

that this Nation would consider taking the initiative by inviting the Soviet Union to join us without delay in a temporary freeze of this kind pending talks which would be designed to make the freeze permanent. In that fashion both nations would underscore the mutuality of interest which can exist—which, in fact, does exist—in bringing to a close this costly, wasteful, and futile competition in nuclear armaments. It would be by my further hope that the initiative, which is suggested, would be pursued by the executive branch before the consideration of the Safeguard deployment reaches a point of no return in the Senate.

Mr. COOPER. Mr. President, the majority leader, the distinguished Senator from Montana, has given us a statement on the implications that deployment of an anti-ballistic-missile system at this time would have for this country. He has struck at the key issues with clarity and wisdom.

Underneath the technical complexity and difficult judgments about missile technology lies a simple truth. It is this—we are at a moment in time, the first time in the quarter of a century of the nuclear age, where it may be possible to halt the nuclear arms race with all the danger it holds for all our people and for the world. Already, we are informed, the equivalent in nuclear power of more than 15 tons of TNT hovers over the head of every man, woman, and child on the earth.

We who oppose deployment of the ABM at this time are asking for a brief delay in the arms race during which the United States can enter into negotiations with the Soviet Union to determine whether it is possible—either by formal or tacit agreement—to halt the arms race, or whether it is necessary to go on as in the past, piling up more and more deadly nuclear weapons.

The United States can defer deployment of the ABM for three principal reasons:

First. It presently has an overwhelming retaliatory capability—an ability to destroy the Soviet Union. This capability can be maintained even if the Soviet Union continues the development of nuclear weapons at its maximum capacity through the mid-1970's.

Second. A reasonable analysis of the intelligence available is that there is no new or present danger to our deterrent.

Third. The ABM system proposed by the administration, is the subject of so much responsible doubt about its feasibility for missile site protection that a delay of deployment would serve the Nation well. The most effective strategic response to a real threat to our deterrent could be developed in the time our Government is seeking a halt in the nuclear arms race, rather than in haste to build and deploy an ineffective system.

In conclusion, it is my hope that the administration will heed the wise words of the majority leader. There is no desire of those opposed to the ABM deployment to confront the administration politically. Reasonable solutions are still possible. The United States can enter into negotiations with the Soviet Union

with confidence in its existing and preponderant strength. The United States can do so with the knowledge that if negotiations fail, we have the resources and time to do what is necessary to insure the credibility of our deterrent and awesome, if uncertain, security.

It is my view that delay can be taken in safety. It is my view that a brief delay to determine if a halt in the nuclear weapons race is possible is the course of reason, the course of responsibility, and the duty of a great country.

Mr. MANSFIELD. Mr. President, I commend the distinguished Senator from Kentucky for the brief statement he has just made. He has said more in a few words than I said in many. He has stated the case better and more succinctly. I join with him in the postulate that this is not a political matter, that this is something in which we are all vitally interested regardless of politics, and that those of us who oppose the system do not doubt the honesty and integrity of those who are in favor of it.

It is a matter of judgment which must be faced up to and on which a decision must be made. I join the Senator from Kentucky in saying that we ought to undertake to start negotiations if it is at all possible, and that they ought to be undertaken in good faith. If results are not forthcoming and good faith is not displayed, then we ought to get busy and enlarge the deterrent.

I do not believe that a delay would cause any difficulty. I think it would yield much good. If an agreement to halt arms race can be brought about through the two superpowers, it would mean that in this country we would be able to divert funds to the needs of the cities and to the needs of various segments of our population which must be met and faced up to. In that way we shall bring about a balance in our sense of responsibilities, which in the long run will react to the welfare of this Nation as a whole.

I again commend the distinguished senior Senator from Kentucky, who has taken the leadership in this matter over several years and who has done a lot of good groundwork to bolster the case he has presented on occasion to the Senate.

I assure the Senator once again that this is not a political matter. It is not a matter of a gain or loss for either the Republican or Democratic Party. It is a matter in the best interest of the country. Regardless of its effect on either party or on any candidate, it is the issue which should have priority at all times.

Let us at least make an effort. Let us go ahead and see if we cannot do something which would benefit mankind; instead of continually building and building and acting and reacting with missiles and other systems, which can do nothing but bring destruction on mankind as a whole.

We have a great responsibility in the Senate. Let us face up to it and build for peace and not for disaster; or at least let us try to move toward the elimination of that which is designed to destroy people.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar under New Report.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). The nomination on the Executive Calendar will be stated.

DISTRICT OF COLUMBIA COURT OF APPEALS

The bill clerk read the nomination of Frank Q. Nebeker, of Virginia, to be an associate judge of the District of Columbia Court of Appeals.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

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

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

LEGISLATIVE SESSION

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

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

EDUCATIONAL TELEVISION AND RADIO AMENDMENTS OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 156, S. 1242.

The PRESIDING OFFICER. The bill will be stated by title.

The BILL CLERK. A bill (S. 1242) to amend the Communications Act of 1934 by extending the provisions thereof relating to grants for construction of educational television or radio broadcasting facilities and the provisions relating to support of the Corporation for Public Broadcasting.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1242

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Educational Television and Radio Amendments of 1969".

FIVE-YEAR EXTENSION OF CONSTRUCTION PROVISIONS

SEC. 2. (a) Section 391 of the Communications Act of 1934 (47 U.S.C. 391) is amended by striking out "and" before "\$15,000,000" and by inserting before the period at the end thereof ", and such sums as may be necessary for each of the next five fiscal years".

(b) The last sentence of such section is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1976".

ONE-YEAR EXTENSION OF FINANCING OF CORPORATION FOR PUBLIC BROADCASTING

SEC. 3. (a) Paragraph (1) of subsection (k) of section 396 of the Communications Act of 1934 (47 U.S.C. 396) is amended by inserting "and for the next fiscal year the sum of \$20,000,000" after "\$9,000,000".

(b) Paragraph (2) of such subsection is amended by inserting "or the next fiscal year" after "June 30, 1969."

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business with a limitation of 3 minutes for each Senator.

OUR ARMED FORCES SHOULD BE BROUGHT HOME FROM KOREA

Mr. YOUNG of Ohio. Mr. President, for more than 16 years since the end of the Korean conflict we have maintained thousands of GI's, marines, and airmen in South Korea. Today, there are more than 56,000 American servicemen stationed there, most of them along the demilitarized zone on the 38th parallel separating South Korea and North Korea. These men should be returned to the United States as soon as possible. I mean all of them except for a few thousand military advisers and observers.

In the years following the Korean conflict there was justification for our continuing a strong military presence in South Korea. It was obvious that the Armed Forces of the South at that time and for possibly 5 or 10 years would by themselves have been unable to repel a second attack from the North.

The fact is that today South Korea has a regular army of 550,000 men, the fifth largest standing army in the world. North Korea has a standing army of but 345,000 men. There are 17,000 men in the South Korean Navy and only 9,000 in that of North Korea. South Korea has 30,000 men trained as marines while North Korea has none. In addition, the reserve forces of South Korea number 2,550,000 men who drill at least twice a week. North Korea has a reserve force of but 1,200,000 men. The Republic of Korea—ROK—standing army and reserves are well equipped with the most modern weapons.

The only category of arms in which North Korea exceeds South Korea is in its air force of 30,000 men, 530 fighter planes, 60 light bombers, 20 helicopters, and 27 transport planes. The South Korean air force is composed of 23,000 men, 195 fighter planes, 10 reconnaissance planes, and 22 transport planes.

Furthermore, South Korea with 28,650,000 people is twice as populous as North Korea with its 11,400,000 people. Its economy is booming and the degree of its economic growth is tremendous as compared to that of North Korea, a poverty stricken nation.

Since 1951 the United States has given more than \$3 billion in military assistance to South Korea. In addition we have given \$4.6 billion in economic aid to that country. Its increasing prosperity is in large part a result of our help.

South Korea is the only nation in the world to provide substantial armed forces to assist us in Vietnam. More than 53,000 Republic of Korea soldiers are now fighting in Vietnam alongside our forces. According to our military experts, they have fought hard and well. Many have been killed and wounded in combat. The famed ROK Tiger Division has earned the respect of its allies and foes as have other units in the ROK armed forces now in combat in South Vietnam.

Of course, these troops were transported to South Vietnam on American ships and planes and are maintained there entirely at the expense of American taxpayers. Of course, South Korea, in reality a client nation of the United States, was given hundreds of millions of dollars in addition to military and economic assistance as a quid pro quo for these troops we are paying and maintaining while they are rendering valuable assistance in helping maintain the Saigon militarist regime of Thieu and Ky in power. It is undisputed that the forces of the National Liberation Front in South Vietnam, or VC, has the support of a large majority, probably 80 percent, of the inhabitants of South Vietnam.

On two occasions in recent years I had the opportunity to visit South Korea. Compared to all we know about North Korea, it is a prosperous nation. Compared to the United States, it is a poor nation. North Korea in such a comparison would be regarded as a poverty-stricken backward nation. I visited with our GI's and marines along the 38th parallel at Panmunjom and elsewhere and saw for myself the hard conditions under which they live during their tour of duty. It is very questionable whether it is necessary that we continue to maintain any Armed Forces in South Korea.

It is clear that our involvement in the civil war in Vietnam will end in a matter of time. I am hopeful that President Nixon will order the withdrawal of sizable numbers of men from South Vietnam within the next few months. In any event, it is a question of a year or 2 years at the most before we withdraw completely from that ugly civil war in which we should never have become engaged in the first place.

At that time, and it should be much before then, the 53,000 South Korean troops in South Vietnam will also be returned to their homeland. There can then no longer be any justification whatever for our continuing to station thousands of young Americans in South Korea. They should be returned home immediately upon the return of ROK forces from South Vietnam, or before.

South Korea will then undeniably have the military and naval strength to defend itself against any possible attack from the north. In the very unlikely event of that occurring, our warplanes stationed in Japan and Okinawa are only a few minutes distant from Korea and could readily come to the assistance of the South Korean Air Force, if that assistance were required.

Administration officials, particularly those in the Defense Department, should begin immediate planning for withdrawal of our forces from South Korea

and that withdrawal should be coincident with the return home of South Korean forces now in South Vietnam or at approximately the same time. This would be an important first step in reducing tensions in the Far East, in determining just what are our vital national interests in that part of the world and in the reevaluation of our entire Asiatic policy which must and will result with our disengagement from Vietnam. That disengagement and withdrawal should have been made before now. With the armed forces of the Soviet Union and Communist China fighting each other along their common border of more than 6,500 miles there is no longer any valid fear of a huge monolithic threat of aggression in Southeast Asia from the combined forces of the two great Communist powers.

Mr. President, the United States does not have a mandate from Almighty God to police the entire world. We saved South Korea from Communist aggression and in the years since we have enabled that little country to defend itself against any possible future attack. It is time for South Korea to stand on its own two feet.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be recinded.

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

CONSTITUTIONAL RESTRAINTS ON ACTION REGARDING SUPREME COURT JUSTICES

Mr. ERVIN. Mr. President, for the last 2 weeks, the Supreme Court has once again been the center of public discussion, as it has been so often in our history. There is general agreement that the situation which now exists amounts to a crisis for the Supreme Court of a seriousness rarely matched in our history. In such circumstances, the obligations placed upon each Member of Congress, on the President, and the Court itself require thoughtful consideration and a strict adherence to the Constitution.

Much is at stake. More is involved even than the reputation and integrity of the High Court. The very independence of the Court may be threatened. We must all rise above passing temptations and insure that however this matter is resolved, the damage to the Supreme Court will be minimized.

The Constitution provides that all Federal judges shall retain office during "good behavior," which means that judges have tenure for life. Excepting only resignation or retirement, there is only one method by which a Federal judge can be relieved of office—that is by impeachment according to article II, section 4.