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Senate

The Senate met at 10 o'clock a.m. and was called to order by the President pro tempore.

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

Eternal Father, keep us this day inwardly in our souls and outwardly in our actions, in tune with infinite and eternal values. Make us to be of good courage, to hold fast that which is good, to render no man evil for evil, to strengthen the faint hearted, support the weak, help the afflicted, honor all men, and ever to love and serve Thee. Lead us by Thy wisdom and when the evening comes and our work is done, grant us the rest of the just. Amen.

THE JOURNAL

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, December 1, 1969, be dispensed with.

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

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order entered on yesterday, the Chair now recognizes the Senator from Colorado (Mr. DOMINICK).

Mr. KENNEDY. Mr. President, will the Senator from Colorado yield for some very brief unanimous-consent requests, with the understanding that he will not lose his right to the floor?

Mr. DOMINICK. I yield.

Mr. KENNEDY. I thank the Senator.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes, and that the morning business not exceed 1 hour.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

The Senator from Colorado is recognized for 20 minutes.

THE SONGMY INCIDENT— TRIAL BY PRESS

Mr. DOMINICK. Mr. President, I am taking the floor today—and I appreciate the courtesy of the leadership in giving me this time—to raise once again the issue of fair trial versus trial by press.

The first amendment to the Constitution does not allow trial by press. The denial of the basic right of any person, whether in or out of uniform, to a fair trial is a right guaranteed under our Constitution.

I spoke last week of the possibility of prejudice or bias which could result from publication of interviews of prospective witnesses in the so-called Songmy massacre. I am speaking now of evidence presented in the form of statements of alleged witnesses or participants and photographs and judgments by the press. I am speaking of trial by press in a most explosive, emotional, alleged atrocity in Vietnam.

Mr. President, only a handful of events in our Nation's history, because of their national significance or sensational aspects, have received such extensive coverage. Only a few of these cases have subjected our legal system to the strain present in the My Lai case. The shock of the alleged atrocities struck at me and at the very conscience, I am sure, of every American, and another tragedy may be at hand.

Life magazine published yesterday a story, complete with alleged eyewitnesses, headlines, full-page color photographs, and a judgment. Newsweek and Time followed suit, and ended a weekend in which this country was deluged, through the major newspapers and TV broadcasts, by recaps, repeats, and republication of

every statement made to date by almost everyone.

The Life magazine article—through pictures and selective statements from almost every witness—presents a case and decides. It renders a judgment of what happened and who was involved. It should be clearly pointed out at this point that none of these statements was made under oath, no cross-examination took place, and there has been no legal identification of the photographs, either as to location or as to the actual people who were supposed to have committed the crimes which were evident in the photographs. The pictures, in fact, not only may be inflammatory, but also, they otherwise may be inadmissible at the trial. So there is no due process in this article, but there certainly is judgment.

Other pictures were published and other interviews reported. The Cleveland Plain Dealer was credited along with others in the Life article, for one; but the Life article was the most sensational and renders a specific judgment on what happened. Life conducted a trial by press within its own covers. The net effect of other publications approaches this ultimate prejudice, but none was quite so blatant.

Mr. President, coming so late, this article serves no purpose, so far as I can see, of furthering justice or fixing legal responsibility for the alleged atrocities. It serves no public need to know nor any watchdog philosophy of the press. Its only apparent value is to retrieve a return of Life's investment of some \$40,000 paid or to be paid to a former Army photographer who put the pictures up to the highest bidder.

I might add, Mr. President, that this photographer, so far as I can understand, was an official photographer, was on duty, turned over black and white photographs, but did not turn over the colored photographs. These were not processed in Vietnam, so far as anybody can determine, and there has been no legal identification of those pictures with any of the persons who have been charged—at least, up to date.

What has been the result of this? I have received a great deal of mail, and I am happy to say that a good deal of it has been very favorable. But I also have

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received a great deal of mail arising out of the speeches I made last week, in which people have already prejudged the events. People say, "Punish them. Don't do anything about a fair trial. Punish them. Put them to death."

What kind of an explosive atmosphere have we created, under our legal system, with this type of trial by press? What they have said about me is of minor importance. The general feeling, however, seems to be, in most of these "anti" letters—I say they are not a majority, but there are a substantial number—that I was trying to cover up something, simply because I was asking the press to let our judicial system work and not to prejudice the case by further activities than they have published already.

I have referred to the \$40,000 paid by Life for these pictures, and I must say that I am appalled by the profiteering going on by at least some of the individuals intent only on cashing in on a hot story before it cools. According to Mr. Haerberle, himself, he received an offer to sell these pictures on an exclusive basis overseas for \$100,000, and then he decided he wanted more than that, when they were actually the property of the Army and should have been there for trial purposes when identified. It is my understanding that he got approximately \$40,000 or \$45,000.

Other money has been paid—\$20,000, we were told, by CBS to Dispatch News for the so-called exclusive interview. Just yesterday, a member of my staff was called by Dispatch News with reference to asking me to write an article, under my name, for a Sunday package to be peddled on a 60-40 commission basis. I do not know whether I was to get the 60 or he was to get the 60. But all I can say is that this is the kind of "garbage" I referred to in my statements last week.

The December 5 issue of Time states as follows:

Inevitably, there were those who, while not denying the deed, felt it would be better left untold. After a G.I. witness described on television what he had seen at My Lai, Colorado Senator Peter Dominick asked: "What kind of country do we have when that kind of garbage gets put on the air?"

My statement was, of course, taken out of context, and the garbage I was referring to was the sensationalism that was building up in the news media without regard to the need and right for fair trial. Thus sensationalism bloomed in full flower this weekend and yesterday.

Time magazine, by quoting me out of context, implied I wanted the incident left untold. To the contrary, it is because of the gravity of this incident and my concern that the full story be told that I spoke out. I attacked the airing of interviews with prospective witnesses with no apparent concern for their rights. I objected to reporting that goes beyond news reporting and exploits sensationalism to outsell its competition. I object strongly to trial by press. I had hoped by speaking out last week that the media would cease publication of extrajudicial statements by potential witnesses. I had hoped that trial by press would not occur, that a fair trial could be held as required under our legal system, and that

the news media, including the broadcast segment, would undertake to follow this course on their own responsibility and exercise their own balancing of values in this case.

But it seems every story must be more sensational than the last. Only a few news services, newspapers, magazines, and individuals will realize a profit. The people of this country may be the real losers.

The trial court last week tried to halt this trend of the press so that a fair trial could be held. One can look at the statement of the court as a plea or a threat but the comments take on added significance today. It would appear that the confidence of the court that the news media would police themselves to insure the fairness of the proceedings seems poorly misplaced after just 6 days. The court stated:

As I understand the previous military press release, this case was under investigation. Thus, I can understand how responsible news media did not deem it improper to assist the military in furthering its investigation.

We are now past that stage of the proceedings. I agree completely with counsel that further news contact with witnesses and premature out of court disclosure of testimony would be in violation of law.

On the other hand, I am reluctant to issue any show cause order immediately to prohibit publicizing the testimony of potential witnesses. I believe the responsible news media are capable of policing their own activity and will self-impose the necessary sanctions to insure that the fairness of these proceedings are not jeopardized. Therefore, I am declining the request of counsel today to issue a show cause order. A reasonable time will be granted the news media to act in a responsible legal manner. And, I am confident you will find that witnesses will not be contacted further by any responsible news agency. The issue will be held in abeyance at this time, with leave to counsel to re-petition this court for relief at any later time.

Mr. President, that was in reply to a petition from the defense counsel and the prosecuting attorney. It is one of the few times in my life, in a murder case I have ever heard of both sides petitioning the judge to ask the media to be more objective and to tone down their own disclosures.

What has happened after 6 days? Yesterday, for the second time, the trial counsel and defense counsel jointly petitioned the U.S. Military Court of Appeals for an injunction against the media from further publication of statements of witnesses and prejudicial materials. A unique case has been presented to this appellate court. It is certainly one of first impression. A decision is to be rendered today. There are certainly problems of jurisdiction. Beyond the mere problem of enforcing such an order across the country, basic constitutional issues are involved. To my knowledge, no such order of such scope has ever been entered. But then only a handful of cases in our history have received this type and extent of exposure. And I repeat freedom of the press does not permit trial by press. The line is drawn there.

Mr. President, the New York Times published an article yesterday reporting on the appeal that I referred to be-

fore the U.S. Military Court of Appeals. They asked for an injunction against CBS, NBC, ABC, the New York Times, the Washington Post, the Atlanta Constitution, the Atlanta Journal, the Columbus (Ga.) Ledger, the Columbus Enquirer, Time-Life Corp., Newsweek magazine, United Press International, the Associated Press, and Dispatch News Service.

This indicates the scope of the republication and sensationalism which they felt was prejudicing the right of a fair trial. It is particularly pertinent to note that it is the State of Georgia itself that they asked the media to be enjoined because that is where the panel of jurors is located which will be determining the fate of the individuals charged. That panel is as much subject to influence and prejudice as anyone else in this country, be they man, woman, or child, be they in the military, or be they ordinary civilians.

Mr. President, I ask unanimous consent to have the article referred to printed in the Record at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. DOMINICK. Mr. President, it would be my guess, and all I am doing is guessing, that the military court will reject this request and the issue will be taken to the Supreme Court.

The concern of the trial court last week was simple. This was an attempt to regain a rational atmosphere so that a fair trial could be held. This was my only concern last week. I am not critical of the press for reporting news, but they go too far when interviews of potential witnesses are carried on nationwide TV, when these interviews are re-published in newspapers all across the country over and over, and when a nationwide magazine publishes photographs of a highly inflammatory, and, I might add, revolting nature, most likely inadmissible at trial.

We are heaping one tragedy on top of another. It seems that when the story is this big only the press is big enough to try it. We seem to say our legal system cannot be trusted to develop the facts. I want to make myself very clear. I do not want to be misunderstood, even out of context. I want even Time magazine to be able to get it right. This story could have been reported without eyewitness statements, unverified photographs and sensationalism. A fair trial could have been held and this matter investigated thereafter by any congressional committee, special commission, or any other group, in case the people thought all the facts had not been brought out.

It is not necessary to emasculate the rights of individuals charged with serious crime or those who might be charged in this incident.

It seems to me this country is one of the few, if not the only country in the world which would in effect put itself on trial. We actually filed charges against our own servicemen before the news media entered the case.

As a matter of fact, the Army published a release, which was picked up by the AP on September 6, pointing out that

Lieutenant Calley had been charged with murder. This was over 2 months before the press started going and they said the military was trying to hide it under a rug. This seemed self-evidently false to me.

That trial would be in a courtroom based on evidence and facts. The trial would be public. The basic constitutional rights of the defendants would be protected. We may now be unable to have that trial because of the very fairness and impartiality we require under our Constitution. In that event, we not only will have failed to protect the rights of individuals charged with crimes, we will have allowed our legal system to fail in its duty to protect the freedoms of all the people. That is the second tragedy.

In the name of "free press" we may doom this incident to unproven rumors and infamy, leaving our political bones, for those who chose, to pick over.

It will not appease our national conscience if we fail to make our system work now. It could then be said that our system of government cannot function under severe stress. We may find we have established that in a case of extreme national significance, the courts and our judicial system have no role to play. The right of fair trial and due process must give way to the overriding freedom of the press, even when that freedom is exercised to usurp the functions of our courts. I do not believe that. Our system is strong. It can function properly. But it has no defense against sensationalism by the media in a case like this. We have faced moral crises in the past. We must do so this time. We must each shoulder our responsibilities—including the press.

This event marks a tragic and unfortunate chapter in the history of this Nation. We can only hope that its ending is not so dismal as its beginning and the last few days. It has called into question the character of our people, our Government, the press and, finally, our belief in freedom and justice for all people.

Mr. President, I ask, once again, that the press begin to exercise some restraint so that we can get at the true facts, so that we can develop them in a trial, and so that those charged will have their constitutional rights defended and we can determine and fix responsibility for what seems to be a horrendous and horrible tragedy for the Nation as a whole.

EXHIBIT 1

BOTH SIDES IN CALLEY TRIAL ASK SONGMY PUBLICITY BAN

(By E. W. Kenworthy)

WASHINGTON, December 1.—The prosecution and the defense in the pending court-martial of First Lieut. William L. Calley Jr. asked the United States Court of Military Appeals today to ban all further pre-trial publication and broadcast of statements and photographs concerning the alleged massacre at Songmy, South Vietnam, on March 16, 1968.

The court took the petition under advisement.

In the opinion of lawyers interviewed here tonight, such a total nationwide ban on the publication of any statement concerning an alleged eyewitness or any other person, would be without precedent.

Some lawyers expressed doubt that the court, if it is guided by recent rulings of the Supreme Court in relevant cases, would grant such a blanket injunction.

In their petition to the three-judge civilian court, Maj. Kenneth A. Raby, who is Lieutenant Calley's military defense counsel, and Capt. Aubrey M. Daniel 3d, who is the trial counsel, or prosecutor, asked that the requested injunction remain effective until the first witness testifies at the court-martial.

The decision to court-martial the lieutenant was announced a week ago by Maj. Gen. Orwin C. Talbott, commanding general at Fort Benning, Ga., where Lieutenant Calley is stationed. The lieutenant will be tried on six specifications charging him with murder of 109 men, women and children "without justification or excuse." The date of the court-martial has not been set.

Maj. Raby and Captain Daniel asked that the injunction sought against pre-trial discussion of the case be extended "to all radio and television networks and stations, news-wire services, newspapers and magazines operating or otherwise doing business in the United States."

But the two attorneys specifically asked the enjoining of the Columbia Broadcasting System, the National Broadcasting Company, The New York Times, The Washington Post, The Atlanta Constitution, The Atlanta Journal, The Columbus (Ga.) Ledger, The Columbus Enquirer, the Time-Life Corporation, Newsweek magazine, United Press International, The Associated Press, and Dispatch News Service.

The last-named, a small service handling free-lance journalists, distributed one of the first stories of the alleged massacre.

CLIPPINGS AND TRANSCRIPTS

In support of their argument that such an injunction was necessary "to protect the constitutional rights" of Lieutenant Calley, the prosecution and defense attorneys submitted to the court two thick loose-leaf books in which has been pasted clippings from newspapers and magazines.

The lawyers read only one clipping to the court—from a Chicago paper. But they showed the judges copies of this week's Life magazine, which contains nine photographs—eight color and one black-and-white—allegedly taken at Songmy on March 16 by Ronald L. Haerberle, who had been a staff photographer attached to Company C, 1st Battalion, 20th Infantry, 11th Light Infantry Brigade.

Several of these photographs had been shown to the Senate and House Armed Services Committees last Wednesday by Secretary of the Army Stanley R. Resor.

Included in the two books of clippings were nine articles and columns from The New York Times plus two articles by Times reporters and one by a Times columnist that appeared in other papers subscribing to The New York Times News Service.

The first article from The New York Times was a four-paragraph Associated Press dispatch from Fort Benning last September, quoting the announcement of post authorities that Lieutenant Calley had been charged with murder in the deaths of an unspecified number of persons. That report was based on a news release issued by the post information officer.

THREE ORDERS SOUGHT EARLIER

Last Tuesday, November 25, Major Raby and Captain Daniel asked Lieut. Col. Reid W. Kennedy, the military judge at Fort Benning, for three orders.

The first would have prohibited prospective witnesses from pre-trial disclosures of their prospective testimony. The second would have directed the named military jurors not intentionally to read or listen to news accounts of the alleged murders. The third would have prohibited the news media from

further publication of statements by any individual purportedly connected with the alleged massacre, or the reproduction of pictures of the alleged massacre.

The judge complied with the first two requests but held in abeyance the request for an order to the news media, saying that this raised constitutional questions of freedom of the press. The media, the colonel said, should be given a "reasonable" time to show that they could "act responsibly."

Last Friday, Nov. 28, the judge held a closed meeting with opposing counsel, at which time, according to their petition today, they again requested an order to the news media. The lawyers buttressed their argument with "additional evidence," they said.

At that time, according to the two lawyers, Colonel Kennedy "concluded that the spirit of his order to potential witnesses were being willfully violated by local and national news media," and entered certain findings.

The first of these, the lawyers said in their petition today, was that "the possibility of prejudice to the defendant's constitutional right of a fair trial is real and apparent."

WITHDRAWAL FROM VIETNAM

Mr. MANSFIELD. Mr. President, an interesting commentary was published in the Boston Globe on November 28, 1969, written by Robert Healy, entitled "A Case for Withdrawal." It refers to the Song My situation.

There is a great deal of food for thought in Mr. Healy's comments. I invite the attention of the Senate to his last sentence:

Those soldiers who squeezed the triggers do not bear all the blame.

Mr. President, truer words were never written.

Mr. President, I ask unanimous consent to have the commentary by Mr. Healy printed in the Record.

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

A CASE FOR WITHDRAWAL

(By Robert Healy)

There never was a better argument for getting out of Vietnam than Song My village. It tells it all.

It tells about the problems of the United States getting mixed up in Vietnamese civil war.

It tells about the difficulties of the United States soldier operating under this set of circumstances.

It tells of the fear of the American G.I. who must operate where men hoeing the rice fields of the Mekong Delta in the daylight hours are the Viet Cong terrorists and the enemy when the sun goes down.

It tells about the innocents—the women, the children, the old. In the areas which are exchanged weekly and monthly between the Viet Cong and the South Vietnam government units, they must survive. And the massacre of Song My shows that, for them, even survival is difficult.

One must understand, to begin with, that there are really two kinds of war being fought in Vietnam. In the northern part of South Vietnam near the Demilitarized Zone and along the Cambodian border, it is a war to stop infiltration of men and supplies from the north. This war is fought largely in jungle terrain. It is a war where the U.S. military is pitted against the guerrilla units.

But the war in the Mekong Delta is another thing. The Mekong is the breadbasket of all Vietnam. It produces from its fields large

in which our country finds itself, these young people overwhelmingly gave their support to the President's plan for ending the war. Some elements of the national news media would have us believe that most students throughout the country repudiate American policy in Southeast Asia and that they are particularly opposed to Mr. Nixon's efforts to bring the conflict to an honorable conclusion.

I think the poll of Lakeland High pupils illustrates a number of things. For one, it indicates that not all of today's youth are of the sign-carrying, anti-everything variety. It tends to substantiate the recent statements of Mr. AGNEW that the national press is selling us a piece of goods as far as the war is concerned. More than that, it is further proof that Mr. Nixon and his policies enjoy the support of the vast majority of Americans.

Mr. Speaker, I congratulate the students and the faculty of Lakeland High and include the results of their poll in the Record at this point:

LHS VIETNAM OPINION POLL

What should the United States' policy be in regard to its future participation in Vietnam?

Immediate withdrawal.....	19
Staged withdrawal combined with gradual Vietnamization of the conflict.....	163
Maintenance of current strength.....	12
Sudden, major escalation to include bombing.....	33
Should the U.S. aim for a—	
Unilateral ceasefire.....	19
Mutual ceasefire.....	163
No ceasefire.....	37

Do you favor Pres. Nixon's approach to the war?

Yes.....	163
No.....	68

Should the U.S. try for a—

Strengthening of South Vietnamese government.....	181
Coalition between Saigon and Vietcong.....	38
Surrender to North Vietnam.....	4

Do you think the Paris negotiations will ultimately lead to a settlement of this war?

Yes.....	32
No.....	192

Do you feel that the Moratorium helped or hindered the cause of ultimate peace?

Helped.....	69
Hindered.....	153

What is your political preference?

Republican.....	39
Democrat.....	39
American Independent Party.....	7
Independent.....	113

FRANK SURACI, SR.

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. McDADE. Mr. Speaker, Frank Suraci, Sr., is a remarkable example of a fine American gentleman. Even more than that, he sums up in his life the story of what America has meant to so many

people who were born on distant shores and who came to this country to build their own lives and to build this great Nation.

In 1906 Mr. Suraci left his home in Calabria in Italy and landed in New York at the age of 12. Eight years later, when the first rumblings of World War I started in Europe, Frank and his brother Anthony opened a very small cigar business with 10 workers in the city of New York. For 4 years they worked together in the business known as the Suraci Bros. until America was caught up in that war and Frank joined the American Army as a member of the 77th Division.

When the war was finished, he went back to the cigar business which continued to grow until in 1930 the brothers decided to move out of New York City. In their wisdom they chose to come to Pennsylvania, to the city of Scranton. In Scranton they became the manufacturers of cigars under the name of the "Parodi Cigar Co." There were about 75 people working for the company at that time. The business prospered in Scranton. Over many years the firm acquired the Denobili Cigar Co.; and Parodi and Denobili cigars have been the outstandingly successful Italian-style cigars sold in America. The brothers also acquired American firms and are literally producing hundreds of brands of American cigars, the best known of which is the Blackstone. Today their cigars are manufactured in three plants, all of them in the State of Pennsylvania in the Scranton area.

As the company grew, Frank involved himself in the growth of the community around him. He became a member of all of the civic organizations which worked so hard to build new economy in the city of Scranton. He became a leader in the Roman Catholic Church in the Scranton area. He has worked closely with the Elks Club, with the American Legion, in their many philanthropies. He has given generously to educational institutions, and has created the Suraci Museum in honor of his brother Anthony at Marywood College in Scranton, Pa. He serves also as board member of the community medical center and the Clarks Summit State Hospital.

Today the Pennsylvania delegation is holding a luncheon to honor Mr. Frank Suraci, Sr. After his long years as president of the Parodi Cigar Co., he has recently assumed the office of chairman of board and chief executive officer. Anthony, Sr., his beloved brother, is deceased or he would be with us today. We are fortunate, however, to have Mr. Suraci's two sons, Frank, Jr., and Henry, as well as his nephew, Anthony, Jr. Robert Keating, president of Parodi Cigars and the husband of Anthony's daughter Flora, is also with us today, as is Mr. Ted Cott, president of the Cigar Institute of America. Amelia, his beloved wife, is home in Scranton and I know that she joins all of us in this tribute to a fine man.

It is my privilege to introduce Frank Suraci, Sr., to the Pennsylvania delegation. They will meet a man who came to this country as a small boy and who

now, at the age of 76, has created a distinguished industrial name. They will also meet a man who never forgot the homeland from which he came. He has been the chairman of the committee for the relief of the orphans of Italy for the past 5 years. Perhaps some of those small children may follow in his own footsteps and may also find the same distinction he found among us in Pennsylvania.

We have all read about the American dream, of an immigrant boy coming to America to find fame and fortune in this land of ours. That dream lives in Frank Suraci, Sr. Because he came among us, the wheels of commerce spin just a little faster. Because he came among us, our cultural life has become richer. Because he came among us, many hands which reached for help received it.

If his own life has become a successful one through his choosing America as his home, so also America has become a finer Nation through his life. It is a memorable honor to salute such an outstanding citizen of this great Nation.

PINKVILLE AND THE PRESS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. RARICK. Mr. Speaker, Lt. William Calley and S/Sgt. David Mitchell have suffered the ignominy of having all combat medals and awards revoked—as a result of unprecedented trial in the news media. With all their in depth reporting, the press has failed to mention that Sgt. Mitchell of Louisiana is a Negro, possibly because he was fighting for his country and not marching against it.

Most civilized countries accord an accused the humanitarian consideration of innocence until guilt is proven beyond reasonable doubt. Both these men had already faced death in Vietnam only to return home and find themselves sentenced by the communications media to a lifetime of disgrace in the eyes of their countrymen.

One network, we now learn, has confessed to the buying of staged interviews to produce "news" for profit.

In legitimate courts, paid witnesses are regarded with suspicion—their testimony given strict scrutiny and even then regarded of questionable probative value. But trial by press offers no cross-examination, no rebuttal, nor explanation by either the accused or for the benefit of the jury, that is, public opinion.

The Pinkville massacre production follows earlier patterns of bias and contrivance to obtain an objective such as we have seen with the arranged "hot party," and the staged performance of CBS "hunger" child. In this instance the objective is to get our forces out of Vietnam and disarm our military. Once again, the communications people have attempted to exploit the Pinkville incident and make the real defendant the military forces of our country.

The American people are daily becoming more aware that the news media is

being used as a weapon of psychological warfare against them. With their credibility at an all-time low and by flaunting any pretext of ethics or truth, the national news media again prove Vice President Agnew's report, and are courting a massive reaction by the people.

The theory of relative honesty was also a practice in new morality by Lenin, who believed anything is good if it advances the revolution.

I include three news clippings:

[From the St. Francisville (La.) Democrat, Nov. 27, 1969]

**LOCAL SOLDIER STRIPPED OF MEDALS
IN ALLEGED DEATHS**

A St. Francisville soldier, Army S. Sgt. David Mitchell, 29, has had his combat medals revoked because of alleged involvement in the death of Vietnamese civilians.

He has been accused of assault with intent to commit murder in connection with an alleged slaughter of inhabitants of a South Viet Nam village.

Mitchell lost his two good conduct medals, Viet Nam service medal, Viet Nam campaign medal, National Defense service medal, and Combat Infantry badge. He is the son of a Baptist minister in St. Francisville, the Reverend Isaiah Mitchell.

First Lt. William L. Calley, 26, of Miami, Florida, charged with premeditated multiple murder, also lost his medals and ribbons.

[From the Washington Daily News, Nov. 27, 1969]

**CBS ADMITS PAYING FOR MEADLO INTERVIEW
(By Jim G. Lucas)**

CBS News admitted today it paid an "undisclosed amount of money" to a group of free lance reporters for arranging its controversial TV interview Monday with a young Vietnam war veteran from Indiana.

The youth, 22-year-old Paul Meadlo, of West Terre Haute, asserted that he and his fellow soldiers shot 370 South Vietnamese civilians to death in an attack on Song My village last year.

Mr. Meadlo said he was following orders of 1st Lt. William L. Calley Jr., his platoon commander, whom the army has announced it will try for murder in the alleged massacre of the Vietnamese civilians.

"SUBSTANTIAL"

David Obst, general manager of Dispatch News Service (which only got around to incorporating yesterday), described the payment from CBS as "substantial" as did Michael Nussbaum, attorney for the news service.

"Now we have a little money to play around with," chortled Mr. Obst, a 28-year-old Chinese language student who studied in Taiwan and at the University of California at Berkeley. "We're on our way."

Both Mr. Nussbaum and Michael Silver, CBS news director in New York, emphatically denied that Mr. Meadlo was paid anything by CBS or the news service.

"It was stipulated in the written agreement . . . that none of the money paid would go to the interviewee," Mr. Silver said in a formal statement. "CBS news policy prohibits paying people for news interviews."

Mr. Silver said Dispatch News Service approached CBS first, and that it agreed to pay for the Meadlo interview because news service editor Seymour M. Hersh had "exclusive access" to him.

The Meadlo interview caused an immediate furore in Congress. His voice rising with emotion, Sen. Peter H. Dominick, R-Colo., charged an "ordinarily responsible network" had taken the position, apparently, that "anytime it is news one can disseminate it regardless of an individual's rights."

Sen. Dominick charged CBS had jeopardized Lt. Calley's right to a fair trial and also had failed to warn Mr. Meadlo of his rights.

CBS News rejected this contention, saying it believes the free press-fair trial issue "does not apply in this situation inasmuch as Lt. Calley will not be tried by a civilian jury but by a board of professional soldiers who are disciplined to make their decision on the basis of military law." Mr. Meadlo was "entitled to make his story public if that was his decision," CBS News declared.

Meanwhile, at Dispatch News Service's office in the National Press Building, Mr. Obst, speaking for his "editor-in-chief," Hersh, first said it was "hard to say" how many reporters the service employs.

"We have groups of investigative reporters working all over the world," he said, but then specified four in Washington and 14 elsewhere.

Three in Saigon he named as Michael Morrow, Don Ronke and Dick Berliner. Among those in Washington he named Mr. Hersh, Derek Norcross, who, Mr. Obst said, "also writes youth notes for Parade" and Richard J. Barnett.

Mr. Barnett, a 32-year-old Harvard graduate and former director of research for the U.S. Arms Control and Disarmament Agency, recently visited Hanoi, where he said he had an "extended interview" with Premier Pham Van Dong. He recently declined to discuss his trip or interview because, he said, an account of it was being sold by Dispatch News Service.

While conceding that "we all have a point of view," Mr. Obst denied that Dispatch News Service is "antiwar, antiestablishment or anything" or that it is "connected with any organization or group."

"It was tough the first two months," he said, "getting rid of the idea we were the Liberation News Service (which serves underground antiwar papers), and of course we never were. Now we are financially solvent. We are formalizing our staff relationships setting salaries and getting newspapers to publish our stories. We have established our credibility."

So far, Mr. Obst said, Dispatch News Service has no regular clients. But he said it had 36 "one-shot" takers on its first story by Mr. Hersh on Nov. 13, disclosing that Lt. Calley was under army investigation in the Song My massacre, 32 on its second involving a couple of sergeants who said they were involved in the shootings and many more on its third, an interview with Mr. Meadlo.

"We'll be around for quite a while," he predicted.

Kingpin of the news service obviously is Mr. Hersh, a 32-year-old former Associated Press Pentagon correspondent who served briefly as press secretary during last year's race for the Democratic presidential nomination.

A nervous, fast talking man, Mr. Hersh has written a book about germ warfare, and was writing another when, he says, he got a tip on the Song My massacre from a Pentagon friend. He got a \$1,000 grant from the Phillip M. Stern Foundation for investigative journalism and began two months of traveling which eventually led to his initial story on the investigation.

[From the Manchester Union Leader, Dec. 1, 1969]

**LET'S NOT JUMP TO CONCLUSIONS
(By Ralph de Toledano)**

Some of the more zealous of our citizenry have already tried and convicted the men accused of a "massacre" of civilians in My Lai, a South Vietnamese village. To be sure, the charges against First Lieutenant William L. Calley Jr. and the other defendants are specific enough to encourage conclusion-jumping. But comments in the press have

gone far beyond this, and inflammatory photographs have contributed to the massochistic hysteria gripping some of the media.

There are, however, some dubious aspects to the case which warrant attention. For one thing, why did the Pentagon wait so long before it began investigating? The facts were known to the appropriate authorities and to members of Congress for many months. Obviously the military had looked into the circumstances surrounding the attack on My Lai. Is a panicky Pentagon now responding to a calculated propaganda campaign launched by anti-Vietnam groups?

I would hesitate to raise this point had I not heard Charles A. West, of Chicago, who served under Lieutenant Calley. His account differs drastically from the superheated stories now circulating. He has said, moreover, that he would testify for the defendants. People are being led to believe, for example, that C. Company, 1st Battalion, of the 20th Infantry moved into My Lai with no opposition, rounded up old men, women and children, and wantonly shot them down. This, according to Mr. West, is not true.

According to Mr. West's eyewitness account, this was C Company's first combat engagement. Before moving in, the unit was read a "field paragraph" stating that My Lai harbored Viet Cong and North Vietnamese troops. It ordered C. Company to take and destroy the village—standard tactics in counterinsurgency operations. The "field paragraph" came from headquarters, which means that Lieutenant Calley and his immediate superiors had on hand in its authorship.

In moving on My Lai, says Mr. West, Charlie Company was badly bloodied—with soldiers killed and wounded by snipers and booby traps. The company was pinned down by enemy fire just outside the village and took shelter in a rice paddy. When it attacked, it was met by sniper fire. When the company entered the village, they found many dead as a result of artillery shelling and bombing from the air. The only firing into groups of old men, women and children he saw occurred when military age males deliberately ran among these civilians. Eventually, it was established that at least some of these were Viet Cong or NVA troops.

So much for the horrific story at My Lai was a peaceful village with no enemy forces in it, which was taken with no opposition. Charlie company went in shooting because it was being fired upon. "A whole lot of the kids and women were already wounded from the bombing," Mr. West said. "There were men in NVA uniforms. Our men killed some of those who were wounded. Sometimes it was a mercy, they were pretty torn apart."

In the attack, some of what Mr. West calls "yanigans"—young, raw troops—went crazy. Others, however, rounded up women and children and led them to the safety of the rice paddies. After the assault, according to Mr. West, "we rounded up everyone left in the village, and they, too, were sent to the rice paddies. The only men deliberately shot were military age males who had no South Vietnamese identification cards and who refused to answer questions. They were shot by a counter-intelligence unit—not C Company. Though he was with Lieutenant Calley for a good part of the time, he never saw him kill anyone.

Charlie Company's behavior, according to Mr. West's account: A group of men, never before tested in battle, see some of its own men killed. Acting in fear and burying that fear in anger, overreacts. There is nothing of "premeditation" to this. There is no comparison to the actions of the Viet Cong in Hue, for example, where thousands of civilians were forced to dig their own graves and then were shot or buried alive. There is even less comparison to the systematic murder of civil-

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ians by the Viet Cong in remote villages, in a strategy of terror.

The questions remain. Why did the Pentagon suddenly decide to bear down on Charlie Company 20 months after the My Lai battle? And why did that battle become a national issue at a time when public opinion on the Vietnam war demonstrated itself to be strongly in support of President Nixon's policies? The answer to these two questions will explain far more than any fevered rhetoric.

PERMITTING EXCER

mate and certainly characteristic of a good thrifty business to expect, first of all, that one will get a return on the investment he makes in lands and in capital. Is that not correct?

Mr. ALLOTT. The Senator is entirely correct. In addition, when one considers that already this year with the implementation of this sudden order of the former Secretary of Interior in the last few days of his office, that the increase amounted to 33½ percent over the previous year, following pretty closely the overall ceiling on grazing fees as recommended by the National Advisory Board, it seems to me that the cattlemen and the stockmen of this country have already taken a substantial increase in their costs.

I was thinking about the Senator's statement about the price of cattle in cents per pound being approximately what it was 20 years ago. There seems to be a widespread feeling that stockmen and ranchers are getting rich. There is only one other commodity or product that I know of which is in this general area, that sells for the same rate per pound, and that is sugar. Otherwise, if one goes over the range of these products outside livestock they have increased constantly. The price of cattle did move up a short while this year and then fell right off again.

If a man was fortunate enough to sell his stock at that time he got a little relief from this, but the facts are that the price of livestock, the price that goes to the producer of livestock today, is comparable to that of 20 years ago. He alone has not been able to share in this great so-called affluent society we have, and if he is going to, he has to get a higher percentage of profit than he is getting now.

I thank the Senator for yielding and I also thank him for his very pertinent remarks.

Mr. HANSEN. Mr. President, I appreciate the leadership that has been given to this effort by my distinguished friend from Colorado (Mr. ALLOTT).

The president of our State stock growers association appeared in Boise, Idaho, in 1966 when this study was being set up and the ground rules were being agreed upon, when there was concurrence by Federal representatives as well as State stock associations insofar as consideration of items that were to be considered was concerned. The president of our State cattle association, Carl Jorgenson, was there when it was agreed that the cost or investment in permits was a legitimate cost of doing business on the western range country.

So what the Secretary has done by his action in withholding any further increases is to give time to the Public Land Law Review Commission to consider that cost along with all others.

I am sure—and I wish to underscore this because it should not go unnoticed—this is not a partisan effort or the result of partisan interest that the Secretary very wisely has arrived at the decision he has; but rather, it is an effort that reflects the interest and support of people on both sides of the aisle.

I wish to mention the Senator from Idaho (Mr. CHURCH).

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

Mr. HANSEN. I yield.

Mr. ALLOTT. I think any discussion of this matter at all—and I do not intend to discuss it much more—would be very lacking if we did not take credit and give credit to the distinguished Senator from Idaho (Mr. CHURCH), who is chairman of the Public Lands Subcommittee of the Committee on Interior and Insular Affairs, and instigated the hearings which we held earlier this year. The same thing would also be true with respect to the senior Senator from Nevada (Mr. BIBLE), who also, with those who have spoken this morning, attended and took an active part in those hearings which, incidentally, cover over 500 pages. The justification for the action of the Secretary is made over and over again in the hearings. Any remarks on this would be remiss if they did not include and give proper credit to the Senator from Idaho (Mr. CHURCH) and the Senator from Nevada (Mr. BIBLE).

I thank the Senator for yielding.

Mr. HANSEN. Right at that point, I should like to call attention to the fact that my colleague, Mr. McGEE, has introduced legislation which would hold in abeyance any increase in grazing fees which resulted from the implementation of a formula that failed to take into account the investment in grazing permits as part of the cost of production.

I wanted to make that point clear, because it highlights the point my colleague from Colorado was making, in that this is not a partisan effort. It is a bipartisan effort. It merely would attempt to do justice to a beleaguered but important element of the industry in the western range country.

Mr. DOMINICK. Mr. President, I want to congratulate both my colleague (Mr. ALLOTT) and the Senator from Wyoming (Mr. HANSEN) for having this colloquy on this extremely important point. We keep hearing all the time that we should not worry about increasing fees for the livestock people because, after all, they are not paying their fair share of the game. The fact is the increase that had been originally proposed amounted to \$10 million a year and it would seem to me that until we find out what we are going to do on this policy, we will be punishing people largely responsible for supplying much of the food and material we need so desperately in this country.

I am therefore delighted that the Secretary has taken the action he has. I congratulate my colleague from Colorado for bringing it up in this colloquy.

Mr. HANSEN. I thank the Senator from Colorado (Mr. DOMINICK). He has been most perceptive in speaking out for the people of his State. When he does that, he speaks also in a very meaningful and forceful way, for all of us in the West because we find our interests are alike throughout the western range country.

Mr. HATFIELD. Mr. President, Secretary Hickel's action in postponing the next increment of the grazing fee increase reflects a responsiveness that does great credit to his office.

It has been a matter of continuing concern to me because I have felt that action should not be taken to increase

grazing fees until the results of the Public Land Law Review Commission were made known. Primarily for this reason, I opposed the action to increase the fees early this year.

The implications of the Secretary's action will be felt throughout the West. It will be particularly significant in Oregon where about 52 percent of the land is owned by the U.S. Government. Much of this land has traditionally been used for grazing purposes and as a result a substantial livestock industry has developed.

The Secretary's action is very timely and will be welcomed by the entire livestock industry in Oregon.

The PRESIDING OFFICER. Pursuant to the previous order, there will now be a period for the transaction of routine morning business with a 3-minute time limit.

A CBS INTERVIEW THIS MORNING

Mr. DOMINICK. Mr. President, I had the very disagreeable and unhappy experience this morning of watching CBS news on television. I am not one of those who participated in criticism of the news media. I am not one of those who have gone out and said that they were slanting the news. I am not talking about that.

I am talking about an interview with a young man who allegedly participated in a "massacre" in South Vietnam.

I think that the interview which CBS conducted, further publicizing this incident, was inexcusable under our legal and judicial system.

We have at the present time a man who is under indictment for murder and here comes an interviewer getting a witness—whether he is paid or not, I do not know—and spreading publicly through this country allegations which were not under oath, allegations which have been disputed by other people while the case is going on, in an inflammatory way, in a way designed to prejudice both himself and the person under indictment, in total disregard of the rules of the Supreme Court and in total disregard of our general feeling that a man is innocent until proved guilty.

It strikes me that when we find an ordinarily responsible network and other people who have republished it, including the Washington Post, going along and taking a viewpoint that this is news and any time it is news one can disseminate it regardless of an individual's rights, then we may have arrived at a situation where no individual can be legally and justifiably defended.

This man was not under oath. He was not warned of his rights. He admitted—whether it is true or not, I do not know—that he had personally participated in the murder of some of these men, women, and children.

He had no lawyer to advise him. He had no one there to tell him what he had a right to do or not have the right to do.

In the process, he specifically mentioned the man who is now being indicted for murder.

Mr. President, if we cannot have a court proceeding of this magnitude and this seriousness, not only to the individual involved, but also to the whole country, conducted in some kind of

logical, sensible, and thoughtful way, without this kind of publicity, then this country has gone a long way down the drain.

I have never been so justifiably upset, in my opinion, over any newscast I have ever seen before.

In my opinion, this is an invasion of the legal and judicial system of the country, which is the foundation of our country. It is an effort, under the guise of news, to put forth as the truth a statement from someone who has not been sworn, who has not been examined, who undoubtedly will be a witness in this very proceeding, and it was conducted in a fashion where the interview finally ended up, according to the transcript in the Washington Post, with the statement of his mother, "They made a murderer of him."

Mr. President, what is happening here?

What kind of country do we have when this kind of garbage gets put on the air?

It may be true, I do not know, but if it is true, that man is entitled to some kind of warning before he issues any kind of statement like that against himself.

Further, this has the possibility of so influencing public opinion that this case cannot be conducted in an atmosphere of objectivity. This publicity could spread an atmosphere of guilt around the country with regard to this type of operation—if in fact there was one—that may make it impossible to get a fair trial of an individual now under indictment.

There have been other cases, civilian cases, in which the Supreme Court ruled that the atmosphere has been so prejudiced that there is no way to have a fair trial. We have had to let some of those individuals go, even though they may have committed a crime.

Is that what we are going to do in this case?

Here is another example of the other side of the coin.

I would say, Mr. President, and I say it with deep conviction, that this particular interview spread through the news media in this way is not in accordance with the system we should have. It is not fair to the defendant being tried. It is not fair to the system under which he is being tried and is a total violation of the individual's rights who made the interview.

Mr. HOLLINGS. Mr. President, I join in the general sentiments expressed by the distinguished Senator from Colorado (Mr. DOMINICK). I saw the same interview. What disturbed me, in addition, of course, to the intrusion upon individual rights, was, more particularly, the individual's own interest and his own well being. In this respect, he was obviously sick.

We have seen things like this happen under the pressure of combat. We have seen men shocked in combat. We have observed their psychological response. Feelings of guilt have remained with them for a long time.

Here was a man who was undoubtedly under that particular influence of illness when being interviewed at a particular moment and pleading guilty.

Mistakes are made in battle. Are we now going to say that every member of a helicopter crew or every member of an

Air Force B-52 bomber which strikes the wrong target shall be called a murderer? That is the point we seem to be coming to in this country.

We have seen it in the Green Berets case. There was a difference in judgment.

The fellow who was being interviewed, about whom the distinguished Senator from Colorado was speaking, was talking about having lost his buddy. Was his reaction an overreaction to the pressure of war, and is he going to be tried as a common murderer before the facts are known? That is what concerns me in the entire treatment of the war in Vietnam.

I think the interview was highly out of order.

I simply do not think, as the Senator from Colorado has indicated, that a sick man, a man in this particular condition, ought to be exposed to an entire contravening of a person's rights before an authorized and competent investigation is conducted. I think this is entirely wrong and inexcusable. I congratulate the Senator from Colorado for bringing it to the attention of the public in its true light.

THE BOXCAR SHORTAGE

Mr. CURTIS. Mr. President, yesterday I called the attention of the Senate to the fact that the country has never had such an acute shortage of railroad boxcars as exists in Nebraska at this time. I also stated that certain southern and eastern railroads are in flagrant violation. I further said, in substance, that the Interstate Commerce Commission apparently had neither the will nor the courage to do anything about it.

Just a few minutes ago I received a telephone call from the manager of a farmers' elevator in a small community. He reported that their elevator alone had 500,000 bushels of grain piled on the ground because there is nowhere else to put it.

A newspaper article that came to my desk yesterday refers to this problem in the following language:

Throughout the State, we have mountains of grain in streets, ball diamonds, and school grounds, waiting for boxcars.

An Associated Press article from Des Moines, Iowa, reads:

Railroad cars belonging to Midwestern railroads urgently needed to move the grain harvest are being held by railroads in other parts of the country. Gen. John P. Doyle said here Wednesday.

Gen. Doyle, a retired Air Force transportation specialist, is chairman of the Mid-America Transportation Council which is studying the problem.

He explained that "our Midwestern railroads are very good about building cars, but when they are sent out of the region, they don't seem to come back."

One result of the boxcar shortage in Nebraska may be the spoilage of "five to 10 percent of the grain now being stored on the ground," said E. C. Schlaphoff, director of the Nebraska Department of Agriculture.

Mr. President, under the present system, an offending railroad or shipper can keep a boxcar too long, but the charge is so small that it is cheaper for the railroad to hoard and use some other line's cars than to build cars for itself or to build shortage facilities.

Two years ago, or about then, a bill was passed which, we were told, would give the Interstate Commerce Commission authority to remedy the situation. As of this date, the Commission has not done anything about it. The Commission seems to be totally out of touch with the needs of shippers, and even the railroads are definitely out of touch.

The Interstate Commerce Commission has been around Washington too long not to understand the needs of our economy, but they are too slow; their procedures are inadequate. The Commission has proved, or nearly so, that it is unable to govern the situation. I wonder why the Commission should be supported by the taxpayers any longer. If the members of the Commission are not reading the CONGRESSIONAL RECORD, I suggest that they should.

Mr. HANSEN. Mr. President, will the Senator from Nebraska yield?

The PRESIDING OFFICER. The time of the Senator from Nebraska has expired.

Mr. CURTIS. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

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

Mr. CURTIS. I yield to the Senator from Wyoming.

Mr. HANSEN. Has not the Committee on Commerce repeatedly instructed the Interstate Commerce Commission to implement its regulations and to impose such fines as are necessary in order to have cars returned to the Western railroads?

Mr. CURTIS. Yes. There has been a flagrant violation and refusal to follow the directions of an official Committee of Congress, and of the law.

Mr. HANSEN. As a consequence, no matter what some of the western railroads may do to try to provide adequate types of cars to take care of shippers, the ability of some eastern and other lines throughout the country to latch onto cars and to keep them effectively denies the kind of rail transportation that is required to prevent, for instance, the great spoilage of grain that is taking place in the Senator's State of Nebraska today. Is not that true?

Mr. CURTIS. Yes. Without a hearing, the Interstate Commerce Commission has granted an increase in freight rates. It may be that the Commission did not have time to give any attention to shippers or others who want to give the railroads some opposition.

When the measure was passed—I think it was about 2 years ago—a large number of persons who had worked on it for years were invited to the White House, where President Johnson had a signing ceremony. It was believed that Congress had given the Commission what it had said, over the years, it needed—the authority to prevent railroads and shippers from hoarding box cars, thus preventing them from being returned to the places where they originated.

In fairness, I should say that some members of the Interstate Commerce Commission are alert to the problem. They want to do something to solve it. But the Commission as a whole has miserably failed.

Mr. President, I yield the floor.

tary service prior to June 1, 1958, when the recomputation principle was precipitously suspended, have a moral right to have their retired pay computed no less favorably than was provided by law when they undertook the obligations of a military career in anticipation of such benefits.

Whatever the merits of H.R. 14277, I feel that the terms of my proposed legislation, H.R. 310 will improve the system by removing the inequities which I have just cited. In addition, it has the added attraction of ultimately reducing the cost to the Federal Government by eliminating the application of the legislation to those persons who entered the service after the system had been changed.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the two bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ADMINISTRATION ACTION NEEDED TO IMPROVE HOUSING MARKET

(Mr. BARRETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT. Mr. Speaker, in the Wall Street Journal of Wednesday, November 19, I saw two articles, side by side, which were of particular interest to me as chairman of the Subcommittee on Housing.

The first of these articles was captioned "Housing Starts in Month Fell 12 Percent, Most This Year." A reading of this article simply reinforces what all of us already know and have known for some time—that the housing industry continues to be in trouble—in deep trouble.

The second of these articles offers what I think is a glimmer of hope for the housing industry. Preston Martin, the new and dynamic Chairman of the Home Loan Bank Board announced that newly instituted actions will make more than \$5.3 billion available in additional funds in 1970. This is a most welcomed piece of news.

But, Mr. Speaker, there was something in this latter article that causes me some concern.

There is nobody in the Congress who has a greater respect for the Bank Board than I. It has done in the past, is doing now, and will in the future, I know, continue to do an outstanding job in helping provide housing for all of our people. The Bank Board is offering to buy some \$200

million in mortgage paper which will originate on HUD-subsidized housing projects. What concerns me, Mr. Speaker, is that the administration, in pushing forward in this area, is not really cognizant of what we in the Congress have intended, or if cognizant, it chooses to ignore our mandate.

One of the more important features of the Housing Act of 1968 was section 804 relating to mortgage-backed securities. In our report on the pending Housing and Urban Development Act of 1969, we said:

When this legislation (i.e. the 1968 Act) was considered last year, the Committee understood that FNMA, using its experience and contacts in the capital market, would be the first issuer of these securities in order to establish their acceptability to potential investors. Other issuers then would be able to take advantage of FNMA's experience and expertise. This still seems to be a sound plan, and would seem to represent a reasonable procedure to initiate and establish a reliable market for this type of security.

It is unclear, at this point, Mr. Speaker, exactly what type of issue the Bank Board is contemplating. If it is the bond type mortgage-backed security, I would certainly expect that the administration will heed the words of our committee and will use that facility—FNMA—which has been ready and willing for some little time and able to move in this area.

If the security involved is not a bond type mortgage-backed security, then I think we must again ask the administration how much longer will it take for it to implement this mortgage-backed security program which still offers so much potential for the tapping of large sums of money so sorely needed by the housing industry.

The housing situation is daily growing more acute, and some 15 or 16 months, Mr. Speaker, seems to be long enough for the administration to perfect its regulations on this section of the law which still offers much promise.

AND I STILL DREAM ABOUT IT

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, every day for the past week, we have seen new evidence establishing that war crimes have been committed by members of our Armed Forces in Vietnam. A horrendous tragedy took place in the village of Songmy where Vietnamese civilians, men, women, and babes in arms, were massacred by American Army personnel.

If we did not know it before, we know it now, that the ability to commit war crimes is not restricted to the Germans. War brings out the beast in man. Every nation is capable of committing the kind of atrocity that took place in this small Vietnamese village.

War crimes in our lifetime have been committed by the Soviet Union which slaughtered tens of thousands of innocent Poles and other peoples in Eastern Europe; the Dutch committed similar atrocities in Indonesia before they left

those islands; the French perpetrated comparable outrages in Algeria before they vacated that country. There is a litany of names which would include country after country, guilty of atrocities, when one nation sought to subjugate the people of another land. These war crimes are always committed in the name of freedom, liberty, and self-defense.

Almost every country sitting in judgment at Nuremberg has a historical record of having committed atrocities. There were some who made this point when the Nuremberg trials were being conducted, and some said that because there were others who had committed and would commit other atrocities that those Germans who had committed them in World War II ought not to be punished. I did not agree with that point of view then, nor do I now. Instead, we ought to make certain, indeed pledge, that whoever commits atrocities from whatever country, including our own, must and will be brought to trial. And that we pledge ourselves to evolve a worldwide rule of law and the mechanism to enforce it which will seek out those who violate that law and punish them.

It must have come as a shock to many Americans to learn that our people are as capable of committing these most abhorrent acts as were the Nazis of Germany. It is not enough to hang our heads in shame—we must do more. Men carries within him the most base animal instincts, as well as the divine spirit. When a man personally, or under color of governmental authority, permits those base bestial instincts to govern his conduct and commits acts which, as a result of the Nuremberg trials, now constitute acts, universally accepted as war crimes, such a man or men must be punished.

Whether war crimes are committed by North Vietnamese at Hue or by U.S. soldiers in Songmy, justice requires that those who perpetrate them be tried.

The confession of one of our young soldiers, Paul Meadlo, who participated in the killing of men, women, and babies at Songmy, is a compelling statement and should be read by all of our colleagues. It follows:

TRANSCRIPT OF INTERVIEW OF VIETNAM WAR VETERAN ON HIS ROLE IN ALLEGED MASSACRE OF CIVILIANS AT SONGMY

(Note.—Following is a transcript of an interview with Paul Meadlo, Vietnam veteran, by Mike Wallace on the Columbia Broadcasting System Radio Network last night.)

MEADLO. Captain Medinas had us all in a group, and oh, he briefed us, and I can't remember all the briefing.

WALLACE. How many of them were you? A. Well, with the mortar platoon, I'd say there'd be about 65—65 people, but the mortar platoon wasn't with us. And I'd say the mortar platoon had about 20—25—about 25 people in the mortar platoon. So we didn't have the whole company in the Pinkville, no we didn't.

Q. There weren't about 40-45. . . . A. . . . right. . . .

Q.—that took part in all of this? A. Right.

Q. Now you took off from your base camp—

A. . . . yes—Dolly.

Q. . . . Dolly. At what time? A. I wouldn't know what time it was. . . .

Q. . . . in the early morning. . . . A. . . . In the early morning. It was—it would have been a long time ago.

Q. And what had you been briefed to do when you got to Pinkville?

A. To search and to make sure that there weren't no N.V.A. in the village and "spectin" to fight—when we got there . . .

Q. To expect to fight? A. To expect to fight.

Q. Uh-huh. So you took off and—in how many choppers?

A. Well, I'd say the first wave was about four of us—I mean four choppers, and uh . . .

Q. How many men aboard each chopper?

A. Uh, five of us. And we landed next to the village, and we all got on line and we started walking toward the village. And there was one man, one gook in the shelter, and he was all huddled up down in there, and the man called out and said there's a gook over here.

Q. How old a man was this? I mean was this a fighting man or an older man? A. An older man. And the man hauled out and said that there's a gook over here, and then Sergeant Mitchell hollered back and said shoot him.

Q. Sergeant Mitchell was in charge of the 20 of you? A. He was in charge of the whole squad. And so then the man shot him. So we moved on into the village, and we started searching up the village and gathering people and running through the center of the village.

Q. How many people did you round up? A. Well, there was about 40-45 people that we gathered in the center of the village. And we placed them in there, and it was like a little island, right there in the center of the village, I'd say. And—

Q. What kind of people—men, women, children? A. Men, women, children.

"I WANT THEM DEAD"

Q. Babies?

A. Babies. And we all huddled them up. We made them squat down, and Lieutenant Calley came over and said, "You know what to do with them, don't you?" And I said yes. So I took it for granted that he just wanted us to watch them. And he left, and came back about 10 or 15 minutes later, and said, "How come you ain't killed them, yet?" And I told him that I didn't think you want us to kill them, that you just wanted us to guard them. He said, "No I want them dead." So—

Q. He told this to all of you, or to you particularly?

A. Well, I was facing him. So, but the other three, four guys heard it and so he stepped back about 10, 15 feet, and he started shooting them. And he told me to start shooting. So I started shooting, I poured about four clips into the group.

Q. You fired four clips from your . . . A. M-16.

Q. And that's about—how many clips—I mean how many—A. I carried seventeen rounds to each clip.

Q. So you fired something like 67 shots—A. Right.

Q. And you killed how many? At that time?

A. Well, I fired them on automatic, so you can't—you just spray the area on them and so you can't know how many you killed 'cause they were going fast. So I might have killed ten or fifteen of them.

Q. Men, women and children. A. Men, women and children.

Q. And babies? A. And babies.

Q. Okay, then what? A. So we started to gather them up, more people, and we had about seven or eight people, that we was gonna put into the hooch, and we dropped a hand grenade in there with them.

Q. Now you're rounding up more?

A. We're rounding up more, and we had about seven or eight people. And we was going to throw them in the hooch, and well, we put them in the hooch and then we dropped a hand grenade down there with them. And somebody holed up in the ravine,

and told us to bring them over to the ravine, so we took them back out, and led them over to—and by that time, we already had them over there, and they had about 70-75 people all gathered up. So we threw ours in with them and Lieutenant Calley told me, he said, "Meado, we got another job to do." And so he walked over to the people, and he started pushing them off and started shooting . . .

Q. Started pushing them off into the ravine?

A. Off into the ravine. It was a ditch. And so we started pushing them off and we started shooting them, so altogether we just pushed them all off, and just started using automatics on them. And then—

Q. Again—men, women, children? A. Men, women and children.

Q. And babies?

A. And babies. And so we started shooting them, and somebody told us to switch off to single shot so that we could save ammo. So we switched off to single shot, and shot a few more rounds. And after that, I just—we just—the company started gathering up again. We started moving out, and we had a few gooks that was in—as we started moving out, we had gooks in front of us that was taking point, you know.

Q. Uh-huh. A—and as we walked—

Q. Taking point. You mean out in front? To take any fir—that might come.

STEPPED ON LAND MINE

A. Right. And so we started walking across that field. And so later on that day, they picked them up, and gooks we had, and I reckon they took the to Chu Lai or some camp that they was questioning them, so I don't know what they done with them. So we set up (indistinct) the rest of the night, and the next morning we started leaving, leaving the perimeter, and I stepped on a land mine next day, next morning.

Q. And you came back to the United States.

A. I came back to the United States, and lost a foot out of it.

Q. You feel—

A. I feel cheated because the V.A. cut my disability like they did, and they say that my stump is well healed, well padded, without tenderness. Well, it's well healed, but it's a long way from being well padded. And without tenderness? It hurts all the time. I got to work eight hours a day up on my foot, and at the end of the day I can't hardly stand it. But I gotta work because I gotta make a living, and the V.A. don't give me enough money to live on as it is.

Q. Veterans Administration. A. Right. So—

Q. Did you feel any sense of retribution to yourself the day after? A. Well, I felt that I was punished for what I'd done, the next morning. Later on in that day, I felt like I was being punished.

Q. Why did you do it? A. Why did I do it? Because I felt like I was ordered to do it, and it seemed like that, at the time I felt like I was doing the right thing, because like I said I lost buddies. I lost a damn good buddy, Bobby Wilson, and it was on my conscience. So after I done it, I felt good, but later on that day, it was getting to me.

Q. You're married? A. Right.

Q. Children? A. Two.

Q. How old? A. The boy is two and a half, and the little girl is a year and a half.

Q. Obviously, the question comes to my mind . . . the father of two little kids like that . . . how can he shoot babies? A. I didn't have the little girl. I just had the little boy at the time.

Q. Uh-huh. How do you shoot babies? A. I don't know. It's just one of them things.

Q. How many people would you imagine were killed that day? A. I'd say about 370.

Q. How do you arrive at that figure? A. Just looking.

Q. You saw, you think, that many people, and you yourself were responsible for how many of them? A. I couldn't say.

Q. Twenty-five? Fifty? A. I couldn't say . . . just too many.

Q. And how many men did the actual shooting? A. Well, I really couldn't say that, either. There was other . . . there was another platoon in there and . . . but I just couldn't say how many.

"JUST SITTING, SQUATTING"

Q. But these civilians were lined up and shot? They weren't killed by cross-fire? A. They weren't lined up . . . they [were] just pushed in a ravine or just sitting, squatting . . . and shot.

Q. What did these civilians—particularly the women and children, the old men—what did they do? What did they say to you? A. They weren't much saying to them. They [were] just being pushed and they were doing what they was told to do.

Q. They weren't begging or saying, "No . . . no," or—A. Right. They was begging and saying, "No, no." And the mothers was hugging their children and, but they kept right on firing. Well, we kept right on firing. They was waving their arms and begging . . .

Q. Was that your most vivid memory of what you saw? A. Right.

Q. And nothing went through your mind or heart? A. Many a times . . . many a times . . .

Q. While you were doing it? A. Not while I was doing it. I just seemed like it was the natural thing to do at the time. I don't know. It just—I was getting relieved from what I'd seen earlier over there.

"IT WAS . . . MOSTLY REVENGE"

Q. What do you mean? A. Well, I was getting . . . like the . . . my buddies getting killed or wounded or—we weren't getting no satisfaction from it, so what it really was, it was just mostly revenge.

Q. You call the Vietnamese "gooks?" A. Gooks.

Q. Are they people to you? Were they people to you?

A. Well, they were people. But it was just one of them words that we just picked up over there, you know. Just any word you pick up. That's what you call people, and that's what you been called.

Q. Obviously, the thought that goes through my mind—I spent some time over there, and I killed in the second war, and so forth. But the thought that goes through your mind is, we've raised such a dickens about what the Nazis did, or what the Japanese did, but particularly what the Nazis did in the second world war, the brutalization and so forth, you know. It's hard for a good many Americans to understand that young, capable American boys could line up old men, women and children and babies and shoot them down in cold blood. How do you explain that?

A. I wouldn't know.

Q. Did you ever dream about all of this that went on in Pinkville? A. Yes, I did . . . and I still dream about it.

Q. What kind of dreams? A. I see the women and children in my sleep. Some days . . . some nights, I can't even sleep. I just lay there thinking about it.

THANKSGIVING, 1969: PRODUCTION GAINS BUT DISTRIBUTION FAILS

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, General Sherman followed the basic and classic strategy of battle first enunciated by Gen. Nathan Bedford Forrest, of "getting there firstest with the moslest."

We won on the battlefields in World War II with logistics which carried out that strategy; we had the right equipment and firepower in the right places

ALLEGED KILLING OF CIVILIANS IN
VIETNAM

Mr. DOMINICK. Mr. President, I want to start these remarks by saying I am glad the Senator from Missouri (Mr. SYMINGTON) is in the chair. He and I were briefed this morning on the horrible situation that is being alleged as having occurred in Vietnam—one that if true, and proved to be true, is not only a blot on the country and the military but on humanity as a whole. Persons are charged with crimes—one with murder, and one with assault with intent to kill.

Yesterday I expressed my very strong feelings about the legal and judicial ramifications of the extensive pretrial publicity, particularly in a case as explosive and emotional in nature as this one. I referred to published interviews including an interview by CBS with one of the persons who will be a witness before the trial. I discussed it at some length on the floor, and then before the media.

I think what is overlooked often is a basic belief—which I share with most Americans, I believe—that the system of justice which we have in this country is one of the strong central fibers of our Nation's survival.

When that system is jeopardized by any means so that a person is unable to obtain a fair trial, or so that a witness is not informed of his own constitutional rights, then we have endangered the operation of one of the central elements in our national framework.

I have not commented on the accuracy of the reported facts. I have not repeated any of the interviews or so-called testimony. However, I wish to refer just a little bit today to the question of accuracy and full reporting, since some news media references to the statement yesterday of the military judge can hardly be considered as full and complete.

First, for purposes of the Record, I ask unanimous consent that the texts of the following items be printed at the conclusion of my remarks: First, a transcript of Military Judge Kennedy's courtroom statement in ruling on the issue of pretrial publicity; second, a CBS reply regarding my remarks yesterday and the CBS interpretation of the judge's statement, and third a Washington Post article of this morning reporting on the judge's statement.

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

(See exhibits 1, 2, and 3.)

Mr. DOMINICK. Let us compare what the judge said, and what appears was said according to the CBS reply and Washington Post article.

The CBS reply last night to the discussions I had with them included the following:

It is worth noting that, at the pretrial session at Fort Benning, Georgia, Judge Lt. Col. Reed Kennedy said he felt that the news media was sincerely attempting to assist furtherance of the investigation of what happened at My Lai.

I do not wish to impugn the integrity of the media, but they left out a very crucial distinction made by the judge in the next sentence. The judge said:

As I understand the previous military press release, this case was under investigation. Thus, I can understand how responsible news media did not deem it improper to assist the military in furthering its investigation.

We are now past that stage of the proceedings. I agree completely with counsel that further news contact with witnesses and premature out of court disclosure of testimony would be in violation of law.

That portion of his statement was completely omitted from what CBS said last night.

The judge went on to say he was reluctant to issue an order to the media because he felt responsible news media is capable of policing its own activity and

would self-impose sanctions to insure fairness of the upcoming trial.

I said yesterday in my discussion that I felt the media should police themselves in this matter, to assure the man would have a fair trial.

Here is the balance of the CBS interpretation of the judge's statement:

Judge Lt. Col. Kennedy made this observation (that the news media was assisting the investigation) when he rejected a United States Government motion to restrain the news media from further publicizing statements of witnesses, photographs, sketches or any other such matter which might be used as evidence. Judge Kennedy said such an order would be premature as well as unprecedented in civil and military law.

While it is true the judge did not directly order the news media to do anything, the CBS reply conveniently omitted any reference whatsoever to the real heart of the judge's statement. Here is what the judge said:

Therefore, I am declining the request of counsel today to issue a show-cause order. A reasonable time will be granted the news media to act in a responsible legal manner. And, I am confident you will find that witnesses will not be contacted further by any responsible news agency. The issue will be held in abeyance at this time, with leave to counsel to re-petition this court for relief at any later time.

In all candor and fairness, the Washington Post article reports a much more balanced version of the judge's statement.

Where, however, is any reference in the Post article to Judge Kennedy's key point—one which he twice repeated—regarding what he personally thought responsible news media would respect:

I am confident you will find that witnesses will not be contacted further by any responsible news agency.

An incomplete statement was given by CBS, but I can understand their limitations in terms of time. It does seem to me, however, that when quoting a judge's order, they ought to point out clearly the implication of it, which is that if witnesses continue to make statements and the media continue publishing them, which statements might have an effect on the fairness of the trial, the court is going to have to take some action to reverse the situation.

The judge's order regarding potential witnesses and his statement about pretrial publicity were announced between 3 and 3:30 p.m. on Tuesday. The news media was present.

Now, let us take a look at how pretrial publicity was treated by some of the news media last night and this morning.

Opinions will vary on what is responsible self-policing by the news media, but in view of the foregoing, I do not see how there can be any doubt about the expressed desires of the man sitting as military judge in the case.

On the Huntley-Brinkley show 2 hours after the judge had issued his order, Mr. Huntley and Mr. Brinkley came on with another witness. I do not know whether that witness was still in the service or not, and that is quite an important distinction. But this is what was said on Huntley-Brinkley:

At Fort Benning, attorneys for the Army and Calley asked the trial judge to stop

public interviews of witnesses. The judge ordered potential witnesses not to talk, but some continued.

Then a witness was put on, and this particular witness—and I am not going to put this in the Record, because I do not want to participate in publication of this material—in effect said that he himself was involved in the massacre. If the man was, at that point, a member of the military, he is obviously subject to charges if these allegations are in fact proved true, upon investigation. If the man is not a member of the military, there are still, as I understand from counsel for the Army, at least two or three ways, which are now being considered, by which this person, or other persons, might be charged with a criminal action.

There are at the present time 24 people under investigation, nine of whom are still on active duty. Any one of those giving evidence or testimony which might implicate himself should, it seems to me, be forewarned by a lawyer as to what it might mean. He should have all the rights that any civilian would have before any court.

CBS charges:

As for the free press-fair trial issued raised by Senator Peter Dominick, Republican of Colorado—

Think of this, Mr. President—

It is the belief at CBS News that it is not applicable in this situation, inasmuch as Lieutenant William L. Calley, Jr., would not be tried by a civilian jury, but a board of professional soldiers who are disciplined to make their decision on the basis of military law.

Mr. President, I raise this question: I do not know how they interpret it, but since the right of a fair trial is a constitutional right of every citizen of this country, it would look as though CBS is saying if you are in the military, you waive your constitutional rights. This seems to me to be a pretty tough way to try to look at the situation, particularly when a man has been charged with a crime which is as heinous, as horrible, and as terrible as this one. If there ever was a need for the right of a fair trial without having prejudice injected, this is one of those times.

I might also add that if it happens that publicity gets over the country to such an extent that potential military jurors are unable to say honestly that they have no feeling of bias one way or another on a case of this kind, it is entirely possible that the people who are charged cannot get a fair trial, and may, even though the facts might be proved to most people's satisfaction, find themselves freed because of the inability to obtain a fair trial.

What a miscarriage of justice that might be, if the facts are fully proved, as is required.

Mr. President, this same statement was put on a CBS news program last night. And I sincerely hope they will change this, because it has a very poor ring, I think, as far as the news media are concerned. And I still believe our networks are responsible if they really think about these problems.

Here is something that was said on the news last night:

CBS said tonight Meadlo was entitled to make his story known, if that was his decision, and that what it called free press—free trial issue raised by Dominick does not apply because Lt. Calley will be tried not by a civilian jury but by a military court.

Again, Mr. President, that is a strong indication that because one is a member of the military, he is deemed by the news service to have waived his right to a fair trial.

I cannot buy that. I do not believe that the news media mean that. I hope that they will correct the statement in any future broadcasts.

Mr. President, the country is facing a very serious situation. It is a situation which has international implication. It is a situation in which two men have already been charged with violent crimes, a situation in which 24 more are under investigation with the possibility that future charges will be filed, a situation in which at all time under our system, it seems to me, we should be operating on the principle that anyone charged with crime is innocent until proved guilty.

That is a constitutional right guaranteed to everyone, whether in the Senate, the military or anywhere else in this country. We should try to respect these constitutional rights as they have been set forth by the Supreme Court in civilian and military cases. The Court has strongly said over and over again that an atmosphere of prejudice created by wide publicity prior to a trial can be so adverse that a person cannot get a fair trial and that therefore we cannot determine under our legal system whether a man is guilty or not guilty.

Mr. President, I made these statements over and over again last night. I might say I found out through a transcript that two media people, Tom Braden and Frank Mankiewicz, came out and implied that I did not care what might have happened in Vietnam, that I was only interested in protecting someone. I am not interested in protecting any individual. I am interested only in protecting the system of legal justice in our country.

And if we cannot take a position like that, even in an unpopular case, then I would say that the country is further down the road to ruin than I thought it was.

After the appearance I made last night on the media, I received a number of telegrams, some of them in favor of my position and some of them against.

I am really somewhat confused—and I think that is the best way in which to put it—by those who are against. What they say apparently is that they do not care whether anyone gets a free trial. They just want someone punished, already assuming that a man is guilty despite the confused facts and the contradiction of evidence and despite the fact that no one has yet put the responsibility firmly before the court to determine whether a man is in fact guilty of the crimes charged.

Mr. President, I ask unanimous consent to have these telegrams printed in the Record at the conclusion of my remarks.

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

(See exhibit 4.)

Mr. DOMINICK. Mr. President, I am not trying to be difficult. I am not trying to make an attack on the press. I am not trying to restrict its freedom. What I am trying to do is to say that they have to balance their obligations. They have an obligation to present the news. However, they also have the obligation of preserving the rights of the people of this country under our system of justice.

It seems to me that any objective reporter looking at this situation would recognize this and try to strike some kind of balance. I do not think that balance has been struck to date. I am not sure it is going to be struck, but I am going to continue to talk to get them to see this in that light as long as I can.

Someone came up to me and wanted to know if this was part of a pattern, a Republican attack on the press. The only pattern is that I got up and looked at this program yesterday morning, knowing that a man was on trial for his life. I watched some of the show and watched a man spread a story around the country. He was not under oath. He was subject to cross-examination. He was obviously in an emotional state. It seems to me, to say the least, to be prejudicial to our system of justice.

The interview last night on Huntley and Brinkley, immediately following the judge's recommendation asking that the network's police themselves, it seems to me, was a blatant disregard of that order.

I feel so sorry for the citizens who have made their statements in many cases, I am convinced, without knowing what their rights are and, in many cases, I am convinced, without knowing that they might be subject to charges themselves, and therefore, have jeopardized their own freedom.

Let us have them wait. And that certainly is what the order says which was entered by the judge in this case.

I will not read the entire order, but I will read a good deal of it here. This is the order that was issued yesterday, not the court's statement that I referred to before concerning the news media, but the order concerning the witnesses.

It is addressed to the trial counsel, both for the prosecution and for the defense.

It reads:

UNITED STATES VERSUS WILLIAM L. CALLEY

Order issued to Captain Aubrey M. Daniel III, Trial Counsel.

You are hereby directed to notify by the most expeditious means each known witness in this case that, pursuant to the order of this Court, he is directed not to discuss with or disclose to anyone any information or evidence he may possess concerning the alleged offense charged as occurring on or about 16 March, 1968, in the village of My Lai 4, Quang Ngai Province, Republic of Vietnam.

Each witness will be informed that he is authorized to discuss or disclose his information or real evidence to you, Mr. George Latimer, Major Kenneth A. Raby, and 1st Lt. William L. Calley, Jr. only.

From time to time, heretofore unknown witnesses may be uncovered by both sides. The Trial Counsel will, on his own, in the case of prosecution witnesses, or upon the request of the Defense Counsel, promptly notify each newly discovered witness of this prohibition against pretrial disclosure of his testimony.

Moreover, should any charges be added or modified so as to include additional witnesses not heretofore disclosed as potential witnesses in this trial, those witnesses will also be immediately informed of this prohibition against extra-judicial disclosure of his testimony or real evidence.

The notification to witnesses will also contain a provision permitting disclosure in any criminal proceeding other than the trial of Lt. Calley, provided such disclosure is made at a quasi-judicial or judicial hearing only.

Lastly, the Trial Counsel will deliver to this Court the name and address of each witness so notified.

It is so ordered this 25th day of November, 1969, at Fort Benning, Georgia.

REID W. KENNEDY,
Military Judge.

Following the issuance of that order, Huntley and Brinkley televised another witness. I would suggest that at the very least that person could find himself—if it had not been taped some time before—in trouble with the court already.

It further indicates, in my opinion, the complete disregard of the clear intent of that order by NBC and Huntley-Brinkley, especially when one reads the comments of the court concerning pretrial publicity by the news media, to which I have previously referred.

Mr. President, I want to say again that this whole situation really needs to be reviewed in some detail. I am not going to repeat what I said before. I have confidence in the responsibility of most of the major news media; but I am not a bit sure that, in their interest in getting an explosive story before the public, they have balanced this against what I hope also is their concern—that each person charged with a crime in this country shall receive a fair trial, as defined in our Constitution and as governed by our court system. If that right is ever broken down, we will have destroyed one of the central elements of our system of government. No one's freedom will be secure.

EXHIBIT 1 NEWS MEDIA

(Transcript of Military Judge Reid W. Kennedy. Re: Portion of joint motion by military prosecutor and defense counsel concerning pretrial publicity, Tuesday, November 25, 1969)

The news coverage you are talking about occurred for the most part before this case was sent to trial.

As I understand the previous military press release, this case was under investigation. Thus, I can understand how responsible news media did not deem it improper to assist the military in furthering its investigation.

We are now past that stage of the proceedings. I agree completely with counsel that further news contact with witnesses and premature out of court disclosure of testimony would be in violation of law.

On the other hand, I am reluctant to issue any show cause order immediately to prohibit publicizing the testimony of potential witnesses. I believe the responsible news media are capable of policing their own activity and will self-impose the necessary sanctions to insure that the fairness of these proceedings are not jeopardized. Therefore, I am declining the request of counsel today to issue a show cause order. A reasonable time will be granted the news media to act in a responsible legal manner. And, I am confident you will find that witnesses will not be contacted further by any responsible news agency. The issue will be

held in abeyance at this time, with leave to counsel to repetition this court for relief at any later time.

EXHIBIT 2

NEW YORK TIMES, WEDNESDAY NOVEMBER 25, 1969—CBS REPLY

Following is a reply of the Columbia Broadcasting System to the attack on it by Senator Dominick for having broadcast the interview with Mr. Meadlo:

"C.B.S. News broadcast the interview with Paul Meadlo in the belief there was an overriding public need for full disclosure about what happened at My Lai, particularly in view of previous statements made by other eyewitnesses and then the statement issued by the Government of South Vietnam that nothing untoward had happened there.

"This South Vietnamese official position was then contradicted by the United States Army decision yesterday to try an American officer on charges of premeditated murder at My Lai.

"C.B.S. News believes that Paul Meadlo was entitled to make his story public if that was his decision, and having established to our satisfaction that Paul Meadlo was qualified to speak on the subject as a bona fide participant in that incident, we would be guilty of not reporting information to which the American public was entitled.

"As for the free press-fair trial issue raised by Senator Peter Dominick, Republican of Colorado, it is the belief at C.B.S. News that it is not applicable in this situation inasmuch as Lieut. William L. Calley Jr. would not be tried by a civilian jury but by a board of professional soldiers who are disciplined to make their decision on the basis of military law.

"It is worth noting that, at the pretrial session at Fort Benning, Ga., Judge Lieut. Col. Reed Kennedy said he felt that the news media was sincerely attempting to assist furtherance of the investigation of what happened at My Lai.

"Judge Lieutenant Colonel Kennedy made this observation when he rejected a United States Government motion to restrain the news media from further publicizing statements of witnesses, photographs, sketches or any other such matter which might be used as evidence. Judge Kennedy said such an order would be premature as well as unprecedented in civil and military law."

EXHIBIT 3

SILENCE ORDERED ON MY LAI—JUDGE ENJOINS WITNESSES IN MASSACRE CASE

(By Peter Braestrup)

FT. BENNING, GA., November 25.—A military judge today ordered all potential witnesses in the court-martial of an Army lieutenant charged with murdering Vietnamese civilians to remain silent about the case.

The judge, Lt. Col. Reid W. Kennedy, deferred decision on other requests from lawyers that he order the press to curb pretrial publicity about the case.

The accused officer is 1st Lt. William J. Calley Jr. He is charged with the murder of 109 Vietnamese during an operation at My Lai 4 Hamlet (also known as Tucong) in Quangngai Province on March 16, 1968.

The two restraining orders sought from Col. Kennedy were requested jointly by the government prosecutor, Capt. Aubrey M. Daniel III, and Calley's military counsel, Maj. Kenneth A. Raby, at an emergency 30-minute hearing here.

[Three legal experts agreed that Col. Kennedy's order silencing witnesses was highly unusual and expressed doubt that it could be enforced, especially in the case of prospective witnesses who are now civilians.

[Charles Schooner, managing editor of the Selective Service Law Reporter, a Washington-based publication, cited the decision of

the Supreme Court in the 1955 case of *Toth v. Quarles* holding that it is unconstitutional to hold anyone subject to the Uniform Code of Military Justice after the termination of his military service.]

The hearing came after 12 days of mounting worldwide publicity, including public statements and interviews by six former members of Calley's unit in Vietnam. No date has yet been set for Calley's trial by general court-martial. He was formally charged here yesterday, after a seven-month Army investigation.

Referring to the reported sale and publication of photographs of the alleged massacre by Ronald Haeblerle, a former Army photographer in Quangngai, Raby said:

"It seems as if the evidence in this case is being auctioned off in the press."

Calley, 26, in well-pressed Army greens, with chest ribbons and blue, four-starred American Division shoulder patch, accompanied Raby to the hearing.

It lasted less than 30 minutes in a bare courtroom in Building 5, a low, shabby Community Service center just across the pine-shaded street from the home of Maj. Gen. Orvin C. Talbott, Fort Benning's commander, who ordered Calley's court-martial.

The lieutenant, a short (5-foot 3-inch) man with carefully combed widow's peak, said nothing.

If convicted, he could be sentenced to death or life imprisonment.

It was here, the Army's sprawling 50,000-man training center for infantry officers and Vietnam replacements, that Calley 26 months ago earned his second lieutenant's commission after dropping out of Palm Beach Junior College.

Six months later, while Calley led an understrength platoon of Company C, 1st Battalion, 20th Infantry, 11th Brigade, came the alleged massacre in the enemy-controlled area, known as Pinkville, in Quangngai Province.

Company C's former commander, Capt. Ernest Medina, 33, is also now in a make-work job at Ft. Benning. His original plans for an Army-aided college education have been suspended pending the outcome of an investigation. On the advice of his counsel, Medina has refused to talk to newsmen.

Today, in decrying "prejudicial pretrial publicity," both Raby and Daniel said they had no desire to curb freedom of the press. But both contended that the volume and character of publicity to date, notably the public statements by known witnesses, left them no choice but to ask for an unprecedented court order to assure a fair trial.

"This is probably the only time the two of us will see eye to eye on anything," said Raby, referring to himself and Capt. Daniel.

Raby said, "All we're asking is that witnesses be allowed to come in court and testify first." He emphasized the "first."

In this connection, Raby cited the case of one witness, Sgt. Michael Bernhardt, who appeared here Sept. 5 at the opening of the pretrial investigation and then last week, gave his version of the March 16, 1968, events on television.

Sgt. Lawrence LaCroix, a member of Co. C, now at Ft. Riley, Kans., told *The Post* he was ordered not to talk about My Lai. "If you want to talk to someone about this, talk to Lt. Calley's lawyer, George Lathner. He's helping me out."

In passing, Raby chided Robert Jordan III, Army general counsel, for what he called a "brief dissertation" at a Pentagon news conference last Friday on the legal questions involved in military leaders' responsibilities for crimes committed by subordinates. "This fell far short of full discussion," Raby said, adding that it was one of the key issues in the case.

All told, the military judge, Col. Kennedy,

today acted on three motions brought by Raby and Daniel.

He ordered that all present and future witnesses discuss the case only with the opposing lawyers and Lt. Calley. He ordered members of the court-martial panel to avoid "intentional" exposure to press, radio and television stories on the case. But he said he was "reluctant" to issue an order, as requested in Raby and Daniel's third motion, to the news media directing them to show why they should not be restrained from publishing interviews from witnesses and other materials in the case.

"I believe the responsible news media are capable of policing themselves," the judge said.

A "reasonable time" will be granted to news media "to act responsibly," the judge added, saying that meanwhile "this issue will be held in abeyance."

Army lawyers present at today's hearing said such a show-cause order would be unprecedented in the history of U.S. military or civilian jurisprudence, although the Supreme Court has overturned at least one lower-court verdict on grounds that publicity ruined chances for a fair trial.

EXHIBIT 4

HANOVER, N.H.,
November 25, 1969.

Senator PETER H. DOMINICK,
Senate Office Building,
Washington, D.C.:

Agree without qualifications your indictment of CBS Mike Wallace's repugnant interviews of Meadlo, also tonight CBS Stanton equally repugnant statement.

E. L. PALMER.

BEVERLY, MASS.,
November 25, 1969.

Hon. PETER DOMINICK,
Washington, D.C.:

Agree with you totally regards CBS broadcast about alleged massacre and young man interviewed. Please pursue this as we are unable to understand double standard; that is, prominent cases not discussed in public to avoid pretrial judgment and individual rights protected. What is difference in this case.

PAT HARMELING.

SANTA FE, N. MEX.,
November 25, 1969.

Senator DOMINICK,
Senate Office Building,
Washington, D.C.:

Hooray for you in today's newscast.

FRED MANG.

CAMP HILL, PA.

Senator PETER H. DOMINICK,
U.S. Senate,
Washington, D.C.:

Strongly support your criticism of television interview of Meadlo

Mr. and Mrs. EGGAR I. KING.

DALLAS, TEX.,
November 26, 1969.

Senator PETER DOMINICK,
Senate Office Building,
Washington, D.C.:

We are with you Peter. A man should be tried in court not by building public clamor through TV and radio with questionable and unverified reports.

Mr. and Mrs. JAMES R. SHELTON.

DENVER, COLO.,
November 26, 1969.

Senator PETER H. DOMINICK,
Senate Office Building,
Washington, D.C.:

We agree heartily with your disapproval of Mike Wallace interview. War used to be war but now its show biz.

MARIAN E. OSTBERG.

LORAIN, OHIO,
November 26, 1969.

Senator PETER DOMINICK,
U.S. Senate,
Washington, D.C.:

Wallace's sensationalism interview of Meadlo is brash news media corruption. As a veteran I consider the interview an insult upon unfettering shame. We highly respect your stand.

VENNY J. VAROUSE.

HENDERSONVILLE, N.C.
November 26, 1969.

Senator PETER DOMINICK,
Senate Office Building,
Washington, D.C.:

Concur wholly your condemnation CBS Wallace interview.

J. E. FAHN,
Editor, Times News.

HILLSBOROUGH, CALIF.,
November 26, 1969.

SENATOR DOMINICK,
U.S. Senate,
Washington, D.C.:

One Republican former captain infantry appalled your response CBS report Meadlo report mass Vietnam murder. Are you unfamiliar Nuremberg Trials? These murders deliberate. What morals do you really represent for our country?

JOHN A. STEEL.

NEW HAVEN, CONN.,
November 25, 1969.

Senator PETER DOMINICK,
Senate Office Building,
Washington, D.C.:

Legal insensitivity and political defensiveness can not bring back to life South Vietnamese massacre victims.

HERBERT SAX, M.D.

HUGO, COLO.,
November 26, 1969.

Senator PETER DOMINICK,
Senate Office Building,
Washington D.C.:

Have just heard your recent statement regarding the Lieutenant charged with murder of Vietnamese citizens as usual I am in disagreement with your position and I totally disagree with your statement and your position on this matter having been a former infantry officer this alleged offense is inexcusable. I wish you to again recognize my disagreement with your position as my senatorial representation.

THOMAS L. NICHOLS.

TAX REFORM ACT OF 1969

The Senate resumed the consideration of the bill (H.R. 13270), the Tax Reform Act of 1969.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, immediately following the prayer and the disposition of the reading of the Journal on Monday next, there be a period for the transaction of routine morning business not to exceed 1 hour, and that statements made therein be limited to 3 minutes.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the period for the transaction of routine morning business on Monday next, the pending amendment offered by the able senior Senator from Louisiana (Mr. ELLENDER) be laid before the Senate and made the unfinished business before the Senate.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to vote not later than 3 p.m. on Monday, December 1, 1969, on the so-called Ellender amendment, No. 290, and that following the vote on the Ellender amendment, debate on the amendment by the Senator from Delaware (Mr. WILLIAMS), No. 291, be limited to 1 hour, to be equally divided and controlled by the Senator from Delaware (Mr. WILLIAMS) and the Senator from Louisiana (Mr. LONG). The understanding is that the vote on amendment No. 291 would then occur.

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

Mr. WILLIAMS of Delaware. Mr. President, who will control the time on the so-called Ellender amendment?

Mr. BYRD of West Virginia. Mr. President, I included nothing in my request with regard to controlled time on the Ellender amendment. The time would not be controlled.

Mr. President, I amend my previous unanimous-consent request to provide that when the amendment offered by the able senior Senator from Louisiana (Mr. ELLENDER) is laid before the Senate at the conclusion of the morning business on Monday next, the time be equally divided and controlled by the mover of the amendment, the senior Senator from Louisiana (Mr. ELLENDER), and the minority leader or whomever he may designate.

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

Mr. BYRD of West Virginia. Has the Chair presented the entire request?

The PRESIDING OFFICER. Yes.

Mr. BYRD of West Virginia. So that it is agreed that the vote will occur not later than 3 p.m. on Monday next on the so-called Ellender amendment.

The unanimous-consent request, subsequently reduced to writing, is as follows:

Ordered, That the Senate proceed to vote not later than 3 p.m. on Monday, December 1, 1969, on the so-called Ellender amendment (No. 290), with the time after the conclusion of the morning business to be equally divided and controlled by the Senator from Louisiana (Mr. ELLENDER) and the minority leader or their designees.

Following the vote on the Ellender amendment, debate on the amendment by the Senator from Delaware (Mr. WILLIAMS) (No. 291) be limited to one hour to be equally divided and controlled by the Senator from Delaware (Mr. WILLIAMS) and the Senator from Louisiana (Mr. LONG).

Mr. JAVITS. Mr. President, inasmuch as next week what many consider a very important amendment to the tax reform bill will be considered—to wit, the amendment on foundations—I thought it would be appropriate, so that my fellow Senators might have an opportunity to consider the question over the Thanksgiving Day recess, to put some concepts in the Record with respect to what we might expect.

The amendment I intend to propose will have one affirmative and one negative aspect which are critical.

First, the negative aspect. My foundation amendment will strike out that part of the bill which limits the life of private foundations to 40 years. In my judgment this is an absolutely arbitrary limitation, without any basis in law, reason or fact and raises some very serious questions.

The rule against perpetuities at the common law, which is very well known throughout the law of trusts and estates, generally deals with lives in being. The classic example is lives in being plus 21 years, that is, at least one life plus the minority of another life. Any skillful draftsman can create a noncharitable trust whose existence runs for far more than 40 years. But under the bill we have an absolutely arbitrary limitation of time upon the tax exempt life of foundations which places an effective limit on their life—it should be observed that charitable trusts are traditionally exempt from the rule against perpetuities and that this tradition is hundreds of years old.

In view of that fact, and many others which flow from it, the general feeling has spread abroad to those who give and those who receive—and this represents a tremendous cross section of American life—that an enormous social overturn in our whole Nation is contemplated by the Congress. Should we enact many of the provisions of either the House or the Senate bill, or both on foundations, we are likely to have a very chilling effect of philanthropy and pluralism in our society and I consider this most serious.

Second, the affirmative aspect of my amendment. The subject of philanthropy and pluralism in our society is so serious to our society, in terms of voluntarism, for philanthropy, for education, for health, for many other causes, I believe that the matter is worthy of examination on the highest possible level. Therefore, my amendment would establish a Presidential commission, with a mandate to report within approximately 2 years—we will fix the date—in order to determine exactly what we ought to do about, first, the whole concept of philanthropy, pluralism and voluntarism upon which our society is based, and second, the question of giving and having exemption from the payment of taxes for what we consider to be highly desirable social purposes.

It is very interesting to me that the President, himself, in announcing the start of the national fundraising drive for the United Community Chests, struck a note which is what I would deeply hope is symptomatic of the true feeling in our country. The President characterized philanthropic activity as a sacred American tradition of private initiative which gives a freedom, a quality of innovation, a quality of competition in the marketplace of ideas and of accomplishments which is tremendously useful to our society.

I hope very much that the fundamental question before the Senate in respect of what we do about foundations and philanthropic giving will be whether or not what we do in the tax law is bound to destroy it in a material way and therefore likely to change the whole basis of our American society.

The taxpaying, rate paying customers are receiving widespread benefits from their investment of public monies.

On the other hand a minimum distribution of benefits to the taxpayers would occur if a few corporate entities were allowed to establish a middleman's toll gate position between production of nuclear fuels and the ultimate buyers of electricity.

PROBLEMS IN FAST BREEDER REACTOR PROGRAM

As a member of the Joint Committee who has given dedicated service to the development of the uses of the peace time atom, I make this appeal to you today.

Keep your eye on the ball. Development of the fast breeder is of vital importance—

To industry.

To having an almost unlimited supply of electrical energy.

To meet the needs of an exploding population.

We can develop the fast breeder, only on the basis of heavy Government support—we will move forward on the basis of cooperation between the AEC, the Joint Committee and the private sector of industry and finance.

We are at a critical point at this time. Research and development funds are being cut across the board by the Administration. I do not have time to examine the ideological and economic justification for such cuts. I point at this time to the results in the breeder program. The Administration has been whittling away the fiscal year 1970 budget for the Liquid Metal Fast Breeder Reactor program from the \$99 million originally requested by those responsible for the program to less than \$85 million. And yet we are told that this program is the highest priority effort in our civilian power program.

Presidential Candidate Richard Nixon on October 5, 1968, in New York, in a speech entitled: "Research Gap Crisis in American Technology" opened up his comments by saying that energy was a prime requirement in our society. Then he said:

"With the goal of fulfilling that requirement, I believe we should step up the Atomic Energy Commission's breeder reactor project which could provide virtually inexhaustible energy at extremely low cost. At present this project is going forward very slowly although its promise for mankind is as great as any other likely development."

If this philosophy of cutting research and development for fiscal reasons, is duplicated in subsequent years, the fast breeder with its great promise, will not be successfully developed.

At this critical point we must make every available research and development dollar count. For two reasons:

1. To obtain at present the maximum result from each available dollar.

2. To achieve steady constructive progress in order to justify increased Federal and industrial support in follow-on fiscal years.

How are we to maximize the results from each available dollar?

I am not satisfied with our progress in the fast breeder program.

My colleagues on the Committee are not satisfied.

Representatives of industry have told me that they are not satisfied.

Shortly after the first of the year, I intend to propose the establishment of a blue ribbon ad hoc Committee to analyze this current problem.

While I have no final announcement to make at this time, I can assure you that my proposal will receive serious study and I believe it will be approved by my colleagues on the Committee.

The Ad Hoc Committee should be small. It should be composed of not less than three nor more than five members. Each member must be of top capability and experience in

fields directly related to analyzation of methods to solve advanced scientific problems. The Committee must have amongst its members strong engineering capability for bringing theoretical concepts into reality. It must have amongst its members a capability to specify top quality industrial standards to make fast breeder hardware.

We must use our great national laboratories in our priority programs but the national laboratories must affirm a new sense of mission and an intensity of dedication to the primary purpose for which the laboratories exist.

Unless we can attack the problems of the fast breeder with a concentration of interest—

We will be forced to conclude that the financial commitment must be channeled to more efficient activities.

I am hopeful that such a study by such a Committee will clarify the present cloudy situation.

I am hopeful that a clear set of recommendations can be given to our Committee—recommendations which will help us to make every appropriated dollar count, which will justify our Committee in requesting adequate dollars in future fiscal years.

In conclusion gentlemen,

I do not wish to belabor the points I have made.

I will reemphasize that we face a critical era in the 1970's.

We can stand still with the water reactor technology and fail to achieve the full potential of our nuclear fuel resources.

We can be diverted and divided from constructive cooperation. We can, if we choose, tilt our lances at windmills with the same ineffective results which Don Quiote had, or

We can unite in our efforts to achieve the breeder reactor and extract the maximum amount of energy from our nuclear fuels, thereby bequeathing to our progeny an almost unlimited supply of electrical energy.

PINKVILLE—A PINK PROMOTION

(Mr. RARICK asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, with passage of time the alleged "Mylai massacre" is being brought into proper perspective and examined more closely. The people are questioning why a single incident of violence occurring during wartime in enemy territory has been so overwhelmingly blown out of proportion, and a manufactured significance for it impressed so insistently upon an unsuspecting American people.

The stories—the rumors, half-truths, innuendoes, hearsay and all—have been multiplied, expanded, embroidered; and manipulated in the lowest style of yellow journalism. Purported witnesses have been paid for their stories; yet any mention of bought witnesses is missing from the repeated reports. Nor is "Pinkville"—Mylai—described as a Communist guerrilla village known essentially as an enemy stronghold. Pinkville was a battle-ready enemy encampment, populated with crime-hardened and fanatical terrorists of all ages and sexes, and not an innocent farming village occupied by peasants peacefully engaged in tilling the soil.

The news media has made no effort to explain to those who have not experienced combat that the accepted conventional standards of behavior in the continental United States in peacetime

cannot be compared to those in a country in the throes of a war—where even the simplest everyday activity may mean sudden death. Nor has the prolific media given any effort to explain to their readers and viewers the variance in the value of life to the Communists as compared with that found in our country. No one has informed our American housewives—who would probably faint at the sight of their teenager brandishing a gun—that the Communist guerrilla would unblinkingly boobytrap their own baby or arm a 5-year-old with a grenade and tell him to walk into American troops.

Now we learn that one Telford Taylor, promoted as an expert prosecutor because he worked at the Nuremberg war crimes trials, apparently has now turned expert on atrocities. The wire service, in discussing his background and qualifications conveniently omits any reference to his long history of involvement with communism and specific Communists in this country. He came to Washington in the early thirties and enjoyed the phenomenal success of becoming a senior attorney with the Agricultural Adjustment Administration just 2 years after his graduation from law school—even more remarkable considering this occurred in the middle of the depression. As an AAA attorney he enjoyed a close working relationship with such other Department of Agriculture employees as Alger Hiss and Lee Pressman—luminaries of the Ware cell engaged in Soviet espionage in the Department of Agriculture.

To supply the "in depth" coverage which the news media seems to have missed, I include news clippings and a biographical sketch on Mr. Taylor which follow as part of my remarks:

[From the Manchester Union-Leader, Dec. 4, 1969]

MASSACRE STORY RUBBISH: AUSSIE

SONG MY, VIETNAM.—An Australian officer said yesterday the women of My Lai hamlet "knew how to cut throats and the children could strip down a weapon like professionals."

Capt. John Nelson, 26, a Special Forces adviser to South Vietnamese troops, said he thought reports of an American massacre against the civilians of My Lai were "rubbish."

I don't believe a massacre ever happened," Nelson told a newsmen. "I've been in the field around here for four months, and this is the first I've heard of any massacre."

"The charges are rubbish. That place was in enemy territory. The women moved around at night and they knew how to cut throats and the children could strip down a weapon like professionals."

In Da Nang, Sen. Tran Van Don said his investigation was unable to come up with a conclusion that U.S. troops slaughtered civilians in May Lai in 1968. One difficulty in weighing evidence was the strong Viet Cong influence there, he added.

On the strength of what he had learned, Don said, he had formed no opinion on whether a massacre occurred or the extent of the killing if there was one.

[From the Christian Science Monitor, Dec. 1, 1969]

NÜRNBERG LESSON SEEN IN VIETNAM

NEW YORK.—An American prosecutor at the Nürnberg war crimes trials, asked to comment on the alleged massacre at My Lai,

South Vietnam, says the lesson of Nürnberg is "really coming home to roost."

Attorney Telford Taylor said the Nürnberg trials of Nazis after World War II showed that atrocities were not committed by "individual monsters" but by "very, very ordinary people. And the terrible thing about it was that it showed ordinary people can get into circumstances where they behave in this fashion," he said.

"I'm afraid we're beginning to find the lesson driven home in a very direct way."

The Army has charged Lt. William Calley with the murder of 109 civilians "without justification or excuse" in an American sweep through My Lai March 16, 1968.

Mr. Taylor said the plea of being under orders was not recognized as a viable defense under American, British, or German military law. But, he said, "there are many circumstances where the soldier simply cannot be expected to know what the ins and outs and rights and wrongs of the thing are."

[From Human Events, Dec. 6, 1969]

THE "PINKVILLE MASSACRE"

The Red appeasement faction in this country is using the alleged "Pinkville massacre"—where American soldiers are said to have executed up to 500 innocent Viet Nam civilians in a Viet Cong stronghold—as a pretext to blacken the reputation of the United States and pressure the U.S. into hastening its troop withdrawals from South Viet Nam.

The liberal news media, including the *New York Times*, the *New York Post*, etc., are now suggesting or proclaiming there is no difference between the U.S. and the Viet Cong and are even likening America to Nazi Germany. Pete Hamill of the *Post* wrote that the government should sentence not only the handful of men responsible for Pinkville but "Lyndon Johnson, Hubert Humphrey, Walt Rostow, the Bundys and all the rest." The trial, he said, should be held in "a town called Nuremberg."

Yet experts on the subject of communism in the Nation's Capital classify these hysterical verbal outpourings by the liberals as so much self-serving hogwash. For one thing, it is pointed out, the U.S., unlike the Communists, has not made it a policy to murder innocent civilians. Quite the contrary.

Each American soldier in Viet Nam, in fact, is handed, upon arrival, special rules which are read to him twice a year and specifically oppose harsh treatment for civilians. One provision reads: "All practicable means will be employed to limit the risk to the lives and property of friendly forces and civilians; and to avoid the violation of operational and national boundaries. This directive will not be modified by subordinate commanders, nor will directives modifying or interpreting substantive rules in the directive be published by subordinate commands."

Another provision reads: "Mistreatment of any captive is a criminal offense. Every soldier is personally responsible for the enemy in his hands. It is both dishonorable and foolish to mistreat a captive. It is also a punishable offense. . . . Fair treatment of captives encourages the enemy to surrender." These rules were in effect long before the alleged massacre.

Equally important, the U.S. Army—as far back as March—began vigorously investigating the incident, even to the point of sending investigators to Pinkville and preventing the discharge of Lt. William L. Calley, now charged with murdering 109 Viet Nam civilians. These actions were taken long before the press in recent weeks began to blow up the incident into a sort of American Buchenwald.

Assuming even all the charges against Lt. William Calley are true—and his side has yet to be heard from on the matter—the hard fact remains that such incidents are clearly isolated phenomena.

The Communists in Viet Nam, on the other hand, have not only engaged in isolated atrocities, but have made it official policy—as Communists have the world over—to engage in the murdering of hundreds of thousands of innocent men, women and children.

While the news media was playing up the Pinkville incident, a former North Vietnamese Army officer, Lt. Col. Le Xuyen Chuyen, who defected to the south after 21 years of Communist party leadership, revealed to a Scripps-Howard reporter in Saigon last week that the Communists had at least five million—five million—on what he called the Communists' "blood debt" lists.

Col. Chuyen declared that for every 100 on the lists 10 to 15 would pay with their lives, another 40 would be imprisoned and the rest would undergo "thought reform." Included on the lists are a million Catholic refugees who fled North Viet Nam, some two million South Vietnamese troops, government officials down to the hamlet level and paramilitary groups, more than 100,000 North Vietnamese and Viet Cong defectors, some 100,000 South Vietnamese working for the Americans and numerous elements of the "bourgeois" class.

Captured enemy documents substantiate the claim. "Even after the Fatherland is completely liberated the fight will continue, fierce and complicated," reads one such document. It continues: "Then the real tasks of eliminating reactionaries, informants, American henchmen, religionists, etc., will begin."

That massacres and atrocities have become official policy of the Communists in North Viet Nam has long been known. Ho Chi Minh systematically slaughtered an estimated half-million peasants during his land reform program in the '50s, while some 20,000 civilians, including village chieftains, priests, government officials, hospital workers, etc., have been murdered by the Reds since the Viet Cong unleashed their terror campaign in the south.

In relation to the Hue massacre, the Communists have boasted about their "execution squads" having systematically murdered some 3,000 civilians—men, women and children. A Red document called the Hue massacre a complete success, stating: "Hue was the place where reactionary spirit had existed for over 10 years. However, it only took us a short time to drain it to its roots." On April 27, 1969, a Hanoi radio broadcast boasted that the bodies then being discovered in the Hue area were "hooligan lackeys who had owed blood debts. . . ."

As one observer summed up the situation last week: "Only a liberal would fail to distinguish between what happened at Pinkville and the calculated atrocity policy of the Communists."

The newly formed Dispatch News Service, which generated such wide publicity for the "Pinkville massacre," is a propaganda medium for the New Left and its allies. Seymour Hersh, who helped set up the service, located in the National Press Building in Washington, has been the recipient of a \$1,000 grant from the Philip M. Stern Foundation, a chief contributor to leftist causes. The "service" is also prepared to employ the writings of Prof. Seymour Melman, a unilateral disarmament advocate. It has also distributed to various newspapers a series on the Viet war by author Richard Barnet, co-director of the tax-exempt Institute for Policy Studies, a radical think-tank in Washington. (For more on IPS, see *Human Events*, October 25, page 8). Barnet, while visiting North Vietnam recently, was quoted by Hanoi radio on November 13 as welcoming a Communist victory in South Viet Nam. Hanoi radio quoted Barnet as saying to the North Vietnamese:

"In the few days that we've been in Hanoi and in the provinces, we have good reason not to despair and the message that we would bring back with us is the message that the

Vietnamese will continue to fight against the aggressors, the same aggressors that we will continue to fight in our own country. . . ."

[From American Opinion].

BIOGRAPHICAL DICTIONARY OF THE LEFT— VOLUME II

(By Francis X. Gannon)

Telford Taylor was born on February 24, 1908 in Schenectady, New York, son of Marcia Jones and John Taylor. He married Mary Walker. He is an alumnus of Williams College (A.B., 1928; A.M., 1932) and Harvard University (LL.B., 1932).

In 1928 and 1929, Taylor was an instructor in history and political science at Williams College. In 1932 and 1933, he was a law clerk to the U.S. circuit judge in New York.

In 1933, Taylor began a career in government service which lasted until 1952. He was an assistant solicitor in the U.S. Department of the Interior (1933-1934); a senior attorney with the Agricultural Adjustment Administration (1934-1935); an associate counsel to the U.S. Senate Committee on Interstate Commerce (1935-1939); a special assistant to Attorney General of the United States (1939-1940); and, general counsel to the Federal Communications Commission (1940-1942).

Taylor became a military intelligence officer in 1942. From 1945 until 1949, he worked at the "war crimes" trials as a staff member for the chief of counsel and as United States chief of counsel. In 1951 and 1952, he was the administrator of the Small Defense Plants Administration. Taylor was a visiting lecturer at Yale Law School and Columbia Law School; then, in 1963, he became a professor of law at Columbia. He is the author of *Sword and Swastika, Grand Inquest, The March of Conquest, and The Breaking Wave*. He has also practiced law.

Taylor has been a national board member of Americans for Democratic Action, the center of the radical left in American politics. He has been chairman of the National Committee for an Effective Congress, a group which, since 1952, has campaigned for and financed ultra-leftist candidates for the House and Senate. His activities in NCEC brought about this comment in "On the Left" (*National Review*, February 1, 1953): "This paper has been honored by the so-called National Committee for an Effective Congress. An appeal for funds, signed by Telford Taylor, asks for financial aid to combat the nefarious designs of 'the new, well-heeled publication, *National Review*.' When he was chief prosecutor at Nuremberg, Taylor was charged publicly by [U.S.] Senator [William] Langer [R.-N.D.] with maintaining a staff 'composed of leftists and men who have since been exposed as Communists and members of Communist front organizations.' At the same time [U.S.] Representative George Dondero [R.-Mich.] charged that Taylor's staff was 'loaded with Communists and fellow travellers.' Justice Curtis Shake of the Indiana Supreme Court accused Taylor and his staff of hasty and ill-conceived action in threatening witnesses and engaging in unauthorized searches. Dr. Theophil Wurm, German Protestant Bishop, stated that Taylor's prosecuting staff employed 'criminal methods and abominable tortures to obtain testimony and confessions.' The same charge was repeated by Judge E. Van Roden of Pennsylvania. The *Daily Worker* of May 11, 1947, insisted that Taylor was an 'honest prosecutor.'

Taylor's continuing activities with the National Committee for an Effective Congress caused Donald J. Lambro to write in *Human Events* (July 1, 1967): "Telford Taylor . . . was associated with the defense of left-wing union leader Harry Bridges in 1953 and authorized the book, *Grand Inquest*, an attack on congressional investigations of com-

munistism which was favorably reviewed in the *Daily Worker*. Taylor, in addition to defending Bridges, defended Junius Scales, North Carolina Communist Party chairman in 1956, on his appeal to the U.S. Supreme Court after conviction under the Smith Act. [Taylor's] defense of other leftist clients, including the Communist-controlled International Union of Mine, Mill and Smelter Workers in 1957, has won the applause of the *Daily People's World* and the *Daily Worker*.

"Taylor is known as . . . a perennial champion of leftists, whose professional talents have aided such individuals as Harry Bridges, various Smith Act defendants and union moguls with asserted Communist leanings," according to Edward J. Mowery of the *Newark (N.J.) Star Ledger*."

Mr. Mowery's comments came at a time when Taylor was being seriously mentioned as a possible head of the Central Intelligence Agency, sponsored by Walt Rostow who was then a special assistant for national security affairs to President Kennedy.

DR. SPOCK ADDRESSES COMMUNISTS—CALLS HIMSELF BENEDICT ARNOLD

(Mr. RARICK asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, the Constitution of the United States defines treason in reasonably plain terms for those who choose to read it.

Treason against the United States shall consist . . . in adhering to their enemies, giving them aid and comfort.

I assume that the soldiers of North Vietnam, who are busily engaged in killing Americans, are enemies of these United States.

I assume that an American citizen who takes it upon himself to journey to a foreign land, and there to address a cheering audience described as largely made up of Communists, for the purpose of raising funds to furnish medical aid to the enemy and encouraging hostile demonstrations on our border, is giving that enemy aid and comfort.

I assume that when this same American is quoted to the effect that "his main job" is to speak in the United States, that a prime concern of his is to raise money for the defense of draft dodgers, and that "we must end this war and we must end it in the United States" he is both adhering to the enemy and giving aid and comfort to him.

Dr. Benjamin Spock will again be in the news.

Mr. Speaker, at the end of this week the American people will again be exposed to the sorry spectacle of the hardcore Communists leading innocent and brainwashed dupes by the hundreds in demonstrations favoring the enemy in Vietnam. While the easily led mobs demonstrate, get high on pot and break laws, commandments, and bank windows, worthwhile Americans are in combat.

So that our colleagues will not be misled by any of Dr. Spock's lofty pronouncements this weekend, I include in my remarks the perceptive reporting of his visit to Canada by two writers for the *Vancouver, British Columbia, Province*:

[From the *Vancouver, (British Columbia, Canada) Province*, Nov. 6, 1969]

WAR PROTEST MOVES URGED

(By Fred Curtin)

Dr. Benjamin Spock spelled out a four-point program Wednesday night for Canadians who want to take up the fight against the war in Vietnam.

Speaking to a capacity audience at Queen Elizabeth Theatre—that gave him four standing ovations, Spock said it is most important Canadians continue sending medical supplies to North Vietnam.

"This is something that we in the U.S. cannot do and these supplies are dearly needed."

He urged students to hold more border demonstrations such as the one last month to protest the nuclear test in the Aleutian Islands.

"Demonstrations like this get into our magazines and it is good for the Americans to read how our policy is despised in other countries."

He asked Canadians to write to U.S. newspapers stating their position on the war in Vietnam.

"You can either criticize us delicately or really spew it out. Most Americans don't realize we are doing anything wrong."

But, most important of all, he urged Canadians to "keep pressure on your government to dissociate itself from U.S. policy."

"Canada has a better record for this than either New Zealand, Australia or even Great Britain."

"I know pressure has been put on your government, and I am sure Lyndon Johnson expressed it in a most thuggish manner."

Spock, who obviously is not used to speaking to audiences largely made up of Communists, made one glaring faux pas in his talk.

He told how Nixon was an active witch-hunter in his early political career. He then referred to some of Nixon's victims and said: "They are no more Communist than you or me."

AUDIENCE COOL

The response from the otherwise enthusiastic audience was decidedly cool.

Spock told how he campaigned for Johnson in the 1964 election because he was the obvious peace candidate.

"Johnson phoned me the morning after he was elected and said he hoped he would be worthy of my trust. Three months later he had made a monkey of all of us."

Spock said that although some polls show that 55 per cent of the Americans are against the war it is only because it has not been successful or has gone on too long.

"They don't see it as something immoral and illegal."

"As children believe in their parents, people believe in their leaders."

END IN THE UNITED STATES

"But we must end this war and we must end it in the U.S."

Then, Spock said, there must be some system to end all wars.

"I think that it is in strengthening the UN."

"But for now, we still have a long, hard row to hoe, especially with Nixon's new policy of Vietnamizing the war."

"This is what Kennedy proposed and Johnson tried to do. The only trouble is the war won't Vietnamize. All the good Vietnamese are on the other side."

[From the *Province, Vancouver, British Columbia, Canada*, Nov. 6, 1969]

SPOCK SAYS NIXON CUT HIS OWN THROAT

(By Tony Eberts)

President Nixon's latest Vietnam policy speech has killed his chances of re-election,

or even being a U.S. presidential candidate again, says famed baby doctor Benjamin Spock.

At a Vancouver International Airport interview Wednesday, Dr. Spock said he didn't know what group he was supposed to be speaking in support of here—"but I'm glad of any platform, and the truth is the truth whenever it's said."

He just shrugged his shoulders when told his sponsor for the Wednesday night meeting was the Committee for Vietnamese Tour and that he was sharing the platform with two Viet Cong "provisional government" officials.

"It looks to me as if the Vietnam war is going to go on for one or two more years," he told reporters, "until Nixon realizes, after his support drops to 20 per cent or so, that he has made a mistake."

"Any time the president says to the people 'we don't want to lose the war, do we?' a large number of people will go along for a while."

"But inevitably it will fall again, and this time the support is going to fall so low that Nixon will be unable to run again in the 1972 U.S. elections."

Then the tall, craggy baby doctor lashed out at American "police state laws" in dealing with Negroes and his own 1968 trial, when he was convicted of conspiring to counsel young men to avoid the draft. (An appeal court quashed the conviction this summer.)

"I think that militant black people know there is a police state for them," Dr. Spock said. "Local police, aided by FBI, lay false charges and enforce unfair laws . . . yet even the president's own committee on crime said the Chicago riot last was the fault of police."

He thanked former president Lyndon Johnson, however, "for convicting and jailing me and giving me a much stronger platform to speak from."

He said Nixon's program of gradual withdrawal of troops from Vietnam is just an effort to pull the wool over the eyes of young Americans, and the president's talk of support from a silent majority is "another self-delusion of his."

Asked about charges that he is acting like a traitor by fighting against the draft, condemning U.S. policy and appearing on platforms with North Vietnam-backed officials, Dr. Spock said:

"I'm a Benedict Arnold only if you assume that the war is to the benefit of the U.S. I think it is disastrous to the U.S. I am trying every means I can to stop the war because I'm a patriotic American."

He said he doesn't favor violence in his anti-Vietnam war programs, but he came out swinging against what he called "the namby-pamby doves who are afraid of getting their skirts soiled."

By this, he explained, he meant those who say they oppose the war, yet who won't risk their reputations or status in their opposition.

If he were president, Dr. Spock said, he would pull all U.S. troops out of Vietnam within a week.

"I don't think anything that could happen after we pull out could exceed the butchery going on in Vietnam with the U.S. in there," he said.

He said he has given up all hope of the Democratic party becoming liberal enough, or sufficiently divorced from big business, to carry out the sort of policies he and his supporters view as necessary.

"What the U.S. needs is some kind of anti-imperialist party," he said, "but frankly I don't see the slightest sign of it being formed."

Why come up to Canada to criticize U.S. policy?

"My main job is to speak in the U.S.," he said, "but support in opposition to the war

Britain, even though our British friends continued their trade with North Vietnam notwithstanding the war in which Hanoi has long been engaged against us. We never should have gotten into such a hypocritical position to start with. Now that we stand alone, we should make a speedy reversal of our Rhodesian policy and make certain that we don't get ourselves into such a foolish position again.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. ALLEN in the chair). Under the previous order the period for the transaction of routine morning business expires at 11:15 a.m. and the unfinished business is to be laid before the Senate.

Mr. DOLE. Mr. President, I ask unanimous consent that the morning hour be extended for 10 additional minutes.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, I wonder if we might proceed to lay the unfinished business before the Senate and then yield time to the Senator from the controlled time.

The PRESIDING OFFICER. Does the Senator from Kansas withdraw his request?

Mr. DOLE. I withdraw my request.

TAX REFORM ACT OF 1969

The PRESIDING OFFICER. Under the order of Wednesday, November 26, 1969, the Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 13270) the Tax Reform Act of 1969.

The PRESIDING OFFICER. Without objection, the Senate will resume the consideration of the bill.

The question is on agreeing to the amendment offered by the Senator from Louisiana (Mr. ELLENDER).

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I yield, on behalf of the Senator from Louisiana (Mr. ELLENDER), 5 minutes to the Senator from Kansas, and it is my understanding that the able minority whip will likewise yield 5 minutes to the Senator.

Mr. GRIFFIN. Mr. President, I wish to ask how much time the Senator from Kansas would like to have.

Mr. DOLE. About 5 minutes.

Mr. BYRD of West Virginia. Mr. President, it was my understanding that the Senator wanted 10 minutes, but I yield 5 minutes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas for not to exceed 10 minutes, the time to be charged equally to both sides.

Mr. DOLE. Mr. President, I ask unanimous consent that I may proceed out of order.

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

PRESERVING THE DIGNITY OF AMERICAN FIGHTING MEN

Mr. DOLE. Mr. President, one of the regrettable developments resulted from

the efforts of some individuals who wish to exploit the My Lai tragedy of March 1968, is that it has evolved into an attack on the dignity of the U.S. armed services.

There is an effort by some to imply that violent attacks similar to the isolated incident which took place at My Lai frequently occur in those areas in Vietnam occupied by U.S. military forces. The My Lai issue has become the latest tool for those strongly opposed to the administration's Vietnam policy and its program to terminate the war. It appears to be the intention of these individuals to represent the My Lai tragedy as a symbol of all present and future acts undertaken by the administration in Vietnam.

Statements given through the news media tell the public that U.S. forces are indiscriminately slaughtering the innocent and guilty alike in conducting their military operations. I consider such statements not only careless but injurious to the character of the American fighting man.

I, in no way, condone or rationalize the willful slaughter of civilian noncombatants, and if the accused in the My Lai affair are found guilty, they should be dealt with as prescribed by law.

Rather than concern for prosecution and punishment of the guilty there appears to be a calculated attempt to utilize the My Lai affair to insinuate that it represents the norm in the daily conduct of U.S. military operations in Vietnam.

Mr. President, I know this insinuation to be untrue. A member of my staff requested and received a briefing from the Office of the U.S. Army planning and Operations Division. He was particularly interested in the education and training of U.S. military procedures to assure the proper humane treatment and handling of civilians and prisoners of war in Vietnam. A synopsis of this briefing contained the following highlights:

All U.S. military personnel receive indoctrination as to the aforementioned subject prior to and after their arrival in Vietnam. They are reminded that the Vietcong can capitalize on examples of bad conduct by U.S. military personnel, and that the defeat of the enemy can be enhanced through an understanding and generosity displayed toward the people of South Vietnam.

Every member of the U.S. Forces in Vietnam personally receives instructions as to the treatment of civilians and prisoners of war and in addition, is instructed as to what constitutes a war crime. For example, in regard to prisoners the articles each member of the U.S. Armed Forces receives contain these highlights:

1. In the disarming, searching, and guarding of prisoners of war, military law requires that the prisoners be treated humanely;
2. Injury inflicted upon a captive is a criminal offense;
3. A sick and wounded captive must receive the best treatment available;
4. All suspects, civilians and other persons detained must be protected against violence, insults, and reprisals of any kind.

BASIS OF CURRENT U.S. MILITARY LAW ON WAR CRIMES

Mr. President, in regard to matters pertaining to the definition and investigation of war crimes, current U.S. mili-

tary legal services are based upon six sources: First, the Geneva conventions of 1949; second, the Hague conventions of 1907; third, the Uniform Code of Military Justice; fourth, FM27-10; fifth, MACV directive 20-4 (0); and sixth, MACV directive 190-3.

It is inconceivable that anyone should regard what took place in the village of My Lai in March of 1968, as in any way representative of the general conduct of American forces in South Vietnam. The general conduct of the American serviceman in Vietnam, participating in an unpopular war and in the face of extreme hardships and frustrations, which have characterized this protracted, bloody conflict, has been notably outstanding.

Mr. President, I wish to make these additional comments concerning developments surrounding the My Lai incident.

There is the possibility that this incident will result in further disunity among the American people, especially if the incident is successfully applied to be representative of American policy in Vietnam. The My Lai incident must not be extended beyond its proper perspective and applied to other areas for partisan or personal pursuits. It is not the function of the Senate of the United States, at this point in the course of events concerning the incident, to provide judgment in any respect. Recent statements by the news media offer continued evidence of a lack of concern for individuals accused of crimes to be afforded a fair trial unprejudiced by prejudice.

Mr. GRIFFIN. Mr. President, will the Senator from Kansas yield?

Mr. DOLE. I yield.

Mr. GRIFFIN. I wish to commend the Senator from Kansas for his statement, which provides some important and valuable information for the Record. It is information of which all of us should be aware.

In particular, I wish to underscore the Senator's comments that the My Lai incident, as it has been reported, is by no means typical of the conduct of U.S. troops.

In May of 1966 I had the opportunity to visit South Vietnam for about a week. I recall a number of instances when I was particularly impressed by the attitude of American troops toward Vietnamese civilians.

For example, I recall being with a Marine outfit and visiting a hospital which the members of this unit had set up in the field.

At great sacrifice to themselves, these marines and doctors who were assigned primarily to care for U.S. troops, were spending their spare time treating Vietnamese civilians, and particularly children who were brought from considerable distances for treatment of injuries and diseases of all kinds.

Finally, it was a moving experience to see the attitude, the kindness, and the humanness with which our American troops were treating the Vietnamese civilians.

I hope and pray that the news media will put the My Lai incident in perspective; that they will make sure the American people realize this was an isolated incident which is not at all typical

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of the general conduct of our troops in Vietnam.

Again, I commend the distinguished Senator from Kansas for making what I consider to be a very important statement.

Mr. DOLE. The Senator from Michigan has put his finger on the heart of the matter. The My Lai incident is a rare exception. It is not the norm. The norm is, as the Senator has pointed out, in the good deeds our American soldiers have rendered everywhere in the world, not just in Vietnam. That has been the symbol of the American fighting man for as long as I can remember. For as long as I can remember, it has been the outstanding generosity of the American fighting man which has exemplified his spirit. Thus, I would hope that we would not capitalize on what might be a rare exception in American history.

Let us punish those who are guilty, but let us not prejudice them.

Mr. HANSEN. Mr. President, will the Senator from Kansas yield?

Mr. DOLE. I yield.

Mr. HANSEN. I, too, would like to compliment the distinguished Senator from Kansas for the contribution he has made this morning.

In listening to the radio and television and reading the newspapers, I gathered that there has been worldwide distress and infuriation expressed over this incident, but it is not all directed toward the servicemen who have been involved in it. Part of that distress and infuriation is directed at the news media for the way they have handled the situation.

It does seem to me that there is some reason to agree with those who express indignation over the handling of this incident by the news media, which have been insensitive to the feelings of the viewing and reading public.

Things do happen which none of us condones. Certainly no one in the Army condones this incident.

Every effort will be made, as the distinguished Senator from Kansas has pointed out, to see that whatever the facts are, they will be brought before the court and will be handled according to law.

Mr. DOLE. I thank the Senator from Wyoming. I would only say there are some who feel that the only news is bad news, which is not true, of course.

TRIBUTE TO REPRESENTATIVE RICHARD D. MCCARTHY—THE VALUE OF PERSEVERANCE

Mr. PROXMIER. Mr. President, President Nixon's momentous decision last week to ask the Senate to ratify the 1925 Geneva accord that prohibits its signers from first using poison gas attests to the value of perseverance for the Democratic Representative from New York, RICHARD D. MCCARTHY. MCCARTHY's untiring efforts to turn this Nation away from the madness of chemical and biological warfare have been, at last, somewhat recognized by President Nixon's announcement.

For those of us who have labored for those things we consider important and in the best interest of this Nation, Con-

gressman MCCARTHY's efforts and success are a light at the end of the tunnel. His statement on these recent developments is one we should all pay attention to:

I think this proves that we can achieve necessary change within the American system. It just requires accuracy but basically perseverance.

Bravo to Congressman MCCARTHY's perseverance. May we all take a lesson from his experience.

I ask unanimous consent that the article from Sunday's Washington Post be inserted in the Record.

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

BAN ON GERM WAR PLEASES OPPONENT (By Robert A. Hunt)

"I think this proves that we can achieve necessary change within the American system. It just requires accuracy but basically perseverance."

The speaker was Rep. Richard Dean McCarthy, a 42-year-old New York Democrat who, spurred by a "quite horrified" wife, launched a congressional drive last February against germ and gas warfare.

He was jubilant over President Nixon's order last Tuesday to destroy existing stockpiles of bacteriological weapons, as well as over Mr. Nixon's pledge that this country would not engage in germ warfare, will confine research to defensive measures and the President's call for Senate ratification of a 1925 treaty to ban initial use of gas or germs as weapons of war.

McCarthy still harbors reservations that Mr. Nixon didn't rule out tear gas and herbicides that the United States has been using in Vietnam. While feeling the tear gas issue poses a threat to Senate ratification of the protocol, "I don't think it is insoluble."

INTERPRETATION NEEDED

The one-time Buffalo Evening News reporter, in an interview, suggested that some international understanding and uniform interpretation is needed "on just what the Geneva protocol prohibits, because there is ambiguity."

It was this 1925 agreement, which the United States played a major role in shaping but which the Senate never acted upon, that bans first use of "asphyxiating, poisonous or other gases and of bacteriological methods of warfare."

Senate Democratic leaders have pledged action on the protocol in a month.

"I believe the U.S. should not attempt to exclude tear gas from the coverage of the protocol," McCarthy said, "and I don't think we should be destroying food supplies with herbicides."

McCarthy said, however, "I think the issues can be resolved if the proper spirit is shown. We should approach them with a positive frame of mind."

In 1930, McCarthy said, a dozen signatory nations to the protocol said they felt tear gas was covered under the prohibitions.

And in a speech earlier this month at Johns Hopkins University, Baltimore, McCarthy said a GI's letter described how tear gas was used to drive the North Vietnamese into the open where a number then were killed.

CITES TV PROGRAM

How did McCarthy's interest in the chemical and biological warfare—CBW—subject start?

"Last Feb. 4 we were watching an NBC television program devoted to germ and gas warfare," he said. "It showed dead sheep in Utah, experiments with gas, and was pretty horrifying. My wife sent the five kids

to bed because she didn't want them to see it. She was quite horrified, turned to me and said: 'You're a congressman. What do you know about this?' I told her I knew nothing but the next day I began to find out."

McCarthy set up plans for an Army briefing on the CBW issue for members of Congress on March 4. He kept on working.

"They refused to admit staff people without a secret clearance on file at the Defense Department," he recalled.

However, McCarthy said: "They told us very little we didn't know already and actually used it as a pitch for more money on CBW."

Then McCarthy drew up a series of questions, sent them off to the Defense and State Departments among others.

"I got them back in April and they were a mass of contradictions," McCarthy said.

At about this point, McCarthy called for U.S. ratification of the Geneva protocol as well as the British convention which bans all germ warfare, more restrictions on transportation, testing and disposal of such materials, and an end to secrecy surrounding the program.

Congress then wrote in requirements that the Defense Department find that open-air testing of gas weapons is necessary in the interests of national security, that governors be given particulars of such tests, plus certain requirements on transporting the deadly articles.

With mail coming in to back up his position, McCarthy made a series of speeches around the country on germ warfare.

TARGET OF CRITICISM

"At first there was a lot of criticism and I was accused of backing unilateral disarmament," he said. "There was some skepticism, including the White House, but I think the President's announcement vindicates our basic approach."

McCarthy's office got an advance indication that a presidential announcement was on the way while he was in London taking part in an international CBW conference.

The official verification came while he and his wife, Gail, were over the Atlantic on the way home.

"The plane captain came looking for me. He had a message saying the President was to submit the protocol to the Senate. My wife and I were ecstatic," he said.

McCarthy, who served in the South Pacific in the Navy from 1945-49 and in the Far East with the Army in 1950-52, also got an added bonus on the timing of the Nixon decision. His germ warfare book, "The Ultimate Folly," was published the next day.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, with the time to be equally divided and charged against both sides.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TAX REFORM ACT OF 1969

The Senate resumed the consideration of the bill (H.R. 13270), the Tax Reform Act of 1969.

The PRESIDING OFFICER. Who yields time?

MR. RALPH E. GOODELL, JR.,
Executive Secretary, International Arabian
Horse Association, Burbank, Calif.

DEAR MR. GOODELL: As an Arabian horse owner and member of the I.A.H.A., I received your March, 1969, letter asking members to oppose Senator Metcalf's bill S. 500. As I understand it, this bill would limit the amount of loss incurred in farm or ranch operations to be offset against nonfarm income—in other words, big businessmen could not operate farms/ranches at a loss to ease their tax status.

I am well aware that owning and raising Arabian horses can be very expensive, and that a nonfarm income is most helpful in paying the bills between sales of livestock. However, having lived in a ranch community in Wyoming for a good many years, and having numerous friends who are trying to make a living by farming or ranching, I must seriously protest your stand on S. 500 and H.R. 4257. That our extremely unfair tax system has allowed so many farms and ranches to be run at a loss by "absentee big business" at the expense of those who are trying to make a living by ranching is to me a crime, and I am most gratified that the good Montana Senator is seeking to remedy this situation.

As a staunch conservative, I am very much in favor of the free enterprise system which has made our country so great, and it would appear to me that a return to a "free market" in the ranching/farming sector of our economy would be much better for all concerned than a continuation of subsidizing uneconomical livestock producers at the expense of those trying to earn their livelihood in this industry.

I would be very much interested in the response to your March, 1969, letter, and to my comments above. I am very much interested in the future of both the I.A.H.A. and the Arab horses we all try to promote, but I feel that stands such as this one against S. 500 serve only to confirm the "non-Arab" public's opinion that all Arab owners are big rich businessmen having no thought or care about the average rancher.

Sincerely,

MR. METCALF. Mr. President, the author of that letter shared it with me but the Senator to whom the primary plea was addressed was the Senior Senator from California (Mr. MURPHY). The covering letter to Senator MURPHY is as follows:

DEAR SENATOR MURPHY: The enclosed letter to Mr. Goodell, regarding Senator Metcalf's S. 500, is self-explanatory. I am sending a copy to you in order to ask you to please lend your support to S. 500, and also to ask if I might have a copy of this bill.

Also, thank you very much for continuing to do such an outstanding job in presenting the conservative side of issues back there in all the confusion! As the daughter of a state legislator and a former district secretary to a congressman, I can readily appreciate the job you are accomplishing, and just wanted you to know that you have many, many supporters here in the Golden State.

Again, many thanks for your attention to S. 500, and for a job well done.

Sincerely,

MR. METCALF. Mr. President, in late March the Ohio Farm Bureau Federation, Inc. wrote to me, as follows:

OHIO FARM BUREAU FEDERATION, INC.,
Columbus, Ohio, March 27, 1969.

Senator LEE METCALF,
Senate Office Building,
Washington, D.C.

DEAR SENATOR METCALF: During the month of February over 1,400 Advisory Council discussion groups of the Ohio Farm Bureau Federation were discussing the topic, "Will

Non-Agricultural Corporations Dominate Agriculture?" A copy of this discussion material is enclosed.

We received minutes from 670 groups who discussed this topic and that summary is enclosed. I think you will be encouraged to find that so many Ohio farmers favor legislation such as the "tax loss farming bill" which you introduced.

Sincerely yours,

MR. METCALF. Mr. President, enclosed was a résumé of the minutes of the seminar which is set forth as follows:

WILL NON-AGRICULTURAL CORPORATIONS DOMINATE AGRICULTURE?

Many Farm Bureau members are concerned about the possibility that non-agricultural corporations may dominate agriculture in the future, but they do not see much immediate danger. Some fear that corporations will purchase farms and use expenses as tax write-offs on their total operation.

There was a feeling if non-agricultural corporations turn to farming it will be more difficult for young people to get started.

Ohio farmers believe that the trend toward corporations farming will continue, because large sums of capital are needed to operate a farm successfully. There was interest in the possibility of incorporating family farms, and this has increased sharply since "Workable Agreements for Joint Farm Operations" was the Advisory Council Guide topic in October, 1967.

Many Councils thought that non-agricultural corporations would pose a threat to the family farm in the future unless there was a greater governmental control of them. There was considerable support for the "tax loss farming" bill which has been introduced by Senator Lee Metcalf of Montana. Many Councils thought that Farm Bureau should work for the passage of such legislation.

Councils agreed that steps should be taken to strengthen Farm Bureau and Landmark. By working together these organizations could help family-owned farms and keep them from being taken over by non-agricultural corporations.

Cooperatives must use modern methods and be competitive with other businesses, it was stated frequently. Cooperatives should provide more information to their patrons, so that they will understand the operations of their farmer-owned businesses.

There was wide support for the Ohio Agricultural Marketing Association, and a belief that its program should be strengthened and enlarged. More Farm Bureau members should join OAMA, it was frequently suggested.

MR. METCALF. Mr. President, and finally a letter that has gone to every Member of the U.S. Senate from officers of the National Grange, the National Farmers Organization, the National Farmers Union, the Midcontinent Farmers Association, and the National Association of Wheatgrowers, which specifically mentions amendment No. 315 and recommends its passage. That letter is as follows:

DECEMBER 2, 1969.

DEAR SENATOR: The mounting concern of the family farm operator over the accelerating acquisition of agricultural lands by individuals and organizations for the purpose of building up a loss position from farming operations conducted on the lands acquired and deducting such losses from income tax liability is indicated by the fact that 12 farm and commodity organizations supported S. 500, introduced by Sen. Lee Metcalf, to prevent this practice of farming the Internal Revenue Code rather than the land.

This corrective legislation will affect only non-farmers with large amounts of non-farm income who invest in farming in order

to secure tax losses which may be set off against their non-farm income. There are numerous safeguards in the bill to protect the family farmer who depends on his farm to produce the income needed to support his family.

Therefore, we urge that you support amendment No. 315 when it is offered from the floor by Sen. Metcalf, as a complete substitute for the tax-loss farming provisions of the Tax Reform Act of 1969 as reported by Senate Finance Committee.

We are confident that the amendment will not have a detrimental effect on legitimate farmers or non-farmers who invest in farming to earn farm profits; nor will it force any farmer to the accrual system of income tax accounting.

The amendment is unique, in that it is pointed directly at the abuse of the liberal tax accounting rules of the Internal Revenue Code, provided by Congress for ordinary farmers or those interests outside of agriculture that make investments in farming for a profit.

Your yes vote on amendment No. 315 is a vote for American agriculture and the continuation of the free enterprise system in the family farm structure.

JOHN W. SCOTT,
The National Grange.
OREN LEE STALEY,
National Farmers Organization.
TONY T. DECHANT,
National Farmers Union.
FRED HEINKEL,
Midcontinent Farmers Assn.
E. L. HATCHER,
National Assn. of Wheat Growers.

MARIHUANA USE IN VIETNAM

MR. DODD. Mr. President, a pall of grief and shame and sadness has descended on our land and our people in the wake of the reported massacre at My Lai, South Vietnam.

For most of us, I believe, our first reaction to the initial reports of the alleged massacre was one of shocked disbelief.

Never before in our history have American troops been accused of mass murder in cold blood.

Our Armed Forces have strict rules of combat prohibiting the maltreatment of civilians.

Moreover, the American GI is universally known for his compassion and kindness to young and old; friend and foe.

The pictures and stories of American troops feeding candy bars and chewing gum to children are legion.

Literally thousands of women and children throughout the world are alive today thanks to the generosity of our troops.

Every GI who served overseas during World War II has told and retold the story of how he and his buddies shared their "K-ration" with hungry children, many of whom had been left orphans on the battlefields of Europe and Asia.

Who has not heard of the hundreds of military units who adopted scores of these orphans of war as their own.

I recall the stories of supply sergeants making smiling complaints that their men were "stealing them blind" in order to feed, clothe, and house the innocent victims of war in Korea, in France, in Italy, and in virtually every corner of the world where the ravages of war took their deadly toll of human life and misery.

If the massacre at Mylai took place as alleged, then it represents a total and almost incomprehensible aberration from the normal conduct of American GI's, in previous wars and in the Vietnam war as well.

It is noteworthy in this connection that the feature article on Mylai in the current issue of *Life* quotes an old woman as saying that, before, when the Americans came to their village, they "always brought us medicine or candy for the children." And Charles West an ex-sergeant who was in Mylai on March 16, 1968, was quoted as saying:

On other missions the GI's would take their fruit and maybe a can of pork and beans, and give the rest to the Vietnamese people . . . Kids would meet us two or three miles out of the village. We didn't have to use our mine detecting machine, because they would run their animals down the trail and walk behind them just to show us GI's we don't want to hurt you and we know you don't want to hurt us.

These are the reasons why we are all at a loss to understand the terrible incidents that are reported to have taken place in South Vietnam. The people of the world, the people of the United States, and even the parents of the GI's involved, are shocked and dumbfounded.

Mr. President, the grisly incidents alleged to have occurred on March 16, 1968, in Mylai, South Vietnam, present us with a major confrontation in character. Have American soldiers suddenly been transformed into brutish monsters overnight?

Or, is there some other cause, another factor that has induced this terrible aberration?

There is reason to believe that this new image of the GI as a stormtrooper could well be the direct result of the toxic effects of certain drugs which are abundant in Vietnam.

Congress has never been given a definitive answer on the extent of the drug abuse problem in the Armed Forces in general, and Vietnam in particular. The Juvenile Delinquency Subcommittee has taken testimony on that matter several times from both the military and from professional men who have had to deal with drug addiction, much of it traceable to the time of military service.

By a coincidence, only 10 days before the alleged incident at Mylai, as chairman of the Senate Juvenile Delinquency Subcommittee, I was conducting hearings on the use of marihuana and other dangerous drugs by members of our Armed Forces in Vietnam.

In the course of these hearings, the Secretary of Defense told me that arrest figures for marihuana in Vietnam increased 2,553 percent between 1965 and 1967.

We heard of marihuana being found on four out of five bodies of dead GI's including officers, and of confused young men in combat turning to marihuana in sheer desperation.

It is common knowledge among servicemen, newsmen, and civilian employees in Vietnam that a stick of marihuana in Saigon is as far away as the nearest newsstand or bar, and only slightly more expensive than a good cigar.

The son of John Steinbeck, the cele-

brated author, testified that during a recent tour as a reporter in Vietnam, he determined that as high as 75 percent of the troops, including combat troops, used marihuana.

As far back as our 1966 hearings on the Narcotic Addict Rehabilitation Act, we were told by a marine helicopter machinegunner of how he shot three South Vietnamese military personnel while under the influence of drugs.

In these years, we were frequently warned by the medical profession of the increased use of marihuana and dangerous drugs, because they were treating scores of Vietnam veterans who came back to this country addicted or suffering from mental and emotional illness as a result of drug abuse.

We have since that time maintained a close watch on the efforts of the Armed Forces to reduce or eliminate marihuana use and the drug traffic in Vietnam.

My frank impression is that the efforts to date have been completely inadequate, and that the problem remains as acute as ever.

It has been reported to me that physicians in Vietnam have been impressed by the severity and frequency of adverse reactions to smoking Vietnamese marihuana, which is reported by the Army Chemical Laboratory in Japan to be twice as potent as that found anywhere in the United States.

Medical men who have worked in this area have pleaded with me to expose the fact that use of marihuana in Vietnam, combined with environmental stress, has caused a condition which is known as marihuana toxic psychosis. According to one noted expert, this psychosis might demonstrably be the cause of the alleged massacre at Mylai.

As recently as November 4, 1969, 9 days before the Mylai incident was reported, an investigator for the Juvenile Delinquency Subcommittee took a deposition from a reputable New York psychiatrist who has treated Vietnam veterans for this condition. In this statement, he discussed the potential for the blind violence that can result from marihuana psychosis.

In one particular case, a 19-year-old soldier on guard duty smoked some marihuana with another soldier, who was also a user. The first smoker began to taunt some nearby Vietnamese children; he told them he was Ho Chi Minh, and fired his weapon near them. The second smoker, on seeing the words Ho Chi Minh on the T-shirt of his comrade became terrified and murdered him with his rifle.

Reports of this kind of behavior have been regularly coming to the subcommittee and have increasingly caused me great concern.

Interviews with returning Vietnam veterans by subcommittee investigators indicate that as many as 60 percent of the troops and officers who go on dangerous patrols or actions such as the Mylai action, smoke marihuana in order to dissolve the fear and anxiety related to combat action.

Official Army surveys report that 30 to 65 percent of our troops have used cannabis derivatives during their tours of duty in Vietnam.

Only yesterday I received information from an outstanding expert that the marihuana toxic psychosis I have described may have played a part in the events at Mylai on March 16, 1968.

In view of the significance of this aspect of the case, I have asked the White House and the Department of Defense to cooperate with subcommittee investigators in determining the relationship between drug use or drug-induced psychosis among the troops of C Company, 1st Battalion, 20th Infantry, 11th Light Infantry Brigade, and the events that occurred on March 16, 1968. According to the information that has been coming in to me since November 13, this may be part of the explanation for the behavior of some of our troops on that day.

We should not be altogether startled by the bizarre activities of these young soldiers if what we have been told happened at Mylai did indeed happen. I know only what I have read in the newspapers.

These GI's are of the same generation as some of the college crowd who are leading the weird actions and revolts on campuses across the country. These are the students who, in a very large percentage, have associated themselves with marihuana, a "pot culture."

There is a long record of grotesque activities of our young here at home committed while under the influence of marihuana and other psychotropic drugs.

We should not be taken completely off guard when those same students, introduced to the stress of Army life and the harsh realities of battle conditions, react in weird ways under the influence of these drugs.

This is all the more so when it is understood that the difference between the domestic variety of marihuana here in the States and Vietnam marihuana is the same as the difference between a glass of beer and a half pint of whisky.

If this is so, it is imperative that immediate drastic steps be taken to correct this drug problem that I have warned the past two administrations about since 1966.

Upon the completion of our interviews with medical witnesses, and the Army and civilian personnel involved, I plan to conduct public hearings to get at the facts, to let our people know if our soldiers in Vietnam have suddenly become brutal stormtroopers, or, whether, as I consider more likely, some of them have become the victims of a drug problem that has already torn asunder the fabric of domestic American society.

COLLEGIALLY IN A WORLD FUND FOR HUMAN DEVELOPMENT

Mr. JAVITS. Mr. President, some months ago the President named the Presidential task force on international development, which was enjoined to thoroughly review the developmental assistance programs of the United States and to make recommendations for the future. One of the distinguished Americans named to this Commission was the archbishop of New York, Terence Cardinal Cooke. In my correspondence with the cardinal we have explored an area that

not be issued unless the judge finds the matter obscene. This places the determination of community standards and what is obscene solely in the individual judge.

But this is only half the story. In order to convict the seller, it must be proved that scienter, or knowledge of the exact nature of the sold materials, did exist. Most store owners argue they never read their magazines, that they don't have time, and couldn't even if they wanted to with as many as 75 new titles monthly.

What's more, the same procedure must be initiated for each objectionable publication sold. Therefore, if a man is selling a storeful of obscene magazines, each one must be proven obscene in order to have an effect on him. And the arrest does not constitute a close-down of the premises. A clerk's presence is all that is required to keep the store open until the proprietor returns from posting bail. Then it's business as usual: same obscenity, same owner, same store, same everything. Sales cannot be stopped until a conviction is made and all appeals settled. This can take years. And even if the conviction is finally upheld, the seller is generally fined around \$150, and it merely starts all over again.

ChicagoLand discovered attorney Howard Savage is curiously the counsel of record for almost all of the offenders. After a thorough investigation, it was discovered that Howard Savage's retainer is paid by the various smut distributors and manufacturers, most of them located out-of-state. The same benefactors also share in the costs of defense. This curious arrangement could not be explained by Mr. Savage because he was "not available," not even for the appointment he made with *ChicagoLand's* reporter.

All the experts agree, smut in pornographic or obscene form is a dangerous, noisome disease of our society. It ferments the minds of psychotics. It degrades the human body as grotesque. It robs the individual of the physical integrity that comes with privacy. It is not art, as its dealers claim. Howard Craywinkel, photographer for the Art Institute, 43-years-old, office adorned with *Playboy* pin-ups, described the obscene photos shown him as "The most plainly dirty, unsubtle, indignant trash I have ever come across anywhere in the world."

The material, in fact, is so repulsive, female reporters are not allowed in the courtroom of judges hearing obscenity cases. The file cabinets in City Hall, where such material is stored, is kept locked, with only two keys: one in the constant possession of Manuel L. Port, and the other hidden somewhere in the office in case of a loss.

And all of the experts maintain these bookstores flourish only out of public ignorance. Mention obscenity to the average citizen and he conjures a pin-up, or raucy deck of playing cards. "The average person can't even wildly imagine that such repugnant trash is being openly sold, and to him there's no difference between one form of smut and another," insists Sgt. "Coffee."

"Sure," says Port. "There's a fringe of pseudo-intellects, immoral, confirmed bachelors, hustlers, or high sophisticates, and plain perverts that will actually condone this type of scum. But ask a family man. Show it to any average citizen, working man, man with common sense and values, and see if he isn't totally shocked with the knowledge that this stuff sells openly."

Sources at the FBI claim the only way for a community to restore its "current community standards" is to write to judges that preside in such cases and to the Supreme Court justices that make the rulings. In Chicago, a citizen can write to the Corporation Counsel, Port, and he can convey the letters to the appropriate jurists. Unless this is done, say the experts, the obscenity currently being accepted will bend the morals

of the community more and more by symbolizing what is "contemporary."

But better yet, if you want to see what is feeding the minds of perhaps potential rapists, and what your children can apparently easily obtain through their eighteen-year-old friends, visit one of the stores. Adults are allowed inside, assuming they can prove their age. The owners are your neighbors. The stores are in your neighborhoods. Visit the bookstore . . . and then write a letter.

THE ALLEGED KILLING OF CIVILIANS AT MY LAI

Mr. GURNEY. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from an article concerning the alleged massacre at My Lai, published in the New York Times on Tuesday, November 25, 1969.

On November 24, 1969, the Columbia Broadcasting System broadcast an interview with Paul Meadlo concerning that incident. The following excerpt from the Times story raises some serious questions concerning the bona fides of the interview:

An employee of the Dispatch News Service, a free lance Washington agency, indicated that CBS had paid a sum of "in five figures" for the interview yesterday. The news service said it had made Mr. Meadlo available for the interview.

Mr. President, if this interview with Mr. Meadlo was in fact purchased by CBS, the validity of the interview becomes immediately subject to question. Whether Mr. Meadlo's statements are true or false, exaggerated or accurate, will be learned at a later date, presumably at the conclusion of Lieutenant Calley's court-martial.

In the meantime, I think it would be well if the American people knew more of the circumstances surrounding this interview with Mr. Meadlo on the My Lai massacre. I think it would be very helpful if CBS, having broadcast this sensational interview which might very well be prejudicial to the lieutenant about to stand court-martial, were to disclose all the facts about the interview and state for the record whether or not it was purchased. If it was in fact purchased, Mr. President, I think the public should know the exact amount of money that changed hands and the facts of the bargaining for this sensational newscast.

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

[From the New York Times, Nov. 25, 1969]

VETERAN SAYS HIS UNIT KILLED VILLAGERS

Lieutenant Calley and Sergeant Mitchell have been charged by the Army with assault with intent to commit murder in connection with the case, and Lieutenant Calley was ordered yesterday to stand general court-martial.

Mr. Meadlo reported that on the day after the alleged massacre, he stepped on a land mine and subsequently lost a foot.

"I feel cheated," he said in an interview with Mike Wallace, a news correspondent, "because the V.A. [Veterans Administration] cut my disability like they did, and they say that my stump is well-healed, well-padded, without tenderness."

"Well, it's well-healed, but it's a long way from being well-padded. And without tenderness? It hurts all the time. I got to work eight hours a day up on my foot, and at the

end of the day, I can't hardly stand on it. But I gotta work because I gotta make a living. And the V.A. don't give me enough money to live on as it is."

Mr. Meadlo, who said he had a wife and two children—a boy 2½ and a girl 1½—said he had been in the first wave to reach the village by helicopter.

"WE HUDDLED THEM UP"

He said that after one villager—"an old man"—had been shot, about 40 to 45 people were gathered in the center of the village. There were men, women, children and babies, he said. He continued:

"And we huddled them up. We made them squat down, and Lieutenant Calley came over and said 'You know what to do with them, don't you.' And I said yes. So I took it for granted that he just wanted us to watch them. And he left, and came back about 10 or 15 minutes later, and said, 'How come you ain't killed them yet.' And I told them that 'I didn't think you wanted us to kill them, that you just wanted us to guard them.' He said, no I want them dead. So—"

Mr. Wallace said, "He told this to all of you, or to you particularly?"

Mr. Meadlo replied: "Well, I was facing him. So, but the other three, four guys heard it and so he stepped back about 10, 15 feet, and he started shooting. I poured about four clips into the group."

SIXTY-SEVEN SHOTS ESTIMATED

Mr. Meadlo said that he was firing an M-16 rifle, and under questioning he estimated that he had fired 67 shots.

"Well," he said, "I fired them on automatic, so you can't—you just spray the area on them and so you can't know how many you killed 'cause they were going fast. So I might have killed 10 or 15 of them."

After the initial shooting, Mr. Meadlo said, other individuals—about seven or eight—were gathered into a hut and a hand grenade was tossed among them.

Mr. Meadlo estimated that 370 persons were killed in the village during the day. He said that the company commander, Capt. Ernest Medina, was "right there" but did not put a stop to the shootings.

Vietnamese civilians have told American reporters that 567 residents of the village were killed. One American who said he was an eyewitness has put the number at 100. The South Vietnamese Government has declared that no massacre was committed in Songmy by American troops on March 16, 1968.

Mr. Meadlo said that more than 70 villagers were taken to the edge of a ditch, pushed over, and shot with automatic fire, then single shots, "so that we could save our ammo."

Mr. Wallace asked, "How do you shoot babies?"

"I don't know," Mr. Meadlo replied. "It's just one of them things."

Describing the shootings at one point, he said:

"And the mothers was hugging their children, and—but they kept right on firing. Well, we kept right on firing. They was waving their arms and begging."

Asked how he felt during the shooting, he said, "I just seemed like it was the natural thing to do at the time. I don't know. It just—I was getting relieved from what I'd seen earlier over there."

Asked to elaborate, he said, "My buddies getting killed or wounded or—we weren't getting no satisfaction from it, so what it really was, it was mostly revenge."

Mr. Meadlo said that now he dreams about the village.

"I see the women and children in my sleep," he said. "Some nights, I can't even sleep. I just lay there thinking about it."

In another interview, with Seymour M. Hersh of the Dispatch News Service, Mr.

Meadlo said that his company had been in the field for 40 days without relief before the incident in the village and had suffered casualties from mines.

In the interview Mr. Meadlo, a factory worker, was described as the son of an Indiana coal mine worker who married his high-school sweetheart and began to raise a family before he was drafted. He said that he had been in Vietnam for four months at the time of the alleged massacre.

The report said: "As Meadlo was waiting to be evacuated [after he was wounded], other men in the company reported, he told Calley that this [injury] was his (Meadlo's) punishment for what he had done the day before, and warned, according to onlookers, that Calley would have his day of judgment, too. Asked about this, Meadlo said he could not remember."

Mr. Meadlo was described as the son of Mrs. Myrtle Meadlo of New Goshen, Ind., who was quoted as saying:

"I sent them a good boy and they made him a murderer."

Mr. Meadlo also said, in confirmation of figures in Mr. Hersh's article, that he had personally killed 35 to 40 persons.

Asked how many persons he had killed in the first group of villagers rounded up, he said, "I'd say about 15."

The second group rounded up, Mr. Meadlo said, was "much larger—70 to 75 people in the group." He added: "I must have killed about a third of this."

An employee of Dispatch News Service, a free-lance Washington agency, indicated that C.B.S. had paid a sum "in five figures" for the interview yesterday. The news service said it had made Mr. Meadlo available for the interview.

A spokesman for Mr. Hersh, when asked later whether Mr. Meadlo had been paid for granting the interview, said, "The kid is getting absolutely zero."

Mr. Meadlo declined to amplify on his televised remarks last night in a meeting with a reporter at the Plaza Hotel arranged by Mr. Hersh. Contending he knew nothing about any financial arrangements Mr. Hersh may have made for the publication and broadcast of his story, Mr. Meadlo added:

"I've already told my story. I feel I should be getting something out of it."

THE FRANCHISOR-FRANCHISEE RELATIONSHIP

Mr. HART, Mr. President, the Subcommittee on Antitrust and Monopoly has been in the process of studying the franchisor-franchisee relationship for the last few years. One area which has been of particular concern to both the franchisor and franchisee is the determination of what constitutes a fair and equitable contract from the viewpoint of both parties and at the same time offers the necessary protection to the legitimate interest of the public at large.

Mr. Jerrold G. Van Cise, an eminent authority in the field of antitrust and trade regulation delivered a paper on this subject last spring at the fifth annual International Management Conference on Franchising at Boston College. It has since been reprinted in the Antitrust Bulletin. I believe that this paper is of extreme importance and timeliness. I ask unanimous consent that it be printed in the Record.

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

A FRANCHISE CONTRACT (By Jerrold G. Van Cise)

Ignorance of the law—at least in franchising—no longer is bliss. Franchisors who enter into unlawful agreements may be chained to injunctions;¹ their conduct may cost them treble damages;² and such violations may curb them with new regulations.³ In franchising, therefore, standard equipment currently must include a lawful contract.

Knowledge of the law, however, need not increase sorrow—despite Ecclesiastes. This is because three principles are available to guide the pen of the draftsman in preparing a suitable franchise agreement. The first principle is that the contract should be *frank*. Complete disclosure of a proposed relationship between franchisor and franchisee is desirable in order to ensure that neither party may reasonably charge that thereby he was deceived by the other.⁴ Second, its provisions should be *fair*. This franchisee relationship should be so equitable that no party may convincingly claim that thereunder he was dominated by the other.⁵ Finally, its contents should be *enforceable*. If either the franchisor or the franchisee should be tempted to breach the covenants thus openly and equitably entered into, he should not be in the position of a pot entitled to call the other an equally black kettle.⁶ In short, if the franchise agreement is drafted so that the parties know what they are doing when they agree, like what they are doing when they perform, and fear what they may suffer if they sin, the resulting contractual relationship should be relatively non-litigious.

The legal tailor must of course cut his contractual cloth to conform to the contours of his client. For example, he may prepare a short document to clothe the distribution of standard appliances to establish dealers—but any such "mini" contract would be far too short to cover an arrangement for serving distinctive foods in new service outlets. Moreover, he should attempt to design covenants which will look well on his client. Thus, provisions appropriate for hot dogs may not be suitable for live dogs. Nevertheless, his agreement should sufficiently adhere to the suggested three principles that neither party will hesitate to appear in public wearing the finished garment.

Possible contractual provisions embodying these principles are discussed below. Counsel for the individual franchisor or franchisee can best determine which, if any, of these provisions might be considered for inclusion or exclusion in his client's future agreements. The objective here has been solely to propose and not to dispose of illustrative issues relevant to the preparation of such new franchise contracts.

GENERAL PROVISIONS

(1) *Description of parties:* A franchisor is accustomed to require an applicant for a franchise to disclose many facts in order to enable the former intelligently to exercise his right to select those with whom he wishes to deal.⁷ A franchisee, in his turn, should have an equal right to obtain access to equivalent information with respect to the franchisor. Accordingly, a frank, fair and enforceable franchise contract might provide for mutual access by both parties to facts reasonably related to the business qualifications of the proposed signatories.

The franchise contract, for example, might not only describe briefly the parties but affirm that each had disclosed to the other, in writing, information as to his financial resources, previous experience, if any, in the franchised business and other relevant facts, and that each relies solely upon these written representations and no others in execut-

ing the agreement. Preferably, the franchisor should deal directly with the contemplated franchisee, and not through a subfranchisor having a less personal interest in protecting the franchised name, when these disclosures are given and received. If these steps are taken, neither party thereafter may reasonably claim that he was misled with respect to the qualifications of the other to discharge the contractual obligations undertaken by him.

(2) *Nature of franchise:* The franchise which is to be granted to this franchisee is in essence a license authorizing him to engage in business in a manner associated with and identified by a trade name. This name is owned by the franchisor and will remain so owned upon any termination of this license. It follows that a contract conforming to our three principles should explain the ownership of the franchised name and describe exactly what it covers. Any subsequent restraint in this license might then be phrased in a manner to indicate how its restriction is reasonably ancillary to the lawful main purpose⁸ of protecting the good will represented by this trade name.

The franchise agreement therefore might affirm the ownership by the franchisor of the trade name, state that the franchisee acknowledges this ownership, describe the form and substance of the business identified by this name, and refer to some of the unique features upon which the parties rely to justify their contractual restraints.

(3) *Territory of franchise:* The franchise agreement at some point customarily identifies the area within which the franchisee is licensed to do business. In addition, it often specifies a particular address in this area from which the franchisee may solicit customers. Therefore it is essential that each party know exactly what and where this area and/or location are. To date, the courts have approved the grant of such limited, as distinguished from unlimited, territorial licenses.⁹

The franchise agreement might not only identify the licensed area and/or location, but—possibly by cross-reference to the relevant papers—describe the criteria used in determining the market potential of the franchise and represent that this criteria is known to and is satisfactory to both parties. If the franchisor wishes to lean over backwards, the document could also make provision for some equitable adjustment or even a possible removal of the franchisee to a new location within the franchised territory in the event that the criteria used should subsequently prove to be erroneous or become outmoded.

(4) *Protection from competition:* The franchisee will probably desire to know the extent to which he will obtain exclusive rights in this franchised territory, and in this event the franchisor should tell him. An applicant should not be permitted to assume that he will be protected from competition if this will not be the case.

The franchisor may lawfully provide in the franchise contract, if he so elects, that in the franchised territory he will solely license the franchisee. He may also promise that neither he nor anyone associated with him will open up a company outlet there. The franchisor may not, however, undertake that any other franchisee located in any other market will not transship into the licensed territory.¹⁰

(5) *Representations by franchisor:* Following the execution of such a contract, some franchisees have asserted that erroneous representations by the franchisor had been made with respect to the assistance which the franchisee was to receive and the profits which he was to earn. Moreover, such assertions on occasion have been found to be justified.¹¹ If proven, any such franchisees

Footnotes at end of article.

in a position to acquire and distribute classified information.

If we can ban chemical and biological agents and agree upon international control of nuclear weapons and substances under an impartial international tribunal such as I have worked for since 1947 in the House, we shall have taken a giant stride forward toward the elimination of horror and fear among the peoples of the world and the prospects for the establishment of universal peace would be greatly enhanced.

The article previously referred to follows:

[From the Manchester, England, Guardian, Nov. 25, 1969]

U.S. GERM BAN NEAR
(By Adam Raphael)

Mr. Melvin Laird, Secretary of Defense, is reported to have endorsed a secret memorandum recommending that the United States should stop production of all germ warfare weapons.

This shift by the Pentagon, which as up till now insisted on the maintenance of an offensive germ warfare capability, is expected to swing the balance against biological weapons at a National Security Council review next month. An inter-departmental report which has been considered this week by senior officials from the Pentagon, State Department, Central Intelligence Agency, Arms Control and Disarmament Agency is also said to have reached similar conclusions.

It is not yet known whether Mr. Laird will be able to gain the support of the Joint Chiefs of Staff, who in the very recent past have taken the position that production of biological agents such as anthrax, the plague, and tularemia was necessary to deter any such biological attacks by the enemy.

The arguments now adopted by the Pentagon of the dangers inherent in the offensive use of germ-weapons and the lesser risks involved in stock-piling are expected, however, by informed observers to carry the day. A total ban on germ warfare could in fact be one of the first proposals submitted by the United States when the long delayed arms limitation talks get underway.

The Administration has already moved to cut back sharply on military spending over the next five years. Two brief National Security policy statements distributed to key Government departments last week are believed to have projected a less ambitious global strategy. In particular the doctrine that has underlaid defense planning for a decade that American forces must be prepared to fight two major and one minor wars concurrently has now been modified to a commitment of one major and one minor brush fire action.

THE UGLY AMERICANS?

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 8, 1969

Mr. ROUDEBUSH. Mr. Speaker, an interesting question is raised by the Indianapolis, Ind., Star concerning the events at Songmy in South Vietnam.

Every Member of Congress should read this challenging editorial.

The editorial follows:

THE UGLY AMERICANS?

The massacre of Vietnamese civilians at Song My proves that war is hell, human nature is capable of evil as well as good and that most Americans have an incomparably

greater sense of honor, justice and honesty than their adversaries in the Vietnam war.

But one thing it does not prove, and that is the charge being made by the Vietnamese Communists and their sympathizers and supporters that "the ugly Americans" have a monopoly of wickedness and that the Song My killing is further proof that the United States should leave all Vietnam to the kindly Reds, as Senator J. William Fulbright says it is.

The Red international apparat has gone into action around the world, seizing upon Song My as an atrocity comparable to the Nazi annihilation of 6 million "enemies of the state" and evidence of the "Fascist nature" of Americans.

But it was Americans who brought the slayings to light. It is Americans who are investigating them. It is the United States Army that is seeking out those responsible and taking legal action against them. And it is certain that before all is said and done, the American people and the world will have a thorough, true account of what happened at Songmy, including how it happened and why and the motives of the men involved.

However, there is no Senator Fulbright in North Vietnam to point a finger of guilt at the systematic Communist slaughterers of thousands of South Vietnamese civilians at Hue, or the Red killers of 50,000 North Vietnamese civilians after the Red takeover, or the Viet Cong butchery of 35,000 civilians in the South during the conflict.

Again the world observes in the failure of Red sympathizers even to acknowledge these inhumane mass murders, let alone to denounce them, the strange double standard by which these always-vocal moralizers judge Americans and judge Communists fighting for world domination and breaking every moral law ever known to the human race to do it.

The questions is why?

THE MESSAGE

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 8, 1969

Mr. WOLFF. Mr. Speaker, the lessons of history are ones from which we all could learn. Although technology has advanced life for us to a point far beyond the dreams of persons generations ago, we still face problems which are heavily embroidered with the thread of the past.

The younger generation, focal point of so much consternation and too often the target of bitter criticism, has heeded the lessons of history more often than we have. They have looked to the past, to the words and promises that have been made throughout history, and they have seen little consistency between promises and action.

History, it is important to note, has also chronicled a spirit which, in today's light, has caused much of its brilliance to be misinterpreted and feared.

Mr. Speaker, the editor and publisher of the Locust Valley Leader, Mrs. Edith Wyckoff, a very close friend of mine for a number of years, is one of the few persons I have known who has looked to and learned from the lessons of history. Recently, Mrs. Wyckoff offered her readers a most sensitive and lucid discussion of this matter. Since it offers all of us a message, I include her editorial in the Record:

THE MESSAGE

In these days of turmoil which many fear, resent and misunderstand, it is well to relax, sit back and try without rancor to discover what really is happening and why. There is more good than bad in it but you have to listen carefully to get the message of the dissenter. Of course it is impatient. Talk has led to nothing but more talk and when that happens unwanted action is certain to follow. And no amount of censorship or retaliatory action will still the voice that pleads a cause it believes in.

Look at the burning issue—Viet Nam. 15 years of intervention in a civil war in a country no one heard of. 300,000 U.S. casualties and the list growing every day until soon, in destruction of young life and limb, it will be rivaled only by World War II. The majority of these boys were not killed or wounded after the cry began to end the war. It has been a slow, relentless erosion that many properly resent because no one yet has given a convincing reason for it. When a man is asked to lay his life on the line he should be given a good reason or be excused if he does not choose to die for a cause he does not believe in or understand. To do otherwise is insane.

No one needs to be reminded that we live in history's most fluent era when more people have more of everything. Our children, pampered, spoiled and indulged, have been robbed of their responsibilities because we give them everything and ask nothing of them. This is not their fault but ours. Nevertheless, they are people—our own creations—and in time they will grow older and take from us the torch of leadership, something many of them already are doing. Freed from the need to scratch to survive, they have looked around thoughtfully and seen much that does not measure up to what they have been taught. They are saying you teach us one thing and do another. Your institutions are riddled and rotten with the hypocrisy of a double standard. You tell us to be honest but you are not honest and you rarely demand that those who lead you be honest. You claim the war you have asked us to fight is a crusade to make a better life for a people who live on the other side of the world and yet the truth is that the war is a scandal that no one has yet clearly understood. You opt for the rights of others, make the laws and then say let's wait before we enforce them. And while you are waiting you expect the laws to be forgotten. It was this kind of thing that made the moderate George Washington in July, 1774 say, "Shall we, after this, whine and cry for relief, when we have already tried in vain?" And so when the talking failed the young found another way to get things done—now. They had to do it because it was the only way to make people listen. And it is because of their sometimes shocking dissent that much has been accomplished during the decade just ending.

If you think today's dissenters are a noisy, callous bunch you might do well to dip into the pages of history, look at the old pictures and old stories that tell what happened in the late 1700s when a young nation was suffering pangs of birth that would pull it forever from the mother country. It is an exciting, sometimes horrifying, lusty and brilliant story. The basis for understanding much that is happening today can be found in the story of the years before the American Revolution, one of history's few true revolutions.

Today our young are shoving us toward the bright world envisioned by the founders of this nation where all men can live in peace with "liberty and justice for all". But the dream, simple as it sounds, is too complex and too potent for most of us to accept or understand. It is a hard row to hoe for it demands the absolute best in all of us and sometimes that is more than most of us know how to give. But give it we must if we are to fulfill the dreams of our founders. To do less will move us to the place of an also-ran nation that, unable to live up to its own

sented the American people the hard facts on Vietnam in an objective and straightforward manner, without injecting the personal views of any reporter or news commentator. It is my understanding that CBS spent well over a month for filming, and editing to come up with the finished product of 1 hour in length.

In my opinion, the action of the House yesterday in passing House Resolution 613 was greatly strengthened by this very factual and objective CBS News Special on the Vietnam situation.

Because of stiff competition from other networks at that time period last night, I am afraid many Americans did not see this special. I would hope CBS will reschedule "A Timetable for Vietnam" in the very near future and publicize the fact it is to be shown once more.

SCHOOL CONSTRUCTION IN THE UNITED STATES

(Mr. HANNA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANNA. Mr. Speaker, I was unable to be in the House during the time at which the Vietnam situation was discussed. Had I been here, I would have voted for the resolution, but I would have done so on the basis of the remarks that I inserted in the Record during the debate on that subject. By dint of our having made arrangements 6 weeks ago to have a hearing in Los Angeles, I was required to serve on a subcommittee hearing along with Chairman PATMAN, of Texas, and Mr. GERRY, of South Carolina. We heard 103 witnesses in 2 days of hearings in Los Angeles on the high interest rate.

Mr. Speaker, one of the most significant things we heard is that the high interest rates that exist now in the United States are a serious—I repeat, gentlemen—a very serious threat to the school systems of the United States. We have in my own district 9,000 junior high school students who will be coming along in 1972 and not a single classroom in which we can place these students. I suggest that you gentlemen check back into your own districts and find if there is not a great crisis in this country right now. Unless we can do something to make money available to build the schools in the various districts, then our great public education system that has made this country so great will be in jeopardy.

A CHANGE IN THE WIND

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, I yield to the distinguished gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Speaker, I appreciate the gentleman yielding to me.

I just want to make an observation that the winds have changed since yesterday because the very gentlemen, or some of them, at least, who were giving all sorts of reasons why they could not support

the President in his negotiations for peace are now saying on the poverty program that you ought to go down the line with the President. The wind has changed a complete 180°.

Mr. ANNUNZIO. Mr. Speaker, I yield back the balance of my time.

(Mr. MADDEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous material.)

[Mr. MADDEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

PERSONAL EXPLANATION

Mr. BEVILL. Mr. Speaker, on rollcall No. 215, on the passage of H.R. 7737, to amend the Communications Act of 1934, I was on my way to the District on official business and missed the vote. Had I been present I would have voted for the passage of this bill.

Also, Mr. Speaker, on rollcall 214, on the motion to recommit the bill to amend the Communications Act of 1934 to the Committee on Interstate and Foreign Commerce, I would have voted "nay" had I been present.

PERMISSION FOR SUBCOMMITTEE ON GOVERNMENT PROCUREMENT, SELECT COMMITTEE ON SMALL BUSINESS, TO SIT DURING GENERAL DEBATE TODAY

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the Subcommittee on Government Procurement of the Select Committee on Small Business may sit this afternoon during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

POSTPONING THE OEO BILL

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Mrs. GREEN of Oregon. Mr. Speaker, I am greatly intrigued by the new order of today. I do not know how many Members of this House changed their plans to meet the scheduling that was announced by the Democrat leadership that the war on poverty legislation would be up for debate beginning today.

About 15 minutes ago I was notified that the schedule had been changed. On inquiry I find that there was a meeting of the Democratic caucus of the House Committee on Education and Labor this morning. I did not receive an invitation to that Democratic caucus. I just asked the chairman about this, and he said since I did not agree with the other Democrats, I was not invited. I do not understand how a Democratic caucus attended by part of the Members can take an official to countermand the vote and direction of the full committee to bring the bill to the floor as expeditiously as possible.

Mr. PERKINS. Mr. Speaker, will the gentlewoman yield to me?

Mrs. GREEN of Oregon. I will not yield at this time.

Mr. PERKINS. Mr. Speaker, may I say to the gentlewoman from Oregon—

Mrs. GREEN of Oregon. Mr. Speaker, I decline to yield to the gentleman from Kentucky.

The SPEAKER. The gentlewoman declines to yield.

Mr. PERKINS. Mr. Speaker, I am sorry that the—

Mrs. GREEN of Oregon. Mr. Speaker, I decline to yield to the gentleman.

The SPEAKER. The gentlewoman declines to yield to the gentleman from Kentucky.

Mrs. GREEN of Oregon. Mr. Speaker, I was advised by the chairman a few minutes ago that I was not invited because I did not agree with the other Democrats on the committee. I think this is a dramatic indication of the respect maintained by certain liberals for the right to disagree.

Voltaire once said:

I disapprove of what you say, but I will defend to the death your right to say it.

Apparently this has been abandoned on my side of the aisle today by Democrats on our committee.

And then after the other Democrats on the committee voted they did not want it brought up, then we find that the leadership cancelled consideration of the war on poverty bill today.

I do not criticize the leadership, but I do criticize this method of procedure.

Mr. Speaker, I imagine my 1 minute is about to expire, but before that time—

The SPEAKER. The gentlewoman has 10 seconds remaining.

Mrs. GREEN of Oregon. During those 10 seconds, Mr. Speaker, I would ask unanimous consent that at the close of business today I be granted a special order of 2 hours.

The SPEAKER. The Chair will state to the gentlewoman that she will have to limit that request to 1 hour.

Mrs. GREEN of Oregon. Mr. Speaker, I am always cooperative with the Speaker of the House. I therefore ask unanimous consent that I be permitted to address the House for 1 hour after the close of business today.

Mr. PUCINSKI. Mr. Speaker, reserving the right to object—

The SPEAKER. The Chair will state that it will not recognize anyone else at this moment. Either the gentlewoman receives permission, or she does not.

Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

ONE-SIDED PUBLICITY GIVEN TO MASSACRES IN VIETNAM

(Mr. ICHORD asked and was given permission to address the House for 1 minute.)

Mr. ICHORD. Mr. Speaker, serious questions are being raised as to whether the widespread publicity given the alleged Songmy massacre threatens the constitutional rights of accused persons. Whatever may be the answer to those questions, there can be no question but

that such publicity is giving the people of the world a distorted, one-sided picture regarding the relative value placed on human life by opposing forces in Vietnam.

It is regrettable, to say the least, that the world media, including that of the United States, has not given Communist atrocities in Vietnam the same intense degree of news coverage now being given the events that transpired at Songmy last May.

The Communist massacre at Hue in early 1968 is a case in point. There, some 3,000 persons, men, women, and children, were slaughtered by Vietcong Communist forces. One might have hoped that the world and U.S. media would give this massacre, which was deliberately conducted as a matter of Vietcong overall tactical policy, the same attention and coverage now being given Songmy.

For this reason I called upon the DOD to give me a public screening of all of the atrocities at Hue, and I have notified all of the Members of Congress and all of the members of the news media to attend that screening of those atrocities.

My purpose in calling upon the DOD to do this is not to absolve or to prejudge whatever occurred at Songmy. Rather, it is to place in proper perspective the fact that it is the Vietcong Communists, and not American forces, who resort to mass slaughter of innocent civilians as an operational procedure in the conduct of war.

If the matter is worked out, I will notify the Members and members of the news media of the time and place of the screening.

POSTPONING OEO BILL

(Mr. HAWKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAWKINS. Mr. Speaker, I had not intended to say anything, but I believe the integrity of the chairman of our committee has been referred to and I rise to say I believe there is no man in this House who has conducted a committee in a manner above and beyond reproach any better than the chairman of our committee.

Mr. Speaker, this matter that is being debated is something which has not yet even been presented to this body. How can any Member of this body support something that is so ill-conceived and cleverly concealed that nobody knows what he is talking about because it has not yet been publicly released?

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. HAWKINS. I yield to the distinguished chairman of the Committee on Education and Labor.

Mr. PERKINS. Mr. Speaker, let me say to the distinguished gentleman from California, I called a caucus on Monday of this week and all Democratic members of the committee were invited. The gentleman from Oregon (Mrs. GREEN) attended that caucus.

Yesterday a press conference was held in which the gentlelady announced her

sponsorship of a substitute for the committee bill. This morning a strategy meeting was conducted by Democratic members of the committee who are defending the committee bill.

Naturally I did not expect that the gentlelady would wish to attend such a meeting and thus she was not invited.

Those who support the committee bill will continue to conduct strategy meetings. If the gentlewoman wants to come and sit in on our strategy meetings, even though she is against us, I extend an invitation to her now.

POSTPONING OEO BILL

(Mr. HATHAWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HATHAWAY. Mr. Speaker, I am in wholehearted agreement with the gentleman from California (Mr. HAWKINS).

The chairman's action in postponing this bill is fully justified. I have not as yet seen a copy of the substitute which will be offered by the gentlewoman from Oregon, which is a substitute for the entire poverty bill. I believe the poverty legislation is extremely important and any substitute for it should be carefully examined by all of the Members of the House, and particularly the members of the Committee on Education and Labor.

The chairman's request to postpone action on this bill is fully justified.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. HATHAWAY. I yield to the gentleman.

Mr. PUCINSKI. Mr. Speaker, as a member of the committee, will the gentleman agree with me that the remarks of the gentlewoman from Oregon regarding the conduct of the chairman are really unfounded and ill-conceived? I do not know of any member of our committee who has received more consideration and more cooperation, even to the chagrin of the rest of the committee, than the gentlewoman from Oregon. The gentlewoman knows I have supported her time and time again in trying to make this poverty program more effective. I was the one who stood right next to her and worked with her on the Green amendments last year because I had originally suggested the amendment, and yet on this substitute the gentlewoman did not say a word to any member of our committee; she did not tell anyone that she was offering a substitute bill until I read about it this morning in the Post; is that correct?

Mr. HATHAWAY. That is correct.

The SPEAKER. The time of the gentleman has expired.

THE OEO PROGRAM

(Mr. ASHBROOK asked and was given permission to address the House for 1 minute.)

Mr. ASHBROOK. Mr. Speaker, I would merely like to point out that, in my opinion, as a member of this committee, we

are only extending to the floor of the House the same type of actions that have been experienced through the past year in the committee relating to the poverty program. Months, months, and months have gone by in trying to get a bill out, in trying to reach some agreement. Now we are extending to the floor the exact same type of tactics we had before that committee.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Oregon.

Mrs. GREEN of Oregon. Let me comment on two matters at this juncture. I have heard the statement that I was invited to the Democratic caucus. I was invited to the caucus that was held 2 days ago, but not to the caucus that was held this morning.

Second, I hear a great deal of talk about our having a substitute bill that we have not made available to every Member of the House. I would merely remind the Members of the House that during the debate on ESEA this year, only 2 or 3 months ago, the distinguished chairman of the House Education and Labor Committee offered a complete substitute bill on the floor of the House that not even the Democratic members of the committee had seen. No one in the House had seen it.

Today, however, when such a bill is offered, when such a bill is proposed by others, this is somehow terrible, almost obscene. It is strange how one's views change in so short a period of time.

I suggest that the delay stems from weakness. Those individuals seeking to delay consideration are leading from weakness and not from strength. Everyone in the House knows there are things wrong with the poverty bill.

The chairman introduced a bill which provides for a 2-year extension, without a single change. I do not know how many Members of the House on the Democratic side have come to me and complained about the VISTA workers in Texas, VISTA activities in West Virginia and Kentucky. They have complained about the thousands of dollars that have beenembezzled. They have not been spent for the poor. They have complained about the legal aid services and what they have done in those areas. They have complained about one thing after another.

I am a Democrat and I am proud to be one. I wear the Democratic badge proudly. However, I do not have to agree with every other Democrat, for there has always been room for disagreement in my party. But as a Democratic member of that committee I believe that changes ought to be made in the bill. With all the controversy, with all the criticism that has been made, with all the funds that are authorized to be spent for those in poverty being diverted to others instead of the poor, I think it was incumbent upon us to bring some changes about in this bill and to allow the House to work its will. I am proud to be associated in this effort by really great Democrats of my party. And I am also proud to be associated with Mr. AYRES, Mr. QUINN, Mr. GRAYSON in this bipartisan effort.

To hit the higher 4.5 percent growth rate figure requires that we achieve what we have never before quite achieved—full employment without inflation. The 1950's were characterized by at least three recessions and three serious inflations. The early 1960's saw a much improved employment picture, with unemployment moving down from around 7 percent of the work force to 3.3 percent; expanding growth; and stable prices. After 1966, unhappily, Vietnam plus bad fiscal management conspired to produce the inflation which still dogs us.

In fact, my 1975 prediction of a \$1.3 trillion GNP, full employment, and a stable cost of living is altogether too rosy if we continue to practice our current economic policies. Instead of 4.5 percent annual growth, we are experiencing close to zero annual growth, and close to zero increases in productivity. Instead of price stability, we have had inflation at a rampaging 6 percent annual rate. Instead of a steady reduction of unemployment, we have kept some 400,000 workers from finding jobs, and unemployment is up from 3.3 percent to 3.9 percent of the work force.

The fact is: the Administration is on its way to achieving at one and the same time a continuing inflation and a recession. By its meat-axe, super-tight-money attack on inflation, it is not only failing to cure inflation, it is cutting so much deeper that it is seriously increasing unemployment. Instead of skimming the excess demand off the economy run efficiently. Instead of reducing the supply of new money to a modest level, the Administration has thrown the money supply into reverse. And President Nixon's new Federal Reserve Board Chairman, Arthur F. Burns, says "We will not budge".

The Administration justifies this meat-axe approach on the ground that it is necessary to call America's attention to the fact that the Administration is serious about fighting inflation. This recalls the farmer who, about to feed his mule, hit it a crashing blow on the nose with a two-by-four. "Good heavens, I thought you were going to feed your mule." "I am, but I have to get his attention first."

Deliberately causing unemployment and stagnation may get industry's and labor's attention. But, since it fails to indicate any real intention to combat inflation, business and labor go merrily on their way, each trying to get theirs before the inflationary bubble bursts.

If the Administration wants to convince business and labor that it is serious about fighting inflation, it should take serious steps. Instead of relying exclusively on fiscal-monetary measures, it should use its whole armory of weapons for fighting high prices—a price-wage-incomes policy, credit controls, increases in manpower training programs. Using the full complement of anti-inflationary weapons would permit a less restrictive fiscal-monetary policy—one that produced neither inflation nor deflation but just plain "flation", enough to contain price increases, but not so much as to stop economic growth and increase unemployment.

The Administration must get rid of its dogma and get on with the job given it by the Employment Act of 1946—maxim employment, maximum growth, and maximum price stability. The silent majority of Americans believe these goals can be attained. They will not be silent much longer.

So bringing inflation under control will remain a major problem. Extricating ourselves from Vietnam, and moving toward a civilian economy which produces goods that can be sold to consumers—and thus sop up purchasing power—is one way. Another is to adopt what almost every other industrialized country of the Western World has adopted—

a wage-price-incomes policy, as a supplement to fiscal and monetary policies.

The private sector of the economy will probably account for an even greater proportion of the national product by 1975 than it does today. Federal revenues today take up about 20 percent of the national income. With national income increasing by some \$30 billion a year, federal revenues should be growing by at least \$12 billion a year. Dr. Walter Heller estimates that this should yield a "fiscal dividend" of around \$35 billion a year in the mid-1970's—a "fiscal dividend" being the amount yielded by projected taxes and spending rates. The "fiscal dividend", of course, must be spent by someone—private persons, or some level of government, if the economy is to continue its forward momentum. Dr. Heller suggests a redistribution of the \$35 billion with \$10 billion in federal tax reduction, \$20 billion for increases in federally funded programs, and \$5 billion for revenue-sharing with the states and localities. One notes that this would diminish the present federal proportionate role.

Of course, every item in this project is subject to human intervention. Congress has already moved to set up its tax cuts for the 1970's. So I should think that that part of the prediction is conservative.

\$20 billion for increased federal spending sounds like a lot, but in fact, the \$20 billion is already over-subscribed. It would take \$6 billion just to fund presently authorized programs in education, housing, pollution and health; it would take \$4 billion for necessary cost-of-living increases. This would leave just \$10 billion of the \$20 billion. And a Cabinet Coordinating Committee for Post-Vietnam expenditures reported last December that there are some \$40 billion of projected spending demands competing for this \$10 billion.

I would hope that something could be saved for revenue-sharing, because I believe this could provide the necessary jar to nudge our federal system off dead center.

So we can look forward to a vastly larger economy, and probably to a greater private share within that economy.

SBIC's can thrive in the climate I envisage for the mid-70's. More than that, I believe they have an important role to play in bringing that climate about. It is necessary for small businesses to survive, for both social and economical reasons.

You must keep small business strong and growing, as a counterweight to the increasing bigness in our economy. There is no doubt that the big are getting bigger. In 1950 the top 200 companies of the nation controlled 46 percent of all assets. Today they control more than 55 percent, and the trend is continuing. In this same period, large firms added 1.5 million new jobs, while smaller plants lost nearly one million jobs; large manufacturers increased their sales and their before-tax earnings at double the rate of small manufacturers.

Today the large corporation, with assets of \$10 million or more, holds 84 percent of all the industrial assets of the country, up from 70 percent ten years ago.

Bigness is something we are going to continue to have with us. But even if big business were always more efficient than smaller businesses—and it's clearly not—Americans still want to preserve a place for small business. Millions of Americans don't want to be simply a number on the corporate organization chart. They want to own their own business, to be fully responsible for its success or failure, to be their own man.

So there is a job for you.

You have survived the 60's. With a little luck, you can thrive in the 70's.

SONGMY

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. RYAN. Mr. Speaker, the disclosure of the reported massacre of Vietnamese women and children in the hamlet of My Lai IV in the village of Songmy has shocked and disturbed the conscience of our Nation.

There must be a searching investigation which puts all of the facts before the American people.

However, the fixing of individual guilt will not resolve the question of the collective guilt which the Vietnam policymakers must bear for a war which has refuted the professed principles for which it is being fought.

I have urged that a Presidential Commission be appointed to investigate the events at Songmy and have called upon the President to appoint a high level independent commission to conduct a thorough and objective investigation not only of the actual events in Songmy, but also of the breakdown in command control and responsibility which could permit such atrocities to occur. Furthermore, it is essential to ascertain the reason for the prolonged delay in the Army's own investigation.

Such an investigation would not reflect in any way upon the patriotism and bravery of American servicemen who have served honorably and with dedication in this tragic war. Rather it is the only way in which the serious questions involved can be answered to the full satisfaction of the American people.

I am inserting in the CONGRESSIONAL RECORD two items dealing with the Songmy tragedy: an editorial from the November 27 New York Times entitled "Abhorrent to Conscience," and a column by Mary McGrory which appeared in the Washington Evening Star on November 25:

ABHORRENT TO CONSCIENCE

Restatement yesterday from the White House deploring the alleged massacre of Vietnamese civilians by American troops as "abhorrent to the conscience of the American people" expressed feelings universally shared throughout the United States. It would be even more appropriate, in view of the sickening evidence that has been brought forward by eye-witnesses and the profound impact and implications of these disclosures at home and abroad, for President Nixon personally to express his concern as Chief of State and Commander in Chief of the armed forces.

More important than public statements, however, will be the diligence with which the Government pursues its investigations not only into the events of March 16, 1968 at Songmy but into the circumstances which kept the facts hidden for so long. Americans must beware of prejudging individual guilt, but enough is known already to require a complete public accounting and prosecution of those responsible—at all levels of authority.

It should not be forgotten that, unforgivable as it is, the apparent face-to-face shooting of civilians in a village street by American foot-soldiers took place in the context of

ploration of the potential of cooperative education by those who attended the symposium.

My interest in this subject results from personal experience working and going to school. As a boy whose parents died when I was quite young, I was faced with the usual problems of growing up—getting an education, and going out into the "cold, cruel world" to find a job and make a living. I attended good schools and a fine university, and I took odd jobs during the school year and in the summers to help pay my way. By the time I left college, I had plenty of work experience—in auto shops in Detroit, coal mines in Pennsylvania, selling real estate on Long Island, jerking sodas, waiting on tables, shilling for a tailor shop and even working as a bouncer in a dance hall.

I was not an exceptional student. But I was able to acquire quite a variety of job experiences and practical knowledge which I would not have traded for anything. And by the time I left the campus for good, that "cold, cruel world" looked a little warmer, a little more inviting.

So, too, will students in cooperative education programs see our so-called establishment a little differently when they return to the campus after working at a job.

Their jobs can move them up the career ladder. Ford Motor Company, for example, employs 800 co-ops from 30 colleges. Drexel Institute's 3,500 co-ops earned \$7.5 million last year. Of the \$125 million in total earnings, the co-ops pay at least ten per cent in taxes to the federal and state governments—a fact which I am certain is of special interest not only to members of Congress, but to all of us as individual taxpayers.

I do not want to neglect the reasons why cooperative education is so important to industry.

James Godfrey, as Coordinator of the Cooperative Education program of Lockheed, at Sunnyvale, made this very clear during an Oregon Conference on Cooperative Education when he stated the reason why Lockheed participates in this program:

"We do it, somewhat perhaps, out of a feeling of benevolence, and perhaps this is the way we started. It is an idealistic view, and we still maintain that. . . . However, I think this is the main reason—we want these students back as fulltime professional employees when they graduate. And we get them in sufficient numbers and proportions to make it worthwhile for us. It's good business—especially in today's highly competitive professional manpower market. Also, we found the graduates of a co-op program are superior to the graduates of the normal four-year curriculum and are more productive; they are immediately productive; they are technically better qualified. . . . they appear to have found their niche in life much sooner than the graduates of a traditional curriculum."

We in the Congress think that expansion of the Cooperative Education Program can be extremely important. I am pleased to be the author of an amendment, now incorporated in the Vocational Education Amendments of 1968, which provides for federal financial assistance to the states, to encourage and expand cooperative vocational education programs. An amendment to the Higher Education Act of 1968 authorizes the U.S. Commissioner of Education to make grants to institutions of higher education for planning, establishment, expansion or carrying out by such institutions, a program of co-operative education which alternates periods of full-time academic study with periods of full-time public or private employment. This amendment, which I strongly supported, is intended to enable those institutions which find it desirable to consider restructuring their academic programs to establish cooperative education. Such institutions can apply for federal grant funds of up to \$75,000 a year for three years to meet the cost of starting and operating a program. Support can also be provided to enable

institutions with existing programs to expand them or to expand into new curricular areas. In enacting the amendment, Congress authorized \$8,750,000 for the fiscal year ending June 30, 1970. If it is now adequately funded for a period of five to seven years, this amendment could enable more than 400 additional institutions to move vigorously into cooperative education programs. This would provide opportunities for an additional 250,000 students to take part. While I am not a member of the Appropriations Committee, I intend to work for adequate funds for this program.

I recently asked Robert H. Finch, the Secretary of Health, Education, and Welfare, to approve an application under the program authorized by my amendment, for cooperative education programs made by two Orange County and three San Mateo County junior colleges. The program would provide work-experience for 1,000 students in its first year and would increase at a rate of additional 1,000 students yearly. Both business and the California Junior College Association warmly endorsed the plan which I hope might help this important concept catch fire at the growing community college level.

So, the message is getting across. There's an old saying that "nothing is so powerful as an idea whose time has come." I believe honestly, that cooperative education is such an idea.

OKINAWA—A NEGOTIATED VICTORY FOR COMMUNISM?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. RARICK. Mr. Speaker, the national news media has been playing on the generosity and benevolence of Americans as if we have some kind of moral obligation to give Okinawa back to Japan.

Presumably, this act of generosity is prompted by the overwhelming sympathy and in gratitude for past favors to the United States from our friends, the Japanese.

Our Government leaders apparently vacillate in a fog of "guilt sickness" for having once won a war.

We have other former enemies. Perhaps our leaders will want to atone to them as well for our past arrogance in having defeated them. What about the Germans and the Italians—should not we give them something also?

Will the news media and network commentators clamor for talks to negotiate with our new-found Soviet friends to give Germany back to Germany, and perhaps encourage negotiation to restore Germany's territorial losses such as Southwest Africa, German East Africa—which today comprises Kenya and Tanzania—Danzig and the Polish Corridor? Would not they wait to give Italy back Ethiopia and Libya? Never fear such an event. The clamor for the return of Okinawa which is nothing less than a euphemism for disarming the major bastion of freedom in the Pacific, is from the domestic left. It is part and parcel of the internationally orchestrated clamor for unilateral disarmament, unilateral withdrawal, and unilateral pledges not to use weapons such as CBW armaments.

Just ask a proponent of the return of Okinawa about the return of the Kuriles. Mr. Speaker, I include several related news articles:

[From the Washington Post, Dec. 2, 1969]
SATO GIVES PRE-ELECTION PLEDGE ON OKINAWA
(By Selig S. Harrison)

Tokyo, Dec. 1—Prime Minister Sato inaugurated Japan's national election campaign today with a firm pledge that the United States would remove nuclear weapons before returning Okinawa—and a more guarded assurance that Japan would keep nuclear arms permanently off the island following its reversion to Japan by 1972.

Sato made a formal report on his recent Washington talks with President Nixon in an address opening a two-day special session of the Diet (parliament). Opposition leaders will be given time for speeches Tuesday but will not be able to cross-examine Sato in the brief plenary session preceding formal dissolution of the lower house.

The governing Liberal Democratic Party is seeking a fresh mandate on Dec. 27 in the first lower-house elections since January, 1967. Upper-chamber deputies are chosen for six-year terms at staggered three-year intervals and will not be up for election this year.

Opposition spokesmen charged today that Sato must have something to hide or he would not have "rigged" a lightning session with no time for questions on his Washington talks either in the plenary session or in committees. They point to the fact that the election has been scheduled during the busy year-end holiday season for the first time in Japanese parliamentary history as evidence that the Liberal Democrats hope to benefit from a low voter turnout.

DISCUSSION LATER

Liberal Democratic leaders respond that there will be plenty of time for discussion on Okinawa and security issues in the regular January Diet session after the election. Sato will tell the voters frankly that he plans to extend the Japan-U.S. Security Treaty following expiration of the current 10-year treaty term next June 23, his supporters say.

In his report today, Sato declared that the security treaty would be applied to Okinawa "in exactly the same way as in the homeland, without any modification." This can be interpreted in one way by the Japanese public and in quite another way by U.S. officials.

Most casual Japanese TV listeners may have gotten the impression that Sato was reaffirming his intention to extend the same ban on nuclear weapons now applying in the home islands of Okinawa. But strictly speaking, as opposition leaders point out, he simply said that Okinawa and the home islands would be governed by the same requirement for "prior consultation" with Japan if the United States ever sought to introduce nuclear weapons. He did not categorically rule out the reintroduction of nuclear weapons under all circumstances.

THE COMMUNIQUE

The joint communique issued by Sato and Nixon following their Washington talks 10 days ago indicated that the United States would remove nuclear weapons from the island prior to reversion, but that this would be "without prejudice" to the U.S. treaty right to seek Japanese approval for their reintroduction through the "prior consultation" machinery.

By referring twice to Japan's anti-nuclear "policy," key U.S. officials explain privately, the communique made clear that there was no law or treaty binding Japan and that the policy would change in the face of any future nuclear threat.

Sato has carefully avoided completely closing the door to possible U.S. requests for the reintroduction of nuclear arms in statements since his return, while at the same time seek-

ample. By working within the system, they can change the system.

Why do I believe this? Because sooner or later, you face the choice in life between getting something off your chest and getting something done. That's the choice that determines maturity.

I think the vast majority of the young activists in America are mature enough to want to get something done. In that cause—as in every positive cause—they will find an Administration, and an older generation, with them all the way.

HUDSON LEADS WAY TO POLLUTION CONTROL

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. FUQUA. Mr. Speaker, the continued and growing problem of water pollution in these United States rightly concerns us all. As a matter of fact, it has become a national disgrace in many areas.

Unless this Nation reverses this trend, future generations will suffer irreparable damage from the uncontrolled pollution of business and government.

While we are quick to point out the problems, we seldom take the time to pay tribute to those who are doing something about this menace.

It is for this reason that I take this opportunity to pay tribute to the Hudson Pulp and Paper Corp., of Palatka, Fla., on its plan for a wastewater treatment plant.

This is the second phase of the company's water improvement program at this huge facility. Cost of the entire Hudson project is \$3,200,000.

The new treatment plant will bring Hudson into compliance with the January 1969 Florida environmental protection laws by late 1971—well in advance of the January 1973 requirement.

It was a redletter day for industry when Hudson vice president, John H. Trescot, Jr., made formal announcement of the project at a meeting of State and county civic and governmental leaders.

In 1961, the company installed its primary waste treatment clarifier. The new treatment facility will return oxygen to the mill effluent prior to its introduction into Rice Creek with 900 acres of oxidation ponds required along with the auxiliary piping and pumping equipment.

The company has noted that the waste water will flow through the ponds where natural aeration will reduce the odor and replenish the waste with oxygen.

Construction is scheduled to begin in September of next year with an expenditure of approximately \$1 million. It is scheduled to be completed in late 1971, after an expenditure of an additional \$2,200,000.

I might add that Hudson's interest in pollution control dates back many years. In 1950, the company cooperated with the State board of health in one of the first comprehensive stream quality surveys in the State.

The primary clarifier which removes the solid material from the mill wastes was placed in operation in 1961 and contributed greatly to the improvement of water quality in Rice Creek.

Here is a corporation that is doing something—and they deserve commendation from everyone for their public-spirited attitude.

I believe they are pointing the way for other industries to control pollution. It can be done, and it must be done.

Congress has passed legislation which will allow the States to establish water quality standards and I am proud of Florida for having taken the lead in this endeavor.

I am doubly proud that Hudson, whose plant is located in our district, has taken the lead among industry.

The management and all of the fine people who have made this corporation great have justifiable reason to be proud.

Further, I know that the citizens of Palatka and Putnam County take justifiable pride in this announcement by a corporation which is vital to their economy—and has proven once again that it is a partner and friend in the development of this area.

ALLEGED MASSACRE AT MYLAI

HON. ALBERT W. WATSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. WATSON. Mr. Speaker, no sooner had the Green Beret case been put to rest by the Department of the Army and all at once we have got the so-called "massacre" at Mylai. Like the Green Beret situation, the alleged killing of civilians at Mylai is surrounded by contradictions and inconsistencies. Quite frankly, the Army has done precious little to clear up either matter, and the American people are naturally confused. I know I am.

Mr. Speaker, it would be presumptuous of me to give an opinion of just who and who is not guilty of the Mylai tragedy. The facts thus far have not been established. All we know is what we have read—a young Army lieutenant stands accused of ordering his men to kill Vietnamese civilians in the little village of Mylai in South Vietnam about 20 months ago. There will be a trial, and under our judicial system, a man is considered to be innocent until proven guilty by a court of law.

It is this basic constitutional principle which causes me concern. Despite the fact that Lieutenant Calley's trial has not even started, for the most part the national news media in this country have already condemned him, and not only him but President Nixon, the American fighting men in Vietnam, and the entire Vietnam war itself.

Already the Senator from South Dakota, and other antiwar critics are using Mylai as an excuse to renew all-out attacks on this country's involvement in Vietnam. To them, Mylai is a symbol of the frustration of the Vietnam

war, and in my judgment, they will squeeze this terrible tragedy for everything it is worth in order to downgrade the President and our fighting men. Backed by Time magazine, Newsweek, the Washington Post, newspaper, national television correspondents and the like, the Senator from South Dakota and others like him have already found Lieutenant Calley and the men guilty, guilty by innuendo and insinuation. How can this young soldier possibly receive a fair trial because of such adverse publicity? It is obvious to me that, for the liberals, he is going to become the symbolic scapegoat for all the horrors of the Vietnam war.

Mr. Speaker, it seems very strange that after 20 months, the alleged massacre is just coming to light. Why are we learning about it at a time when the great majority of the American people are showing their support for the President's policy in Vietnam? There is no doubt that something terrible happened at Mylai, but it would be even more tragic for the cause of world peace and freedom in Southeast Asia if the events in that village caused this Nation to abandon its commitment in South Vietnam, and desecrate the memory of American soldiers who have paid the supreme sacrifice there.

No one abhors the idea of war more than I. The taking of a human life under any circumstances is hard to justify. In this Nation alone, the American people have killed and have been killed to prevent evil forces from destroying freedom. War is not a pleasant thing. Like so many of my colleagues, I discovered that in World War II. Yet, when we are called upon to protect freedom, American fighting men will have to engage in the tragic business of death.

I do not defend Lieutenant Calley nor do I condemn him. If he is guilty, he should be punished. But we must put this whole episode in its proper perspective. Some accounts say that the people of Mylai were responsible for killing American soldiers in Lieutenant Calley's command. Others say that not as many villagers were killed as news reports indicated. Hopefully, many of these points will be clarified at the trial. But even if this soldier is guilty, how can anyone who believes in justice and fair play condemn all American fighting men and the American people in general for this one event? It is reported that about 100 villagers were killed. Let us not forget that 40,000 young Americans have died defending villages and their inhabitants throughout South Vietnam.

Two wrongs do not make a right. But, before any apologist for America starts getting involved in a guilt complex, think for a moment how many Vietnamese civilians have been killed by the Vietcong and the North Vietnamese regulars. No one knows for sure, but 100,000 is a conservative estimate. Long before we sent fighting units into South Vietnam, I recall an American military adviser telling me how sick he became after visiting a little village that the Vietcong had just departed. The villagers failed to cooperate with the Vietcong. They paid dearly. Every little child in

the village, from 1 week to 14 years, 150 in all, were decapitated and laid in a neat row for the parents to see.

Mr. Speaker, this is no time to cast aspersions on our fighting men, the President and ourselves for that matter, as some members of the national news media and a few demagogues are doing because of My Lai. It is time for us to renew our efforts to help assure South Vietnam that its future will be secure from further atrocities, regardless of who may commit them.

FOR BLACK INITIATIVE IN CRIME CONTROL

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. MIKVA. Mr. Speaker, a frequently exploited misconception is that crime is a racial problem. But crime is not a white problem. Neither is it a black problem. It is a human problem. As such, it deserves and demands the concerted attention of all men of good will.

It behooves us to hear and to heed all thoughtful proposals for crime control. One such set of recommendations was outlined in a speech by our colleague, the gentleman from Missouri (Mr. CLAY).

His trenchant and cogent proposals require little by way of introduction. I insert at this point in the Record the text of the address, delivered at a meeting of the National Council of Negro Women at St. Louis, November 24, 1969.

The address follows:

FOR BLACK INITIATIVE IN CRIME CONTROL—IF LEFT TO WHITES, IT WILL BE AN INSTRUMENT OF REPRESSION

(By Representative WILLIAM L. CLAY)

Far too many politicians use crime as a political issue. They talk in generalities about a "return to law and order," to domestic tranquility—about the threat of this permissive society. And though it is never spelled out, it is made quite clear that social reform has no place in the kind of social order they seek.

When claims are made about their ability to "control crime," it usually means they will maintain the status quo—economically, socially, and politically. Too often, what is meant is that they will stifle dissent and rid this land of the notions of justice for all. Implied in these demands for law and order is police repression of attempts by blacks and other minorities to effectuate social change.

Black people have no quarrel with the need for protecting the population from criminals. It is the black population which suffers most from street crimes. We are the ones who are victimized. Our brothers and sisters and children are the ones being shot down on the streets—our homes are being burglarized—our wives and sisters raped—our businesses robbed and bombed.

Black people must find a way to show our concern for crime, our own fear of criminals, but in a way that is not interpreted as a step toward condoning a police state.

At the root of crime are the desperate conditions of the ghetto; the inadequate, over-

crowded, ill-equipped schools; the unbearable, dilapidated overcrowded housing; the unemployment; the broken families—all the vicious forces that push the poor urban black outside of society.

But there are glaring misconceptions about crime in black communities. Too many believe that drug addiction and poverty are the causes of most of the crime. Drug addicts usually commit passive crimes such as shoplifting and prostitution. The poor who are desperately trying to make ends meet commit very few crimes. But the crimes against persons—muggings, robberies, bombings are usually committed by hardened criminals who should be dealt with as such. They have created a reign of terror and a climate of fear which has changed our lives.

We no longer take strolls at night, shop at night, and we are afraid to use the city parks. We are victims of fear, we are victims of crime. And, by and large we have not been the ones to raise our voices in protest. The people screaming law and order are the suburbanites detached from the realities of the crime problem by superhighways. I am amazed by the notions held by many white people that the ghettos are safe if your skin is black.

The choice for black leaders seems clear. We must speak out to change the system so that the law respects and protects us as it is meant. When our elected officials, our police commissioners, our circuit attorneys, our judges and our juries treat crime by black people against black people as seriously as they treat crime which effects the white middle-income communities then we will be on the road to a solution.

In my view, the following recommendations must be made a part of any reasonable and comprehensive solution to crime:

First, and of prime importance, the conditions of the inner city, the slums which breed crime, must be eliminated. Until this nation gives priority to these tragic domestic ills, the probability for curbing the wave of crime will be remote.

Second, the law must be applied equally—across the board—to black and white. Equal rights and equal protection under the law must be assured and crime, wherever it occurs and whomever it strikes, must be considered a matter for law enforcement and prosecution.

Third, the quality of law enforcement agencies and personnel must be uplifted. The attitudes of law enforcement personnel must be free of prejudice. Citizens must play an important role in crime detection, but will do so only if they have no reason to mistrust the motives of the police.

Fourth, the total thrust of penal institutions must be revised. The job is to rehabilitate—not isolate—criminals. The quality of prison personnel, the conditions of prisons and the methods of prisons must be drastically improved.

Fifth, our court system must be expanded, and a more equitable system for the appointment of judges must be established.

Finally, crime, its prevention and control, is a community problem. All forces and resources of individual communities must be brought to bear on crime. Community efforts must be aimed at community institutions so they can be made responsive to community problems. Poverty and deprivation must be driven out with the realization that the conditions for breeding crimes are being eradicated.

For too long, we have allowed those political opportunists in all parties to obscure this issue with hysteria and prejudice. Make no mistake, if we fail to advance concrete actions on this matter, we shall continue to see the issue dishonestly exploited by every backward element on the political scene.

"CHICANO" VOTING POWER

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. TUNNEY. Mr. Speaker, we must not slacken speed in the task of securing equal opportunities for all Americans. The Civil Rights Acts of 1964 and 1968, and the Voting Rights Act of 1965 provide a strong basis for action, but constant work is required to make existing legislation effective and to broaden available protection.

Something like 800,000 Negroes have registered to vote in the States of Alabama, Georgia, Louisiana, Mississippi, and South Carolina since the Voting Rights Act of 1965 eliminated literacy tests in those States as a condition for registration. Fairminded people rejoice that black Americans can make their presence felt increasingly in politics on the local, State, and Federal levels.

But the Voting Rights Act overlooks another minority group—Mexican Americans—great numbers of whom are disenfranchised by literacy requirements for voting. It is fair estimate that something like 150,000 Mexican Americans are prevented from voting in California alone because of the English-language literacy requirement for registration.

The fact that the Voting Rights Act overlooks disenfranchised Mexican-Americans exemplifies the situation of this group of citizens.

Not long ago the head of a Mexican-American social agency said:

The problems of our Mexican Americans are unique and plead for a clearer understanding by government agencies.

We can get an idea of how unique are the problems of Mexican-Americans and of how difficult it must be for Government to understand these problems clearly if we should run through the list of basic policy aims determined at a recent nationwide conference of Federal officials and 1,500 Mexican-Americans. The conference projected the following basic aims:

The cultural differences and background of the Mexican American community must be acknowledged and understood;

Bilingual education in all phases of instruction should be developed;

Federal agencies must develop and practice an "outreach" philosophy in bringing services to the Mexican American community;

Federal employment opportunities must be opened further to the Mexican American community;

The community must be involved in all aspects of program planning whether it is in school activities or model cities programs;

Problem solving must be undertaken through the cooperation of Government, private industry, and Mexican American civic and service organizations.

Government has tended to recognize inadequately the unique problems of Mexican-Americans because Mexican-Americans are grievously underrepresented in Congress, in State legislatures, and in administrative agencies. They are

EXTENSIONS OF REMARKS

NEW SCHOOL HONORS MEMORY OF TWO CONGRESSMEN BATES

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. CONTE. Mr. Speaker, tributes continue to be paid to our late beloved colleague, the Honorable William H. Bates of Massachusetts. On Veterans Day, November 11, 1969, the cornerstone for the new Bates Elementary School was laid in appropriate ceremonies in his home city of Salem.

Not only does this school honor the memory of Bill Bates, whose death on June 12 last, deeply saddened all of us, but it also honors his distinguished father and former mayor of Salem, Congressman George J. Bates, whose sudden death in a plane accident here in Washington on November 1, 1949, lead to his son's election as his successor.

I am advised that the Bates Elementary School is being constructed on Kernwood Avenue and land donated to the City of Salem by the Kernwood Country Club. The \$1,000,000 structure is scheduled for completion and dedication in September of 1970 and will be one of the most well-appointed schools in Massachusetts. Its 22 classrooms will provide for three kindergarten classes and 19 classes from grade one through grade six.

In addition, there will be several rooms for special type classes and guidance purposes, a large community hall-gymnasium, and another hall combined with a cafeteria lunch area. Indeed, it appears that this new Bates School will fulfill the hope expressed at the cornerstone laying, that it will be a "worthy monument" to the memory of two outstanding public servants, Congressmen George and William Bates.

Mr. Speaker, I feel the Record should include the following newspaper account of the Veterans Day ceremony at Salem, Mass.:

[From the Salem (Mass.) Evening News, Nov. 12, 1969]

MANY AT BATES SCHOOL CORNERSTONE LAYING

SALEM.—Despite turbulent weather a cornerstone ceremony for the new Bates Elementary School was held on Veterans' Day with many members of the municipal family present.

The ceremony marked the first new school to be started in this city since 1932.

The family of the late Congressmen George J. Bates Sr. and William H. Bates were present for the event.

U.S. Rep. Morris K. Udall and Mayor Francis X. Collins also turned out for the historic moment.

Keynote speaker was School Committeeman M. Ruth Norton, who said that the placing of the cornerstone of the Bates School "will stand as a tribute to a man who is not asleep in handling its educational needs."

Mrs. George J. Bates and Mrs. William H. Bates placed the cornerstone, while surrounded by members of their families.

(Miss Norton had compiled a scrapbook consisting of clippings from the Salem Evening News, School Department memos, pictures of the School Committee and specifications for the building which was placed in book.)

Miss Norton said: "It is very gratifying to see so many here this morning joining with us in the cornerstone ceremony of the new Bates school."

"This is our first new school since the Bentley was opened in 1932. The new Bates school, which is built, will stand as an indication that Salem is not asleep in handling its educational needs."

"Our school committee has as its goal, constant improvement of our education facilities and services. We are fortunate in Salem that Mayor Collins and our city council are aware of the importance of a good educational program and are willing to consider the requests and needs of our schools as presented by the School Committee."

"As we all know this school has come about through the cooperation of these two groups . . . The Salem City Council and the Salem School Committee."

"Indeed we are pleased that our new school honors two distinguished Salemites: Congressman George J. Bates Sr. and Congressman William H. Bates."

"Their untimely deaths, at the peak of their careers in public life, were the cause of much sorrow; . . . our city, our state, and our nation lost two great men and many lost valued friends."

"This school is affectionately dedicated to them with the hope that it is a worthy monument to their memory."

Among those attending were: Capt. Raymond H. Bates, Mr. and Mrs. Francis Bates and son, Francis Jr., Mr. and Mrs. George J. Bates Jr., Mr. and Mrs. Edmund B. Stanton, Mrs. Catherine Bates Ginty, Theodore Simons of the Kernwood Club, Dr. May Berman, president, Kernwood Club Association.

School Committeeman present were: Miss Norton, Morley Piper, S. Steve Salvo, Dr. James P. Ryan, and Ronald G. Pianta.

Representing the City Council were: Bruce J. McLaughlin, George F. McCabe, Louis A. Swinich, and Joseph R. Ingemi Jr.

School Department personnel included: Supt. Lawrence J. Fitzpatrick, Assistant Supt. Joseph Salerno, Business Mgr. John J. Grady, Principal Philip J. O'Donnell and Secretary to the Superintendent Patricia Barry.

Architects John M. Gray Sr. and Francis Gray were present.

PINKVILLE: A LONE CITIZEN WRITES AND A TRAGEDY IS EXPOSED

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. UDALL. Mr. Speaker, we have all heard many people say, "Don't waste your time writing to public officials—it does not do any good. Nothing will happen."

If young Ron Ridenhour of Phoenix, Ariz., had believed that, it is very unlikely the world today would have heard of Pinkville, the South Vietnam village of My Lai and scene, allegedly, of one of the most horrible massacres committed by American troops.

I was one of those who received a letter from Mr. Ridenhour dated March 29, 1969. In recent days I have received a great number of inquiries about the letter and I am taking the liberty of having it printed in the Record so it will not be lost to historians. I think anyone reading Mr. Ridenhour's account of what he suspected had happened at Pinkville will be struck by his caution and his sincerity. He did not know, for sure, what occurred. But his conscience dictated that he make an effort to have someone find out because the evidence indicated "something very black indeed" did occur.

He was not directly involved. He could have remained silent. That would have been the easy way. Let someone else worry about crime. He could have told himself, "Forget it, no one will listen" and thus save his conscience as a citizen.

But instead he wrote to me, to some other Members of Congress, to the Joint Chiefs of Staff, and to several other parties. About 30 people, he told me, received the same letter and some of us responded by asking appropriate authorities to investigate the allegations he presented.

First, my staff immediately contacted Mr. Ridenhour to verify the authenticity of the letter and to get some measure of the man for these were very grave allegations. I then brought the matter to the attention of Defense Secretary Laird and Chairman Rivers of the House Armed Services Committee. Both of them informed me the matter was being looked into.

From time to time in the succeeding weeks we talked to Mr. Ridenhour and to the Army investigators and to others to maintain an eye on the investigation. We were interested in thoroughness, not speed.

I do not know what the eventual outcome of Pinkville will be. But this much is certain: A letter from a citizen, a veteran of Vietnam, has spurred not only a worldwide outcry but, within many, a deep self-questioning about the nature of man, his institutions and his future.

Following is the text of Mr. Ridenhour's letter and some of the immediate correspondence which followed:

PHOENIX, ARIZ.,
March 29, 1969.

The Congress of the United States:

GENTLEMEN: It was late in April, 1968 that I first heard of "Pinkville" and what allegedly happened there. I received that first report with some skepticism, but in the following months I was to hear similar stories from such a wide variety of people that it became impossible for me to disbelieve that something rather dark and bloody did indeed occur sometime in March, 1968 in a village called "Pinkville" in the Republic of Vietnam.

The circumstances that led to my having access to the reports I'm about to relate need explanation. I was inducted in March, 1967 into the U.S. Army. After receiving various training I was assigned to the 70th Infantry Detachment (LRP), 11th Light Infantry Brigade at Schofield Barracks, Hawaii, in early October, 1967. That unit, the 70th Infantry Detachment (LRP), was disbanded a week before the 11th Brigade shipped out

for Viet Nam on the 5th of December, 1967. All of the men from whom I later heard reports of the "Pinkville" incident were reassigned to "C" Company, 1st Battalion, 20th Infantry, 11th Light Infantry Brigade. I was reassigned to the aviation section of Headquarters Company 11th LTB. After we had been in Viet Nam for 3 to 4 months many of the men from the 70th Inf. Det. (LRP) began to transfer into the same unit, "E" Company, 51st Infantry (LRP).

In late April, 1968 I was awaiting orders for a transfer from HHC, 11th Brigade to Company "E," 51st Inf. (LRP), when I happened to run into Pfc. "Butch" Gruver, whom I had known in Hawaii. Gruver told me he had been assigned to "C" Company 1st of the 20th until April 1st when he transferred to the unit that I was headed for. During the course of our conversation he told me the first of many reports I was to hear of "Pinkville."

"Charlie" Company 1/20 had been assigned to Task Force Barker in late February, 1968 to help conduct "search and destroy" operations on the Batangan Peninsula, Barker's area of operation. The task force was operating out of L. F. Dottie, located five or six miles north of Quang Nhay city on Viet Nam National Highway 1. Gruver said that Charlie Company had sustained casualties, primarily from mines and booby traps, almost everyday from the first day they arrived on the peninsula. One village area was particularly troublesome and seemed to be infested with booby traps and enemy soldiers. It was located about six miles northeast of Quang Nhay city at approximate coordinates B.S. 726795. It was a notorious area and the men of Task Force Barker had a special name for it: they called it "Pinkville." One morning in the latter part of March, Task Force Barker moved out from its firebase headed for "Pinkville." Its mission: destroy the trouble spot and all of its inhabitants.

When "Butch" told me this I didn't quite believe that what he was telling me was true, but he assured me that it was and went on to describe what had happened. The other two companies that made up the task force cordoned off the village so that "Charlie" Company could move through to destroy the structures and kill the inhabitants. Any villagers who ran from Charlie Company were stopped by the encircling companies. I asked "Butch" several times if all the people were killed. He said that he thought they were, men, women and children. He recalled seeing a small boy, about three or four years old, standing by the trail with a gunshot wound in one arm. The boy was clutching his wounded arm with his other hand, while blood trickled between his fingers. He was staring around himself in shock and disbelief at what he saw. "He just stood there with big eyes staring around like he didn't understand; he didn't believe what was happening. Then the captain's RTO (radio operator) put a burst of 16 (M-16 rifle) fire into him." It was so bad, Gruver said, that one of the men in his squad shot himself in the foot in order to be medicated out of the area so that he would not have to participate in the slaughter. Although he had not seen it, Gruver had been told by people he considered trustworthy that one of the company's officers, 2nd Lieutenant Kally (this spelling may be incorrect) had rounded up several groups of villagers (each group consisting of a minimum of 20 persons of both sexes and all ages). According to the story, Kally then machine-gunned each group. Gruver estimated that the population of the village had been 300 to 400 people and that very few, if any, escaped.

After hearing this account I couldn't quite accept it. Somehow I just couldn't believe that not only had so many young American men participated in such an act of barbarism, but that their officers had ordered it. There were other men in the unit I was soon to be

assigned to, "E" Company, 51st Infantry (LRP), who had been in Charlie Company at the time that Gruver alleged the incident at "Pinkville" had occurred. I became determined to ask them about "Pinkville" so that I might compare their accounts with Pfc Gruver's.

When I arrived at "Echo" Company, 51st Infantry (LRP) the first men I looked for were Pfc's Michael Terry and William Doherty. Both were veterans of "Charlie" Company, 1/20 and "Pinkville." Instead of contradicting "Butch" Gruver's story they corroborated it, adding some tasty tidbits of information of their own. Terry and Doherty had been in the same squad and their platoon was the third platoon of "C" Company to pass through the village. Most of the people they came to were already dead. Those that weren't were sought out and shot. The platoon left nothing alive, neither livestock nor people. Around noon the two soldiers' squad stopped to eat. "Billy and I started to get out our chow," Terry said, "but close to us was a bunch of Vietnamese in a heap, and some of them were moaning. Kally (2nd Lt. Kally) had been through before us and all of them had been shot, but many weren't dead. It was obvious that they weren't going to get any medical attention so Billy and I got up and went over to where they were. I guess we sort of finished them off." Terry went on to say that he and Doherty then returned to where their packs were and ate lunch. He estimated the size of the village to be 200 to 300 people. Doherty thought that the population of "Pinkville" had been 400 people.

If Terry, Doherty and Gruver could be believed, then not only had "Charlie" Company received orders to slaughter all the inhabitants of the village, but those orders had come from the commanding officer of Task Force Barker, or possibly even higher in the chain of command. Pfc Terry stated that when Captain Medina (Charlie Company's commanding officer Captain Ernest Medina) issued the order for the destruction of "Pinkville" he had been hesitant, as if it were something he didn't want to do but had to. Others I spoke to concurred with Terry on this.

It was June before I spoke to anyone who had something of significance to add to what I had already been told of the "Pinkville" incident. It was the end of June, 1968 when I ran into Sergeant Larry La Croix at the USO in Chu Lai. La Croix had been in 2nd Lt. Kally's platoon on the day Task Force Barker swept through "Pinkville." What he told me verified the stories of the others, but he also had something new to add. He had been a witness to Kally's gunning down of at least three separate groups of villagers. "It was terrible. They were slaughtering the villagers like so many sheep." Kally's men were dragging people out of bunkers and hootches and putting them together in a group. The people in the group were men, women and children of all ages. As soon as he felt that the group was big enough, Kally ordered an M-60 (machine-gun) set up and the people killed. La Croix said that he bore witness to this procedure at least three times. The three groups were of different sizes, one of about twenty people, one of about thirty people, and one of about forty people. When the first group was put together Kally ordered Pfc Torres to man the machine-gun and open fire on the villagers that had been grouped together. This Torres did, but before everyone in the group was down he ceased fire and refused to fire again. After ordering Torres to recommence firing several times, Lieutenant Kally took over the M-60 and finished shooting the remaining villagers in that first group himself. Sergeant La Croix told me that Kally didn't bother to order anyone to take the machine-gun when the other two groups of villagers were formed. He simply manned it himself and shot down all villagers in both groups.

This account of Sergeant La Croix's confirmed the rumors that Gruver, Terry and Doherty had previously told me about Lieutenant Kally. It also convinced me that there was a very substantial amount of truth to the stories that all of these men had told. If I needed more convincing, I was to receive it.

It was in the middle of November, 1968 just a few weeks before I was to return to the United States for separation from the army that I talked to Pfc Michael Bernhardt. Bernhardt had served his entire year in Viet Nam in "Charlie" Company 1/20 and he too was about to go home. "Bernie" substantiated the tales told by the other men I had talked to in vivid, bloody detail and added this. "Bernie" had absolutely refused to take part in the massacre of the villagers of "Pinkville" that morning and he thought that it was rather strange that the officers of the company had not made an issue of it. But that evening "Medina (Captain Ernest Medina) came up to me ('Bernie') and told me not to do anything stupid like write my congressman" about what had happened that day. Bernhardt assured Captain Medina that he had no such thing in mind. He had nine months left in Viet Nam and felt that it was dangerous enough just fighting the acknowledged enemy.

Exactly what did, in fact, occur in the village of "Pinkville" in March, 1968 I do not know for certain, but I am convinced that it was something very black indeed. I remain irrevocably persuaded that if you and I do truly believe in the principles, of justice and the equality of every man, however humble, before the law, that form the very backbone of this country is founded on, then we must press forward a widespread and public investigation of this matter with all our combined efforts. I think that it was Winston Churchill who once said "A country without a conscience is a country without a soul, and a country without a soul is a country that cannot survive." I feel that I must take some positive action on this matter. I hope that you will launch an investigation immediately and keep me informed of your progress. If you cannot, then I don't know what other course of action to take.

I have considered sending this to newspapers, magazines, and broadcasting companies, but I somehow feel that investigation and action by the Congress of the United States is the appropriate procedure, and as a conscientious citizen I have no desire to further besmirch the image of the American serviceman in the eyes of the world. I feel that this action, while probably it would promote attention, would not bring about the constructive actions that the direct actions of the Congress of the United States would.

Sincerely,

RON RIDENHOUR.

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 4, 1969.

HON. L. MENDEL RIVERS,
Chairman, Armed Services Committee.

DEAR MR. CHAIRMAN: The enclosed letter from Mr. Ron Ridenhour of Phoenix, late of Viet Nam, is deeply disturbing.

He is not saying that he positively knows the bloody events as related did indeed take place. But the suspicion is very strong and certainly deserve to be looked into very closely. Would it be possible for your committee to look into this so we can get at the truth?

Sincerely,

MORRIS K. UDALL.

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 4, 1969.

HON. MELVIN R. LAIRD,
Secretary of Defense, The Pentagon,
Washington, D.C.

DEAR MR. SECRETARY: I'm told a copy of the enclosed letter from Mr. Ron Ridenhour has been sent to you.

Mr. Ridenhour's suspicions as to what happened in "Pinkville" deserve the most careful investigation.

I urge such an investigation to be made at once and please share with me the department's findings if such an investigation is conducted.

Sincerely,

MORRIS K. UDALL.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., April 14, 1969.

Hon. MORRIS K. UDALL,
House of Representatives,
Washington, D.C.

DEAR MR. UDALL: I wish to acknowledge receipt of your letter of April 4, 1969 enclosing correspondence received from Mr. Ron Ridenhour, of Phoenix, late of Viet Nam, regarding alleged events at "Pinkville" in Viet Nam.

I am taking the liberty of forwarding this correspondence to the Department of the Army, requesting that they investigate these allegations and furnish me with a report. Upon receipt of information I will be in touch with you.

Sincerely,

L. MENDEL RIVERS,
Chairman.

DEPARTMENT OF THE ARMY, OFFICE
OF THE SECRETARY OF THE ARMY,
Washington, D.C., April 15, 1969.

Hon. MORRIS K. UDALL,
House of Representatives.

DEAR MR. UDALL: The Secretary of the Army has asked me to make an interim reply to your inquiry addressed to the Department of Defense in behalf of Mr. Ron Ridenhour who wrote of alleged incidents occurring at "Pinkville".

Information has been requested from the appropriate field agency and upon receipt thereof you will be further advised.

Sincerely,

RAYMOND T. REID,
Colonel, GS Office, Chief of Legislative
Liaison.

DEPARTMENT OF THE ARMY, OFFICE
OF THE SECRETARY OF THE ARMY,
Washington, D.C., April 24, 1969.

Hon. MORRIS K. UDALL,
House of Representatives.

DEAR MR. UDALL: The Secretary of the Army has asked me to make an interim reply to your inquiry addressed to the Secretary of Defense on behalf of Mr. Ron Ridenhour concerning actions alleged to have been taken by an Army unit in Vietnam in 1968 in the vicinity of the South Vietnamese village identified as "Pinkville".

As you were previously advised, the Commanding General, United States Army Vietnam, was requested to investigate the alleged circumstances and provide this office with appropriate information. We have now been advised that as the circumstances related in Mr. Ridenhour's letter concern events of a year ago, and as the people involved have since departed Vietnam and are now widely scattered, it is not possible for that command to provide a responsive reply. Faced with these circumstances and considering the gravity of the allegations, it has been determined that a complete investigation will be required. This matter, therefore, has been referred to The Inspector General for appropriate action.

Our final reply concerning this matter cannot be expected for some time inasmuch as investigations such as this one are extremely time consuming. You may be certain that as soon as the results of the investigation are available I shall provide you with a complete response to the allegations.

Sincerely,

RAYMOND T. REID,
Colonel, GS Office, Chief of Legislative
Liaison.

On November 29, Tony Tselentis, assistant managing editor of the Tucson Daily Citizen, wrote an eloquent column which expresses the feelings of many of us. I commend it to my colleagues:

[From the Tucson Daily Citizen, Nov. 29, 1969]

THANKS TO THE MAN WHO REVEALED SONG MY
(By Tony Tselentis)

The continuing revelations about the massacre at Song My (also referred to as My Lai) are sickening.

The slaying of defenseless men, women and children by American soldiers in no way can be condoned or justified.

Ronald L. Ridenhour, the young man who was responsible for bringing about the investigation of the massacre and forcing it into public view, deserves our thanks.

This is not the sort of thing that can be shuttered away if America is to remain true to her ideals. Brutal and unnecessary killing—even during war—undermines the nation.

How much more pleasant Thanksgiving would have been if we didn't have to read or hear about Song My, many will say. Rot.

It was a better Thanksgiving Day if thoughts of Song My drove home the lesson of the brutalizing effects of war. And if citizens of this nation concluded that they must stand more firmly than ever against all war.

The White House statement issued Wednesday called the massacre "abhorrent to the conscience of all the American people."

Secretary of State William P. Rogers says that those responsible for Song My will be court-martialed "to show the world that we do not condone this."

It is fitting that those responsible for the massacre should be called to account for their actions. And if there were attempts to cover it up, as charged, those responsible also should be held accountable.

It would be even more fitting if the system that made such an atrocity possible be called to account. Something went wrong terribly in the military climate that gave birth to Song My.

Awful tragedies occur during wars. But it's too easy to say, "That's part of the game—it can't be helped." This just won't do. Anyone who believes in the American concept of justice cannot abide the cold-blooded slaying of innocents.

For this very reason, the United States joined in the Nuremberg trials at the conclusion of World War II. It was just and proper to call Nazi war criminals to account.

Yes, North Vietnam and the Viet Cong will reap a good deal of propaganda value out of Song My. Those who seek to pull our system of government down already have rushed forth to compare Song My to Nazi atrocities. A news analyst gave the proper answer to such demagoguery:

"The Nazi atrocities," he said, "were carried out as national policy; what happened at Song My is directly contrary to the policy of the United States."

There is no way to equate the two.

The United States cannot accept in any way what happened at Song My. The day it does, all our victories will have been in vain.

PEACE WITH JUSTICE IN VIETNAM

SPEECH OF
HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

The House in Committee of the Whole House on the State of the Union had under consideration the resolution (H. Res. 613) to promote peace with justice in Vietnam.

Mr. MONAGAN. Mr. Chairman, I am voting in support of House Resolution 613. Some time ago, I cosponsored a resolution which was similar to the one which is presently under consideration.

With the language of this resolution before us it seems to me impossible to do other than support it. Certainly few would willingly express opposition to the objectives stated therein.

We do support the President in his efforts to negotiate a just peace in Vietnam and we affirm the hope of the people of the United States for such a peace. Therefore it would seem to me that support should be automatically forthcoming.

Now I can understand that many people do not like the war in Vietnam. I am not happy about it myself. Many wish to differ with the President about his conduct of the peace negotiations and his management of our withdrawal. I certainly reserve to myself the right to criticize these activities whenever I deem it advisable, but I do not consider that this resolution limits me in any way in such criticism.

Having now experienced several of these "sense of Congress" resolutions in moments of international crises, I am free to say that I have very grave reservations about their value. Circumstances change and factual situations change and the fact remains that there are better ways of supporting a Presidential search for peace than by means of congressional resolutions.

It has been said that no resolution is needed to express the hope of the Congress and the public for peace in Vietnam and the belief that President Nixon does seek peace there.

I feel that this is true, but having the resolution before us one would not wish for international reasons to do other than give it clear and substantial support.

It is with this reasoning therefore, that I support the resolution, taking it as a general expression of support, but reserving all options to differ at any time in the future with any specific policy of the President or the administration with which I disagree.

THE SILENT MAJORITY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1969

Mr. CRANE. Mr. Speaker, I would like to have the following letter to the editor of the Chicago Tribune, written by Lt. Col. John H. Bickley, Jr., included in the CONGRESSIONAL RECORD:

THE SILENT MAJORITY

CHICAGO, November 13.—Last night I visited my best friend and his wife in Arlington Heights. It wasn't a happy occasion—they had just received word that their son had been killed in an ambush in Viet Nam.

As I left my car I noticed a flagpole in front of their home where one year earlier the family had raised our flag with pride to commemorate their son's entry into the armed forces. Every day since, they have flown that flag. Yesterday it was at half mast.

I was met at the door by the deceased's 26-year-old widow and another son, home on



Ex-GI Ron Ridenhour (left), who wrote to U.S. officials exposing the Mylai "massacre," is shown with his mother and brother Dennis, 21, who was drafted a few months after him and sent to Korea. President Nixon

has said that the alleged killings are "abhorrent to the conscience of all the American people." But poll by Wall Street Journal finds "doves recoil but hawks tend to see the 'massacre' as just a part of war."

RON RIDENHOUR: He Broke the Story of the Mylai 'Massacre'

by Lloyd Shearer

The conscience of a 23-year-old college sophomore is responsible for exposing what is allegedly the most unconscionable atrocity committed by U.S. troops in Vietnam—the cold-blooded killing of women, children, and old men at Mylai on March 16, 1968, when those same villagers might easily have been taken prisoner.

That conscience belongs to Ronald Lee Ridenhour, a tall, rugged (6 feet, 195 pounds), hazel-eyed former GI from this suburb of Phoenix, Ariz.

On the GI Bill of Rights—\$130 a month for 36 months—Ridenhour attends Claremont College, 45 miles east of Los Angeles, where he plans to major in literature and political science. He plays defensive tackle on the football team and, as "the guy who blew the whistle on the Mylai massacre," has developed into a campus celebrity of sorts,

which he doesn't particularly relish.

I recently spent some time with short-haired, sideburned Ridenhour at his home here, the back portion of which is used by his mother, younger brother, and stepfather Dick Malugen as a sales and repair shop for office equipment.

I attempted to learn why this trim, self-assured young man broke the Mylai story in the first place, what sort of person he is, something of his background, and what effect his world-shaking disclosure has had upon him and his family.

Some denounce him

First, he is still receiving scads of mail praising and denouncing him. "The favorable letters," he explains, "outnumber the unfavorable about 6 to 1. But some of the red-neck mail—it's hard to believe so many citizens can be filled with that much hate."

A few samples of the negative letters:

1. From Chicago: "Only a Jew can be so low and stinking as to side with our enemies and denounce his buddies. You are a true representative of your repulsive race, you lousy, rotten Kike."

Ridenhour is not Jewish. His mother is a Roman Catholic, and his father from Fayetteville, Ark., who deserted his family when Ron was a child, was a Protestant. His stepfather is a Methodist. Ron himself practices no formal religion.

2. From La Porte, Iowa: "So a bunch of people were killed in a so-called massacre in Vietnam. This should be of no concern to anyone. There was no real loss—just a bunch of worthless Asians in a part of the world that is already overcrowded."

Answers Ridenhour: "I was raised to believe that Americans treated all people with some fundamental human decency. In the eyes of God we are

surely all equal. I was taught that the color of a man's skin or the slant of a man's eyes do not automatically consign him to hell or cruelty."

3. From Miami, Fla: "I want to tell you, you are a traitor(sic), a dirty boy, a Hanoi agent, a Communist, the shame of our society and I wish very soon God kills you."

In contrast to such condemnation and "sick" excoriation, a woman from San Diego writes: "Your determination to find the truth and your courage to expose the terrible wrong . . . are all qualities to be greatly honored."

Adds a couple from San Jose: "Your persistence in battering through the walls of apathy and fear to instigate this full investigation renews our faith that one individual can make a difference."

From his base in Parris Island, S.C., a Marine writes: "There are a lot of servicemen who feel very much the way you do about unnecessary killing or killing at all."

Ron Ridenhour is not a radical. He takes no part in campus political activities. He has been asked to speak at several War Moratoria and to march in various anti-Vietnam-war demonstrations but has turned down all such requests except one. Some weeks ago he gave a speech at Claremont after which he was challenged to explain why he, a soldier not directly involved in the killings, had exposed them.

"What do you hope to accomplish," he was asked, "by publicizing one small incident in the larger perspective of the war?"

"Okay," he responded. "If suddenly a civil war broke out in this country, and somebody came to your home and took

WASH POST, 12/1/69 Mylai Story Almost Went Unnoticed

By Peter Osnos

Washington Post Staff Writer

Last Sept. 6, an item dated Ft. Benning, Ga., clattered across Associated Press wires around the country. It read:

"FT. BENNING, Ga. (AP) — An Army officer has been charged with murder in the deaths of an unspecified number of civilians in Vietnam in 1968, post authorities have disclosed.

"Col. Douglas Tucker, information officer, said the charge was brought yesterday against First Lt. William L. Calley Jr., 26 years old of Miami, who was to have been discharged Saturday after two years in the service.

"Col. Tucker declined to give details of the case other than to say that the incident occurred in March, 1968, in Vietnam, and that the charge involves the death of more than one civilian.

"Lt. Calley was assigned to the 23d Infantry Division."

Pentagon Was Ready

At the Pentagon, men aware of the Calley investigation prepared for a barrage of press queries about the specifics of the charge. None came. The Associated Press story was all but ignored.

"We were amazed that the story never went any place," a Pentagon lawyer said last week, "absolutely amazed."

More than two months later, the story of what Calley was alleged to have done finally did come out after reporters received tips from various sources telling them about a lieutenant and something called the "Pinkville" massacre.

One of those reporters was Seymour M. Hersh, a Washington-based free-lancer, 32, who has written a successful book about chemical and biological warfare and has good sources at the Pentagon, where he once

Free-Lancer Hersh Told It First After Getting Telephone Tip

worked for AP.

In late October, one of Hersh's sources called him. "I was simply told," Hersh recalled last week, "that the Army was holding a man at Ft. Benning charged with 70 civilian deaths." The tip seemed solid.

With a promise of \$1,000 from the philanthropist Philip M. Stern, Hersh set off on a chase around Washington and the country tracking the story: to Salt Lake City, where Calley's civilian attorney lives, and finally to Ft. Benning.

Located Calley

After a two-day search of the base, Hersh said, he found Calley, and out of that meeting came the first story containing a few of the details of the incident at Pinkville.

Meanwhile, other newspapers, including The Washington Post, had received separate tips and were working on the story. The Post interviewed Calley's lawyer; The New York Times sent a man to Ft. Benning.

In a public information office at the base, Hersh said he encountered a Times man and decided he could no longer wait to sell his story. He had planned to wait until after the Nov. 15 anti-war march, Hersh recalled.

"I didn't want the Pinkville story to get confused with the activities of the anti-war movement," said Hersh, who had served briefly as a campaign press secretary to Sen. Eugene McCarthy, "but I panicked."

Hersh's agent was David Obst, 23, who is general manager of the Dispatch News Service, which he describes as a loose confederation of free-lancers organized in Saigon in the summer of 1968.

On the afternoon of Nov.

11, Obst began telephoning newspapers offering Hersh's story for \$100. He talked to 50 editors, he recounted last week, and 36 decided to buy.

Among the papers which put Hersh's Pinkville report on page one were: the St. Louis Post Dispatch, the Charlotte Observer, Chicago Sun-Times, Milwaukee Journal, Cincinnati Enquirer, Boston Globe and Philadelphia Evening Bulletin.

The Washington Post and Newsday bought the story but assigned their own re-

porters to check it out. The New York Times ran a Pinkville story which Washington Bureau Chief Max Frankel said was independently gathered.

Of the coincidence of publication on the same morning that Hersh's story appeared, Frankel said, "I wouldn't doubt for a minute that the fact that Hersh was around town peddling the story gave it a competitive edge."

Struggling Service

While Hersh had a reputation from a book on classical and biological warfare, Dispatch News Service had almost none. The young men who founded it in Saigon barely made a living selling articles. The going was only a little better when Obst set up shop in Washington.

They rented an office in the National Press Building, but all it contains is a telephone. Hersh maintains a separate office, as do other Dispatch writers like Richard Barnett of the Institute of Policy Studies, who recently visited Hanoi.

The image of the group was decidedly New Leftish, an image which Hersh and others contend has nothing to do with the quality of their investigative reporting.

After the first story appeared, Hersh said he was puzzled over why Calley had been charged. In newspapers over that weekend, he spotted a short wire service story quoting Ronald L. Ridenhour, the former GI who said his urgings had prompted an Army investigation.

Visited Ridenhour

Hersh flew out to California to see Ridenhour and got a copy of the letter the soldier had sent to congressmen and the Defense Department recounting the al-

leged massacre. A number of eyewitnesses were mentioned and Hersh started to track them down.

On Nov. 19, Obst was phoning newspapers again, this time with a story based on interviews with three soldiers who claimed to have been in Pinkville. The Washington Post bought the story, again assigning its own reporters to check and interview the soldiers and publish its own story.

On Nov. 21, according to Hersh's lawyer, Michael Nussbaum, CBS called and said it would pay \$10,000 for an exclusive. A meeting was held in New York two days later to arrange an interview with Paul Meadlo.

Meadlo, a wounded veteran of Pinkville, 22, gave an account of the incident to CBS. The soldier was well aware of the possible legal dangers of his public confession of a part in the killings. Nussbaum said and stated that others had advised him of his rights and arranged for him to have a lawyer in Terre Haute, Ind., where he lives. Meadlo received none of the \$10,000.

Hersh also wrote a story about Meadlo. The Washington Post did not buy it, insisting on retaining final editorial control of copy appearing on its pages. Hersh had wanted a commitment to have his story run essentially as he wrote it.

A source close to Dispatch News Service said Hersh was more concerned with publicizing Dispatch than with payment for the article.

A curious sidelight to the scramble for Pinkville stories is the difficulty Ridenhour encountered last spring when he and a literary agent sought to interest Life, Look and Newsweek, among others.

None of those publications seemed interested. On Oct. 22—just three weeks before the story broke—the agent wrote Ridenhour saying there was nothing more he could do.