world opinion for such an enlarged phase of the war and,

second, we should give North Vietnam a face-saving chance to stop the aggression."

The Pentagon analyst adds:

"John McNaughton had perfectly encapsulated the Washington establishment's view of a bombing pause the previous July, when he had noted in pencil in the margin of a draft memorandum the words 'RT [i.e. Rolling Thunder] (incl. Pause), ratchet.' The image of a ratchet, such as the device which raises the net on a tennis court, backing off tension between each phase of increasing it, was precisely what McNaughton and McNamara, William Bundy and Alexis Johnson at State, and the Joint Chiefs of Staff, had in mind when they thought of a pause. The only danger was, as McNamara put it in his memorandum of 3 November, 'being trapped in a status quo cease-fire or in negotiations which, though unaccompanied by real concessions by the VC, made it politically costly for us to terminate the Pause.'"

"Rolling Thunder" referred to the bombing campaign against North Vietnam.

The study states that "McNamara and McNaughton were optimistic that, by skillful diplomacy," it would be possible to avoid getting "trapped" in such a way.

But the Joint Chiefs of Staff, the chronology continues, "who were professionally distrustful of the diplomatic art and of the ability of the political decision-makers in Washington to resist the pressures from the 'peace movement' in the United States were not so sure."

"The Chiefs (echoing Gen. Westmoreland and Admiral Sharp) were also opposed to any measures which would even momentarily reduce the pressure on North Vietnam." Gen. William C. Westmoreland was the U.S. military commander in South Vietnam; Admiral U. S. G. Sharp was U.S. commander in chief in the Pacific.

At that point, according to the review, a State Department "paper—speaking for Secretary Rusk—came down against a bombing pause."

The Pentagon study said that after reviewing pro and con arguments, the State memorandum said: "On balance, the arguments against the pause are convincing to the Secretary of State, who recommends that it not be undertaken at the present time."

"The Secretary . . . believes that a pause should be undertaken only when and if the chances are significantly greater than they now appear that Hanoi would respond by reciprocal actions leading in the direction of a peaceful settlement."

"He further believes that, from the standpoint of international and domestic opinion, a pause might become an overriding requirement only if we were about to reach the advanced stages of an extrapolated Rolling Thunder program involving extensive air operations in the Hanoi/Haliphong area."

"Since the Secretary of State believes that such advanced stages are not in themselves desirable until the tide in the South is more favorable, he does not feel that, even accepting the point of view of the Secretary of Defense, there is now any international requirement to consider a 'Pause.'"

The review states that on the same day the State viewpoint was received McNaughton informed McNamara in a memorandum that Rusk's basic "assumption" was "that a bombing pause was a 'card' which could be 'played' only once."

"In fact, McNaughton wrote, 'it is more reasonable to think that it could be played any number of times, with the arguments against it, but not those for it, becoming less valid each time.'" The analysis said that one chief reason why the Defense Department wanted the "pause" was "that even if it were to produce no response from Hanoi, it might set the stage for another pause, perhaps late in 1966, which might be more 'productive.'"

According to the Penagon review, President Johnson, for reasons not revealed in the documents "delayed positively committing himself either for or against a pause until very shortly before the actual pause began." The reviewer cites additional arguments for and against a pause, submitted by Assistant Secretary of State William P. Bundy on Dec. 1.

While the Bundy memorandum lacked any recommendations, the unnamed analyst's assessment of it was that it "amounted . . . to the contention that just as the United States could not afford to initiate a bombing pause that might fail to produce negotiations and a deescalation, neither could it afford to initiate one that succeeded."

The interests of the Joint Chiefs of Staff, according to the survey, transcended arguments about pauses which they consistently resisted. The military chiefs, it was stated "pressed throughout the autumn and winter of 1965-66 for permission to expand the bombing virtually into a program of strategic bombing aimed at all industrial and economic resources as well as at all interdiction targets."

The review stated, "The Chiefs did so, it may be added, despite the steady stream of memorandum from the intelligence community consistently expressing skepticism that bombing of any conceivable sort (that is, any except bombing aimed primarily at the destruction of North Vietnam's population) could either persuade Hanoi to negotiate a settlement on US/GVN terms or effectively limit Hanoi's ability to infiltrate men and supplies into the South."

This then was the tenor of much of the debate behind the scenes while U.S. Ambassador W. Averell Harriman, the President's chief searcher for peace, and other U.S. envoys, were circling the globe for 37 days in a spectacular search for negotiations.

The documents show that at the end of this pause period, with the Joint Chiefs pressing for more bombing, inside the Pentagon McNaughton was examining the overall situation and suggesting some major changes in U.S. policy.

McNaughton said in early 1966 that South Vietnam's forces were "tired, passive and accommodation prone" while North Vietnam and the Vietcong "are effectively matching our deployments." The effect of bombing on reinforcing infiltration into the South was uncertain. In addition, said McNaughton, "pacification is stalled despite efforts and hopes," Saigon's "political infrastructure is moribund and weaker" than the Vietcong's in rural areas, and "South Vietnam is near the edge of serious inflation and economic chaos."

"The present U.S. objective in Vietnam," said McNaughton, "is to avoid humiliation." McNaughton's central point, according to the review, was that both the Communist side and the United States, in the reviewer's words, "should consider coming to terms," because, in part, "we are in an escalating military stalemate."

McNaughton said that the U.S. objective of preventing a Communist takeover by force "does not necessarily rule out" a "coalition government including Communists."

In the reviewer's words, McNaughton was maintaining that the U.S. commitment could be fulfilled "considerably short of victory."

"It takes time to make hard decisions," McNaughton wrote. "It took us almost a year to take the decision to bomb North Vietnam; it took us weeks to decide on a pause; it could take us months (and could involve lopping some white as well as brown heads) to get us in position to go for a compromise. We should not expect the enemy's molasses to pour any faster than ours. And we should 'tip the pitchers' now if we want them to 'pour' a year from now."

Yet while advocating a "lowering of sights from victory to compromise," McNaughton acknowledged that this would "unhinge" the Saigon regime and give North Vietnam "the smell of blood." Therefore, he said that to follow this course "requires a willingness to escalate the war if the enemy miscalculates, misinterpreting our willingness to compromise as implying that we are on the run."

McNamara, who had recently visited South Vietnam, recommended increased air and ground measures in January, 1966, in a memorandum to the President. The review said, however, that McNamara in a November memorandum also said "we have but two options . . . one is to go now for a compromise solution. . . . The other is to stick with our stated objectives and with the war, and provide what it takes in men and material . . ."

The report states that McNamara did not commit himself to a "compromise" solution and, "The President, of course, decided against it."

But McNamara was to become disenchanted with the effectiveness of constantly increased bombing as Rolling Thunder soared into tremendous bombing tonnages which McNamara appeared to take pleasure in citing publicly.

"Disenthralled" by the inability of the bombing to alter the escalating pattern of the war, the review states, McNamara seized an idea for a "barrier" or "fence" extending across the northern border of South Vietnam in an attempt to cut infiltration. The idea, according to the survey, "was first proposed in January, 1966, by Roger Fisher of Harvard Law School in one of his periodic memos to McNaughton."

The Joint Chiefs protested that to man the barrier would take seven to eight divisions on the ground, extensive air resources, and as much as three and a half to four years to complete the combined air and ground fence which Adm. Sharp at CINCPAC labeled "impractical." Instead, CINCPAC favored "the relentless application of force" to curtail "North Vietnam's war-making capacity."

McNamara asked a group of Cambridge, Mass., experts including Jerome Weisner of the Massachusetts Institute of Technology, and George Kistlakowsky and Karl Kaysen of Harvard to study the idea.

President Johnson approved the barrier concept. But the record reports a "running battle" over strategy continued through 1967.

Inside the administration, the review reports that during 1967 the tide began to turn inside the government. A consensus of civilians registered opposition "either in whole or in part" to the military calls for intensifying warfare.

But the military chiefs turned to a powerful ally, Sen. John C. Stennis (D-Miss.), chairman of the Senate's Preparedness Subcommittee. Stennis' committee agreed with the Joint Chiefs' claims that they were being unjustifiably restricted on bombing targets in North Vietnam. The report was recorded under a section heading, "Senator Stennis Forces an Escalation."

The pressure on the President was effective, since added brief bombing pauses during 1967 "produced, as expected, no major break-through to peace," the analysis says. Then came the jolting, still-disputed consequences of the massive Communist offensive at Tet, starting Jan. 31, 1968, smashing at South Vietnam's cities and assaulting the optimism created in the United States about progress in the war.

The pressures to put a ceiling on the American share of the war became immense. President Johnson did so, and banked his hopes instead on the peace table.

DAY LABORER PROTECTION ACT

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. MIKVA. Mr. Speaker, today I am introducing the Day Laborer Protection Act, a bill to protect day laborers from the abuses and exploitation they presently suffer.

The sordid world of the day laborer has kept its anonymity for a long time. To those of us with jobs, it is an alien world with which we have little contact. But go through the rundown commercial area of any major city at about 6 o'clock in the morning. You will find the day laborers waiting in line, hoping to be sent out on a job.

If they are lucky, the temporary help service will get a call from some freight yard asking for four people to help unload railroad cars. The lucky ones who look strong and healthy will be given the name and the address of the caller, and a time card, and will be sent off to work. The unlucky ones wait.

When he gets to the jobsite, after paying his own way there, the day laborer will be told what work needs to be done. Technically he is the employee of the temporary help service, so the man he is working for could not care less about the safety and decency of the working conditions. At the end of the day, his work card will be filled out, and he will go back to the agency to get paid. The return trip is also at his own expense. By the time he gets back to the agency, chances are they will be closed. Perhaps they have arranged to mail him his pay; possibly he will have to come back the next day to collect. More likely, his pay will be waiting for him in a nearby tavern. The bartender is happy to take the time to act as paymaster for the temporary help service. The odds are that some percentage of the wages he pays out will come back to him in patronage.

Ordinarily the pay will be computed at the minimum wage. Except that it comes out to substantially less than minimum wage when you really look at it.

Suppose the day laborer arrives at the agency at 6 a.m., gets sent out on a job at 8, arrives at the job at 9, works from 9 to 6 with an hour off for lunch—unpaid, of course—and gets back to the agency at 7. From the time he arrived at his employer's place in the morning until the time he gets paid at night, 13 hours have passed. He gets paid for 8.

The Day Laborers Protection Act would make the minimum wage more meaningful by requiring that the worker be paid for traveltime, and for waiting time as well. Each hour spent waiting to be sent out on a job would count as a half hour in computing the hours worked that day. Or, to look at it another way, the hours spent waiting would be paid at one-half the rate paid for work at the jobsite.

The stock in trade of a temporary help service is a ready pool of available manpower. This is the principal product they have to sell to their customers. Yet at

present they pay nothing for that raw material which enables them to stay in business.

The need on the agency's part to maintain a pool of available labor is responsible for another abuse, the 90-day clause. This device is used by the agencies to prevent firms from hiring any day laborer on a permanent basis for at least 3 months after he has worked there. In order to get a supply of workers, firms must agree not to offer the day laborers permanent jobs. This is the most vicious, reprehensible abuse of all. It guarantees that people who are for one reason or another shut out by the labor market will stay shut out. This cannot be tolerated. Society has a strong interest in seeing to it that every person who wishes full-time employment finds it. A steady job provides a source of stability and self-respect which many of these people desperately need.

The Day Laborers Protection Act would outlaw 90-day clauses, and would provide a grievance procedure by which informal or tacit continuation of the practice could be challenged.

The bill would also prohibit using day laborers as strikebreakers. It would forbid discrimination in hiring. It would require the agencies to provide workmen's compensation coverage for day laborers who are injured on the job. It would give day laborers the same rights other workers have to organize and bargain collectively.

This bill is directed at the marginal operators who abuse day laborers and who avail themselves of every legal loophole in order to cut costs and increase profits. It is these slave labor shops which will be primarily affected by the legislation. The reputable temporary help services which pay adequate wages and provide adequately for the welfare of their workers will be helped, not hurt, by regulatory legislation such as this. By driving the bad operators out, it will improve the image of the entire industry. By standardizing benefit requirements and minimum responsibilities, it will make it more difficult for the sharp operator to undercut the more reputable agencies.

Undoubtedly there will be those who argue that by imposing requirements of decency, fairness, and nonexploitation on temporary help services we will increase the cost of providing such labor and end up hurting the laborers by reducing the number of jobs.

The same arguments have been heard before in the context of minimum wage laws. To some extent they are correct. Obviously an employer will hire more people if he can get away with paying 50 cents an hour than if he has to pay a decent, living wage. But we decided a long time ago in this country that no man should be entitled to make his living by enslaving another man. We do not try to resolve unemployment problems in the economy by putting people to work for slave wages and in intolerable conditions. A job is not a goal in itself. Maintaining job levels is not a worthwhile goal if those jobs lack basic decency.

It is my hope that this bill will serve as the basis for extensive congressional

hearings on the subject of day labor. Such hearings would focus attention and concern on people who have suffered the burden of anonymous degradation for too long.

I am inserting in the RECORD the text of the bill along with a section-by-section analysis:

H.R. 9282. A bill to establish and protect the rights of day laborers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Day Laborer Protection Act of 1971.

SECTION 2. PURPOSES.

It is the purpose of this Act to—

- (a) define temporary help services and day laborers;
- (b) prohibit doing business as a temporary help service except as licensed by the Secretary of Labor;
- (c) authorize the Secretary of Labor to set standards and requirements for licensing temporary help services, and to enforce such standards;
- (d) make applicable to day laborers certain benefits in order to protect their health and welfare;
- (e) remove obstacles to permanent employment of day laborers, such as restrictive hiring clauses; and
- (f) insure fair labor practices in the temporary help service industry.

SEC. 3. DEFINITION.

As used in this Act, a temporary help service shall include any business whose principal function is to maintain and employ a pool of laborers for the purpose of contracting with others to make such manpower available to them on a temporary basis, except as provided in Section 4 of this Act.

SEC. 4. EXCEPTIONS.

- (a) This Act shall not apply to temporary help services engaged in supplying solely white collar employees, secretarial employees, clerical employees, and skilled laborers.
- (b) This Act shall not apply to temporary help services whose lowest paid employee receives more than \$2.50 per hour, as computed in accordance with Section 6(b) of this Act.

SEC. 5. LICENSING AND REGULATION.

It shall be unlawful to operate a temporary help service unless a license is obtained from the Secretary of Labor or his designee.

SEC. 6. MINIMUM STANDARDS.

The Secretary of Labor (hereafter referred to as "the Secretary") is authorized to set standards, to license temporary help services meeting such standards, and to enforce compliance with such standards. No temporary help service shall be licensed unless its employees are provided with coverage and benefits under the following:

- (a) the Social Security Act, where applicable;
- (b) the Fair Labor Standards Act, regardless of the dollar volume of the temporary help service, provided that for purposes of computing pay under that Act, hourly rate of pay shall be determined by dividing the gross amount paid by the number of hours worked, and the number of hours worked shall include travel time between the job site and the temporary help service, time spent at the job site, and one half the time spent awaiting assignment at the temporary help service prior to being sent to a job site;
- (c) the Occupational Safety and Health Act;
- (d) an adequate workmen's compensation plan, provided that participation in the workmen's compensation program of the State in which the licensee is located shall be deemed prima facie compliance with this requirement;
- (e) the Civil Rights Act of 1964; and
- (f) the Labor-Management Relations Act of 1947.

SEC. 7. RESTRICTIONS ON PERMANENT HIRING PROHIBITED.

No temporary help service shall engage in any practice which operates to restrict the right of an employee to accept a permanent position with a client to whom he is referred for temporary work, or to restrict the right of such a client to offer such employment to an employee of a temporary help service.

SEC. 8. STRIKEBREAKING PROHIBITED.

Employees of a temporary help service shall not be employed as strikebreakers where a legitimate labor dispute is in progress.

SEC. 9. REPORT BY SECRETARY—UNEMPLOYMENT INSURANCE.

Within one year of the date of enactment of this Act, the Secretary of Labor shall submit to Congress a report on the implementation of this Act, including his recommendations for extending unemployment insurance benefits to employees of temporary help services.

SEC. 10. ENFORCEMENT—PRIVATE RIGHT OF ACTION.

Violations of the provisions of this Act shall be subject to such penalties and means of enforcement as the Secretary shall provide. In addition, any person injured by a violation of any provision of this Act shall be entitled to bring an action for damages or such other relief as the court deems proper.

SEC. 11. INVESTIGATIONS—KEEPING OF BOOKS AND RECORDS.

(a) The Secretary or his designated representatives may investigate and gather data regarding the conditions and practices of employment in any temporary help service subject to this Act, and may enter and inspect such places and such records (and make such transcriptions thereof), question such employees, and investigate such facts, conditions, practices, or matters as he may deem necessary or appropriate to determine whether any person has violated any provision of this Act, or which may aid in the enforcement of the provisions of this Act.

(b) Every temporary help service subject to the provisions of this Act shall make, keep, and preserve such records of the persons employed by him and of the wages, hours, and other conditions and practices of employment maintained by him, and shall preserve such records for such periods of time, and shall make such reports therefrom to the Secretary as he shall prescribe by regulation or order as necessary or appropriate for the enforcement of the provisions of this Act or the regulations or orders thereunder.

SEC. 12. RELATION TO OTHER LAWS.

No provision of this Act or any order thereunder shall excuse noncompliance with any Federal or State law or municipal ordinance establishing standards or requirements higher than or otherwise not inconsistent with those established under this Act.

SEC. 13. SEPARABILITY OF PROVISIONS.

If any provision of this Act or the application of such provision to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION-BY-SECTION, ANALYSIS, TO ACCOMPANY BILL TO ESTABLISH AND PROTECT THE RIGHTS OF DAY LABORERS

SECTION 2. PURPOSES

This is perhaps the most important section of the bill. It states the overall objectives of fairness which the legislation seeks to implement. Because fair play is not easily legislated, it is important that it be stated here as a guide for construction of the remainder of the bill.

SECTIONS 3 AND 4. DEFINITIONS AND EXCEPTIONS

The most difficult threshold problem is to avoid overlegislating. The abuses which the

bill seeks to remedy are not common to all temporary help services. They exist predominantly in the manual labor field, not in clerical or professional or other white collar "office temporary" areas. Some reasonable classification must be employed which will avoid overregulation while at the same time extending coverage to those portions of the day labor industry where it is needed. Two approaches are employed in Section 4. One exempts certain imprecise but commonly understood classes of employees—"white collar," "secretarial," etc. The other invokes an earnings standard. The arbitrary assumption is made that any agency which pays at least \$2.50 per hour (as calculated under Section 6) is not perpetrating the kind of abuses that this bill seeks to remedy.

SECTION 6(B). PORTAL TO PORTAL PAY

The day labor industry claims that it complies strictly with applicable minimum wage laws. Upon closer examination it is clear that they often make a mockery of the concept of minimum wage by calculating earnings on the basis of only the hours actually spent on the job site to which the agency sends the employee. This fails to take into account travel time to and from the site to which the employee is assigned and waiting time spent at the agency. The primary service which day labor agencies sell to their customers is a readily available pool of labor. To insure that this resource is maintained, agencies engage in a variety of practices. They restrict the right of customers to permanently hire employees sent to them for temporary work. They advertise "two shifts daily" at certain hours, and may serve coffee in hopes of further attracting people who need temporary employment. Clearly the availability on the premises of manpower which can be made available to a customer on short notice is something of value to the employer, and the employee who makes himself available should be paid for that time. In addition, once he is assigned a job the employee should be entitled to payment for the time and expense incurred while traveling to the job site on the employer's behalf.

SECTIONS 5 AND 6. LICENSING AND REGULATION; MINIMUM STANDARDS

These sections are self-explanatory. They set up minimum standards and authorize the Secretary of Labor to impose additional licensing requirements.

SECTION 7. RESTRICTIONS ON PERMANENT HIRING PROHIBITED

This section is intended to do away with the "90-day clause" which is still a problem in portions of the industry, and even where abandoned as a term of the contract is tacitly understood by the parties. It has been known to operate in two ways. The employee may be required to agree not to seek or to accept permanent employ from a concern to whom he is assigned for temporary work by the agency. Or, the contract between the agency and its customer may include an agreement that no offers of permanent employment will be made to workers temporarily assigned. It is felt that such barriers to permanent employment must be prohibited. It is to the benefit both of the worker and of society generally that permanent employment be made available wherever possible to those who desire it.

SECTION 8. STRIKEBREAKING PROHIBITED

The attempt here is to prevent temporary employees being utilized as strikebreakers. This practice has occurred in the past with some regularity.

SECTION 9. REPORT BY SECRETARY—UNEMPLOYMENT INSURANCE

Providing unemployment insurance in the area of temporary help services is a difficult concept, both in theory and in practice. As a legislative matter, it would involve constitutional difficulties as well, since unemployment insurance is administered by the States.

Nevertheless, the question merits study and it is hoped that the Department of Labor could serve a useful purpose by undertaking such an examination.

SECTION 10. ENFORCEMENT—PRIVATE RIGHT OF ACTION

Several mechanisms of enforcement could be provided. It was felt that the Secretary of Labor would be in a better position than the drafters to determine which one or ones would be most effective. The only qualification of that discretion is the provision in the statute for a private right of action, which is considered to be a useful device for enforcing or preventing violations of the obligations owed to temporary employees under the statute.

SECTION 11. INVESTIGATION—KEEPING OF BOOKS AND RECORDS

A common abuse among marginal temporary help services is their failure to keep accurate, complete records of employment and payment. Frequently no deductions are made from wages for Social Security, or deductions may be made but not paid over to the government. Standardized mandatory record-keeping is a necessary adjunct to enforcement.

APPALLING SQUANDERING OF LIVES AND TREASURE

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. HARSHA. Mr. Speaker, according to the National Safety Council, over 55,000 people died, over 2 million were injured, and over \$8 billion in property damages were sustained as a result of traffic accidents on the Nation's highways last year.

Throughout the decade of the 1960's, 475,000 men, women, and children were killed, over 17 million were injured and over \$90 billion in economic damages were tolerated.

This is an appalling squandering of lives and treasure. The gravity of the situation is illustrated by the fact that highway deaths outnumbered combat losses in Vietnam over the same period by a margin of 10 to 1.

To me, one of the most disturbing aspects of these tragic statistics is that problem drinkers were a factor in almost half of all highway mishaps in which a death resulted.

Back in 1966, the Congress passed the Highway Safety Act. Its aim was to provide the legislative wherewithal for mounting a nationwide campaign to reduce the escalating carnage on our highways. I am sorry to report that from the beginning the safety program has been hampered by a shortage of funds—particularly in the critical area of research, development, and implementation of effective alcohol countermeasures.

On Tuesday, June 29, I plan to introduce new legislation which I feel will be a tremendous encouragement toward eliminating the drinking driver. I am asking my colleagues to join me as co-sponsors for this urgently needed legislation.

To emphasize the need for this bill, I would like to point out an article that

appeared in the May 16, 1971, edition of the Denver Post. This item deals with the problems a police force faces in identifying the driver who is under the influence of alcohol. This is just one of the areas where comprehensive changes are a necessity if we are to rectify the continuing disaster the problem drinker brings to the highways of the Nation.

I commend this article to my colleagues and I encourage them to seek support from the residents of their district for strict enforcement of present laws and new programs of highway safety:

IDENTIFYING THE DRINKING DRIVER

(By Herb Stoenner)

(EDITOR'S NOTE.—Arrests for driving under the influence (DUI) of alcohol are rising in the Denver metropolitan area. In April, 385 DUI suspects were picked up by Denver police as a result of new procedures in the department. This is the second in a series of articles on restricting the problem drinker driver.)

"He jammed on the brakes and stopped too fast. . . . I couldn't avoid hitting him," the driver explained to the police officer.

"Probably one of the reasons you couldn't stop is that you've been drinking," said officer Charles Cherry of the Denver Police Department.

In most states, the driver has to break some traffic law before there is a possibility of being apprehended for driving while being intoxicated (DUI). Most implied-consent laws have no provision for making a chemical test until the driver has been arrested.

This is just one of many problems inherent in the new national countermeasures program to keep the problem drinker out of the driver's seat.

The Denver area's share in the pilot program to test 50 or 60 countermeasures to crack down on such drivers is \$1,618,000 over a three-year contract. Total funding by the National Highway Traffic Safety Administration (NHTSA) is \$18 million. Mrs. Lois Whitley of the Colorado Department of Health is the director of the Denver area project known as the Denver Alcohol Safety Action Project (DASAP). The goals are prevention, identification, treatment and control of the problem drinker-driver.

Some kind of screening test is urgently needed to identify alcoholics who drive. It should be constitutional and permit testing of suspects without requiring that they be charged formally with driving while intoxicated, NHTSA emphasizes.

At present, because of safeguards in the law, even those charged with driving while intoxicated can still avoid taking the test with a possible subsequent loss of license. For instance, a driver can refuse the test until advised by counsel, but by the time his lawyer arrives, it may be too late for valid testing. Colorado offers blood, breath and urine tests but suspects can escape by insisting on a method not available to police at the time. They may also refuse to take the test for medical reasons.

After July 1, the revised Colorado implied-consent law will specify mandatory revocation of a driver's license for six months after a hearing if the suspected driver refuses a chemical test. This revocation is in addition to the time ordered for any other revocation.

Here are some details in screening in the case of the driver involved in the collision mentioned previously.

The driver, seated in the police cruiser, asked the arresting officer for his glasses so that he could read the implied-consent papers that had been given to him for signing. The glasses had been knocked off by the impact and were still on the floor of the car. However, the driver was not permitted to re-

enter his car because of the circumstances. A companion traffic officer, Joe Ortiz, retrieved the glasses. The car was then towed to the city pound to safeguard it against stripping or theft (the police department is responsible for the car).

The suspect was driven to the police sobriety room for testing as a suspect driving under the influence of liquor. The underlying point is that a suspect in such a case does not re-enter his car and increase the risks.

The implied-consent papers had not been signed in the police cruiser and were presented again in the sobriety room, again with instructions.

The suspect was informed that he was not required to take the tests, but if he didn't, he could lose his driver's license for six months on the word of the arresting officer. He was told that the results of the test could help or hurt his case in court. The suspect agreed to take the test.

First he blew into a balloon device attached to a Breathalyzer, a device about the size of a breadbox. It provides an accurate chemical analysis of the concentration of alcohol in the blood (BAC).

Then the suspect stepped into a black rectangle painted on the floor for a series of physical tests, and the results were recorded on movie film with sound. The officer asked the suspect a series of questions relating to the incident, his health and arresting procedures. Next the suspect bent over to pick up three plastic chips on the floor and handed them to the officer one by one. He then walked a black line on the floor, heel to toe.

In the final test, the suspect threw his head back, closed his eyes, stretched out his arms, then flexed them to touch the tip of his nose with each index finger. Results of these tests are used in court cases.

This suspect tested above the presumptive legal limit of 0.10 per cent BAC by weight, actually at 0.13. Hence, he was placed in a cell at the Police Department for four hours to sober up. Court papers were prepared during this time, and then he was eligible for release on bond.

If this suspect had checked out at less than 0.05 BAC, he would have been released and driven back to the car pound to get his car at no charge. Officers would try to postpone the car pickup on the hunch that the driver would have more drinks then . . . and subsequently be over the BAC limit. Only 2 per cent of the suspects brought in for tests have less than a 0.05 reading.

Because a low BAC coupled with difficulty in walking or speaking usually indicates other involvement, such as use of drugs, many of this 2 per cent are sent to a hospital for further testing.

Here are some statistics reflecting the increase in sobriety testing encompassing four districts of the Denver Police Department. According to the tally sheets for February 1971, examinations using the Breathalyzer and/or movies were given in 115 accident-connected cases, 189 in non-accident connected cases . . . a total of 304. In 1970 the total for February was 104. This represents an increase of 200 cases for February, or a 192 per cent increase. DUI arrests in March 1971 totaled 333 and in April 385.

These figures do not necessarily mean there are more intoxicated drivers.

The lion's share of this increase is the result of new procedures in the Denver Police Department.

Processing of suspects now takes 20 minutes, whereas testing formerly required up to 2½ hours. Officers have more time on the road to pick up suspects, including marginal ones who at one time might have been excused because the officers didn't want to spend long periods in the sobriety room.

The basics of implied consent are simple if you don't drink and drive; they can become a screen with teeth if you drink and drive,

are picked up by police or are involved in a collision.

This is the wording of the Colorado implied-consent law under the section title of Driving under the Influence—Implied Consent to Chemical Tests—Penalties: "Any person who drives any motor vehicle upon a public highway in this state shall be deemed to have given his consent to a chemical test of his breath, blood or urine for the purpose of determining the alcoholic content of his blood, if arrested for any misdemeanor offense arising out of acts alleged to have been committed while the person was driving a motor vehicle while under the influence of, or impaired by, alcohol.

"If such a person requests that the said chemical test be a blood test, then the test shall be of his blood; but if such a person requests that a specimen of his blood not be drawn, then a specimen of his breath or urine shall be obtained and tested, the election to be made by the arresting officer."

Across the states, implied consent lacks any semblance of conformity—and statutory levels of intoxication are vital steps in setting up a program to restrict the problem drinker driver.

Three states and the District of Columbia have no such laws. They are Illinois, Mississippi, and Montana. And there is no presumptive level of intoxication in Texas, New Mexico and Mississippi. Moreover, in 21 states and the District of Columbia the presumptive level is set at 0.15, which is considered far too high by many authorities. The driver with such a blood alcohol level is considered to be 17 times more susceptible to causing an accident than if his body were free of alcohol.

The Colorado statute outlines the presumptive limit in this way. If a person has less than 0.05 BAC by weight, it is presumed that the defendant was not driving under the influence of alcohol and that his ability to drive was not impaired. If a person has between 0.05 and 0.10 BAC, it is presumed that his ability to operate a motor vehicle was impaired, and that this evidence will be considered with other evidence by the courts in determining whether the defendant was driving under the influence of alcohol.

If a person has a BAC of 0.10 or more, it is presumed that he was driving under the influence of alcohol.

The next target in the revision of the Colorado law is the removal of the word "presumptive", according to Cordell Smith, the governor's coordinator of highway safety.

Utah is the only state that has adopted a BAC level of 0.08, which is also the limit prevailing in Britain and Sweden. Colorado's limit is 0.10 per cent BAC. However, this is more restrictive than appears on the surface. The Colorado limit is coupled with an 0.05 impaired driving limit, which is classified as a "misdemeanor." This can add points on the driving record—a real problem for those who already have points for moving violations. One conviction on driving while impaired could mean the loss of a driving license for many.

"We ordinarily think of Utah as having the most stringent law, but Colorado law may be more so because driving with a BAC as low as 0.05 per cent is a misdemeanor in this state," Smith said in an interview. Being drunk while driving is a felony in Colorado.

The countermeasures program in Sweden has often been cited as an example of what can be done to keep the alcoholic driver off the roads. There, such a driver is an "outcast" in society. Summaries indicate that about 10 to 12 per cent of fatally injured drivers have been drinking compared with 50 per cent in the United States.

Under the Swedish law, which took effect in 1932, driving is forbidden if the driver is intoxicated or impaired. Impaired means 0.05

BAC, intoxicated means 0.15 BAC or over. In both cases the driver's license is revoked.

The usual penalty for intoxication is one to two months in jail. A fine of at least 40 times the daily wage is decreed in the case of impairment.

In addition, driving under these circumstances in Sweden can mean bankruptcy. The driver loses the benefits of any insurance due him. The insurance company will pay liability loss, but it can also sue the policy holder to recover such a loss.

Also, the license revocation (mandatory for two years) cannot be terminated without a review by a sobriety committee which can exercise pressure to get the driver to seek medical treatment.

Indeed, in Sweden treatment for alcoholism may be required by the sobriety committee for re-instatement of the driving permit.

In the United States, insurance companies have been urged to determine if insurance policies should exclude protection of a driver guilty of driving when intoxicated, but at the same time protect the innocent victim of an accident. This was among suggestions proposed at the National Highway Safety Seminar in Fredericksburg, Va., in 1969.

The Breathalyzer is the standard for accurate BAC testing in most police stations. There are also blood and urine tests conducted by medical technicians.

A number of quickie indicator tests are also available. In the United States, there is a pocket test consisting of a balloon into which the driver breathes. This is attached to a chemical filter about the size of a cigarette, which by color can indicate the condition of the driver.

Other inexpensive devices are the Alcotest and the Mobat sober meter, about the size of a fountain pen and easily carried by a traffic officer.

In Britain, a driver suspected of being intoxicated can be required by the officer to take the Alcotest on the spot without being charged with DUL. If positive, the driver is taken to the police station for further testing.

Quickie testers available in Colorado are the breath test for alcohol manufactured by Luckey Laboratories, Inc., and the Drink-O-Meter (the same device but more neatly packaged for sale in bars). The legend on the Drink-O-Meter box says: "1 band, legal limit; 2 bands, go by bus, 3 bands, go to bed." Both are small enough to be carried in the pocket, and it should be emphasized that both indicate alcoholic condition only—they have no legal basis.

The DASAP program is providing a more advanced tester known as the gas chromatograph. It's available in the police departments of Denver, Aurora, Commerce City, Arvada, Lakewood and the Arapahoe County sheriff's office.

Also chromatographs have been installed in 14 state patrol offices. In addition, new video equipment has been provided to some police stations to test sobriety more economically.

"One of the plans to make the Breathalyzer more available for on-the-spot testing is to install it in a mobile unit to cruise the streets," said officer Tom Lehman of the Denver Police Department.

Lehman, Elton Davis and Jim Cooley of the Denver department and Pat Sullivan of the Littleton Police Department have just completed an 80-hour comprehensive course on the Breathalyzer at Indiana University in Bloomington.

They said at an interview that the Breathalyzer may be more accurate for testing alcohol content than blood tests. Venous blood could test differently from arterial blood, depending on the time span after drinking, the officers said.

All Breathalyzers now in use have been manufactured by one company and cost \$900 each. "But there is a new fully automatic Breathalyzer now in the contract stage," said Davis.

Davis said that one of their instructors, a Swede, informed them that drunk driving laws in Sweden are so harsh that drinkers now flip coins to determine who in their group will remain sober for the evening and do the driving. Sweden is also considering a transit plan whereby drinkers can get home easily without driving. As in the United States, Sweden is experiencing a problem in the glut of alcoholism cases in court and delays in processing them.

A goal of the national countermeasures project is to improve screening devices for rapid testing of blood alcohol. It seeks to develop devices similar to the Alcotest and the Mobat that are easy to use and portable, but which have greater sensitivity. They should have a short testing period (one minute or less) and should be inexpensive.

Such devices would be helpful in restricting the social drinker on the few occasions when the alcohol level exceeds 0.10 per cent. They could be sold in liquor stores, bars and other places so that the social drinker could test himself before driving.

The hazards of depending on portable devices with varying degrees of accuracy are obvious. They are not useful in legal proceedings. Breath from the lungs is blown into a plastic bag and then passes over crystals of potassium dichromate. The time of passage of breath over the crystals must be controlled . . . usually one minute. This changes the color of the crystals from yellow to pale green if there is alcohol in the system. Some of these devices have rings to indicate the level of alcohol concentration.

There are other devices that indicate alcoholic condition. A slide graph permits the individual to estimate blood alcohol level based on his body weight, whisky proof, ounces of alcohol consumed and the time.

Another chart called the Relative Risk of Crash has been published by the Alcohol Safety Countermeasures Program. This is keyed to the number of one-ounce drinks of 86 proof whisky a 160-pound man has within two hours of eating. In this case, 1 through 3 drinks (0 to 0.05 BAC) are not considered to interfere with responsible driving; 4 through 6 drinks (0.05 to .10 BAC) are labeled "risky" when the drinking is combined with driving; 7 through 9 drinks (0.10 to 0.15 BAC) is rated irresponsible for driving; 10 through 12 drinks (0.15 to 0.20 BAC) is believed to be symptomatic of a chronic drinker. A reading of 0.4 is the maximum reading on a Breathalyzer, and at that point the person tested is presumed to be unconscious.

The chart has a major deficiency as a guideline for the drinker. What drinker keeps tabs on the details as he drinks? It also does not account for the young driver whose behavior pattern may differ from that of a seasoned drinker. The young driver is learning to drink and drive at the same time.

What are the possible penalties involved in drinking and driving?

For the first offense for driving under the influence of alcohol, the convicted person shall be imprisoned for not less than one day or more than one year, or fined not less than \$100 or more than \$1,000, or both. A second conviction for driving under the influence within a five-year period carries a penalty of no fewer than 90 days or more than one year in prison, or a fine of not less than \$100 or more than \$1,000, or both. The 90-day jail sentence is mandatory on conviction of a second offense.

Convictions for driving while ability is impaired by the consumption of alcohol shall be punished by imprisonment for not more

than 90 days, or a fine of not less than \$100 or more than \$500, or both.

Refusal to submit to a chemical test to determine blood alcohol content carries no court penalties—monetary or jail.

Colorado assesses points to the record of a driver convicted of a moving violation based on the severity of the violation. The accumulation of 12 points within a 12-month period requires a mandatory suspension. For drivers under the age of 21, only 8 points are required for suspension.

Driving under the influence of alcohol carries an assessment of 12 points, which requires the driver to appear for a hearing before an officer of the Motor Vehicle Division. At this time, a decision is made as to the terms of the suspension. The hearing officer may suspend the driving privilege for a maximum of one year, or he may suspend for a shorter period or grant a restricted or probationary license based on the person's past driving record and other information presented at the hearing.

Upon receiving a second conviction of driving under the influence within five years or a third conviction during a life-time, the driver is subject to driver's license revocation for an indefinite period, with a minimum revocation of one year.

Driving while ability is impaired carries on assessment of 8 points. No specific action will be taken toward suspension or revocation unless the points assessed raise the driving record total to 12 or more.

Colorado law allows 18-year-olds to purchase 3.2 per cent beer and sets the legal drinking age at 21 years for all other types of alcoholic beverages. These laws imply that 3.2 per cent beer is not considered a malt liquor.

"Alcohol is a major factor in 56 per cent of fatal accidents involving young people under the age of 18. And they are not legally allowed to drink." Miss Susan Huskisson, a member of a Department of Transportation advisory committee, said in a speech to women's national organizations last January.

The laws prohibit the sale of 3.2 per cent beer between the hours of midnight and 5 a.m. and the sale of malt, vinous or spiritous liquors on election days, Sundays and Christmas, except that on Sundays and Christmas, sale is allowed from midnight to 2 a.m. On other days, sale is allowed between 7 a.m. and 2 a.m. These regulations apply except in the case of extended-hours licenses.

The legal drinking age in the states surrounding Colorado—Wyoming, Kansas, Nebraska, Oklahoma, New Mexico, Arizona and Utah—is 21 years. None of these states has 3.2 beer laws or legalized drinking for 18-year-olds.

All of these states now have implied-consent laws or are in the process of proposing such legislation. Information on the presumptive limits in these states is difficult to obtain. All of the states practice reciprocity to some extent. Serious violations such as DUIs are reported to the motor vehicle department of the violator's home state. In Colorado, these violations are noted on the person's driving record, but no points are assessed and no restraint actions are taken.

CHEMICAL TESTING UPHOLD IN 1966

Here are some highlights on the legality of chemical testing for alcohol in the blood.

Indiana adopted the first chemical test laws in 1939, followed by New York in 1941. These developments led in 1944 to the inclusion of similar provisions in the Uniform Vehicle Code. They were keyed to two presumptions: If the weight of alcohol in the blood were 0.15 per cent or more, the person was presumed to be under the influence of alcohol; if the amount were 0.05 per cent or less, the person was presumed not to be under the influence.

This action by the national committee prompted a widespread adoption of chemical test laws.

In the Schmerber Supreme Court case (Schmerber vs. California, 1966), police officers directed a doctor to secure a blood sample for testing even though the driver refused to consent. The court disagreed with all four of Schmerber's contentions, which were that forcing admission to a test against his wishes (1) constituted a denial of due process of law, (2) violated his privilege against self-incrimination, (3) denied his right to counsel, (4) constituted an unreasonable search and seizure.

The court has ruled that there could be circumstances that might compel the court to invoke constitutional safeguards. The withdrawal of blood by a person who is not qualified to do so, the use of excessive or unreasonable force, or administering any test in such a way as to offend the court's sense of justice would appear to constitute such circumstances.

FARM LABOR LEGISLATION

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. QUIE. Mr. Speaker, the efforts to organize farm workers principally in California, have pointed out the need for new labor legislation dealing with this problem. Existing legislation does not cover it, nor does it provide the necessary precedent for the unusual circumstances in agricultural labor. New legislation must be developed.

The chairman of the Education and Labor Committee established a Special Agricultural Labor Subcommittee to consider this problem. Hearings have been initiated.

In the May 1, 1971, the Farmer, an article by Jay Richter comprehensively sets forth the issues and the problems. I commend it to my colleagues:

FARM LABOR'S MOVE TO UNIONIZE

(By Jay Richter)

The Nixon Administration, by now, was scheduled to have sent a bill to Capitol Hill calling for collective bargaining rights for farm workers. Probably the stickiest question raised by the prospect that farm hands will, in time, be "unionized" is this:

Should strikes be allowed at harvest time, thereby threatening the destruction of perishable crops?

An outright prohibition against such strikes has been favored by many farm leaders. But, while they might prefer a seasonal no-strike clause, they have now come to feel they cannot get it. "You can't really hope," said a Farm Bureau spokesman in Washington, "to outlaw the strike."

Yet, Farm Bureau and other farm groups think certain restrictions against seasonal strikes should be—and can be—worked into a farm labor law. What about the Nixon people?

The Administration legislation has been developed by the Labor Department whose Assistant Secretary W. J. Usery, Jr., put the case this way: "When we tackle the question of the seasonal strike, some sort of machinery must be devised giving employers avenues of choice to protect their perishable crops. But it must be devised with alternatives which do not deny use of the strike to

the farm worker. That's an essential part of his bargaining enforcement power."

Specifically, the Nixon proposal, as it went to Congress, was to include the following provisions, aimed at protecting both the farmer's perishable crops and his workers' right to strike in the event of a dispute at harvest time:

Right of the farmer to obtain a 30-day delay of the threatened strike, providing he agrees to accept the settlement of an arbitrator in the dispute.

Right of farm workers to strike if they do not agree to the arbitrator's settlement, but only after the 30-day delay.

It's ingenious, but would it work?

This is probably better than a no-strike clause, said the Farm Bureau spokesman, "which would be meaningless, because workers can always 'get sick' or slow down and then you're in more trouble than ever."

What the Farm Bureau would like is an additional provision requiring a union to give a 10-day notice of intention to strike at harvest, even if the farm employer refused to agree to arbitration. "That," he said, "is the best we can hope for."

Should farm workers come under the same cover as industrial workers—that is to say under protection of the National Labor Relations Board (NLRB)? Most farm groups answer an emphatic NO, although the Farmers Union supports the idea.

Farm leaders who are opposed argue that agriculture should have a separate setup with its own National Agricultural Relations Board, because (1) agriculture, unlike industry, deals largely in perishable products, and speed is of the essence in dealing with disputes; (2) much agricultural work is seasonal and the NLRB was not designed to protect a labor force that turns over so fast.

"We cannot wait, in agriculture, on the slow processes of the NLRB," said Farm Bureau's assistant legislative director, Matt Triggs. "There has to be fast action or the crops will be gone. Farm workers need this rapid action, too, just as much as farm owners."

Special protections are needed for agricultural workers, the Farmers Union argues, but says that these can be provided under the NLRB.

Whatever the merits of the opposing arguments, the fact is that farm labor is highly seasonal and "different." Of some 2½ million hired farm workers, USDA figures show about four-fifths are seasonal, most of them teenagers and women who work at harvest time.

There are about 540,000 "regular farm workers"—people who work 150 days or more a year on the farm. Most of them are men, 18 years of age and older.

Families with farm workers have an income of roughly half that of nonfarm families. Farm workers' wages are relatively low, USDA explains, because they have a shorter work year, less formal education and they include many people with low earning ability, such as teenagers.

Again, in the case of the argument about jurisdiction over farm labor matters, the Administration was preparing a compromise approach. Its bill was to be in the form of an amendment to industry's National Labor Relations Act (NLRA), with agriculture brought under the broad umbrella of the NLRB. But a separate farm board within the NLRB would handle farm labor procedures and disputes.

Another issue of great concern in agriculture is the secondary boycott, such as has been carried out at retail stores against grapes and lettuce by Cesar Chavez' United Farm Workers Organizing Committee (UFWOC). Most farm groups are dead-set against the secondary boycott, although Farmers Union backed the action against grapes.

Secondary boycotts, indeed, are illegal in industrial disputes by virtue of amendments to the National Labor Relations Act, declaring them an unfair labor practice. Chavez is able to employ the boycott without penalty only because there is no federal labor law in agriculture that says he can't use it.

This is one of the reasons, said Farm Bureau's Triggs, "that agriculture needs a labor law and I think there will be a lot of support for it in agriculture."

The issue of boycotts is red hot, especially in California, which is Chavez' base. But its effects spread far beyond that state.

"The range of battle is as large as the market itself," said Tom Richardson, farm labor specialist for the California Farm Bureau. "Involved are consumers; farm workers who are being signed over to Cesar Chavez and UFWOC without elections of any kind; farmers who must sign them over at point of bankruptcy when they can't move boycotted crops to market, and all other producers of the boycotted crop—wherever they farm and whether they hire any farm labor or not.

"It makes little difference," Richardson went on, "whether produce destined for the Chicago market comes from California, where a labor dispute may exist—or from the Chicago area, where none exists. If the Chicago market is closed by a boycott, all producers to it suffer alike."

Adoption by Congress of the Nixon Administration bill would automatically rule out use of the secondary boycott in agriculture.

What about the right of farm workers to vote on whether or not they want to join a particular union?

This one, another hot issue, was to be resolved in the Administration bill without equivocation—by provision for a vote, by secret ballot, on the question of union representation.

The Nixon Administration proposals, generally, are expected to be supported by most farm organizations. The Farmers Union, however, will line up behind legislation on the lines of that introduced by Rep. James G. O'Hara, D-Mich.

O'Hara's bill (H.R. 5010) is generally in line with the goals of Chavez' UFWOC and the AFL-CIO, with which the Chavez group is now linked.

Farm workers' groups in the past have supported legislation that would bring them under the same NLRA rules as those established in industry. Now, however, the labor people want unions of farm workers to be exempted from certain key provisions of that act which come under the heading of "unfair labor practices."

Among the "rights" they want—at least temporarily—is the power to use secondary boycotts.

Such exemptions are necessary, Chavez argues, so farm workers will have time "to develop and grow strong under the life-giving sun of favorable public policy, which affirmatively favors the growth of farm unionism."

Chavez suggests that industrial labor unions would not have progressed to where they are today without, in their early days, having enjoyed some of the rights now denied them. Among these old rights, in addition to the secondary boycott, are (1) the power to picket and strike for recognition by farm employer of a non-certified union, and (2) exemption from "right-to-work" laws now in effect in 19 States, mostly in the south.

Right-to-work laws prohibit the requirement that an employer hire only union labor. A few farm leaders have argued for a national right-to-work provision covering agriculture. But there appears to be no chance this proposal will get serious consideration in Congress. And it was not to be a part of the Administration bill.

The issue of collective bargaining for farm hands obviously stirs emotions and controversy which are not likely to subside until Congress acts. "More and more farm people throughout the nation are seeing that the need for 'ground rules' for farm labor negotiations are essential, and on a federal level," USDA Assistant Secretary Dick Lyng said recently. "Farmers and farm laborers are caught in the crossfire of a battle they are powerless to stop. It's time that the federal government steps in with a farm labor law which will protect the rights of farmers, farm laborers, and consumers."

Any farm labor bill that passes is likely to include only a fraction of the nation's ranches and farms, and less than 50% of farm workers. Its effects, however, would extend beyond the limits suggested by these statistics. Hired hands, whether covered or not, would benefit in the long run because pay and working conditions tend to equalize.

Organization of unions obviously will be easier where the labor supply is tight; more difficult where it is plentiful.

"Just how far unionization of farm labor will spread depends a lot on how satisfied members are with union services," the Doane Agricultural Service has observed. "Workers in high labor fruit and vegetable and specialized crops, produced on large farms dependent on large labor forces, are most susceptible to organization into unions. For these crops, crews of as few as two or three hired men may also come under union representation by a sort of back door entry . . .

"The hired labor force of general crop farms is too thinly distributed," Doane went on, "to be of much interest to union organizers . . . If you operate this type of farm, the best thing you can do to avoid a union confrontation is to pay attention to employee relations . . ."

HHH AND TEDDY AND "CREDIT"

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. BAKER. Mr. Speaker, we have had a great deal of rhetoric lately about responsibility for the Viet Nam war and the politics involved. Some of the statements have been so strictly partisan they are bound to evoke a partisan response. When the Junior Senator from Massachusetts blatantly accuses President Nixon of playing politics with the lives of our soldiers in Vietnam, he can expect to have someone call his hand on this type of judgment.

This the Chattanooga News-Free Press has done in an editorial, "HHH and Teddy and 'Credit.'" This editorial deserves to be added to the dialog of the moment. Under leave to extend my remarks, I asked that the editorial appear in the RECORD.

HHH AND TEDDY AND 'CREDIT'

With a record of cheating on a Harvard exam compounded by his peculiar behavior concerning Chappaquiddick and seasoned by his presidential ambitions, the testimony of Sen. Teddy Kennedy isn't automatically reliable. But it is worth noting.

Though Sen. Kennedy was strongly supporting the policies of his brother, President John F. Kennedy, in building up American troop commitments for a no-win war in

Vietnam, Sen. Kennedy now finds it politically expedient to shift his field and try to pin blame on President Richard M. Nixon, who is trying to withdraw the United States from the hopeless situation he inherited from Kennedy-Johnson failure.

Joining a motley crew of leftwing troublemakers, Sen. Kennedy accused Mr. Nixon of delaying an end to American Vietnam participation for the purpose of having a timely political plum to offer just before next year's election.

The Republicans, of course, denied it. But more significantly, former Vice President and now Sen. Hubert H. Humphrey, the titular head of the Democratic Party as a result of his being its last presidential candidate, has come forward to defend Mr. Nixon: "I happen to believe the President does want peace. He is proceeding more slowly than I would . . . I'm not accusing the President of being cynical, I'm not accusing the President of being partisan about the war."

This amounted to a rebuke by Sen. Humphrey of Sen. Kennedy. It was also a slick political move on Sen. Humphrey's part. He wants another run for the Presidency, so he drew a line against the Kennedy ambition. At the same time, he claimed he was for moving faster than Mr. Nixon is moving, appealing to the "peaceniks." He dodged the fact that he was a part of the Kennedy-Johnson-Humphrey policy that committed our ground troops heavily while declaring we would not seek to defeat the Communist killers.

We wonder who will want to take "credit" for withdrawal if Southeast Asia falls to the Reds and they murder millions of people who stood against them under our umbrella—only to find our pledge of protection against Communist aggression was worthless.

THE BALTIC STATES

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. BROOMFIELD. Mr. Speaker, 31 years ago on June 15, 1940, the forces of the Soviet Union overran and seized the nations of Lithuania, Latvia, and Estonia. As a result, these formerly democratic and peace-loving nations have been enslaved by the Communist regime.

We in the United States believe in freedom and self-determination. But for the millions of oppressed people living in those countries these are not realities but dreams. If ever there were people who deserved the highest tributes of mankind, they are the courageous and noble people of the Baltic States. We cannot and should not forget them.

Let us urge our Government and all governments in the free world to renew greater efforts for the restoration of freedom and independence of those freedom-loving people who are looking to us for support that they may, once again, live in peace in their homeland.

I hope all of us will bring the force of world opinion to bear for the restoration of these rights to the Baltic people.

In observing this anniversary, we express our concern and desire of liberty to the descendants in our Nation with assurance that we have not forgotten.