

CAMPUS UNREST

91st Congress - Second Session

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Senate

STUDENTS WITHIN THE SYSTEM

Mr. MONDALE. Mr. President, amid the fear and despair of the widened war in Indochina, the tragic deaths at Kent State, and the inflammatory rhetoric uttered by a few extremists on all sides, something wonderfully encouraging is happening here in Washington.

Young people by the thousands are pouring into Washington and up on Capitol Hill, seeking not to destroy but to rebuild; not to polarize but to unify; not to attack but to work within the political system.

There, truly, is a new hope. People of all ages, but especially students, are saying:

We believe in the Congress of the United States. But only you can bring an end to the tragic and now widened war in Indochina.

They are not lashing out, even though their despair is real and their commitment is deep. They are determined to bring peace in Asia and an end to the killing, but they are just as determined to work through the established democratic procedures.

They are instilling a spirit of hope and uplift to me and, I think, to all Senators and offices who will hear their message.

For the most part, these are students who have not been all that involved in past peace movements. They come from colleges and universities all over the country, many of them are here at great sacrifice.

But all of them, I am convinced, are receiving an extraordinary education in the political process. They come to me asking how to draft resolutions, how to approach other Senators, why we chose to adopt certain key bills to focus on in the Senate, what arguments are most persuasive in favor of these bills, and how they can work for peace candidates in the 1970 elections.

I do not have all the answers. Many they must discover for themselves as they comb congressional offices, meeting with Congressmen's staffs, and other students engaged in similar campaigns.

Surely this is the very essence of democracy at work.

Surely this is the very essence of learning by doing.

And surely this is the road to a restoration of peace in Indochina and unity and pride at home.

one physician short; however, this year looks good compared to next year. I have been informed that we will be receiving only enough men to bring our entire complement of physicians up to six men. What this means in terms of care for the Indian community is rather sad. It means that if we do have only this number of men, that we will have to curtail our field clinics which have reached so many people in the outlying districts that were probably never getting the benefit of proper health service. We are not unique in this situation. The entire Oklahoma area is short of doctors.

This shortage of physicians seems unnecessary and uncalled for. I know of many men who were not included in the draft but were either refused Public Health Service or had to accept an armed forces commission because the PHS was late in choosing their men. To me there is no excuse for this type of non-planning, especially when it affects people who need medical service. I hope there is something you can do to rectify this situation. If you don't really see what I mean, look at the figures of the number of patients we see in a year. There is plenty of work here and not enough personnel to do it already. Please also consider that we have only one specialist. We delivered over 450 babies last year and saw thousands of children yet no one thought enough of the need of the people here to provide them with some men trained in pediatrics and obstetrics. Even our consultants in Tulsa have written to you and others pleading for the necessary specialists but instead we receive only fewer men.

Sincerely,

MARK J. WEISS, M.D.,
Chief Medical Officer.

RELEASE OF FUNDS FOR REA LOANS TO RURAL ELECTRIC COOPERATIVES

HARRIS. Mr. President, On May 11, 26 Members of the Senate joined with me in a letter to the President urging the release of \$20 million appropriated for REA loans to rural electric cooperatives in fiscal year 1970.

As we pointed out in that letter, the Congress appropriated a total of \$365 million for REA loans to rural electric cooperatives for fiscal year 1970; however, the Bureau of the Budget has not yet released \$20 million of that amount. Inasmuch as the total appropriation for fiscal year 1970 for the rural electrification program falls roughly \$400 million below the amount needed in order for the one thousand rural electric cooperatives to meet the growing demands for service, it was felt by those of us who wrote the President that the additional \$20 million appropriated by the Congress is certainly urgently needed and should be released immediately.

Because of the present shortage of loan funds many of these systems throughout the United States are being forced to reduce their work force or cut back to a 4-day workweek. The result of which will be that residents of rural areas are not going to get the type of electric service to which they have become accustomed and to which they are entitled. Furthermore, a great deal has been said recently about the possibility of inadequate electric supply in this country during the hot summer months just ahead and members of the administration have alluded to the possibility of brownouts or even blackouts in some instances because of inadequate electric capacity.

The release of the additional \$20 million now being held by the Bureau of the Budget certainly will not solve all the capital requirements of the rural electric cooperatives, nor will it be sufficient to avoid short supplies of electricity in the immediate future. It will, however, allow the REA to make loans in those instances of pressing need. Mr. President, I ask unanimous consent that the letter signed by me and 26 other Members of the Senate to President Nixon urging the release of these funds be printed at this point in the RECORD.

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

U.S. SENATE,
COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C., May 11, 1970.

The President,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Congress last year appropriated \$365 million for fiscal year 1970 for REA loans to rural electric cooperatives. It has been brought to our attention that \$20 million of that appropriation has not yet been released by the Bureau of the Budget.

Inasmuch as the total appropriation for fiscal year 1970 for the rural electric program falls roughly \$400 million below the amount needed in order for the nearly one thousand rural electric cooperatives to meet growing demand for service, we feel that the release of the additional \$20 million appropriated by Congress is urgently necessary. The rural electric cooperatives, in an effort to meet their needs for additional growth capital, have undertaken the establishment and operation of the National Rural Utilities Cooperative Finance Corporation. It is anticipated that some funds will be available for lending by this corporation early next year. However, CFC is presently still in its formative stages and cannot contribute significantly to the capital requirements of rural electric cooperatives at the present time.

Because of the present shortage of loan funds, many rural electric systems throughout the United States are being forced to reduce their work force or cutback to a four-day work week, the result of which will be that residents of rural areas are not going to get the type of electric service to which they have become accustomed and to which they are entitled.

The release of the additional \$20 million now being held by the Bureau of the Budget certainly will not solve all of the capital requirements of these cooperatives. It will, however, allow the REA to make loans in those instances of pressing need. We, therefore, respectfully urge you to release this \$20 million at the earliest possible date before the close of this fiscal year.

Sincerely yours,

Phillip A. Hart, Fred R. Harris, Joseph M. Montoya, Ralph Yarborough, Quentin N. Burdick, Frank E. Moss, Daniel K. Inouye, Eugene J. McCarthy, Vance Hartke, Thomas J. McIntyre, Herman E. Talmadge, Mike Gravel, Harrison A. Williams, Jr., Albert Gore, J. W. Fulbright, Henry M. Jackson, Warren G. Magnuson, Gale W. McGee, Frank Church, Birch Bayh, Thomas F. Eagleton, George McGovern, Walter F. Mondale, Stuart Symington, Mike Mansfield, William Proxmire, Edmund S. Muskie, U.S. Senators.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

JACKSON, MISS.

Mr. BAYH. Mr. President, yesterday I joined my distinguished colleague from Minnesota (Mr. MONDALE) and Representative EDWARDS of California and Representative CLAY of Missouri in a visit to Jackson, Miss. I put aside my schedule, as they put aside their schedules, to see firsthand the circumstances surrounding the incident of a few days ago which led to the tragic death of two young men and the critical injury of eight or nine others, most of whom were women students at Jackson State College in Mississippi.

In the aftermath of the tragedy there have been a number of discussions and a number of people by the spoken and written word, have expressed their concern for what happened there. None of them has done so more eloquently than has been done in two articles I have read since that time, one written by Carl Rowan and the other written by Tom Wicker. I think these two distinguished columnists in their inimitable fashion capture the spirit of concern and passion, which compelled us to travel to Jackson.

Mr. President, I ask unanimous consent that the two articles may be printed in the RECORD.

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

AMERICAN DREAM'S LAST VESTIGES (By Carl T. Rowan)

Just 12 days ago, as the nation reacted with outrage and angry frustration to the killing of four students at Kent State University, I wrote that that was only the beginning.

Now two students have been killed and several more seriously injured at Jackson State College in Mississippi where policemen opened fire on rock-throwing demonstrators and what police say were "snipers."

I wish I could believe that these new killings would deepen the sense of horror and shame that ought to engulf America these days, but I know that is not to be expected. The Mississippi corpses are black.

One of the glaring symptoms of this society's deepening sickness is that it can go for months, shrugging off the killings of black protesters and demonstrators, only to become aroused when National Guardsmen gun down four middle-class white youngsters.

I said the Kent State tragedy was only the beginning of more serious repressions. I erred, for Kent State was not the beginning.

On Feb. 8, 1968, three youths were shot to death and at least 34 persons were wounded when police fired on demonstrators at South Carolina State College in Orangeburg.

The South Carolina students were protesting against a local bowling alley where the owner insisted on a Jim Crow policy in defiance of the Public Accommodations Act.

The parents of the Kent State victims got touching letters of sadness from President Nixon. There is no record of President Johnson or any other top official sending condolences to the relatives of those youngsters who were shot down in Orangeburg.

Nor was there any national expression of horror or outrage where the black student victims were concerned. There youngsters were symbols of black rebellion, of "uppity niggers," so an awful lot of white America found it easy enough to shrug off their deaths.

But a society that sows the wind will reap the whirlwind, as we now see with violence swirling across more than 300 campuses, leaving bloody destruction in its wake.

Even as the national sickness deepens, like that of a man being fed a dose of arsenic every day, we grope in helplessness—mostly because we cannot rise above our political, racial, and social prejudices and hostilities.

We look at the ugliness of Augusta, Ga., and know that the country is no wiser, no more humane, nor more moral today than it was at the time of the Organgeburg killings.

Six blacks were shot dead in Augusta after a mentally retarded 16-year-old Negro was tortured and killed while in jail. The medical examiner says that all six blacks were shot in the back—one of them nine times.

Let us all note that in the case of the Kent State killings, sympathetic media told us in poignant detail about the lives of the victims. In the case of Augusta, it would be a major research project to cull the press and find even the names of those who were shot down.

I fear that even Americans who consider themselves good people, incapable of murder, tend to wipe these Augusta victims off their consciences as "just six more dead black troublemakers."

And that double standard tells us just how deep and pervasive are the woes of this society. When the protections of the Constitution, and enforcement of the law, vary according to whether the subject wears a beard, has a black face, or comes from the poor part of town, we are all in trouble. It does vary, and we are in trouble.

As the sense of outrage deepens among the young, the black, the poor, it becomes almost hopeless to try to convince them that their violence will not achieve desired goals. It has always been hopeless to try to convince Americans like Georgia Gov. Lester Maddox that, when he warns demonstrators to "be prepared to meet their Maker," he gives license to kill blacks, yes, but also to kill the last vestiges of the American Dream.

Unhappily, it seems so useless to write these things, for so much of the public has put on blinders except for viewpoints that mesh into their own angry, narrow way of seeing things.

[From the New York Times, May 19, 1970]

IN THE NATION: FOR WHITE READERS ONLY
(By Tom Wicker)

WASHINGTON, May 18.—Suppose you were black. What would you think if you had read these items in your newspaper in the last ten days?

From Augusta, Ga.: Six black men are dead, all shot in the back by police rifles or shotguns. At least four may have been no more than bystanders at rioting last week that followed the death of a black youth in a jail where conditions are known to be so terrible for blacks that community protests have been regularly made for years. One of these protests was a letter to Attorney General John Mitchell. He never answered.

From Jackson, Miss.: At Jackson State College, two black students are dead and nine are wounded, including several girls. All fell before a thirty-second barrage of gunfire from state highway police who for unexplained reasons took over the task of quelling a student disturbance, although town police and National Guardsmen also were at hand. The highway police justified the shooting by contending that they were receiving sniper fire from a dormitory roof. No evidence or wit-

nesses have been found to substantiate the sniper story, although there are dozens who refute it, and there is no explanation at all of why trained police officers, upon receiving what they thought was sniper fire from a rooftop, fired more than 140 bullets into a crowd of unarmed students standing on the ground in front of a girls' dormitory. At the moment, no national protest rally is being planned for the Ellipse in Washington.

THE CHICAGO SHOOT-OUT

From Chicago: Months after Fred Hampton, a Black Panther leader, was killed by Chicago police in what they described as a blazing gun battle with a band of armed Panthers, a grand jury has discovered that only one bullet was fired at the police raiders. It was the police who poured a massive fire into the apartment where Fred Hampton and others had been sleeping; it was the Federal Bureau of Investigation that provided the preliminary information, and it was police and city officials who later covered up the truth and concocted the story of the "shoot-out." Some Chicago newspapers as well helped carry out the distortion.

From Washington: The Justice Department has filed a brief in support of the proposition that Southern parents should get a tax deduction for making contributions to private academies set up as an alternative to desegregated public schools. As recently as January, Robert Finch, the Secretary of H.E.W., pledged to fight any such move, because he knows well that these academies can survive only through tax-exempt status; and that if they receive it, they will spring up throughout the South, thus effectively re-establishing a tax-supported dual school system.

SOMEONE TO TURN TO

Well, since I am white, I don't know for sure what I would think if I were black and read those news stories. But even the effort to put oneself in the other fellow's skin, under these circumstances, is frightening. It is bad enough to be, say, the victim of a crime, or to be in fear of crime and disorder, when you have recourse only to an ineffective police force and to a court system heavily overburdened. But at the least, in that case the law is on your side, or you believe it to be; there is someone to whom you can turn.

But suppose you feel that the armed policeman is not there to protect your life and rights but to do away with them? Suppose even the Federal Government, is no longer trying to assert your rights in court and its highest law enforcement arm seems more interested in helping the police exterminate black militants than in impartially observing and enforcing the law? Suppose that, by all evidence available to you, the law does not even seem to be on your side—is at best indifferent and at worst hostile?

No wonder Dr. Aaron Shirley, up to now a moderate black leader in Jackson, said the other day that "If black folks have to die, they ought not to die so peacefully." White men who read that as a threat instead of a desperate plea for rudimentary justice and humanity can make no answer that will not ultimately echo the Mississippi patrolman who said after the Jackson slaughter: "You better send some ambulances, we killed some niggers."

Mr. BAYH. Mr. President, we went to Jackson, Miss., with the obvious understanding that nothing was said and nothing we did there could restore the lives of those who had fallen on that tragic night. I went there feeling that the environment, the circumstances which compelled me to go, really are not limited to the events of the tragedy at Jackson State College or in the State of Mississippi.

I have been deeply concerned about a growing insensitivity that exists in the country today relative to the concerns and problems of our young people and our minority groups.

I should hasten to say that I have seen some causes espoused and some activity pursued in the name of the young and in the name of black and other minority groups in this country that have little relationship to responsible activity in our democratic process. I can see little excuse for some activities of violence and anarchy. I see little reason to tolerate bombing and burning that have been espoused by some in the name of dissent.

But just as there are a far-out few who have gone far beyond the legitimate bounds of dissent and freedom of speech—and should be punished for the law violators they are—there are, at the same time, large numbers of young, disadvantaged, minority group members who have tried to peacefully express their concern, and have tried in the finest tradition of our American society to get their government to listen to them, and, with what seems to me to be increasing frequency, they have found a deaf ear. They have found the door of the system slammed shut in their faces.

I am deeply concerned about what we can do in this body, what those of us who are, in the term of the young generation, a part of the establishment, a part of the system, can do to express our concern that the door be kept open—that it not be slammed shut—that to differ is not unpatriotic, that, indeed, if we do not do more than we have in the past that everyone know that they will be heard—even if they are not agreed with, that they will be heard—that we are going to have the system left open to them, that the only alternative for being heard is to take to the street in violence and in anarchistic activity which would lead to the destruction of our Nation.

It was my deep concern that this not happen that led me to Jackson, Miss. We have seen tragic circumstances of action and reaction which have led to the death of students at Kent, black citizens in Augusta, and the student loss in Jackson. I thought it was important, and feel that it was important, that the white citizens of America express the same amount of concern for the loss of life of black students in Jackson as had been expressed for the loss of life of white students on the campus at Kent State University in Ohio.

Mr. President, I must say that when we arrived on the scene and witnessed firsthand what had happened and heard the eyewitness accounts of young and old, black and white, I came away appalled. Some who were with us suggested it made them sick to their stomach. It made me feel almost like crying that something like this could happen in the United States.

The Senator from Minnesota (Mr. MONDALE) is going to follow, and I hope my colleague will put in the RECORD a copy of the letter that some of us were going to send to our Attorney General, asking him to take action. In that letter we recount the series of events that

transpired prior to the holocaust that was directed at the women's dormitory.

Apparently a dump truck had been set afire. No one knows who set that dump truck afire, but it was within reasonable proximity of the campus, a block or two away.

Mr. President, we were advised that this dump truck had been set afire because of a rumor that had excited the campus that Mayor Charles Evers and his wife had been murdered. Really, there is no factual evidence as to who set the fire or why, but at least there was a correlation between the fire being set and the rumor being spread. The fire department arrived there and put out the fire, to be followed by the Jackson, Miss., police and the Mississippi State Police, who marched from the scene of the fire to the men's dormitory.

Apparently there was some taunting, some word-calling, but no evidence of any rifle fire or significant exchange of bottles, bricks, rocks, or other missiles. This judgment of the Senator from Indiana was validated by a conversation that we had with a member of the college security force who was present at the time.

But for some reason or other, a handful of the officers proceeded to fire into the side of the men's dormitory, breaking out some windows. You could see the bullet marks on the facade of the building as well as the broken windows. Fortunately no one was killed. Then, for some reason, they marched, quasi-military fashion, up to the women's dormitory, which was about two blocks away.

There were about 100 or 200 students assembled in front of the dormitory. No one we talked to heard any shots until, apparently without any warning and without any suggestion that the crowd disperse, and without even the use of tear gas to accomplish whatever the purpose might be, the officers leveled a volley of gunfire at the front of the women's dormitory that successfully knocked out all the windows and left the front of that women's dormitory looking as though it might have been located in reasonable proximity to Normandy Beach.

At the same time, apparently, some officers fired in the opposite direction, toward, what I think it was the cafeteria building, and knocked out some windows in that building across the street. One body was found in the proximity of that area, and one was found close to the women's dormitory.

Mr. President, it is difficult for me to understand how, in the light of almost no provocation, there could have been any rifle fire whatsoever; and, indeed, if it had been, as rumor has it, necessary for the police to respond to a sniper on the rooftop of the women's dormitory, it is difficult for me to understand how they could fire into the crowd of students in front of the building and practically destroy the whole face of a building five stories high in order to seek out a sniper supposedly hiding on the roof.

Mr. President, this is a tragic act. It is a dark day. And what compounds the tragedy, in my judgment, is the fact that there has been little if any con-

cern expressed by local officials on the scene. In fact, we were told that the police who leveled the volley at the women's dormitory offered no assistance to those who were crying out for help, but spent their time immediately following this tragic event picking up the shell casings from their weapons, and left the scene without aiding the wounded and dying. I think it is to the credit of the Mississippi National Guard that when they arrived on the scene, they indeed did help the wounded black students into ambulances.

Mr. President, I think it is important for some of us to let the black citizens of Jackson, Miss., know that we are concerned that this kind of thing happened, that we see little excuse for it happening, and we see even less excuse for the public officials of that area not to show compassion and determination to ferret out those who are responsible and see that they are brought before the bar of justice and properly penalized. Yet the evidence made available to us is that this has not happened, that none of the students involved were questioned except one student who had been questioned by two local police officials. It appears however that questions concerning the identity of the officer who had leveled the fire at him were not included in the questioning.

Mr. President, I shall not proceed at any great length, but I think it is important to recognize the critical nature of a problem which was eloquently stated in one brief response. After our hearings, and after the questions had been asked and answered, there was one black student who came on the stage, at the close of the inquiry, and said, "We appreciate your sympathy and your presence, but we want justice; and there is no justice for a black man in Mississippi."

Perhaps that broad statement is too categorical and too all-inclusive, but I am here to testify that there are several hundred, if indeed not several thousand, students at Jackson State College in Mississippi who feel that there is no justice for them, who feel that this almost automatic, knee jerk response was a result of perhaps a decade or more of hate, perhaps a lifetime of hate, in the minds of the police officers who responded in this manner, and that most if not all of the students feel that that volley was a direct effort to assassinate them.

Mr. President, we have to find ways to prevent this from happening. We have to find ways to try to root out this type of hatred, this type of insensitivity which exists in all too many places throughout the country.

I am hopeful that we can search for more understanding, not just in Jackson and Augusta, but in Washington, Los Angeles, and New York. I am hopeful we will convince, not just the black students in Jackson, Miss., but student protesters wherever they may be, that if they are willing to work peacefully and lawfully within the system, this system is going to be responsive to their pleas.

Unless we do so, Mr. President, I fear that we will reach an intolerable level of action and reaction, of violence and re-

pression, which will take away our freedoms and destroy our society as we know it today.

I could not help but think of the words of the late President Kennedy, when he discussed the need for us in positions of responsibility to address ourselves to change in our society. As I recall, he said:

Those men who make peaceful revolution impossible make violent revolution inevitable.

Mr. President, it is our responsibility to see that that does not happen.

Mr. MONDALE. Mr. President, there is little that I can add to the eloquent and compelling statement of the Senator from Indiana. I think that Jackson State is an American My Lai. It is almost impossible to recreate the circumstances that existed at Jackson, Miss., at the time these innocent youngsters were killed and wounded.

Those of us who visited Jackson State yesterday joined together in a letter to Attorney General Mitchell urging him to convene a Federal grand jury to determine whether there has been a violation of Federal law, and to bring to trial those who were responsible for the deaths of James Green and Philip Getz, the wounding of nine others, and the assault on the entire group standing before Alexander Hall, a women's dormitory at Jackson State.

Mr. President, the destruction at Jackson State College is indescribable. At least 70 State and local officers, accompanied by an armored truck which they called a Thompson tank, came down Lynch Street, and first stopped in front of the boys' dormitory, which is about 2½ blocks away. It took us approximately 5 minutes to walk from Alexander Hall to the boys' dormitory in front of which there had been a small disturbance. A truck had been set on fire allegedly in response to a rumor that Charles Evers had been murdered. There had been some taunting of the local police, by the men in the dormitory, and perhaps a rock or two thrown. I do not know.

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

Mr. MONDALE. I yield.

Mr. BAYH. As I recall, we at least know of one dustpan that was thrown.

Mr. MONDALE. One dustpan was thrown from a window. That is all that is known for certain.

The police opened fire on that dormitory. Some 10 rounds were fired into the dormitory, and luckily no one was killed or injured, but both could easily have happened. Then, inexplicably, these 70 or 75 State and local law enforcement officers marched up these 2½ blocks and stopped in front of the girls' dormitory. Once again, there was little or no provocation. We cannot tell just exactly what happened, but according to eyewitness accounts, a pop bottle was thrown out in the street and may have exploded. There may have been a rock or two, but there is no evidence now of any actions on the part of the students in the dormitory which would possibly be construed as endangering the police.

The police claim there was a sniper

firing from the women's dormitory, but that has not been established, and no one heard sniper fire. The local Jackson State College policeman to whom we talked, who was there, said he heard no such sniper fire; none of the college students heard sniper fire; and no one has heard about or been able to find any evidence that might support the allegation that there was sniper fire.

Without warning of any kind, without any appeal of the students to leave; without any use of tear gas; without even a verbal command of the person in charge of State and local police, these 70 or 75 officers raised their automatic weapons—most of them must have been automatic—and fired a volley that went for 30 to 45 seconds. I do not know how many rounds were fired, but it must have been at least 300; possibly slightly less, perhaps more. The entire area was decimated by this fusillade.

The front stairwell—it goes up five stories—was utterly shattered from top to bottom by the impact of this firing. In the middle of the court, on the ground floor, is a large student lobby. Many of the windows in that lobby were broken by the firing, and one of the girls, who was sitting in a chair, was hit in the leg.

Two boys were killed. One was 17 years old. He was coming home from work and was walking behind the officers. As the officers fired forward into the dormitory, he walked behind them, on the other side of the street. Apparently, one officer turned in his direction and fired a volley killing this young 17-year-old boy. The other young man who was killed was 21 years old. According to all witnesses, he had just taken his girl back to the dormitory from a date and was leaving at the time he was gunned down and killed.

It is an absolute miracle that at least 50 students were not killed in that fusillade—an absolute miracle.

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

Mr. MONDALE. I yield.

Mr. BAYH. From the experience that the Senator has had when he attended the university, is it fair to suggest that when there is activity out on the dorm lawn, the normal reaction of students would be to rush to see what was causing the commotion?

Mr. MONDALE. That is right. However, there were 100 or 150, perhaps 200, students already outside in front of that girls' dormitory.

Mr. BAYH. I concur with the Senator from Minnesota that it is a miracle that dozens of people were not slain by that random firing.

Mr. MONDALE. An absolute miracle. There was not even a demonstration. The disturbances to which references have been made were very minor and were 2½ blocks away. This was a girls' dormitory at which most of the firing was directed. The people who were killed and injured, by every conceivable interpretation of the incident, were entirely innocent. There was no warning. There were no efforts in any other way to suppress whatever it was they were suppressing. It was an open explosion of firepower.

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

Mr. MONDALE. I am glad to yield.

Mr. SAXBE. I wonder whether the Senator from Minnesota or the Senator from Indiana have made any attempt to analyze what happens in such a firing. We had such a situation at Kent State, and I attempted to get at the bottom of what happened, as the Senators have in this matter.

I talked with military men. While I commanded an infantry battalion, I never commanded it under fire. So I had to go elsewhere to get direct experience in regard to this psychology. I found some very interesting things that I think have a great deal to do with what happened at Kent and what happened at Jackson. It is something that happens when men have guns and when men are frightened or think they are. Whether they are or not is neither here nor there.

One instance about which I was told by officers who have been in places under fire, or where they thought they were, occurred shortly after our landing in North Africa, when the city of Oran was occupied. They received word about 4 p.m. in the afternoon that there was to be an attack by six Nazi planes. They were prepared for them. The planes hit about 7 o'clock, just after dark. They made one pass and disappeared. The last shot was fired at 3 o'clock in the morning. Everything in the city opened up, and from then on one shot would be fired and then everything would open up again. This went on until 3 o'clock in the morning. A ship in the harbor would clear a gun, and everything would open up.

In Paris, there was an interval of 2 days after the fall of Paris before the army of occupation moved in. The underground was in force. There were a few Americans at the time, but not enough to keep any order. But the underground was there. There were reports of snipers on rooftops. The underground took it on themselves to clear this. One man would peek over the roof, and another one would open up, and every gun within a half mile would open up.

There is something about the psychology of the loaded gun. When we look at what happened at Kent and when we look at what happened at Jackson, we must remember that seasoned troops in Paris—later on, seasoned troops in Oran—were what we would call "trigger happy."

It is regrettable that we cannot control this, and perhaps the best thing to do is not to call anybody out with a loaded gun. But what I am saying is that it should come as no surprise to us, because as long as men in organized peacekeeping or military units have been called out en masse, this is the logical result. Whether it is a dropped bottle, or what they think is a sniper shot, we are going to have the opening up of fire power. Thus, the only question I raise here is not that it happened there, but that it has not happened more often. I do not believe that we should be surprised when it does happen.

Now, we look with amazement at what happened down there and at what hap-

pened at Kent; but the important thing we have to think about, I think is will Kent be the incident where the four students were killed, because when we have military men or police organized in a military-like formation, as the Senator described, we are going to have people shot; because they are called out and they are armed—they may be scared, or at least they are trigger happy. I am therefore more disturbed as to what this type of activity will be in the future.

Mr. MONDALE. Mr. President, I must say that one of the tragedies of this event is that it is a repetition of the experiences we have had before. The Kerner Commission studied the data in each of the cities which exploded into a major conflagration in the late 1960's, and one of its strongest recommendations was directed at the very thing to which the Senator from Ohio makes reference, that much of the violence was caused—albeit unintentionally in some cases—by an overuse of armed might, and that, in itself, killed innocent people and escalated the level of violence.

This is my personal judgment as to what happened at Jackson State, that it goes beyond a couple of green troops making a mistake. It was not Oran. It was a girls' dormitory. It was not one or two shots. It was enough to clean out Cambodia.

Mr. BAYH. Mr. President, will the Senator from Minnesota yield?

Mr. MONDALE. I yield.

Mr. BAYH. I share the concern of the Senator from Ohio about Kent State. He has studied that and I have not. From what I have read, I understand that there were skirmishes, lines of students and guardsmen going back and forth, and that there had been an overt effort on the part of the Guard to disperse the students. They had used canisters of tear gas and an effort had been made to clear the students out. There was an exchange of rocks back and forth.

We had no evidence of this. It was almost as if those police marched up that street and decided that they were going to wipe out that dormitory. What the reaction was, I do not know, because we cannot bring those kids back to life. But, if we can do something to turn around this feeling of hate, this attitude which seems to permeate our society in so many places today, we have the responsibility to do everything in our power to accomplish that.

Mr. MONDALE. Mr. President (Mr. Hart), I am glad that the Senator from Indiana made that point. There has been talk by high officialdom that there was great provocation, snipers, and violence. First of all, I do not think there was anything to justify any of that. What existed was the smallest amount of minor problems that could in no logical way, under any circumstances, justify the use of firepower.

As Roy Wilkins put it, "a rock is not a bullet." Then, of course, it follows, by this fact, which the Senator from Indiana pointed out, that when the local and State officials finished firing, the students were lying all over the lawn, lying and crying out for help, but the local

w enforcement officers spent their time picking up used cartridges and left. May-be they called an ambulance, but there was not one attempt—unless the student forgot everything they saw, and all our witnesses had been there—there was not one attempt on the scene by those who did the shooting to help any of them.

Mr. President, what are our kids to conclude from that?

I invite the attention of the Senator from Ohio to an interesting article in this issue's Time magazine, which I ask unanimous consent to have printed in the RECORD.

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

HOW TO KEEP ORDER WITHOUT KILLING

Four at Kent State. Then six in Augusta Ga. and two in Jackson, Miss. All dead because of the indiscriminate—and unnecessary—use of mass firepower by armed officers and troops trying to control destructive, or disorderly crowds. In each case a basic tenet of all enforcement agencies was violated: apply the minimum amount of force required to accomplish the objective. In an age of mounting civil dissent, many more such situations seem inevitable, raising the question: How can mobs be controlled without killing anyone?

The avoidance of death in most cases is simple: hold fire. Except to stop snipers, shooting to kill can rarely be justified. Even then, the Army, National Guard units and police departments instruct their men to first locate the source of the sniper fire, and to return it only by the pinpoint, one-shot-at-a-time marksmanship of a trained rifleman. Laying down a fusillade, Army military police are told, "accomplishes nothing constructive and creates hostility among innocent bystanders," even if none are wounded or killed. A sniper can often be silenced by surrounding his position and forcing him out with tear gas.

One of the clearest general guides to handling civil disorders is that of the U.S. Army. It places "full firepower" at the end of six escalating levels of force to be employed in riot situations—and then only when failure to use it would lead to the "imminent overthrow of the Government, continued mass casualties, or similar grievous conditions." The first need, the Army emphasizes, is to present a strong "show of force." By that is meant the presence of enough soldiers to convince a crowd that it can be overpowered. Even then, progressive steps for displaying force are urged. They range from keeping rifles in their slings, to fixing sheathed bayonets, then removing the sheaths, to finally placing one round of ammunition in the chambers of the rifles.

The next level of force includes various riot formations, a general principle of which is to always leave a mob a clear exit as troops advance to clear an area. New York City's Tactical Patrol Force has effectively used wedge formations in which officers advance to divide a crowd with nightsticks held low.

SHOOT TO WOUND

The U.S. Army advises use of fire hoses as a next step, if needed. Tear gas, now widely used as almost the first step by many agencies, is considered a fourth-level tactic by the Army. After that comes the use of fire by selected marksmen, shooting at well-defined targets, and finally volley fire. Even then, such fire should be aimed low to wound, rather than to kill.

At the race riots of 1967, the National Advisory Commission on Civil Disorders urged that a crash program of research be undertaken by the Federal Government to develop nonlethal weapons, which could more effec-

tively bridge the gap between a strong show of force and the use of guns. It cited as one approach the practice of arming some Hong Kong police with guns that fire wooden pegs. Other possibilities would be the use of tranquilizer darts and the spraying of slippery foam. Nothing much has come of such research; yet the need for something more effective than tear gas and less deadly than bullets is increasingly an urgent necessity. Meanwhile, what seems to be needed most is better training, especially for young National Guardsmen, and more discipline among all lawmen who must contend with frightening and maddening confrontations in streets and on campuses. Many lives could be saved if armed officers were to follow conscientiously the general principles outlined in a booklet all Ohio National Guardsmen are expected to carry in their pockets when on riot duty: "The keynote of all operations aimed at the curtailment of civil disorder is restraint," it says. "The well-trained, disciplined soldier is capable of dealing successfully with civil disorder if he and his leaders use sound common sense."

Mr. MONDALE. Mr. President, the article states in part:

Army, National Guard units and police departments instruct their men to first locate the source of the sniper fire, and to return it only by the pinpoint, one-shot-at-a-time marksmanship of a trained rifleman. Laying down a fusillade, Army military police are told, "accomplishes nothing constructive and creates hostility among innocent bystanders," even if none are wounded or killed.

The Army has a detailed list of precautions and steps to be taken to put down violence where violence exists. I do not believe there was any at Jackson State, but even if there were, where violence exists, there are a series of escalated ways the Armed Forces can move in, specific ways directed at a sniper by a skilled marksman, in self defense, to act against an identified sniper.

Mr. SAXBE. Mr. President, as a former Attorney General I am sure that the Senator fought against what we call the warning shot. He knows the tragedies that result. A trooper takes after a speeder. The speeder attempts to escape—this was not uncommon years ago—and the trooper fires a warning shot. A policeman down the road observes a car being fired upon and he decides it must be a bank robber, an escaped murderer, or something, and the pursuit is taken up. Before long, shooting breaks out every place by everyone that can get hold of a gun. This way, speeders have been killed by people who observed the warning shot, thinking it was in pursuit of a felon.

As the Senator knows, that often happened.

At Kent State, the guardsmen had come from a truck strike, and they were edgy. Does the Senator say there was malice aforethought in the Jackson State incident?

Mr. MONDALE. I was not there. I have recited the evidence that we had—permit me to say that what the students said—I asked several of them, "What do you think the circumstances were?" and they said, "They were out to massacre us."

Maybe that is wrong. But the point of it is that there are hundreds of black students there who think the local authorities were out to get them, to take their lives. The behavior of the local

authorities is unprecedented and indefensible, the way they fired upon innocent people in a girls' dormitory, the way they refused to help the sick and the dying, and the repeated use of "nigger" and other kinds of hostile comments by the authorities. That was testified to by the students. I believe this fits into the context of the death which occurred previously at the same college, under the same circumstances. It has opened up a tremendous sense of discrimination, hatred, and hostility that I think is so bad as to be obscene and unspeakable. I think it goes substantially beyond just a question of green troops.

Mr. TYDINGS. Mr. President, I should like to commend the Senator from Minnesota and the Senator from Indiana for bringing this one aspect of the facts of the tragedy at Jackson State to the attention of the Senate. I certainly respond in the same way that the Senator from Minnesota has outlined.

Mr. President, I would hope that the Attorney General of the United States would convene a Federal grand jury and make an inquiry into the events of the Jackson, Miss., tragedy.

I think this is one thing which this country has got to demand—equal justice under the law in all parts and all areas of the Nation.

Mr. President, I would be happy to join with the Senator from Minnesota and others in such a request to the Attorney General of the United States. I think that at the very least we need a complete inquiry. And if there has been criminal conduct involved, proper charges should be brought.

I think that the basic liberties of this country demand no less.

I am happy that I had the opportunity to listen to such a graphic and yet constrained description from the Senator from Minnesota and the Senator from Indiana.

I commend them both for the efforts that they took to make the personal surveillance, inquiry, and investigation into this tragedy.

Mr. MONDALE. Mr. President, I thank the Senator from Maryland. His statement is what we have come to expect of his characteristic sense of fairness and justice in these matters.

Mr. BAYH. Mr. President, I will not belabor the point to any great length. But I think it is important that we address ourselves to the relevant fact, and that is where do we go from here.

The Senator from Minnesota and I, as well as others who were present on the scene yesterday, are glad to be joined by the Senator from Maryland in the letter to the Attorney General of the United States asking him in the strongest terms to call a Federal jury.

I think it is important not only to find out who is responsible for the blatant misuse of authority, but also to take the steps necessary to let the students at Jackson State and black citizens all over the country know that this Nation is concerned that this type of thing can happen and will use all of the vehicles of our governmental system to see that those who perpetrated such a miscarriage of justice be brought before the bar of justice and punished accordingly.

Mr. President, it goes back to what I said earlier, that it is not confined solely to Jackson, but is also confined to all communities in this country. We have to let everyone know that we will keep the system open and see that those who are aggrieved can find justice and address their grievances through the system, and that they do not have to resort to revolution and violence.

The system can and will respond. That is why we went to Jackson.

Mr. MONDALE. Mr. President, I thank the Senator.

In our letter to the Attorney General, we point out that in this audience of some 100 students, most of whom had been on the scene at the time of the shooting, only one in the entire audience had been questioned by local authorities.

That one had been wounded in front of the girls' dormitory. He pointed out that he had not even been asked to identify, if he could, who it was that had been shooting at him.

We think it is perfectly clear that the local authorities have no intention of doing anything about the Jackson State massacre and that the only hope is for the Federal Government to use its legal authority to convene a Federal grand jury and thoroughly investigate the matter and determine who was responsible and issue an appropriate indictment.

If this is not done, it seems to me, as we have pointed out, that to fail to do so would encourage the committal of further atrocities and the black people in that area would despair of working within a system that looks the other way while their children are slaughtered.

Mr. President, as we finished today surveying the scene and listening to witnesses, an elderly black lady came up to me.

She said:

You know, Senator, in one sense we have seen this many times before around here—black people being killed at the college and elsewhere. But, you know, they have never shot at a girls' dormitory before.

If anyone thinks that we are progressing as a society, perhaps that is one thing he ought to think about.

Mr. President, I ask unanimous consent that our letter to the Attorney General of this date may be printed at this point in the RECORD.

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

MAY 21, 1970.

DEAR Mr. MITCHELL: We urge you in the strongest possible terms to convene a Federal Grand Jury in Jackson, Mississippi, to determine whether the killing of innocent people at Jackson State University constituted a violation of federal law.

We were summoned to Jackson on May 20 by state civil rights leaders as an ad hoc committee of inquiry to view the scene of the killings and to hear the testimony of student witnesses and state and local officials.

After inspecting the bullet riddled men's and women's dormitories, the committee members assembled in the Lynch Street Masonic Temple where we listened to testimony with an audience of some 200 students and townspeople. City and state officials who had been sent invitations to participate were not in evidence.

Our investigation revealed the following: While there was some name-calling by the

students there was no evidence of greater provocation than the throwing of one dustpan and of one bottle or small brick. There was no testimony or evidence of sniper fire, as alleged. Every person we talked to on the campus and during the hearing, including campus security guard M. L. Stringer, said they heard no sniper fire. In our opinion the shooting was essentially without provocation.

About 75 state and local police, accompanied by an armored truck, arrived on the scene while firemen were extinguishing a burning dump truck in a field opposite the men's dormitory. The fire had been set, presumably by students, after a rumor spread through the campus that Charles Evers had been murdered. Firemen had withdrawn from the scene when police massed in front of the men's dormitory. There was some name-calling and a dustpan was thrown from an upper story window. Several officers moved to the east side of the building and fired through the upper story windows. No one was wounded at this point.

Police then moved easterly up Lynch Street and massed in front of Alexander Hall. A large number of boys and girls were standing in front of the hall between the street and the building. There was more name-calling. A bottle or small rock was thrown into the street. An officer was seen to raise a bullhorn to his mouth, but no one heard him speak. The crowd grew quiet and then, without warning, there was a volley of automatic weapons fire and shotgun blasts lasting from 30 seconds to one minute. The police fired directly into the crowd and through every window in the five story west wing of Alexander Hall facing the street. About 20 shots were also fired through windows in the middle wing. Pockmarks on a cement wall about 30 feet from the north-curb of the street opposite the dormitory indicate some police turned and fired automatic weapons in that direction. This is where the body of James Earl Green was later found.

The interior of the west wing was a shambles, with broken glass everywhere, with blood all over the ground floor entrance where the wounded sought shelter, and with bullet holes through the interior cement block walls. It was a deadly fusillade and it is a miracle more people weren't killed.

After the shooting the police busied themselves picking up spent shell casings while the wounded cried for help. We found no indication the police attempted to help the wounded beyond summoning ambulances with the words, "we shot some niggers."

The police made no attempt to disperse the students before firing on them. They gave no order to disperse. They fired no overhead warning shots. They did not use tear gas. They fired directly into the crowd and into the front of the women's dormitory without warning. They made no effort to aid the wounded afterward. In short, the act had all the characteristics of a mass lynching.

The statement you made in Cleveland, Mississippi, about violent demonstrations and repressive reactions could not have been construed to apply here since—and we cannot emphasize the point strongly enough—there was no provocation to warrant the bloodbath that took place. The claim of self-defense is absurd considering this was a women's dormitory that was stormed.

It is also revealing that of the approximately 100 students at our hearing, only one had been questioned by representatives of local or state police agencies. This was one of those wounded in front of Alexander Hall. He reported two Jackson police officials questioned him for about 45 minutes after the shooting and never once asked him if he could identify the man who shot him, although he told the hearing panel he thought he could do so.

It is perfectly clear, Mr. Mitchell, that neither state nor local officials have any intention of doing anything about the Jackson

State massacre. If you don't do anything then nothing will be done. We assert that the moral responsibility for any consequences resulting from your failure to act will rest squarely on your shoulders. We can foresee two possible consequences: One, that the state and local police will be positively encouraged to commit further atrocities and two, that the Black people will despair of working within a system that looks the other way while their children are slaughtered.

The Black people of Jackson and the students at Jackson State University have displayed remarkable restraint so far. That restraint is a gesture of good faith that can be abused only at great peril.

So we ask you, Mr. Mitchell, to act now by convening a Federal Grand Jury to investigate this tragic episode and to bring to trial those responsible for the deaths of James Green and Phillip Gibbs, the wounding of nine others and the assault on the entire group standing before Alexander Hall.

Sincerely,

Senator BIRCH BAYH,
Senator WALTER F. MONDALE,
Congressman WILLIAM CLAY,
Congressman DON EDWARDS,
Mr. CLIFFORD ALEXANDER, JR.,
Mr. JOSEPH L. RAUH, JR.,
Mr. ROY WILKINS.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. COOPER. Mr. President, I move to amend section 47 of H.R. 15628, the Military Sales Act, as follows:

Beginning on page 4, line 24, strike all to the end, including line 6, page 51, and insert in lieu thereof the following:

SEC. 47. Limitations on U.S. Involvement in Cambodia: In concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1, 1970, and to expedite the withdrawal of American forces from Cambodia, it is hereby provided that unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this act or any other law may be expended after July 1, 1970.

The amendment is offered on behalf of the Senator from Idaho (Mr. CHURCH), the Senator from Montana (Mr. MANSFIELD), the Senator from Vermont (Mr. AIKEN), and myself.

The PRESIDING OFFICER. The Chair advises the Senator from Kentucky that the clerk must read the amendment, notwithstanding its being read by the Senator from Kentucky.

The amendment will be stated.

The assistant legislative clerk read as follows:

Beginning on page 4, line 24, strike all to the end, including line 6, page 51, and insert in lieu thereof the following:

"SEC. 47. Limitations on U.S. Involvement in Cambodia: In concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1, 1970, and to expedite the withdrawal of American forces from Cambodia, it is hereby provided that unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this act or any other law may be expended after July 1, 1970."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. GRIFFIN. Mr. President, as I understand it, this is an amendment being

those who use such weapons in the commission of crimes."

or Richard Daley of Chicago testified: "I believe this to be one of the most important pieces of legislation to be considered by the United States Senate. It is long overdue. The need for such legislation has long been apparent."

Mayor John Lindsay of New York testified: "Congress should pass legislation requiring the registration of firearms—with the specific recognition—as provided in Senate 3634 (the number of the Tydings bill in 1968) that the primary responsibility for registration rests with the individual states. Registration of ownership, serial number, and type of weapon can give enormous assistance to crime prevention and detection."

"The Congress should enact legislation providing that in the absence of state and local regulations limiting access to firearms, the federal government should assume responsibility for enforcing reasonable licensing regulations for the possession of firearms."

U.S. Attorney General Ramsey Clark testified:

"After all we have suffered, it would be terribly disillusioning if we failed to act to control guns. Interstate control, registration and licensing are all essential."

"The people want strict gun control. Their safety demands it. The Congress is fully empowered to act. The time is now."

ASTM AND THE LATE TOM MARSHALL

Mr. MAGNUSON. Mr. President, I wish to speak briefly about the American Society for Testing & Materials, a society of great significance to our economy, whose interests are international, nonprofit, technical, scientific, and educational. ASTM has been engaged in furthering scientific knowledge, developing standards, and other important functions since 1898. We commend the society for its years of service.

As we all know, of late standards for use by both industry and consumers have received attention from the Congress, Federal agencies, the consumer movement, and the standards associations and institutes themselves. We understand the importance of standards work for the vitality of our economy which produces such an abundance of goods for all Americans. We understand as well the need for standards to insure that the goods we all use are as safe as possible.

The American Society for Testing & Materials under the able direction of the late Thomas A. Marshall, Jr., its managing director, responded to the challenge posed for voluntary standards. The society recently published, "ASTM in the 1970's," which outlines the changed demands society has made on the voluntary standardsmaking associations, and ASTM's bold plans to take account of them.

To meet the challenges now facing voluntary standardization, ASTM has formulated a program which will deeply affect its organization of technical operations, meetings, publications, and districts. ASTM has taken steps to speed the standardsmaking process by relieving the committees responsible for making standards of much of the burden of paperwork required to maintain membership lists, prepare and distribute agenda and minutes, and write reports.

The national office, which will substantially increase its staff, will take over these functions. The financial burden also will shift from the committees to the national headquarters; by this means the individuals and organizations who benefit from committee work will share the costs more equitably.

The post of associate technical director—administration—has been created within the national headquarters to oversee the increased administrative work. His reorganization of the staff and application of modern recordkeeping and reproducing devices for standards will greatly increase the speed with which standards will become available.

To maintain effective communication between the technical committees and the national office, the staff of the national office devoted to technical operations will be organized into a number of technical divisions, each comprising an area of technology and each headed by a division manager reporting to the director of technical operations. All divisions will receive administrative support from the associate technical director—administration—and his staff. The divisions are metals and ceramics; construction; chemicals; electrical, electronics, nuclear aerospace, polymer and fabric; general tests; and consumer—public oriented. The introduction of a division devoted entirely to consumer products and standards is an especially promising indication of ASTM's attitude in the 1970's. Each division manager is expected to keep aware of current technical developments and to anticipate future ones in his special area. Thus he will be better able to plan activities for the technical committees which set standards.

To speed the formulation of standards, ASTM has decided to implement a plan by which committees would hold a "committee week" each month from September through May. This procedure assures that a technical committee will deliberate more often and at a pace suited to its members. To make information immediately available on standards, ASTM has also decided to print a newsletter. It will be printed as a part of "Materials Research and Standards" and for separate distribution to any interested person.

All Americans depend in some measure on groups like ASTM to facilitate the growth of our economy and assist the cause of consumer safety. Though the Government must, in the future, acquire expanded responsibilities for consumer safety, much of the technical knowledge utilized will continue to come from societies like ASTM. ASTM's plans for seeking solutions to difficult problems in the new decade are encouraging. In discharging its basic responsibilities to consumers the Federal Government can certainly look to groups like ASTM for advice and assistance.

Thomas A. Marshall, Jr., was an important contributor to these new programs. Those who are committed to strong standards programs in the public interest will sorely miss him.

SENATOR MUSKIE SPEAKS ON THE ROLE OF DISSENT AND THE NEED FOR TOLERANCE IN AMERICA TODAY

Mr. MONDALE. Mr. President, our Nation today faces an enormous task of reconstructing the unity, the harmony, and the shared visions which have made our Nation great.

The specter of violence and repression is growing ever greater as frustrations rise and as faith diminishes in the ability of reason and the democratic process to solve our problems and bring us together again.

In a remarkable speech to the graduating class of William and Mary College, the Senator from Maine (Mr. MUSKIE) challenged us to hold fast to our conviction and, at the same time, "to learn to tolerate a little."

Unity and vision cannot arise from a forced conformity or a repression of dissent. As Senator MUSKIE said:

Civilization has benefited whenever men had the courage to hold to their human convictions in the face of reprisal, and our country will not endure as a free society unless men are willing to do so.

But conviction and ideology must be tempered not with "caution" or "moderation" but, rather, with tolerance and respect.

The alternative is frightening to contemplate. Already, we have seen Kent State, Augusta, Jackson, new violence on the streets—now from the right—and an increasing tempo of intolerance.

I commend Senator MUSKIE's words to the attention of the Senate because I think they portray very vividly the need to retain commitment, conviction, and a passion for justice along with tolerance and respect for the ideas and ideals of others.

I ask unanimous consent that his speech to the graduating class of William and Mary be printed in the RECORD.

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

A TIME TO SEEK A TRUCE

It is not hard to imagine the topics most commencement speakers will choose this year. In one form or another, it is dissent on the American campus.

Some will find it good per se, and will content themselves with praising those who mount it. Others will warn of its consequences, as did the President after the shooting at Kent State, without commenting on the justice of the dissent, or the madness of the means used to suppress it.

Perhaps some will look beyond the phenomenon of dissent to its causes and effects in the America of 1970. I hope to do that today.

It ought to be said, at the beginning, that dissent is an activity, and not a value. There has been widespread dissent in our country, and the verdict of history upon it is very mixed.

The patriots who questioned the authority of the British Parliament to govern the American colonies two hundred years ago in this very city were dissenters.

A great many military coups in Latin America and Africa have been, in a sense, forceful dissents against the policies of democratically elected governments.

In our own country, governors have dis-

sented against the decisions of the Supreme Court, and have interposed their authority, on behalf of some of the people of their states, against their enforcement. The object of that dissent was not social justice, but the preservation of the status quo.

On the other hand, the dissent of thousands of brave blacks and whites—in Birmingham, in Selma, and in Mississippi—stirred the conscience of the nation and produced three civil rights laws after a century of inaction.

And I believe the dissent of millions of young Americans has had much to do with turning our government away from its policy of escalation in Vietnam.

So history teaches us to judge dissent, not as a thing in itself, but as an activity to be measured by what it opposes, and by what it forwards in its place.

Second, it should be remembered always that in much of the world, questions about the value of dissent are academic. The expression of dissent is simply impossible or fraught with such hazards to life and liberty as to sharply restrict its effect.

The suppression of Russian writers and scientists, and of the students in Prague, is testimony to this; so is the puritanical terror of the Red Guards, which has reached into life of every Chinese village to attack the thoughts, as well as the deeds, of unenthusiastic citizens. So, to our consternation, are the arrests of South Vietnamese who have dared to take positions contrary to those of the government in Saigon.

Therefore, if we are often divided and angry about the merits of dissent in this country, it is not our way to settle the argument finally by becoming a police state, and enforcing, upon the conflict of minds, the resolution of the gun and club.

Third, we should understand that even in a society of free institutions, such as ours, there is a constant pressure on all to conform to the opinions of the majority. And the price of non-conformity has often been very high.

To be an abolitionist in the South, or a pro-slavery man in the North during the Civil War, was an invitation to suffering.

Simply to have been a German-American during the First World War was enough to have your patriotism suspected, your language and culture abhorred, and your every move watched by vigilante groups of your fellow citizens.

In the early 1950's, the nation endured a Salem witch-hunt led by the late Senator Joseph McCarthy, in the course of which otherwise sensible Americans began to suspect their neighbors of harboring treacherous thoughts.

And today, in the bumper stickers that read "America—Love It or Leave It," one can see the bitter impatience with which many people regard those who challenge the system for the injustice and hypocrisy they see in it. The Vice President has given more articulate voice to the same defensive sentiments.

Indeed, the air today is alive with pressures to conform to the opinions or behavior of one group or another.

From the spokesmen of the Administration, there is pressure to become part of, or at least yield to, a "silent majority." It is commonly assumed that this majority is white, which makes it impossible for a substantial portion of our population to join it; that it is middle-class, which leaves out what begins to look like a preponderance of the electorate.

But as it may no longer be a majority, it is also becoming less silent. We saw that in lower Manhattan recently, when construction workers let out their pent-up fury against young demonstrators who had shouted their rage against the country and all its works—and who, for their part, demand an equally rigid conformity to their

opinions from all whom they come in contact.

At the heart of that struggle, there was the issue of our country's basic worth and direction. The demonstrators, many of them students who had enjoyed the unparalleled economic well-being of middle-class youth, were saying No! with signs and epithets to the society that had provided it; the construction workers, who had struggled for a share in American abundance and won it, were saying Yes! with their fists.

The workers could not understand the desperation of the students, some of whom face the possibility of serving in a war they find unconscionable and futile.

The students could not understand that the workers have an investment in the American system that they are willing to die for.

There was, and is, a tremendous chasm between the two. They were united only in violence—the one verbal, the other physical, each of them alternate steps up the ladder to confrontation.

If that violence—between those who challenge and those who affirm the American system—broke out only in Manhattan that day, it is latent throughout the land.

The young dissenters fear that the government will be deaf to their cries, and will continue heedlessly to commit their lives to military adventures abroad. Those who have an investment in the society fear that the dissenters will bury it in the rubble of the institutions they seek to destroy.

And that fear turns each group inward, making it at once more hostile to the other, and more demanding of the total commitment of its own members. Rocks are thrown, and the clubs come out. Rhetoric becomes inflamed—"effete snobs", "fascist pigs", "bums", "murderers"—until finally political dialogue disappears, and the two sides lob grenades of verbal abuse over the walls of their encampments. There is no quarter given, no attempt to understand, no capacity to feel what the other side feels.

Then triggers are pulled at Kent State, Augusta, and Jackson State. They are pulled out of fear—fear that has so cauterized the sensibilities that at last a man cannot imagine what it is for another man to take a bullet in the flesh.

For a moment, the country is shocked out of its trauma of fear. People begin to wonder what will happen, if we go on this way. Kent State had that effect, because the dead students were white and middle-class. Blacks have been asking that question for many years before Jackson State.

But there is no answer from the White House, nor any suggestion of an alternative. And after a while, the shock passes—as it passed after Watts, and Newark, and Detroit, and Chicago. The country returns to its various encampments—its separate fears.

Is that the way it must be?

Must we live in fear of "those others"? Must we demand that they conform to our opinions and interests, or face our eternal hostility? Must we arm ourselves in readiness for civil war, and speak only through bullhorns across the lines of class or race or age?

I believe this to be possible in America in the 1970's. I do not believe it is inevitable—not if we set our minds against it and our wills to work.

I think it is time we sent our emissaries to those "others." I think it is time to seek a truce, and to use that time to learn to feel for the other—and finally, hopefully, to learn to tolerate a little.

No one should expect that any man, or event, or policy, can "bring us together" in the sense that we all might come to share a common opinion or interest. America is too diverse for that, and the winds of change are so strong now that we are bound to be divided in our response of them. But we can expect and should demand from our na-

tional leadership—and from ourselves—tolerance for others when they dissent from us, tolerance for non-conformity to our own views.

For most graduates in this tumultuous year, the time of street demonstrations and violent dissent is ending. Most of you will, in the next few years, marry and take on family responsibilities. You will still have opinions, but you will also have jobs. You will be thinking less about student revolution, and more about how to live useful and productive lives.

You may become—indeed, you may already be—members of the "silent majority." Or you may hold views that do not conform to those prevailing in your community.

You may find yourself believing that the treatment of black citizens in your community is an outrage to the human spirit. And you may find the expression of that belief to be costly.

You may find yourself in strong opposition to the course your country is taking abroad. And you may suffer because of that at the hands of your employer, your fellow workers, or your neighbors.

You may be so increased by the pollution of your environment that you must speak out against an industry which your community believes is essential to its economic growth. And you may pay a price for that.

When the tide of emotionalism about crime is on the rise in your community, you may resist the simple solution of repressive laws, because you believe them ultimately ineffective and a threat to personal liberty. That may have its costs as well.

If your dissent has enjoyed a limited immunity during your college years, that immunity will end as you leave.

Then the question will be, whether you have the power of intellectual discrimination, and the moral integrity, to stand against what you believe to be wrong, to fight for what you believe to be right, and to pay the price of your dissent.

It will be far easier to conform, for more comfortable to join one of the embattled camps. It was easier to hate German-Americans in the First War, than to defend them from the attacks of their fellow citizens. It was easier to indulge Joe McCarthy in the early fifties, than to resist him publicly. It was easier for Southerners to vilify civil rights workers in the sixties, than to speak out against the abuse of blacks in the South. It was easier for students to join in demolishing university offices, than to stand against that vandalism.

Conforming to the prevailing views of one's community is always easier—on everything but one's conscience.

Non-conformity is nearly always costly—to everything but one's conscience.

And the men and women who, while holding to their own convictions, are willing to step out of the encampments of their class or race, and seek out those "others" who oppose them—will be doing more than a favor for their conscience. They will be beginning a dialogue that may result in a more tolerant America, one where people can feel some part of the fear and hope and need that others feel.

There is a practical reason why men and women must step out of their encampments—it is not possible for any one group to exercise enough influence or leadership to initiate change; coalitions make change. Perhaps we need new kinds of coalitions. But since it is coalitions that can bring about the changes that are required in our society, we must learn to work together apart from our encampments.

This is extremely difficult to do in time of crisis, at home or abroad. Many student dissenters view those who have engaged the nation in Vietnam as war criminals; many supporters of the war regard the dissenters as cowardly traitors. Many blacks feel, in

the light of events such as the shootings at Augusta, and Jackson, that there is no hope for them in America save through their violent retaliation. Many whites believe their jobs, property, and even lives to be threatened by blacks.

In such a time, there is a tremendous pressure on the members of each group to conform to the group's opinions—to share the group's fears, its hates, its attitudes and enemies. A student is a cop-out who doubts the moral guilt of those in office; a man is unpatriotic who says the war must end tomorrow; those who try to work with the other race are either Uncle Toms or negro-lovers.

All that one can say to those who endure such pressure is that civilization has benefited whenever men had the courage to hold to their human convictions in the face of reprisal; and that our country will not endure as a free society unless enough men are willing to do so.

War between the fearful, a silent conformity enforced by the state, or a dialogue marked by tolerance—three very different futures for America. The men who worked here two centuries ago were brave enough, and intellectually disciplined enough, to choose, the last. They believed in the right to dissent, and protected it; and they judged the value of dissent by what it opposed, and what it espoused. They believed the open commerce of ideas preferable to divisions of opinion into hostile camps. The democracy they devised presumed that men could be able to communicate with each other in a reasonable way, and not only through slogans and force. It presumed that accommodation, and not fear, would characterize the American society.

One would hope that their descendants on this green today would so live as to do them honor.

THE CAMBODIAN INVASION

Mr. PEARSON. Mr. President, a few days ago I had the opportunity to meet with several students of the University of Kansas Law School. All were critical of the President's move into the Cambodian sanctuaries.

In encouraging their continued interest and participation in public affairs, I sought to persuade them that their positions, particularly as future lawyers, should be based upon reason, logic, and precedent, rather than emotion. I encouraged them to prepare and, if they wished, to submit a brief on the constitutional law questions that they raised.

Mr. President, I have recently received such a memorandum from William R. Sampson, a student at the Law School of the University of Kansas, which represents the kind of sensible and reasonable dialogue which the students of today rightfully seek.

Mr. President, regardless of how Senators may feel concerning the President's action in South Vietnam and Cambodia, I offer one student's responsible discussion of the issue.

Mr. President, I ask unanimous consent that the statement prepared by William R. Sampson be printed in the RECORD.

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

STATEMENT BY WILLIAM R. SAMPSON

The nature of the Cambodian invasion and its stated purpose—to safeguard U.S. troops against future attacks from the Viet Cong—

suggest the conclusion that the President acted improperly. International law is well settled concerning action against anticipatory attack. The attacking party must show a "necessity for self-defense, instant, overwhelming, and leaving no choice of means, and no moment for deliberation."¹ The United States certainly had other means of resolving the sanctuary problem. It had time to deliberate. The stores of ammunition and supplies could not have been easily used or transported during the ensuing monsoon season. The United States could have asked permission of the Cambodian government for its actions in the likely event that Cambodian forces would not or could not expel the Viet Cong from the sanctuaries. If that permission had been denied, the President could have protested the matter to the United Nations. And if his response there had proved unsatisfactory to his desire to invade and clean out the area, the President could then have gone to the Congress. However, he President did none of these things. To the extent that the President chose to ignore the accepted channels for resolving the problems with the Cambodian sanctuaries and chose to engage large numbers of U.S. troops in a new theatre of operation without the consent of anyone in the Congress, one can argue that the President acted improperly and exceeded his discretion as Commander in Chief.

However, international law as clearly supports the position that should a neutral accede to the impositions of one of two belligerents, the other may, in certain circumstances, disregard the neutral's sovereignty and attack the enemy within the neutral state. The Cambodian invasion can be profitably compared with United States' actions in three similar situations in which hostile forces used neutral territory as a base for recurring raids against the United States. General Jackson pursued Seminole Indians into Florida when that territory was owned by the Spanish. The Indians had frequently attacked American positions in Georgia. Jackson seized several Spanish forts in the operation; after the Indians were subdued, the forts were returned to the Spanish and reparations were made for injuries to Spanish property.

From 1870 to 1877, Mexican bandits frequently crossed into Texas to pillage American settlements. The Mexican central government made little effort to prevent the raids, so in the spring of 1877, the United States gave its commanding officer in Texas the authority "when in pursuit of a band of the marauders, and when his troops are either in sight of them or upon a fresh trail, to follow them across the Rio Grande, and to overtake and punish them."²

During the "Cortina War," Mexico acquiesced in the action of the United States against Juan de Cortina who had used Mexico as a sanctuary to avoid capture by American troops after raiding the Texas territory. American forces crossed the Mexican border on February 4, 1860, and broke up the Cortina outlaws. No complaint against the action was made by the Mexican central government, and the Mexican military commander in the area concurred that the American forces should be empowered to pursue and arrest Cortina and his men wherever found.³

These examples fit well within the thesis advanced by the author of a Note in the Columbia Law Review that "defensive actions which infringe the sovereignty of a neutral state should be justifiable under international law if . . . they are necessary to end repeated raids from a neutral sanctuary, or if they are required to protect the safety of troops under actual attack."⁴ However, as that author also points out: "A point is reached in which self-defense becomes aggression under any well developed system

of law." It is at this point that I would take issue with President Nixon's action of 30 April. I believe that the enormous size of our movement into Cambodia coupled with the clear indication that the President had the time to go to Congress and secure its approval render that unilateral action by the President an improper exercise of his powers as Commander in Chief.

The debates of the Constitutional Convention show the reluctance of the delegates to vest in the chief executive great discretionary authority to commit U.S. troops to combat. "The debates suggest that one of the prerequisites for unilateral presidential response even in defense of the country is that the attack be so 'sudden' that resort to Congress is militarily precluded."⁵ The factor most persuasive to the conclusion that the President acted improperly is that he clearly did have the time to go to Congress with his request to send troops into the Cambodian sanctuaries. General Abrams had known of the sanctuaries for years and has repeatedly asked for permission to destroy them. The President could not have been wholly candid when he referred to the "sudden" buildup of supplies in the sanctuary area. Our military intelligence, as reported in the newspapers, indicated that substantial quantities of supplies have laid within the Cambodian jungles for many months. The only "sudden" development in Cambodia was the deposing of Prince Sihanouk by Lon Nol and the "sudden" political changeover which made an invasion much less likely to stir up adverse reaction from the Cambodian government. Too, Mr. Nixon may have been motivated by the belief that Congress would not have given him the authority to conduct the invasion of Cambodia had he asked them for it. Neither factor is sufficient to justify the large-scale movement of U.S. troops across the Cambodian border and their deployment in Cambodia for a substantial period of time.

Cambodia never recognized that the United States had the right to pursue Viet Cong forces into its territory.⁶ Nevertheless, had Mr. Nixon authorized the pursuit of attacking bands of Viet Cong by individual squads or companies, his action would follow the precedents of his predecessors in Florida and Mexico. But Mr. Nixon has so vastly expanded the Vietnamese War and has so seriously infringed upon the sovereignty of the Cambodian state that the precedents previously mentioned have virtually no relevance.

In conclusion, I do not believe that the President's action was "blatantly unconstitutional," as it has been called in a resolution by a Canadian conference of international lawyers. There is evidence that some kind of response to the sanctuary situation in Cambodia was justified. I believe, however, that the refusal of the President to work within the existing channels of international law, the massive nature of our response, and the virtual annexation of a substantial portion of Cambodia for 60 days was improper without Congressional approval. For these reasons I urge you to continue your efforts to secure the passage of the Cooper-Church bill. The President's action, although not clearly unconstitutional, is an unfortunate precedent which the Congress should disprove in the strongest manner possible.

FOOTNOTES

¹ See 2 J. Moore, Digest of International Law 412 (1906).

² H.R. Rep. No. 701, 45th Cong., 2d Sess., App. B, at 241 (1878).

³ See H.R. Exec. Doc. No. 81, 36th Cong., 1st Sess., 102-04 (1860).

⁴ International Law and Military Operations Against Insurgents in Neutral Territory, 68 Colum. L. Rev. 1127-48 (1958).

⁵ Note, Congress, the President, and the Power to Commit Forces to Combat, 81 Harv.

L. Rev. 1771-1805 (1968); see 2 M. Farrand, *The Records of the Federal Convention of 1787*, at 313, 318-19 (rev. ed. 1937). Hamilton's commentary similarly reflects the deliberate choice by the framers to vest in the legislature—the representatives of the people—the power to engage the Nation in war: "The President will have only the occasional command of such part of the militia of the Nation as by legislative provision may be called into the actual service of the Union." *The Federalist* No. 69 (emphasis added).

⁴ See, e.g., the statement of the Royal Cambodian Government, reproduced in *N.Y. Times*, Dec. 28, 1967, at 17, col. 2.

THE GOVERNMENT'S POSITION ON THE C-5A PROGRAM

Mr. BYRD of Virginia. Mr. President, I am greatly concerned as to the Government's position in regard to the Lockheed Aircraft Corp.—and specifically the C-5A program.

The C-5A program was initiated in 1963 when Robert S. McNamara was Secretary of Defense.

As of June 1969, no production aircraft had been delivered.

As of May 25, 1970, only six production aircraft have been delivered, plus eight research and development aircraft.

Yet through April 30, 1970, the Government has paid Lockheed Aircraft Corp. on the C-5A contract more than \$2 billion.

The Department of Defense is seeking an additional appropriation of \$544 million for fiscal 1971.

Of this amount, \$200 million is labeled "contingency."

This \$200 million exceeds by that amount the Government's obligation to Lockheed.

The Department of Defense seeks this additional \$200 million as the best way to protect the Government's investment in the C-5A aircraft.

Admittedly, the Government and Lockheed face a very difficult problem in regard to the C-5A contract. Under the Air Force Department interpretation of the contract the loss to Lockheed will exceed \$640 million.

I have great confidence in Deputy Secretary of Defense David Packard. He had no responsibility for the original contract and is making an effort to bring some order out of a rather chaotic condition.

He has not yet presented an overall solution. He does recommend the appropriation of the additional \$200 million, which amount goes beyond the amount of the Department of Defense contends it owes to Lockheed.

Lockheed has been operating almost entirely on Government funds. It has put up very little of its own money. The contract between Lockheed and the Government is an ambiguous one and apparently is subject to varying interpretation.

I am willing to support the \$344 million authorization which the Department of Defense recommends as being within its contractual obligation, but I have considerable doubt about the additional \$200 million which goes beyond what the Government contends is owed to Lockheed.

I shall vote to eliminate this \$200 million item from the budget.

SENATOR SCOTT GUEST ON METROMEDIA PROGRAM "PROFILE"

Mr. GRIFFIN. Mr. President, on Sunday, May 31, 1970, the distinguished Senate Republican leader (Mr. Scott) appeared as a guest on the Metromedia Radio News program "Profile." On the panel asking questions were the program host, Dan Blackburn, national editor of Metromedia Radio News, and Sam Shaffer, of Newsweek magazine. I ask unanimous consent that the transcript of the program be printed in the RECORD.

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

PROFILE

Mr. BLACKBURN. Senator Scott, for all practical purposes, is there any real likelihood left of an acceptable compromise on the Cooper-Church Amendment to impose a deadline on American involvement in Cambodia?

Senator SCOTT. Yes, there is. Following a vote on the Dole Amendment pertaining to the release of prisoners of war, probably Wednesday morning, I would expect that Senator Byrd of West Virginia will introduce a resolution which may contain language protective of the power of the Commander in Chief to protect the armed forces abroad.

I am not sure whether such an amendment has the approval of the White House as of this time, but some progress is being made.

Mr. BLACKBURN. This is Dan Blackburn in Washington. My fellow reporter is Sam Shaffer of Newsweek Magazine. Our guest on this edition of Profile is Senate Republican Leader Hugh Scott.

We'll be right back after this message.

Mr. BLACKBURN. Senator, you say that you are not sure whether or not the resolution to be offered by Senator Byrd has the White House backing. Has getting White House backing for any compromise that might be accepted by supporters of the Cooper-Church Amendment proven to be a more formidable task than you had originally expected?

Senator SCOTT. Well, it is of course difficult when the Senate in effect challenges the President. The President tends to react to preserve his Constitutional functions; the Senate doggedly holds to its, so that of course it's a problem. But it is far better for someone, like myself, to continue to seek to conciliate, if possible, and to secure for the Commander in Chief a clear recognition of his authority, while recognizing, as I also do, that the Senate wishes to be heard with regard to Cambodia and the Vietnamese war, and, of course, all Senators, like all Americans, are extremely anxious for this dreadful war to be ended.

We're all agreed on the principles and the goals. The obsession of Senators is with techniques, and that is also true of the White House.

Mr. SHAFER. Senator Scott, you have been defending the President's actions in going into Cambodia. Doesn't it trouble you that a President can make a unilateral decision to invade another country? Has Congress become irrelevant on such a vital matter as waging war?

Senator SCOTT. The relevance of Congress, I think, is shown by Congressional reaction. The wish to be consulted; they have the power of the purse; they have the right to authorize the use of defense funds. At the same time, what the President has done is to recognize that the war was always being waged for more than five years from certain sanctuaries across the border from South Vietnam. The President has also recognized that without the removal of that menace he was unable to remove 150,000 troops from Vietnam during the next 10 or 12 months.

Therefore, it becomes—it became essential

for this to be done. I have said quite clearly and plainly that it would have been better had Senator Mansfield, the Majority Leader, and I been consulted in advance, because we might have been able to better prepare public opinion for what proved to be a shock with regard to what they thought was a widening of the war, which the President firmly believes is a shortening of the war.

Mr. SHAFER. Well, Senator, in connection with preparing public opinion, as you put it, Senator Hughes of Iowa told the Senate just the other day that the invasion of Cambodia—and I quote him—distinctly polarized the nation beyond anything I have observed in my lifetime, and so I ask you, was it worth it, the military gains that will unquestionably be achieved and trumpeted at the White House?

Senator SCOTT. Well, Mr. Shaffer, I as a Senator am so used to the apocalyptic type of statement, that "never in my lifetime," or "the world is about to come to an end," or the Chicken Little philosophy that, "The sky is falling." I have learned that all things pass. This is a serious situation. It did indeed divide the country, but I think it divided the country more through misunderstanding of the common desire of both Congress and the President to find a quickening end to this war, and I think that misunderstanding has been contributed to by various eminent Senators who are themselves, or at least fancy themselves, candidates for President of the United States.

Mr. BLACKBURN. In what way do you feel it's been contributed to?

Senator SCOTT. Why, by the hot rhetoric, the excited language, the end of the world is coming, the ship is sinking, let's everyone run for cover, I've never seen such a disaster in my life, gloom, doom, disaster, and so forth.

Of course the times are serious; no one discounts that, but, as Adlai Stevenson once said, the world lives on the razor edge of terror, and all of us ought to devote our attention somewhat more coolly to getting off that razor edge.

Mr. BLACKBURN. You pointed, Senator, to a number of Democrats, without naming them, who may or may not be running for President in 1970—

Senator SCOTT. Oh, they all are. They all are. Don't worry about that.

Mr. BLACKBURN. I'm wondering if you feel that there has been an overindulgence in hot rhetoric on the other side of the fence too, and I'm thinking particularly of Vice President Agnew.

Senator SCOTT. Oh, I think rhetoric is always well fertilized and cross fertilized and tends to breed rhetoric. That's why I'm trying to be a rational and reasoning person in the center. I was reading this week that the difficulty of the center at the time of polarization is that instead of being a meeting ground for extremes, it's a no-man's land where men and ideas are caught in a withering crossfire. I'm one of those people presently caught out in no-man's land. But it says that precisely that quality of being a reasoning man in the center in a time of transition is needed because it's so scarce. Those are the qualities of patience, good temper and a skeptical willingness to wait and see.

Mr. SHAFER. Senator, I'd like to ask you a question on another aspect of foreign policy. Now, you have been a leading and very vocal advocate for planes for Israel, but the Administration appears to be dragging its feet on Israel's request. In your speech before the American Zionist Federation you said, "I have reason to believe that our prayers and our petitions to the President and the Secretary of State will be answered fairly soon." Can you be any more specific than that?

Senator SCOTT. Well, I am not in a position without revealing some of the things that I've been told, but I can say that the

tors to enslave prisoners of war. Grotius, himself, however, felt that this was not proper, and that prisoners should be ransomed or exchanged.

So, Mr. President, I think we can see that the step taken in the Treaty of Westphalia to release prisoners of war as a part of that overall settlement was truly a giant step forward for mankind. And, ever since 1648, it has been the general practice to release all prisoners of war with the settlement of a conflict.

During the continuation of a war or an armed conflict, prisoners of war have often been treated abominably. Without going too far afield, we might recall the conditions on British ships where American prisoners were held during much of the Revolutionary War. It was charged that 20,000 American prisoners of war died on those ships. And Andersonville keeps cropping up in our literature. But on the whole, those nations pretending to be civilized have improved their treatment of prisoners of war. We have had plenty of practice. Between 1480 and the outbreak of World War II, there were 278 wars, with some 2,700 battles—if one classifies as a battle those clashes on land involving at least 1,000 casualties and at least 500 for naval engagements.

Today we are concerned with the plight of our fellow countrymen who are held by the North Vietnamese and by various groups operating in South Vietnam or elsewhere in Southeast Asia. The frustration of our Government is matched, and surely exceeded, by the sorrow, the uncertainty, the cold fear felt by the relatives and loved ones of members of our Armed Forces who are missing from the ranks of their comrades in Vietnam, but whose fate cannot be definitely determined due to the stubborn intransigence of those against whom we are fighting in Southeast Asia.

Despite the best efforts of our Government, of some foreign governments, of international organizations, of certain U.S. citizens and officials acting in unofficial capacities, Hanoi refuses to abide by the rules of civilized nations governing the treatment of prisoners of war. This is despicable.

The most expeditious way to bring about the identification and release of our men held captive in Southeast Asia is to negotiate a general settlement of the war. This is the surest way, perhaps the only way, to bring about their early release.

As I have pointed out, ever since the Treaty of Westphalia in 1648, it has been customary to release all prisoners upon the negotiation of a general settlement following an armed conflict. Partial exchanges, releases, and paroles have sometimes occurred, but these have been rare. There have been limited releases of badly crippled and diseased prisoners in wars as recent as World War II, but this is a definite exception to the general rule. During the American Civil War, there were exchanges, particularly of officers, and in December 1864, prisoner of war officers were paroled by both sides to arrange for food and supplies to be sent to prisoners still held. Generally, these limited releases have been based on bartering between the opposing sides.

It has been proposed by some that we try to barter for our men held by the North Vietnamese. We do this sort of thing in connection with hijackings and exchanges of high-level spies. Perhaps it would work with prisoners of war, or so it is thought by some. In my opinion, although I would be willing to have our Government try this, it would be fruitless. I base this on the lack of interest displayed by the North Vietnamese in getting their own people released from South Vietnamese prisons and stockades.

Furthermore, both North Vietnam and the Vietcong have stated that release of prisoners and information about them must be a part of a general settlement of the war.

I have joined with other Senators in sponsoring various resolutions deploring the conditions under which our men are held by enemy groups in Southeast Asia. I have urged, through various channels, that an accounting be made by North Vietnam, through the International Red Cross or otherwise, of all Americans held by them or their associates and underlings. Thus far I have seen few tangible results. Some names have been released. Some films have been shown. These teasers only tantalize sorrowing and uncertain relatives and friends.

And we, of course, do not entirely trust the accuracy of what the other side out there has to say. Based on the brainwashing and brutalization practiced in Korea, we can be on guard against the same kind of thing in Vietnam. Of course, this kind of treatment and possibly enforced defection must be placed in the "nothing-new-under-the-sun" category. During our own Civil War, the Yankees captured some 476,149 prisoners and "allowed" 5,452 of these captives to join the Union Army. Senators from the North may point out in rebuttal that 3,170 Yankees captured by Confederate forces—out of a total of 188,145—joined the Confederate Army.

Without a negotiated settlement of some sort, our prisoner-of-war problem is discouraging.

For about 6 years, I have publicly urged, as I had privately urged for many years prior to that time, that the President of the United States, beginning with Mr. Eisenhower, negotiate a settlement of the political problems in Southeast Asia. Now that President Nixon has "ruled out" winning the war militarily, I see no reasonable alternative to a compromise. Such a settlement should and must include an early release of all prisoners of war.

ADDRESS BY SENATOR KENNEDY

Mr. MONDALE. Mr. President, the turbulence on our Nation's campuses is one of the most disturbing and perplexing developments we face.

We are in very real danger of losing that essential bond between the university and society at large. And with it, we stand to lose much of the potential for our future as a free and progressive nation.

We begin to repair that bond with a new understanding—a new understanding by students of the society in which

they live, as well as a better understanding of students by their elders.

The distinguished senior Senator from Massachusetts has made a major contribution to this mutual understanding in an address delivered last night at Boston University. I ask unanimous consent that Senator KENNEDY's wise reflections be printed in the RECORD.

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

ADDRESS BY SENATOR EDWARD M. KENNEDY

I am honored to be with you this evening and to have the privilege of inaugurating this year's lecture series at Boston University.

We all know that every campus in every city, town and village across the country is apprehensive as the new academic year begins.

The events of last May, at home and abroad, are behind us, but not forgotten. The war continues.

The intensity of the public debate has lulled after the strenuous summer lobbying and the optimistic vote on the McGovern-Hatfield amendment. Many persons feel that we may be passing through the eye of the hurricane, with yet another round of unrest and disturbances to beset us on the road ahead. The embattled university in Wisconsin has felt the murderous, senseless shock of a bomb heard round the country.

Public tolerance has been severely strained, and public indignation is clearly being played to by some political figures.

Everyone awaits the recommendations of the President's Commission on Campus Unrest. Everyone hopes that we are pulling back from the brink on which we have stood.

In the midst of this strife and of our deep concern over the future of our Nation, it is important to pause and note that in recent times, we have seen the system respond.

Changes, both great and small, can be directly attributed to the involvement of young people. They began in the McCarthy and Robert Kennedy campaigns of 1968. There the movement against the war was crystallized into hard political activity. Whether or not we are pleased with the rate of American withdrawal from Southeast Asia, it cannot be denied that American policy is now different.

Men and women have been elected to public office in the past two years, or will be this November, who would not have had a chance a few years ago. And men have been deprived of office by the strength of the new political vitality of the young and the concerned.

Surely, the rejection of Judge Haynesworth and Judge Carswell cannot be overlooked in measuring the responsiveness of our system.

I well recall the influx of thousands of young Americans into Washington following the invasion of Cambodia and the tragedies at Kent and Jackson.

I met with many of you in this audience on the steps of the Capitol, and together we discussed the war and the other great issues of our day. The progress we sought last spring can be measured in results this summer.

In areas like the debate on the Church-Cooper amendment and the McGovern-Hatfield amendment, the Senate clearly began to respond to the voice of the people. A President who resists a timetable to end the war was forced to set a timetable for withdrawal from Cambodia. Congressional investigators and a presidential commission have visited Kent and Jackson, and grand juries are still meeting.

So there is responsiveness to constructive pressure.

And, in another extremely important area, the American political system itself has reached out to embrace the young.

Last June, culminating more than a quarter century of debate in the Halls of Congress and throughout the Nation, Congress passed a historic statute lowering the voting age to 18 in all elections, Federal, State and local—thereby bringing your generation of Americans into the mainstream of the political process of the United States.

By lowering the voting age to 18, the Nation has passed another important milestone in our long march toward extending the franchise to all our people.

Not for fifty years—not since 1920, when the Constitution was amended to give the right to vote to women—have we taken a comparable step to broaden the base of our democracy and increase the responsiveness of our Government.

Last Thursday, in the United States District Court for the District of Columbia, I had the opportunity to participate in the oral argument of the first judicial case testing the constitutionality of this statute.

Although there were some legal arguments raised against the bill in the course of the congressional debate, I believed then, and I continue to believe, that Congress had ample constitutional authority to lower the voting age by statute.

As a result, when the statute first goes into effect, millions of young Americans between the ages of 18 and 21 will be eligible to go to the polls for the first time, and thereby begin a lifetime of participation in the political process of America.

On January 1, the Supreme Court willing, they will have that right.

Whether they use it, and how they use it, is up to them. The answer will be part of the promise of this decade.

Yet, even beyond the potential of the youth franchise, the opening year of the 70's has brought America's student population to another important fork in the road.

As we saw last May, and as we will see this fall, there are two clear choices for every student, every organization, and every campus.

They can choose destructive violence and physical coercion, rioting, burning, occupying, bombing, and trashing, at their schools and in the community.

Or they can choose concerted and constructive political action to restructure university governance, to change laws and policies at every level of government, to elect progressive officials in city halls and State houses, in Congress and in the White House.

In the past few years, and especially since May, some students have pursued each of these paths.

But so we are still at the fork in the road, because so many students have yet to choose their course.

And for most of those who have started on the road of violence, it is still not too late to reassess, restart, and turn the other way.

Let me state forcefully, briefly, and simply where I stand, for the hour is much too later for hedging, and the stakes much too high for equivocation.

There is no room, no role, no reason for violence at America's colleges and universities. Those who seek change by the threat or use of force must be identified and isolated, and subjected to the sanctions of the criminal law.

They are hijackers of the university, holding hostage its peace and tranquility, its students and faculty, its research and scholarship, to be ransomed for their particular demands.

And like hijackers, they must be deterred and repudiated, even—or especially—by those who may share their goals. Any person who lends them aid and comfort, any person who grants them sympathy and support, must share the burden of guilt.

For, like the Arab Commandos, the campus commandos can only operate if the environment allows them to.

I fully recognize that the apostles of force and destruction on campus are very few in number, and that the vast majority of students and faculty totally reject violence as a conscious tool of progress.

Yet there is a collective responsibility. It is partly real—to the extent that the few are followed, encouraged, and tolerated by their peers and teachers—and it is partly imagined by those in the public who lump all students together.

Surely the time has come to face these facts, and to face the other realities which student activism in all its forms has visited upon us all.

By their methods, their appearance, and their rhetoric, students have managed to obscure their noble goals in the public's consciousness, and to replace them with the issue of student unrest itself. Instead of being the medium for vital messages about society's ills, for ending war, racism, poverty and repression, the students on the campus are seen in the public eye as one of the principal ills in today's society.

Instead of producing leadership for new solutions to the Nation's problems, campus activists are producing fear and outrage and reaction.

They are pushing the public in the opposite political, philosophical, and social direction. For every American who blamed the National Guard for the killings at Kent State, there were two who thought the students were at fault. There are probably another two for whom the tragedy at Madison was the last straw.

Perhaps the force of public opinion is not, and should not be, enough alone to affect the young. But force of public opinion cannot be ignored, for its results are real and important. Because public opinion is focused on this new and complex problem of "campus unrest", students are convenient and welcome scapegoats.

Turmoil on the campus lends itself to the wildest and basest forms of political rhetoric. The kind of demagoguery we hear from our Vice President and others provides a thick smokescreen behind which some elements in our society can hide what they themselves are really doing to this Nation.

For those who pander to public emotion and perplexity at events on campus are also those who allow the war to continue, and who disorder our national priorities so that we invest in S.S.T.'s and A.B.M.'s instead of teachers for our children and health care for our sick.

And so, in large part because mainstream America is preoccupied with concern about the campus, we all suffer.

While the politicians of panic get their way, leaders with conscience and foresight find the institutions of power—and the public—less receptive and responsive to their programs, priorities, and values, perhaps partly because these are also shared by student America. Thus the deep problems of society go unsolved and short-sighted policies endure.

Moreover, as those who look backward are emboldened by the polarization between the community and the campus, and as those who look forward are resisted, the ones who really suffer most are the ones most in need; the working people who need more and better health care and public education; the unemployed who need training and jobs; the growing families who need housing; the elderly for whom inflation is a constant pick-pocket; the union men and women whose sons are dying in Vietnam in larger numbers than any other group in society; and the poor—white, black, and Indian—who need help to lift themselves from deprivation and discrimination. They are the ones who are

the real losers when "town" takes on "gown" on a national scale.

For students themselves, there are a some distressing signs of change. Two years ago you could go anywhere to canvass for candidates at election time. Now some candidates feel that student canvassers may be a liability, and the scope of their activities is being curtailed.

Students have become suspect. America is beginning to fear and blame them as a group, without making distinctions between those who seek violent change and those who seek peaceful change.

In many minds, a student is a radical, a radical is a revolutionary, and a revolutionary is a bomb thrower.

Students of all stripes thus suffer the pains of prejudice.

Their lives on campus have been changed. There is an aura of tension and control, instead of calm and freedom.

They have lost some of their natural allies in the university. Many professors feel that student activists are diluting the tradition of academic freedom and interrupting the scholarly and educational functions of the university, causing damage from within that rivals the potential damage from without.

Some students have also alienated most of those who could, and should, be the beneficiaries of their reform efforts—the salaried and hourly employees, the blue collar workers, the hard hats, the commission salesmen, the policemen and all the other middle Americans whose taxes are unbearably high, whose children go to overcrowded and underfunded public schools, whose sons went to war because they could not get deferments, who cannot afford B.U.'s \$1700 tuition—let alone next year's \$2,000—who can be wiped out by the costs of a major illness, whose automobile insurance and automobile repair costs are getting out of reach, who rely on their leisure on inadequate public park and recreation systems, who inhabit cities where pollution, traffic, utility service, and crime are daily challenges.

These are people who have very real and very immediate complaints about the system and its institutions, as you do, and if you succeed in making the system more responsive, it will respond to their needs as well as yours.

They are also the ones whom you must persuade if new national values and priorities and ideals are to be adopted. But the gap between them and the student is too wide now for these processes to go on.

The worker who could not go to college thinks students should be grateful that they can. He cannot understand why the privilege of college is being abused, why the opportunity is not being fully pursued, why the educational process, which can be the key to success, is being interfered with, and thus he has little respect for anything the activist student might have to say on any subject.

He is not prepared to accept the life-style of the students he sees on the streets of Beacon Hill, Back Bay, or Cambridge.

There is no basis for him to understand or empathize with the needs and drives which bring some young Americans to beards and long hair, beads and pot, and fringed vests and free love.

And so he turns off when the student speaks.

And the student not only loses a vital audience, and potential ally, but also gains an antagonist.

I need not remind you, as well, of the constant backlash from state and national legislators seeking to tie strings to funds and to legislate their own version of discipline the campus. Or the backlash from alumni and boards of trustees, whose pressures all too often encourage the forces of repression.

That is a dismal picture, and I regret I

have to paint it. But you are the ones who can brighten it.

Violence and interference with the rights of others are to be eliminated from the campus, then you yourselves, the vast majority of students, will have to take the lead. You must make clear that violence and coercive tactics are unacceptable.

It is not enough merely to avoid violence and interference with rights of others. The time has come to do something about it, to play an active role in calming the campus, and to do it with care, with thought, and with courage.

And you must analyze within your own groups whether you have become too narrow-minded in your commitment. Are you merely talking to and persuading those who already agree with you? Have you invested enough thought and time in broadening your appeal and seeking to convince your natural allies and your potential constituencies outside the campus? Or have you acted as though you don't believe outsiders can understand, as if only the college-educated, or the young, can truly identify with your underlying goals, and your immediate purposes?

Already the feeling is too widespread that students are out for a self-indulgent ego-trip, for adventure, for excitement, for a closed game of "how much self-satisfaction can I get?"

You must disprove that notion. You must communicate with others, persuade them, broaden your base of support and their base of hope. You must listen to the hard hat, the fireman, and the bus driver.

You must understand their problems, and not just vent your problems on them.

And you must measure your own priorities. If you are to persuade others, you must be able to reach out to them beyond your own life. Too often, the trappings and habits of life preclude the opportunity for any conversation. It may be unjust and irrational and maddening that the length of someone's hair should influence the affect of his discourse, but it is fact of today's life.

If you are going to move out beyond the campus, you have the choice:

You can maintain your lifestyle and appearance, and bear the double burden of persuading your listeners of the validity of both the medium and the message, with the risk that if you fail on the first, you get no chance on the second.

Or you can move right to the message, by sacrificing, at least temporarily, some of the trappings that antagonize others.

It is simply a matter of priorities. How important is it to you that your message get through? How much time and energy do you want to spend convincing people that students with beards are really normal citizens, before you can start convincing them that the war and other abuses in society are immoral?

And finally, I think it is vital to realize that successful political action involves changing institutions not only from the outside but from the inside as well.

There are many public service functions where direct participation by America's youth could not only revitalize the institutions, but also help produce the generational dialogue and understanding which the Nation needs so badly.

In our hospitals and health centers, in our city and county governments, in our police departments and criminal justice agencies, in poverty programs and educational systems, the problems of our society can be exposed to daylight. They can be confronted and attacked.

These areas are the front lines, where achieve direct and measurable results, where hard work can bring personal gratification and social contribution at the same time.

For surely there is a clear element of snob-

bery in constant criticism of institutions and agencies without any willingness to enter them and see if a better job can be done.

Dissent, like so many things in the America of 1970, has become too comfortable.

It takes 5 minutes to draw the letters on a protest sign, but it takes a lifetime of dedicated service to make a contribution to society.

In the decade of the sixties, students in North and South joined together to awaken the Nation's conscience.

A generation of freedom rides, sit-ins, and voter registration helped to launch the drive to banish racism from our social structure.

Those who came before you in recent years were the first to call attention to the critical moral issue of our day, our participation in the Vietnam war.

As troop levels and bombing raids began to escalate, it was the academic community which first raised the voice of protest, which first questioned the validity of our means and ends in Vietnam, and which began to transform the nature of all our international commitments.

In hundreds of respects, our students of the past have made vital and lasting contributions to the quality of our life.

What difference will you make? What challenge will you meet? What burden will you carry? What service will you give? Will it be enough to shout your protest, or will you also help the rest of us to bring your dreams to life?

A man of Massachusetts, one of the greatest prophets in the history of our Nation, put this thought very simply, in words as timely now as they were on Memorial Day in 1884:

It was Justice Oliver Wendell Holmes who said:

"As life is action and passion, it is required of a man that he should share the passion and action of his time, at peril of being judged not to have lived."

Indeed, we are in a time of change, of new problems, and new answers. You must help your university to remain a place of scholarship and learning, a place of growth and wisdom, a springboard for new ideas and new ways.

It is you and millions like you around the country who will determine how your university and your Nation will continue to exist. The responsibility is yours. I hope you will bear it well.

OUR SLUGGISH ARMY NEEDS DRASTIC REFORM

Mr. YOUNG of Ohio. Mr. President, in the editorial section of the Washington Post, on September 13, was published a most informative and penetrating article written by former lieutenant colonel of the U.S. Army Edward L. King. This article is important, and is a factually correct assessment of what is wrong with our Army, and in particular as to what is wrong with the topmost generals and other officers from the Joint Chiefs of Staff down.

Lieutenant Colonel King, the author, who had requested retirement last year because of his opposition to our involvement in Southeast Asia and doubtless for other very valid reasons set forth in his statement, served overseas in the Korean war. Recently, before his voluntary retirement, he was with the office of the Joint Chiefs of Staff at the Pentagon.

Mr. President, I hope that millions of Americans, including Members of Congress, our GI's and officers and men now serving in our Armed Forces, particularly the draftees, read this article, en-

titled "Sluggish Army Needs Drastic Reform."

Mr. President, I ask unanimous consent to have this article printed at this point in the RECORD.

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

SLUGGISH ARMY NEEDS DRASTIC REFORM

(By Edward L. King)

The United States Army needs reform. One aspect of this need has been examined by the President's commission to establish an all-volunteer armed force, and public debate about reform has focused almost exclusively on the volunteer army.

But little critical thinking has been devoted to two other areas crying—so far, in the wilderness—for public attention: the officer corps and the armed services' organization. If both of these are ignored, the U.S. Army will continue to be badly led and badly organized, regardless of whether the enlisted men are volunteers or draftees.

For roughly the last 15 years, the quality of military leadership has been declining. The deterioration has been all too vividly revealed by the Vietnam war. The Army developed the concepts of "limited brushfire wars" and counterinsurgency to ensure a military component for the international political realities of the late 1950s and early 1960s. These doctrines found natural application in Vietnam. That conflict began as a counterinsurgency situation that quickly grew into a "brushfire" war with the Green Berets as the limited warriors.

But they couldn't win, and the Army was forced into a crash program in 1964 to form an air mobile division—the First Air Cavalry Division—which was essentially a forerunner for largescale conventional war. The Air Cavalry was unable to stop the "brushfire," so the buildup of standard infantry divisions began and Vietnam became a small-scale replica of World War II—hardly what the limited war proponents had sold to Presidents Kennedy and Johnson.

A further deception in Army thinking is the oft repeated assertion by high-ranking officers that political, not military, constraints have inhibited the Army's success in Vietnam. Yet the limited war concept itself is sharply restricted to achieving specific tactical objectives within a narrowly defined geographic area. It would not include offensive operations such as attacking across the DMZ, bombing Haiphong or invading Cambodia.

Vietnam has revealed the limited war concept for what it really is—a mercenary expedient to assure military participation in international affairs, and the money to go with it, without any meaningful adjustment in large war force structures or any relationship to contemporary political priorities.

In short, the Army first urged and now perpetuates the war for its own parochial internal purposes, with little sense of national responsibility. And from a purely military viewpoint, the command of our forces in Southeast Asia has been egregiously mismanaged because it has been guided by the wish to maximize career opportunities for senior officers rather than maximize the effectiveness of our forces.

TOLERABLE CASUALTIES

For example, a single combat command assignment is today an unwritten prerequisite for promotion from colonel to brigadier general, and additional such assignments are virtual guarantees of further rapid promotion. To accommodate the eagerness for promotion, combat command assignments are rotated every six months. This results in more promotions for career officers. It also means that combat in Vietnam is generally led by green officers inexperienced in local

battlefield command, in the past tactics and characteristics of the enemy's troops, in the experience and ability of their own troops and in the climate and terrain over which they must fight.

Under such circumstances, it is virtually inevitable that more promotions for eager commanders would be accompanied by more dead enlisted soldiers than would have been the case had the Army been given stable, experienced combat leadership at all levels as a matter of policy. But the casualties of such a policy would have been career improvements for hundreds of officers. In the eyes of today's general officers, such casualties are less tolerable than the lives of soldiers who died in superfluous agony.

The situation has grown unchecked because of complete internal conformity; deviating from the Army party line is discouraged and punished. Internal criticism and disagreement are nonexistent. And needless to say, the reprisals against criticism in public are swift and vigorous. Consequently, the uniform face put on for the public and Congress by the Army's officer corps is not that of healthy consensus but of strict and sterile convention.

The futility of the war and the personal self-interest of most commanding officers have not been lost on lower ranking junior officers and GIs. Many continue to serve and toe an undeviating line out of fear of court-martial and jail or because of a strong desire not to let their buddies down. Officers remain silent and seek promotions in the only way available because they, like other men, have home mortgages to pay, children to send to college and higher paid retirement to anticipate.

Yet the doubts are growing daily, particularly among younger officers. Among these young men, service to the nation and their subordinates, and dedication to justice, individual dignity and self-respect, would be more appealing attributes of military life than service to their own careers first and to the existing system a close second.

It is difficult to imagine that bitterness that is beginning to permeate the lower enlisted and officer ranks of the Army or the creeping paranoia against the press, TV, politicians and liberal segments of our society that afflicts the senior ranks. Such conditions, if left unattended, pose a serious danger to the future of the republic.

TOO MUCH SUPPORT

Not only is the Army badly led, it is badly structured. For example, in Europe approximately 200,000 Army troops include only about 85,000 actual combat troops. There is no valid military reason why these 85,000 combat soldiers could not be adequately commanded and supplied by an additional 65,000 men. Thus, either the total force of 200,000 could be cut by 50,000 troops or that total should contain a much higher proportion of combat elements.

Since the mid '50s, the proportion of non-combat manpower has been growing. In Vietnam it has required an Army force of over 400,000 men to provide 100,000 actual combat troops. The present "combat slice" (the percentage of troops available actually to fire on the enemy) is under 40 per cent for all Army units. This compares unfavorably to the 60 per cent combat slice of the Soviet army and 70 per cent combat slice of the North Vietnamese army.

Only a fraction of the vastly increased support forces are required by the new military technology. Most are merely the baggage that go along with sending the Army "first-class" and with the proliferation of headquarters commands which do nothing more than pass orders to lower commands and provide slots for general officers and their retinues. The present U.S. Army is a dragon with a huge tail and tiny teeth.

The implications of this situation are several. First, economically, the U.S. Army is far too expensive compared to its combat potential. In Western Europe, for example, at least two and probably three senior command levels between the Pentagon and the combat commanders could be eliminated. These headquarters contribute little to military effectiveness.

Second, tactically, the dragon is reasonably mobile and can travel in the luxury to which it has become accustomed only when it has absolute air superiority. Yet in Western Europe, it is not assumed that the Air Force will have absolute air superiority.

Third, strategically, when only limited conventional combat forces are available against superior conventional forces in Eastern Europe and the Soviet Union, greater motivation exists for U.S. forces to resort quickly to first use of nuclear weapons with the inherent danger of nuclear escalation rather than flexible response to aggression.

The foregoing implications are, of course, mere suggestions of the need for a hard look at the organization of the U.S. Army and the military unified and specified staff concepts. Resistance to that hard look comes from career officers who feel that they personally have nothing to gain from restructuring of the Army and considerable to protect by perpetuating the system that provides comfortably for professional advancement and retirement.

SECOND-RATE SCHOOLING

Reforming the Army is not a contradiction in terms, but it does pose obvious obstacles of entrenched service and congressional attitudes and habitual bureaucratic inertia, as well as the added problem that any criticism of the military is characterized by some as patriotically suspect if not quasitreasonous.

Nevertheless, the obstacle course and the risk of obscurantist slander must be run. To improve leadership:

Better education. The service academies are in fact only engineering schools and, on the basis of faculties and curricula, second-rate ones at that. They and the career officer training schools need improved and broadened curricula and more civilian instructors. Now is the time to establish national priorities clearly and to emphasize that military service is a way of providing national service and not a personal end in itself.

Internal dissent and debate must be encouraged; public comment by military men on matters of ordinary concern to citizens should be restrained only when substantive evidence exists that such comment seriously prejudices true order and discipline of the Army.

The Uniform Code of Military Justice should be revised to bring it more in accord with accepted principles of justice. Court-martial should not be used in lieu of leadership, as was the case at the Presidio of San Francisco. The rights of the soldier must be better protected.

Nondiscriminatory promotions. Promotions should be made solely because of demonstrated merit and ability, without regard to source of commission (e.g., West Point, ROTC, OCS), component of service (regular, reserve), family background, race or religion. Discrimination on all these grounds now exists.

A less conformity-conscious rating system. Efficiency report ratings should be more oriented to demonstrated and potential ability and less weighted by the opinion of one individual on whether or not an officer is constantly conforming to the wishes of that individual.

Civilian surveillance. Civilian leaders, especially in the Pentagon and White House, must unceasingly seek out and reward officers who lead by their personal example and performance of duty rather than by force of rank. The service secretaries should be men

with experience in military affairs, but with unquestioned independence. (This requirement should not exclude former military men serving in civilian capacities. Example: Gen. James Gavin could probably be a more effective civilian Secretary of the Army than most civilians. President Eisenhower probably better preserved civilian control over the armed forces than any other recent president.)

To improve organization:

Tough civilian leadership. Even though many officers would welcome a more streamlined and austere Army, they will certainly not succeed in achieving it unless supported by vigorous congressional and executive action.

Reduction in noncombat forces. Western Europe provides obvious examples, but the continental U.S. command structure could be greatly reduced without the slightest reduction in preparedness or effectiveness. Present top-heavy unified command structures and unproductive specified commands must be reduced in accord with changing national priorities.

To reform is to prosper. Yet the armed services show few signs of reform vitality. This state of affairs is beginning to be appreciated by the public through the dark glass of recent history: vast overspending on the C-5A, ill-fated defense systems such as the F-111 and the Cheyenne Helicopter, the cover-up of My Lai, the Green Beret murder accusations, the legal "overkill" of court-martial at Ft. Jackson, Ft. Dix and the Presidio, and the apparent futility and questionable judgment of such bloody incidents as the Hamburger Hill assault (for which the commander was rewarded with a third star and a choice job with the Joint Chiefs of Staff.)

These are now in the public domain and have disillusioned and alienated much of the civilian community. But what is yet at public issue is the inflexibility, shortsightedness and selfishness within the armed services which have allowed these incidents to occur.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for approximately 7 minutes.

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

SENATE LEGISLATIVE ACHIEVEMENTS: "A CALL FOR COOPERATION"

Mr. MANSFIELD. Mr. President, under the heading "A Call for Cooperation," the President last Friday transmitted a message to the Senate. With it he takes Congress to task for apparently failing to attend fully to what he defines as his legislative program. I have read through this message and I am somewhat puzzled. I am puzzled first of all because—at least as far as the Senate is concerned—just about every single item mentioned by the President has been, is now being, or will soon be, considered and disposed of on the merits.

Indeed, the only explanation for such a message is that it has arrived on the eve of campaign time—not an unusual time and not an unusual ploy. It has been a tactic employed by many Presidents. It is thus a message that should have been anticipated. But even if this is a document aimed at the Senate, it misses the mark by a wide margin.



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