

familiar with the examples that he points out.

Would the Senator from New York agree with me that, although the language in the Constitution is the same with respect to both classes of nominations, the Senate's attitude toward a nomination, say, for appointment to a Cabinet post or position in the executive branch may well be different from its approach and attitude toward appointments to an independent, third branch of the Government, the judiciary?

Mr. JAVITS. Absolutely. I think the distinction is very basic and very real.

Mr. GRIFFIN. I thank the Senator.

Mr. JAVITS. I thank my colleague.

III. THE QUESTIONS STILL IN LITIGATION, AND THE IMPORTANCE OF THIS NOMINATION

To conclude, I have tried to explain why I believe this nominee's views as to the Constitution, particularly in segregation cases, are outside the framework of our time in history, and why I believe we, as Senators, have the right and obligation to base our decision also on this factor.

But need we decide on this basis, after the Supreme Court only a few weeks ago spoke unanimously and unequivocally on the subject of further delay in school desegregation? I ask myself: Will one man make that much difference?

This is my answer: In my judgment, the blight of segregation is still very much alive and of critical importance. Despite the unanimous 8-0 decision ending "all deliberate speed" and requiring immediate school desegregation, the litigation goes on, and there are questions in these cases which are of paramount importance and yet to be decided.

I am told that there are 14 cases now pending in the fifth circuit raising questions of school construction site selection and the breaking up of school administrative units, in each case involving an allegation that the action of the school board involves a device to avoid the Court's desegregation requirements.

What of these cases?

And what of the infinite variety of litigable stalling devices which have already delayed so much school desegregation for 15 years?

And what of the question of award of counsel fees for frivolous appeals for the purpose of delay—a question in which Judge Haynsworth has been unwilling to penalize the offending public authority, and has thereby forced black families to continue to bear the awesome financial burdens of unending litigation costs—as in Judge Haynsworth's Felder and Bell opinions?

That may be unwitting, but it results in black families having to bear the costs of litigation. I saw, myself, how the bar of Mississippi got lawyers in difficulty because of champerty, soliciting law cases, and so forth. So these families just do not have the means to prosecute the cases.

These are important cases yet to come because efforts to "skin" a law one does not like will go on ad infinitum.

And there are doubtless other types of cases in the context of fact situations

we cannot now anticipate or even imagine.

In my judgment, the introduction of a judge into the Supreme Court not committed to applying the 14th amendment to the swift elimination of all vestiges of legal discrimination would be a staggering blow to the cause of civil rights. The delicate process of achieving unanimous per curiam decisions in the landmark civil rights cases—begun by Chief Justice Warren in 1954 and followed this year by Chief Justice Burger—would be made much more difficult if not impossible. Under Supreme Court Rules 18, 27, 50, and 51, each Justice of the Supreme Court, moreover, has individual jurisdiction to grant interim relief pending appeal to the Supreme Court in cases coming up from the circuit to which that justice is assigned; and so Judge Haynsworth would be in control, alone, of such relief in his circuit—a matter so often of critical importance in civil rights cases.

These are not minor matters—even for one justice among nine.

So, having reviewed the record and having analyzed the cases, I conclude by stating that I cannot vote to confirm this nomination.

I yield the floor.

U.S. AIR FORCE

Mr. MANSFIELD. Mr. President, there is a nomination at the desk, which was reported earlier today. I understand it has been cleared on both sides. There is a need for prompt action. I ask unanimous consent that the nomination be called up.

The PRESIDING OFFICER. The nomination will be stated.

The LEGISLATIVE CLERK. Maj. Gen. Royal B. Allison to be promoted to the grade of lieutenant general.

Mr. MANSFIELD. Mr. President, will the clerk read the explanation at the top of the sheet, so that the Senate will be aware of the need for action?

The legislative clerk read as follows:

General Allison will be the senior U.S. Military Representative at the United States-U.S.S.R. disarmament negotiations in Helsinki to begin this coming Monday, November 17. His Russian counterpart holds the rank of lieutenant general and General Allison's appointment as a lieutenant general will serve to place him in a more advantageous position if he were in the higher rank at the beginning of the negotiations.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination?

The nomination was confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

What is the pleasure of the Senate?

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the

order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

(At 12 o'clock and 56 minutes p.m., the Senate took a recess subject to the call of the Chair.)

(At 1 o'clock and 8 minutes p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. BYRD of West Virginia in the chair).)

(By order of the Senate, the following proceedings occurred as in legislative session.)

PEACE DEMONSTRATIONS

Mr. MCGOVERN. Mr. President, this week, tens of thousands of people from all parts of the country, young and old alike, are in Washington for the purpose of expressing their concern and their views with reference to our policy in Vietnam and with reference to other issues that are of concern to them—especially to the young people who comprise this large crowd of visitors in the Nation's Capital.

Mr. President, I wish to say how pleased I am that the first news reports on the activities of last night and again today indicate that these Americans who are visiting here in the Capital are conducting themselves as I fully expected they would, in a climate of dignity, good taste, and genuine conviction. These people come in an atmosphere of peace. They come here for the purpose of expressing their opposition to violence, not to perpetuate it.

I wish to read just a few of the observations that were made to newsmen last night and during the afternoon by young people visiting the Capital. For example, in today's Washington Post Mr. Tom Schiele, of Haverford College, is quoted as follows:

If this comes off poorly it's going to have a very bad effect for the peace movement.

So it is my responsibility to try and make it come off peacefully—and to try to keep the kind of dignity the October demonstrations had. And I really think the U.S. has no business being in Vietnam, and that's why I'm involved in the peace movement.

He went on to say:

I suppose this may be the largest demonstration ever assembled in Washington. It's sort of the climax of everything that's been going on in the peace movement the last three years.

Mr. President, to me that represents the tone, not only of the young man dedicated to peace, but of a mature and dignified citizen who is entitled to the respect and confidence of all of us; and beyond that he is entitled to be heard in what he has to say about the policies of our country.

Mr. David Hawk, whose name is known

Anyhow, I was merely trying to say that the Senator is making a statement that is candid, frank, forthright, and that he is going directly to the point as to judicial philosophy, if I may again use the word "philosophy" as my own choice of verbiage. I admire him for it.

Mr. BYRD of West Virginia subsequently said: Mr. President, a little earlier today a question arose during a colloquy between the able senior Senator from New York and me as to whether he had used the word "confused" in an earlier statement. It was my feeling that he had used the word "confused." He was under the impression that he had not. He was speaking ad libitum of course, at the time.

Accordingly, I sent for the transcript. I will read into the RECORD the following sentence spoken by the Senator from New York, and I do not feel that I am taking an advantage of him in doing so:

This is perhaps a new approach to the question, but I think it is high time; because, frankly, I think the other question of conflict of interest and ethics is pretty confused, and many of the parts of it are not big enough to warrant such a thing as turning down a President.

I realize that the Senator did not seek to impute to me an intention to characterize him wrongly. But I just want the RECORD to show that I did not misunderstand or misrepresent the Senator when I said he had used the word "confused."

Mr. JAVITS. Mr. President, notwithstanding the opposite view expressed in some quarters, there is a long and consistent history of considering the views of Supreme Court nominees, and in fact of rejecting nominees whose views are not acceptable to the Senate.

Senator THURMOND, a year ago, asked Justice Fortas when he testified before the Judiciary Committee:

Don't you think the members of the Senate, of this Judiciary Committee, are entitled to know what your philosophy is if they are going to consider you for Chief Justice?

And Justice Fortas replied:

Absolutely.

(The colloquy appears on page 182 of Part I of the 1968 Fortas hearings.)

Senator ERVIN, on page 107 of the same volume, stated at the Fortas hearings:

I think it is so important for Senators to know something about the constitutional philosophy of a Supreme Court Justice, particularly a Chief Justice.

And Senator STENNIS reviewed the history of the problem and stated in 1955 on the Senate floor:

Here in the Senate there has been a rather well established practice to the effect that if a President nominates a person of character, honor and ability for appointment, then there is no sound basis for withholding Senate confirmation. So far as appointments in the Executive Branch of the Government are concerned, this is certainly the general rule, and is one that I ordinarily follow. However, as to judicial appointments, especially at the very top, it has no application whatsoever; and, further, it is dangerous to the Judiciary as an independent branch of the Government. (101 Cong. Rec. 2830 (1955).)

The massive three-volume work by Charles Warren, "The Supreme Court in United States History," is replete with

examples of Senate rejection of Supreme Court nominees, beginning with President Washington's first appointment of a Chief Justice to succeed John Jay—the rejection of John Rutledge in 1795—down through Lincoln's time and later. A classic example is Warren's account of President Tyler's nominee in 1844:

Finally, on March 13, 1844, Tyler sent to the Senate the name of Reuben H. Walworth, then Chancellor of the State of New York. The new appointee, though unquestionably of the highest legal ability, was not only personally unpopular but politically disliked by the Whigs . . . (Warren, *The Supreme Court in United States History*, vol. 2, p. 389).

In consequence, Walworth's confirmation was postponed on a rollcall vote, and ultimately withdrawn.

As Senator Norris put it when he successfully opposed confirmation of Judge Parker in 1930 solely on the ground of judicial philosophy:

So we are down to this one thing. When we are passing on a Judge, therefore, we not only ought to know whether he is a good lawyer, not only whether he is honest—and I admit that this nominee possesses both these qualifications—but we ought to know how he approaches these great questions of human liberty. (The full analysis appears in Joseph P. Harris, *The Advice and Consent of the Senate* (1953).)

I cite this example, not to compare the present nominee with any other, but simply to show that the Senate has generally gone beyond mere consideration of a Supreme Court nominee's legal ability and qualifications.

The whole matter is reviewed in more current context by an extensive article in volume 78 of the Yale Law Journal published this year. I will not recite the additional precedents now, but I ask unanimous consent that a brief article published in the New York Times on October 19 of this year, written by Anthony Lewis, a former Nieman fellow at Harvard Law School who for years covered the Supreme Court for the New York Times, be printed at this point in the RECORD.

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

THE SENATE AND THE SUPREME COURT (By Anthony Lewis)

WASHINGTON.—In their irritation at the opponents of Clement Haynsworth, some Administration officials are now saying that the issue in the confirmation fight is nothing less than the President's right to appoint Supreme Court Justices. The Senate, they argue, is trying to undermine that prerogative; Senators should support a President's choice for the Court unless he can be shown to be corrupt or incompetent.

But history contradicts that narrow view of the Senate's role. In fact, over the years, the Senate in considering nominations to the Supreme Court has rejected "a proportion far higher than for any other Federal office." So says a leading study, Joseph P. Harris's "The Advice and Consent of the Senate."

In the nineteenth century, when senatorial scrutiny was at its most rigorous, 72 men were nominated to the Supreme Court and eighteen of them—one quarter—failed of confirmation. The eighteen does not include a few others who declined the honor.

Nominees were rejected for a variety of reasons, because of ability or temperament. Some lost in formal votes of the Senate; other nominations were withdrawn in the face of opposition.

President Madison, for example, nominated a Connecticut Collector of Customs, Alexander Wolcott, in 1811. Charles Warren, the great Supreme Court historian, said the general feeling was that Wolcott was a man of "somewhat mediocre legal ability." For that reason a Senate overwhelmingly of Madison's party rejected the nomination, 24 to 9.

GRANT'S NOMINATION

Grant tried three times before he could get a Chief Justice confirmed. His first choice—George H. Williams, his Attorney General—was criticized as a "second-rate" lawyer. His second, Caleb Cushing, a former Judge of the Supreme Judicial Court of Massachusetts, was eminently qualified. But Senators were uneasy at the fact that he had been successively a Whig, Democrat and Republican. The opposition eventually found that he had written an innocent letter to Jefferson Davis during the Civil War and used that to rally opinion against him. Both nominations were withdrawn.

Other nominees in the last century were defeated because they were partisan Whigs in Democratic times, or because they had offended Senators, or because in other offices they had followed objectionable policies. No one could read the record without concluding that Senators in those days felt quite free to make their own appraisal of any man chosen to say the last word in our constitutional system.

Today, most Senators would be more sophisticated and more restrained in the use of their confirmation power. Ironic exceptions are Senators Thurmond of South Carolina and Eastland of Mississippi, two of Judge Haynsworth's principal backers, who have not hesitated to oppose anyone suspected of liberal tendencies. They voted against the only three nominees to the Warren Court who were put to a record vote in the Senate, Justices Harlan, Stewart and Marshall.

The question for most members of the Senate in 1969 is not one dimensional. For example, the fact that a nominee is a so-called strict constructionist in constitutional matters would not necessarily make Senators of a different outlook oppose him; it is easy to think of judicial conservatives whose high intellectual qualifications would have smothered the thought of opposition on philosophical grounds.

The point about Judge Haynsworth is that he does not have such high intellectual or legal qualifications. Few could call it a distinguished appointment.

POLICY AND ETHICS

Along with that basic ground for opposition are doubts about policy and ethics. Those who feel the doubts might say that Judge Haynsworth is a man from a narrow background who has not altogether surmounted it in his view of life and the law, and that in his commercial dealings while on the bench he has at best shown insensitivity to the appearance demanded of judges.

In short, the argument against Clement Haynsworth is not that he is an evil man, or a corrupt one, or one consciously biased. It is that he is an inadequate man for a lifetime position of immense power and responsibility in our structure of government. And any Senator who reaches that conclusion is quite entitled, in precedent and in reason, to oppose his confirmation.

Mr. GRIFFIN. Mr. President, will the Senator yield to me, before he goes on to another point?

Mr. JAVITS. I yield.

Mr. GRIFFIN. I commend the Senator for the contribution he has just made concerning the appropriate role of the Senate in confirmation of appointments to the Supreme Court. I, too, have studied this important work of Mr. Warren concerning the Supreme Court, and I am

to us as one of the four principal directors of the October moratorium as well as the November moratorium, who is participating now as a member of the steering committee of the mobilization, referred in his conversations with the Washington Post reporter to what he called a new youth culture. He calls it a youth culture, a culture that believes in love, peace, joy, not war, death, and destruction.

Then, another young man, Mr. Albert Winn, of Philadelphia, is quoted as saying:

They're the ones that are being sucked into a machine they don't believe in. They don't believe in the draft. They don't believe in Vietnam, but they have to go.

He went on to say:

There's a different scale of values that's beginning to evolve. I think basically we are beginning to evaluate things on a more humanistic side. A lot of us don't seem so technically oriented, though granted we live in a highly technical world.

Then still another young person from Penn State is quoted as saying:

There's just one thing I would like to say. I would like to live for my country, not die for it.

Mr. President, those sentiments really express more eloquently than I can what I also feel about issues that are at stake, the policies that are under question, and what the objectives are of the people who are walking, speaking, and demonstrating in our city this week.

I would like to add a special note of commendation to the mayor of this city, Mayor Walter Washington, and his chief of police, Jerry V. Wilson. Mayor Washington came to my office the day before yesterday and met with a group of Senators to explore what we might do together to insure that the events of this week were handled with maximum effectiveness. I think he deserves the appreciation and admiration of all of us for the kind of leadership he has provided in opening up this city and these facilities and providing its services, not only for the protection of the citizens who live here, but also for the protection and comfort of those who come here from other States to visit in our Capital. This Capital, after all, belongs to no one of us but to all the people of this country, including those who are here this week.

I wish to quote from the instructions that Chief of Police Jerry V. Wilson gave to the 3,000 members of his force. This is what he had to say:

Members of the force, in handling the many unusual circumstances that arise, shall be patient, discreet and solicitous of the citizens of our own city, as well as the multitude of visitors here during this demonstration. . . . Arrests for minor infractions shall be held to an absolute minimum.

It is imperative that every man and every official do his utmost to see that . . . when the demonstration is over . . . the participants . . . may look back on this day with pleasure and that there will linger in their hearts a genuine esteem for our department.

Mr. President, that is the kind of law enforcement officer I endorse; that is the kind of law enforcement, based on justice, compassion, good taste, and a sense of proportion that could have avoided much of the anguish and vio-

lence we have seen elsewhere in the country. I cannot praise too highly this fine young law officer, Chief Jerry V. Wilson, for the leadership he has shown, or the mayor of this city.

There is one final note I wish to add for the RECORD. I refer to the meeting in my office Wednesday with a group of Senators. That meeting was attended by the Senator from Idaho (Mr. CHURCH), the Senator from Maine (Mr. MUSKIE), the Senator from Oregon (Mr. HATFIELD), and the Senator from Iowa (Mr. HUGHES). In the course of those discussions we worked out a statement which was later signed by some 19 other Senators. I shall read the statement first and then list the names of Senators who signed it. The statement reads as follows:

BIPARTISAN STATEMENT BY U.S. SENATORS,
NOVEMBER 12, 1969

This week thousands of Americans of all ages, concerned about the future of our country, are coming to their Nation's Capital to express their views. The numbers may be unprecedented. Whether or not all citizens agree with their position, we can agree that they have a right to come here peacefully to express what is in their hearts and on their minds.

In order to insure that their stay here in Washington will be peaceful, constructive, and useful, there is a responsibility upon all of us in the Washington area to welcome them and extend our hospitality.

There are some very practical human needs involved in the assembling of this number of people, including sanitation, food and lodging. Mayor Washington has taken the lead in meeting these requirements, to better insure good order in the City and to make these Americans feel welcome.

We appeal to the universities of the area, to the churches and schools and residents, to open their facilities, their hearts, and their homes to their fellow Americans who come in peace to their capital.

The leaders who have organized this week's activities are pledged to a peaceful, constructive assemblage.

It is a matter of the utmost urgency that the people of the Washington area respond in the same spirit.

Because of limited housing and feeding facilities, we strongly urge all persons coming to Washington for the Saturday events not to arrive before Saturday morning and to leave by Saturday evening.

That is, as distinguished from the march and activities of last night and today, and because of the difficulty of housing people overnight and because of the chilly, damp weather.

We further urge that participants bring box lunches and their water supply with them. Persons wishing to offer lodging or other assistance should call 737-8605 (area code 202).

Mr. President, the statement was signed by the following Senators, including the Senator from Ohio (Mr. YOUNG) and the Senator from California (Mr. CRANSTON), who are now in the Chamber: BIRCH BAYH, Democrat, of Indiana; FRANK CHURCH, Democrat, of Idaho; ALAN CRANSTON, Democrat, of California; CHARLES E. GOODSELL, Republican, of New York; MIKE GRAVEL, Democrat, of Alaska; FRED R. HARRIS, Democrat, of Oklahoma; PHIL HART, Democrat, of Michigan; HAROLD E. HUGHES, Democrat, of Iowa; EUGENE J. MCCARTHY, Democrat, of Minnesota; GEORGE MCGOVERN, Democrat, of South Dakota; J. W. FUL-

BRIGHT, Democrat, of Arkansas; and WILLIAM B. SAXBE, Republican, of Ohio.

THOMAS J. MCINTYRE, Democrat, of New Hampshire; LEE METCALF, Democrat, of Montana; WALTER F. MONDALE, Democrat, of Minnesota; EDMUND S. MUSKIE, Democrat, of Maine; GAYLORD NELSON, Democrat, of Wisconsin; CLAYBORNE PELL, Democrat, of Rhode Island; WILLIAM PROXMIRE, Democrat, of Wisconsin; ABRAHAM RIBICOFF, Democrat, of Connecticut; RALPH YARBOROUGH, Democrat, of Texas; STEPHEN M. YOUNG, Democrat, of Ohio; and DANIEL K. INOUYE, Democrat, of Hawaii.

Mr. YOUNG of Ohio. Mr. President, will the Senator from South Dakota yield?

Mr. MCGOVERN. I yield.

Mr. YOUNG of Ohio. I congratulate and compliment the distinguished Senator from South Dakota on the fine statement he has made today.

I wish to associate myself with the position he has taken. I know that the distinguished Senator from South Dakota has received many scurrilous letters and telegrams denouncing him as a Communist sympathizer, and appeaser, and other vicious epithets.

I think perhaps it is fitting for me at this time to say that the Senator from South Dakota was one of the earliest, if not the earliest, speakers in this Chamber opposing our involvement in the civil war in Vietnam and denouncing the sending of hundreds of thousands of American soldiers there approximately 50,000 of whom have now lost their lives. In addition, some 256,000 have been wounded in combat, many of them miraculously saved because of the advances in medical science, but, nevertheless, many will be maimed as long as they live.

The Senator from South Dakota who has been a courageous leader in this fight, and I associate myself with everything he has said today.

Mr. President, it happens that on two occasions, in 1965 and again last year, I spent nearly a month in South Vietnam on a fact-finding mission. I know that he speaks truthfully. Yet, the distinguished South Dakota Senator, who was the recipient of the Distinguished Flying Cross for his heroic services in World War II as a valiant pilot who challenged death in death's own domain above the clouds over a foreign land, has been vilified by many right-wing extremists who question his integrity, none of whom, I am sure, has ever worn the uniform of his country in time of war.

I not only compliment him, but I shall also be glad to be with him on the platform tomorrow in the ceremonies to be attended by so many people from throughout the Nation. Once more, I congratulate this great American who has just spoken here.

Mr. MCGOVERN. Mr. President, let me thank the Senator from Ohio for what he has had to say.

It is a fact that, like other Senators, I have received some scurrilous mail.

It occurred to me that I should confer with the Senator from Ohio as to the proper kind of reply to make to those letters. I know something about his eloquence and imagination in handling that kind of letter the way it should be

handled. Perhaps he and I can get together on that question later on today.

I thank the Senator from Ohio very much for his kind words.

COMMUNIST CHINA: AN ASSESSMENT

Mr. DOMINICK. Mr. President, in view of our preoccupation with the problems in Asia, the recent assessment of Communist China by the Committee of One Million, on which I serve as a member of its steering committee, is particularly valuable.

In April of 1969, Lin Piao quoted Chairman Mao as saying that the Chinese People's Liberation Army is the main component of the state which must do all in its power to engage in all types of revolution around the globe.

After naming the United States and the Soviet Union as its prime enemies, he stated that he and Mao, after Vietnam, would direct their attention to the export of violent revolution throughout Southeast Asia.

Mr. President, he applauded the violent dissenters in this country and called for peoples' wars in Africa, Asia, and Latin America.

I do not believe that this recent statement of the policy of the leaders of Red China should give us any encouragement over its willingness to abide by the United Nations Charter, or to live in peace with its neighbors.

Mr. President, I ask unanimous consent that the text of the statement, "Communist China: An Assessment," be printed in the RECORD.

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

COMMUNIST CHINA: AN ASSESSMENT

Twenty years have elapsed since Mao Tse-tung and his Communist followers completed the subversion and conquest of the China mainland.

For the estimated 650 to 700 million Chinese people the past two decades have been marked by a turbulence and tyranny seldom, if ever, paralleled in 4,000 years of recorded Chinese history.

It is both timely and proper that an assessment be made of Red China today. This report will attempt, as briefly as possible, to provide such an assessment.

On April 1, 1969, 1,512 delegates, hand-picked by the supporters of Mao Tse-tung after repeated delays and much difficulty, convened the Ninth Congress of the Chinese Communist Party in Peking's "People's Hall."

Though the Party Constitution adopted by the Eighth Congress in 1956 ordered that a session of the National Party Congress be held annually, none had been called since the end of the second session of the 8th Congress in May, 1958—a span of 11 years.

Why?

Largely because Mao Tse-tung embarked on programs that were to send mainland China into severe convulsions during those eleven years, beginning with his Great Leap Forward and ending with his Great Proletarian Cultural Revolution.

The principal result of the Great Leap was to set back China's economy by uprooting its agricultural plant through the institution of rural communes and by dislocating the small but promising industrial plant the Reds had captured from the Chiang Kai-shek period.

The principal result of the Cultural Revolution has been to unravel the entire fabric of traditional Chinese life, close down its schools, create near-anarchy in cities, towns and countryside and submit an entire nation to the stifling memorization of the Thoughts of Mao Tse-tung, the wisdom of Mao Tse-tung, the omniscience of Mao Tse-tung and the idolatry of Mao Tse-tung.

Between what amounted to a Great Leap Backward and a Revolution Against Culture, the most heavily populated nation in the world has been placed in limbo, literally going nowhere fast in a century when social, economic and political progress are mankind's most urgent business.

According to testimony from the endless procession of refugees from Communist China and by the admission of some of Mao's ardent Western supporters who have been permitted to visit Red China in recent years, most of Mao's much heralded "agrarian reform" programs have been failures. Food grain production alone dropped by five million tons in 1968.

China's industry is still woefully miniscule for a nation with such a vast labor pool. It is particularly retarded in providing consumer goods that would be considered commonplace in any other land—even in other Communist countries.

The simple hoe is still the primary agricultural tool. The bicycle is the most cherished and popular available mode of transportation. Not a single mile of sorely needed new railroad track has been built in the past ten years. Matches, soap, most meats, many vegetables, tobacco and other everyday consumer goods are strictly rationed. Cloth is so hard to obtain that relatives living outside Communist China are urged by their loved ones within to send pieces of yard-goods rather than money in order to provide new patches for worn out clothing.

Even in the field of education where the Communists initially continued the great strides made before the Japanese invasion in reducing illiteracy and expanding the number of schools and teachers in China, Mao's personal campaigns of "leaps" and "anti-culture" have slowed development to a virtual standstill.

During the "cultural revolution," largely as a means of making available large numbers of young people for the Red Guards and the resultant riots and demonstrations, Peking ordered schools closed, colleges and universities shut down, and faculties purged.

It is estimated that since 1966 the stifling effect of limiting all reading, discussion and thinking to the "thoughts" and "works" of Mao Tse-tung, coupled with the closing of schools and the sending of 160,000 competent teachers to work in the countryside in order to learn the "wisdom of the peasants," may have set mainland China's future back more than a decade.

Even the People's Liberation Army newspaper "Red Flag" recently had the courage to admit that the young people of Communist China were becoming bored with reading nothing but Mao's words and suggested, editorially, that perhaps it would be healthier if Red China's youth was exposed to outside writings even though these might, of course, convey "dangerous" ideas.

Only in the field of nuclear weapons where Peking has fanatically concentrated its economic and scientific resources has Communism managed to produce any significant advancements.

By ignoring the needs of the Chinese people, Mao Tse-tung's followers have been able to saturate vast reaches of the world with propaganda, subversion and—in the case of Southeast Asia—outright promotion of terrorism and violent revolution in the name of so-called wars of national liberation.

It is little wonder, therefore, that it took so long to call a Party Congress, particularly

after Mao's costly "leaps" and "revolution" led to sharp schisms within the Party hierarchy and forced him to turn to the mob rule of the youthful Red Guards in order to stay in power at all.

Like everything else Mao has tried in China, the Red Guards got completely out of hand. Today Peking rules uneasily over a strife-torn, anti-Maoist and increasingly anti-Communist population of restive peasants, workers and intellectuals only by virtue of the PLA—the misnamed People's Liberation Army.

To keep that army on his side, Mao has paid a tremendous price. He forced the Ninth Party Congress to officially designate his trusted comrade, Defense Minister Lin Piao, as his successor. He gave PLA commanders a disproportionate share of the seats in the Party Central Committee. He has also turned over control of key regions and provinces of mainland China to Lin's generals. Although a dedicated Marxist-Leninist whose famous "thoughts" include an admonition that the Party must always be master of the army—never the reverse—Mao now relies almost entirely on the military to maintain his dictatorship over the Chinese masses.

Aside from Mao and Lin, who runs China today?

First, consider the composition of the new Central Committee elected by the Ninth Congress.

Of the 170 full members, 58 are Communist revolutionary cadres including Mao himself. Seventy-three are PLA military chiefs, including Lin Piao. Thirty-nine appear to represent so-called organizations of the masses—peasant unions, workers groups, etc.

The Ninth Congress was in secret session for 24 days—the longest meeting of a Chinese Communist Party Congress in history. This tends to confirm reports that even with hand-picked delegates Mao and his closest aides had difficulty in arranging their new Constitution and the composition of the Central Committee.

On April 28, the Committee elected a new Politburo chaired by Mao with Lin Piao as Vice Chairman. The Standing Committee of the Politburo, which formerly consisted of eleven members, was reduced to five to give Mao absolute control of the decision-making process. Aside from Mao and Lin, the others are Chou En-lai, Mao's long-time Premier, Chen Po-Ta and Kang Sheng, both of whom are old-line regulars in Mao's camp.

Of the 21 Politburo members—including the five on the Standing Committee—eleven are from the army—assuring the PLA control of Red China's political affairs in the future.

Since the Ninth Party Congress, two important internal developments have occurred. One is that official Peking publications are suddenly listing Mao—for the first time since he gained control of the mainland in October, 1949—as a co-equal commander with Lin Piao of the People's Liberation Army. This is being interpreted by Hong Kong observers as an indication that Lin's health may be sufficiently in doubt to force Mao to assume a title he so long frowned upon simply to protect the continuity of his grip on the army.

The other development is the emergence of Finance Minister Li Hsien-nien as acting (if not actual) Foreign Minister amid strong indications that he may become Premier if another strong indication becomes a fact: Premier Chou En-lai may be named the figurehead President of the Chinese People's Republic. Peking has become sensitive to the fact that since the purge of President Liu Shao-chi no one has replaced him. When Chou led the delegation to the funeral of North Vietnam's Ho Chi Minh, Cambodian Premier Sihanouk noted that no head of state except himself paid homage to the

TREASURER OF THE UNITED STATES

The legislative clerk read the nomination of Dorothy A. Elston, of Delaware, to be Treasurer of the United States.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The legislative clerk read the nomination of Lewis Butler, of California, to be an Assistant Secretary of Health, Education, and Welfare.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

The legislative clerk read the nomination of Robert C. Mardian, of California, to be General Counsel of the Department of Health, Education, and Welfare.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The VICE PRESIDENT. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MANSFIELD

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be recognized for not to exceed 10 minutes during the period for the transaction of routine morning business.

The VICE PRESIDENT. Without objection, it is so ordered.

PRESIDENT'S MESSAGE ON ORGANIZED CRIME

Mr. DIRKSEN. Mr. President, I want to give complete encouragement and support to the rather forthright representation and presentation by the President on the subject of organized crime.

I think it was Lord Acton was said long ago that "power tends to corrupt. And absolute power tends to corrupt absolutely." Even in a free country there can develop that kind of corrupt power; and it becomes corrupt and corrosive and corrupts whatever it touches. Our forefathers took heed of Lord Acton's warn-

ing, and they established a government of limited powers, with checks and balances.

But now, nearly 200 years later, we find a government within our system which has no checks and recognizes no balances. Its members are governed by a false sense of loyalty and by a constant fear of violent reprisal. The philosophy of this government within a government is to use any means necessary to increase its power and wealth.

If by now there are those who do not know what I am referring to, I am referring to La Cosa Nostra. This vast empire has extended its influence to many areas outside of those for which it is noted. Labor unions, private enterprise, local government, and our financial institutions have all been infiltrated by its corrupt influence.

Unfortunately, our constituents are often not aware of the influence that organized crime has on everyday life. It is time that we made them aware, for, as Charles W. Eliot once said:

In the modern world, the intelligence of public opinion is the one indispensable condition of social progress.

Once a citizen is aware of the fact that when he lays down a \$2 bet somewhere, or on a number, he helps to buy heroin which is used to ruin the lives of our youth, he may be less likely to make what at one time seemed to be a relatively harmless and insignificant wager.

With the support of the public, coordinated efforts of Federal and local law enforcement can lift the black hand of organized crime from the Nation's heart. I urge full support of the President's program as set forth to this Congress.

It is time that we close the door on organized criminal activity in this country, and we had better begin today.

With further reference to the President's message on organized crime, on Monday next I am quite sure that the Senator from Nebraska (Mr. HRUSKA), as the author, and others, as cosponsors, will introduce the legislation dealing with gambling.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may proceed for an additional 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

THE PROPOSED POSTAL RATE INCREASE

Mr. DIRKSEN. Mr. President, the previous administration's Post Office Department budget, submitted last January, called for raising the cost of mailing a letter from 6 to 7 cents, plus an extra penny for postcards. That administration did not, however, seek additional revenue from those flooding the mails with advertising circulars or from the publishers of magazines and newspapers.

I am pleased, Mr. President, that President Nixon recognized in his postal revenue proposal that it is not fair to ask those sending letters to bear the entire rate increase.

In addition to asking for a 1-cent increase in first-class mail, the President

has proposed increases for bulk third-class mail and magazines and newspapers. Including increases to be implemented for these two classes of mail within the next 8 months, their rates would be lifted from 16 percent to 20 percent above today's levels. These amounts are comparable to the 16 $\frac{2}{3}$ -percent rise being asked for letter-mail postage.

With the Post Office Department facing the biggest deficit in its history, President Nixon felt that all of the major classes of mail users should help trim the \$1.2 billion postal deficit expected in fiscal year 1970. On an annual basis, the President's postal revenue proposal will yield about \$636 million.

Mr. President, if we support the principle that those using the mail should pay for its services, we have no choice but to revise postal rates and avoid this huge deficit in the postal service. The alternative is an increased burden which must be borne by all the taxpayers.

ISRAEL

Mr. RIBICOFF. Mr. President, Israel is a miracle in the modern world.

Though surrounded by enemies, deluged by a torrent of immigrants, and slighted in the blessings of natural wealth, Israel has not only survived, she has prospered.

The reason is singlefold: Israel has harnessed her one outstanding attribute—a people who are strong, steadfast, patient, talented, and determined to succeed.

This week marks the 21st anniversary of Israel. There is much to celebrate.

From a nation of some 600,000 people, her population has now reached almost 3 million.

Israelis are celebrating the recovery of fertile green fields from the yellow sands of the desert.

Their nation is a haven for the persecuted who have come to establish new lives. An dtheir pride in living in the new Israel is reflected in the new cities, farms, factories, and roads—in the vibrant economy they have built on the face of their land.

All of us marvel at this noble experiment in statehood which already has so many remarkable achievements to her credit.

Yet we know that this—Israel's 21st anniversary year—is also a time of sad thoughtfulness.

For the remarkable Israelis fought a victorious war to bring peace, and still there is no permanent peace. Instead, hostilities break out almost every day.

It is our solemn hope that finally a just settlement and lasting peace will come to the Middle East.

For the state of Israel teaches of human courage, strength of will, vitality, and self-sacrifice. The commitment of her people to meaningful values gives promise for the future. There cannot be too much of that in the world today.

Mr. President, I am pleased to announce that the following 46 Senators have joined with the Senator from Pennsylvania (Mr. SCOTT) and me in signing the following statement which expresses

our strong support for meaningful efforts to establish permanent peace in the Middle East: Senators ALLOTT, BAYH, BENNETT, BIBLE, BROOKE, BURDICK, BYRD of West Virginia, CASE, COOK, COTTON, CRANSTON, GOODSELL, GORE, GURNEY, HARRIS, HART, HARTKE, HOLLAND, JACKSON, JAVITS, MAGNUSON, MATHIAS, MCGEE, MCGOVERN, MCINTIRE, METCALF, MILLER, MONDALE, MOSS, MURPHY, MUSKIE, NELSON, PERCY, PROXMIRE, SAXBE, SCHWEIKER, STEVENS, TYDINGS, WILLIAMS of New Jersey, YOUNG of Ohio, YARBOROUGH, PASTORE, KENNEDY, GOLDWATER, MONTAYA, and PELL.

The statement reads as follows:

On the occasion of Israel's 21st birthday, we offer our congratulations to the people of Israel on their progress: the absorption of more than 1,250,000 refugees and immigrants; the reclamation of the land; the development of their economy; the cultivation of arts and sciences; the revival of culture and civilization; the preservation and strengthening of democratic institutions; their constructive co-operation in the international community.

On this 21st anniversary we express our concern that the people of Israel are still denied their right to peace and that they must carry heavy defense burdens which divert human and material resources from productive pursuits.

We deeply regret that Israel's Arab neighbors, after three futile and costly wars, still refuse to negotiate a final peace settlement with Israel.

We believe that the issues which divide Israel and the Arab states can be resolved in the spirit and service of peace, if the leaders of the Arab states would agree to meet with Israelis in face-to-face negotiations. There is no effective substitute for the procedure. The parties to the conflict must be parties to the settlement. We oppose any attempt by outside powers to impose halfway measures not conducive to a permanent peace.

To ensure direct negotiations and to secure a contractual peace settlement, freely and sincerely signed by the parties themselves, the United States should oppose all pressures upon Israel to withdraw prematurely and unconditionally from any of the territories which Israel now administers.

Achieving peace, Israel and the Arab states will be in a position to settle the problems which confront them. Peace will outlaw belligerence, define final boundaries, and boycotts and blockades, curb terrorism, promote disarmament, facilitate refugee resettlement, ensure freedom of navigation through international waterways, and promote economic co-operation in the interests of all people.

The United Nations cease-fire should be obeyed and respected by all nations. The Arab states have an obligation to curb terrorism and to end their attacks on Israel civilians and settlements.

We deplore one-sided United Nations Resolutions which ignore Arab violations of the cease-fire and which censure Israel's reply and counter-action. Resolutions which condemn those who want peace and which shield those who wage war are a travesty of the United Nations charter and a blow at the peace.

The United States should make it clear to all governments in the Near East that we do not condone a state of war, that we persist in the search for a negotiated and contractual peace, as a major goal of American policy.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. RIBICOFF. I am pleased to yield to the distinguished coauthor of the statement.

Mr. SCOTT. Mr. President, I am very happy, indeed, that the distinguished

Senator from Connecticut has called to the attention of the Senate a statement expressing the sentiment of nearly one-half of the Members of this body. I am sure there are many other Senators who share in this feeling that there should not be a peace imposed upon the parties. This is not to say that the good offices and good will of all nations should not be exerted to end this conflict.

That this conflict should be ended is, of course, the aspiration of all men and women of good will everywhere.

There is a great difference between imposing peace and searching for suggestions and conclusions which might aid the parties to come together at the peace table. But there can be no peace, in my opinion, unless and until the Arab States recognize the State of Israel and sit down at the conference table for discussions. There is a need for settlement; there is a way for settlement; what we need is the will.

I thank the Senator from Connecticut.

MORALITY AND PORNOGRAPHY

Mr. MILLER. Mr. President, columnist Donald Kaul, of the Des Moines Register, usually writes with tongue in cheek, poking fun at those who take themselves too seriously. But in the Sunday Register of April 13, Kaul was deadly serious in assessing the issue of morality and pornography as it exists today.

I think that his column merits attention and I ask unanimous consent to have it printed in the RECORD.

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

OVER THE COFFEE: MODERN-DAY SODOM

(By Donald Kaul)

Either New York is really getting crummier or I'm getting old; maybe both.

Although I've never lived in New York, I've always considered myself a New Yorker-in-exile. Like many Midwesterners of my generation, I've been thrilled by the city's skyline and energized by the excitement of its streets.

Whenever somebody would start to say "New York is a nice place to live but . . ." I'd interject a "P h i f f t t t !" or equally appropriate comment.

But now . . . I'm not so sure.

New York didn't seem quite so glamorous this trip. The sordidness, filth, corruption, decay and noise—my God, the noise—have reached a level that makes the city virtually uninhabitable.

Take Forty-second street. Forty-second street, around Broadway, has long been the dirty movie capital of the United States, the Mecca of creeps, but the perversion represented on that street today has reached truly astonishing proportions.

On Forty-second street a foot fetishist is considered straight. The scene is enough to make the Tijuana chief of police blush.

Homosexuals, transvestites, drug addicts, male and female prostitutes, sadists, masochists, pushers, voyeurs—all walk the street there, many of them hand in hand.

Above their heads blink gaudy movie marquees, bearing titles like "Body Lust" and "Party Girl." The stores are almost without exception smut shops, with hard-core pornography displayed in the windows and promises of harder stuff to be found inside.

A British visitor, asked to comment on Forty-second street recently, said:

"It's the last 27 minutes of the Roman Empire."

And there are those who think his watch was running a little slow.

There is more degenerate activity to be found on a single block of that street on given night than you could discover in the whole of Des Moines.

"Well," you say, taking the sophisticated view, "it's a zoo; a kind of moral leper colony. Creeps have to live, too, and it's better to have them all in one place."

But they're not all in one place. The disease is spreading throughout Manhattan.

You walk uptown on Broadway or the Avenue of the Americas—up into the mid-50s around Rockefeller Center, the Time-Life Building—and you are accosted by hordes of hookers.

Crowds of young girls—some of them couldn't be any more than 16—jam the doorways along the respectable-looking business district, offering themselves to passing men. The going price is \$25.

In the evening a lone man on the street will be approached 10 or 12 times in a single block. In the morning—9:30, say—it's not so bad. You'll only have to resist the charms of three or four pants-suited maidens.

You go to Greenwich Village. You can't go as long as three minutes without some long-haired punk asking you for a handout. Occasionally, the punk will not want a quarter; he'll want to sell you drugs.

It is unhealthy to indulge in the hypocrisy that such things as prostitution, drug addiction and perversion don't exist, but it is no less damaging to have them shoved down your throat day after day.

You are forced to learn to ignore it or go crazy. Some New Yorkers do one thing, some the other.

New York is still an exciting city; corrupt, but exciting. It's a catalogue of all the vices and virtues to be found in our culture.

I certainly wouldn't presume to advise anyone not to live there.

I mean, if you liked Sodom and Gomorrah, you'll love New York.

W. EARL HALL—NOTED IOWA EDITOR

Mr. MILLER. Mr. President, W. Earl Hall, one of Iowa's most noted editors, died on April 12. While making his newspaper, the Mason City Globe-Gazette, a newspaper of quality and distinction, he also served well his community and State. His efforts on behalf of safety won him the coveted Dr. C. C. Criss award; he served on the State board of regents and was named "Layman of the Year" by the Iowa State Education Association in 1960. Earl was active in the American Red Cross and the American Legion.

A newspaperman his entire life, he was a man of untiring energy who always considered himself a reporter, not an editor. He once said:

It's my basic reasoning, kind sir, that anybody who can report can step down into that lower category of writing editorials if need be. A corollary to this is that I think of myself as a reporter rather than as an editor . . . basically.

W. Earl Hall was a credit to his profession, his community, his State, and his Nation. No greater praise could be accorded any man. I ask unanimous consent that the following articles relating to Mr. Hall be printed in the RECORD:

First, "Coworkers Laud Hall," Mason City Globe-Gazette, April 12.

Second, "Friends and Acquaintances of W. Earl Hall Pay Tribute," Mason City Globe-Gazette, April 14.

Congressional Record

Senate

WEDNESDAY, JANUARY 29, 1969

IRAQ AND THE MIDDLE EAST SITUATION

Mr. JAVITS. Mr. President, a number of Senators are interested in expressing their denunciation of the executions which have just occurred in Iraq. Thirteen Senate colleagues, from both parties, have joined me in a statement which I will now read:

SENATORS DENOUNCE IRAQI EXECUTIONS

The show execution before a half million spectators in Baghdad today is not a single incident but the culmination of the bitter persecution of some 2,500 Iraqi Jews, the last small remnant of a once thriving community dating back to Babylon which asks now but to be left alone and live in peace with its neighbors. The concern expressed by Secretary of State Rogers and Secretary U Thant over the mass public executions of Jews and others in Iraq reflect, I believe, the abhorrence felt by the civilized world at such foul deeds. Even now the Iraqi have yet another opportunity to show some human compassion in the eyes of the civilized world by permitting the relatively few remaining Iraqi Jews to emigrate to freedom rather than to remain in a land where their freedom to work, to communicate and to move about is denied and where the very lives of those who remain are so threatened. The people of Iraq must know that the conscience of all mankind cannot be affronted by such bloody deeds with impunity for very long! The voices of anguish from within Iraq will be heard.

Senators joining me in this statement are: Senators MONDALE, DOMINICK, GOOD-ELL, MURPHY, SAXBE, SCOTT, HART, PROX-MIRE, RIBICOFF, TYDINGS, YOUNG of Ohio, MATHIAS, and CRANSTON.

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SENATE

SIXTEEN SENATORS SEEK PERSPECTIVE ON ISRAEL

Mr. MONDALE. Mr. President, a bipartisan group of 16 Senators emphasized the importance of examining the total context of the current crisis in the Middle East in a statement released Monday afternoon.

This statement, I believe, helps a great deal to clarify and balance this discussion in this country of this dangerous situation. In preparing and circulating it, the senior Senator from New York (Mr. JAVITS) and I sought to respond in a balanced way to the recent censure of Israel by the United Nations. However unfortunate that situation may be, we believe it requires a look at all the elements involved in the dispute.

The statement points out that Israel is continually subject to attacks from hostile groups in Arab nations. It declares that a realistic approach to the conflict between Israel and her Arab neighbors requires implementation of an equitable policy of permanent peace along the lines of the U.N. resolution of last November 22, efforts to maintain a strategic arms balance, settlement of the refugee question, and establishment of an organization for economic cooperation and development.

It was a privilege to be able to work with Senator JAVITS on this statement, and both of us are grateful to the 14 other Senators who joined in signing the statement. We hope it will contribute to the continuing Senatorial discussion of the difficult and dangerous problems which characterize the troubled Middle East.

Mr. President, I ask unanimous consent that the text of the statement, followed by a list of the signers of the statement, be printed in the Record.

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

TEXT OF STATEMENT ON THE MIDDLE EAST, MONDAY, JANUARY 6, 1969

We express our deep concern over the rapidly deteriorating situation respecting peace in the Middle East—the area in the world where the danger of new war is greatest.

We have noted the adoption by the United Nations Security Council, with the concurrence of the United States, of the resolution on December 31st in connection with this unfortunate situation. This resolution "condemns Israel for its premeditated military action" and "issues a solemn warning to Israel that if such acts were to be repeated, the Council would have to consider further steps to give effect to its decisions."

We are particularly concerned about the effectiveness of the Security Council resolution in view of the fact that it makes no reference to the direct threat to Israel's survival posed by the continuing raids into Israel—with their mounting toll in lives and property—by Arab guerrillas operating from the Arab states; states that have maintained a state of war with Israel for twenty years and which harbor and officially encourage the guerrillas.

The Israelis are fighting for their very lives as their Arab neighbors, bolstered by Soviet military and diplomatic support, again openly threaten to obliterate them.

The Jarring Mission, intended to implement the Security Council resolution of November 22, 1967, should, of course, continue its efforts to avert the speedily deteriorating situation.

We believe the situation must be examined in its total context and that Americans are entitled to view it in proper perspective. Accordingly, under these conditions, we believe the policy of the United States should be:

1. To establish a policy of permanent peace in the Middle East. This will require an implementation of the UN resolution of November 22, 1967. This resolution carries out all its terms in as parallel and equitable a manner as possible, with each provision being related to the other rather than being based upon Israel's withdrawal from occupied territories in return only for paper promises from the Arab states. A key point in this UN resolution is "respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force."

2. To make every effort toward helping to maintain the strategic arms balance between the radical Arab states and Israel, lest these Arab states be tempted into renewing full-scale warfare. The United States has already demonstrated its policy in this respect by

signing a contract to sell 50 supersonic jets to Israel, an action which we support and approve. The American people do not want to see a situation where Israel will be so threatened that outside participation is called or to assure its very survival. It would be helpful to this effort for the USSR to join in limiting its supply of strategic military weapons to the radical Arab nations, and to accept the right of an independent and free Israel to exist along side its Arab neighbors within secure and recognized boundaries.

3. To call for the most urgent consideration of the settlement of the Arab refugees, a problem which continues to be critical. Conditions have completely changed since the establishment of UNWRA. About half of the refugees holding ration cards are now within the de facto jurisdiction of Israel itself making them much more available to settlement.

4. To encourage establishment of an organization for economic cooperation in the Middle East to bring about mutual economic development, better trade relations, technological research and administration of aid and technical assistance programs in the area.

SIGNERS OF THE STATEMENT

Clifford P. Case (Republican, of New Jersey).

Peter H. Dominick (Republican, of Colorado).

Charles E. Goodell (Republican, of New York).

Fred R. Harris (Democrat, of Oklahoma).

Philip A. Hart (Democrat, of Michigan).

Jacob K. Javits (Republican, of New York).

Walter F. Mondale (Democrat, of Minnesota).

George Murphy (Republican, of California).

William Proxmire (Democrat, of Wisconsin).

Abraham Ribicoff (Democrat, of Connecticut).

William B. Saxbe (Republican, of Ohio).

Richard S. Schweiker (Republican, of Pennsylvania).

Hugh Scott (Republican, of Pennsylvania).

Joseph D. Tydings (Democrat, of Maryland).

Harrison A. Williams (Democrat, of New Jersey).

Stephen M. Young (Democrat, of Ohio).

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Senate

MONDAY, SEPTEMBER 15, 1969

The Senate met at 12 o'clock noon and was called to order by the President pro tempore.

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

Eternal Father, who has brought us to this new day, help us to make our world a better world. Help us to make our Nation a better nation. Help us to be better men, and to place our talents of mind and heart and voice under the guidance of Thy spirit. Enable us to be good workmen who need not to be ashamed, rightly dividing the word of truth. When we are uncertain, help us to turn to Thee with confidence, to hear again the still, small voice saying, "This is the way, walk ye in it."

In Thy holy name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, September 12, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MURPHY

Mr. MANSFIELD. Mr. President, with the permission of the distinguished Senator from Mississippi (Mr. STENNIS), I ask unanimous consent that, at the conclusion of the morning business, the distinguished senior Senator from California (Mr. MURPHY) be recognized for not to exceed 30 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN in the chair). Without objection, it is so ordered.

VIETNAM

Mr. MONDALE. Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an editorial entitled "A Way Out of Vietnam," which was published in the Minneapolis Tribune of Sunday, September 14, 1969.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See exhibit 1.)

Mr. MONDALE. Mr. President, I have not read other editorials or comments on the tragedy of Vietnam that, in my opinion, have as much insight as this editorial. The editorial points out the many occasions in the past when military leaders and others have predicted optimistically that we were about to win the war in Vietnam. The editorial refers to a prediction last fall by Admiral McCain who said the enemy had been defeated and that it would take another year or two to mop up the operation. Since Admiral McCain's declaration last November, 9,000 U.S. servicemen have died in the war.

The editorial observes the exceedingly disappointing lack of progress and, indeed, I think retrogression, on the part of South Vietnam to broaden the politi-

cal base of South Vietnam's Government, the fact that they have refused to adopt a meaningful land reform program, and many other disappointing facts of which we are all aware.

Over the weekend Vice President Ky predicted that if there were any attempt to create a coalition government or to substantially modify the Government of South Vietnam, there would be a coup within 10 days and the military would resume control. Thus, the world is put on notice of the objective of many of the leaders of the Government of South Vietnam today.

The editorial points out the fantastic amount of corruption in that Government, referring to a Wall Street Journal article which cited the fact that the South Vietnamese chief of staff is seeking to be appointed Ambassador to Switzerland so he can be closer to his money. It did not refer to an earlier comment in the June 23 issue of Newsweek magazine that President Thieu's wife has been buying property in Switzerland.

Mr. President, the editorial concludes with this paragraph:

But until a firm decision is made to get out of Vietnam and until policies and planning are adjusted to that decision, America's involvement will go on and on and on . . . along with the casualty lists and the distortions of our economy and the war-caused tensions within our society. The time is past for tentative, half-way measures. The time is here for a real decision to end this war.

Mr. President, I hope and pray it will be made.

EXHIBIT 1

A WAY OUT OF VIETNAM

Eighteen months ago, President Nixon, then beginning his campaign in New Hampshire, pledged to end the war in Vietnam. Now, eight months after Mr. Nixon took office, the war and its casualties drag on. The end seems little more in sight than it did last fall, when Adm. John S. McCain, U.S. military chief for the Pacific, said flatly that the enemy had been licked, although another year or two might be required to mop things up. (McCain was one of the military chiefs who met with the President on Friday to advise him on Vietnam.)

In recent weeks, optimism has grown in military circles and in some civilian quarters of government that the enemy is indeed growing weaker and our side stronger. Conclusions are again being reached that a military solution is possible. Ambassador Bunker reportedly told Mr. Nixon on Tuesday that the North Vietnamese have been badly beaten on the battlefield. He is said to have urged the President to hold off on negotiations, because the American and South Vietnamese military position is steadily improving.

Even if one grants that Bunker is at least partly right about U.S. and South Vietnamese strength, we believe the assessment must be considered in the context of the steady stream of optimistic statements by U.S. officials, including Bunker, over the years—and must be considered alongside the military potential of North Vietnam to carry on warfare indefinitely. For years, Americans

have been told that we can now see a light at the end of the Vietnamese tunnel and all that is needed is an American determination to carry on a bit further. Since McCain's declaration of victory last November, 9,000 U.S. servicemen have died in the war. And in that same period, how much progress has been made in broadening the political base of South Vietnam's government, and how much progress has been made toward needed social and economic reform? Relatively little. Only last week, Vietnamese politicians seriously watered down a proposed land-reform program—even though such reform would be a vital and long overdue step toward building rural support for the Saigon government.

President Nixon has, we believe, concluded that the United States cannot win a military victory in Vietnam and should extricate itself from this war. He has taken a more conciliatory attitude toward the Viet Cong and North Vietnamese, he has made a token withdrawal of U.S. forces, and he has made such positive gestures as temporarily halting B52 flights last week. But the President has not found a way to carry out his pledge to end the war.

We believe there is a way to end the war—and this will require great courage on the President's part. This way is, we believe, to make a firm decision that the United States is going to get out of Vietnam in a responsible, but systematic and determined manner. This means a regular and ongoing withdrawal of U.S. troops geared to a terminal date for U.S. direct involvement in combat operations—say in 18 months. It does not mean a precipitous pullout.

More and more frequently, one hears from politicians, from career diplomats and even, at times, from men with access to the President that the United States must get out of Vietnam, if this country is going to tackle more important domestic problems. We are saddened, though, that such comments often are made in private rather than in public, where such opinions would help create a climate that might help offset military pressures to continue the war.

The United States has, we believe, fulfilled its obligations to South Vietnam and its original goals in being there. Other Southeast Asian countries have been given a decade to strengthen their own security, political structures and economic systems. The South Vietnamese have been given a chance to build their own nation and provide for their own security. A South Vietnam with a million men under arms and with modern American equipment ought to be able to defend itself—if its people have the will to do so. There was nothing in our original involvement that said the United States would do most of the fighting; indeed, President Kennedy said it was not our war to fight and President Johnson during his 1964 campaign said American boys should not be sent to fight an Asian war.

If the South Vietnamese—after 15 years and after an American economic and military involvement of more than \$100 billion—can't carry their own burden, then the United States has no obligation to go on carrying it for them. And if the United States does begin to withdraw its troops on a systematic basis, then there will be a real light at the end of the Vietnam tunnel. Then, perhaps, the American military will begin to base its decisions and planning on how to get out of the war—and not on its continuation.

A withdrawal process must, of course, be designed to protect American men in Vietnam. It also must provide an opportunity for South Vietnamese who have thrown their lot in with us to find havens elsewhere, including the United States. Already, some of those Vietnamese who have grown fat on the war are finding or seeking such havens. This past week the Wall Street Journal noted that South Vietnam's chief of staff, who has been

accused of corrupt practices, is "busily agitating" to become ambassador to Switzerland, "perhaps to be closer to his money banked there."

But until a firm decision is made to get out of Vietnam and until policies and planning are adjusted to that decision, America's involvement will go on and on and on . . . along with the casualty lists and the distortions of our economy and the war-caused tensions within our society. The time is past for tentative, half-way measures. The time is here for a real decision to end this war.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED AMENDMENT TO THE BUDGET, 1970, FOR THE DEPARTMENT OF THE INTERIOR (S. Doc. No. 91-33)

A communication from the President of the United States, transmitting an amendment to the budget for the fiscal year 1970, in the amount of \$8,380,000, for the Department of the Interior (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

PROPOSED AMENDMENTS TO THE BUDGET, 1970 (S. Doc. No. 91-34)

A communication from the President of the United States, transmitting amendments to the budget for the fiscal year 1970, in the amount of \$4 million in budget authority, and \$20 million in proposals not increasing budget authority, for the Department of Health, Education, and Welfare, Department of the Interior and Civil Service Commission (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

REPORT OF THE BUREAU OF THE BUDGET

A letter from the Director, Bureau of the Budget, transmitting, pursuant to law, a report on fiscal year 1970 outlay limitation through August 1969 (with an accompanying report); to the Committee on Appropriations.

REPORT OF LOAN TO THE NORTHWEST IOWA POWER COOPERATIVE, LE MARS, IOWA

A letter from the Administrator, Rural Electrification Administration, transmitting, pursuant to law, a report of the approval of a loan to the Northwest Iowa Power Cooperative of Le Mars, Iowa, for the financing of certain transmission facilities (with an accompanying report); to the Committee on Appropriations.

PROPOSED TRANSFER OF EX-COAST GUARD CUTTER "McLANE" TO THE MARINE NAVIGATION AND TRAINING ASSOCIATION, INC.

A letter from the Assistant Secretary of the Navy (Installations and Logistics) transmitting, pursuant to law, information on the proposed transfer of the ex-Coast Guard Cutter *McLane* (WMEC-146) to the Marine Navigation and Training Association, Inc., Chicago, Ill.; to the Committee on Armed Services.

REPORT OF U.S. COMMISSION ON CIVIL RIGHTS

A letter from the Chairman, U.S. Commission on Civil Rights, transmitting, pursuant

to law, a report of the Commission on Federal Enforcement of School Desegregation (with an accompanying report); to the Committee on the Judiciary.

PROPOSED LEGISLATION PROHIBITING UNAUTHORIZED ENTRY INTO ANY BUILDING OR GROUNDS THEREOF WHERE THE PRESIDENT IS OR MAY BE TEMPORARILY RESIDING

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to prohibit unauthorized entry into any building or the grounds thereof where the President is or may be temporarily residing, and for other purposes (with an accompanying paper); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the Court of Common Council of the city of Hartford, Conn., urging the restoration of the appropriation for 1970 under "The Library Services and Construction Act, Title I"; to the Committee on Appropriations.

A resolution adopted by the city council of the city of Elizabeth, N.J., remonstrating against any proposed changes in the present structure of the tax laws which would remove from exempt status holders of municipal bonds; to the Committee on Finance.

BILL INTRODUCED

A bill was introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. HRUSKA (for himself and Mr. EASTLAND):

S. 2896. A bill to prohibit unauthorized entry into any building or the grounds thereof where the President is or may be temporarily residing, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. HRUSKA when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 2896—INTRODUCTION OF A BILL TO PROHIBIT UNAUTHORIZED ENTRY INTO ANY BUILDING OR GROUNDS WHERE THE PRESIDENT IS TEMPORARILY RESIDING

Mr. HRUSKA. Mr. President, I send to the desk a bill which I introduce on behalf of the distinguished chairman of the Judiciary Committee, the Senator from Mississippi (Mr. EASTLAND), and myself, on behalf of the administration. The bill is designed to provide more effective control over unauthorized entry into the temporary residence of the President, and any buildings which are being temporarily used as executive office buildings.

When the President leaves Washington for official or recreational purposes, he always attracts quite a bit of public attention. The Secret Service must protect him, even though the demands of his office require constant exposure to the public and possible danger. When the President, his family, and staff have established a temporary residence away from Washington, the job of the Secret Service becomes all the more difficult.

At present, the Secret Service has no authority to restrict entry into an area where the President may be temporarily



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