

cans may have taken a position in favor of a unilateral cease-fire in Vietnam. I am sure all Senators realize that this suggestion was made by our minority leader, the distinguished Senator from Pennsylvania (Mr. SCOTT), and that it gave expression to his own personal feelings.

However, every story I have seen and every mention that I have heard on television and radio concerning this recommendation identified Senator SCOTT as the Republican leader of the Senate. It is my fear that the uninitiated and the casual reader and listener may come quite understandably to the erroneous conclusion that Senator SCOTT was speaking on behalf of the Republican Members of the Senate. I, for one, wish to make it very plain that while I recognize that the Senator from Pennsylvania has been duly selected as minority leader of my party, I do not accept his personal recommendations on any and all subjects. At this time I wish to disassociate myself firmly and completely from the minority leader's recommendation that the United States move unilaterally to bring about a cease-fire in Vietnam.

I notice in this morning's newspapers that Senator SCOTT said he is not in the habit of clearing his ideas with the White House before they are made public. I think it would be helpful if he would also state that he is not in the habit of clearing such statements with all members of his own political party in the Senate.

In his recommendation, Senator SCOTT seems to think the United States must take the initiative on the question of cease-fire in Vietnam. I should merely like to ask how many times, in how many situations, must we always stick our necks out and take the initiative in trying to reach an agreement with an unreasonable enemy. The list of times when we have unilaterally ceased our bombing and taken other measures to encourage reciprocity from the Vietcong or Hanoi is long and impressive. However, none of the actions brought the least sign or activity from our Communist adversaries aimed at deescalating the war and bringing about a peaceful solution.

It is my firm conviction that further unilateral action on our part will merely convince the Communists once again that we are afraid of them and that we are willing to go to any lengths to bring about peace. Such action will convince them all over again that if they wait long enough the United States of America will throw up its hands and surrender.

#### GI BILL ALLOWANCES

Mr. MONDALE, Mr. President, I was greatly disturbed to learn that President Nixon had threatened to veto the bill increasing educational allowances for 1,285,000 veterans, war orphans, and widows of the Vietnam era by 46 percent. The administration's position that a 13-percent increase is all that could be justified is very surprising.

I have received a number of letters from veterans struggling through school on the GI bill. Many have gone into debt

or been forced to work long hours at part-time jobs in order to be able to buy the necessities of life. In some cases, tuition costs have risen by 46 percent or more in 1 year.

The Committee on Labor and Public Welfare carefully considered the question of what increase would be appropriate. The committee report details the sharp rise in both living and education costs since the Korean GI bill program and since the last adjustments in the present program's allowances. Although the report was not yet printed when the President wrote to the Senator from Texas (Mr. YARBOROUGH) to express his views, certainly the same data were available to his administration.

Mr. President, the committee bill would merely provide allowances sufficient to cover about 98 percent of the average tuition, board, and room costs for those now in the program. This compares with the 99 percent of costs which were covered under the Korean program. One of my constituents, noting that he and his fellow servicemen "have fought in a war we cannot understand," asked if "we are considered less worthy than our predecessors?"

I, for one, will not condone such unfair treatment. Considering the rate at which the cost of education is rising, these new allowances are very modest and may soon prove to be too low again. I cannot understand how the President can recommend such dubious investments as the supersonic transport program while finding fault with these fully justified increases in educational allowances. I note again that he was silent when the House of Representatives recently added more than \$1 billion to his recommended Navy budget.

I ask unanimous consent that several of the letters I have received be printed in the RECORD.

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

COLLEGE OF ST. SCHOLASTICA,  
Duluth, Minn., July 2, 1969.

DEAR SENATOR MONDALE: I am a teacher from Duluth, Minnesota and have been attending classes this summer at Cincinnati University. It was here I read of a bill being introduced which would promote and ensure more financial help for veteran G.I.'s who wish to continue college.

I have two brothers who have returned from service overseas a year ago—one was in Vietnam, the other was in Germany. They are now both in school taking advantage of the \$125 monthly allowance now available but have had to borrow several hundred more to stay in school, because, as has been seen, the available amount is not enough.

I am writing to ask you to support the bill appropriating more financial aid to veterans who wish to continue their education.

Thank you for your efforts to ensure speedy action on a bill much needed by veteran G.I.'s interested in continuing school.

Sincerely yours,  
SISTER YOLANDA CALLIGURE.

MINNEAPOLIS, MINN.,  
August 4, 1969.

Senator WALTER MONDALE,  
U.S. Senate,  
Washington, D.C.

HONORABLE SENATOR: We, of Delta Kappa Gamma, wish to express our hope that you

will vote in favor of the increase of monthly payment—\$130 to \$175 for the education of the Viet Nam Veteran.

Prices have risen so only the wealthy can take advantage of the G.I. benefits. Tuition, fees, books, all have increased.

These veterans need their education now. Their lives were interrupted—some have spent several years in the Orient. Please see that this bill is passed. These young voters will remember your caring.

Sincerely,

RITA CAREY.

SEPTEMBER 30, 1969.

Senator WALTER F. MONDALE,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR MONDALE: Thank you for the letter you wrote, dated May 28, 1969, in response to my letter asking your support for S. 338.

In your letter, you stated that you would support legislation of interest and benefit to veterans.

As you know, the House passed H.R. 11959, which is a cut down version of S. 338. I understand that it is tied up in a Senate committee, of which you are a member. What is holding it up? If Sen. YARBOROUGH is not satisfied with it, and plans to change it so that it will have to go back to the House, thank him, but, tell him our tuition and fees at Moorhead State College (and, I assume all other Minn. State Colleges) were increased by 48% this Fall, and we need the money now.

I certainly hope you are not the one that is holding this bill up. If not, then who is, and why? Can we expect an increase in GI Bill this year? If so, when?

Thank you.

Sincerely,

CHARLES D. APULI.

AUSTIN, MINN.,  
July 14, 1969.

Senator WALTER MONDALE,  
Senate Office Building,  
Washington, D.C.

DEAR SENATOR: Thank you for your prompt attention to my previous request for information on Federal educational benefits available.

However, I now have a different problem. I have just learned of the differences between previous "G.I. Bill" benefits and those available to us now, specifically, educational benefits. Can you tell me we are considered less worthy than our predecessors? We have fought in a war we can't understand, a war most of us do not believe in. Yet the great majority of us went to Viet Nam, accepting our governments' justifications of our presence there.

Now I find there are considerable gaps between our "G.I. Bill" and that of our fathers. Are not the bullets we faced at Da Nang, Chu Lai and Hamberger Hill just as deadly as those in Tarawa, Leyte and Guadalcanal? Are those killed and injured not just as permanent as in former wars?

I realize there is not too much you can do. However, a group of us feel perhaps, if we knew who to contact, our opinions could be of some importance. I would appreciate it if you would put me in contact with whoever could be of the most help in this matter.

Respectfully,

P. O. HAMILTON.

MANKATO, MINN.,  
October 18, 1969.

Senator WALTER MONDALE,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR MONDALE: I would like to voice my support of the Educational Rate Increase bill, S. 338 for veterans.

Again, there is no authority in the *Chimel* opinion for such a search, and, in the absence of probable cause to arrest a person, such a search would almost certainly be held illegal. Even a "frisk" for weapons, on less than probable cause to arrest, under the doctrine of *Terry v. Ohio*, 392 U.S. 1 (1968) would be doubtful, since that case is expressly tied to the necessity of the protection of the officer rather than a search for evidence. Again, the risk of a civil suit in battery or assault against an officer making such a search is apparent; as a matter of fact, a person searched by an officer as he was leaving the suspect house might even claim that an assault on the officer was justified as validly resisting an unlawful search.

C. The police, then, as a final alternative, may leave the premises, search no one leaving the premises, and wait for the search warrant to be procured. This is exactly what was done in the two cases described. In one of the cases, it is known that the murder weapon was removed by friends of the defendants while the police waited for the warrant. In the other case, it is known that the defendant's mother removed at least one weapon from the house in the overnight period that it took to secure a valid search warrant; whether the murder weapon itself was removed will probably never be known.

The two described cases illustrate vividly one further point, and this is that any reviewer of police actions is scaling the heights of naivete if he doubts that a suspect's relatives or cohorts will not attempt to get rid of evidence against him, given the opportunity. In both cases, the first impulse of those not arrested was to remove the evidence against the parties who were arrested. Among many of those with whom the police deal on a day to day basis, it is not even necessary for the person secreting the evidence to be close to the suspect; frustration of any police purpose is considered an end in itself.

The Fourth Amendment should not be used to create a zone of immunity for those who wish to accommodate a friend or relative by disposing of evidence against him; yet, this is precisely the result that *Chimel* has brought about in the described cases. The problem for the police, as illustrated by these cases, is that the language of the *Chimel* opinion is so broad in proscribing warrantless searches that the police literally do not know what the new limits on their conduct are. As a result, they must use the "safest" procedure available to them, the warrant procedure, even though the delay involved may render the securing of a warrant a futile gesture. Justice Stewart writing for the *Chimel* majority speaks of "well recognized exceptions" to the warrant requirement but he does not elaborate on the exceptions.<sup>15</sup> *Chimel* provides no guidelines whatever for the police as to when a warrantless search of premises, beyond the arrestee's "immediate area," may be permitted; and the decision thereby opens the widest possible door for judicial "second-guessing" of an officer's split-second decision on the scene. In the described cases, for instance, a warrantless search and recovery of the murder weapons might well have been justified as being made under "exigent circumstances"<sup>16</sup> but, with no guidelines in the opinion to go by, a trial or appellate court could as easily find that no emergency existed and that the searches violated the *Chimel* rule.

In each of the cases described, the remaining evidence against the suspects consists of just that type of evidence which this Court has condemned as unreliable: confessions<sup>17</sup> and lineup identification.<sup>18</sup> Respondent's Petition for Rehearing, p. 7, points up the irony of *Chimel* excluding physical evidence of highly probative value in view of the Courts pronouncements on the other types of evidence. The described cases bear

the irony out with force; in a murder case, the murder weapon is a vital item of physical evidence; yet, here, the police were foreclosed from securing such evidence. The purpose of this brief is to support Respondent's cogent legal arguments for rehearing with practical examples of cases of major importance in which *Chimel*, as written,<sup>19</sup> has stymied effective police action despite the officer's best efforts to act within the law. The inability of the police to recover, lawfully, the weapons used in two murder cases is indicative of the impact of *Chimel* on local law enforcement. The two cases in Denver, which have arisen in the few months since *Chimel*, may be multiplied a thousand fold throughout the country; consider, for instance, the impact of *Chimel* on rural police departments where the number of persons authorized to issue search warrants is limited. We most respectfully urge the Court to grant Respondent's Petition for Rehearing in the case of *Chimel v. California* so that an opportunity might be presented for spokesmen for law enforcement, on every level, to make known to the Court the impact of this decision on our function of protecting the safety of the people of this country. Further, as a result of such rehearing the Court would have an opportunity to consider the establishment of the guidelines in this area which the police so desperately need.<sup>20</sup>

## FOOTNOTES

<sup>1-2</sup> Both cases described have been filed by the Denver District Attorney but neither case has come to trial. For this reason, the names of defendants are not published.

<sup>3</sup> Per *Simmons v. United States*, 390 U.S. 377, 88 Sup. Ct. 967, (1968).

<sup>4</sup> The possibility of watching the house while procuring a warrant was considered; but, even if such a watch was set up, there would be no authority to search persons entering or leaving the house.

<sup>5</sup> This decision was based on the tightening of search warrant requirements enunciated by the Supreme Court in *Spinelli v. United States*, 393 U.S. 410, 89 Sup. Ct. 584, (1969).

<sup>6</sup> Per: *Gilbert v. California*, 388 U.S. 263, 87 Sup. Ct. 1951, (1967) and *United States v. Wade*, 388 U.S. 218, 87 Sup. Ct. 1926, (1967).

<sup>7</sup> Colorado Rules of Criminal Procedure, Rule 41 requires that for a search warrant to be served at night the affiant must be "POSITIVE" that the property sought is on the premises to be searched. The officers in this case were reasonably sure, but could not be "positive," that the weapon and evidence sought was a B's mother's house.

<sup>8</sup> *Harris v. United States*, 331 U.S. 145, 67 Sup. Ct. 1098 (1947); *United States v. Rabinowitz*, 339 U.S. 56, 70 Sup. Ct. 430 (1950); both overruled by *Chimel v. California*, 37 U.S.L.W. 4613 (1969).

<sup>9</sup> Participating officers were asked why they did not keep the persons in the house or search them when they left. They each answered that they felt that they had no legal authority to do either, and they feared civil suits for false arrest or "civil rights violations".

<sup>10</sup> For example, half an hour after the theft occurred, an officer entered a house to arrest defendant for the theft of some liquor. Defendant and his parents were sitting in the kitchen. After defendant's arrest, the officer found the liquor in the refrigerator. The officer had to be told that his search was illegal under the *Chimel* rule, despite the likelihood that the parents would dispose of the liquor.

<sup>11</sup> Consider, for instance, the unavailability of an issuing magistrate. In rural areas this can create a real problem. Aspen, Colorado presents an example of this; there is only one judge authorized to issue warrants in Aspen. If this judge is unavailable or out of town, Glenwood Springs, 45 miles away, contains the nearest issuing officer. In the winter, in this mountainous area, snow covered roads

might necessitate a 3 or 4 hour round trip to procure a search warrant, and sometimes the roads are impassable.

<sup>12</sup> Where the police entered the suspect's house "within minutes" of the crime.

<sup>13</sup> This is evidenced by the fact that judges issued search warrants for the houses in question in both cases.

<sup>14</sup> 37 U.S.L.W. 4613 at 4617. In the *Chimel* opinion Justice Stewart footnotes his reference to exceptions to search warrants requirements. The footnote (37 U.S.L.W. 4613 f.8) simply says, "See *Katz v. United States*, 389 U.S. 347, 357-358." A reading of the pages referred to in *Katz* (prohibiting warrantless eavesdropping) seems to point to another footnote. Justice Stewart who also wrote *Katz* postulates the warrant requirement in that decision—"subject only to a few specifically established and well-delineated exceptions." 389 U.S. 347 at 357. This sentence is footnoted (389 U.S. 347 f.19) to say, "See e.g. *Carroll v. United States*, 267 U.S. 132 . . . *McDonald v. United States*, 335 U.S. 451 . . . *Brinegar v. United States*, 338 U.S. 160 . . . *Cooper v. California*, 386 U.S. 58; *Warden v. Hayden*, 387 U.S. 294 . . ."

Of these "exceptions" *Carroll*, *Brinegar*, and *Cooper* deal with searches of automobiles, *Warden v. Hayden* deals with "hot pursuit", and *McDonald* deals with exigent circumstances. When, as here, the Court condemns, with one stroke, a basic police procedure that had been sanctioned by the Court for 19 years, a series of footnotes can hardly be considered "guidelines" for the policeman on the street, or for those attempting to advise him.

<sup>15</sup> cf. *McDonald v. United States*, 335 U.S. 451, N. 15 supra.

<sup>16</sup> *Miranda v. Arizona*, 384 U.S. 436, 86 Sup. Ct. 1602, (1966); *Escobedo v. Illinois*, 378 U.S. 478, 84 Sup. Ct. 1758 (1964).

<sup>17</sup> *Gilbert v. California*, U.S. v. Wade, Supra n. 7.

<sup>18</sup> It is no part of the argument of this brief that Mr. Justice Stewart, who wrote the majority opinion, would knowingly inhibit valid, constitutional, police procedures. The thrust of this brief is that *Chimel* has created problems not readily foreseen, even by Justice Stewart, and that rehearing should be granted to give the Court an opportunity to consider the practical problems its decision has created.

One *Chimel*-related problem is of most extreme concern to the police. How does *Chimel* affect a full-scale riot situation where an entire police force is tied up on the streets and there is clearly no time to get search warrants? Suppose officers enter an apartment after observing sniper fire from the window of that apartment; and they arrest the sniper, with his rifle, in the doorway. A large cache of weapons is found in the bedroom of the apartment, concealed in a closet. Will these weapons be inadmissible? Seemingly, the search for the weapons would be justified as "hot pursuit" under *Warden v. Hayden*, 387 U.S. 294 (1967), yet the language in *Chimel*, forbidding warrantless searches, is so broad that a Court so inclined could easily justify suppression of the weapons as a *Chimel* violation.

<sup>19</sup> For example, the Denver Police Department Order concerning *Chimel* (appendix A) was an attempt to guide the officers. The order speaks of "securing the premises" (in paragraph 3-A); yet, the cases described herein, which arose after the order was issued, illustrates the practical impossibility of "securing" premises when others are present.

## UNILATERAL CEASE-FIRE IN VIETNAM

Mr. GOLDWATER. Mr. President, my remarks today are occasioned by disturbing reports in the newspapers which seem to indicate that Senate Republi-



This increase is necessary because at Mankato State College last year my tuition was always under \$100 for 14 or 15 credits. This year it costs \$141 for that same number of credits. The rising cost of living is hard enough to match without without rising educational costs.

Thank you for your efforts.

Sincerely,

DAVID JORGENSEN.

JACKSON, MISS.

Senator WALTER F. MONDALE,  
U.S. Senate,  
Washington, D.C.

HONORABLE Mr. MONDALE: Sir, I would like to know what your opinion is on the Senate Labor and Public Welfare subcommittee for Veterans Affairs approved legislation on an increase of GI education and training allowances by 46 percent and making the increased payments retroactive to September 1, and how you will stand on this issue.

I am still serving on active duty however, my service agreement is completed 17 March 1970 and at which time I will reside in my home town of St. James, Minnesota and again attend Mankato State College.

I feel that this is a step forward, however, it is not enough to attend school and raise a family with today's cost of living increases.

Any information that you could give me would be greatly appreciated.

Thank you.

Sincerely,

RONALD W. EASTERDAY.

#### NINETY-NINTH BIRTHDAY ANNIVERSARY OF MARY McCONNELL BORAH

Mr. JORDAN of Idaho. Mr. President, on Friday of last week one of the truly great women of Idaho—Mary McConnell Borah, widow of U.S. Senator William Borah and daughter of William J. McConnell, also an Idaho Senator and later our State's third Governor—celebrated her 99th birthday anniversary.

The Idaho Daily Statesman, in commemoration of this remarkable lady's 99th year, published in its Sunday, October 19, edition a delightful interview with Mrs. Borah, written by Dabney Taylor, of Boise.

In order that Senators and the innumerable other readers of the CONGRESSIONAL RECORD might share in the historically pertinent recollections of this distinguished woman, I ask unanimous consent that the article be printed in the RECORD.

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

WIDOW OF FAMOUS "LION" SENATOR MARKS BIRTHDAY IN OREGON—IDAHO'S "LITTLE BORAH" LOOKS BACK ON HER FIRST 99 YEARS

(By Dabney Taylor)

"I was cradled in politics," Mary McConnell Borah remarked, "and that cradle received me almost a century ago. You see I was born in Moscow, Idaho, Oct. 17, 1870 and that makes me 99 years old."

"Little Borah," as Washington called her, is the widow of one of the immortals of the United States Senate. 'The Lion of Idaho' filled the senate gallery with spell-bound listeners to his oratorical roars.

As she looked from the windows of her retirement apartment at the deep green grass of the Portland (Ore.) lawn, Mrs. Borah reflected that before her birth her father, W. J. McConnell, was deeply engaged in helping to bring Idaho from a territory into statehood.

"This," she said, "was accomplished when I was almost 21 years old. But don't think,"

she quickly interjected, "I was allowed to vote. At that time the 19th amendment, which gave the vote to women, was only a gleam in a suffragette's eye."

"Then," Mary Borah reflected, "the women in a candidate's family had quite a different role to play and the wives did not go out in the hustings with their husbands as sort of a co-candidate. I cannot quite approve of this, but then, attitudes change."

"But, don't think for a moment the women were not expected to function. For example, we cooked for, and served, endless suppers, picnics, luncheons, receptions. Candidates when they arrived in town, with or without their families, always were house guests at the homes of fellow politicians."

"We were also expected," Mrs. Borah continued, "then as now, to remember every one's name. Heaven help you if there was a moment of faltering, you could lose the vote of the entire family, including the hired man." The witty and sprightly lady laughed, she could, being gifted by the gods with almost complete recall.

"When Idaho became a state father decided to run for the United States Senate and he and George L. Shoup were elected as Idaho's first senators. During his campaign my mother introduced me to a young lawyer from Boise, William E. Borah. He had come to help father campaign and after we met he seemed to think nothing of frequently making the long trip from Southwest Idaho to the chill north where Moscow was located, just to help father."

"Later," she said demurely, "when father returned from Washington to run for governor, Billie Borah helped elect him as Idaho's third governor."

"Because mother was very delicate, and quite timid about meeting strangers, father decided to take me to Boise to act as his hostess and part time secretary. Mother and my two sisters, Carrie and Olive, remained in Moscow to keep the store, and this is not a quip, we did own the general store in town."

"I was very much surprised and pleased," Mrs. Borah quirked an eyebrow, "to find Billie Borah was to be administrative assistant in the governor's office. You see, he was a very serious student and disliked social functions, but Boise was very gay and he did take me to a few affairs and we had lovely horseback rides in the foothills."

"One of the great lessons I learned about this time was never to say anything to reporters that I did not want to see in print. It occurred one day when some reporters came into the office and asked for news. I told them I could not stop to talk as I was very busy writing a speech for the governor. When this item appeared in the next morning's paper, father was not very pleased."

"Finally Billie urged me to make up my mind to marry him so that I could go east with him on our honeymoon where he was called on some legal cases. So," she related, "we were married on April 21, 1895 at the Cyrus Jacobs' home with Frank Blackinger as best man. My honor maid was Mamie Jacobs."

"Where did we go on our honeymoon?" an elfish chuckle punctuated the story, "we took the Cannon Ball to a small town a few miles from Boise called Caldwell . . . well, anyway we were serenaded by the town band and a few weeks later we did go east and it made up fully for my disappointment."

"When Billie was elected U.S. Senator in 1907," she continued, "shortly after we reached the capital, we were summoned to dine with President Theodore Roosevelt. As we walked down the long White House hall where an aide sat at a desk with the dinner chart before him, he handed me an envelope and announced I was to sit at the president's left. I simply uttered a gasp and put my hand over my mouth. This amused the aide."

"After we were seated there was an awful moment of silence, on my part as I wracked my brain for something to chat about. Sud-

denly, I was inspired to mention having visited with William Allen White, the noted journalist, at Emporia, Kansas, on our way east. Mr. Roosevelt, who was his great friend, responded eagerly and said, 'I have just presented his book 'Strategems and Spoils' to the French ambassador M. Jusserand. I think it the greatest political story ever written.'

"He talked away, and left me to gaze at his daughter Alice Longworth who was nonchalantly eating hot asparagus without removing her long white kid gloves and let the melted butter run merrily down her fingers. This, while I was making every effort to keep my white tulle gown, trimmed with pink rosebuds, which I thought went well with my blond hair, from having one spot. I knew I would have to wear it many more times and I did." She continued, "Later the famous Nick Longworth, Congressman from Ohio, and Alice, became our good friends and Alice and I went often to the Capitol to hear speaking in both the House and Senate. Alice was very political and would leave her own dinner party to dash to the Hill to listen to an important debate."

"I well recall the exceptional woman Lou Hoover. She graduated from the Stanford engineering school, making higher marks, incidentally than her husband President Herbert Hoover, a classmate, then a lifemate. One of her remarks was a classic of understatement, 'I only want to be a background for Bertie!' The intelligent women of my day were tactful."

"A lady who was grossly underrated, and I think, most unfairly criticized, was Florence Kling Harding. She was a handsome woman from a fine Ohio family and brought much to her marriage with President Harding. She was very gracious and democratic and made contact with all classes of people in a most kindly manner," Mrs. Borah said earnestly.

"Everyone was simply crazy about Mrs. Calvin Coolidge with her lovely, big brown eyes. She was most dedicated in attending endless functions and meetings and was simply showered with invitations," she reminisced. "Grace made a famous remark, 'One church, one club, one husband and one political party.' I have lived up to her precepts and am still a dedicated Republican." Mary Borah ran her tiny hands over a long chain of ivory elephants which she wore. Her collection of some 3,000 of these pachyderms were sold at auction when she left 2101 Connecticut Avenue to live in Portland.

"Billie died on a bleak winter day in 1940," she fingered her worn wedding ring "He had been senator for Idaho for almost 40 years. I decided to remain in Washington, my roots had grown deep, but a few years ago I moved to Portland to be with my sister Olive Leuderman who lives in this same building with me. Her daughters, my nieces, also live here."

"I suppose people would like to know how I lived to such a majestic age and I can only say that I have never felt the urge to partake of the grain, the grape or the weed, but I eat everything set before me. Still, I may have to go on a diet, I gained a pound last month, I now weigh 69 pounds."

Then the interview was over until next year.

#### THE PESTICIDE PERIL—LXX

Mr. NELSON. Mr. President, international concern about the problems of persistent pesticides was raised in San Francisco last week by a group of Czechoslovakian scientists.

The seven Czechoslovakian scientists are currently visiting the United States in preparation for the 10-year anniversary conference of the International Association on Water Pollution to be held there in 1970.

As reported by the San Francisco Examiner, the scientists indicated that Czechoslovakia banned DDT because the country was alarmed by the dangers to man from this chemical agent. Although one of the scientists noted that the long-term effects of the buildup of DDT residues in man are not yet known, he said that "it has been proved that it accumulates in the body. We are afraid of the physiological aspects."

Czechoslovakia is one of at least three countries who have banned the use of DDT. The others include Denmark and Sweden.

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

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

#### WHY CZECHS BANNED DDT

Czechoslovakia today, and for the past several years, has banned the use of DDT and controls the use of other pesticides and detergents to avoid polluting the nation's waters.

This was revealed here yesterday by Dr. Vladimir Madera, one of seven scientists and air and water pollution experts from this nation now visiting the Bay Area.

These controls were exerted in his country, Dr. Madera said, before it became a problem, because it was recognized these materials were "too dangerous to man."

He conceded it is not yet known that DDT is toxic, "but it has been proved it accumulates in the body. We are afraid of the physiological aspects," he said.

#### TOXIC

Dr. Madera, who has visited the United States before in exchanges of research and knowledge on pollution problems, and has worked as a consultant in other nations, recited one case in the United States where a food colorant was at first accepted as harmless, but discovered 10 years later to be toxic.

The pollution expert and his companions are here under sponsorship of the International Association of Water Pollution, which will hold its 10-year anniversary conference in San Francisco in 1970.

They expect to have as many as 4000 delegates from more than 50 nations attend, according to Dr. Erman Pearson.

Dr. Pearson, professor of engineering at the University of California, will serve as president of the 1970 world conference here.

Dr. Pearson said yesterday he believes the United States will be forced to seek similar legal remedies to water pollution problems ultimately.

"But legislation must give reasonable time for development of other materials without these harmful effects," he said.

Dr. Madera and the other leader of the Czechoslovakian group, Dr. Karel Symon, discussed the control of water quality in their own country and throughout Europe, as well as common European practice of reclaiming and treating the same water through as many as eight stages for use, for domestic or industrial purposes.

Dr. Pearson added:

"In Czechoslovakia as in Europe and the central United States, most water supplies are mixtures of waste waters and natural supplies. We take out the materials that are harmful.

"We're generally dealing with used waters. We must not think there is an inexhaustible supply of virgin waters around, because there aren't."

#### SECRETARY HARDIN'S APPROACH

Mr. DOLE. Mr. President, as a member of the Committee on Agriculture and

Forestry, I wish to apprise Senators of the attitude and efforts which are characterizing the attempt to arrive at meaningful and satisfactory agricultural legislation.

On Tuesday of this week, Secretary of Agriculture Clifford Hardin met with the committee for an informal, frank, and highly informative discussion of the progress which the formulation of farm policy is making in Congress. In a wide-ranging conversation, Secretary Hardin briefed the committee on the Department's thinking, the viewpoints of the House Committee on Agriculture, and his personal assessment of the problems and possibilities in this year's efforts to draft acceptable legislation. The Secretary emphasized that his idea was to discuss all the issues, to bring to light all the objections, and to try to arrive at something which the Senate and House could accept and enact without the time-consuming conference or floor debate.

The attitude of the Secretary is both commendable and novel. It is refreshing to have a spokesman for the Department who does not come up on the Hill and attempt to ram his preconceived ideas down the throats of the House and Senate. Such tactics were the rule in the past and only served to stir emotions and precipitate extended debate. With this new approach and the fresh atmosphere it brings, the public stands a much better chance of seeing worthwhile farm legislation enacted. I wish to express my appreciation for Secretary Hardin's approach and to encourage Senators to respond in kind.

#### VICE PRESIDENT AGNEW'S RIGHT TO FREE SPEECH

Mr. GOLDWATER. Mr. President, much has been made in the press of the recent remarks of Vice President AGNEW on at least two occasions during the past 2 weeks.

It seems to me that this is a question of whose ox is being gored.

When the liberals feel like it, they speak just as openly and sometimes as harshly about conservatives as Vice President AGNEW has spoken about those with whom he finds himself in disagreement.

I think that the Vice President of this country has a right to free speech as much as any other American citizen.

I ask unanimous consent to have printed in the RECORD an excellent article written by David Lawrence, entitled "Agnew's Right to Free Speech," and published in today's Washington Evening Star.

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

#### AGNEW'S RIGHT TO FREE SPEECH

Some of the so-called "liberals" may unwittingly be creating the impression that, while their kind of dissent comes under the heading of "free speech," the outspoken remarks of Vice President AGNEW in recent days are not covered by the same kind of constitutional privilege.

One Democratic senator now says that when Mr. AGNEW, in a speech in Mississippi, declared that school officials had made "a strong case" for delaying desegregation in certain districts, this was an "unwarranted,

unethical and grossly improper" attempt to influence the Supreme Court. He suggests that the vice president should devote his time to his "only constitutional duty"—namely, presiding over the Senate.

But the vice president of the United States has additional duties. He has the task of understudying the President and training himself for a job that fate may suddenly require him to take over.

Spiro Agnew announced immediately after election that he was an independent-minded person who would say what he believes, whether or not it agreed with the views of the President. He has the right, of course, to make speeches, and surely it will be conceded at least that he can talk on any subject that a senator can tackle in a public speech.

Only this week, Sen. Sam J. Ervin Jr., D-N.C., declared that constitutional government would perish in the United States if trends set by the Warren Court are not reversed. He prepared a detailed criticism of the legal course set by the Supreme Court and made a public address about it.

The vice president, as presiding officer of the Senate under the Constitution, would seem to be permitted the same rights as any member of the upper house. Senators have never put a limit on the topics they discuss in public speeches, and the vice president certainly has a similar privilege to delve into any subject, however controversial it may be.

AGNEW made a speech for instance, in New Orleans last week that aroused nationwide attention. He condemned the proponents of the Vietnam "Moratorium" and said that the demonstrations were encouraged by "an effete corps of impudent snobs who characterize themselves as intellectuals."

The vice president, speaking at a fundraising dinner for the Republican party, was endeavoring to defend the Republican administration against the attacks of political opponents. AGNEW said that today "subtlety is lost and fine distinctions based on reasoning are carelessly ignored in a headlong jump to a predetermined conclusion." He added:

"Thousands of well-motivated young people, conditioned since childhood to respond to great emotional appeals, saw fit to demonstrate for peace. Most did not stop to consider that the leaders of the Moratorium had billed it as a massive public outpouring of sentiment against the foreign policy of the President of the United States.

"Most did not care to be reminded that the leaders of the Moratorium refused to disassociate themselves from the objective enunciated by the enemy in Hanoi."

AGNEW is the kind of man who doesn't mind criticism. But he also doesn't hesitate to respond as he pleases to those who make what he deems fallacious and ill-founded attacks on the foreign policy of the United States.

As for "putting pressure" on the Supreme Court through public speeches, many senators have expressed themselves frankly about the departure of the high court from the proper exercise of judicial authority. President Nixon himself said recently there is a need for justices who will interpret the Constitution strictly and not assume legislative functions.

President Franklin D. Roosevelt in the 1930s not only discussed what he felt were the shortcomings of the Supreme Court of that period, but sought from Congress the enactment of legislation which would enlarge the court from nine to possibly fifteen members and enable him to pick justices whose views were in accord with his own and thus attain a "liberal" majority.

It hardly seems consistent for the "liberals" today to deny either Vice President AGNEW or anybody else the right to discuss public issues on which the Supreme Court may have to rule or the right to make speeches





United States  
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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 91<sup>st</sup> CONGRESS, FIRST SESSION

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## Senate

### ALLEGED ATROCITIES BY AMERICAN SOLDIERS IN VIETNAM

Mr. MONDALE. Mr. President, a shocked, dismayed, and confused public has been told of an incident at Song My Village in South Vietnam where American soldiers may have deliberately slaughtered innocent civilians—including women, children, and infants.

In the wake of such a revelation, filled with rumors and contradictory statements, we must be extraordinarily careful lest the accused be denied their rights of a firm and impartial trial. We cannot allow American soldiers to become a scapegoat for general rage and frustration over the war itself.

We must also be careful that we do not wrongfully implicate the vast majority of American servicemen for the criminal acts of a relative few. Although I strongly oppose this war and our current policies, I still maintain a great respect for the decency and morality of the American serviceman.

Having stated these warnings, however, I must add my voice to those who are calling for the fullest possible investigation into this and any other similar incident.

It would be easy and not without some truth to blame these acts upon the senseless and horrible war. But responsibility for acts during wartime must still lie with individuals.

Whatever justification we may have for this war—and I happen to believe that very little remains—must be based on principles of justice, morality, decency, and respect for the worth of individuals. Without such principles there can be absolutely no basis for our involvement in any nation at any time. Only a full investigation and just disposition of the charges now being made can affirm these principles and restore some credibility to American policy both at home and abroad.

I ask unanimous consent to have printed in the Record a most timely and forthright editorial published in the Minneapolis Tribune, commenting upon this shocking incident.

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

#### THE MASSACRE IN SONG MY VILLAGE

Although much remains to be learned about the massacre in Song My village in South Vietnam by American soldiers, the evidence so far indicates that a horrible atrocity did occur on March 18, 1968. The latest evidence was the chilling statement of an ex-GI who told of firing into mothers hugging their children and begging to be spared.

Today, as we Americans celebrate another great feat in space and prepare for a traditional holiday in honor of America's bounties and goodness, we must also ponder the meaning of an event little different from the Communist atrocities at Hue. We ask ourselves how could we, generous, peace-loving, God-fearing Americans—who recoiled in horror when the Nazis, on June 10, 1942, wiped out the Czech village of Lidice—commit an atrocity of similar proportions? Perhaps some of the answers can be found in the column by Anthony Lewis on today's editorial page.

The events in Song My—if published accounts are accurate—are a betrayal of what America stands for, betrayal of the good works so many thousands of Americans have undertaken in Vietnam. The events, if true, are a violation of the Geneva war conventions, as well as being a war crime under the Charter of the International Military Tribunal by which Nazi war criminals were brought to trial at Nuremberg.

Painful as the disclosures may be to all of us, the investigation of Song My must be pushed through to a conclusion, so that

guilt or innocence of Song My participants may be determined, and so that, if guilty is the verdict, all Americans may learn how some Americans have acted in Vietnam. Many journalists and other observers have cited other atrocities by Americans in Vietnam, but never on the scale approaching Song My.

The killing of civilians long has been suspected as a prime cause for the high enemy body count reported weekly by the U.S. command in Vietnam. In any given period, say six months or a year, body count figures have always been much greater than changes in official estimates of enemy troop strength (even allowing for infiltration of fresh troops).

A review of our files shows this Associated Press account of the Song My action on the day it occurred: "SAIGON (AP)—U.S. infantrymen, in a hide-and-seek fight through the rice paddies and sand dunes along the central coast, killed 128 Viet Cong guerrillas today, the U.S. command said. A spokesman said a company of the 11th Light Infantry Brigade, sweeping into an area that had been bombed minutes earlier, tangled with guerrillas this morning. . . . A U.S. spokesman reported American casualties as two men killed and 10 wounded."

If the recent accounts of Americans present at Song My are correct, the account of the U.S. command was false. The dead at Song My were women, children and old men who were herded together—not guerrillas running through the rice paddies.

A few days later, the U.S. command reported 3,070 enemy deaths for the week that included Song My, then shortly thereafter "updated" the total to 3,642. How much of this total was made up of old men, women and children? How honest are U.S. military reports of lopsided victories in one-sided battles? Are some of them really more Song Mys?

Some of the public's reaction to Song My may turn into additional criticism of President Nixon's efforts to wind down the war. It should be noted, however, that Song My occurred under President Johnson and Gen. Westmoreland, then commander in Vietnam. His successor, Gen. Abrams, appears to have changed strategy and emphasis away from the kind of policies that may have caused Song My. We hope he has.

We believe America's combat involvement in Vietnam was a mistake. Song My is a tragic and shameful consequence of that mistake. The job is to extricate ourselves from that mistake, a job which now is in the hands of President Nixon. We believe most Americans will support a more rapid withdrawal from Vietnam, and we hope our President makes the decision to do this.

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"No more Vietnam" is not good enough. If we shouldn't have any more Vietnams, let's not have the one on our hands today. I think the time has come to substitute humility and candor—the pride of the strong—for arrogance and self-deceit, which is the pride of the weak.

You don't have to, and none of us need dwell on, the cost of this war: the 44,000 dead; the 250,000 wounded; the 100 billion dollars gone forever at a rate, now, of 30 billion dollars annually; the unprecedented inflation; the highest interest rates in the history of our society; and all the rest. The dollars seem no longer to astound us. The staggering cost is what we have given up elsewhere, and it is exceedingly difficult to try to make specific the cost of the war and the cost of that defense budget.

We spend \$21,000 in ammunition alone for each enemy soldier believed to be in Vietnam while the Federal Government spends \$44.00 for every child in this country believed to be in our education institutions.

For 1 billion dollars—enough to run the Vietnam war for 10 days—we could provide headstart opportunities for 625,000 children. We could provide job training and supporting services for 500,000 welfare parents. We could expand cancer research five-fold.

For a single billion dollars—10 days of war, we could run MacAlester College, tuition and donation free for 125 years.

But the best is yet to come. If we were bankers and understood the occult art of investing, and were able to find 5% money (which would be hard to find these days because it is 7% and 8%)—but if we could find 5% money, and invested that billion dollars, we could run Hamline, MacAlester, Augsburg, St. Olaf, and Gustavus tuition free forever, and that's a pretty good deal.

Yesterday afternoon, for five hours, Senator Nelson and I led the fight to try to expand the poverty program. We asked for \$250 million to keep Headstart with the same number of children that they have today. We asked for a modest amount of increased funds to expand the Legal Services and to keep them independent from those who would like to keep them under control. We proposed expanding money for emergency food and emergency medical care. We proposed a slight expansion of programs designed to help the migrants and farmworkers of this country.

In 20 minutes the opposition mounted and successfully adopted amendments that cut \$250 million out of that poverty program in the name of inflation. That was more than we were able to cut out of the \$20 billion military authorization budget in 2½ months of fighting on the Senate floor.

What I am saying is this: We have gotten to the point where this war and the cost of the defense budget is taking its greatest toll upon the value system of our country. Where we can justify and support \$600,000 to the University of Mississippi to determine how birds can be used in the next war, and cut-back on cancer projects throughout this land. Billions more for an indefensible war in Vietnam, while we say we cannot afford the funds to feed the hungry in our own country.

Isn't it remarkable that two of our scientists recently received the Nobel Prize for research in biomedicine and shortly thereafter had their Federal research grants reduced because of the war in Vietnam. This system—this system of ignoring the needs of our people—may be one of the great casualties caused by the war in Vietnam.

But there are other costs as well, and perhaps there's one apart from the loss of life which is the greatest cost of all. This is the cynicism, the bitterness and the alienation of the young of this country.

I am deeply disturbed by the thought of a generation which may lose all confidence in the ability of a democracy to respond with justice, reason and humanity. But what can we expect of a generation which is asked to kill and be killed in a war which cannot be explained. Can a fractured, disheartened and demoralized American possibly be a price worth paying for a few more years of an Americanized government in Saigon?

Recently, the Presidents of 76 colleges wrote President Nixon. They said this: "There are times to be silent and there are times to speak. This is the time to speak. The accumulated costs of the Vietnam war are not in men and material alone. There are costs, too, in the effects on the young people's hopes and beliefs. Like ourselves, the vast majority of the students with whom we work still want to believe in a just and honest and sensitive America. But our military engagement in Vietnam now stands as a denial of so much that is best in our society."

The desire to love and respect one's country is one of man's deepest instincts. Yet, equally deep are the beliefs and values about justice, morality, and humanity. And perhaps the greatest crime of this war is that we have forced our young men and women to choose between these two instincts. The great majority of the young will never feel a bullet. Many, in fact, will not have to go even into the Services. But nearly all will be called upon to disavow either their minds, their conscience, or their country. And no civilized, free society should put anybody to that test.

We can feel pride and love for those who must serve. Yet we cannot feel pride for the war itself. We cannot feel that a great purpose will be won. We can only shut our eyes and choose—and we lose either way.

And something must be blamed for this awful choice. It may be the government, the President, the "establishment," the middle class or some other symbol. But something must lose the respect, the love, and the allegiance of those who must choose. And in the end, it is America that loses.

Above all else, a free society must grant its young the right to act in accordance with rational conscience. Above all else, we must end this war and restore this right.

Six years ago, in words that were tragically ignored, President Kennedy told this country of Vietnam: "In the final analysis it is their war; they are the ones who have to win it or to lose it."

I believe the final analysis has come.





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## Senate

### MORATORIUM DAY ADDRESS BY SENATOR MONDALE

Mr. MONDALE. Mr. President, the past weekend again brought to mind the great burden which the war in Vietnam is placing on our young. We saw both the depth of their concern and their willingness to continue to work within the confines of law, order, and established political processes.

Our young people are not all of a single mind on every issue and detail of the war. But they are all immensely troubled by it, and I think that we should not forget what we ask of the young men who must serve in this tragic war.

I spoke on this topic last month at Macalester College during the moratorium day rally. I ask unanimous consent that these words be printed in the RECORD.

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

ADDRESS GIVEN BY SENATOR WALTER F. MONDALE TO THE MINNESOTA MORATORIUM DAY RALLY, MACALESTER COLLEGE, OCTOBER 15, 1969

As a former student of this college, I must say that I never thought I would see this many people at a Macalester event.

Now I know why Washington government has worked harder this past week than at any time in American history. Miracles are happening. After 28 years Hershey has four stars and is on his way. And unless I missed my guess, we are going to see more and greater miracles this year.

Just a few months ago everyone would have said that the Mets would never win the pennant and would never have a chance for the World Series. Tonight we know that they have won the pennant and have a good chance of winning the Series.

A few months ago most people would have predicted that there is no way to bring the Vietnam War to a head or to mount a demonstration which would show that the American people are tired of this war and want it ended. But that miracle is happening today in this country. Not only are the millions of people who turned out today in the cause of peace in Vietnam unique in the history of this country, but I suspect never in the history of all nations have more people turned out voluntarily to express their disgust with war. Surely, this is a message our President cannot ignore.

It is quite clear that a majority of American people now oppose this war. A poll last week showed that 57% of all Americans want to end the war within 14 months. And a poll showed that 58% of the Americans believe that this war was a mistake from the beginning.

Each day brings more support to the cause of peace and to the disavowal of those policies which perpetuate this horrible adventure. Peaceful dissent is evidently the pastime of no single profession, age group, or political party.

Perhaps today is, in part, a test of the democratic ideal—to see whether our government can respond to this great demonstration of national will.

We are still, in fact, wallowing around in a swamp of non-policy, hoping to back into peace just as we backed into war.

We have all disavowed this war, all right. Everyone—the President, the Pentagon, the hawks, the “great middle”—all have disavowed it. We don’t like the killing; we don’t like the disruption; we all prefer peace.

But too many of our leaders are disavowing the predicament and not disavowing the policy, which has brought us ten years of war on the Asian mainland and cost this country over 44,000 American dead, a quarter of a million wounded, and cost this state over 800 of her own boys.

Surely tonight it is clear that it is not enough to hope for peace. . . . We must relentlessly pursue peace.

It is not enough to say that we have failed in our objective. . . . We must openly and frankly admit that our very objectives were in error.

We cannot cling to honor and pride and only hope to bring an end to the war. We must seek peace and only then bring an end to the dishonor and the lost pride which we have already experienced.

Unfortunately, however, we are seeing an old, old movie in this country, sponsored first by a Democratic President and now being re-run by a Republican President.

We have all heard it before: “Things are getting better; infiltration is down; the enemy is demoralized and weakened; Saigon, Thieu, and Ky want only to represent the people of South Vietnam (including, we suppose, the 21,000 political prisoners resting tonight in Vietnamese prisons); U.S. casualties are down; enemy casualties are up; the peace talks could progress if only we had a united front; the South Vietnamese Army—yes, the South Vietnamese Army—is nearly ready to take over.”

It is an old movie, but an even earlier version was sponsored by the French. Their famous last words are best represented by the unfortunate prognostication of General Navarre in January of 1954 when he stated clearly: “I fully expect only six months more of hard fighting.”

Today we are told the President has a secret plan. And I believe some of us have heard that before. The predicament we are in reminds us of Frost’s couplet: “We dance around a ring and suppose. But the secret sits in the middle and knows.”

We would like a secret or two from the middle tonight—What is American policy? I don’t believe there is anyone in Washington, with the possible exception of the Presi-

dent, who can answer that question. Those who criticize our dissent often appeal to us on the need to present a united front and support our Administration in the difficult pursuit of peace. But I have yet to see a single document or hear a single statement that tells us what that plan or what that course is.

Is it designed to save lives or to save face? Is it designed to end the war or to relieve political pressure at home? Is it a policy which recognizes our errors or one which simply seeks to obscure them? Is it a policy which is to be determined by America or is it one which continues to lock us in the desires of Hanoi and Saigon? In short, is it a policy to get us out or keep us in Vietnam?

I acknowledge the President’s sincere desire for peace. But, we still, after withdrawal of 60,000 troops, will have 484,000 American troops in South Vietnam—only 6,000 less than a year ago.

We are still in full support of a government which has imprisoned 21,000 men and women, political and religious leaders, largely for their political beliefs. I think it is fair to say that those 21,000 Vietnamese in the main did nothing other than what we are doing here tonight.

We still espouse the cause of self-determination in Vietnam, although we know that Thieu and Ky have categorically stated their refusal to acknowledge any free election which gives any recognition to the National Liberation Front. As President Thieu put it, he “would not concede a single hamlet to the other side.”

We are told in Washington that our troops have shifted to a defensive strategy, but from Vietnam we hear that we are waging war as usual.

In short, by not setting forth a clear policy which disavows the past and sets a new course for peace, we are clinging to old policies and old myths. It is this admission which we seek from our Administration. It is not their mistake they need admit, it is our mistake and it is my mistake. What we are paying for today is simply a price for pride, and the price is too high for any civilized society to continue to pay.

I have a pride problem of my own. I once supported this war. I thought it was right. I thought many things would happen in Vietnam; a popular non-corrupt government, land reform, a South Vietnamese Army that would fight, and many other things. I found out I was wrong. I admit it; and I think it is time for the U.S. Government to do the same.

I believe our President said this in May, in so many words, when he said there was no longer any hope for military victory in Vietnam. I think that President Johnson also admitted the wrongness of this war—in so many words—when he stopped the bombing of the North and placed a ceiling on our troop commitments.

But “so many words” are not good enough.

A recent Gallup Poll showed more than 55 percent of Australians favor immediate withdrawal.

Whitlam said that if he were prime minister, Australia would sign the non-proliferation treaty.

There would be regional arrangements for the standardization of defense equipment, abolition of the draft, reform of conditions for the permanent army and negotiations to replace the F111C aircraft Australia has ordered from America.

#### MINORITY REASSURED

Gorton's statement will reassure the minority Democratic Labor party, which was alarmed at what was called External Affairs Minister Gordon Freeth's soft line towards Russia in a speech on Aug. 14.

Though lacking in detail, Gorton's speech will certainly satisfy the DLP and prevent their implied earlier threat to take second preference votes away from the Liberals. In this election, those preferences could be crucial in getting John Gorton and his Liberal-Country party coalition back into office.

#### OPPOSITION TO THE WAR IN VIETNAM

Mr. MONDALE. Mr. President, on Wednesday, October 15, many persons throughout the Nation will gather to express opposition to our continuing involvement in Vietnam. Not since the civil rights march of 1963 have so many Americans felt the need to express publicly and visibly their views on national policy.

An editorial published in the Minneapolis Tribune of October 12 eloquently expresses the hope that this moratorium on the war in Vietnam will hasten the end of a senseless and tragic war—a war which few Americans understand or support. I ask unanimous consent that the editorial, entitled "Wednesday's Demonstrations on Vietnam," be printed in the RECORD.

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

#### WEDNESDAY'S DEMONSTRATIONS ON VIETNAM

As Wednesday draws closer, one recalls the Civil Rights March of 1963 and how it touched the consciences and hearts of millions of Americans.

Across this land, on Wednesday, there will take place marches and demonstrations and vigils, this time not for civil rights but for peace.

The 1963 march, despite fears of violence, was peaceful—and successful. Various types of civil-rights and social legislation followed. The nonviolent nature of the protest was one reason for its success.

Despite the expected participation of radicals (such as members of the SDS) on Wednesday, we believe most demonstrations probably will be orderly and peaceful. We hope so, for violence can only detract from the purpose of the marches, that of demonstrating to fellow Americans and to the President the growing desire of many citizens to end the Vietnam War.

The President has said he won't be influenced by the demonstrations . . . but in a democracy can a President not be influenced by a large outpouring of the people?

More and more one hears across the land the voices of opposition to the war, a war from which our leaders now apparently would withdraw if a means could be found for saving face, a war which is hurting Vietnam more than it is helping a war no longer being vital (if it ever was) to our basic national interests, a war whose casualties are

being felt in neighborhood after neighborhood, town after town . . . a war which is causing the nation to postpone or reduce vital programs.

A war which has hindered efforts to close the gap between the races, between the generations and between the rich and poor.

A war which has brought serious inflation.

A war which has made more difficult any efforts to achieve an international easing of tensions.

President Johnson in March 1968 halted the escalation of American involvement in Vietnam. President Nixon has begun the process of disengagement. We support those troop withdrawals he has ordered. We wish they were larger.

Some of Wednesday's marchers will be demanding an immediate withdrawal of all U.S. troops. After 15 years of propping up South Vietnam, and even granting all the faults of that country's present leadership and efforts, we do not believe an instant pullout is a reasonable course for our nation. Indeed, such a pullout is not feasible in terms of logistics.

We believe that it is possible to draw up a timetable for a systematic withdrawal of all combat troops, and we believe such a timetable could encompass a period of 12 to 18 months.

It does not seem to us that a decision for such a timetable will be made by the American military or diplomatic establishments in Vietnam. They appear to be yet thinking in terms of victory—even though the President has said that victory is not our goal anymore. The decision to withdraw rests with the President.

But Mr. Nixon still seems to be listening closely to advisers like Gen. Wheeler, Gen. Westmoreland, Ambassador Bunker and others of the victory school. President Johnson did, too, but persuasive men like Clark Clifford came along to influence a change in presidential policy. We are not sure who will be the Clark Clifford of the Nixon administration. The tone and content of some of Mr. Nixon's statements, so similar to those of Mr. Johnson before he changed course, are greatly disturbing to millions of citizens.

Therein lies the importance of Wednesday's marchers, demonstrations and vigils. If conducted peaceably and with dignity, they can help lead other Americans to reconsider the course this country is on in Vietnam. They can help influence national policy.

To march for peace does not detract for one moment from the bravery and sacrifice of those nearly 40,000 Americans who have died in Vietnam. They died, as young Americans have died in generations past and may die in future generations, serving our country.

The question now is whether their sacrifice is served by hurling more young Americans into continuing combat in an Asian land war no longer considered vital to American security.

A majority of Americans, according to a recent Gallup Poll, believe it was a mistake to send troops to fight in Vietnam. The real question now is how to extricate our men from that mistake.

Present approaches, to extrication—Mr. Nixon's three conditions for troop withdrawals—depend on responses from Saigon or Hanoi. We believe the time is here for a policy geared to the needs of our own country. This means an end to American participation in the fighting within a reasonable time.

President Nixon, like many others, has talked of "no more Vietnam." If this concept is good for tomorrow, it is good for today.

On Wednesday, the marchers will be telling the nation: Let's end what has become a wrong war in the wrong place at the wrong time. Will the nation and our President be listening? We hope so.

#### THE CHICAGO RIOTS

Mr. PERCY. Mr. President, the Senate Permanent Subcommittee on Investigations met today to hear testimony from Police Superintendent James B. Conlisk, Jr., of Chicago, regarding the transfer of weapons to the former provost marshal general of the Army. As a member of this subcommittee and as a Senator from Illinois, I wish to comment briefly on a matter that has taken the highest priority in the work of Superintendent Conlisk and his men, constituting the reason why he could not appear before our committee as originally scheduled; namely, the hit-and-run guerrilla forces who have sought to spread havoc in Chicago for the past week.

I wish to commend the Chicago police and the Illinois National Guard for the calm and professional manner in which they responded to repeated provocations from these Maoist "Red Guards." They have skillfully prevented widespread violence and destruction and at all times shown an unwavering devotion to duty.

The outrages that have occurred on the streets of Chicago this past week, and the alert manner in which they have been curbed, presents an essentially different pattern of challenge and response from the well-publicized and well-studied disorders that occurred during the Democratic National Convention of 1968.

The rights of free speech, peaceful protest, and lawful assembly are guaranteed by our Constitution and, as such, are inviolable and sacrosanct. Full freedom to espouse a cause or to denounce injustice is the hallmark of our democracy.

What happened in Chicago, however, is a perversion of these basic rights. Young people who destroy the property, seriously injure, and threaten the lives of innocent citizens, young people who seek to confront authority for the sake of confrontation, may indeed seem mad. But it is clear that their wanton behavior has a clear-cut purpose.

For surely it is the intent of the rioters to destroy, as the main victim of their criminal attack, the free institutions of our democratic society. This radical "Weatherman" element of the SDS is truly Students for the Destruction of Society. It is essential that we repulse this evil challenge to America.

Governor Richard B. Ogilvie and Mayor Richard J. Daley joined together to meet this challenge and have moved responsibly to insure that the right of our citizens to live just and orderly lives is preserved.

#### THE PSEUDO CONSERVATIVES

Mr. McGEE. Mr. President, whatever they may be, the solutions to this Nation's problems at home and abroad are not simple. No one needs to make that point—or, at least, we would think that no one needed to make that point. Yet, simplistic solutions to our problems seem to abound, especially at the far reaches, left and right, of our political spectrum.

A more expert commentator than I, Paul Goodman, recently observed that "alienation is a powerful motivation, of unrest, fantasy, and reckless action." It



is, however, as he added, "a poor basis for politics, including revolutionary politics."

Yet alienation impels large segments of our population these days toward their reckless "solutions" to the problems which confront man in these United States. Dispose of one or two evil sources, or smash the forces behind civil commotion, and the job will be done, in their view. Ironically, the left and right extremists go about their tasks with much in common. While one strives to bring about the collapse of what it views as a corrupt and reactionary "establishment," the other campaigns day and night to shift power away from what it sees as an entrenched "liberal" and even "traitorous" power structure.

Why consider the complexities of any problem, the total ramifications of any decision, or the various people involved in any clash of ideas? There is no need, for the answers are obvious, at least to those who subscribe to the extremist line. At fault, it is obvious, is the establishment. Or is it the international Communist conspiracy?

Much comfort is to be gained, apparently, in the refuge of shibboleth and cant. One can draw the line easily between the good guys and those with corroded motives and impure purposes. It is nice, apparently, to have a handy whipping boy so you can look at the social disorders, minority problems, the polarities among our people and all the other uncertainties and dislocations in our political world and know who is to blame. Charge it off to an invidious plot by Reds or their unconscious dupes, or chalk it off to another manifestation of the stupidity and cupidity of the establishment.

Simple approaches such as this, I want to emphasize again, are the stock in trade at both ends of the political spectrum. The extremists from the left and right are more like each other, it would seem, than any group of concerned citizens seeking to find their way to the solution of today's many problems in a reasonable, fair way.

For those of us who count ourselves as being somewhere in the middle, the irony entwining the two extremes is heightened by the realization that they are self-perpetuating in their pattern of operations. They feed on each other, with each act of extremism at one end being countered by a reaction. Sometimes, one might think they exist for no other reason than to supply adherents with an all-purpose refuge in a confusing world.

The deceptive element about these extremists is the facade of legitimacy surrounding them. On the left, many of the complaints about social injustices are valid and in need of action and change—but violent confrontation does not accomplish these ends.

On the right, the reality of the Communist threat gives their argument some plausibility. But to attribute all social unrest within the country to this one reason is nonsense and worse, providing no movement toward solutions that would remove the conditions of unrest.

In past weeks, a handful of radicals from the left have engaged the attention of an entire Senate Committee investigating their activities. I doubt whether the are worth the time and expense, but I must grant that some clarification of their activities is needed.

The left has received much attention—only some of it deserved. Therefore, Mr. President, I shall direct my remarks today to the radical activities of the rightwing, to those we could call the "pseudo conservatives."

These factions of the right have historically been with us, from the early frontier vigilante groups in the West, and the Ku Klux Klan in the South, to the Minutemen of today. They have tried to legitimize their causes with words like Americanism, Christianity, patriotism, liberty, conservatism, morality, and Constitutionalism, but their activities have scarcely ever earned such descriptive nomenclature for them. Anyone outside the limits of their brand of patriotism is suspect. They function in such a fundamental state of isolation that the answers to everything they see wrong with the Nation appear simple. Return to the "good old days" when things were cut and dried. But those days were never so simple. We cannot turn back the population clock. Runaway technology has contributed to the complexities of our times, yet we cannot give up the conveniences that technology has provided.

Until recently, one of the favorite targets of the pseudo conservative right was the Warren court. Now that it is gone, and student activism has been reduced during the summer, I wonder that the rightists did not run out of evil sources to blame. But, of course, they did not, finding a ready target in sex education programs coast-to-coast, injecting an unfortunate ideological competition into a subject which should at all times be considered more sanely and reasonably—not as a Communist plot.

Communist as a threat to the free world has been in the forefront of my attention ever since my entrance into the Senate. I made myself clear in a book I wrote and published last year, but I cannot believe that everything causing the unrest in this country is a direct result of actions taken by the leaders in Moscow or Peking.

Psychologists call this gullible way that the right has of thinking the paranoid style of thought. It is based on suspicion and conspiracy, fantasy, and fear. Everything and everyone opposed to them is immediately assumed to be part of a Communist plot to overthrow the Government—or at least to undermine America's will to resist takeover.

It should be obvious that this distorted style of thinking is indicative of a distorted judgment—the same sort of judgment common to fanatics who believe they can solve the Nation's ills by political assassination, or the suppression of legitimate protest, for character assassination, I submit, is but a step removed from the unspeakable crime which we have sadly been witness to too often in the turbulent 1960's.

An example of this way of thinking probably reaches the desk of every Mem-

ber of Congress. I recently received a letter commenting on my book, "The Responsibilities of World Power." I should like to quote from the letter; some of the most blatant statements go like this:

The horrible fact is, Mr. McGee, that most liberals in your party are truly and sincerely sympathetic to the supposed theoretical attributes of Communism... our entire foreign policy, is a fundamental sympathy towards—and a corresponding antipathy toward opposition against—Communism.

Generally, I suspect that this sort of argument is immediately seen through by the average American. Even this sort of "big lie" is hard to swallow. But one of the soft sells of the rightwing—the law-and-order theme—has been subscribed to by many American people anxious about the current wave of national unrest and the very real and appalling incidence of crime and violence.

There is an obvious connection between the candidates flaunting law-and-order themes and the fear of social revolution created in the mind of the American people. The argument is that we must have order by any means, regardless of the law protecting personal rights. Adolf Hitler promised pre-World War Germany as much—and delivered an order of sorts for a time.

Since the early 1960's, activities of the rightwing have increased, especially over the period of the 1964 elections. Today, the movement continues.

About the war in Vietnam, the rightwing argues, again apparently the simple and expedient solution; namely, that we could win if we wanted to win. Indeed, we could—I do not doubt we could crush our adversary if we were willing to risk mankind's survival in the aftermath.

On the domestic scene, the rightwing has been a consistent objector to civil rights, fair housing laws, and voters' rights laws. They claim that the riots in the cities and on the campuses are the result of Communist instigation.

Their far-right views are concerned with keeping full participation in American life limited to a chosen, privileged few. Any threat to their special interest is given an interpretation as a threat to the rights of everyone.

The "law and order" theme has fit into this rightwing interpretation as the mainstay in their current wave of fear. Whenever a threat can be pointed to, it follows that the right to reduce or eliminate that threat belongs to a group sanctioned by the majority of people.

In a war, the Armed Forces are given the sanction by the people to commit acts of inhumanity to protect the society and country threatened. This is a hard fact of life. Ordinarily, acts of violence by police and other official groups would not be condoned by many Americans, but with the right sanctions—violence can be "as American as apple pie," and can be exercised in lieu of reason.

This is one way radicals on both the left and the right work together to create the fear that causes millions of Americans to ally themselves, to one degree or another, with one extreme or the other.

The influence of the rightwing has tended to the mass media, and especially



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