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House of Representatives

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

He hath showed thee, O man, what is good; and what doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God?—Micah 6: 8.

O Thou whose will it is that we do justly, love mercy, and walk humbly with Thee, grant unto us as we wait upon Thee the confidence to do what we ought to do, the courage not to do what we ought not to do and the wisdom to see our way clearly. Deliver us and our Nation from discord and disunity. May we find our concord and our unity in Thee. Give to each one of us the consciousness of Thy presence, the continual strength of Thy spirit and the constant awareness of our duty to lead our people in the ways of freedom and justice and peace.

Help us to keep our faith in Thee and may Thy faith keep us walking in the way of Thy commandments all the days of our lives: through Jesus Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, July 14, 1966, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 14596. An act making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1967, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 14596) entitled "An act making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1967, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOLLAND, Mr. RUSSELL of

Georgia, Mr. ELLENDER, Mr. YOUNG of North Dakota, and Mr. MUNDT to be the conferees on the part of the Senate.

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. ALBERT. Mr. Speaker, I call up House Resolution 916 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That during the remainder of the Eighty-ninth Congress, the Committee on Post Office and Civil Service shall be composed of twenty-six members.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION TO THE POST OFFICE AND CIVIL SERVICE COMMITTEE

Mr. KING of California. Mr. Speaker, I call up a privileged resolution, House Resolution 917, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That Jerome R. Waldie, of California, be, and he is hereby, elected a member of the standing Committee of the House of Representatives on Post Office and Civil Service.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SUBCOMMITTEE ON PUBLIC LANDS OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. RIVERS OF Alaska. Mr. Speaker, I ask unanimous consent that the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs be permitted to sit during general debate this afternoon.

Mr. ARENDS. Mr. Speaker, reserving the right to object, did the gentleman clear this with the ranking minority member of this committee?

Mr. RIVERS of Alaska. Mr. Speaker, I have not contacted the gentleman from Pennsylvania [Mr. SAYLOR] yet. No, I have not.

Mr. ARENDS. Mr. Speaker, I would prefer that the gentleman contact Mr. SAYLOR first.

Mr. RIVERS of Alaska. Mr. Speaker, I withdraw my request at this point.

CORRECTION OF THE RECORD

Mr. HALEY. Mr. Speaker, on page 15041 on July 14, 1966, in the editorial which I included with my remarks, on the 24th line, the word "sore" should be "sort." I ask unanimous consent that the permanent RECORD and Journal be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. RIVERS of Alaska. Mr. Speaker, I now ask unanimous consent that the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs be permitted to sit during general debate this afternoon.

I have cleared this with the minority.

The SPEAKER. Is there objection to the request of the gentleman from Alaska?

There was no objection.

WARNING NORTH VIETNAM ON CONDUCTING WAR TRIALS

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

Mr. REID of New York. Mr. Speaker, I believe it is vital for all Americans and the press to speak out in strong opposition to the projected war crimes trials in Hanoi which according to press reports of Czech sources in Hanoi could be scheduled as early as July 20 or August 4. It is essential that the position of this country be clear and that it be made explicitly known to North Vietnam so that they will not labor under any illusions as to the seriousness and the gravity of the reaction in this coun-

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try should Hanoi decide to treat captured American airmen as war criminals. I think it is also important that we make plain that the United States cannot be blackmailed and that any war trials of U.S. prisoners would make a peace settlement far more difficult. While the government of Hanoi has not yet issued any official statement on this subject, official publications of Hanoi have indicated clearly that the war trials are in prospect and that the government plans to proceed.

Ambassador Harriman has told me that he believes this situation to be very serious. Any such action by Hanoi to hold war crimes trials would be totally reprehensible and a grave contravention of the Geneva Convention. North Vietnam should desist from this planned action and treat Americans as prisoners of war and not as war criminals.

The wife of Lt. E. A. Brudno—a U.S. Air Force officer shot down October 18, 1965, over North Vietnam who is known to be a prisoner—resides in Harrison, N.Y.

It is imperative that our Government do everything possible—directly and indirectly—to dissuade Hanoi from these proposed trials—and secure the admission of the International Red Cross to North Vietnam.

AIRLINE STRIKE

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

Mr. DEVINE. Mr. Speaker, 1 week ago today I addressed this House concerning the International Association of Machinists' strike against the five major airlines in this country. The fact is that I think I was the first Member to speak out on this subject. Two days later, on Wednesday, I introduced legislation and again pointed out what an impact this strike has on the Nation. It seems to me that the President of the United States has not hesitated to move toward settling strikes involving such things as the steel industry, the aluminum industry and in other places where they are talking about wage guidelines. The demands in this particular case go far beyond the guidelines, and it seems to me it is incumbent on every Member of this House to let the President know that he should move forward because of the impact on the economy of this uncalled for strike.

CONTINUATION OF STRIKE AGAINST THE FIVE MAJOR AIRLINES WILL BE INTOLERABLE

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

Mr. JONAS. Mr. Speaker, a continuation of the strike against the five major airlines will be intolerable. The public interest is affected and this interest now deserves paramount consideration.

An emergency board created by the President made recommendations for settlement, but the recommendations were rejected by the union. Terms even

more favorable to the workers than those proposed by the emergency board were offered but rejected.

Someone must act now to prevent further inconvenience and irreparable loss to those who rely on the airlines for transportation, yet are not directly involved in the dispute. The airline employees not involved also are suffering from its continuation and their interest must be protected. Many of my constituents have protested the prolongation of the strike and urged Government action.

Two courses of action are possible. Congress could enact legislation providing for compulsory arbitration. Bills have been introduced in both Houses to accomplish this. However, the congressional route would be a long one, involving committee hearings and action in both House and Senate to be followed by Presidential approval. Time is of the essence and settlement of this strike should not have to wait on congressional action.

The other course would be for the President to move aggressively in the use of his well-known persuasive powers and the prestige of his high office to protect the public interest and encourage an immediate settlement.

I have expressed these views to the President in urging him to take prompt action and have promised him my support.

PERSONAL LIFE OF JUSTICE DOUGLAS

Mr. FINDLEY. Mr. Speaker, the matrimonial news of the past weekend should give us all pause for thought about the unique position of Federal judges, especially the Justices who sit on the Supreme Court.

In my view, the personal life of Justice Douglas points up a weakness in our judicial system. A procedure should be established under which Justices can be removed from the bench without the necessity of finding them guilty of "treason, bribery, or other high crimes and misdemeanors" against the United States.

I plan to devote a special order today to this subject and shall certainly welcome participation therein of any of my colleagues who would like to enter into the discussion.

WILLIAM O. DOUGLAS

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

Mr. GROSS. Mr. Speaker, I want to commend the gentlemen from Mississippi [Mr. ABERNETHY] and the gentleman from Illinois [Mr. FINDLEY] for their remarks concerning the 67-year-old Justice of the U.S. Supreme Court, who, over the weekend, entered into his fourth matrimonial venture with a woman 23 years old.

I have some idea of what the Justices of the Supreme Court do when they are in session, but I have often wondered what they do in their spare time.

Mr. Speaker, I have in hand a note

from the United Press news wire which says in part:

Supreme Court Justice Douglas has applied to the State Department for a passport and permission to visit Red China.

If the passport is granted, I hope that he takes a slow boat to China—the slowest boat that runs from here to China.

Mr. WAGGONNER. Mr. Speaker will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. WAGGONNER. I would like to disagree with my friend from Iowa, just a bit, and we do not often disagree, about the slow boat to China and say I hope the boat on the way over is a fast one and express the hope there will be no boat back or if there is I hope Justice Douglas misses it. We can do without him.

Mr. GROSS. I agree with the gentleman and the last part of his observation.

BILL TO AMEND FEDERAL FIREARMS ACT

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

Mr. EDMONDSON. Mr. Speaker, I am today introducing a bill to amend the Federal Firearms Act and to prohibit the use in the commission of certain crimes of firearms transported in interstate commerce.

I think many Members of the House will recognize this as a piece of legislation which our colleague, the gentleman from Texas [Mr. CASEY] has been pushing for some time.

An additional feature which I would add in the bill that I am introducing would also make it a Federal offense to use a firearm which has been transported in interstate or foreign commerce in any assault or attempted assault upon a law enforcement officer engaged in the performance of his duty.

I think we have a very basic and growing problem in this country regarding respect for law enforcement and respect for those men who risk their lives in the very hazardous duty of enforcing the law.

I believe it is high time we recognize the need for some additional Federal protection for these gentlemen as they go about their very dangerous duties from day to day.

I am convinced that making it a Federal offense to use a firearm in an assault or attempted assault upon any law enforcement officer would help provide protection for the policemen and law enforcement officers of this country.

There is an old saying that the policeman's lot is not a happy one.

Mr. Speaker, this Congress has an obligation and a duty to the men engaged in this very hazardous occupation and I hope this bill can be approved before the Congress adjourns.

Mr. CASEY. Mr. Speaker, will the gentleman yield?

Mr. EDMONDSON. I am glad to yield to the gentleman.

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sion should be delayed no longer on the issue of nuclear sharing within NATO. We must make up our minds whether to give priority to binding West Germany more tightly into the remnants of the NATO organizational structure, or whether to seek further agreements with the Soviet Union in the field of nuclear arms control. If a consultative arrangement, along the lines contemplated by the McNamara committee, is settled upon with West Germany, then the way may yet be open to reach agreement with the Soviet Union on a nonproliferation treaty. I strongly recommend this course as best suited to our highest national interests. But time is fast running out at Geneva.

6. Respecting a comprehensive test ban, I urge that immediate attention be given to the "threshold" approach. It would limit the ban on underground tests to explosions above an agreed size which could be detected by seismic devices without need for on-site inspections. It is possible this may prove a feasible area for enlargement of the present treaty to correspond with the advances that have been made in detection techniques.

7. Finally, a prime objective both in the revision of NATO and in our relations with Europe in general should be to make the alliance and our policies outward looking—concerned not only with the negative aspects of military defense but also with the positive aspects of the quest for peace. Here, it is de Gaulle who has seized the initiative in Europe. Yet, it remains the United States, not France, which possesses the size and power to engage in meaningful negotiations in the field of East-West relations. President Johnson has spoken of the need for "building bridges" to Eastern Europe and the Soviet Union. President de Gaulle's initiative makes it more urgent that we assume our natural position of leadership in this vital endeavor.

Mr. CLARK. Mr. President, the article appears in the New Leader of June 20, 1966. It is a condensation of a splendid report on the situation in Europe made to the Foreign Relations Committee by the Senator from Idaho [Mr. CHURCH] after an extensive trip which he made to Europe a month or 3 weeks ago at the request of the chairman of the Foreign Relations Committee, the Senator from Arkansas [Mr. FULBRIGHT].

I associate myself entirely with the views of the Senator from Idaho [Mr. CHURCH], regarding the situation in Europe, both with respect to current opinion there toward the United States, and, more particularly, with respect to the recommendations he makes for a salutary change in foreign policy on the part of our country.

AMERICAN PRISONERS OF WAR IN NORTH VIETNAM

Mr. MORSE. Mr. President, prior to the adjournment of the Senate last week, was privileged and pleased to join in statement by a group of Senators under the leadership of the Senator from Idaho [Mr. CHURCH] expressing our great concern over the rumors and news stories to the effect that the Government of North Vietnam might be planning and contemplating to conduct so-called war trials of American aviators who have been shot down over North Vietnam and captured.

I ask unanimous consent that the

statement by Senator CHURCH issued last week in behalf of some 18 Senators be inserted at this point in my remarks.

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

A PLEA FOR SANITY

We, the undersigned, have previously protested the relentless escalation of the war in Vietnam. We have deplored those decisions, taken on both sides, which have steadily extended the dimensions of the war and intensified its fury.

The struggle in Vietnam now approaches a peril point of no return. Violence begets more violence; the fever of reprisal rises, feeding upon itself; reason is in danger of falling prisoner to blind passion. Then the war becomes a raging inferno, burning away the last barriers of restraint.

We apprehend that the execution of American prisoners, as threatened by the government of North Vietnam, would provoke the gravest reprisals, and further blacken the hope for peace.

In the past, we have worked for an honorable settlement of this tragic war. We have publicly criticized the mounting involvement of our own country, and have sought to keep open the path of moderation that could lead to negotiated peace.

So, before the last remnants of reason are irrevocably abandoned, we call upon the Hanoi government to refrain from any act of vengeance against the American airmen. They are prisoners of war, fully entitled to the protection extended to men in uniform when captured in the performance of their duty. Their execution would drastically reduce the influence of all those in the United States who have tried to curtail the fighting. It would incite a public demand for retaliation swift and sure, inflicting new levels of suffering and sorrow, and fixing more firmly still the seal of an implacable war.

FRANK CHURCH, U.S. Senate; GEORGE MCGOVERN, U.S. Senate; GAYLORD NELSON, U.S. Senate; E. L. BARTLETT, U.S. Senate; LEE METCALF, U.S. Senate; EUGENE J. MCCARTHY, U.S. Senate; MAURINE B. NEUBERGER, U.S. Senate; J. WILLIAM FULBRIGHT, U.S. Senate; QUENTIN N. BURDICK, U.S. Senate; FRANK E. MOSS, U.S. Senate; ERNEST GRUENING, U.S. Senate; STEPHEN M. YOUNG, U.S. Senate; VANCE HARTKE, U.S. Senate; WAYNE MORSE, U.S. Senate; WILLIAM PROXMIRE, U.S. Senate; ABRAHAM RIBICOFF, U.S. Senate; JOSEPH S. CLARK, U.S. Senate; HARRISON A. WILLIAMS, JR., U.S. Senate.

Mr. MORSE. Mr. President, we issued the statement under the heading "A Plea for Sanity." I not only stand foursquare behind every word of it and the clear implications of the statement, but I wish to make further brief remarks about the problem today.

As every Member of the Senate knows, concern has continued over the weekend that there may be underfoot a plan on the part of Ho Chi Minh and the other officials of his government to try these American aviators under some trumped-up charge that they are war criminals.

I do not know whether it is possible for any reason, any sense of reason, any commonsense, any sense of human values, to be transmitted to the leaders of the North Vietnam Government, but if they carry out any plan to try these American aviators or other captured American prisoners of war in North Vietnam, there is no doubt in my mind that

they will stand in open violation of the Geneva Convention for the protection of prisoners of war.

Mr. President, in my judgment, not only would a so-called war crimes trial of these American military prisoners stand in clear and open violation of the Geneva Convention relative to the treatment of war prisoners of August 12, 1949—signed by North Vietnam—but it would be a total and unbridled violation of human rights recognized by civilized man as basic in guiding our conduct in relationship to each other, irrespective of our nationality.

So I ask unanimous consent, Mr. President, that the language of the Geneva Convention relative to war prisoners be printed in the RECORD at this point.

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

GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR OF AUGUST 12, 1949

[TIAS 3364]

MULTILATERAL

Protection of war victims

Prisoners of War

[TIAS 3364, Aug. 12, 1949]

Convention, with annexes, dated at Geneva August 12, 1949.

Ratification advised by the Senate of the United States of America, subject to a statement, July 6, 1955;

Ratified by the President of the United States of America, subject to said statement, July 14, 1955;

Ratification of the United States of America deposited with the Swiss Federal Council August 2, 1955;

Proclaimed by the President of the United States of America August 30, 1955

Date of entry into force with respect to the United States of America: February 2, 1956.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A proclamation

WHEREAS the Geneva Convention relative to the Treatment of Prisoners of War was open for signature from August 12, 1949 until February 12, 1950, and during that period was signed on behalf of the United States of America and sixty other States;

WHEREAS the text of the said Convention, in the English and French languages, as certified by the Swiss Federal Council, is word for word as follows:

[TS 846. 47 Stat. 2021.]

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of revising the Convention concluded at Geneva on July 27, 1929, relative to the Treatment of Prisoners of War, have agreed as follows:

PART I—GENERAL PROVISIONS

Article 1

The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

Article 2

In addition to the provisions which shall be implemented in peace time, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even

if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accept and applies the provisions thereof.

Article 3

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) taking of hostages;
- (c) outrages upon personal dignity, in particular, humiliating and degrading treatment;
- (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

Article 4

A. Prisoners of war, in the sense of the present Convention, are persons belonging to one of the following categories, who have fallen into the power of the enemy:

(1) Members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces.

(2) Members of other militias of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfil the following conditions:

- (a) that of being commanded by a person responsible for his subordinates;
- (b) that of having a fixed distinctive sign recognizable at a distance;
- (c) that of carrying arms openly;
- (d) that of conducting their operations in accordance with the laws and customs of war.

(3) Members of regular armed forces who profess allegiance to a government or an authority not recognized by the Detaining Power.

(4) Persons who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply con-

tractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany, who shall provide them for that purpose with an identity card similar to the annexed model.

(5) Members of crews, including masters, pilots and apprentices, of the merchant marine and the crews of civil aircraft of the Parties to the conflict, who do not benefit by more favourable treatment under any other provisions of international law.

(6) Inhabitants of a non-occupied territory, who on the approach of the enemy spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war.

B. The following shall likewise be treated as prisoners of war under the present Convention:

(1) Persons belonging, or having belonged, to the armed forces of the occupied country, if the occupying Power considers it necessary by reason of such allegiance to intern them, even though it has originally liberated them while hostilities were going on outside the territory it occupies, in particular where such persons have made an unsuccessful attempt to rejoin the armed forces to which they belong and which are engaged in combat, or where they fail to comply with a summons made to them with a view to internment.

(2) The persons belonging to one of the categories enumerated in the present Article, who have been received by neutral or non-belligerent Powers on their territory and whom these Powers are required to intern under international law, without prejudice to any more favourable treatment which these Powers may choose to give and with the exception of Articles 8, 10, 15, 30, fifth paragraph, 58-67, 92, 126 and, where diplomatic relations exist between the Parties to the conflict and the neutral or non-belligerent Power concerned, those Articles concerning the Protecting Power. Where such diplomatic relations exist, the Parties to a conflict on whom these persons depend shall be allowed to perform towards them the functions of a Protecting Power as provided in the present Convention, without prejudice to the functions which these Parties normally exercise in conformity with diplomatic and consular usage and treaties.

C. This Article shall in no way affect the status of medical personnel and chaplains as provided for in Article 33 of the present Convention.

Article 5

The present Convention shall apply to the persons referred to in Article 4 from the time they fall into the power of the enemy and until their final release and repatriation.

Should any doubt arise as to whether persons, having committed a belligerent act and having fallen into the hands of the enemy, belong to any of the categories enumerated in Article 4, such persons shall enjoy the protection of the present Convention until such time as their status has been determined by a competent tribunal.

Article 6

In addition to the agreements expressly provided for in Articles 10, 23, 28, 33, 60, 65, 66, 67, 72, 73, 75, 109, 110, 118, 119, 122 and 132, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of prisoners of war, as defined by the present Convention, nor restrict the rights which it confers upon them.

Prisoners of war shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except

where express provisions to the contrary are contained in the aforesaid or in subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

Article 7

Prisoners of war may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be.

Article 8

The present Convention shall be applied with the cooperation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular staff, delegates from amongst their own nationals or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power with which they are to carry out their duties.

The Parties to the conflict shall facilitate to the greatest extent possible the task of the representatives or delegates of the Protecting Powers.

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties.

Article 9

The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of prisoners of war and for their relief.

Article 10

The High Contracting Parties may at any time agree to entrust to an organization which offers all guarantees of impartiality and efficacy the duties incumbent on the Protecting Powers by virtue of the present Convention.

When prisoners of war do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

Any neutral Power or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility toward the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever in the present Convention mention is made of a Protecting Power, such

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mention applies to substitute organizations in the sense of the present Article.

Article 11

In cases where they deem it advisable in the interest of protected persons particularly in cases of disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement.

For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for prisoners of war, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them for this purpose. The Protecting Powers may, if necessary, propose for approval by the Parties to the conflict a person belonging to a neutral Power, or delegated by the International Committee of the Red Cross, who shall be invited to take part in such a meeting.

PART II—GENERAL PROTECTION OF PRISONERS OF WAR

Article 12

Prisoners of war are in the hands of the enemy Power, but not of the individuals or military units who have captured them. Irrespective of the individual responsibilities that may exist, the Detaining Power is responsible for the treatment given them.

Prisoners of war may only be transferred by the Detaining Power to a Power which is a party to the Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the Convention. When prisoners of war are transferred under such circumstances, responsibility for the application of the Convention rests on the Power accepting them while they are in its custody.

Nevertheless, if that Power fails to carry out the provisions of the Convention in any important respect, the Power by whom the prisoners of war were transferred shall, upon being notified by the Protecting Power, take effective measures to correct the situation or shall request the return of the prisoners of war. Such requests must be complied with.

Article 13

Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention. In particular, no prisoner of war may be subjected to physical mutilation or to medical or scientific experiments of any kind which are not justified by the medical, dental or hospital treatment of the prisoner concerned and carried out in his interest.

Likewise, prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity.

Measures of reprisal against prisoners of war are prohibited.

Article 14

Prisoners of war are entitled to all circumstances to respect for their persons and their honour.

Women shall be treated with all the regard due to their sex and shall in all cases benefit by treatment as favourable as that granted to men.

Prisoners of war shall retain the full civil capacity which they enjoyed at the time of their capture. The Detaining Power may not restrict the exercise, either within or without its own territory, of the rights such capacity confers except in so far as the captivity requires.

Article 15

The Power detaining prisoners of war shall be bound to provide free of charge for their maintenance and for the medical attention required by their state of health.

Article 16

Taking into consideration the provisions of the present Convention relating to rank and sex, and subject to any privileged treatment which may be accorded to them by reason of their state of health, age or professional qualifications, all prisoners of war shall be treated alike by the Detaining Power, without any adverse distinction based on race, nationality, religious belief or political opinions, or any other distinction founded on similar criteria.

PART III—CAPTIVITY

Section I—Beginning of captivity

Article 17

Every prisoner of war, when questioned on the subject, is bound to give only his surname, first names and rank, date of birth, and army, regimental, personal or serial number, or failing this, equivalent information.

If he willfully infringes this rule, he may render himself liable to a restriction of the privileges accorded to his rank or status.

Each Party to a conflict is required to furnish the persons under its jurisdiction who are liable to become prisoners of war, with an identity card showing the owner's surname, first names, rank, army, regimental, personal or serial number or equivalent information, and date of birth. The identity card may, furthermore, bear the signature or the fingerprints, or both, of the owner, and may bear, as well, any other information the Party to the conflict may wish to add concerning persons belonging to its armed forces. As far as possible the card shall measure 6.5×10 cm, and shall be issued in duplicate. The identity card shall be shown by the prisoner of war upon demand, but may in no case be taken away from him.

No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind.

Prisoners of war who, owing to their physical or mental conditions, are unable to state their identity, shall be handed over to the medical service. The identity of such prisoners shall be established by all possible means, subject to the provisions of the preceding paragraph.

The questioning of prisoners of war shall be carried out in a language which they understand.

Article 18

All effects and articles of personal use, except arms, horses, military equipment and military documents, shall remain in the possession of prisoners of war, likewise their metal helmets and gas masks and like articles issued for personal protection. Effects and articles used for their clothing or feeding shall likewise remain in their possession, even if such effects and articles belong to their regulation military equipment.

At no time should prisoners of war be without identity documents. The Detaining Power shall supply such documents to prisoners of war who possess none.

Badges of rank and nationality, decorations and articles having above all a personal or sentimental value may not be taken from prisoners of war.

Sums of money carried by prisoners of war may not be taken away from them except by order of an officer, and after the amount and particulars of the owner have been recorded in a special register and an itemized receipt has been given, legibly inscribed with the

name, rank and unit of the person issuing the said receipt. Sums in the currency of the Detaining Power, or which are changed into such currency at the prisoner's request, shall be placed to the credit of the prisoner's account as provided in Article 64.

The Detaining Power may withdraw articles of value from prisoners of war only for reasons of security; when such articles are withdrawn, the procedure laid down for sums of money impounded shall apply.

Such objects, likewise sums taken away in any currency other than that of the Detaining Power and the conversion of which has not been asked for by the owners, shall be kept in the custody of the Detaining Power and shall be returned in their initial shape to prisoners of war at the end of their captivity.

Article 19

Prisoners of war shall be evacuated, as soon as possible after their capture, to camps situated in an area far enough from the combat zone for them to be out of danger.

Only those prisoners of war who, owing to wounds or sickness, would run greater risks by being evacuated than by remaining where they are, may be temporarily kept back in a danger zone.

Prisoners of war shall not be unnecessarily exposed to danger while awaiting evacuation from a fighting zone.

Article 20

The evacuation of prisoners of war shall always be effected humanely and in conditions similar to those for the forces of the Detaining Power in their changes of station.

The Detaining Power shall supply prisoners of war who are being evacuated with sufficient food and potable water, and with the necessary clothing and medical attention. The Detaining Power shall take all suitable precautions to ensure their safety during evacuation, and shall establish as soon as possible a list of the prisoners of war who are evacuated.

If prisoners of war must, during evacuation, pass through transit camps, their stay in such camps shall be as brief as possible.

Section II—Internment of prisoners of war

Chapter I—General Observations

Article 21

The Detaining Power may subject prisoners of war to internment. It may impose on them the obligation of not leaving, beyond certain limits, the camp where they are interned, or if the said camp is fenced in, of not going outside its perimeter. Subject to the provisions of the present Convention relative to penal and disciplinary sanctions, prisoners of war may not be held in close confinement except where necessary to safeguard their health and then only during the continuation of the circumstances which make such confinement necessary.

Prisoners of war may be partially or wholly released on parole or promise, in so far as is allowed by the laws of the Power on which they depend. Such measures shall be taken particularly in cases where this may contribute to the improvement of their state of health. No prisoner of war shall be compelled to accept liberty on parole or promise.

Upon the outbreak of hostilities, each Party to the conflict shall notify the adverse Party of the laws and regulations allowing or forbidding its own nationals to accept liberty on parole or promise. Prisoners of war who are paroled or who have given their promise in conformity with the laws and regulations so notified, are bound on their personal honour scrupulously to fulfil, both towards the Power on which they depend and towards the Power which has captured them, the engagements of their paroles or promises. In such cases, the Power on which they depend is bound neither to require nor to accept from them any service incompatible with the parole or promise given.

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Article 22

Prisoners of war may be interned only in premises located on land and affording every guarantee of hygiene and healthfulness. Except in particular cases which are justified by the interest of the prisoners themselves, they shall not be interned in penitentiaries.

Prisoners of war interned in unhealthy areas, or where the climate is injurious for them, shall be removed as soon as possible to a more favorable climate.

The Detaining Power shall assemble prisoners of war in camps or camp compounds according to their nationality, language and customs, provided that such prisoners shall not be separated from prisoners of war belonging to the armed forces with which they were serving at the time of their capture, except with their consent.

Article 23

No prisoner of war may at any time be sent to, or detained in areas where he may be exposed to the fire of the combat zone, nor may his presence be used to render certain points or areas immune from military operations.

Prisoners of war shall have shelters against air bombardment and other hazards of war, to the same extent as the local civilian population. With the exception of those engaged in the protection of their quarters against the aforesaid hazards, they may enter such shelters as soon as possible after the giving of the alarm. Any other protective measure taken in favour of the population shall also apply to them.

Detaining Powers shall give the Powers concerned, through the intermediary of the Protecting Powers, all useful information regarding the geographical location of prisoner of war camps.

Whenever military considerations permit, prisoner of war camps shall be indicated in the day-time by the letters PW or PG, placed so as to be clearly visible from the air. The Powers concerned may, however, agree upon any other system of marking. Only prisoner of war camps shall be marked as such.

Article 24

Transit or screening camps of a permanent kind shall be fitted out under condition similar to those described in the present Section, and the prisoners therein shall have the same treatment as in other camps.

Chapter II—Quarters, food and clothing of prisoners of war

Article 25

Prisoners of war shall be quartered under conditions as favourable as those for the forces of the Detaining Power who are billeted in the same area. The said conditions shall make allowance for the habits and customs of the prisoners and shall in no case be prejudicial to their health.

The foregoing provisions shall apply in particular to the dormitories of prisoners of war as regards both total surface and minimum cubic space, and the general installations, bedding and blankets.

The premise provided for the use of prisoners of war individually or collectively, shall be entirely protected from dampness and adequately heated and lighted, in particular between dusk and lights out. All precautions must be taken against the danger of fire.

In any camps in which women prisoners of war, as well as men, are accommodated, separate dormitories shall be provided for them.

Article 26

The basic daily food rations shall be sufficient in quantity, quality and variety to keep prisoners of war in good health and to prevent loss of weight or the development of nutritional deficiencies. Account shall also be taken of the habitual diet of the prisoners.

The Detaining Power shall supply prisoners of war who work with such additional rations as are necessary for the labour on which they are employed.

Sufficient drinking water shall be supplied to prisoners of war. The use of tobacco shall be permitted.

Prisoners of war shall, as far as possible, be associated with the preparation of their meals; they may be employed for that purpose in the kitchens. Furthermore, they shall be given the means of preparing, themselves, the additional food in their possession. Adequate premises shall be provided for messing.

Collective disciplinary measures affecting food are prohibited.

Article 27

Clothing, underwear and footwear shall be supplied to prisoners of war in sufficient quantities by the Detaining Power, which shall make allowance for the climate of the region where the prisoners are detained. Uniforms of enemy armed forces captured by the Detaining Power should, if suitable for the climate, be made available to clothe prisoners of war.

The regular replacement and repair of the above articles shall be assumed by the Detaining Power. In addition, prisoners of war who work shall receive appropriate clothing, wherever the nature of the work demands.

Article 28

Canteens shall be installed in all camps, where prisoners of war may procure food-stuffs, soap and tobacco and ordinary articles in daily use. The tariff shall never be in excess of local market prices.

The profits made by camp canteens shall be used for the benefit of the prisoners; a special fund shall be created for this purpose. The prisoners' representative shall have the right to collaborate in the management of the canteen and of this fund.

When a camp is closed down, the credit balance of the special fund shall be handed to an international welfare organization, to be employed for the benefit of prisoners of war of the same nationality as those who have contributed to the fund. In case of a general repatriation, such profits shall be kept by the Detaining Power, subject to any agreement to the contrary between the Powers concerned.

Chapter III—Hygiene and Medical Attention

Article 29

The Detaining Power shall be bound to take all sanitary measures necessary to ensure the cleanliness and healthfulness of camps and to prevent epidemics.

Prisoners of war shall have for their use, day and night, conveniences which conform to the rules of hygiene and are maintained in a constant state of cleanliness. In any camps in which women prisoners of war are accommodated, separate conveniences shall be provided for them.

Also, apart from the baths and showers with which the camps shall be furnished, prisoners of war shall be provided with sufficient water and soap for their personal toilet and for washing their personal laundry; the necessary installations, facilities and time shall be granted them for that purpose.

Article 30

Every camp shall have an adequate infirmary where prisoners of war may have the attention they require, as well as appropriate diet. Isolation wards shall, if necessary, be set aside for cases of contagious or mental disease.

Prisoners of war suffering from serious disease, or whose condition necessitates special treatment, a surgical operation or hospital care, must be admitted to any military or civilian medical unit where such treatment can be given, even if their repatriation is contemplated in the near future. Special fa-

cilities shall be afforded for the care to be given to the disabled, in particular to the blind, and for their rehabilitation, pending repatriation.

Prisoners of war shall have the attention, preferably, of medical personnel of the Power on which they depend and, if possible, of their nationality.

Prisoners of war may not be prevented from presenting themselves to the medical authorities for examination. The detaining authorities shall, upon request, issue to every prisoner who has undergone treatment, an official certificate indicating the nature of his illness or injury, and the duration and kind of treatment received. A duplicate of this certificate shall be forwarded to the Central Prisoners of War Agency.

The costs of treatment, including those of any apparatus necessary for the maintenance of prisoners of war in good health, particularly dentures and other artificial appliances, of spectacles, shall be borne by the Detaining Power.

Article 31

Medical inspections of prisoners of war shall be held at least once a month. They shall include the checking and the recording of the weight of each prisoner of war. Their purpose shall be, in particular, to supervise the general state of health, nutrition and cleanliness of prisoners and to detect contagious diseases, especially tuberculosis, malaria and venereal disease. For this purpose the most efficient methods available shall be employed, e.g. periodic mass miniature radiography for the early detection of tuberculosis.

Article 32

Prisoners of war who, though not attached to the medical service of their armed forces, are physicians, surgeons, dentists, nurses or medical orderlies, may be required by the Detaining Power to exercise their medical functions in the interests of prisoners of war dependent on the same Power. In that case they shall continue to be prisoners of war, but shall receive the same treatment as corresponding medical personnel retained by the Detaining Power. They shall be exempted from any other work under Article 49.

Chapter IV—Medical personnel and chaplains retained to assist prisoners of war

Article 33

Members of the medical personnel and chaplains while retained by the Detaining Power with a view to assisting prisoners of war, shall not be considered as prisoners of war. They shall, however, receive as a minimum the benefits and protection of the present Convention, and shall also be granted all facilities necessary to provide for the medical care of, and religious ministrations to, prisoners of war.

They shall continue to exercise their medical and spiritual functions for the benefit of prisoners of war, preferably those belonging to the armed forces upon which they depend, within the scope of the military laws and regulations of the Detaining Power and under the control of its competent services, in accordance with their professional etiquette. They shall also benefit by the following facilities in the exercise of their medical or spiritual functions:

(a) They shall be authorized to visit periodically prisoners of war situated in working detachments or in hospitals outside the camp. For this purpose, the Detaining Power shall place at their disposal the necessary means of transport.

[TIAS 3362. Ante, p. 3132.]

(b) The senior medical officer in each camp shall be responsible to the camp military authorities for everything connected with the activities of retained medical personnel. For this purpose, Parties to the conflict shall agree at the outbreak of hostilities on the subject of the corresponding ranks of

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the medical personnel, including that of societies mentioned in Article 26 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949. This senior medical officer, as well as chaplains, shall have the right to deal with the competent authorities of the camp on all questions relating to their duties. Such authorities shall afford them all necessary facilities for correspondence relating to these questions.

(c) Although they shall be subject to the internal discipline of the camp in which they are retained, such personnel may not be compelled to carry out any work other than that concerned with their medical or religious duties.

During hostilities, the Parties to the conflict shall agree concerning the possible relief of retained personnel and shall settle the procedure to be followed.

None of the preceding provisions shall relieve the Detaining Power of its obligations with regard to prisoners of war from the medical or spiritual point of view.

Chapter V—Religious Intellectual and Physical Activities

Article 34

Prisoners of war shall enjoy complete latitude in the exercise of their religious duties, including attendance at the service of their faith, on condition that they comply with the disciplinary routine prescribed by the military authorities.

Adequate premises shall be provided where religious services may be held.

Article 35

Chaplains who fall into the hands of the enemy Power and who remain or are retained with a view to assisting prisoners of war, shall be allowed to minister to them and to exercise freely their ministry amongst prisoners of war of the same religion, in accordance with their religious conscience. They shall be allocated among the various camps and labour detachments containing prisoners of war belonging to the same forces, speaking the same language or practising the same religion. They shall enjoy the necessary facilities, including the means of transport provided for in Article 33, for visiting the prisoners of war outside their camp. They shall be free to correspond, subject to censorship, on matters concerning their religious duties with the ecclesiastical authorities in the country of detention and with international religious organizations. Letters and cards which they may send for this purpose shall be in addition to the quota provided for in Article 71.

Article 36

Prisoners of war who are ministers of religion, without having officiated as chaplains to their own forces, shall be at liberty, whatever their denomination, to minister freely to the members of their community. For this purpose, they shall receive the same treatment as the chaplains retained by the Detaining Power. They shall not be obliged to do any other work.

Article 37

When prisoners of war have not the assistance of a retained chaplain or of a prisoner of war minister of their faith, a minister belonging to the prisoners' or a similar denomination, or in his absence a qualified layman, if such a course is feasible from a confessional point of view, shall be appointed, at the request of the prisoners concerned, to fill this office. This appointment, subject to the approval of the Detaining Power, shall take place with the agreement of the community of prisoners concerned and, wherever necessary, with the approval of the local religious authorities of the same faith. The person thus appointed shall comply with all

regulations established by the Detaining Power in the interests of discipline and military security.

Article 38

While respecting the individual preferences of every prisoner, the Detaining Power shall encourage the practice of intellectual, educational, and recreational pursuits, sports and games amongst prisoners, and shall take the measures necessary to ensure the exercise thereof by providing them with adequate premises and necessary equipment.

Prisoners shall have opportunities for taking physical exercise, including sports and games, and for being out of doors. Sufficient open spaces shall be provided for this purpose in all camps.

Chapter VI—Discipline

Article 39

Every prisoner of war camp shall be put under the immediate authority of a responsible commissioned officer belonging to the regular armed forces of the Detaining Power. Such officer shall have in his possession a copy of the present Convention; he shall ensure that its provisions are known to the camp staff and the guard and shall be responsible, under the direction of his government, for its application.

Prisoners of war, with the exception of officers, must salute and show to all officers of the Detaining Power the external marks of respect provided for by the regulations applying in their own forces.

Officer prisoners of war are bound to salute only officers of a higher rank of the Detaining Power; they must, however, salute the camp commander regardless of his rank.

Article 40

The wearing of badges of rank and nationality, as well as of decorations, shall be permitted.

Article 41

[Post, p. 3432.]

In every camp the text of the present Convention and its Annexes and the contents of any special agreement provided for in Article 6, shall be posted, in the prisoners' own language, in places where all may read them. Copies shall be supplied, on request, to the prisoners who cannot have access to the copy which has been posted.

Regulations, orders, notices and publications of every kind relating to the conduct of prisoners of war shall be issued to them in a language which they understand. Such regulations, orders and publications shall be posted in the manner described above and copies shall be handed to the prisoners' representative. Every order and command addressed to prisoners of war individually must likewise be given in a language which they understand.

Article 42

The use of weapons against prisoners of war, especially against those who are escaping or attempting to escape, shall constitute an extreme measure, which shall always be preceded by warnings appropriate to the circumstances.

Chapter VII—Rank of Prisoners of War

Article 43

Upon the outbreak of hostilities, the Parties to the conflict shall communicate to one another the titles and ranks of all the persons mentioned in Article 4 of the present Convention, in order to ensure equality of treatment between prisoners of equivalent rank. Titles and ranks which are subsequently created shall form the subject of similar communications.

The Detaining Power shall recognize promotions in rank which have been accorded to prisoners of war and which have been duly notified by the Power on which these prisoners depend.

Article 44

Officers and prisoners of equivalent status shall be treated with the regard due to their rank and age.

In order to ensure service in officers' camps, other ranks of the same armed forces who, as far as possible, speak the same language, shall be assigned in sufficient numbers, account being taken of the rank of officers and prisoners of equivalent status. Such orderlies shall not be required to perform any other work.

Supervision of the mess by the officers themselves shall be facilitated in every way.

Article 45

Prisoners of war other than officers and prisoners of equivalent status shall be treated with the regard due to their rank and age.

Supervision of the mess by the prisoners themselves shall be facilitated in every way.

Chapter VIII—Transfer of Prisoners of War After Their Arrival in Camp

Article 46

The Detaining Power, when deciding upon the transfer of prisoners of war, shall take into account the interests of the prisoners themselves, more especially so as not to increase the difficulty of their repatriation.

The transfer of prisoners of war shall always be effected humanely and in conditions not less favourable than those under which the forces of the Detaining Power are transferred. Account shall always be taken of the climatic conditions to which the prisoners of war are accustomed and the conditions of transfer shall in no case be prejudicial to their health.

The Detaining Power shall supply prisoners of war during transfer with sufficient food and drinking water to keep them in good health, likewise with the necessary clothing, shelter and medical attention. The Detaining Power shall take adequate precautions especially in case of transport by sea or by air, to ensure their safety during transfer, and shall draw up a complete list of all transferred prisoners before their departure.

Article 47

Sick or wounded prisoners of war shall not be transferred as long as their recovery may be endangered by the journey, unless their safety imperatively demands it.

If the combat zone draws closer to a camp, the prisoners of war in the said camp shall not be transferred unless their transfer can be carried out in adequate conditions of safety, or unless they are exposed to greater risks by remaining on the spot than by being transferred.

Article 48

In the event of transfer, prisoners of war shall be officially advised of their departure and of their new postal address. Such notifications shall be given in time for them to pack their luggage and inform their next of kin.

They shall be allowed to take with them their personal effects, and the correspondence and parcels which have arrived for them. The weight of such baggage may be limited, if the conditions of transfer so require, to what each prisoner can reasonably carry, which shall in no case be more than twenty-five kilograms per head.

Mails and parcels addressed to their former camp shall be forwarded to them without delay. The camp commander shall take, in agreement with the prisoners' representative, any measures needed to ensure the transport of the prisoners' community property and of the luggage they are unable to take with them in consequence of restrictions imposed by virtue of the second paragraph of this Article.

The costs of transfers shall be borne by the Detaining Power.

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*Section III—Labour of prisoners of war**Article 49*

The Detaining Power may utilize the labour of prisoners of war who are physically fit, taking into account their age, sex, rank and physical aptitude, and with a view particularly to maintaining them in a good state of physical and mental health.

Non-commissioned officers who are prisoners of war shall only be required to do supervisory work. Those not so required may ask for other suitable work which shall, so far as possible, be found for them.

If officers or persons of equivalent status ask for suitable work, it shall be found for them, so far as possible, but they may in no circumstances be compelled to work.

Article 50

Besides work connected with camp administration, installation or maintenance, prisoners of war may be compelled to do only such work as is included in the following classes:

- (a) agriculture;
- (b) industries connected with the production or the extraction of raw materials, and manufacturing industries, with the exception of metallurgical, machinery and chemical industries; public works and building operations which have no military character or purpose;
- (c) transport and handling of stores which are not military in character or purpose;
- (d) commercial business, and arts and crafts;
- (e) domestic service;
- (f) public utility services having no military character or purpose.

Should the above provisions be infringed, prisoners of war shall be allowed to exercise their right of complaint, in conformity with Article 78.

Article 51

Prisoners of war must be granted suitable working conditions, especially as regards accommodation, food, clothing and equipment; such conditions shall not be inferior to those enjoyed by nationals of the Detaining Power employed in similar work; account shall also be taken of climatic conditions.

The Detaining Power, in utilizing the labour of prisoners of war, shall ensure that in areas in which such prisoners are employed, the national legislation concerning the protection of labour and, more particularly, the regulations for the safety of workers, are duly applied.

Prisoners of war shall receive training and be provided with the means of protection suitable to the work they will have to do and similar to those accorded to the nationals of the Detaining Power. Subject to the provisions of Article 52, prisoners may be submitted to the normal risks run by these civilian workers.

Conditions of labour shall in no case be rendered more arduous by disciplinary measures.

Article 52

Unless he be a volunteer, no prisoner of war may be employed on labour which is of an unhealthy or dangerous nature.

No prisoner of war shall be assigned to labour which would be looked upon as humiliating for a member of the Detaining Power's own forces.

The removal of mines or similar devices shall be considered as dangerous labour.

Article 53

The duration of the daily labour of prisoners of war, including the time of the journey to and fro, shall not be excessive, and must in no case exceed that permitted for civilian workers in the district, who are nationals of the Detaining Power and employed on the same work.

Prisoners of war must be allowed, in the middle of the day's work, a rest of not less than one hour. This rest will be the same

as that to which workers of the Detaining Power are entitled, if the latter is of longer duration. They shall be allowed in addition a rest of twenty-four consecutive hours every week, preferably on Sunday or the day of rest in their country of origin. Furthermore, every prisoner who has worked for one year shall be granted a rest of eight consecutive days, during which his working pay shall be paid him.

If methods of labour such as piece work are employed, the length of the working period shall not be rendered excessive thereby.

Article 54

The working pay due to prisoners of war shall be fixed in accordance with the provisions of Article 62 of the present Convention.

Prisoners of war who sustain accidents in connection with work, or who contract a disease in the course, or in consequence of their work, shall receive all the care their condition may require. The Detaining Power shall furthermore deliver to such prisoners of war a medical certificate enabling them to submit their claims to the Power on which they depend, and shall send a duplicate to the Central Prisoners of War Agency provided for in Article 123.

Article 55

The fitness of prisoners of war for work shall be periodically verified by medical examinations at least once a month. The examinations shall have particular regard to the nature of the work which prisoners of war are required to do.

If any prisoner of war considers himself incapable of working, he shall be permitted to appear before the medical authorities of his camp. Physicians or surgeons may recommend that the prisoners who are, in their opinion, unfit for work, be exempted therefrom.

Article 56

The organization and administration of labour detachments shall be similar to those of prisoner of war camps.

Every labour detachment shall remain under the control of and administratively part of a prisoner of war camp. The military authorities and the commander of the said camp shall be responsible, under the direction of their government, for the observance of the provisions of the present Convention in labour detachments.

The camp commander shall keep an up-to-date record of the labour detachments dependent on his camp, and shall communicate it to the delegates of the Protecting Power, of the International Committee of the Red Cross, or of other agencies giving relief to prisoners of war, who may visit the camp.

Article 57

The treatment of prisoners of war who work for private persons, even if the latter are responsible for guarding and protecting them, shall not be inferior to that which is provided for by the present Convention. The Detaining Power, the military authorities and the commander of the camp to which such prisoners belong shall be entirely responsible for the maintenance, care, treatment, and payment of the working pay of such prisoners of war.

Such prisoners of war shall have the right to remain in communication with the prisoners' representatives in the camps on which they depend.

*Section IV—Financial resources of prisoners of war**Article 58*

Upon the outbreak of hostilities, and pending an arrangement on this matter with the Protecting Power, the Detaining Power may determine the maximum amount of money in cash or in any similar form, that prisoners may have in their possession. Any

amount in excess, which was properly in their possession and which has been taken or withheld from them, shall be placed to their account, together with any monies deposited by them, and shall not be converted into any other currency without their consent.

If prisoners of war are permitted to purchase services or commodities outside the camp against payment in cash, such payments shall be made by the prisoner himself or by the camp administration who will charge them to the accounts of the prisoners concerned. The Detaining Power will establish the necessary rules in this respect.

Article 59

Cash which was taken from prisoners of war, in accordance with Article 18, at the time of their capture, and which is in the currency of the Detaining Power, shall be placed to their separate accounts, in accordance with the provisions of Article 64 of the present Section.

The amounts, in the currency of the Detaining Power, due to the conversion of sums in other currencies that are taken from the prisoners of war at the same time, shall also be credited to their separate accounts.

Article 60

The Detaining Power shall grant all prisoners of war a monthly advance of pay, the amount of which shall be fixed by conversion, into the currency of the said Power, of the following amounts:

Category I: Prisoners ranking below sergeants: eight Swiss francs.

Category II: Sergeants and other non-commissioned officers, or prisoners of equivalent rank: twelve Swiss francs.

Category III: Warrant officers and commissioned officers below the rank of major or prisoners of equivalent rank: fifty Swiss francs.

Category IV: Majors, lieutenant-colonels, colonels or prisoners of equivalent rank: sixty Swiss francs.

Category V: General officers or prisoners of war of equivalent rank: seventy-five Swiss francs.

However, the Parties to the conflict concerned may by special agreement modify the amount of advances of pay due to prisoners of the preceding categories.

Furthermore, if the amounts indicated in the first paragraph above would be unduly high compared with the pay of the Detaining Power's armed forces or would, for any reason, seriously embarrass the Detaining Power, then, pending the conclusion of a special agreement with the Power on which the prisoners depend to vary the amounts indicated above, the Detaining Power:

(a) shall continue to credit the accounts of the prisoners with the amounts indicated in the first paragraph above;

(b) may temporarily limit the amount made available from these advances of pay to prisoners of war for their own use, to sums which are reasonable, but which, for Category I, shall never be inferior to the amount that the Detaining Power gives to the members of its own armed forces.

The reasons for any limitations will be given without delay to the Protecting Power.

Article 61

The Detaining Power shall accept for distribution as supplementary pay to prisoners of war sums which the Power on which the prisoners depend may forward to them, on condition that the sums to be paid shall be the same for each prisoner of the same category, shall be payable to all prisoners of that category depending on that Power, and shall be placed in their separate accounts, at the earliest opportunity, in accordance with the provisions of Article 64. Such supplementary pay shall not relieve the Detaining Power of any obligation under this Convention.

Article 62

Prisoners of war shall be paid a fair working rate of pay by the detaining authorities direct. The rate shall be fixed by the said authorities, but shall at no time be less than one-fourth of one Swiss franc for a full working day. The Detaining Power shall inform prisoners of war, as well as the Power on which they depend, through the intermediary of the Protecting Power, of the rate of daily working pay that it has fixed.

Working pay shall likewise be paid by the detaining authorities to prisoners of war permanently detailed to duties or to a skilled or semi-skilled occupation in connection with the administration, installation or maintenance of camps, and to the prisoners who are required to carry out spiritual or medical duties on behalf of their comrades.

The working pay of the prisoners' representative, of his advisers, if any, and of his assistants, shall be paid out of the fund maintained by canteen profits. The scale of this working pay shall be fixed by the prisoners' representative and approved by the camp commander. If there is no such fund, the detaining authorities shall pay these prisoners a fair working rate of pay.

Article 63

Prisoners of war shall be permitted to receive remittances of money addressed to them individually or collectively.

Every prisoner of war shall have at his disposal the credit balance of his account as provided for in the following Article, within the limits fixed by the Detaining Power, which shall make such payments as are requested. Subject to financial or monetary restrictions which the Detaining Power regards as essential, prisoners of war may also have payments made abroad. In this case payments addressed by prisoners of war to dependents shall be given priority.

In any event, and subject to the consent of the Power on which they depend, prisoners may have payments made in their own country, as follows: the Detaining Power shall send to the aforesaid Power through the Protecting Power, a notification giving all the necessary particulars concerning the prisoners of war, the beneficiaries of the payments, and the amount of the sums to be paid, expressed in the Detaining Power's currency. The said notification shall be signed by the prisoners and countersigned by the camp commander. The Detaining Power shall debit the prisoners' account by a corresponding amount; the sums thus debited shall be placed by it to the credit of the Power on which the prisoners depend.

To apply the foregoing provisions, the Detaining Power may usefully consult the Model Regulations in Annex V of the present Convention.

Article 64

The Detaining Power shall hold an account for each prisoner of war, showing at least the following:

(1) The amounts due to the prisoner or received by him as advances of pay, as working pay or derived from any other source; the sums in the currency of the Detaining Power which were taken from him; the sums taken from him and converted at his request into the currency of the said Power.

(2) The payments made to the prisoner in cash, or in any other similar form; the payments made on his behalf and at his request; the sums transferred under Article 63, third paragraph.

Article 65

Every item entered in the account of a prisoner of war shall be countersigned or initialled by him, or by the prisoners' representative acting on his behalf.

Prisoners of war shall at all times be afforded reasonable facilities for consulting

and obtaining copies of their accounts, which may likewise be inspected by the representatives of the Protecting Powers at the time of visits to the camp.

When prisoners of war are transferred from one camp to another, their personal accounts will follow them. In case of transfer from one Detaining Power to another, the monies which are their property and are not in the currency of the Detaining Power will follow them. They shall be given certificates for any other monies standing to the credit of their accounts.

The Parties to the conflict concerned may agree to notify to each other at specific intervals through the Protecting Power, the amount of the accounts of the prisoners of war.

Article 66

On the termination of captivity, through the release of a prisoner of war or his repatriation, the Detaining Power shall give him a statement, signed by an authorized officer of that Power, showing the credit balance then due to him. The Detaining Power shall also send through the Protecting Power to the government upon which the prisoner of war depends, lists giving all appropriate particulars of all prisoners of war whose captivity has been terminated by repatriation, release, escape, death or any other means, and showing the amount of their credit balances. Such lists shall be certified on each sheet by an authorized representative of the Detaining Power.

Any of the above provisions of this Article may be varied by mutual agreement between any two Parties to the conflict.

The Power on which the prisoner of war depends shall be responsible for settling with him any credit balance due to him from the Detaining Power on the termination of his captivity.

Article 67

Advances of pay, issued to prisoners of war in conformity with Article 60, shall be considered as made on behalf of the Power on which they depend. Such advances of pay, as well as all payments made by the said Power under Article 63, third paragraph, and Article 68, shall form the subject of arrangements between the Powers concerned, at the close of hostilities.

Article 68

Any claim by a prisoner of war for compensation in respect of any injury or other disability arising out of work shall be referred to the Power on which he depends, through the Protecting Power. In accordance with Article 54, the Detaining Power will, in all cases, provide the prisoner of war concerned with a statement showing the nature of the injury or disability, the circumstances in which it arose and particulars of medical or hospital treatment given for it. This statement will be signed by a responsible officer of the Detaining Power and the medical particulars certified by a medical officer.

Any claim by a prisoner of war for compensation in respect of personal effects, monies or valuables impounded by the Detaining Power under Article 18 and not forthcoming on his repatriation, or in respect of loss alleged to be due to the fault of the Detaining Power or any of its servants, shall likewise be referred to the Power on which he depends. Nevertheless, any such personal effects required for use by the prisoners of war whilst in captivity shall be replaced at the expense of the Detaining Power. The Detaining Power will, in all cases, provide the prisoner of war with a statement, signed by a responsible officer, showing all available information regarding the reasons why such effects, monies or valuables have not been restored to him. A copy of this statement will be forwarded to the Power on which he

depends through the Central Prisoners of War Agency provided for in Article 123.

Section V—Relations of prisoners of war with the exterior

Article 69

Immediately upon prisoners of war falling into its power, the Detaining Power shall inform them and the Powers on which they depend, through the Protecting Power, of the measures taken to carry out the provisions of the present Section. They shall likewise inform the parties concerned of any subsequent modifications of such measures.

Article 70

Immediately upon capture, or not more than one week after arrival at a camp, even if it is a transit camp, likewise in case of sickness or transfer to hospital or to another camp, every prisoner of war shall be enabled to write direct to his family, on the one hand, and to the Central Prisoners of War Agency provided for in Article 123, on the other hand, a card similar, if possible, to the model annexed to the present Convention, informing his relatives of his capture, address and state of health. The said cards shall be forwarded as rapidly as possible and may not be delayed in any manner.

Article 71

Prisoners of war shall be allowed to send and receive letters and cards. If the Detaining Power deems it necessary to limit the number of letters and cards sent by each prisoner of war, the said number shall not be less than two letters and four cards monthly, exclusive of the capture cards provided for in Article 70, and conforming as closely as possible to the models annexed to the present Convention. Further limitations may be imposed only if the Protecting Power is satisfied that it would be in the interests of the prisoners of war concerned to do so owing to difficulties of translation caused by the Detaining Power's inability to find sufficient qualified linguists to carry out the necessary censorship. If limitations must be placed on the correspondence addressed to prisoners of war, they may be ordered only by the Power on which the prisoners depend, possibly at the request of the Detaining Power. Such letters and cards must be conveyed by the most rapid method at the disposal of the Detaining Power; they may not be delayed or retained for disciplinary reasons.

Prisoners of war who have been without news for a long period, or who are unable to receive news from their next of kin or to give them news by the ordinary postal route, as well as those who are at a great distance from their homes, shall be permitted to send telegrams, the fees being charged against the prisoners of war's accounts with the Detaining Power or paid in the currency at their disposal. They shall likewise benefit by this measure in cases of urgency.

As a general rule, the correspondence of prisoners of war shall be written in their native language. The Parties to the conflict may allow correspondence in other languages.

Sacks containing prisoner of war mail must be securely sealed and labelled so as clearly to indicate their contents, and must be addressed to offices of destination.

Article 72

Prisoners of war shall be allowed to receive by post or by any other means individual parcels or collective shipments containing, in particular, foodstuffs, clothing, medical supplies and articles of a religious, educational or recreational character which may meet their needs, including books, devotional articles, scientific equipment, examination papers, musical instruments, sports outfits and materials allowing prisoners of war to pursue their studies or their cultural activities.

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Such shipments shall in no way free the Detaining Power from the obligations imposed upon it by virtue of the present Convention.

The only limits which may be placed on these shipments shall be those proposed by the Protecting Power in the interest of the prisoners themselves, or by the International Committee of the Red Cross or any other organization giving assistance to the prisoners, in respect of their own shipments only, on account of exceptional strain on transport or communications.

The conditions for the sending of individual parcels and collective relief shall, if necessary, be the subject of special agreements between the Powers concerned, which may in no case delay the receipt by the prisoners of relief supplies. Books may not be included in parcels of clothing and foodstuffs. Medical supplies shall, as a rule, be sent in collective parcels.

Article 73

In the absence of special agreements between the Powers concerned on the conditions for the receipt and distribution of collective relief shipments, the rules and regulations concerning collective shipments, which are annexed to the present Convention, shall be applied.

The special agreements referred to above shall in no case restrict the right of prisoners' representatives to take possession of collective relief shipments intended for prisoners of war, to proceed to their distribution or to dispose of them in the interest of the prisoners.

Nor shall such agreements restrict the right of representatives of the Protecting Power, the International Committee of the Red Cross or any other organization giving assistance to prisoners of war and responsible for the forwarding of collective shipments, to supervise their distribution to the recipients.

Article 74

All relief shipments for prisoners of war shall be exempt from import, customs and other dues.

Correspondence, relief shipments and authorized remittances of money addressed to prisoners of war or despatched by them through the post office, either direct or through the Information Bureaux provided for in Article 122 and the Central Prisoners of War Agency provided for in Article 123, shall be exempt from any postal dues, both in the countries of origin and destination, and in intermediate countries.

If relief shipments intended for prisoners of war cannot be sent through the post office by reason of weight or for any other cause, the cost of transportation shall be borne by the Detaining Power in all the territories under its control. The other Powers party to the Convention shall bear the cost of transport in their respective territories.

In the absence of special agreements between the Parties concerned, the costs connected with transport of such shipments, other than costs covered by the above exemption, shall be charged to the senders.

The High Contracting Parties shall endeavour to reduce, so far as possible, the rates charged for telegrams sent by prisoners of war, or addressed to them.

Article 75

Should military operations prevent the Powers concerned from fulfilling their obligation to assure the transport of the shipments referred to in Articles 70, 71, 72 and 77, the Protecting Powers concerned, the International Committee of the Red Cross or any other organization duly approved by the Parties to the conflict may undertake to ensure the conveyance of such shipments by suitable means (railway wagons, motor vehicles, vessels or aircraft, etc.). For this purpose, the High Contracting Parties shall endeavour to supply them with such trans-

port and to allow its circulation, especially by granting the necessary safe-conducts.

Such transport may also be used to convey:

(a) correspondence, lists and reports exchanged between the Central Information Agency referred to in Article 123 and the National Bureaux referred to in Article 122;

(b) correspondence and reports relating to prisoners of war which the Protecting Powers, the International Committee of the Red Cross or any other body assisting the prisoners, exchange either with their own delegates or with the Parties to the conflict.

These provisions in no way detract from the right of any Party to the conflict to arrange other means of transport, if it should so prefer, nor preclude the granting of safe-conducts, under mutually agreed conditions, to such means of transport.

In the absence of special agreements, the costs occasioned by the use of such means of transport shall be borne proportionally by the Parties to the conflict whose nationals are benefited thereby.

Article 76

The censoring of correspondence addressed to prisoners of war or despatched by them shall be done as quickly as possible. Mail shall be censored only by the despatching State and the receiving State, and once only by each.

The examination of consignments intended for prisoners of war shall not be carried out under conditions that will expose the goods contained in them to deterioration; except in the case of written or printed matter, it shall be done in the presence of the addressee, or a fellow-prisoner duly delegated by him. The delivery to prisoners of individual or collective consignments shall not be delayed under the pretext of difficulties of censorship.

Any prohibition of correspondence ordered by Parties to the conflict, either for military or political reasons, shall be only temporary and its duration shall be as short as possible.

Article 77

The Detaining Powers shall provide all facilities for the transmission, through the Protecting Power or the Central Prisoners of War Agency provided for in Article 123, of instruments, papers or documents intended for prisoners of war or despatched by them, especially powers of attorney and wills.

In all cases they shall facilitate the preparation and execution of such documents on behalf of prisoners of war; in particular, they shall allow them to consult a lawyer and shall take what measures are necessary for the authentication of their signatures.

Section VI—Relations between prisoners of war and the authorities

Chapter I—Complaints of Prisoners of War Respecting the Conditions of Captivity

Article 78

Prisoners of war shall have the right to make known to the military authorities in whose power they are, their requests regarding the conditions of captivity to which they are subjected.

They shall also have the unrestricted right to apply to the representatives of the Protecting Powers either through their prisoners' representative or, if they consider it necessary, direct, in order to draw their attention to any points on which they may have complaints to make regarding their conditions of captivity.

These requests and complaints shall not be limited nor considered to be a part of the correspondence quota referred to in Article 71. They must be transmitted immediately. Even if they are recognized to be unfounded, they may not give rise to any punishment.

Prisoners' representatives may send periodic reports on the situation in the camps and the needs of the prisoners of war to the representatives of the Protecting Powers.

Chapter II—Prisoner of War Representatives

Article 79

In all places where there are prisoners of war, except in those where there are officers, the prisoners shall freely elect by secret ballot, every six months, and also in case of vacancies, prisoners' representatives entrusted with representing them before the military authorities, the Protecting Powers, the International Committee of the Red Cross and any other organization which may assist them. These prisoners' representatives shall be eligible for re-election.

In camps for officers and persons of equivalent status or in mixed camps, the senior officer among the prisoners of war shall be recognized as the camp prisoners' representative. In camps for officers, he shall be assisted by one or more advisers chosen by the officers; in mixed camps, his assistants shall be chosen from among the prisoners of war who are not officers and shall be elected by them.

Officer prisoners of war of the same nationality shall be stationed in labour camps for prisoners of war, for the purpose of carrying out the camp administration duties for which the prisoners of war are responsible. These officers may be elected as prisoners' representatives under the first paragraph of this Article. In such a case the assistants to the prisoners' representatives shall be chosen from among those prisoners of war who are not officers.

Every representative elected must be approved by the Detaining Power before he has the right to commence his duties. Where the Detaining Power refuses to approve a prisoner of war elected by his fellow prisoners of war, it must inform the Protecting Power of the reason for such refusal.

In all cases the prisoners' representative must have the same nationality, language and customs as the prisoners of war whom he represents. Thus, prisoners of war distributed in different sections of a camp, according to their nationality, language or customs, shall have for each section their own prisoners' representative, in accordance with the foregoing paragraphs.

Article 80

Prisoners' representatives shall further the physical, spiritual and intellectual well-being of prisoners of war.

In particular, where the prisoners decide to organize amongst themselves a system of mutual assistance, this organization will be within the province of the prisoners' representative, in addition to the special duties entrusted to him by other provisions of the present Convention.

Prisoners' representatives shall not be held responsible, simply by reason of their duties, for any offences committed by prisoners of war.

Article 81

Prisoners' representatives shall not be required to perform any other work, if the accomplishment of their duties is thereby made more difficult.

Prisoners' representatives may appoint from amongst the prisoners such assistants as they may require. All material facilities shall be granted them, particularly a certain freedom of movement necessary for the accomplishment of their duties (inspection of labour detachments, receipt of supplies, etc.).

Prisoners' representatives shall be permitted to visit premises where prisoners of war are detained, and every prisoner of war shall have the right to consult freely his prisoners' representative.

All facilities shall likewise be accorded to the prisoner's representatives for communication by post and telegraph with the detaining authorities, the Protecting Powers, the International Committee of the Red Cross and their delegates, the Mixed Medical Commissions and the bodies which give assistance to prisoners of war. Prisoners'

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representatives of labour detachments shall enjoy the same facilities for communication with the prisoners' representatives of the principal camp. Such communications shall not be restricted, nor considered as forming a part of the quota mentioned in Article 71.

Prisoners' representatives who are transferred shall be allowed a reasonable time to acquaint their successors with current affairs.

In case of dismissal, the reasons therefor shall be communicated to the Protecting Power.

Chapter III—Penal and Disciplinary Sanctions

I. General Provisions

Article 82

A prisoner of war shall be subject to the laws, regulations and orders in force in the armed forces of the Detaining Power; the Detaining Power shall be justified in taking judicial or disciplinary measures in respect of any offence committed by a prisoner of war against such laws, regulations or orders. However, no proceedings or punishments contrary to the provisions of this Chapter shall be allowed.

If any law, regulation or order of the Detaining Power shall declare acts committed by a prisoner of war to be punishable, whereas the same acts would not be punishable if committed by a member of the forces of the Detaining Power, such acts shall entail disciplinary punishments only.

Article 83

In deciding whether proceedings in respect of an offence alleged to have been committed by a prisoner of war shall be judicial or disciplinary, the Detaining Power shall ensure that the competent authorities exercise the greatest leniency and adopt, wherever possible, disciplinary rather than judicial measures.

Article 84

A prisoner of war shall be tried only by a military court, unless the existing laws of the Detaining Power expressly permit the civil courts to try a member of the armed forces of the Detaining Power in respect of the particular offence alleged to have been committed by the prisoner of war.

In no circumstances whatever shall a prisoner of war be tried by a court of any kind which does not offer the essential guarantees of independence and impartiality as generally recognized, and, in particular, the procedure of which does not afford the accused the rights and means of defence provided for in Article 105.

Article 85

Prisoners of war prosecuted under the laws of the Detaining Power for acts committed prior to capture shall retain, even if convicted, the benefits of the present Convention.

Article 86

No prisoner of war may be punished more than once for the same act or on the same charge.

Article 87

Prisoners of war may not be sentenced by the military authorities and courts of the Detaining Power to any penalties except those provided for in respect of members of the armed forces of the said Power who have committed the same acts.

When fixing the penalty, the courts or authorities of the Detaining Power shall take into consideration, to the widest extent possible, the fact that the accused, not being a national of the Detaining Power, is not bound to it by any duty of allegiance, and that he is in its power as the result of circumstances independent of his own will. The said courts or authorities shall be at liberty to reduce the penalty provided for the violation of which the prisoner of war is accused, and shall therefore not be bound to apply the minimum penalty prescribed.

Collective punishment for individual acts, corporal punishment, imprisonment in premises without daylight and, in general, any form of torture or cruelty, are forbidden.

No prisoner of war may be deprived of his rank by the Detaining Power, or prevented from wearing his badges.

Article 88

Officers, non-commissioned officers and men who are prisoners of war undergoing a disciplinary or judicial punishment, shall not be subjected to more severe treatment than that applied in respect of the same punishment to members of the armed forces of the Detaining Power of equivalent rank.

A woman prisoner of war shall not be awarded or sentenced to a punishment more severe, or treated whilst undergoing punishment more severely, than a woman member of the armed forces of the Detaining Power dealt with for a similar offence.

In no case may a woman prisoner of war be awarded or sentenced to a punishment more severe, or treated whilst undergoing punishment more severely, than a male member of the armed forces of the Detaining Power dealt with for a similar offence.

Prisoners of war who have served disciplinary or judicial sentences may not be treated differently from other prisoners of war.

II. Disciplinary Sanctions

Article 89

The disciplinary punishments applicable to prisoners of war are the following:

(1) A fine which shall not exceed 50 per cent of the advances of pay and working pay which the prisoner of war would otherwise receive under the provisions of Articles 60 and 62 during a period of not more than thirty days.

(2) Discontinuance of privileges granted over and above the treatment provided for by the present Convention.

(3) Fatigue duties not exceeding two hours daily.

(4) Confinement.

The punishment referred to under (3) shall not be applied to officers.

In no case shall disciplinary punishments be inhuman, brutal or dangerous to the health of prisoners of war.

Article 90

The duration of any single punishment shall in no case exceed thirty days. Any period of confinement awaiting the hearing of a disciplinary offence or the award of disciplinary punishment shall be deducted from an award pronounced against a prisoner of war.

The maximum of thirty days provided above may not be exceeded, even if the prisoner of war is answerable for several acts at the same time when he is awarded punishment, whether such acts are related or not.

The period between the pronouncing of an award of disciplinary punishment and its execution shall not exceed one month.

When a prisoner of war is awarded a further disciplinary punishment, a period of at least three days shall elapse between the execution of any two of the punishments, if the duration of one of these is ten days or more.

Article 91

The escape of a prisoner of war shall be deemed to have succeeded when:

(1) he has joined the armed forces of the Power on which he depends, or those of an allied Power;

(2) he has left the territory under the control of the Detaining Power, or of an ally of the said Power;

(3) he has joined a ship flying the flag of the Power on which he depends, or of an allied Power, in the territorial waters of the Detaining Power, the said ship not being under the control of the last named Power.

Prisoners of war who have made good their escape in the sense of this Article and who are

recaptured, shall not be liable to any punishment in respect of their previous escape.

Article 92

A prisoner of war who attempts to escape and is recaptured before having made good his escape in the sense of Article 91 shall be liable only to a disciplinary punishment in respect of this act, even if it is a repeated offence.

A prisoner of war who is recaptured shall be handed over without delay to the competent military authority.

Article 88, fourth paragraph, notwithstanding, prisoners of war punished as a result of an unsuccessful escape may be subjected to special surveillance. Such surveillance must not affect the state of their health, must be undergone in a prisoner of war camp, and must not entail the suppression of any of the safeguards granted them by the present Convention.

Article 93

Escape or attempt to escape, even if it is a repeated offence, shall not be deemed an aggravating circumstance if the prisoner of war is subjected to trial by judicial proceedings in respect of an offence committed during his escape or attempt to escape.

In conformity with the principle stated in Article 83, offences committed by prisoners of war with the sole intention of facilitating their escape and which do not entail any violence against life or limb, such as offences against public property, theft without intention of self-enrichment, the drawing up or use of false papers, or the wearing of civilian clothing, shall occasion disciplinary punishment only.

Prisoners of war who aid or abet an escape or an attempt to escape shall be liable on this count to disciplinary punishment only.

Article 94

If an escaped prisoner of war is recaptured, the Power on which he depends shall be notified thereof in the manner defined in Article 122, provided notification of his escape has been made.

Article 95

A prisoner of war accused of an offence against discipline shall not be kept in confinement pending the hearing unless a member of the armed forces of the Detaining Power would be so kept if he were accused of a similar offence, or if it is essential in the interests of camp order and discipline.

Any period spent by a prisoner of war in confinement awaiting the disposal of an offence against discipline shall be reduced to an absolute minimum and shall not exceed fourteen days.

The provisions of Articles 97 and 98 of this Chapter shall apply to prisoners of war who are in confinement awaiting the disposal of offences against discipline.

Article 96

Acts which constitute offences against discipline shall be investigated immediately.

Without prejudice to the competence of courts and superior military authorities, disciplinary punishment may be ordered only by an officer having disciplinary powers in his capacity as camp commander, or by a responsible officer who replaces him or to whom he has delegated his disciplinary powers.

In no case may such powers be delegated to a prisoner of war or be exercised by a prisoner of war.

Before any disciplinary award is pronounced, the accused shall be given precise information regarding the offences of which he is accused and given an opportunity of explaining his conduct and of defending himself. He shall be permitted, in particular, to call witnesses and to have recourse, if necessary, to the services of a qualified interpreter. The decision shall be announced to the accused prisoner of war and to the prisoners' representative.

A record of disciplinary punishments shall be maintained by the camp commander and shall be open to inspection by representatives of the Protecting Power.

Article 97

Prisoners of war shall not in any case be transferred to penitentiary establishments (prisons, penitentiaries, convict prisons, etc.) to undergo disciplinary punishment therein.

All premises in which disciplinary punishments are undergone shall conform to the sanitary requirements set forth in Article 25. A prisoner of war undergoing punishment shall be enabled to keep himself in a state of cleanliness, in conformity with Article 29.

Officers and persons of equivalent status shall not be lodged in the same quarters as non-commissioned officers or men.

Women prisoners of war undergoing disciplinary punishment shall be confined in separate quarters from male prisoners of war and shall be under the immediate supervision of women.

Article 98

A prisoner of war undergoing confinement as a disciplinary punishment, shall continue to enjoy the benefits of the provisions of this Convention except in so far as these are necessarily rendered inapplicable by the mere fact that he is confined. In no case may he be deprived of the benefits of the provisions of Articles 78 and 126.

A prisoner of war awarded disciplinary punishment may not be deprived of the prerogatives attached to his rank.

Prisoners of war awarded disciplinary punishment shall be allowed to exercise and to stay in the open air at least two hours daily.

They shall be allowed, on their request, to be present at the daily medical inspections. They shall receive the attention which their state of health requires and, if necessary, shall be removed to the camp infirmary or to a hospital.

They shall have permission to read and write, likewise to send and receive letters. Parcels and remittances of money however, may be withheld from them until the completion of the punishment; they shall meanwhile be entrusted to the prisoners' representative, who will hand over to the infirmary the perishable goods contained in such parcels.

III. Judicial Proceedings

Article 99

No prisoner of war may be tried or sentenced for an act which is not forbidden by the law of the Detaining Power or by international law, in force at the time the said act was committed.

No moral or physical coercion may be exerted on a prisoner of war in order to induce him to admit himself guilty of the act of which he is accused.

No prisoner of war may be convicted without having had an opportunity to present his defence and the assistance of a qualified advocate or counsel.

Article 100

Prisoners of war and the Protecting Powers shall be informed as soon as possible of the offences which are punishable by the death sentence under the laws of the Detaining Power.

Other offences shall not thereafter be made punishable by the death penalty without the concurrence of the Power on which the prisoners of war depend.

The death sentence cannot be pronounced on a prisoner of war unless the attention of the court has, in accordance with Article 87, second paragraph, been particularly called to the fact that since the accused is not a national of the Detaining Power, he is not bound to it by any duty of allegiance, and that he is in its power as the result of circumstances independent of his own will.

Article 101

If the death penalty is pronounced on a prisoner of war, the sentence shall not be executed before the expiration of a period of at least six months from the date when the Protecting Power receives, at an indicated address, the detailed communication provided for in Article 107.

Article 102

A prisoner of war can be validly sentenced only if the sentence has been pronounced by the same courts according to the same procedure as in the case of members of the armed forces of the Detaining Power, and if, furthermore, the provisions of the present Chapter have been observed.

Article 103

Judicial investigations relating to a prisoner of war shall be conducted as rapidly as circumstances permit and so that his trial shall take place as soon as possible. A prisoner of war shall not be confined while awaiting trial unless a member of the armed forces of the Detaining Power would be so confined if he were accused of a similar offense, or if it is essential to do so in the interests of national security. In no circumstances shall this confinement exceed three months.

Any period spent by a prisoner of war in confinement awaiting trial shall be deducted from any sentence of imprisonment passed upon him and taken into account in fixing any penalty.

The provisions of Articles 97 and 98 of this Chapter shall apply to a prisoner of war whilst in confinement awaiting trial.

Article 104

In any case in which the Detaining Power has decided to institute judicial proceedings against a prisoner of war, it shall notify the Protecting Power as soon as possible and at least three weeks before the opening of the trial. This period of three weeks shall run as from the day on which such notification reaches the Protecting Power at the address previously indicated by the latter to the Detaining Power.

The said notification shall contain the following information:

- (1) Surname and first names of the prisoner of war, his rank, his army, regimental, personal or serial number, his date of birth, and his profession or trade, if any;
- (2) Place of internment or confinement;
- (3) Specification of the charge or charges on which the prisoner of war is to be arraigned, giving the legal provisions applicable;
- (4) Designation of the court which will try the case, likewise the date and place fixed for the opening of the trial.

The same communication shall be made by the Detaining Power to the prisoners' representative.

If no evidence is submitted, at the opening of a trial, that the notification referred to above was received by the Protecting Power, by the prisoner of war and by the prisoners' representative concerned, at least three weeks before the opening of the trial, then the latter cannot take place and must be adjourned.

Article 105

The prisoner of war shall be entitled to assistance by one of his prisoner comrades, to defence by a qualified advocate or counsel of his own choice, to the calling of witnesses and, if he deems necessary, to the services of a competent interpreter. He shall be advised of these rights by the Detaining Power in due time before the trial.

Failing a choice by the prisoner of war, the Protecting Power shall find him an advocate or counsel, and shall have at least one week at its disposal for the purpose. The Detaining Power shall deliver to the said Power, on request, a list of persons qualified to present the defence. Failing a choice of an advocate or counsel by the prisoner of war or the

Protecting Power, the Detaining Power shall appoint a competent advocate or counsel to conduct the defence.

The advocate or counsel conducting the defence on behalf of the prisoner of war shall have at his disposal a period of two weeks at least before the opening of the trial, as well as the necessary facilities to prepare the defence of the accused. He may, in particular, freely visit the accused and interview him in private. He may also confer with any witnesses for the defence, including prisoners of war. He shall have the benefit of these facilities until the term of appeal or petition has expired.

Particulars of the charge or charges on which the prisoner of war is to be arraigned, as well as the documents which are generally communicated to the accused by virtue of the laws in force in the armed forces of the Detaining Power, shall be communicated to the accused prisoner of war in a language which he understands, and in good time before the opening of the trial. The same communication on the same circumstances shall be made to the advocate or counsel conducting the defence on behalf of the prisoner of war.

The representatives of the Protecting Power shall be entitled to attend the trial of the case, unless, exceptionally, this is held *in camera* in the interest of State security. In such a case the Detaining Power shall advise the Protecting Power accordingly.

Article 106

Every prisoner of war shall have, in the same manner as the members of the armed forces of the Detaining Power, the right of appeal or petition from any sentence pronounced upon him, with a view to the quashing or revising of the sentence or the reopening of the trial. He shall be fully informed of his right to appeal or petition and of the time limit within which he may do so.

Article 107

Any judgment and sentence pronounced upon a prisoner of war shall be immediately reported to the Protecting Power in the form of a summary communication, which shall also indicate whether he has the right of appeal with a view to the quashing of the sentence or the reopening of the trial. This communication shall likewise be sent to the prisoners' representatives concerned. It shall also be sent to the accused prisoner of war in a language he understands, if the sentence was not pronounced in his presence. The Detaining Power shall also immediately communicate to the Protecting Power the decision of the prisoner of war to use or to waive his right of appeal.

Furthermore, if a prisoner of war is finally convicted or if a sentence pronounced on a prisoner of war in the first instance is a death sentence, the Detaining Power shall as soon as possible address to the Protecting Power a detailed communication containing:

- (1) the precise wording of the finding and sentence;
- (2) a summarized report of any preliminary investigation and of the trial, emphasizing in particular the elements of the prosecution and the defence;
- (3) notification, where applicable, of the establishment where the sentence will be served.

The communications provided for in the foregoing sub-paragraphs shall be sent to the Protecting Power at the address previously made known to the Detaining Power.

Article 108

Sentences pronounced on prisoners of war after a conviction has become duly enforceable, shall be served in the same establishments and under the same conditions as in the case of members of the armed forces of the Detaining Power. These conditions shall in all cases conform to the requirements of health and humanity.

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A woman prisoner of war on whom such a sentence has been pronounced shall be confined in separate quarters and shall be under the supervision of women.

In any case, prisoners of war sentenced to a penalty depriving them of their liberty shall retain the benefit of the provisions of Articles 78 and 126 of the present Convention. Furthermore, they shall be entitled to receive and despatch correspondence, to receive at least one relief parcel monthly, to take regular exercise in the open air, to have the medical care required by their state of health, and the spiritual assistance they may desire. Penalties to which they may be subjected shall be in accordance with the provisions of Article 87, third paragraph.

PART IV—TERMINATION OF CAPTIVITY

Section I—Direct repatriation and accommodation in neutral countries

Article 109

Subject to the provisions of the third paragraph of this Article, Parties to the conflict are bound to send back to their own country, regardless of number or rank, seriously wounded and seriously sick prisoners of war, after having cared for them until they are fit to travel, in accordance with the first paragraph of the following Article.

Throughout the duration of hostilities, Parties to the conflict shall endeavour, with the cooperation of the neutral Powers concerned, to make arrangements for the accommodation in neutral countries of the sick and wounded prisoners of war referred to in the second paragraph of the following Article. They may, in addition, conclude agreements with a view to the direct repatriation or internment in a neutral country of able-bodied prisoners of war who have undergone a long period of captivity.

No sick or injured prisoner of war who is eligible for repatriation under the first paragraph of this Article, may be repatriated against his will during hostilities.

Article 110

The following shall be repatriated direct:

- (1) Incurably wound and sick whose mental or physical fitness seems to have been gravely diminished.

- (2) Wounded and sick who, according to medical opinion, are not likely to recover within one year, whose condition requires treatment and whose mental or physical fitness seems to have been gravely diminished.

- (3) Wounded and sick who have recovered, but whose mental or physical fitness seems to have been gravely and permanently diminished.

The following may be accommodated in a neutral country:

- (1) Wounded and sick whose recovery may be expected within one year of the date of the wound or the beginning of the illness, if treatment in a neutral country might increase the prospects of a more certain and speedy recovery.

- (2) Prisoners of war whose mental or physical health, according to medical opinion, is seriously threatened by continued captivity, but whose accommodation in a neutral country might remove such a threat.

The conditions which prisoners of war accommodated in a neutral country must fulfil in order to permit their repatriation shall be fixed, as shall likewise their status, by agreement between the Powers concerned. In general, prisoners of war who have been accommodated in a neutral country, and who belong to the following categories, should be repatriated:

- (1) Those whose state of health has deteriorated so as to fulfil the conditions laid down for direct repatriation;

- (2) Those whose mental or physical powers remain, even after treatment, considerably impaired.

[Post, p. 3432, Post, p. 3442]

If no special agreements are concluded between the Parties to the conflict concerned,

to determine the cases of disablement or sickness entailing direct repatriation or accommodation in a neutral country, such cases shall be settled in accordance with the principles laid down in the Model Agreement concerning direct repatriation and accommodation in neutral countries of wounded and sick prisoners of war and in the Regulations concerning Mixed Medical Commissions annexed to the present Convention.

Article 111

The Detaining Power, the Power on which the prisoners of war depend, and a neutral Power agreed upon by these two Powers, shall endeavour to conclude agreements which will enable prisoners of war to be interned in the territory of the said neutral Power until the close of hostilities.

Article 112

Upon the outbreak of hostilities, Mixed Medical Commissions shall be appointed to examine sick and wounded prisoners of war, and to make all appropriate decisions regarding them. The appointment, duties and functioning of these Commissions shall be in conformity with the provisions of the Regulations annexed to the present Convention.

However, prisoners of war who, in the opinion of the medical authorities of the Detaining Power, are manifestly seriously injured or seriously sick, may be repatriated without having to be examined by a Mixed Medical Commission.

Article 113

Besides those who are designated by the medical authorities of the Detaining Power, wounded or sick prisoners of war belonging to the categories listed below shall be entitled to present themselves for examination by the Mixed Medical Commissions provided for in the foregoing Article:

- (1) Wounded and sick proposed by a physician or surgeon who is of the same nationality, or a national of a Party to the conflict allied with the Power on which the said prisoners depend, and who exercises his functions in the camp.

- (2) Wounded and sick proposed by their prisoners' representative.

- (3) Wounded and sick proposed by the Power on which they depend, or by an organization duly recognized by the said Power and giving assistance to the prisoners.

Prisoners of war who do not belong to one of the three foregoing categories may nevertheless present themselves for examination by Mixed Medical Commissions, but shall be examined only after those belonging to the said categories.

The physician or surgeon of the same nationality as the prisoners who present themselves for examination by the Mixed Medical Commission, likewise the prisoners' representative of the said prisoners, shall have permission to be present at the examination.

Article 114

Prisoners of war who meet with accidents shall, unless the injury is self-inflicted, have the benefit of the provisions of this Convention as regards repatriation or accommodation in a neutral country.

Article 115

No prisoner of war on whom a disciplinary punishment has been imposed and who is eligible for repatriation or for accommodation in a neutral country, may be kept back on the plea that he has not undergone his punishment.

Prisoners of war detained in connection with a judicial prosecution or conviction and who are designated for repatriation or accommodation in a neutral country, may benefit by such measures before the end of the proceedings or the completion of the punishment, if the Detaining Power consents.

Parties to the conflict shall communicate to each other the names of those who will be detained until the end of the proceedings or the completion of the punishment.

Article 116

The cost of repatriating prisoners of war or of transporting them to a neutral country shall be borne, from the frontiers of the Detaining Power, by the Power on which the said prisoners depend.

Article 117

No repatriated person may be employed on active military service.

Section II—Release and repatriation of prisoners of war at the close of hostilities

Article 118

Prisoners of war shall be released and repatriated without delay after the cessation of active hostilities.

In the absence of stipulations to the above effect in any agreement concluded between the Parties to the conflict with a view to the cessation of hostilities, or failing any such agreement, each of the Detaining Powers shall itself establish and execute without delay a plan of repatriation in conformity with the principle laid down in the foregoing paragraph.

In either case, the measures adopted shall be brought to the knowledge of the prisoners of war.

The costs of repatriation of prisoners of war shall in all cases be equitably apportioned between the Detaining Power and the Power on which the prisoners depend. This apportionment shall be carried out on the following basis:

- (a) If the two Powers are contiguous, the Power on which the prisoners of war depend shall bear the costs of repatriation from the frontiers of the Detaining Power.

- (b) If the two Powers are not contiguous, the Detaining Power shall bear the costs of transport of prisoners of war over its own territory as far as its frontier or its port of embarkation nearest to the territory of the Power on which the prisoners of war depend. The Parties concerned shall agree between themselves as to the equitable apportionment of the remaining costs of the repatriation. The conclusion of this agreement shall in no circumstances justify any delay in the repatriation of the prisoners of war.

Article 119

Repatriation shall be effected in conditions similar to those laid down in Articles 46 to 48 inclusive of the present Convention for the transfer of prisoners of war, having regard to the provisions of Article 118 and to those of the following paragraphs.

On repatriation, any articles of value impounded from prisoners of war under Article 18, and any foreign currency which has not been converted into the currency of the Detaining Power, shall be restored to them. Articles of value and foreign currency which, for any reason whatever, are not restored to prisoners of war on repatriation, shall be despatched to the Information Bureau set up under Article 122.

Prisoners of war shall be allowed to take with them their personal effects, and any correspondence and parcels which have arrived for them. The weight of such baggage may be limited, if the conditions of repatriation so require, to what each prisoner can reasonably carry. Each prisoner shall in all cases be authorized to carry at least twenty-five kilograms.

The other personal effects of the repatriated prisoner shall be left in the charge of the Detaining Power which shall have them forwarded to him as soon as it has concluded an agreement to this effect, regulating the conditions of transport and the payment of the costs involved, with the Power on which the prisoner depends.

Prisoners of war against whom criminal proceedings for an indictable offence are pending may be detained until the end of such proceedings, and, if necessary, until the completion of the punishment. The same shall apply to prisoners of war already convicted for an indictable offence.

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Parties to the conflict shall communicate to each other the names of any prisoners of war who are detained until the end of the proceedings or until punishment has been completed.

By agreement between the Parties to the conflict, commissions shall be established for the purpose of searching for dispersed prisoners of war and of assuring their repatriation with the least possible delay.

Section III—Death of prisoners of war

Article 120

Wills of prisoners of war shall be drawn up so as to satisfy the conditions of validity required by the legislation of their country of origin, which will take steps to inform the Detaining Power of its requirements in this respect. At the request of the prisoner of war and, in all cases, after death, the will shall be transmitted without delay to the Protecting Power; a certified copy shall be sent to the Central Agency.

Death certificates, in the form annexed to the present Convention, or lists certified by a responsible officer, of all persons who die as prisoners of war shall be forwarded as rapidly as possible to the Prisoner of War Information Bureau established in accordance with Article 122. The death certificates or certified lists shall show particulars of identity as set out in the third paragraph of Article 17, and also the date and place of death, the cause of death, the date and place of burial and all particulars necessary to identify the graves.

The burial or cremation of a prisoner of war shall be preceded by a medical examination of the body with a view to confirming death and enabling a report to be made and, where necessary, establishing identity.

The detaining authorities shall ensure that prisoners of war who have died in captivity are honourably buried, if possible according to the rites of the religion to which they belonged, and that their graves are respected, suitably maintained and marked so as to be found at any time. Wherever possible, deceased prisoners of war who depended on the same Power shall be interred in the same place.

Deceased prisoners of war shall be buried in individual graves unless unavoidable circumstances require the use of collective graves. Bodies may be cremated only for imperative reasons of hygiene, on account of the religion of the deceased or in accordance with his express wish to this effect. In case of cremation, the fact shall be stated and the reasons given in the death certificate of the deceased.

In order that graves may always be found, all particulars of burials and graves shall be recorded with a Graves Registration Service established by the Detaining Power. Lists of graves and particulars of the prisoners of war interred in cemeteries and elsewhere shall be transmitted to the Power on which such prisoners of war depended. Responsibility for the care of these graves and for records of any subsequent moves of the bodies shall rest on the Power controlling the territory, if a Party to the present Convention. These provisions shall also apply to the ashes, which shall be kept by the Graves Registration Service until proper disposal thereof in accordance with the wishes of the home country.

Article 121

Every death or serious injury of a prisoner of war caused or suspected to have been caused by a sentry, another prisoner of war, or any other person, as well as any death the cause of which is unknown, shall be immediately followed by an official enquiry by the Detaining Power.

A communication on this subject shall be sent immediately to the Protecting Power. Statements shall be taken from witnesses, especially from those who are prisoners of

war, and a report including such statements shall be forwarded to the Protecting Power.

If the enquiry indicates the guilt of one or more persons, the Detaining Power shall take all measures for the prosecution of the person or persons responsible.

PART V—INFORMATION BUREAUX AND RELIEF SOCIETIES FOR PRISONERS OF WAR

Article 122

Upon the outbreak of a conflict and in all cases of occupation, each of the Parties to the conflict shall institute an official Information Bureau for prisoners of war who are in its power. Neutral or non-belligerent Powers who may have received within their territory persons belonging to one of the categories referred to in Article 4, shall take the same action with respect to such persons. The Power concerned shall ensure that the Prisoners of War Information Bureau is provided with the necessary accommodation, equipment and staff to ensure its efficient working. It shall be at liberty to employ prisoners of war in such a Bureau under the conditions laid down in the Section of the present Convention dealing with work by prisoners of war.

Within the shortest possible period, each of the Parties to the conflict shall give its Bureau the information referred to in the fourth, fifth and sixth paragraphs of this Article regarding any enemy person belonging to one of the categories referred to in Article 4, who has fallen into its power.

Neutral or non-belligerent Powers shall take the same action with regard to persons belonging to such categories whom they have received within their territory.

The Bureau shall immediately forward such information by the most rapid means to the Powers concerned, through the intermediary of the Protecting Powers and likewise of the Central Agency provided for in Article 123.

This information shall make it possible quickly to advise the next of kin concerned. Subject to the provisions of Article 17, the information shall include, in so far as available to the Information Bureau, in respect of each prisoner of war, his surname, first names, rank, army, regimental, personal or serial number, place and full date of birth, indication of the Power on which he depends, first name of the father and maiden name of the mother, name and address of the person to be informed and the address to which correspondence for the prisoner may be sent.

The Information Bureau shall receive from the various departments concerned information regarding transfers, releases, repatriations, escapes, admissions to hospital, and deaths, and shall transmit such information in the manner described in the third paragraph above.

Likewise, information regarding the state of health of prisoners of war who are seriously ill or seriously wounded shall be supplied regularly, every week if possible.

The Information Bureau shall also be responsible for replying to all enquiries sent to it concerning prisoners of war, including those who have died in captivity; it will make any enquiries necessary to obtain the information which is asked for if this is not in its possession.

All written communications made by the Bureau shall be authenticated by a signature or a seal.

The Information Bureau shall furthermore be charged with collecting all personal valuables, including sums in currencies other than that of the Detaining Power and documents of importance to the next of kin, left by prisoners of war who have been repatriated or released, or who have escaped or died, and shall forward the said valuables to the Powers concerned. Such articles shall be sent by the Bureau in sealed packets

which shall be accompanied by statements giving clear and full particulars of the identity of the person to whom the articles belonged, and by a complete list of the contents of the parcel. Other personal effects of such prisoners of war shall be transmitted under arrangements agreed upon between the Parties to the conflict concerned.

Article 123

A Central Prisoners of War Information Agency shall be created in a neutral country. The International Committee of the Red Cross shall, if it deems necessary, propose to the Powers concerned the organization of such an Agency.

The function of the Agency shall be to collect all the information it may obtain through official or private channels respecting prisoners of war, and to transmit it as rapidly as possible to the country of origin of the prisoners of war or to the Power on which they depend. It shall receive from the Parties to the conflict all facilities for effecting such transmissions.

The High Contracting Parties, and in particular those whose nationals benefit by the services of the Central Agency, are requested to give the said Agency the financial aid it may require.

The foregoing provisions shall in no way be interpreted as restricting the humanitarian activities of the International Committee of the Red Cross, or of the relief societies provided for in Article 125.

Article 124

The national Information Bureaux and the Central Information Agency shall enjoy free postage for mail, likewise all the exemptions provided for in Article 74, and further, so far as possible, exemption from telegraphic charges or, at least, greatly reduced rates.

Article 125

Subject to the measures which the Detaining Powers may consider essential to ensure their security or to meet any other reasonable need, the representatives of religious organizations, relief societies, or any other organization assisting prisoners of war, shall receive from the said Powers, for themselves and their duly accredited agents, all necessary facilities for visiting the prisoners, for distributing relief supplies and material, from any source, intended for religious, educational or recreative purposes, and for assisting them in organizing their leisure time within the camps. Such societies or organizations may be constituted in the territory of the Detaining Power or in any other country, or they may have an international character.

The Detaining Power may limit the number of societies and organizations whose delegates are allowed to carry out their activities in its territory and under its supervision, on condition, however, that such limitation shall not hinder the effective operation of adequate relief to all prisoners of war.

The special position of the International Committee of the Red Cross in this field shall be recognized and respected at all times.

As soon as relief supplies or material intended for the above-mentioned purposes are handed over to prisoners of war, or very shortly afterwards, receipts for each consignment, signed by the prisoners' representative, shall be forwarded to the relief society or organization making the shipment. At the same time, receipts for these consignments shall be supplied by the administrative authorities responsible for guarding the prisoners.

PART VI—EXECUTION OF THE CONVENTION

Section I—General provisions

Article 126

Representatives or delegates of the Protecting Powers shall have permission to go to all places where prisoners of war may be, particularly to places of internment, im-

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prisonment and labour, and shall have access to all premises occupied by prisoners of war; they shall also be allowed to go to the places of departure, passage and arrival of prisoners who are being transferred. They shall be able to interview the prisoners, and in particular the prisoners' representatives, without witnesses, either personally or through an interpreter.

Representatives and delegates of the Protecting Powers shall have full liberty to select the places they wish to visit. The duration and frequency of these visits shall not be restricted. Visits may not be prohibited except for reasons of imperative military necessity, and then only as an exceptional and temporary measure.

The Detaining Power and the Power on which the said prisoners of war depend may agree, if necessary, that compatriots of these prisoners of war be permitted to participate in the visits.

The delegates of the International Committee of the Red Cross shall enjoy the same prerogatives. The appointment of such delegates shall be submitted to the approval of the Power detaining the prisoners of war to be visited.

Article 127

The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to all their armed forces and to the entire population.

Any military or other authorities, who in time of war assume responsibilities in respect of prisoners of war, must possess the text of the Convention and be specially instructed as to its provisions.

Article 128

The High Contracting Parties shall communicate to one another through the Swiss Federal Council and, during hostilities, through the Protecting Powers, the official translations of the present Convention, as well as the laws and regulations which they may adopt to ensure the application thereof.

Article 129

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the present Convention.

Article 130

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious in-

jury to body or health, compelling a prisoner of war to serve in the forces of the hostile Power, or wilfully depriving a prisoner of war of the rights of fair and regular trial prescribed in this Convention.

Article 131

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

Article 132

At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire who will decide upon the procedure to be followed.

Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

Section II—Final provisions

Article 133

The present Convention is established in English and in French. Both texts are equally authentic.

The Swiss Federal Council shall arrange for official translations of the Convention to be made in the Russian and Spanish languages.

Article 134

[TS 846. 47 Stat. 2021.]

The present Convention replaces the Convention of July 27, 1929, in relations between the High Contracting Parties.

Article 135

[TS 403, 539. 32 Stat. 1803; 36 Stat. 2277.]

In the relations between the Powers which are bound by the Hague Convention respecting the Laws and Customs of War on Land, whether that of July 29, 1899, or that of October 18, 1907, and which are parties to the present Convention, this last Convention shall be complementary to Chapter II of the Regulations annexed to the above-mentioned Conventions of the Hague.

Article 136

The present Convention, which bears the date of this day, is open to signature until February 12, 1950, in the name of the Powers represented at the Conference which opened at Geneva on April 21, 1949; furthermore, by Powers not represented at that Conference, but which are parties to the Convention of July 27, 1929.

Article 137

The present Convention shall be ratified as soon as possible and the ratifications shall be deposited at Berne.

A record shall be drawn up of the deposit of each instrument of ratification and certified copies of this record shall be transmitted by the Swiss Federal Council to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

Article 138

The present Convention shall come into force six months after not less than two instruments of ratification have been deposited.

Thereafter, it shall come into force for each High Contracting Party six months after the deposit of the instrument of ratification.

Article 139

From the date of its coming into force, it shall be open to any Power in whose name the present Convention has not been signed, to accede to this Convention.

Article 140

Accessions shall be notified in writing to the Swiss Federal Council, and shall take

effect six months after the date on which they are received.

The Swiss Federal Council shall communicate the accessions to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

Article 141

The situations provided for in Articles 2 and 3 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the beginning of hostilities or occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or accessions received from Parties to the conflict.

Article 142

Each of the High Contracting Parties shall be at liberty to denounce the present Convention.

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until peace has been concluded, and until after operations connected with release and repatriation of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfill by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.

Article 143

The Swiss Federal Council shall register the present Convention with the Secretariat of the United Nations. The Swiss Federal Council shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to the present Convention.

In witness whereof the undersigned, having deposited their respective full powers, have signed the present Convention.

Done at Geneva this twelfth day of August 1949, in the English and French languages. The original shall be deposited in the Archives of the Swiss Confederation. The Swiss Federal Council shall transmit certified copies thereof to each of the signatory and acceding States.

For Afghanistan: M. Osman Amiri.

For the People's Republic of Albania: J. Malo.

For Argentina: Guillermo A. Speroni.

For Australia: Norman R. Mighell.

For Austria: Dr. Rud. Bluedorn.

For Belgium: Maurice Bourquin.

For the Byelorussian Soviet Socialist Republic: I. Kushoinikov.

For Bolivia: G. Medeiros.

For Brazil: João Pinto da Silva.

For the Bulgarian People's Republic: K. B. Svetlov.

For Canada: Max. H. Wershof.

For Ceylon: V. Coomaraswamy.

For Chile: F. Cisternas Ortiz.

For China: Wu Nan-Ju.

For Colombia: Rafael Rocha Schloss.

For Cuba: J. de la Luz León.

For Denmark: Georg Cohn, Paul Ipsen.

For Egypt: A. K. Safwat.

For Ecuador: Alex. Gastelú.

For Spain: Luis Calderón.

For the United States of America: Leland

Harrison, Raymond F. T. Yingling.

For Ethiopia: Gachaou Zelleke.

For Finland: Reinhold Sveto.

For France: G. Cahen-Salvador.

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For Greece: M. Pasmazoglou.
 For Guatemala: A. Dupont-Willemin.
 For the Hungarian People's Republic: Anna Kara.
 For India: D. B. Desai.
 For Iran: A. H. Meykadeh.
 For the Republic of Ireland: Sean MacBride.
 For Israel: M. Kahany.
 For Italy: Giacinto Auriti, Ettore Bais-trocchi.
 For the Lebanon: Mikaoul.
 For Liechtenstein: Comte F. Wilczek.
 For Luxembourg: J. Sturm.
 For Mexico: Pedro de Alba, W. R. Castro.
 For the principality of Monaco: M. Lozé.
 For Nicaragua: Lifschitz.
 For Norway: Rolf Andersen.
 For New Zealand: G. R. Laking.
 For Pakistan: S. M. A. Faruki, M. G., A. H. Shaikh.
 For Paraguay: Conrad Fehr.
 For the Netherlands: J. Bosch de Rosenthal.
 For Peru: Gonzalo Pizzaro.
 For the Republic of the Philippines: P. Sebastian.
 For Poland: Julian Przybos.
 For Portugal: G. Caldeira Coelho.
 For the Rumanian People's Republic: I. Dragomir.
 For the United Kingdom of Great Britain and Northern Ireland: Robert Craigie, H. A. Strutt, W. H. Gardner.
 For the Holy See: Philippe Bernardini.
 For El Salvador: R. A. Bustamante.
 For Sweden: Staffan Söderblom.
 For Switzerland: Max Petitpierre, Plinio Bolla, Colonel div. du Pasquier, Ph. Zutter, H. Meull.
 For Syria: Omar El Djabri, A. Gennaoui.
 For Czechoslovakia: Tauber.
 For Turkey: Rana Tarhan.
 For the Ukrainian Soviet Socialist Republic: Prof. O. Bogomolet.
 For the Union of Soviet Socialist Republics: H. Slavin.
 For Uruguay: Conseiller Colonel Hector J. Blanco.
 For Venezuela: A. Posse de Rivas.
 For the Federal People's Republic of Yugoslavia: Milan Ristic.

ANNEX I—MODEL AGREEMENT CONCERNING DIRECT REPATRIATION AND ACCOMMODATION IN NEUTRAL COUNTRIES OF WOUNDED AND SICK PRISONERS OF WAR

(See Article 110)

I. PRINCIPLES FOR DIRECT REPATRIATION AND ACCOMMODATION IN NEUTRAL COUNTRIES

A. Direct repatriation

The following shall be repatriated direct:

(1) All prisoners of war suffering from the following disabilities as the result of trauma: loss of a limb, paralysis, articular or other disabilities, when this disability is at least the loss of a hand or a foot, or the equivalent of the loss of a hand or a foot.

Without prejudice to a more generous interpretation, the following shall be considered as equivalent to the loss of a hand or a foot:

(a) Loss of a hand or of all the fingers, or of the thumb and forefinger of one hand; loss of a foot, or of all the toes and metatarsals of one foot.

(b) Ankylosis, loss of osseous tissue, cicatricial contracture preventing the function of one of the large articulations or of all the digital joints of one hand.

(c) Pseudarthrosis of the long bones.

(d) Deformities due to fracture or other injury which seriously interfere with function and weight-bearing power.

(2) All wounded prisoners of war whose condition has become chronic, to the extent that prognosis appears to exclude recovery—in spite of treatment—within one year from the date of the injury, as, for example, in case of:

(a) Projectile in the heart, even if the Mixed Medical Commission should fail, at the time of their examination, to detect any serious disorders.

(b) Metallic splinter in the brain or the lungs, even if the Mixed Medical Commission cannot, at the time of examination, detect any local or general reaction.

(c) Osteomyelitis, when recovery cannot be foreseen in the course of the year following the injury, and which seems likely to result in ankylosis of a joint, or other impairments equivalent to the loss of a hand or a foot.

(d) Perforating and suppurating injury to the large joints.

(e) Injury to the skull, with loss or shifting of bony tissue.

(f) Injuring or burning of the face with loss of tissue and functional lesions.

(g) Injury to the spinal cord.

(h) Lesion of the peripheral nerves, the sequelae of which are equivalent to the loss of a hand or foot, and the cure of which requires more than a year from the date of injury, for example: injury to the brachial or lumbosacral plexus median or sciatic nerves, likewise combined injury to the radial and cubital nerves or to the lateral popliteal nerve (N. peroneus communis) and medial popliteal nerve (N. tibialis); etc. The separate injury of the radial (musculospiral), cubital, lateral or medial popliteal nerves shall not, however, warrant repatriation except in case of contractures or of serious neurotrophic disturbance.

(i) Injury to the urinary system, with incapacitating results.

(3) All sick prisoners of war whose condition has become chronic to the extent that prognosis seems to exclude recovery—in spite of treatment—within one year from the inception of the disease, as, for example, in case of:

(a) Progressive tuberculosis of any organ which, according to medical prognosis, cannot be cured or at least considerably improved by treatment in a neutral country.

(b) Exudate pleurisy.

(c) Serious diseases of the respiratory organs of non-tubercular etiology, presumed incurable, for example: serious pulmonary emphysema, with or without bronchitis; chronic asthma*; chronic bronchitis* lasting more than one year in captivity; bronchiectasis*; etc.

(d) Serious chronic affections of the circulatory system, for example: valvular lesions and myocarditis*, which have shown signs of circulatory failure during captivity, even though the Mixed Medical Commission cannot detect any such signs at the time of examination; affections of the pericardium and the vessels (Buerger's disease, aneurisms of the large vessels); etc.

(e) Serious chronic affections of the digestive organs, for example: gastric or duodenal ulcer; sequelae of gastric operations performed in captivity; chronic gastritis, enteritis or colitis, having lasted more than one year and seriously affecting the general condition; cirrhosis of the liver; chronic cholecystopathy*; etc.

(f) Serious chronic affections of the genito-urinary organs, for example: chronic diseases of the kidney with consequent disorders; nephrectomy because of a tubercular kidney; chronic pyelitis or chronic cystitis; hydronephrosis or pyonephrosis; chronic grave gynaecological conditions; normal pregnancy and obstetrical disorder, where it is impossible to accommodate in a neutral country; etc.

(g) Serious chronic diseases of the central and peripheral nervous system, for

*The decision of the Mixed Medical Commission shall be based to a great extent on the records kept by camp physicians and surgeons of the same nationality as the prisoners of war, or on an examination by medical specialists of the Detaining Power.

example: all obvious psychoses and psychoneuroses, such as serious hysteria, serious captivity psychoneurosis, etc., duly verified by a specialist*; any epilepsy duly verified by the camp physician*; cerebral arteriosclerosis; chronic neuritis lasting more than one year; etc.

(h) Serious chronic diseases of the neuro-vegetative system, with considerable diminution of mental or physical fitness, noticeable loss of weight and general asthenia.

(i) Blindness of both eyes, or of one eye when the vision of the other is less than 1 in spite of the use of corrective glasses; diminution of visual acuity in cases where it is impossible to restore it by correction to an acuity of $\frac{1}{2}$ in at least one eye*; other grave ocular affections, for example: glaucoma, iritis, choroiditis; trachoma; etc.

(k) Auditive disorders, such as total unilateral deafness, if the other ear does not discern the ordinary spoken word at a distance of one metre*; etc.

(l) Serious affections of metabolism, for example: diabetes mellitus requiring insulin treatment; etc.

(m) Serious disorders of the endocrine glands, for example: thyrotoxicosis; hypothyrosis; Addison's disease; Simmonds' cachexia; tetany; etc.

(n) Grave and chronic disorders of the blood-forming organs.

(o) Serious cases of chronic intoxication, for example: lead poisoning, mercury poisoning, morphinism, cocaineism, alcoholism; gas or radiation poisoning; etc.

(p) Chronic affections of locomotion, with obvious functional disorders, for example: arthritis deformans; primary and secondary progressive chronic polyarthritis; rheumatism with serious clinical symptoms; etc.

(q) Serious chronic skin diseases not amenable to treatment.

(r) Any malignant growth.

(s) Serious chronic infectious diseases, persisting for one year after their inception, for example: malaria with decided organic impairment, amoebic or bacillary dysentery with grave disorders; tertiary visceral syphilis resistant to treatment; leprosy; etc.

(t) Serious avitaminosis or serious inanition.

B. Accommodation in neutral countries

The following shall be eligible for accommodation in a neutral country:

(1) All wounded prisoners of war who are not likely to recover in captivity, but who might be cured or whose condition might be considerably improved by accommodation in a neutral country.

(2) Prisoners of war suffering from any form of tuberculosis, of whatever organ, and whose treatment in a neutral country would be likely to lead to recovery or at least to considerable improvement, with the exception of primary tuberculosis cured before captivity.

(3) Prisoners of war suffering from affections requiring treatment of the respiratory, circulatory, digestive, nervous, sensory, genito-urinary, cutaneous, locomotive organs, etc., if such treatment could clearly have better results in a neutral country than in captivity.

(4) Prisoners of war who have undergone a nephrectomy in captivity for a non-tubercular renal affection; cases of osteomyelitis, on the way to recovery or latent; diabetes mellitus not requiring insulin treatment; etc.

(5) Prisoners of war suffering from war or captivity neuroses. Cases of captivity neurosis which are not cured after three months of accommodation in a neutral country, or which after that length of time are not clearly on the way to complete cure, shall be repatriated.

(6) All prisoners of war suffering from chronic intoxication (gases, metals, alkaloids, etc.), for whom the prospects of cure in a neutral country are especially favourable.

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(7) All women prisoners of war who are pregnant or mothers with infants and small children.

The following cases shall not be eligible for accommodation in a neutral country:

- (1) All duly verified chronic psychoses.
- (2) All organic or functional nervous affections considered to be incurable.
- (3) All contagious diseases during the period in which they are transmissible, with the exception of tuberculosis.

II. GENERAL OBSERVATIONS

(1) The conditions given shall, in a general way, be interpreted and applied in as broad a spirit as possible. Neuropathic and psychopathic conditions caused by war or captivity, as well as cases of tuberculosis in all stages, shall above all benefit by such liberal interpretation. Prisoners of war who have sustained several wounds, none of which, considered by itself, justifies repatriation, shall be examined in the same spirit, with due regard for the psychic traumatism due to the number of their wounds.

(2) All unquestionable cases giving the right to direct repatriation (amputation, total blindness or deafness, open pulmonary tuberculosis, mental disorder, malignant growth, etc.) shall be examined and repatriated as soon as possible by the camp physicians or by military medical commissions appointed by the Detaining Power.

(3) Injuries and diseases which existed before the war and which have not become worse, as well as war injuries which have not prevented subsequent military service, shall not entitle to direct repatriation.

(4) The provisions of this Annex shall be interpreted and applied in a similar manner in all countries party to the conflict. The Powers and authorities concerned shall grant to Mixed Medical Commissions all the facilities necessary for the accomplishment of their task.

(5) The examples quoted under (I) above represent only typical cases. Cases which do not correspond exactly to these provisions shall be judged in the spirit of the provisions of Article 110 of the present Convention, and of the principles embodied in the present Agreement.

ANNEX II—REGULATIONS CONCERNING MIXED MEDICAL COMMISSIONS

(See Article 112)

Article 1

The Mixed Medical Commissions provided for in Article 112 of the Convention shall be composed of three members, two of whom shall belong to a neutral country, the third being appointed by the Detaining Power. One of the neutral members shall take the chair.

Article 2

The two neutral members shall be appointed by the International Committee of the Red Cross, acting in agreement with the Protecting Power, at the request of the Detaining Power. They may be domiciled either in their country of origin, in any other neutral country, or in the territory of the Detaining Power.

Article 3

The neutral members shall be approved by the Parties to the conflict concerned, who shall notify their approval to the International Committee of the Red Cross and to the Protecting Power. Upon such notification, the neutral members shall be considered as effectively appointed.

Article 4

Deputy members shall also be appointed in sufficient number to replace the regular members in case of need. They shall be appointed at the same time as the regular members or, at least, as soon as possible.

Article 5

If for any reason the International Committee of the Red Cross cannot arrange for

the appointment of the neutral members, this shall be done by the Power protecting the interests of the prisoners of war to be examined.

Article 6

So far as possible, one of the two neutral members shall be a surgeon and the other a physician.

Article 7

The neutral members shall be entirely independent of the Parties to the conflict, which shall grant them all facilities in the accomplishment of their duties.

Article 8

By agreement with the Detaining Power, the International Committee of the Red Cross, when making the appointments provided for in Articles 2 and 4 of the present Regulations, shall settle the terms of service of the nominees.

Article 9

The Mixed Medical Commissions shall begin their work as soon as possible after the neutral members have been approved, and in any case within a period of three months from the date of such approval.

Article 10

The Mixed Medical Commission shall examine all the prisoners designated in Article 113 of the Convention. They shall propose repatriation, rejection, or reference to a later examination. Their decisions shall be made by a majority vote.

Article 11

The decisions made by the Mixed Medical Commissions in each specific case shall be communicated during the month following their visit, to the Detaining Power, the Protecting Power and the International Committee of the Red Cross. The Mixed Medical Commissions shall also inform each prisoner of war examined of the decision made, and shall issue to those whose repatriation has been proposed, certificates similar to the model appended to the present Convention.

Article 12

The Detaining Power shall be required to carry out the decisions of the Mixed Medical Commissions within three months of the time when it receives due notification of such decisions.

Article 13

If there is no neutral physician in a country where the services of a Mixed Medical Commission seem to be required, and if it is for any reason impossible to appoint neutral doctors who are resident in another country, the Detaining Power, acting in agreement with the Protecting Power, shall set up a Medical Commission which shall undertake the same duties as a Mixed Medical Commission, subject to the provisions of Articles 1, 2, 3, 4, 5 and 8 of the present Regulations.

Article 14

Mixed Medical Commissions shall function permanently and shall visit each camp at intervals of not more than six months.

ANNEX III—REGULATIONS CONCERNING COLLECTIVE RELIEF

(See Article 73)

Article 1

Prisoners' representatives shall be allowed to distribute collective relief shipments for which they are responsible to all prisoners of war administered by their camp, including those who are in hospitals, or in prisons or other penal establishments.

Article 2

The distribution of collective relief shipments shall be effected in accordance with the instructions of the donors and with a plan drawn up by the prisoners' representatives. The issue of medical stores shall, however, be made for preference in agree-

ment with the senior medical officers, and the latter may, in hospitals and infirmaries, waive the said instructions, if the needs of their patients so demand. Within the limits thus defined, the distribution shall always be carried out equitably.

Article 3

The said prisoners' representatives or their assistants shall be allowed to go to the points of arrival of relief supplies near their camps, so as to enable the prisoners' representatives or their assistants to verify the quality as well as the quantity of the goods received, and to make out detailed reports thereon for the donors.

Article 4

Prisoners' representatives shall be given the facilities necessary for verifying whether the distribution of collective relief in all subdivisions and annexes of their camps has been carried out in accordance with their instructions.

Article 5

Prisoners' representatives shall be allowed to fill up, and cause to be filled up by the prisoners' representatives of labour detachments or by the senior medical officers of infirmaries and hospitals, forms or questionnaires intended for the donors, relating to collective relief supplies (distribution, requirements, quantities, etc.). Such forms and questionnaires, duly completed, shall be forwarded to the donors without delay.

Article 6

In order to secure the regular issue of collective relief to the prisoners of war in their camp, and to meet any needs that may arise from the arrival of new contingents of prisoners, prisoners' representatives shall be allowed to build up and maintain adequate reserve stocks of collective relief. For this purpose, they shall have suitable warehouses at their disposal; each warehouse shall be provided with two locks, the prisoners' representative holding the keys of one lock and the camp commander the keys of the other.

Article 7

When collective consignments of clothing are available, each prisoner of war shall retain in his possession at least one complete set of clothes. If a prisoner has more than one set of clothes, the prisoners' representative shall be permitted to withdraw excess clothing from those with the largest number of sets, or particular articles in excess of one, if this is necessary in order to supply prisoners who are less well provided. He shall not, however, withdraw second sets of underclothing, socks or footwear, unless this is the only means of providing for prisoners of war with none.

Article 8

The High Contracting Parties, and the Detaining Powers in particular, shall authorize, as far as possible and subject to the regulations governing the supply of the population, all purchases of goods made in their territories for the distribution of collective relief to prisoners of war. They shall similarly facilitate the transfer of funds and other financial measures of a technical or administrative nature taken for the purpose of making such purchases.

Article 9

The foregoing provisions shall not constitute an obstacle to the right of prisoners of war to receive collective relief before their arrival in a camp or in the course of transfer, nor to the possibility of representatives of the Protecting Power, the International Committee of the Red Cross, or any other body giving assistance to prisoners which may be responsible for the forwarding of such supplies, ensuring the distribution thereof to the addresses by other means that they may deem useful.

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ANNEX IV
A. IDENTITY CARD
(see Article 4)

<p>Official seal Imprint</p>				<p>Religion</p>		<p>Fingerprints (optional) (Right forefinger)</p>		<p>Any other mark of identification</p>	
<p>Blood type</p>				<p>(Left forefinger)</p>		<p>(Right forefinger)</p>		<p>Any other mark of identification</p>	
<p>Height</p>		<p>Weight</p>		<p>Eyes</p>		<p>Hair</p>		<p>NOTICE</p> <p>This identity card is issued to persons who accompany the Armed Forces of but are not part of them. The card must be carried at all times by the person to whom it is issued. If the bearer is taken prisoner, he shall at once hand the card to the Detaining Authority, to assist in his identification.</p>	
<p>(Name of the country and military authority issuing this card)</p> <p>IDENTITY CARD</p> <p>FOR A PERSON WHO ACCOMPANIES THE ARMED FORCES</p> <p>Name.....</p> <p>First names.....</p> <p>Date and place of birth.....</p> <p>Accompanies the Armed Forces as.....</p> <p>Date of issue..... Signature of bearer.....</p> <p>Photograph of the bearer</p>									

Remarks.—This card should be made out for preference in two or three languages, one of which is in international use. Actual size of the card: 13 by 10 centimeters. It should be folded along the dotted line.

ANNEX IV
B. CAPTURE CARD
(see Article 70)

<p>PRISONER OF WAR MAIL</p> <p style="text-align: right;">Postage free</p>	
<p>CAPTURE CARD FOR PRISONER OF WAR</p>	
<p>IMPORTANT</p> <p>This card must be completed by each prisoner immediately after being taken prisoner and each time his address is changed (by reason of transfer to a hospital or to another camp). This card is distinct from the special card which each prisoner is allowed to send to his relatives.</p>	
<p>CENTRAL PRISONERS OF WAR AGENCY</p> <p>INTERNATIONAL COMMITTEE OF THE RED CROSS</p> <p>GENEVA SWITZERLAND</p>	

1. Front

2. Reverse side

B. CAPTURE CARD—Continued

Write legibly and in block letters		1. Power on which the prisoner depends.....	
2. Name	3. First names (in full)	4. First name of father	
5. Date of birth.....		6. Place of birth.....	
7. Rank.....		8. Service number.....	
9. Address of next of kin.....			
*10. Taken prisoner on: (or) Coming from (Camp No., hospital, etc.).....			
*11. (a) Good health—(b) Not wounded—(c) Recovered—(d) Convalescent—(e) Sick—(f) Slightly wounded—(g) Seriously wounded.....			
12. My present address is: Prisoner No.			
Name of camp.....			
13. Date.....		14. Signature.....	
*Strike out what is not applicable—Do not add any remarks—See explanations overleaf.			

2. Reverse side

Remarks.—This form should be made out in two or three languages, particularly in the prisoner's own language and in that of the Detaining Power. Actual size: 15 by 10.5 centimetres.

ANNEX IV
C. CORRESPONDENCE CARD AND LETTER
(see Article 71)

I. CARD.

<p>PRISONER OF WAR MAIL</p> <p style="text-align: right;">Postage free</p>	
<p>POST CARD</p> <p>To.....</p>	
<p>Sender:</p> <p>Name and first names</p>	
<p>Place and date of birth</p>	<p>Place of Destination</p>
<p>Prisoner of War No.</p>	
<p>Street</p>	
<p>Name of camp</p>	
<p>Country</p>	
<p>Country where posted</p>	<p>Province or Department</p>

1. Front

<p>NAME OF CAMP</p>	<p>Date</p>
<p>.....</p>	
<p>.....</p>	
<p>.....</p>	
<p>.....</p>	
<p>.....</p>	
<p>Write on the dotted lines only and as legibly as possible.</p>	

Remarks.—This form should be made out in two or three languages, particularly in the prisoner's own language and in that of the Detaining Power. Actual size of form: 15 by 10 centimetres.

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ANNEX IV

C. CORRESPONDENCE CARD AND LETTER

(see Article 71)

2. LETTER

PRISONER OF WAR MAIL

Postage free

To.....

Place.....

Street.....

Country.....

Department or Province.....

Country where posted.....

Name of camp.....

Prisoner of War No.....

Date and place of birth.....

Name and first names.....

Sender:.....

Remarks.—This form should be made out in two or three languages, particularly in the prisoner's own language and in that of the Detaining Power. It should be folded along the dotted line, the tab being inserted in the slit (marked by a line of asterisks), it then has the appearance of an envelope. Overleaf, it is lined like the postcard above (Annex IV C 1); this space can contain about 250 words which the prisoner is free to write. Actual size of the folded form: 29 by 15 centimetres.

ANNEX IV

D. NOTIFICATION OF DEATH

(see Article 120)

(Title of responsible authority).....

NOTIFICATION OF DEATH

Power on which the prisoner depended.....

Name and first names.....

First name of father.....

Place and date of birth.....

Place and date of death.....

Rank and service number (as given on identity disc).....

Address of next of kin.....

Where and when taken prisoner.....

Cause and circumstances of death.....

Place of burial.....

Is the grave marked and can it be found later by the relatives?.....

Are the personal effects of the deceased in the keeping of the Detaining Power or are they being forwarded together with this notification?.....

If forwarded, through what agency?.....

Can the person who cared for the deceased during sickness or during his last moments (doctor, nurse, minister of religion, fellow prisoner) give here or on an attached sheet a short account of the circumstances of the death and burial?.....

(Date, seal and signature of responsible authority.).....

Signature and address of two witnesses.....

Remarks.—This form should be made out in two or three languages, particularly in the prisoner's own language and in that of the Detaining Power. Actual size of the form: 21 by 30 centimetres.

ANNEX IV

E. REPATRIATION CERTIFICATE

(See Annex II, Article 11)

Repatriation Certificate

- Date:
- Camp:
- Hospital:
- Surname:
- First names:
- Date of birth:
- Rank:
- Army Number:
- P. W. Number:
- Injury Disease:
- Decision of the Commission:
- Chairman of the Mixed Medical Commission
- A = direct repatriation
- B = accommodation in a neutral country
- NC = re-examination by next Commission

ANNEX V—MODEL REGULATIONS CONCERNING PAYMENTS SENT BY PRISONERS TO THEIR OWN COUNTRY

(see Article 63)

- (1) The notification referred to in the third paragraph of Article 63 will show:
 - (a) number as specified in Article 17, rank, surname and first names of the prisoner of war who is the payer;
 - (b) the name and address of the payee in the country of origin;
 - (c) the amount to be so paid in the currency of the country in which he is detained.
- (2) The notification will be signed by the prisoner of war, or his witnessed mark made

upon it if he cannot write, and shall be countersigned by the prisoners' representative.

(3) The camp commander will add to this notification a certificate that the prisoner of war concerned has a credit balance of not less than the amount registered as payable.

(4) The notification may be made up in lists, each sheet of such lists being witnessed by the prisoners' representative and certified by the camp commander.

PEOPLE'S REPUBLIC OF ALBANIA

Mr. MALO, First Secretary to the Albanian Legation in Paris:

[TIAS 3362. Ante, p. 3114.]

(1) Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field.

Article 10: "The People's Republic of Albania will not recognize a request by a Detaining Power to a humanitarian organization or to a neutral State to take the place of a Protecting Power, as being in order, unless the Power of which the protected persons are nationals has given its consent."

[TIAS 3363. Ante, p. 3217.]

(2) Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea.

Article 10: "The People's Republic of Albania will not recognize a request by a Detaining Power to a humanitarian organization or to a neutral State to take the place of a Protecting Power, as being in order, unless the Power of which the protected persons are nationals has given its consent."

[Ante, p. 3326]

(3) Convention relative to the Treatment of Prisoners of War.

Article 10: "The People's Republic of Albania will not recognize a request by a Detaining Power to a humanitarian organization or to a neutral State to take the place of a Protecting Power, as being in order, unless the Power of which the prisoners of war are nationals has given its consent."

Article 12: "The People's Republic of Albania considers that in the case of prisoners of war being transferred to another Power by the Detaining Power, the responsibility for the application of the Convention to such prisoners of war will continue to rest with the Power which captured them."

Article 85: "The People's Republic of Albania considers that persons convicted under the law of the Detaining Power, in accordance with the principles of the Nuremberg trial, of war crimes and crimes against humanity, must be treated in the same manner as persons convicted in the country in question. Albania does not, therefore, consider herself bound by Article 85 so far as the category of persons mentioned in the present reservation is concerned."

[TIAS 3365. Post, p. 3516.]

(4) Convention relative to the Protection of Civilian Persons in Time of War.

Article 11: "The People's Republic of Albania will not recognize a request by a Detaining Power to a humanitarian organization or to a neutral State to take the place of a Protecting Power, as being in order, unless the Power of which the protected

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persons are nationals has given its consent." *Article 45:* "The People's Republic of Albania considers that in the case of protected persons being transferred to another Power by the Detaining Power, the responsibility for the application of the Convention to such protected persons will continue to rest with the Detaining Power."

ARGENTINA

Mr. SPERONI, First Secretary to the Argentine Legation in Berne, made the following reservation to the four Geneva Conventions: "The Argentine Government has followed the work of the Conference with interest and the Argentine Delegation has taken part in it with pleasure. The task was a difficult one, but as our President said at the closing meeting, we have succeeded.

"Argentina, Gentlemen, has always taken a leading place among many other nations on the questions which have formed the subject of our discussions. I shall, therefore, sign the four Conventions in the name of my Government and subject to ratification, with the reservation that Article 3, common to all four Conventions, shall be the only Article, to the exclusion of all others, which shall be applicable in the case of armed conflicts not of an international character. I shall likewise sign the Convention relative to the Protection of Civilian Persons with a reservation in respect of Article 68."

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

Mr. KOUTENIKOV, Head of the Delegation of the Byelorussian Soviet Socialist Republic:

(1) On signing the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, the Government of the Byelorussian Soviet Socialist Republic makes the following reservation:

Article 10: "The Byelorussian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained."

(2) On signing the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, the Government of the Byelorussian Soviet Socialist Republic makes the following reservation:

Article 10: "The Byelorussian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained."

(3) On signing the Convention relative to the Treatment of Prisoners of War, the Government of the Byelorussian Soviet Socialist Republic makes the following reservations:

Article 10: "The Byelorussian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the prisoners of war are nationals has been obtained."

Article 12: "The Byelorussian Soviet Socialist Republic does not consider as valid the freeing of a Detaining Power, which has transferred prisoners of war to another Power, from responsibility for the application of the Convention to such prisoners of war while the latter are in the custody of the Power accepting them."

Article 85: "The Byelorussian Soviet Socialist Republic does not consider itself bound by the obligation, which follows from Article 85, to extend the application of the

Convention to prisoners of war who have been convicted under the law of the Detaining Power, in accordance with the principles of the Nuremberg trial, for war crimes and crimes against humanity, it being understood that persons convicted of such crimes must be subject to the conditions obtaining in the country in question for those who undergo their punishment."

(4) On signing the Convention relative to the Protection of Civilian Persons in Time of War, the Government of the Byelorussian Soviet Socialist Republic feels called upon to make the following declaration:

"Although the present Convention does not cover the civilian population in territory not occupied by the enemy and does not, therefore, completely meet humanitarian requirements, the Byelorussian Delegation, recognizing that the said Convention makes satisfactory provision for the protection of the civilian population in occupied territory and in certain other cases, declares that it is authorized by the Government of the Byelorussian Soviet Socialist Republic to sign the present Convention with the following reservations:

Article 11: "The Byelorussian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected person are nationals has been obtained."

Article 45: "The Byelorussian Soviet Socialist Republic will not consider as valid the freeing of a Detaining Power, which has transferred protected persons to another Power, from responsibility for the application of the Convention to the persons transferred, while the latter are in the custody of the Power accepting them."

BRAZIL

Mr. PINTO DA SILVA, Consul-General of Brazil at Geneva, made the following reservations to the Geneva Convention relative to the Protection of Civilian Persons in Time of War:

"On signing the Convention relative to the Protection of Civilian Persons in Time of War, Brazil wishes to make two express reservations—in regard to Article 44, because it is liable to hamper the action of the Detaining Power, and in regard to Article 46, because the matter dealt with in its second paragraph is outside the scope of the Convention, the essential and specific purpose of which is the protection of persons and not of their property."

BULGARIAN PEOPLE'S REPUBLIC

Mr. KOSTA B. SVETLOV, Bulgarian Minister in Switzerland, made the following declaration:

"In my capacity as representative of the Government of the Bulgarian People's Republic, I have the pleasant duty of expressing here its satisfaction at having been able to take part in drawing up a humanitarian instrument of the highest international importance—a group of conventions for the protection of war victims.

"Nevertheless, my wish is that there shall be no need to apply them; that is to say, that we may exert every effort to prevent a new war, so that there may be no victims to be helped in accordance with the provisions of a convention.

"I must, first of all, express my Government's deep regret that the majority of the Diplomatic Conference did not accept the Soviet Delegation's proposal for the unconditional banning of atomic weapons and other weapons for the mass extermination of the population."

Therefore, on signing the Conventions, the Government of the Bulgarian People's Republic makes the following reservations, which constitute an integral part of the Conventions:

(1) Convention relative to the Protection of Civilian Persons in Time of War of August 12th, 1949.

On signing the present Convention, the Government of the Bulgarian People's Republic makes the following reservations, which constitute an integral part of the Convention:

With regard to Article 11: "The Bulgarian People's Republic will not recognize as valid the action of a Detaining Power of civilian persons in time of war, in approaching a neutral Power or a humanitarian organization with a view to entrusting it with the protection of such persons without the consent of the Government of the country of which the latter are nationals."

With regard to Article 45: "The Bulgarian People's Republic will not consider the Detaining Power of civilian persons in time of war, which has transferred such persons to another Power which has agreed to accept them, as being freed from responsibility for applying the provisions of the Convention to such persons during the time that they are detained by the other Power."

(2) Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12th, 1949.

On signing the present Convention, the Government of the Bulgarian People's Republic makes the following reservation which constitutes an integral part of the Convention:

With regard to Article 10: "The Bulgarian People's Republic will not recognize as valid the action of a Detaining Power of wounded, sick and shipwrecked persons or of medical personnel of armed forces at sea, in approaching a neutral Power or a humanitarian organization, with a view to entrusting it with the protection of such persons without the consent of the Government of the country of which the latter are nationals."

(3) Convention relative to the Treatment of Prisoners of War of August 12th, 1949.

On signing the present Convention, the Government of the Bulgarian People's Republic makes the following reservations, which constitute an integral part of the Convention:

With regard to Article 10: "The Bulgarian People's Republic will not recognize as valid the action of a Detaining Power of prisoners of war, in approaching a neutral Power or a humanitarian organization with a view to entrusting it with the protection of such persons without the consent of the Government of the country of which the latter are nationals."

With regard to Article 12: "The Bulgarian People's Republic will not consider the Detaining Power of prisoners of war, which has transferred such persons to another Power which has agreed to accept them, as being freed from responsibility for applying the provisions of the Convention to such persons during the time that they are detained by the other Power."

With regard to Article 85: "The Bulgarian People's Republic does not consider itself bound to extend the application of the provisions derived from Article 85 to prisoners of war convicted, under the law of the Detaining Power and in accordance with the principles of the Nuremberg trial, of war crimes or crimes against humanity which they committed before being taken prisoner, because those thus convicted must be subject to the regulations of the country in which they have to serve their sentence."

(4) Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12th, 1949.

On signing the present Convention, the Government of the Bulgarian People's Republic makes the following reservation, which constitutes an integral part of the Convention.

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With regard to Article 10: "The Bulgarian People's Republic will not recognize as valid the action of a Detaining Power of wounded and sick persons or of medical personnel in armed forces in the field, in approaching a neutral Power or a humanitarian organization with a view to entrusting it with the protection of such persons without the consent of the Government of the country of which the latter are nationals."

CANADA

Mr. WERSHOF, Counsellor, Office of the High Commissioner for Canada in London, made the following reservation to the Geneva Convention for the Protection of Civilian Persons in Time of War:

"Canada reserves the right to impose the death penalty in accordance with the provisions of Article 68, paragraph 2, without regard to whether the offences referred to therein are punishable by death under the law of the occupied territory at the time the occupation begins."

SPAIN

Mr. CALDERÓN Y MARTÍN, Spanish Minister in Switzerland, made the following reservation to the Geneva Convention relative to the Treatment of Prisoners of War, the text of the reservation being submitted in the Spanish, French and English languages:

"In matters regarding procedural guarantees and penal and disciplinary sanctions, Spain will grant prisoners of war the same treatment as is provided by her legislation for members of her own national forces."

"Under 'International Law in force' (Article 99) Spain understands she only accepts that which arises from contractual sources or which has been previously elaborated by organizations in which she participates."

UNITED STATES OF AMERICA

[TIAS 3365. Post, p. 3516.]

Mr. VINCENT, Minister of the United States of America in Switzerland, on signing the Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12th, 1949, made the following declaration:

"The Government of the United States fully supports the objectives of this Convention."

"I am instructed by my Government to sign, making the following reservation to Article 68:

"The United States reserves the right to impose the death penalty in accordance with the provisions of Article 68, paragraph 2, without regard to whether the offences referred to therein are punishable by death under the law of the occupied territory at the time the occupation begins."

HUNGARIAN PEOPLE'S REPUBLIC

Mrs. KARA made the following reservations: "At the meeting of the Diplomatic Conference on August 11th, 1949, the Delegation of the Hungarian People's Republic reserved the right to make express reservations on signing the Conventions, after having examined them. In their speech at the above meeting the Hungarian Delegation observed that they were not in agreement with all the provisions of the Conventions. After a thorough study of the text of the Conventions, the Government of the Hungarian People's Republic decided to sign the Conventions in spite of their obvious defects, as it considered that the Conventions constituted an advance in comparison with the existing situation from the point of view of the practical application of humanitarian principles and the protection of war victims."

"The Government of the Hungarian People's Republic is obliged to state that the concrete results achieved by the Diplomatic Conference which ended on August the 12th do not come up to expectations, since the majority of the members of the Conference

did not adopt the proposals of the Soviet Delegation concerning the atomic weapon and other means of mass extermination of the population."

"The Delegation of the Hungarian People's Republic noted with regret the point of view of the majority of the Conference, which was contrary to the wishes of the nations engaged in the struggle for peace and liberty. The Delegation of the Hungarian People's Republic is convinced that the adoption of the Soviet proposals would have been the most effective means of protecting war victims. The Delegation of the Hungarian People's Republic wishes, in particular, to point out the essential defects of the Convention relative to the Protection of Civilian Persons in Time of War: they drew the attention of the States taking part in the Conference to those defects during the meetings. A particular case in point is that of Article 4 of the Convention; by virtue of that Article the provisions of the Civilian Convention do not apply to certain persons, because the States whose nationals they are, have not adhered to the Convention. The Government of the Hungarian People's Republic considers that the above provision is contrary to the humanitarian principles which the Convention is intended to uphold."

"The Hungarian People's Government has also serious objections to Article 5 of the said Convention; according to the terms of that Article, if protected persons are definitely suspected of activities hostile to the security of the State, that is enough to deprive them of protection under the Convention. The Government of the Hungarian People's Republic considers that that provision has already made any hope of realizing the fundamental principles of the Convention illusory."

"The express reservations made by the Government of the Hungarian People's Republic on signing the Conventions, are as follows:

(1) "In the opinion of the Government of the Hungarian People's Republic, the provisions of Article 10 of the Wounded and Sick, Maritime Warfare and Prisoners of War Conventions and of Article 11 of the Civilian Convention, concerning the replacement of the Protecting Power, can only be applied if the Government of the State of which the protected persons are nationals, no longer exists."

(2) "The Government of the Hungarian People's Republic cannot approve the provisions of Article 11 of the Wounded and Sick, Maritime Warfare and Prisoners of War Conventions and of Article 12 of the Civilian Convention, according to which the competence of the Protecting Power extends to the interpretation of the Convention."

(3) "In regard to Article 12 of the Convention relative to the Treatment of Prisoners of War, the Government of the Hungarian People's Republic maintains its point of view that in the case of the transfer of prisoners of war from one Power to another, the responsibility for the application of the provisions of the Conventions must rest with both of those Powers."

(4) "The Delegation of the Hungarian People's Republic repeats the objection which it made, in the course of the meetings at which Article 85 of the Prisoners of War Convention was discussed, to the effect that prisoners of war convicted of war crimes and crimes against humanity in accordance with the principles of Nuremberg, must be subject to the same treatment as criminals convicted of other crimes."

(5) "Lastly, the Government of the Hungarian People's Republic maintains the point of view which it expressed in regard to Article 45 of the Civilian Convention, namely that, in the case of the transfer of protected persons from one power to another, the responsibility for the application of the Convention must rest with both of those Powers."

ISRAEL

Mr. KAHANY, Delegate of Israel to the European Office of the United Nations and to the International Committee of the Red Cross, made the following declaration:

"In accordance with instructions received from my Government, I shall sign the Geneva Convention relative to the Treatment of Prisoners of War without any reservation. But in the case of each of the other three Conventions, our signature will be given with reservations the purport of which is as follows:

(1) Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field.

"Subject to the reservation that, while respecting the inviolability of the distinctive signs and emblems of the Convention, Israel will use the Red Shield of David as the emblem and distinctive sign of the medical services of her armed forces."

(2) Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea.

"Subject to the reservation that, while respecting the inviolability of the distinctive signs and emblems of the Convention, Israel will use the Red Shield of David on the flags, armlets and on all equipment (including hospital ships), employed in the medical service."

(3) Geneva Convention relative to the Protection of Civilian Persons in Time of War.

"Subject to the reservations that, while respecting the inviolability of the distinctive signs and emblems provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, Israel will use the Red Shield of David as the emblem and distinctive sign provided for in this Convention."

ITALY

Mr. AURITI, Ambassador, made the following declaration concerning the Convention relative to the Treatment of Prisoners of War and Resolutions 6, 7 and 9 of the Diplomatic Conference of Geneva:

(1) Geneva Convention relative to the Treatment of Prisoners of War.

"The Italian Government declares that it makes a reservation in respect of the last paragraph of Article 66 of the Convention relative to the Treatment of Prisoners of War."

(2) Resolution 6 of the Diplomatic Conference of Geneva.

"Whereas the Conference has recommended that the High Contracting Parties will, in the near future, instruct a Committee of Experts to examine technical improvements of modern means of communication between hospital ships, on the one hand, and warships and military aircraft, on the other the Italian Government expresses the hope that the said Committee of Experts may be convoked, if possible during the coming months, in order that they may draw up an international code of rules for the use of the above means of communication."

"The Italian Armed Forces are at present engaged in making a thorough study of the above subject and will, if necessary, be ready to submit concrete proposals of a technical nature as a basis for discussion."

(3) Resolution 7 of the Diplomatic Conference of Geneva.

"The Italian Government is prepared to arrange that, whenever conveniently practicable, hospital ships shall frequently and regularly broadcast particulars of their position, route and speed."

(4) Resolution 9 of the Diplomatic Conference of Geneva.

"In regard to the second paragraph of Resolution 9, the Italian Government con-

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siders that the departments dealing with telecommunications in the countries of the High Contracting Parties must collaborate in drawing up some method of grouping telegrams of prisoners of war, so as to facilitate the transmission of numbered messages and thus avoid errors and the duplication of international transmissions and the consequent increase in their cost."

LUXEMBURG

Mr. STURM, Chargé d'Affaires of Luxembourg in Switzerland, made the following reservation:

"The undersigned Delegate of the Grand Duchy of Luxembourg, duly empowered by its Government, has this eighth day of December, 1949, signed the Convention established by the Diplomatic Conference of Geneva relative to the Treatment of Prisoners of War, with the reservation:

"that its existing national law shall continue to be applied to cases now under consideration."

NEW ZEALAND

Mr. GEORGE ROBERT LAKING, Counsellor to the New Zealand Embassy in Washington, made the following declaration:

"In signing the four Conventions established by the Diplomatic Conference at Geneva 1949, the New Zealand Government desire me to state that as there has been insufficient opportunity to study the reservations made on behalf of other States, the Government for the present reserve their views in regard to such reservations.

"In signing the Convention relating to the protection of civilian persons in time of war, the New Zealand Government desire me to make the following reservations:

(1) "New Zealand reserves the right to impose the death penalty in accordance with the provisions of Article 68, paragraph 2, without regard to whether the offences referred to therein are punishable by death under the law of the occupied territory at the time the occupation begins;

(2) "In view of the fact that the General Assembly of the United Nations, having approved the principles established by the Charter and judgment of the Nuremberg Tribunal, has directed the International Law Commission to include these principles in a General codification of offences against the peace and security of mankind, New Zealand reserves the right to take such action as may be necessary to ensure that such offences are punished, notwithstanding the provisions of Article 70, paragraph 1."

NETHERLANDS

Mr. BOSCH, Chevalier VAN ROSENTHAL, Minister of the Netherlands in Switzerland, made the following declaration:

"My Government has instructed me to sign the four Conventions established at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, but my Government wishes to make the following reservation regarding the Convention relative to the Protection of Civilian Persons in Time of War, which reservation reads as follows:

"The Kingdom of the Netherlands reserves the right to impose the death penalty in accordance with the provisions of Article 68, paragraph 2, without regard to whether the offences referred to therein are punishable by death under the law of the occupied territory at the time the occupation begins."

POLAND

Mr. PRZYBOS, Polish Minister in Switzerland, made the following reservations concerning the four Geneva Conventions:

(1) "On signing the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, I declare that the Government of the Polish Republic adheres to the said Convention, with a reservation in respect of Article 10.

"The Government of the Polish Republic will not consider as legal a request by the

Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded and sick, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent."

(2) "On signing the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, I declare that the Government of the Polish Republic adheres to the said Convention, with a reservation in respect of Article 10.

"The Government of the Polish Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded, sick and shipwrecked, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent.

(3) "On signing the Geneva Convention relative to the Treatment of Prisoners of War, I declare that the Government of the Polish Republic adheres to the said Convention, with reservations in respect of Articles 10, 12, and 85.

"In regard to Article 10, the Government of the Polish Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of prisoners of war, unless the Government whose nationals they are has given its consent."

"In regard to Article 12, the Government of the Polish Republic will not consider it legal for a Power, which effects a transfer of prisoners of war, to be freed from its responsibility for applying the Convention, even for the time during which such prisoners of war are in the custody of the Power accepting them."

"In regard to Article 85, the Government of the Polish Republic will not consider it legal for prisoners of war convicted of war crimes and crimes against humanity in accordance with the principles set forth at the time of the Nuremberg trials, to continue to enjoy protection under the present Convention, it being understood that prisoners of war convicted of such crimes must be subject to the regulations for the execution of punishments, in force in the State concerned."

(4) "On signing the Geneva Convention relative to the Protection of Civilian Persons in Time of War, I declare that the Government of the Polish Republic adheres to the said Convention, with reservations in respect of Articles 11 and 45.

"In regard to Article 11, the Government of the Polish Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of protected persons, unless the Government whose nationals they are has given its consent.

"In regard to Article 45, the Government of the Polish Republic will not consider it legal for a Power, which effects a transfer of protected persons, to be freed from its responsibility for applying the Convention, even for the time during which such protected persons are in the custody of the Power accepting them."

PORTUGAL

Mr. GONCALO CALDEIRA COELHO, Chargé d'Affaires of Portugal in Switzerland, made the following declaration:

(a) *Article 3, common to the four Conventions:*

"As there is no actual definition of what

is meant by a conflict not of an international character and as, in case this term is intended to refer solely to civil war, it is not clearly laid down at what moment an armed rebellion within a country should be considered as having become a civil war, Portugal reserves the right not to apply the provisions of Article 3, in so far as they may be contrary to the provisions of Portuguese law, in all territories subject to her sovereignty in any part of the world."

(b) *Article 10 of Conventions I, II and III and Article 11 of Convention IV:*

"The Portuguese Government only accepts the above Articles with the reservation that requests by the Detaining Power to a neutral State or to a humanitarian organization to undertake the functions normally performed by Protecting Powers are made with the consent or agreement of the government of the country of which the persons to be protected are nationals (Countries of origin)."

(c) *Article 13 of Convention I and Article 4 of Convention III:*

"The Portuguese Government makes a reservation regarding the application of the above Articles in all cases in which the legitimate Government has already asked for and agreed to an armistice or the suspension of military operations of no matter what character, even if the armed forces in the field have not yet capitulated."

(d) *Article 60 of Convention III:*

"The Portuguese Government accepts this Article with the reservation that it in no case binds itself to grant prisoners a monthly rate of pay in excess of 50% of the pay due to Portuguese soldiers of equivalent appointment or rank, on active service in the combat zone."

RUMANIAN PEOPLE'S REPUBLIC

Mr. IOAN DRAGOMIR, Chargé d'Affaires of Rumania in Switzerland, made the following declaration:

(1) "On signing the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, the Government of the Rumanian People's Republic makes the following reservation:

Article 10: "The Rumanian People's Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protecting persons are nationals has been obtained.

(2) "On signing the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, the Government of the Rumanian People's Republic makes the following reservation:

Article 10: "The Rumanian People's Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

(3) "On signing the Convention relative to the Treatment of Prisoners of War, the Government of the Rumanian People's Republic makes the following reservation:

Article 10: "The Rumanian People's Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the prisoners of war are nationals has been obtained.

Article 12: "The Rumanian People's Republic does not consider as valid the freeing of a Detaining Power, which has transferred prisoners of war to another Power,

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from responsibility for the application of the Convention to such prisoners of war while the latter are under the protection of the Power accepting them.

Article 85: "The Rumanian People's Republic does not consider itself bound by the obligation, which follows from Article 85, to extend the application of the Convention to prisoners of war who have been convicted under the law of the Detaining Power, in accordance with the principles of the Nuremberg trial, for war crimes and crimes against humanity, it being understood that persons convicted of such crimes must be subject to the conditions obtaining in the country in question for those who undergo their punishment.

(4) "I am authorized to make the following declaration on signing the Convention relative to the Protection of Civilian Persons in Time of War:

"The Government of the Rumanian People's Republic considers that this Convention does not completely meet humanitarian requirements, owing to the fact that it does not apply to the civilian population in territory not occupied by the enemy.

"Nevertheless, taking into consideration the fact that the Convention is intended to protect the interests of the civilian population in occupied territory, I am authorized by the Rumanian People's Government to sign the said Convention with the following reservations:

Article 11: "The Rumanian People's Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

Article 45: "The Rumanian People's Republic will not consider as valid the freeing of a Detaining Power, which has transferred protected persons to another Power, from responsibility for the application of the Convention to the persons transferred, while the latter are under the protection of the Power accepting them."

UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND

The Rt. Hon. Sir Robert CRAIGIE, Foreign Office, made the following declaration:

"In signing the Convention relative to the Protection of Civilian Persons in Time of War, His Majesty's Government in the United Kingdom desire me to make the following reservation:

"The United Kingdom of Great Britain and Northern Ireland reserve the right to impose the death penalty in accordance with the provisions of Article 68, paragraph 2, without regard to whether the offences referred to therein are punishable by death under the law of the occupied territory at the time the occupation begins."

CZECHOSLOVAKIA

Mr. TAUBER, Minister of Czechoslovakia in Switzerland, made the following reservations:

(1) "On proceeding to sign the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, I declare that the Government of the Czechoslovakian Republic adheres to the said Convention, with a reservation in respect to Article 10.

"The Government of the Czechoslovakian Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded and sick, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent.

(2) "On proceeding to sign the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, I declare that the Government of the Czechoslovakian Republic adheres to the said Convention, with a reservation in respect of Article 10.

"The Government of the Czechoslovakian Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded, sick and shipwrecked, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent.

(3) "On proceeding to sign the Geneva Convention relative to the Treatment of Prisoners of War, I declare that the Government of the Czechoslovakian Republic adheres to the said Convention, with reservations in respect of Articles 10, 12 and 85.

"In regard to Article 10, the Government of the Czechoslovakian Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of prisoners of war, unless the Government whose nationals they are has given its consent.

"In regard to Article 12, the Government of the Czechoslovakian Republic will not consider it legal for a Power, which effects a transfer of prisoners of war, to be freed from its responsibility for applying the Convention, even for the time during which such prisoners of war are in the custody of the Power accepting them.

"In regard to Article 85, the Government of the Czechoslovakian Republic will not consider it legal for prisoners of war convicted of war crimes and crimes against humanity in accordance with the principles set forth at the time of the Nuremberg trials, to continue to enjoy protection under the present Convention, it being understood that prisoners of war convicted of such crimes must be subject to the regulations for the execution of punishments, in force in the State concerned.

(4) "On proceeding to sign the Geneva Convention relative to the Protection of Civilian Persons in Time of War, I declare that the Government of the Czechoslovakian Republic adheres to the said Convention, with reservations in respect of Article 11 and 45.

"In regard to Article 11, the Government of the Czechoslovakian Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of protected persons, unless the Government whose nationals they are has given its consent.

"In regard to Article 45, the Government of the Czechoslovakian Republic will not consider it legal for a Power, which effects a transfer of protected persons, to be freed from its responsibility for applying the Convention, even for the time during which such protected persons are in the custody of the Power accepting them."

UKRAINIAN SOVIET SOCIALIST REPUBLIC

Mr. BOGOMOLETZ, Head of the Delegation of the Ukrainian Soviet Socialist Republic:

(1) "On signing the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, the Government of the Ukrainian Soviet Socialist Republic makes the following reservations:

Article 10: "The Ukrainian Soviet Socialist Republic will not recognize the validity of

requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

(2) "On signing the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, the Government of the Ukrainian Soviet Socialist Republic makes the following reservation:

Article 10: "The Ukrainian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

(3) "On signing the Convention relative to the Treatment of Prisoners of War, the Government of the Ukrainian Soviet Socialist Republic makes the following reservations:

Article 10: "The Ukrainian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the prisoners of war are nationals has been obtained.

Article 12: "The Ukrainian Soviet Socialist Republic does not consider as valid the freeing of a Detaining Power, which has transferred prisoners of war to another Power, from responsibility for the application of the Convention to such prisoners of war while the latter are in the custody of the Power accepting them.

Article 85: "The Ukrainian Soviet Socialist Republic does not consider itself bound by the obligation, which follows from Article 85, to extend the application of the Convention to prisoners of war who have been convicted under the law of the Detaining Power, in accordance with the principles of the Nuremberg trial, for war crimes and crimes against humanity, it being understood that persons convicted of such crimes must be subject to the conditions obtaining in the country in question for those who undergo their punishment.

(4) "On signing the Convention relative to the Protection of Civilian Persons in Time of War, the Government of the Ukrainian Soviet Socialist Republic feels called upon to make the following declaration:

"Although the present Convention does not cover the civilian population in territory not occupied by the enemy and does not, therefore, completely meet humanitarian requirements, the Ukrainian Delegation, recognizing that the said Convention makes satisfactory provision for the protection of the civilian population in occupied territory and in certain other cases, declares that it is authorized by the Government of the Ukrainian Soviet Socialist Republic to sign the present Convention with the following reservations:

Article 11: "The Ukrainian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

Article 45: "The Ukrainian Soviet Socialist Republic will not consider as valid the freeing of a Detaining Power, which has transferred protected persons to another Power, from responsibility for the application of the Convention to the persons transferred, while the latter are in the custody of the Power accepting them."

UNION OF SOVIET SOCIALIST REPUBLICS

General SLAVIN, Head of the Delegation of the Union of Soviet Socialist Republics:

(1) "On signing the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, the Government of the Union of Soviet Socialist Republics makes the following reservation:

Article 10: "The Union of Soviet Socialist Republics will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

(2) "On signing the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, the Government of the Union of Soviet Socialist Republics makes the following reservation:

Article 10: "The Union of Soviet Socialist Republics will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

(3) "On signing the Convention relative to the Treatment of Prisoners of War, the Government of the Union of Soviet Socialist Republics makes the following reservations:

Article 10: "The Union of Soviet Socialist Republics will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the prisoners of war are nationals has been obtained.

Article 12: "The Union of Soviet Socialist Republics does not consider as valid the freeing of a Detaining Power, which has transferred prisoners of war to another Power, from responsibility for the application of the Convention to such prisoners of war while the latter are in the custody of the Power accepting them.

Article 85: "The Union of Soviet Socialist Republics does not consider itself bound by the obligation, which follows from Article 85, to extend the application of the Convention to prisoners of war who have been convicted under the law of the Detaining Power, in accordance with the principles of the Nuremberg trial, for war crimes and crimes against humanity, it being understood that persons convicted of such crimes must be subject to the conditions obtaining in the country in question for those who undergo their punishment.

(4) "On, signing the Convention relative to the Protection of Civilian Persons in Time of War, the Government of the Union of Soviet Socialist Republics feels called upon to make the following declaration:

"Although the present Convention does not cover the civilian population in territory not occupied by the enemy and does not, therefore, completely meet humanitarian requirements, the Soviet Delegation, recognizing that the said Convention makes satisfactory provision for the protection of the civilian population in occupied territory and in certain other cases, declares that it is authorized by the Government of the Union of Soviet Socialist Republics to sign the present Convention with the following reservations:

Article 11: "The Union of Soviet Socialist Republics will not recognize the validity of requests by the Detaining Powers to a neutral State or to a humanitarian organization, to undertake the functions performed by a

Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

Article 45: "The Union of the Soviet Socialist Republics will not consider as valid the freeing of a Detaining Power, which has transferred protected persons to another Power, from responsibility for the application of the Convention to the persons transferred, while the latter are in the custody of the Power accepting them."

FEDERAL PEOPLES REPUBLIC OF YUGOSLAVIA

Mr. MILAN RISTIĆ, Yugoslav Minister in Switzerland, made the following declaration:

(1) "On signing the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, I declare that the Government of the Federal People's Republic of Yugoslavia adheres to the said Convention, with a reservation in respect of Article 10.

"The Government of the Federal People's Republic of Yugoslavia will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded and sick, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent.

(2) "On signing the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, I declare that the Government of the Federal People's Republic of Yugoslavia adheres to the said Convention, with a reservation in respect of Article 10.

"The Government of the Federal People's Republic of Yugoslavia will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded, sick and shipwrecked, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent.

(3) "On signing the Geneva Convention relative to the Treatment of Prisoners of War, I declare that the Government of the Federal People's Republic of Yugoslavia adheres to the said Convention, with reservations in respect of Articles 10 and 12.

"In regard to Article 10, the Government of the Federal People's Republic of Yugoslavia will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of prisoners of war, unless the Government whose nationals they are has given its consent.

"In regard to Article 12, the Government of the Federal People's Republic of Yugoslavia will not consider that the Power which has effected the transfer of prisoners of war, is freed from its responsibility for the application of the Convention for the whole of the time during which such prisoners of war are in the custody of the Power accepting them.

(4) "On signing the Geneva Convention relative to the Protection of Civilian Persons in Time of War, I declare that the Government of that Federal People's Republic of Yugoslavia adheres to the said Convention, with reservations in respect to Articles 11 and 45.

"In regard to Article 11, the Government of the Federal People's Republic of Yugoslavia will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Con-

vention by the Protecting Powers, on behalf of protected persons, unless the Government whose nationals they are has given its consent.

"In regard to Article 45, the Government of the Federal People's Republic of Yugoslavia will not consider it legal for a Power, which effects a transfer of protected persons to another Power, to be freed from its responsibility for applying the Convention for the whole of the time during which such protected persons are in the custody of the Power accepting them."

Mr. MORSE. There are certain items of the convention upon which I wish to comment specifically. I turn to article 4, which provides:

Prisoners of war, in the sense of the present Convention, are persons belonging to one of the following categories, who have fallen into the power of the enemy:

It then lists the categories, including military personnel.

There is no question, Mr. President, that these American soldiers fall within the terms of the definitive language of article IV.

Part B of the article continues:

The following shall likewise be treated as prisoners of war under the present Convention:

That section then lists:

Persons belonging, or having belonged, to the armed forces of the occupied country, if the occupying Power considers it necessary by reason of such allegiance to intern them,

It covers also another group of nationals which may fall within the jurisdiction of a country as a result of their being captured.

Mr. President, article 12 deals with the general protection of prisoners of war:

Prisoners of war are in the hands of the enemy Power, but not of the individuals or military units who have captured them. Irrespective of the individual responsibilities that may exist, the Detaining Power is responsible for the treatment given them.

Prisoners of war may only be transferred by the Detaining Power to a Power which is a party to the Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the Convention. When prisoners of war are transferred under such circumstances, responsibility for the application of the Convention rests on the Power accepting them while they are in its custody.

Nevertheless, if that Power fails to carry out the provisions of the Convention in any important respect, the Power by whom the prisoners of war were transferred shall, upon being notified by the Protecting Power, take effective measures to correct the situation or shall request the return of the prisoners of war. Such requests must be complied with.

I have been informed that our general policy in South Vietnam is to turn the prisoners whom we capture over to the South Vietnamese. Charges are made by some that the South Vietnamese are in violation of the Geneva Convention for the treatment of war prisoners.

Mr. President, I here now call upon our administration to look into the matter of the handling of prisoners captured by U.S. military forces in South Vietnam, and to advise Congress as to whether or not they are turned over to the South Vietnamese forces, and also to advise as to whether there is any basis for the allegation that the South Vietnamese

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Government likewise does not follow the Geneva Convention for the handling of war prisoners, as the allegation is that North Vietnam does not or is contemplating not doing.

My point, Mr. President, is that all countries involved in the South Vietnamese war should be bound by the Geneva Convention for the handling of war prisoners. I am satisfied that as far as my Government is concerned, in the handling of any war prisoners over whom we retain jurisdiction, the world need have no doubt that our Government complies with its signature on the Geneva War Prisoner Convention.

But, Mr. President, I think we need to be ready to meet with evidence any allegation that may be made that the South Vietnamese are in violation of the Geneva Convention for the handling of war prisoners, and if there is any evidence that bears out such allegation, and if it is our policy to turn North Vietnamese and Vietcong prisoners that we capture over to the South Vietnamese for handling, then we ought to stop that policy, unless we can give the world assurance that the Geneva Conventions are being complied with. Because article 12, as I read the convention, does not prevent us from turning the prisoners over to others to take care of; but it does make perfectly clear that we have an obligation to make certain that the treaty convention is complied with, if we do take captured prisoners and turn them over to another power.

Thus I repeat the language:

Prisoners of war are in the hands of the enemy Power, but not of the individuals or military units who have captured them. Irrespective of the individual responsibilities that may exist, the Detaining Power is responsible for the treatment given them.

Prisoners of war may only be transferred by the Detaining Power to a Power which is a party to the Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the Convention. When prisoners of war are transferred under such circumstances, responsibility for the application of the Convention rests on the Power accepting them while they are in its custody.

Nevertheless, if that Power fails to carry out the provisions of the Convention in any important respect, the Power by whom the prisoners of war were transferred shall, upon being notified by the Protecting Power, take effective measures to correct the situation or shall request the return of the prisoners of war. Such requests must be complied with.

Mr. President, now is the time for our Government to see to it that it places itself in the position to meet any attack that may be made against it on the basis of any transferring of prisoners to the South Vietnamese. I cannot believe, I will not believe, I simply refuse to believe, unless proof is established, that any Vietcong and North Vietnamese prisoners are not being treated in accordance with the requirements of the Geneva Convention on war prisoners, even though they are being turned over by the U.S. Government—if they are being turned over—to the South Vietnamese.

But I wish to make clear again that our Government has the responsibility of keeping itself in a position where at

all times it can assure the world that the Vietcong and the North Vietnamese prisoners are being treated in accordance with the requirements of the Geneva Convention for the handling of war prisoners. It is particularly important that the senior Senator from Oregon and the other liberals in the Senate who signed the statement of last Friday make perfectly clear that our Government owes it to the American people to keep itself in a completely defensible position on the handling of war prisoners, so that if we are deluged with a lot of Communist propaganda emanating out of North Vietnam, Red China, Russia, or any other Communist area of the world, we shall have the facts with which to answer the propaganda.

Mr. President, North Vietnam cannot justify violating the Geneva Convention provisions for the handling of prisoners of war on the basis of any allegation that their prisoners are being mishandled by the South Vietnamese as far as living up to the requirements of the treaty are concerned.

Mr. President, and I do not want this point missed—even if some instances could be shown in which the South Vietnamese have not followed the Geneva Convention in the handling of any prisoners that have been turned over to it by the United States, if any have been turned over to it by the United States, that would not justify the North Vietnamese Government executing these American prisoners, nor would it justify bringing them to trial as war criminals.

Mr. President, on the contrary, these prisoners are entitled to incarceration and humane treatment until at last this war is brought to an end or until, during the war, negotiations which often occur during a war for the exchange of prisoners occur or until neutral bodies come in either as neutral countries or neutral agencies, such as the Red Cross, to take various degrees of jurisdiction over war prisoners.

Mr. President, article 13 of the treaty provides:

Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention. In particular, no prisoner of war may be subjected to physical mutilation or to medical or scientific experiments of any kind which are not justified by the medical, dental or hospital treatment of the prisoner concerned and carried out in his interest.

Likewise, prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity.

Measures of reprisal against prisoners of war are prohibited.

Mr. President, article 14 provides:

Prisoners of war are entitled in all circumstances to respect for their persons and their honour.

Women shall be treated with all the regard due to their sex and shall in all cases benefit by treatment as favourable as that granted to men.

Prisoners of war shall retain the full civil capacity which they enjoyed at the time of their capture. The Detaining Power may not

restrict the exercise, either within or without its own territory, of the rights such capacity confers except in so far as the captivity requires.

Mr. President, article 17 contains a section reading:

No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind.

Prisoners of war who, owing to their physical or mental condition, are unable to state their identity, shall be handed over to the medical service. The identity of such prisoners shall be established by all possible means, subject to the provisions of the preceding paragraph.

The questioning of prisoners of war shall be carried out in a language which they understand.

Mr. President, article 22 provides:

Prisoners of war may be interned only in premises located on land and affording every guarantee of hygiene and healthfulness. Except in particular cases which are justified by the interest of the prisoners themselves, they shall not be interned in penitentiaries.

Prisoners of war interned in unhealthy areas, or where the climate is injurious for them, shall be removed as soon as possible to a more favourable climate.

The Detaining Power shall assemble prisoners of war in camps or camp compounds according to their nationality, language and customs, provided that such prisoners shall not be separated from prisoners of war belonging to the armed forces with which they were serving at the time of their capture, except with their consent.

Mr. President, article 23 provides:

Article 23

No prisoner of war may at any time be sent to, or detained in areas where he may be exposed to the fire of the combat zone, nor may his presence be used to render certain points or areas immune from military operations.

Prisoners of war shall have shelters against air bombardment and other hazards of war, to the same extent as the local civilian population. With the exception of those engaged in the protection of their quarters against the aforesaid hazards, they may enter such shelters as soon as possible after the giving of the alarm. Any other protective measure taken in favour of the population shall also apply to them.

Detaining Powers shall give the Powers concerned, through the intermediary of the Protecting Powers, all useful information regarding the geographical location of prisoner of war camps.

Whenever military considerations permit, prisoner of war camps shall be indicated in the day-time by the letters PW or PG, placed so as to be clearly visible from the air. The Powers concerned may, however, agree upon any other system of marking. Only prisoner of war camps shall be marked as such.

Mr. President, I comment on that article because some of the press stories—and I am sure they are so-called speculative stories—indicate that there are some who fear that what the North Vietnamese Government might do is place these American war prisoners in areas where they think American bombs might drop and, with that sort of cruel design, cause them to be killed by our own bombs.

Mr. President, no one deplors more than does the senior Senator from Oregon the fact that we are bombing in North Vietnam. I have suggested time and time again and repeat this afternoon that I think my President should issue an order immediately to stop the bombing. I do not think there is any hope of ever getting to a peace table by escalating the war.

Mr. President, that does not have anything to do with the cruel, horrendous, abnormal course of action of, in effect, chaining our war prisoners in combat zones so that they will be killed by the attacking country, or so that they, being placed in a position in which they can be killed by the fire of an attacking country, can be used as hostages to prevent the country from carrying out combat operations.

The treaty specifically prohibits it. The treaty specifically took into account this possibility and article 23, which I have commented on and have had printed in the RECORD, prohibits it.

Mr. President, article 26 provides:

The basic daily food rations shall be sufficient in quantity, quality and variety to keep prisoners of war in good health and to prevent loss of weight or the development of nutritional deficiencies. Account shall also be taken of the habitual diet of the prisoners.

The Detaining Power shall supply prisoners of war who work with such additional rations as are necessary for the labour on which they are employed.

Sufficient drinking water shall be supplied to prisoners of war. The use of tobacco shall be permitted.

Prisoners of war shall, as far as possible, be associated with the preparation of their meals; they may be employed for that purpose in the kitchens. Furthermore, they shall be given the means of preparing, themselves, the additional food in their possession.

Adequate premises shall be provided for messing.

Collective disciplinary measures affecting food are prohibited.

Mr. President, there is no doubt about the fact that the treaty sets forth the bill of particulars, the rules of conduct, and the obligations of the country that has under its custody captured war prisoners. There is no language in the convention, in my judgment, that would justify any plan on the part of North Vietnam to try these American prisoners that have been captured in North Vietnam.

I close my comments by saying that I would like to believe that it is peace that the noncombatants in this war are seeking. I want to continue to believe that it is peace that we seek. I hope it is peace that the North Vietnamese and the Vietcong seek.

But resort to brutality and cruelty and barbarism in the treatment of war prisoners by either the North Vietnamese or the South Vietnamese will not aid the coming of peace. Therefore, I hope that all the noncombatant nations in the world will recognize that here, too, as in regard to the other allegations of which I have spoken concerning their treaty duties under the United Nations, they should proceed to take concerted action.

This is a subject matter on which there should be action before the fact. This

is a subject matter of which the members of the Security Council of the United Nations and the members of the General Assembly of the United Nations should take cognizance, and they should call for international discussions now. Let us not wait until brutality and barbarism break forth in the handling of war prisoners.

We certainly have a clear duty in this matter, and I have no doubt as to where my President will stand. I shall support the President in any endeavor he makes through so-called noncombatant nations, to arrive at an understanding with the North Vietnamese, without any delay.

If there is any reason to believe that South Vietnamese are violating the Geneva War Prisoner Convention, an endeavor should be made to work this matter out with the South Vietnamese, and certainly we can do something about that.

Mr. President, I see grave danger of any barbaric act on the part of the North Vietnamese increasing the possibility of a greatly escalated war, at a time when we should be moving in the direction of deescalation. Leaders of other nations of the world have at least a moral duty—I believe a legal duty, too—to take the steps necessary to attempt to reach an understanding if there is any basis in fact—if there is any basis in fact, I repeat—that North Vietnam intends to try these American military prisoners as war criminals.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. FULBRIGHT. Mr. President, what is the pending business?

THE FOREIGN ASSISTANCE ACT OF 1966

The Senate resumed the consideration of the bill (S. 3584) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The PRESIDING OFFICER. The amendment of the Senator from Virginia [Mr. BYRD].

Mr. FULBRIGHT. Does the Senator wish to offer the amendment at this time?

The PRESIDING OFFICER. The amendment is pending.

Mr. FULBRIGHT. I wish to say to the Senator from Virginia that we have read and examined the proposed amendment. It is similar to one we have in the military aid bill. I am disposed to accept it. I believe it is a good amendment.

In the past, I have objected to amendments seeking to achieve ulterior and somewhat irrelevant objectives, but that objection has been overridden so often that I cannot see that it is valid any

longer, even though I used to object to the practice.

Therefore, in view of the fact that a similar provision is in the act with regard to Cuba, and the restriction is in the military bill, I accept the amendment proposed by the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, I thank the Senator from Arkansas.

The proposed amendment conforms the Economic Assistance Act to the Military Assistance Act, both of which were reported by the committee chaired by the distinguished Senator from Arkansas. I am pleased that the chairman of the Committee on Foreign Relations has accepted the proposed amendment, and I move that it be agreed to.

The PRESIDING OFFICER. (Mr. BURDICK in the chair). The question is on agreeing to the amendment of the Senator from Virginia.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I call up my amendment, which is at the desk, with respect to an International Private Investment Advisory Council, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent to dispense with the reading of the amendment.

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

The amendment offered by the Senator from New York [Mr. JAVITS] is as follows:

On page 17, between lines 17 and 18, insert a new subsection as follows:

"(a) Section 601(c), which relates to the Advisory Committee on Private Enterprise in Foreign Aid, is amended to read as follows:

"(c) (1) There is hereby established an International Private Investment Advisory Council on Foreign Aid to be composed of such number of leading American business specialists as may be selected, from time to time, by the Administrator of the Agency for International Development for the purpose of carrying out the provisions of this subsection. The members of the Board shall serve at the pleasure of the Administrator, who shall designate one member to serve as Chairman.

"(2) It shall be the duty of the Council, at the request of the Administrator, to make recommendations to the Administrator with respect to particular aspects of programs and activities under this Act where private enterprise can play a contributing role and to act as liaison for the Administrator to involve specific private enterprises in such programs and activities.

"(3) The members of the Advisory Council shall receive no compensation for their services but shall be entitled to reimbursement in accordance with section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) for travel and other expenses incurred by them in the performance of their functions under this subsection.

"(4) The expenses of the Advisory Council shall be paid by the Administrator from funds otherwise available under this Act."

Mr. JAVITS. Mr. President, the proposed amendment would establish an International Private Investment Advisory Council to make recommendations to the Administrator of the foreign assistance

July 18, 1966

**FOR THE FLAG: LAW AGAINST DESECRATION
SHOULD BE ENACTED**

About the silliest argument that could be raised against the proposal of a federal law to forbid and punish desecration of the American Flag is the suggestion that such a statute might "violate the constitutional guarantee of free speech."

Any Congressman entertaining such a theory, as ground for legal objection, is fabricating his own gnaw to strain at. There may be a relationship between words and actions of infamy—as between cause and effect—but they are not legally one and the same thing.

Technically, and in the eyes of the law, there is a difference between saying "Let's burn the house down," and setting fire to it.

The Flag has been desecrated time and again in this era of rampant hooliganism and apparently privileged seditious mischief. Subversive characters have spat on it, walked on it, burned it and torn it to shreds. They thereby were showing contempt not only for Old Glory, but for the thousands of young Americans who are fighting and dying for it.

Yet with a spate of measures before Congress to make that offense a federal crime, there still is no national law against it. The culprits go free!

For postage stamp irregularity you can go to jail. For mutilating money, penalty attaches—and nobody arises (or should) to suggest that punishment infringes the offender's "right" to talk himself blue (or Red) in the face.

The law proposed is eminently in order. One with teeth should be enacted and enforced to the letter.

Captive Nations Week

EXTENSION OF REMARKS

HON. H. ALLEN SMITH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 18, 1966

Mr. SMITH of California. Mr. Speaker, as we commemorate Captive Nations Week, it seems to me particularly ironic that on the same recent day when the Soviet Union canceled its participation in the annual track and field meet with the United States, our State Department announced a liberalization on travel by U.S. citizens to Communist countries with which we have no diplomatic relations.

Although the countries involved in this lift of travel restrictions are not among the east-central Europe captive nations, where travel by Americans is already relatively easy, there still is a most unsatisfactory inconsistency in the two announcements on the same day.

The Russians said they were canceling their athletes' trip to our country because of "our hatred for the American military who are perpetrating atrocities in Vietnam and our solidarity with the people of Vietnam."

That was the same day the State Department announced that persons in cultural, athletic, commercial, educational, public affairs, and professional fields will henceforth be eligible to apply for validation of their passports for travel to restricted areas. These are Communist China, North Vietnam, North Korea, Cuba, and Albania.

These simultaneous announcements also graphically illustrate a gradually diminishing concern on our part—by our Government and the people—over the plight of the people of the captive nations of east-central Europe.

Now is a time when Communist propaganda machinery is concentrating its attacks on alleged U.S. mistreatment of smaller nations, to recognize anew the Soviet imperialist record in east-central Europe. Now is a time for us to rededicate ourselves to the principles set forth in Public Law 90, enacted by Congress in July 1959 providing for the designation of the third week in July as "Captive Nations Week."

The resolution by which the law was enacted stated, in part:

Whereas these submerged nations look to the United States, as the citadel of human freedom, for leadership in bringing about their liberation and independence and in restoring to them the enjoyment of their Christian, Jewish, Moslem, Buddhist, or other religious freedoms; and of their individual liberties; and

Whereas it is fitting that we clearly manifest to such peoples through an appropriate and official means the historic fact that the people of the United States share with them their aspirations for the recovery of their freedom and independence.

Problems Beyond the Draft

EXTENSION OF REMARKS

OF

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 18, 1966

Mr. WYATT. Mr. Speaker, most of us in the Congress are aware and interested in the necessity for a revision of the Selective Service Act. In studying the problems involved, it is obvious that these problems are peripheral to overall manpower planning in this country. In this connection, the Oregon Journal, of Portland, Oreg., on Monday, July 11, 1966, published a most thought provoking editorial and with permission I print the same at this point in the RECORD:

PROBLEMS BEYOND THE DRAFT

A restudy of the military draft should be only a part of the business of the National Advisory Commission on Selective Service which has just been appointed by President Johnson.

What we need is a national policy on manpower—military and civilian—or, alternatively, a decision not to have a universal manpower policy.

This is so because, barring a vast expansion of the armed forces which no one in his right mind should want, there simply are too many young men in the military age bracket to find places in the armed services. Today we have about 10 million men in the United States aged 19 to 26, and only about 3 million men in the armed forces. Only about half the young men of draft age ever wear a uniform. As our population grows, the surplus of men should become even greater. In only eight more years, it is estimated, the 19-to-26 age bracket will have swollen to 13.6 million men.

Therefore, no study just of the military draft is likely to answer satisfactorily one

of the basic objections to the present draft system—that it takes Joe while passing over equally qualified Sam.

Recently suggestions have been revived that we should have a form of universal service, with every young man serving his country for a year or two in either a civilian or military capacity.

It may sound plausible on first hearing, but is this what we really want? After all, the regimented legions of Hitler Youth are one of the many ugly memories of Nazi Germany. Up to now the official line of the heads of the Peace Corps and the Vista volunteers, which might be regarded as examples of civilian alternatives to military service, has been that they wanted no part of having their organizations thought of as means for avoiding military duty.

On a purely practical basis, do we want to saddle the taxpayers with supporting every young man in the country for a year or two? Do we want to pay living allowances for the wives and children of those who are married? For that matter, if every boy is said to owe his country a couple of years of service, what about every girl? Do we want universal service for women, too?

These are some of the really fundamental questions involved in a study of the draft. Maybe the new commission will have to conclude that while the draft should be as fair as possible, nobody ever guaranteed that life itself would be 100 per cent fair, and that therefore we will have to continue calling some men while passing over others.

There is a nagging suspicion that President Johnson may have appointed his new commission in hopes, partly, of taking some of the heat out of the draft controversy until after the November elections. It is not directed to report until next Jan. 1.

The 20-member commission is heavy with people who have been closely associated with the system as it has operated in the past—people like John McCone, former director of the Central Intelligence Agency; Thomas Gates, ex-secretary of defense; David M. Shoup, former commandant of the Marine Corps, and even President Johnson's one-time press secretary and punching bag, George Reedy. But it also has at least one member—President Kingman Brewster of Yale University—who has been sharply critical of the present draft system. Its chairman, Burke Marshall, won wide respect when he was head of the civil rights division of the Justice Department.

The commission has the stature and background to make the "penetrating and broad-range study" which, according to his press secretary, the President wants. Nothing less will meet the need.


Vietnam

EXTENSION OF REMARKS

OF

HON. JOHN A. RACE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 18, 1966

Mr. RACE. Mr. Speaker, the months have stretched into years since the conflict in South Vietnam took top priority on the front pages of the newspapers of this Nation.

Many nationally prominent figures have ventured to express their opinions for or against the U.S. role in this conflict and in recent months, the term, "hawks and doves," has become a more or less standard expression in governmental and news media circles.

A3754

CONGRESSIONAL RECORD — APPENDIX

July 18, 1966

Today, I received a letter from one of my constituents in Fond du Lac, Wis., expressing what I believe is the prevailing attitude of the people of my district toward the Vietnam war.

I believe this letter speaks well for itself, and would commend it to the attention of all of my colleagues of this body.

Under unanimous consent I include the attached letter in the CONGRESSIONAL RECORD:

FOND DU LAC, WIS.,
July 14, 1966.

Congressman JOHN RACE,
House of Representatives,
Washington, D.C.

DEAR MR. RACE: I have been putting off long enough the writing of this letter informing you of my feelings in regard to Vietnam.

So much has been written, so many have been demonstrating (some without really knowing what for), so many condemn.

I hate war! But, I doubt that any human being will live a lifetime without seeing it or hearing of it or being affected by it in some way, because men are greedy, are hateful, and are lacking in love for others.

My younger brother is in Vietnam (with son and wife at home). We hope and pray that he'll come home on schedule in October, unharmed. My older brother has volunteered to go to Vietnam (with four boys and wife at home).

At times what I read makes me think seriously about whether the United States really belongs there. But I always return to the same conviction.

My general feelings are:

1. As long as South Vietnam is besieged with Northern murderers, torturers, and saboteurs, and is in need of support, the United States is morally committed to help them.

2. We didn't start this shameful mess; North Vietnam is the invader.

3. If we keep out of this fight, the same kind of infiltration will eventually reach our shores and our neighboring countries.

4. True, the United States has made many bunders, and has wronged many, but our sincere purpose is to give all men the freedom and comforts we have here.

5. I see many injustices perpetrated among our citizens (I am ashamed when I read of or see TV pictures of whites being so hateful toward fellow citizens because of their color), but I feel our country has never been better, and I wouldn't want to live anywhere else.

6. I support the raiding of North Vietnam oil targets and military targets. I feel they were carried out with the safety of the surrounding civilians uppermost in the minds of the planners.

7. I compare the bombing of oil supply depots in North Vietnam with Korea. I feel President Johnson made a wise decision, while perhaps President Truman might have erred in removing MacArthur. If MacArthur had been allowed to pursue his strategy we very likely would have ended the Korean war sooner, with far fewer casualties, and with a more stable situation than the shaky truce now in existence.

8. I am proud to be an American—I thank America for my freedom to speak, to worship, to think, to be educated, and to write this letter without fear of repercussion!

9. I thank you and all of our elected people who had the courage to run for office and the persistence to stick with all the problems presented.

10. And I thank whoever had the persistence to read this in its entirety.

Yours truly,

MRS. DAVE BARTOLUTTI.

Bobby Stephens Day

EXTENSION OF REMARKS

OF

HON. LINDLEY BECKWORTH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 18, 1966

Mr. BECKWORTH. Mr. Speaker, I desire to include in the CONGRESSIONAL RECORD an editorial that appeared in the Longview Morning Journal on June 18, 1966 concerning a longtime close friend of mine, Col. Robert L. Stephens. Also I include an article about Bobby Stephens Day.

I have known this very outstanding young man from the time he was a small boy. He always has been religious and a man of the highest character in all respects. His many talents and attainments warrant the signal honor he has received. Certainly he deserves the recognition he has been given.

The material follows:

BOBBY STEPHENS DAY

(By Carl L. Estes)

Any community is at its best when recognizing and honoring its citizens who have served their country faithfully and with distinction to themselves and the nation. So it is with Gilmer which places itself in the public spotlight Saturday by officially celebrating Bobby Stephens Day.

All East Texas is proud of Col. Robert L. Stephens, the celebrated and highly decorated "Silver Fox" of the U.S. Air Force who on May Day last year piloted a YF-12A jet interceptor at more than three times the speed of sound and brought the world's air speed record back to the United States from Russia.

For setting two new world flight records—a straight course speed record of 2,070.101 miles per hour, and an absolute sustained altitude record of 80,257.86 feet—Colonel Stephens and four of his test flight crew officers were decorated with the Distinguished Flying Cross, awarded by Air Force Chief of Staff Gen. John P. McConnell in a Pentagon ceremony in Washington.

Gilmer is literally booming with pride, for Colonel Stephens is a native of the Upshur County capital. He is the son of Mrs. Manie Stephens of Gilmer and the late Vernon J. Stephens. A veteran Air Force test pilot at 44, he is prematurely gray—the basis for his honored unofficial title of "Silver Fox" by which he is recognized among his Air Force friends and admirers.

Colonel Stephens and his co-pilot also were awarded the Flying Tiger Pilot Award for the world record-breaking flight, and received the 1965 Thompson Trophy Award. The MacKay Trophy for 1965, awarded by the National Aeronautic Association for the most meritorious flight of the year, will be presented to Colonel Stephens and his flight crew at Edwards Air Base on July 23 by General McConnell, Air Force chief of staff.

Gilmer and East Texas people are proud that Colonel Stephens' picture hangs in the Air Force Hall of Fame at Edwards Air Base, Calif., where he is officially known as Director of the Air Force Flight Test Center YF-12 test force.

The intrepid Gilmer colonel has been a test pilot longer than any other man in the Air Force today. He was the first military man to be elected a "fellow" in the International Society of Experimental Test Pilots. He is a Legion of Merit Medal winner for

his work a few years ago as director of testing of the famed F-104 fighter plane. As a test pilot and aeronautical engineer for 17 of his 22 years in uniform, he has been at Edwards Air Base a number of times over the past 12 years and now heads a group of more than 100 military and civilian test pilots, engineers, technicians and others engaged in flight testing the Mach 3 (three times the speed of sound) aircraft.

Colonel Stephens is a graduate of Gilmer High School, a graduate of Texas A&M University with an aeronautical degree, and holds a master's degree in aeronautics from Princeton University. He and his wife Joy have three lovely daughters, Lila, Linda and Lisa. His family will be with him for this happy occasion.

We here in Longview and throughout East Texas join in spirit with the proud people of Gilmer in honoring Colonel Stephens this Saturday. In all the activities of the day, we all shall be happy to have back home again, a distinguished citizen and one of the Air Force's finest, Col. Robert L. Stephens.

SPECIAL DAY IN HOMETOWN HONORS PILOT

GILMER.—As his home city put finishing touches on plans for Bobby Stephens Day scheduled today, the National Aeronautics Association revealed that Air Force Col. Robert L. Stephens and his record-setting pilots are to receive still further honors.

The MacKay Trophy, given for the most meritorious flight of the year, will go to the pilots and crew of the YF-12A jet interceptor in July 23, ceremonies at Edwards Air Force Base in California. It will be presented by Gen. John P. McConnell, U.S. Air Force Chief of Staff, Washington, D.C.

Veterans test pilot Stephens, known as "Bobby" to his hundreds of friends and admirers throughout East Texas, broke world speed and altitude records on May 1, 1965, when he and his co-pilot, Lt. Col. Daniel Andre, flew the YF-12A to 80,257.8 feet at a world speed of 2,070.1 miles per hour. This broke the previous record held by Russia—and on the Soviet Union's May Day at that.

On the same day, four other test pilots under Colonel Stephens' command, set nine world speed and altitude records in the same aircraft.

The MacKay Trophy will be awarded in the name of all the men who flew and set the nine world speed and altitude records.

Because of his distinguished career, the colonel and his family are being paid special honors all day Saturday in the town of his birth.

Festivities, under direction of Jack (Spot) Baird of Gilmer and Longview, and the Upshur County Chamber of Commerce, get underway at 9 a.m. Saturday at Kinel's Cafe where friends are invited to drop by for coffee and visit the colonel before he goes to the Strand Theater at 10 a.m. to show actual films of the record-breaking flight. He will narrate the film, and answer questions from his audience. Primarily an event for school children of Gilmer and all East Texas, the film will be shown again if interest warrants, Baird said.

At noon, an all-service club luncheon at Gilmer Country Club will spotlight Colonel Stephens and his family. This includes his mother, Mrs. Marie Stephens of Gilmer, his wife, Joy, and three daughters, Lila Lee, Linda Lou and Lisa; his mother-in-law, Mrs. Jewel Fuller of Baytown; and his two sisters, Verna Helen and Lila Blanche.

Gilmer Rotary, Lions and Kiwanis Clubs will combine their meetings for the luncheon, which will see such special guests as State Reps. George Hinson and John Allen, State Sen. Jack Strong, Cong. Lindley Beckworth and Ray Roberts.

July 18, 1966

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tainly is knowing a heavy amount of adjustment. Part of the bottleneck and mishaps is attributable to OEO administration at its several levels. Part of the woes stem from bureaucratic jealousies and politics in an election year. But *The Times* believes it is important that any legislative revamping should not be permitted to toss the baby out with the bathwater.

Firm Policy Looking Better

EXTENSION OF REMARKS

OF

HON. BYRON G. ROGERS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 18, 1966

Mr. ROGERS of Colorado. Mr. Speaker, broad support for President Johnson's outline of a firm policy in Vietnam is illustrated by an editorial in the *Denver Post*.

There have been so many repercussions from the bombing of North Vietnam's fuel dumps that it is difficult to avoid speculation that a turning point is near at hand, the *Post* says.

The newspaper finds optimistic reports about the fighting in Vietnam encouraging, although it urges caution.

Ultimately, it declares, a peace settlement acceptable to the United States and South Vietnamese interests may be possible. Firmness in that goal, as the *Post* has firmly outlined it, is in the newspaper's opinion our best course of action at this time.

The editorial follows:

[From the *Denver Post*, July 7, 1966]

FIRM WAR POLICY LOOKING BETTER

There are so many repercussions to the bombing of fuel dumps in North Viet Nam—rumored and real—that it is difficult to avoid speculation that a turning point in Viet Nam is near at hand.

Top U.S. officials are on record with the new view. President Johnson, George W. Ball, undersecretary of state, and Vice President HUMPHREY all said this week that North Viet Nam no longer expects victory.

Meanwhile, a report from a French journalist in Hanoi says President Ho Chi Minh of North Viet Nam is thinking of negotiating with the United States in 1967 "if there is no new development" in the war's progress.

The brighter view of the Vietnamese war was evident before the bombing. The main reasons were the U.S. troop buildup and Prime Minister Ky's successful moves against his domestic foes in South Viet Nam.

But the reports of disenchantment in Hanoi appear to have accelerated since U.S. planes began attacking fuel storage areas around Hanoi and Haiphong June 28. Damage to North Viet Nam's capability to wage war in South Viet Nam has been heavy. Aerial surveys have confirmed this.

And it must be even more disheartening to Hanoi's strategists to find that President Johnson's conduct of the war continues to receive strong backing despite flare-ups of antiwar sentiment. Success of the bombing raids, in effect, is answering the President's critics.

At the same time that optimistic reports are coming in, we would urge caution. One reason is very obvious. Hanoi may be indulging in some semi-public agonizing with a definite goal in mind: getting more help from Russia and China.

We think, also, that Americans ought to be cautioned against thinking in terms of total victory. The war in Viet Nam remains limited.

If, for example, North Viet Nam and Viet Cong units were to find the going too tough in South Viet Nam they could temporarily pull across the border into Cambodia, which they are using as a staging area now. It is doubtful the American people are ready for an invasion of Cambodia; many Americans still have reservations about the Hanoi-Haiphong raids.

There is, additionally, the physical impossibility of crushing North Viet Nam short of nuclear attack or a full-scale occupation of the country—moves which would invite Red Chinese entry into the conflict.

The new optimism about the Asian war is encouraging, however. It may mean that the next Canadian peace mission to Hanoi will find a tangible sign that Ho Chi Minh is willing to talk about the possibility of negotiations. Ultimately, a peace settlement acceptable to American and South Vietnamese interests may be possible. Firmness in that goal—as President Johnson has firmly outlined it—is our best course of action at this time.

The Bombings—For and Against

EXTENSION OF REMARKS

OF

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 18, 1966

Mr. HOLIFIELD. Mr. Speaker, under unanimous consent, I include an editorial from the *Los Angeles Examiner* herewith in the Appendix of the RECORD.

Mr. Hearst's editorial entitled "The Bombings—For and Against" is in my opinion well balanced and sound. I have been pleased by the understanding of the Vietnam problem which has been consistently portrayed in the newspaper editorials of Metropolitan Los Angeles newspapers and the weekly and daily newspapers in my congressional district in Los Angeles County:

THE BOMBINGS—"FOR" AND "AGAINST"

(By William Randolph Hearst, Jr., Editor-in-Chief, The Hearst Newspapers)

On this July 4 weekend, commemorating the spirit of freedom that gave birth to our great country, we find the world around us—and some here at home—plunged into controversy over the path America is taking in the world today. This is not particularly unusual, even considering the sharpness of the debate in the past few days, so I shall keep this week's column brief—giving us all more time to enjoy the annual memory of our glorious Independence Day.

The recent commotion, of course, centered upon the American bombing of oil installations near the North Vietnamese cities of Hanoi and Haiphong. Personally, I fail to see what the excitement is all about. We have been attacking North Vietnamese military objectives by air for more than a year, to the accomplishment of various mutterings and grumbings—and applause and commendations—both at home and abroad. So why all the fuss about the extensions of these attacks to such obviously military targets as these oil depots?

However, let's look at the "for" and the "against" line-up on this issue.

Included in the "against" crowd are: Senators J. W. FULBRIGHT and WAYNE MORSE

(naturally), plus Senators MIKE MANSFIELD and GEORGE AIKEN, with ROBERT KENNEDY expressing more doubt than total conviction. In addition there were the group of 16 House Democrats, UN Secretary-General U Thant and the so-called "Arab national press." Prime Minister Harold Wilson of Britain and the Vatican also voiced concern, although both have extended their efforts toward bringing the Communists to the conference table, only to be rejected with the same curtness as has greeted similar American efforts.

The uncompromisingly "for" crowd, on the other hand—led by President Johnson—includes a most emphatic Vice President HUBERT HUMPHREY and U.N. Ambassador Arthur Goldberg, plus our armed services, former Presidents Eisenhower and Truman, former Vice President Richard Nixon, a great majority in both houses of Congress, and all our allies in the vast Pacific basin, including Japan and our Australian, New Zealand and South Korean battlefield partners. In this group I also most enthusiastically place myself, and the sympathies and support of *The Hearst newspapers*.

Comments voiced by Ambassador Goldberg were particularly incisive. He pointed out to the U.N. Security Council and to Secretary-General Thant that a cessation of the bombing to North Vietnam was certainly not the way to stop the war—thus flatly contradicting Mr. Thant's own position. He also took issue with the secretary-general's protest against the oil depot raids—made on the grounds that they were in "heavily-populated areas"—and emphasized that the greatest caution had been taken by the U.S. to strike at military targets only. He pointed out, moreover, that Vietcong guerrillas exercise no such caution in their terrorism and assassination tactics in South Vietnam. The sole way to peace, Ambassador Goldberg urged, was through negotiation.

The attack on the oil depots also produced a flood of firmly-encouraging British newspaper editorials. It appears that the gentlemen of the Fleet Street press, many of whom are Battle of Britain veterans, have longer memories than the labor party politicians who seem to have influenced Prime Minister Wilson during this episode. From their own wartime experience they know that the paralysis of an enemy's fuel system can be a decisive step toward ending and winning a war.

Major British press comment, in fact, was decidedly on the American side with regard to the bombing. *The Times* called the action "understandable" from a military point of view. *The Daily Telegraph* observed that military justification for the raids was clear . . . and that the greatest consideration was taken to avoid populated places. The giant *Daily Express* questioned what alternative President Johnson faced in view of the fact that North Vietnam supplies the arms which permit the Vietcong to maintain its campaign in South Vietnam. *The Daily Mail* observed: "Unless we want Chinese Communist influence to flood through Southeast Asia—and it is always possible that its dangers have been over-estimated—the stand in Vietnam must be made. The war has to be fought and won."

The entire clamor directed against the oil depot bombings, in short, was based on the fact that the attacks were the closest yet to the civilian populations of Hanoi and Haiphong. But the fact remains that these targets were still considerably removed from the civilian population centers, by distances measured in miles. Moreover, neither President Johnson nor the military men on the scene in Vietnam have the slightest intention or desire to attack civilians. We only wish that similar sentiments were shared by those who indiscriminately throw hand grenades into civilian areas in South Vietnam, including crowded theaters and similar "targets." In our case, too, the pilots in-

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involved in the raids were most carefully briefed on the necessity of avoiding civilian areas.

But the most effective way of ending casualties of any kind in this grim business is to stop fighting and start talking. The U.S. is ready to do this at any time, while the Communists have brutally rejected any suggestion of negotiations to bring about peace.

Our commitment in Vietnam can survive this latest furor. Our policy will, in President Johnson's words, "continue to impose a growing burden and a high price on those who will wage war against the freedom of others." Which is precisely what that other addition to the "for" list—the great majority of the American people—feels, too.

Resource Development Action in Appalachia

EXTENSION OF REMARKS OF

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 18, 1966

Mr. CARTER. Mr. Speaker, I am very much encouraged by the determined efforts of rural people in the Appalachian area of Kentucky to improve their economic base by developing their land and water resources. They are moving forward in working out resource problems that have been a bottleneck to progress.

I have been following with interest the Mill Creek small watershed project in Monroe County, Ky., my home county in the congressional district I represent. It is a good example of local action that is being taken with State and Federal help. It is an indication of how tools of the Appalachian Regional Development Act are being put to work in combination with the small watershed program.

The project work plan has been completed and is under agency review before being presented to congressional committees for approval. The project area is one where there is urgent need to increase family income, which, of course, affects the economy of the entire county. Farmland, roads, and bridges are beset annually by damaging floods. This flooding has an adverse effect not only on land use, but on the economy of the watershed. Cropland, grassland, and forestland need conservation practices if they are to contribute to economic stability and halt erosion. However, many of the people involved have not been able financially to carry out this work.

The Mill Creek project was approved for help under section 203 of the Appalachian Regional Development Act. As a result, farmers have already started to apply needed conservation practices. It is significant, I think, that the majority of the people who are receiving this help have not been reached before by other programs. This is a good sign. It is an indication that the purposes of the Appalachian Act are being fulfilled.

The land treatment is a basic element of the watershed project itself. Plans call for all feasible measures to solve soil

and water problems and, in addition, to enhance the overall economy of the watershed community, especially low-income farms.

The city of Tompkinsville will have a new source of water supply from a planned 72-acre multipurpose reservoir at which public recreation facilities are also to be developed. Growth and development of Tompkinsville presently is seriously hampered by lack of adequate quality water. The recreation area is expected to serve over 18,000 people annually. This recreation area will complement a smaller development at the adjacent Old Mulkey House State Park, a historic shrine dating back to the days of Daniel Boone.

I think these people are doing a tremendous job and they have my support, as do other similar small watershed projects in the area. In many Appalachian communities, the sound development of natural resources is the main hope if sustained benefits are to be realized. Projects such as Mill Creek serve to carry out the purposes of the tools we have given rural people to stimulate economic activity.

Address of Hon. John E. Fogarty, Second Congressional District, Rhode Island, Before the American Association of School Librarians' Convention, New York Hilton, July 11, 1966

EXTENSION OF REMARKS OF

HON. JOHN E. FOGARTY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 18, 1966

Mr. FOGARTY. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

ADDRESS OF HON. JOHN E. FOGARTY, SECOND CONGRESSIONAL DISTRICT, RHODE ISLAND, BEFORE THE AMERICAN ASSOCIATION OF SCHOOL LIBRARIANS' CONVENTION, NEW YORK HILTON, JULY 11, 1966

School libraries are caught in the middle of a whirlwind. This whirlwind will toss American education into the uncharted future of all Western civilization.

Never before in recorded history have a people turned so decisively to formal education as the basis for reaching their economic, political, and social goals. The industrial revolution depended on the human body, not the human mind. The electronic and the nuclear revolution will increasingly depend on the power and flexibility of highly trained intelligence.

As school librarians, you must not try to take shelter from this educational whirlwind. Such an act would invite disaster. Instead, face the wind at its strongest point, the electronic processing of intelligence and its immediate communication to the point of need.

I predict that it will become increasingly difficult to tell a librarian from a teacher. Any kind of librarian at any level, from all kinds of teachers at all levels. Education involves learning. Learning is something that each of us does for himself. Teachers, colleagues, librarians, or machines can only

assist in making such learning as efficient and productive as possible.

Since learning is exclusively an individual process, more and more educational emphasis is being placed on individual instruction. New educational technology will soon make it possible to bring the best teacher, the best book, the best educational experience to each student.

We can realistically expect to achieve in the foreseeable future, the electronic equivalent of Mark Hopkins on one end of the log and each of us—all students everywhere—on the other.

Individualized instruction is, in a sense, the fundamental concept behind libraries. "The right book for the right reader at the right time" still sums up the best basis for developing library services. As this concept pervades educational theory, practice, and development, but not goals, will change and develop. It is the size of the job to be done and its urgency, that demands innovation, flexibility, and prompt action. We must shorten or eliminate the lag that has existed between the best library practices anywhere and all other libraries everywhere.

I have watched with interest the Knapp School Libraries project as an indicator of things to come. Oak Park, for example, has taken advantage of both the Knapp Project and Title III of the Elementary and Secondary Education Act for the electronic retrieval of concept films in the library. This effort will involve teachers, librarians, administrators, and private industry in the effort to improve learning. The library plans to provide several hundred carrels so that students may individually dial their selection at a time convenient to them.

In fact, a child at home in the evening will be able to dial the core and the required concept film would be received over his standard TV set. This kind of development which, when fully operational, should be immediately exploited by other schools to meet their particular need. I am not advocating faddism here. I do not suggest that we bow with every breeze in the whirlwind. But I do submit that we must identify what techniques are effective and we must move swiftly to equalize their impact on all students.

A vehicle for such educational improvement may be found in the network of regional educational laboratories being established by the U.S. Office of Education. Their purpose is to assist local school districts in assessing their own educational programs and practices, developing or identifying new methods for their improvement, and actually implementing worthwhile innovations. Many of these laboratories will be investigating the potential of projects like Oak Park's in solving their educational problems. Whenever they are convinced that the equipment does indeed make a significant contribution to the educational function commensurate with its cost, they will develop demonstration projects to encourage local school districts to follow their lead wherever similar educational problems exist. The laboratories will have the technical competence to determine whether the software has been adequately evaluated and will recommend to the local districts those systems which have been proven effective.

This effort of the laboratories is an extension of the research which has been carried on by the Office of Education for a number of years, but the laboratories take the planning and implementation of the research and development activity out to the schools themselves and thus give the whole effort a practical orientation which will help to speed up and give direction to the entire educational improvement effort. The Federal Government will continue to carry on a wide range of research and development activities, ranging from basic studies in cogni-

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funds available for section 11 of the school lunch program. That section authorizes special assistance in the form of a larger subsidy to schools in low-income areas. This added sum will allow needy children to receive more well-rounded nutritional diets. The House merely continued the \$2 million appropriated last year.

At the same time I hope the conferees will be sympathetic to the views of the House with regard to new starts in watershed planning. Whereas the House allowed for 100 new starts for this important program to increase our flood prevention methods, the Senate has allowed for only 60 new starts. I am informed the actual building of the various watershed projects has been bogged down and I hope that an increased effort within the Department of Agriculture will be made to push this program along at a faster pace.

I am also pleased to point out that although only \$50 million was allocated for expenses for the cropland adjustment program, the committee in its report states that should it be determined later that actual needs for fiscal 1967 are much greater, additional funds will be sought in a supplementary appropriation bill. The cropland adjustment program was created as a result of the 1965 Agriculture Act and it is still unfamiliar to many farmers. However, as the word spreads across the country, I believe that there will be great demand by farmers who may wish to divert land from the production of unneeded crops to uses that will promote the development and conservation of our soil. Also the program may be used to preserve open spaces, promote natural beauty, and for rural recreation facilities.

Earlier in the session, the Senate passed S. 902, a bill sponsored by Senator ELLENDER and myself to authorize the Secretary of Agriculture to cooperate with State and other public agencies in planning for changes in the use of agricultural land in rapidly expanding areas and other agriculture use areas. We can ill afford to make mistakes in land development as the cities expand into our rural areas. I am informed that community planners have expressed great interest in the aid given them by the soil maps resulting from surveys conducted by the Soil Conservation Services. I had hoped that the committee would have seen fit to restore the entire \$3.6 million which the administration sought to cut from this year's budget. However, the Senate did restore \$2 million of that amount which is the sum agreed to by the House.

Finally, I should mention that by restoring the funds which the Administration would have cut in agricultural research, the committee returned \$320,000 to the joint Federal-State fight against the golden nematode—an insect which has the capability of destroying the entire Long Island potato crop. Such destruction would result in the loss to New York State of over \$25 million annually. I am informed that the combined Federal-State effort over the past 20 years is within 3 or 4 years of containing this infestation. It would be tragic if the Federal Government were to withdraw its support at this time.

STEINBECK REPLIES TO YEVTU-SHENKO ON VIETNAM

Mr. JAVITS. Mr. President, in a poem published July 7 in a Moscow literary newspaper, Yevgeny Yevtushenko chided Pulitzer and Nobel Prize-winning Author John Steinbeck for his silence on Vietnam and urged him to deplore the recent bombing raids.

Mr. Steinbeck, who has a son in Vietnam, turned the tables on Yevtushenko. He said that he does not "know a single American who is for (the war in Vietnam). But, my beloved friend, you ask me to denounce half a war, our half."

Steinbeck called the war Chinese-inspired and insisted that the United States would not be there in the first place were it not for the fact that others began the conflict.

Instead, Steinbeck called on Yevtushenko to use his influence in the Soviet Union to get the Moscow government to "stop sending the murderous merchandise through North Vietnam to be used against the South."

I ask unanimous consent to have the full text of John Steinbeck's letter printed in the RECORD.

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

Following is the full text of Steinbeck's open letter to Yevtushenko:

"MY DEAR FRIEND GENYA:

"I have just now read those parts of your poem printed in the New York Times. I have no way of knowing how good the translation is, but I am pleased and flattered by your devotion.

"In your poem, you ask me to speak out against the war in Vietnam. You know well how I detest all war, but for this one I have a particular and personal hatred. I am against this Chinese-inspired war. I don't know a single American who is for it. But, my Beloved friend, you asked me to denounce half a war, our half. I appeal to you to join me in denouncing the whole war.

"Surely you don't believe that our 'pilots fly to bomb children,' that we send bombs and heavy equipment against innocent civilians? This is not East Berlin in 1953, Budapest in 1956, nor Tibet in 1959.

"You know as well as I do, Genya, that we are bombing oil storage, transport and the heavy and sophisticated weapons they carry to kill our sons. And where that oil and those weapons come from, you probably know better than I. They are marked in pictograph and in Cyrillic characters.

"I hope you also know that if those weapons were not being sent, we would not be in Vietnam at all. If this were a disagreement between Vietnamese people, we surely would not be there, but it is not, and since I have never found you to be naive you must be aware that it is not.

"This war is the work of Chairman Mao, designed and generalised by him in absentia, advised by Peking and cynically supplied with brutal weapons by foreigners who set it up. Let us denounce this also, my friend, but even more, let us together undertake a program more effective than denunciation.

"I beg you to use your very considerable influence on your people, your government, and on those who look to the Soviet Union for direction, to stop sending the murderous merchandise through North Vietnam to be used against the South.

"For my part, I will devote every resource I have to persuade my government to withdraw troops and weapons from the South, leaving only money and help for rebuilding. And, do you know, Genya, if you could ac-

complish your part, my part would follow immediately and automatically.

"But even this is not necessary to stop the war. If you could persuade North Vietnam to agree in good faith to negotiate, the bombing would stop instantly. The guns would fall silent and our dear sons could come home. It is as simple as that, my friend, as simple as that, I promise you. I hope to see you and your lovely wife Galya soon.

"With all respect and affection,

"JOHN STEINBECK."

THE AIRLINES STRIKE

Mr. JAVITS. Mr. President, last week, I called upon the administration to make proposals to Congress for the revision and strengthening of the emergency labor dispute provisions of our national labor laws—proposals which the President assured us, in his state of the Union message, he would deliver but which have never been presented.

The airlines strike is but one more example of the critical weakness in our labor laws which periodically and regularly subjects us to strikes endangering the national health and safety.

Mr. President, yesterday the Washington Post published an excellent editorial, reiterating my call for legislative action. I ask unanimous consent that this editorial be printed in the RECORD.

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

[From the Washington (D.C.) Post,
July 17, 1966]

EMERGENCY STRIKE VOID

Senator JAVITS has issued a timely reminder that the promised recommendations for emergency strike legislation have never been forthcoming. The President indicated in his State of the Union message last January that he would have proposals to make on the subject. At the time the country was much concerned about the helplessness of Government in the face of stalled public services because of the New York subway strike. The crisis passed, however, and nothing was done. Now the country is face to face with a similar crisis in the airlines strike, and there is no legislation on the books through which the public interest can be protected.

This newspaper has often noted the inadequacies of the emergency strike provisions of the Taft-Hartley Act. The airline strike has once more demonstrated the similar weaknesses of the Railway Labor Act. So long as these defects remain uncorrected the public must expect periodic crises resulting in the suspension of services that, in our modern civilization, must be deemed essential.

Mr. JAVITS is not asking others to rush into a delicate legislative field which he himself avoids. On the contrary, he has long sponsored legislation that would give the President what he calls "one last-resort weapon" that could be used after all else had failed. If fact-finding with recommendations and a cooling-off period for additional negotiations should fail, he would authorize the President to go to court and ask for the appointment of a special receiver to operate the struck property whenever necessary to protect the public health and safety.

Whether or not this is the right approach, it would be a useful starting-off place for discussion of an extremely difficult problem. It is a grave illusion to suppose that the problem will go away if the Congress and the White House continue to ignore it. On the contrary, it is likely to get worse.

DEATH OF POLICE CHIEF WILLIAM H. PARKER, OF LOS ANGELES, CALIF.

Mr. KUCHEL. Mr. President, last Saturday night, a distinguished American, Chief of Police William H. Parker, of Los Angeles, died suddenly of a heart attack. He was 64. My wife and I send to his widow our most heartfelt condolences.

I have no doubt that his reputation is known to all the Members of the Senate who would wish to join with me in extending sincere sympathies.

Chief of Police Parker was a man of unswerving loyalty to the enforcement of the law. If a crime were committed, or suspected, in the city of Los Angeles, he considered it his bounden duty to ferret out the guilty, no matter who they were, nor what their reputation might be.

Bill Parker brought honor and courage and devotion to the public trust and to all of his official labors.

He reorganized the police department of the great city of Los Angeles into one of the finest law enforcement agencies in this Nation.

He would remove an incompetent or one derelict to his duty as instantly as he would honor a member of his department for valor in line of duty. He was impervious to both politics and threats.

Chief Parker sought no public laurels. He had no political ambitions. He was content with his lot, and eternally proud of it. He was not interested in winning popularity contests. When he spoke, he spoke bluntly. He did not seek a reputation as a public speaker, or as a raconteur, or as a clubman. First and last, it was the enforcement of the law and the protection of the innocent which marked the bounds of his duties and his days as chief of police.

For the last many months, Bill Parker was not well. He underwent heart surgery last October. But he stuck to his duty, for duty, as he saw it, was his guide. He feared God, but nothing else.

I had the pleasure of knowing the late Chief Parker since the end of the Second World War. In the intervening years, I came to know him as a friend. But seared into my soul is the eternal gratitude which I shall have for him because of the superb professional investigation which he and the members of his excellent police department undertook many months ago when I became the victim of a criminal libel. Chief Parker ordered a complete inquiry, and his police force proceeded precisely as he ordered. Unquestionably, the truth would not have been known, nor would justice have prevailed, in this instance, were it not for Bill Parker's penchant for law enforcement all across the board. Here, as in every other instance he confronted in his official labors, it was the law of organized society that Bill Parker viewed as supreme.

Mr. President, I ask unanimous consent that the text of a letter which I wrote to him on February 25, 1965, and his answer to me on March 2, 1965, may appear in the Record at this point.

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

FEBRUARY 25, 1965.

HON. WILLIAM H. PARKER,
Chief of Police,
City of Los Angeles,
Los Angeles, Calif.

DEAR CHIEF PARKER: I wish to repeat what I told you at lunch last week. As a Californian, I take great pride in the integrity and the ability of the Los Angeles Police Department under your leadership. I have abundant reason to know what I say. The recent investigation which your Department undertook, at my request, demonstrated a high degree of skill in uncovering a complex series of well hidden facts, by which your Department established the commission of an evil crime against society.

The investigation did more. It reflected a dedicated devotion by your Department to its public trust.

With my sincere thanks,

Very sincerely yours,

THOMAS H. KUCHEL,
U.S. Senator.

CITY OF LOS ANGELES, CALIF.,
OFFICE OF THE CHIEF OF POLICE,
W. H. PARKER,

March 2, 1965.

HON. THOMAS H. KUCHEL,
The U.S. Senate,
Washington, D.C.

DEAR SENATOR KUCHEL: Thank you so very much for your expression of confidence and support concerning the manner in which officers of this Department are performing their duties.

I am uncommonly proud of the especial tribute you have paid to the officers who were assigned to the recent investigation.

Be assured that they shall know of your gratefulness for their efforts in your behalf.

Sincerely yours,

W. H. PARKER,
Chief of Police.

THE AIRLINES STRIKE

Mr. LAUSCHE. Mr. President, in the President's message on the state of the Union he said:

I also intend to ask the Congress to consider measures which, without improperly invading State and local authority will enable us to deal effectively with strikes which threaten irreparable damage to the national interest.

That message was delivered last January. No implementing legislation was recommended.

The status of the Nation in being at the mercy of labor leaders is now identical with what it was on the night the message on the state of the Union was presented to Congress. Undoubtedly, when the President made that statement, he had in mind the paralysis that the city of New York suffered when it was subjected to a strike against the metropolitan transportation system. The impact of that strike was still vivid with the President and the people of the Nation, and, in my opinion, it was on that basis that he said he would present to the Congress ways and means of protecting the country against work stoppages which caused irreparable damage to the economy.

The question now is, Does the strike of the airlines involve a national interest? My position is that to contend to the contrary is ridiculous. The strike does involve the national interest. It comes completely within the letter and

the spirit of what the President said to the Congress last January.

That the national interest is involved is quite pointedly demonstrated when we recognize that the Continental Air Command has had to institute an emergency airlift to carry soldiers returning from or en route to South Vietnam and to facilitate other military operations.

However, even apart from the problem of transporting military men, the strike has caused economic damage in untold amounts and has subjected the citizenry to an inconvenience which is wholly unjustified.

Last week I presented to the Senate a bill the provisions of which declared that after conciliation and mediation, under the Railway Labor Act, a finding had been—

The ACTING PRESIDENT pro tempore. The Senator's 3 minutes have expired.

Mr. LAUSCHE. Mr. President, I ask unanimous consent to have 2 or 3 additional minutes.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, the Senator may proceed.

Mr. LAUSCHE. After the preliminary instrumentality had been exercised and no adjustment had been made of the dispute, the President, under my bill, would be empowered to create a five-man board, three to represent the public, one the striking unit, and one the employers.

That five-man board is granted plenary powers to take testimony and finally render judgment on what has been done. That judgment is final, except if there be a digression from the procedural provisions of the law.

On the following day, the Senator from New York [Mr. JAVITS] introduced a bill, contemplating creating an instrumentality of the Government that would make possible the termination of a dispute of the type involved. I shall not attempt to describe the provisions of his bill. My understanding is that certain preliminary instrumentalities are used, and if those instrumentalities do not produce a settlement, he would then give jurisdiction to the U.S. courts to appoint a receiver and operate the system, with all parties being in status quo except that the receiver is operating the system.

The point I wish to make is this: Not one word is heard from the White House about either Senator JAVIT'S bill or mine. I know of no condition that would more urgently demand some expression. The White House cannot say, "We will not intervene." The problem is too serious.

I say to the Senator from New York, it is my hope that we will not, at the end of this strike, find ourselves in the same position that we were in at the end of the New York metropolitan transportation strike. Something must be done to permanently deal with this problem, and I intend to continue speaking on the subject. I have one view of how it should be done, the Senator from New York has another; others may propose other means. But some effective instrumentality must be created.

Mr. JAVITS. Mr. President, we Senators generally get to know one another

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is. And so you have Rembrandt and Churchill on this particular picture.

But there was a moral in it, of course, for me. My countrymen won't like me describing them as mice. Indeed we produce the largest rat in the world. It stumps itself along and calls itself a kangaroo.

But I remember the moral of the fable was that little friends may prove great friends. In a sense, my country is a little friend, because there are less than 12 million of us.

But think of the men that this country produced when there were 2½ million of you and you signed the Declaration of Independence. I have often marveled at the greatness of the men you produced from that small community at that time.

I think it was Smuts who said that the great countries are the countries which produce great men, and you produced great men as early as the period in which you had something less than 2½ million.

Washington, himself, Jefferson, Franklin, Alexander Hamilton. You know the list of them so much better than I. But these are men whose names stand in the common heritage of democracy and freedom around the world.

I talked about myself. Perhaps I could return to that for a moment, because we have so many distinguished press representatives and columnists and people of that sort here. I had a recent example in London of how important correct reporting can be.

My wife was interviewed by the press while she was there and was asked what she had been doing. Naturally, being the wife of a politician, she was quite cautious about this. So they asked her if she had been doing any shopping.

You know nothing can embarrass a politician any more than to have it reported that his wife had been doing a lot of expensive shopping. So she said that she had bought a couple of white mice.

This was solemnly reported back in Australia. Then the cables started to flow in the most intriguing jargon of the public service of the Commonwealth pointing out that the import of white mice into Australia was prohibited under our quarantine arrangements; that these white mice would have to be exterminated, if they arrived; it would be very embarrassing for all concerned if the wife of the Prime Minister had to be subjected to this treatment.

Now if the press had only added what was the fact, that these white mice were made of china and were designed for our grandchildren, then everybody would have been happy.

But I have had, Mr. President, on this journey, memorable, unforgettable, and very stirring experiences. And you, sir, have contributed notably to these in ways which my country will not forget and certainly I shall not. And then in England, of course, I have these memories, also.

But one would expect to find some disappointments along the way and I found one here. I found one when I went to England. Perhaps there were others, but these are the ones I mention.

The disappointment I found here was to discover how little of the total story of what is going on in the Pacific area was reaching you through the columns of the press. There was a vivid, dramatic, day-to-day reporting of the military operations in South Vietnam and this, I suppose, is the first war which has been fought on a television screen for most people, and, therefore, not necessarily the most objectively understood by most people.

And so I was disappointed that while I knew of the feeling and appreciation that your own Administration has for this area and its problems, and you have given eloquent testimony to that in the words you

have given to us this lunchtime, it was to me, I repeat, a disappointment that we didn't hear more of what was going on in this area of the world which contains half the human race, which by the end of the century will contain rather more than half the human race, because the rate of increase there is significantly greater than in the area of Western Europe or even in these United States.

But you and your colleagues have shown your own awareness of the problems of that area and your determination to play a significant part in seeing those of us who live there through the challenges and through the opportunities which lie ahead for us.

In England I found some disappointment in the fact that Great Britain, and even more so the other countries of Western Europe, seem to be almost oblivious to the existence of that area of the world, almost as if they had quite deliberately turned their backs upon a large part of life, history, and experience in these modern times, because so much that is stirring and exciting in these modern times is occurring in this area of the world.

To bring out the best in the people of a country, you need a cause that will stir the pulse. We have, I am glad to say, several such causes moving in my own country at this time; the problem of developing a large continent, of bringing people in from so many different countries, the challenge of great projects which have to be opened up, the comparatively recent discovery—

Perhaps I should, in saying this, mollify what one has said in a critical vein of these other countries, because it is only in comparatively recent times that we, in Australia, have become conscious and sensitive to the fact that we, by force of geography and circumstance and the history of the future, have a significant place in Asia and, in particular, in the Asia of tomorrow.

These were the disappointments.

On the other hand, Mr. President, I was to find in the United Kingdom an expression, on behalf of the Prime Minister, of determination to support your presence in Vietnam, recognition of the need for the two great democracies of the United States and the United Kingdom to maintain a close comradeship in the affairs of the world.

And you will shortly be visited by the Prime Minister, again keeping close and warm the link between these two democracies whose leadership means so much to the well-being of mankind.

But the primary responsibility of that leadership falls upon you as the head of the mighty nation which these days leads the free world. It is an awesome responsibility and it is fortunate for all of us who value freedom, the opportunities, and liberties of free men that we should have, as the leader of this great democracy in turn leading the free world, a man of your own courage, character, and resolution.

And the lesson that we shall carry out to the rest of the world and, indeed, I know this is the judgment of the Prime Minister of Great Britain, is that here we have a man of resolution determined to see the issues in Vietnam through to the end, however difficult or long that task may be.

But you and I, as men who have this stirring of the pulse for the things that can be done and perhaps because we come from great open spaces and can draw a big fresh breath from the country in which we live and breathe that we tend to take the long view, perhaps the visionary view.

But the visions help to provide the causes and the causes help to evoke the qualities that are the best that lie within us.

And we share this great cause in the Asia of the future.

This, to me, has been one of the really heartening experiences of my journey to the

Northern Hemisphere from Down Under. Here in this country is the resolution to see the job through where the difficulties lie and eager determination to take up the opportunities in comradeship and collaboration with those of us who live in the area to make something of Asia which will mark a new and hopeful phase in the history of mankind.

Mr. President, this is the sort of hope you leave with me and which I take back to my country. And it is a stirring thing. It is a comforting thing. It is a heartening thing to be able to feel that we can go on through the many difficulties which face a small people in a large continent with hundreds of millions of people of different race, different history, different tradition, different religion, different outlook immediately about us, but confidently facing that future, because we believe that our own friendship, our own enterprise, our own willingness to join in the task of Asia we will build ourselves new friendships that will see us through the difficulties that we face.

And underlying it all will be the knowledge that we have a friend, a very powerful friend whom you symbolize on this occasion. Thank you. For meaning that strength and that inspiration that is heartening to us all.

In that spirit, from Australia, I salute the President of the United States.

PLIGHT OF CAPTIVE AIRMEN IN NORTH VIETNAM

(Mr. WOLFF (at the request of Mr. SCHMIDHAUSER) was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. WOLFF. Mr. Speaker, I am deeply disturbed by increasing reports that North Vietnam plans to try captured American airmen.

The U.S. Government must make it abundantly clear to the leaders in Hanoi that such a course would invite the gravest of consequences. I think I can say with assurance that the American people would demand a swift and mighty response if such trials were to result in harm to American prisoners.

But most important, the cause of peace in Vietnam would receive a tremendous setback.

Mr. Speaker, Hanoi must not be allowed the dangerous notion that America's earnest desire for peace would prevent the American people from responding to this treatment.

Although opinion in this country differs on the subject of U.S. involvement in Vietnam, the American people would surely unite in demanding the sternest of measures if our men were subjected to trials in defiance of the humane treatment required by the Geneva Convention.

Hanoi must be made to understand in advance that trying American prisoners could deal a fatal blow to the world's hopes for peace in Vietnam.

(Mr. GONZALEZ (at the request of Mr. SCHMIDHAUSER) was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

[Mr. GONZALEZ' remarks will appear hereafter in the Appendix.]

July 18, 1966

THE AIRLINE STRIKE—AN EXERCISE IN DEMOCRACY

(Mr. GONZALEZ (at the request of Mr. SCHMIDHAUSER) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GONZALEZ. Mr. Speaker, as the current airline strike enters its second week, no individual has greater reason to regret and be inconvenienced by the loss of transportation than myself. I have made a round trip to my home district in San Antonio, Tex., from Washington, D.C., every weekend that the House has been in session since I came here after my initial election to Congress in 1961. These trips are an essential part of my routine and of my responsibility to my district, as I see it. So I view the airline strike from the vantage point of a veteran traveler of the airlines and a weekend commuter.

Still, I firmly believe that this airline strike, and any strike not in violation of the law of the land, is an exercise in American democracy. The right to strike is a vital element of our system. The loss of this right would help to close our open society. I am therefore concerned over the amount and the tone of the criticism and the animosity directed against the employees involved in this strike.

Without full knowledge of the intricate details involved in the controversy with the airlines, I do not feel competent to comment on the merits of the proposals of either side. But from the intemperance of the criticism that has been spoken and written, it is clear that many of the critics are equally incompetent. For the most part, however, they represent the longtime foes of collective bargaining and the workingman. To them the fact, which even I am aware of, that the airlines the enjoying record-breaking corporate profits and unprecedented prosperity, does not indicate that the claims of the employees may be just and reasonable. These traditional anti-union spokesmen are one sided and narrow minded and they will perhaps never comprehend the contributions that the free union movement has made to the growth and development of this country.

Some of them go so far as to advocate compulsory arbitration. They sometimes condition their demand for compulsory arbitration by qualifying it for cases involving the national interest only. But in these days national and even international business organizations, of mergers and consolidations, how easy it is to establish a case for the national interest in almost any strike. Fortunately, the labor-baiters are in the minority and the vast majority of the people support the right to strike.

I therefore say that the machinists, members of the International Association of Machinists—IAM—are to be commended for protecting and exercising the rights of every workingman. They are acting in the finest tradition of the Nation. It should be pointed out that in exercising this right, there has been no interruption of work on military airlift flights, military charter flights, flight simulators, and training flights.

To those who can offer as a solution only the interference of the Federal Government, I say what the President has indicated: Let labor and management work out their own difficulties within the framework of collective bargaining.

(Mr. HANSEN of Iowa (at the request of Mr. SCHMIDHAUSER) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

[Mr. HANSEN of Iowa's remarks will appear hereafter in the Appendix.]

VICE PRESIDENT HUMPHREY SPEAKS AT MICHIGAN STATE UNIVERSITY AND WEST POINT

(Mr. HANSEN of Iowa (at the request of Mr. SCHMIDHAUSER) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANSEN of Iowa. Mr. Speaker, Vice President HUBERT HUMPHREY is a man with a long and distinguished career of public service. He has served his country as mayor of Minneapolis, as U.S. Senator for 16 years, and now as our Vice President.

HUBERT HUMPHREY is a man of tremendous versatility and range of interests. Among the achievements in which he has played a major role are the bills which created the Arms Control and Disarmament Agency, the Peace Corps, the food stamp program, the food-for-peace program, and the National Defense Education Act. He was also instrumental in passage of the nuclear test ban treaty and the Civil Rights Act of 1964. These are but a few of his many accomplishments.

Perhaps the greatest of the Vice President's interests is in education. He has said:

I can think of no item of legislative business which is more important than education. If this Nation is to continue as a leader of the world, we must make sure that our children are trained and educated to live in this age of scientific revolution.

Recently, the Vice President again demonstrated his interest in our students and future leaders by addressing them at commencement ceremonies. I submit for the RECORD the speeches by the Vice President at commencement programs at Michigan State University and West Point. I believe they are worthy of careful reading and attention:

REMARKS OF VICE PRESIDENT HUBERT H. HUMPHREY, MICHIGAN STATE UNIVERSITY, EAST LANSING, MICH., JUNE 12, 1966

HUBERT HUMPHREY feels a kinship with college students.

I like to be where the action is. I was raising Cain with the system before you were born, and as I am just beginning to get started, I don't doubt that I will be raising Cain when you are running things too.

In fact, I wish I were being graduated today. I might have a better idea where my next job is coming from.

Today I speak in a relatively new role. I speak for management.

As management's spokesman, I wish first to thank you for service to your nation.

In all these years of study, I am sure you

thought you were improving your position to compete in the years ahead or to enter a profession. But you today are more than college graduates.

From management's viewpoint, you are valuable national resources.

More Americans are in college this year than all the Americans alive when our nation was founded. More Americans are in graduate schools today than all the Americans who bore arms during the Revolution. There are lots of resources.

And we will need them all.

For by the time one of you is likely to stand in this place at some future Commencement, the American people will number more than 300 million—and the people in the world almost too many to even think about.

And I need not recite for you the future needs and problems of those people.

You will be in charge. You will be responsible for our national security and my medicare.

You will be responsible for the education of my grandchildren and the freedom of my great-grandchildren.

So I propose to take a look at you and have a talk with you.

But, first, about your parents.

It may be hard to believe but, in another century's history books, the very people who have been helping with your tuition may be ranked among the greatest radicals in modern history.

Some of your parents might flinch if you told them there were radicals in your family. But they have been nothing less.

Theirs is the first generation in all of history which, by its own hand, has surrendered the privilege of telling its offspring: This is how things are; this is how they always have been; this is the way the world goes.

Your fathers and mothers were born children of hills and valleys. Today they see the galaxy itself.

They have created amazing new systems of management, science and technology.

They have found new and better systems to care for people.

And I have been right in the midst of it with them, just as I am with you.

I am not going to bore you with tales of the Great Depression, or of World Wars, and of the hardships your parents faced.

Nor will I recount the struggles that took place in our country to achieve the measure of well-being and social justice we have reached today.

But I can tell you, it has been no picnic. It has been no improvised "happening."

It has taken involvement, and hard work, and study, and self-doubt, and passionate disagreement, and finally, understanding and motion.

Progress has ridden no fast express. It has been a local all the way.

Thus, as older generations welcome you aboard, I think you ought to know that they've not been cooling their heels waiting for you.

The generation of your parents has lived amid the floodwaters of history. Most of them have known genuine hardship. Many of them have lost loved ones on other continents. Their old horizons have gone far off in space, yet they have followed, cautious but willing. The world has come to their dinner table, and at times has seemed to stay a long while, yet they remain hospitable. They have made history. Yet to many of you, I know, it seems "the heavy hand of history."

Remember this: The challenges they have faced didn't leave room for some of the niceties of today.

They have had to meet trouble in large sizes.

They have had to feed and clothe and house and transport and produce and educate and struggle in big portions, just to overcome the clear and present perils of their time.

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especial day to dedicate an enduring symbol. It is a high honor for me to join you in this act of dedication for us all by unveiling this plaque at the very site those early Americans completed the first official celebration of the Fourth of July.

SAIGON TAKES REINS OF CIA'S SCHOOL

Mr. McCARTHY. Mr. President, the New York Times of this morning publishes a somewhat serious and confused story about the CIA school in Saigon.

I find it rather difficult to understand just what happened. However, as nearly as I can understand, the school run by the CIA was infiltrated and taken over by a third force group which was conducting propaganda against the propaganda line being presented by the CIA.

I read a paragraph from the article: The changeover of the training program took place in mid-June in a dramatic confrontation at the seaside city of Vungtau. It came after political instructors in the rural pacification training school there seized a supply of arms and threatened to resist a change in the leadership of the school.

It seems rather contradictory that a classification school group should seize the arms in order to take over the leadership of the school.

The article further states, quoting in this case a Vietnamese source:

"But we cannot have the cadre controlled by one political party," said one Vietnamese source. He added: "Also, there could never be success in this program as long as Americans seem to run it, and this is no criticism of the CIA. It has to be our program."

The final paragraph reads:

Actually, many employees of the agency remain in the training and field supervision program because there is no one to replace them. But informed sources said the agency was not happy to take a less prominent part in what has become the largest overt program in its history.

Since this is described as an overt program, I assume that information about it could probably be given to the Senate by those Members of the Senate whom the Senate last week decided could be trusted with the deep secrets of the CIA.

I hope that the members of that committee will look into this matter and, if possible, satisfy themselves about it. If they see no danger in the security of the country, I hope they will inform the Senate as to the facts of this situation.

Mr. President, I ask unanimous consent that the article entitled "Saigon Takes Reins of CIA's School," written by Charles Mohr, and published in the New York Times of July 18, 1966, be printed at this point in the Record.

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

[From the New York (N.Y.) Times, July 18, 1966]

SAIGON TAKES REINS OF CIA'S SCHOOL (By Charles Mohr)

SAIGON, SOUTH VIETNAM, July 17.—Large numbers of South Vietnamese who had been hired to preach support of the Saigon Government were secretly indoctrinated to believe the Government was unworthy of support, it was disclosed today by South Vietnamese sources.

As a result, Saigon Government officials have taken over from the Central Intelligence Agency the program for training the "revolutionary development cadre"—armed experts in political propaganda.

The anti-Government indoctrination was conducted by a South Vietnamese army major, employed by the C.I.A., who spread the doctrine of a highly nationalistic political society of the Dal Viet political party. The doctrine was neither pro-Communist nor did it subscribe to salvation through the present Government.

South Vietnamese sources consider this to be a third-force doctrine that waits only for a propitious moment to seize power.

The major, Le Xuan Mai, is believed to have infiltrated a considerable part of South Vietnam's propaganda and pacification teams with cells of workers indoctrinated in this third-force philosophy.

The changeover of the training program took place in mid-June in a dramatic confrontation at the seaside city of Vungtau. It came after political instructors in the rural-pacification training school there seized a supply of arms and threatened to resist a change in the leadership of the school.

In the end, the "struggle force" formed by the instructors bowed without violence to the wishes of the Saigon Government.

TAKEOVER FROM C.I.A.

The most important result of the affair appears to be that the South Vietnamese officials have taken from the hands of the United States Central Intelligence Agency, which financed and controlled the program, primary responsibility for the training of members of a rural pacification cadre.

United States officials do not appear to have consciously fostered the kind of political indoctrination of the cadre that Maj. Gen. Nguyen Duc Thang, Minister of Revolutionary Development, found offensive or dangerous.

The training program and secret indoctrination had been devised by Major Mai, Vietnamese sources said.

Major Mai has been dismissed as director of the Vungtau training center, along with two captains and about five political instructors. Other instructors may be dismissed in the future.

An important South Vietnamese official said today, "I will work with anybody and I will take support from any American group, but we must have control of this program."

HOW PROBLEM DEVELOPED

As pieced together from various informants, this is the story:

Other United States and South Vietnamese agencies could not foresee or appreciate the necessity for armed propaganda teams to combat similar Vietcong organizations. But the C.I.A. did grasp this need. By the end of 1965, the agency had trained about 19,000 members of Political Action Teams.

Although their effectiveness may have been exaggerated, the teams were impressively effective in some areas. When a new rural pacification program was evolved late last year by South Vietnamese and United States officials, both the existing Political Action Teams and their training center at Vungtau were visualized as the core of the new program.

General Thang was appointed Minister of Revolutionary Development, or pacification. He in turn appointed Col. Tran Ngoc Chau, a respected thinker on guerrilla warfare, as director of cadre.

According to some South Vietnamese sources, it came to the attention of these officials that Major Mai was a member of something called the Duy Tan sect of the Dal Viet or Greater Vietnam political party.

As interpreted by Major Mai, the doctrine of this political society was that neither

governments in Saigon offered salvation to the Vietnamese people.

THIRD-FORCE PHILOSOPHY

He is thus accused of having taught a third-force philosophy at Vungtau, centered on the idea that members of a political action team should appear to support the Government but wait for the right moment when it could be replaced with a more idealistic movement.

There may have been a certain anti-American tone to this indoctrination, but it was neither pro-Vietcong nor corrupt, observers concede.

According to unverifiable reports, Major Mai and his assistants may have placed four-man Duy Tan cells in each Political Action Team platoon graduated from Vungtau and in each 59-man rural pacification team graduated from the first class of 4,500 such workers. This is in addition to open training and spare-time indoctrination of all other members in aspects of the sect's philosophy.

LINK TO PARTY REPORTED

Major Mai, the sources said, also built subtly for the future. He conceived an emblem for the Political Action Teams built around the letter "T" superimposed on the letter "H," which ostensibly represented a Vietnamese slogan meaning "Service Through Sacrifice."

But the "T-H" symbol is also that of the Duy Tan sect of the Dal Viet party.

General Thang moved cautiously at first but in mid-June, after the first class of the pacification cadre had been graduated and before the second enrolled, General Thang sent Colonel Chau to be commandant of the camp over Major Mai.

Different versions of the events that followed can be heard. The versions generously agree that Major Mai's subordinates formed a "struggle" group to demand that Colonel Chau return to Saigon and that the camp be left undisturbed. They also agree that political instructors seized some arms.

C.I.A. officials urged a compromise under which Major Mai would have been retained in a job at Vungtau. But when this proved unacceptable to General Thang, the agency agreed to the change and to an assumption of much greater South Vietnamese control of the whole program.

It should not be thought that Major Mai succeeded in turning all of his cadre into members of his political party. Many were already under strong political influence from other groups in their home provinces. It is difficult, in fact, to assess accurately just how much effect the indoctrination had.

"But we cannot have the cadre controlled by one political party," said one Vietnamese source. He added: "Also, there could never be success in this program as long as Americans seem to run it, and this is no criticism of the C.I.A. It has to be our program."

Actually, many employees of the agency remain in the training and field supervision program because there is no one to replace them. But informed sources said the agency was not unhappy to take a less prominent part in what has become the largest overt program in its history.

THE HIGH COST OF THE AIRLINE STRIKE

Mr. SYMINGTON. Mr. President as I am sure telegrams, letters and telephone calls received by every Member of Congress reveal, the general public is becoming more insistent on action to bring to an end the national airlines strike, now in its 11th day.

In my own State of Missouri, Trans World Airlines has furloughed 5,977 employees. The loss, un-