SENATE—*Monday, June 7, 1971*

The Senate met at 10 a.m. and was called to order by Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois.

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

Eternal Father, keep the light of Thy presence glowing in our hearts this day that there may be no dark moments when we know Thee not. May we worship while we work. May prayer never be an intrusion on our time nor an interference with our work but rather the very life and strength of all we do. May we take time to listen to Thy voice and be quick to obey its commands. May we be loyal to all the truth we know, and seek to discharge those duties which lay their commission on our conscience, so that at length we may find our wills in harmony with Thine. May Thy goodness and Thy grace be in us and Thy blessings be upon us that our service may minister to the Nation and all mankind.

In the name of the Servant-Lord we pray. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 7, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. STEVENSON thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, June 4, 1971, be dispensed with.

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

WAIVER OF THE CALL OF THE CALENDAR

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

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER FOR ADJOURNMENT TO 9 A.M. ON WEDNESDAY, THURSDAY, AND FRIDAY OF THIS WEEK

Mr. MANSFIELD. Mr. President, do I correctly understand that an agreement has already been entered for the Senate to convene at 9 a.m. tomorrow and for the transaction of routine morning business?

The ACTING PRESIDENT pro tempore. That is the understanding of the Chair.

Mr. MANSFIELD. I thank the Presiding Officer.

I ask unanimous consent that the Senate convene at 9 a.m. on Wednesday, Thursday, and Friday of this week.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON WEDNESDAY, THURSDAY, AND FRIDAY OF THIS WEEK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Wednesday, Thursday, and Friday of this week, there be a period for the transaction of routine morning business not to extend beyond 9:30 a.m., with statements therein limited to 3 minutes.

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

POSSIBILITY OF SATURDAY SESSION THIS WEEK

Mr. MANSFIELD. Mr. President, I invite the attention of the Senate, on behalf of the joint leadership, that we raise the possibility, at this time, of a Saturday session this week.

Mr. SCOTT. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. I have no objection on this side as to how long the sessions may run. If we have to have sessions late at night, there will be no objection on my part.

Since most of the amendments are on a first-come, first-served basis, this colloquy should serve notice to all Senators that those who are anxious to have their amendments disposed of should arrange to be here on the floor early and late, and that we will do our best to dispose of the pending legislation so that we can go on to something else.

Mr. MANSFIELD. I am in accord with what the distinguished minority leader has just said. It will be our intention, on both sides, to contact the sponsors of amendments and ask them to be on the floor and ready to offer them at any appropriate time.

AUTHORIZATION FOR INCREASED APPROPRIATIONS FOR THE WATER RESOURCES COUNCIL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 135, H.R. 6359.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

An act (H.R. 6359) to amend the Water Resources Planning Act to authorize increased appropriations.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–139), explaining the purposes of the measure.

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

PURPOSE OF THE MEASURE

The purpose of this bill is to amend the existing provisions of the Water Resources Planning Act which impose ceilings upon the annual appropriations authorized for the administration of titles I and II of the act, to increase the ceilings.

BACKGROUND

The Water Resources Planning Act of 1965 has the following general provisions:

Title I established the Water Resources Council. The Council is composed of the Secretaries of the Interior, Agriculture, the Army, HEW, Transportation, and the Chairman of the Federal Power Commission. It is supported by an Executive Director and staff which constitute a separate agency. The Council has important administrative duties to maintain an assessment of the Nation's water resources, review and establish standards and procedures for Federal water resource development, and review comprehensive river basin plans.

Title II authorizes the establishment of joint Federal-State river basin commissions to perform comprehensive water resource planning for various regions and to coordinate water resource development activities in the regions. Each such commission shall have a chairman appointed by the President as Federal representative, and a representative from each State and each Federal agency represented and from each interstate agency created by compact. (River basin commissions have been established in five basins thus far. In the other basins ad hoc committees are performing the function.)

Title III provides for a program of grants to the States amounting to $5 million annually to finance not more than 50 percent of each State's comprehensive water resource planning program.

Title IV of the act includes miscellaneous provisions including the authorization of appropriations. The existing limitations are as follows:

$500,000 annually to carry out title I (increased from $300,000 by the act of Oct. 2, 1968, 82 Stat. 935).

$6,000,000 annually to carry out title II, further limited to not more than $750,000 for any single river basin commission.

$400,000 for the administration of title III.

The Subcommittee on Water and Power Resources held a hearing on April 23, 1971, on S. 1398, which was recommended by the Water Resources Council and which is a companion bill to H.R. 6359.

PROPOSED LEGISLATION

As introduced, H.R. 6359 and S. 1398, would have deleted section 401 of the act dealing with appropriations and substituted new language which would have the following effects:

(1) Retain the existing ceiling on funding for river basin commissions.

(2) Remove entirely the existing ceilings on funds to carry out the Council's coordinating functions under title I and to administer the grant program of Title III.

COMMITTEE ACTION

The committee voted to amend S. 1398, to place a limitation of $1,500,000 annually upon the combined appropriations for the Council's administrative expenses under titles I and III of the act. The committee then voted to report H.R. 6359, which had passed the House on May 17, 1971, incorporating a similar amendment.

The committee believes that the authorization of appropriations wherever possible should include a ceiling. In this case experience in administering the act provides an adequate basis for such a ceiling. The Council's request for fiscal year 1972 is $1,381,000. The recommended ceiling of $1,500,000 provides some additional latitude for future increases. If larger increases are necessary, the committee believes that further review by the legislative committees would be appropriate.

THE UNITED STATES AND NATO; TROOP REDUCTIONS—I

Mr. MANSFIELD. Mr. President, Secretary of Defense Laird has met with the NATO defense ministers in Brussels. Secretary of State Rogers has met with the NATO foreign ministers in Lisbon.

At those two meetings, in some way, in some shape, and in some form, the question of NATO mutual troop reductions was discussed. I feel quite certain that the attitude of the Senate was made fairly clear to Mr. Laird's and Mr. Rogers' opposites at these meetings. May I say that I am a little disappointed at the cautious attitude which has come out of the Lisbon meeting because, in my opinion, NATO is putting off the mutual troop reduction talks for too long a period, and there are too many "hedges" in the final communique.

Mr. President, I think I should say to the Senate that this is an issue which does have national interest. I have received about 7,600 communications on the proposal of U.S. troop reductions in Europe. I would say that of the 7,600 not more than 75 are against the general thesis itself.

So far as my mail from Montana is concerned, I have received in excess of 200 letters and communications and there has not been one in opposition to the proposal which was made.

Last week I indicated to the distinguished Senator from Illinois (Mr. PERCY) that I would put in the RECORD various editorials and commentaries on this matter, both pro and con, and I intend to do so, beginning today.

I ask unanimous consent that a series of editorials and commentaries, leading off with an editorial in the New York Times of June 6, be printed in the RECORD.

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

[From the New York Times, June 6, 1971]

TOO CASUAL ON TROOP CUTS

No one wants the Atlantic Alliance to enter unprepared or divided on important negotiations with the Soviet bloc; but the pace adopted by NATO foreign ministers in Lisbon for talks on mutual force reductions in Europe seems altogether too leisurely. It is now almost certain that NATO's chosen representative will not begin even exploratory talks with the Soviet Union until after a meeting of NATO deputy ministers this fall.

American officials say this timetable could be advanced if bilateral soundings by NATO governments with Warsaw Pact members indicate a chance for prompt, serious negotiations; but they clearly do not expect this to happen although Moscow is apparently trying to force the pace by promptly dispatching a top disarmament expert to London. It is more likely that Manlio Brosio, NATO's retiring Secretary General, will begin talks in Moscow only after the deputy foreign ministers have agreed in Brussels on "substantive and procedural approaches."

Two dangers attend so casual an approach. The first is that it makes NATO vulnerable to a charge of bad faith and thus could give the Kremlin—which now reiterates several times a week its readiness for talks on troop cuts—an easy propaganda victory. Theoretically, NATO has been trying for three years to get the Warsaw Pact nations to agree to discuss mutual reductions. A year ago in Rome NATO foreign ministers issued a specific invitation for "exploratory talks" and laid down four specific guidelines for their conduct. The communiqué issued at the close of their Lisbon meeting last week represented little if any advance on the Rome document.

The second danger is that NATO's failure to move more rapidly on this issue will bring additional recruits in Congress to Senator Mansfield's drive to cut the American forces in Germany by half—in which case NATO would have that much less to negotiate about. Both Mr. Mansfield and Senator Percy, who opposed the Mansfield amendment last month, issued warnings to NATO last week that the issue was far from settled.

In Lisbon the NATO ministers rightly emphasized that there could be no general European security conference, long urged by the Soviet Union, until a satisfactory settlement is reached on Berlin. However, no such prerequisite need attach to negotiations confined to mutual and balanced troop reductions.

The troop reduction issue is a complicated one, but numerous studies have been directed over several years to prospects for mutual cuts that would not upset the balance of power in Europe. There is no valid reason why NATO should not be ready to begin negotiations for first-step, across-the-board reductions in six weeks or two months—or whenever the Soviet side is ready.

[From the Boston Globe, May 11, 1971]

SENATOR STENNIS UP IN ARMS

One of the most remarkable lineups for the new political season finds Senate Armed Services Committee Chairman John Stennis sounding off against Executive usurpation of the rights of Congress with a proposal very similar to one put forward by Sen. Jacob Javits of New York, and also linked with liberal Senate Majority Leader Mike Mansfield of Montana in calling for a reduction of American troops in Europe.

The turnaround by Sen. Stennis, long ranked among the hawks in Washington, is particularly important since it comes at a time when Europe and America are in the throes of a major monetary crisis caused in a major part by American military expenditures overseas, and at a time when the Senate winds up for a no-holds barred discussion of a bill to extend the draft. It also follows three weeks of peace demonstrations in the nation's capital and elsewhere.

Significantly, Sen. Stennis' resolution, which would forbid the President from sending troops to war without a formal declaration by Congress in any future conflict outside Southeast Asia, also comes as Defense Secretary Melvin R. Laird launched what the New York Times calls his "annual spring scare." He announced the start of construction of 40 new missile silos in the Soviet Union, pointed to Russia's expansion of naval and air power, said that the USSR now has "more or less parity in the strategic nuclear weapons area," and warned that the United States should now turn its attention to "what's in store for us, from the national security standpoint, beyond Vietnam."

But, when a man of Sen. Stennis' loyalties sends a bill out of committee dictating, for the first time in American history, how many people the Pentagon may have under arms, and when he follows this by saying "I am interested and have been for a long while in returning more strictly to the Constitution of the United States, which plainly says Congress shall have the power to declare war," there can be no question that Secretary Laird and the Administration are being put on notice that Congress will no longer be scared and intends to have a say in present and future military adventures.

The attack is sure to center on the draft bill, now being debated on the floor of the Senate with a filibuster promised by Sen. Mike Gravel of Alaska. The bill, which would extend Selective Service for two years, contains a 150,000-man annual ceiling on draft calls written in by the Armed Services Committee of which Sen. Stennis is chairman.

Already Sen. Edward M. Kennedy has said he would offer an amendment limiting the extension to one year and closing an escape clause in the 150,000 figure. Sen. Mansfield will offer another amendment cutting American forces in Europe by half. Other amendments which may be proposed include a cut-off of funds for Vietnam after Dec. 31, by Sens. Hatfield and McGovern, and a new Cooper-Church resolution which would ask the President to set a withdrawal date dependent on the release of American prisoners.

But, more significant than all these moves by well-known doves, is the troop limitation set by the Armed Services Committee, the fact that Sen. Stennis has also spoken of reductions of forces in Europe, and his clear call for a restitution of Congressional powers with a 30-day Congressional review of emergency incursions in any conflicts of the future outside Southeast Asia. Legislation by Sen. Javits already under consideration would do the same thing but would include any new hostilities in Indochina.

Sen. Stennis' stand gives new courage to those who believe that the Constitution was correct in its assignment of powers and who feel that Executive escalation of war overseas has gone beyond reason.

[Editorial, WRTH, St. Louis, May 12, 1971]

U.S. DOLLAR

There are two stories that go hand in hand this week. One is the assault on the U.S. Dollar overseas. The other is a proposal by Senate majority leader Mike Mansfield to cut the number of American troops in Europe by one half.

Presently, according to Mansfield, there are 525 thousand servicemen and their dependents in Europe. It costs $14 billion a year for their support. It cannot be justified economically or "as a matter of principle". It has been a quarter of a century since the war ended.

As we mentioned, the U.S. Dollar is under heavy attack as speculators and bankers turn to other currency. WRTH believes it's imperative we reduce the number of servicemen overseas and a subsequent reduction in the glut of American Dollars. WRTH believes,

and many U.S. leaders agree, a reduction in European troop strength will not weaken our military posture. We must preserve the strength of our currency because it is the keystone of the international monetary system.

As we watch the progress of the West German "deutsche mark" and the Japanese "yen", one has to wonder . . . who really won World War II. We must not allow the value of the U.S. Dollar to erode any further and WRTH believes the starting point is the reduction of troops in Europe.

[From the Billings Gazette, May 12, 1971]

DOLLAR DIFFICULTIES

The didos of the dollar and the mark the past few days probably have left most of you as confused as the rest of us.

Reading through various analyses by the experts can leave one almost as confused as before the start.

We wish we could say "it becomes crystal clear that . . ." but so far it doesn't.

Writer John M. Lee of the New York Times analyzes "If there has to be a villain in the current monetary crisis it could well be the vast, free-wheeling and somewhat mysterious entity known as the Eurodollar market.

"The market, comprising ordinary American dollars on deposit with banks outside the U.S., has grown from a $1 billion infant at the end of the 1950's to what some see as a $50 billion dragon today.

"While usefully financing trade and investment all over the world, the rush of Eurodollars toward high-interest rate countries has disrupted the tight money policies of inflation conscious governments."

The result has been that Eurodollars actual value were not as high as the German mark exchange rate for them. Whoosh, the speculative Eurodollars moved into the West German market—and West Germany took steps to halt the flow into that country.

Switzerland, Belgium, The Netherlands and Austria followed the line over the objections of France. All four joined West Germany in attempting to get rid of the excess dollars that were aggravating their problems of fighting inflation.

All of which is another way of saying that European bankers and governments are questioning the value of the U.S. dollar.

An unanswered question at this time is whether the European governments are doing what the U.S. wants them to do. The immediate effect will be to open European markets to U.S. goods by making them relatively cheaper in European money.

Meanwhile, the European countries that raised the value of their currency will have to get higher prices for what they sell to the U.S.

It will cost more for U.S. citizens to travel in Europe and the little foreign cars and Swiss cheese will cost more here, maybe.

This could give the U.S. a more favorable balance of payments. It might help our inflation problems.

It might bring penalties against U.S. business abroad for what Europe sees as "irresponsible" Washington policies.

President Nixon, with the election next year, saw a need to stimulate U.S. business and employment. He called for lower interest rates and easier money policies.

The reaction in West Germany was against the U.S. export of inflation.

Or was it?

NO TROOP REDUCTIONS IN EUROPE!

We didn't know until this week that Senate Democratic leader Mike Mansfield had such a terrible temper and such a bad sense of timing. And he doesn't seem to have learned much from recent history.

His proposal to whack in half the American military presence in Europe is a classic example of all three points.

Mansfield, a very typical dove in the Senate who chooses to disregard the traditional Russian tactic of pushing and shoving until it gets what it wants, has suggested that the U.S. military strength in Europe be cut from 300,000 down to 150,000 men.

This alone would reduce the effectiveness of the NATO shield which has been, for 25 years, the one guarantee that there would be no repetition in Free Europe of what has been going on in Hungary, Poland and Czechoslovakia since the end of World War II.

Blithely ignoring these lessons of history, Mansfield is also overlooking the consistent threat of U.S.-Soviet relations, that the Russians respect only power and nothing else. At a time when, largely because of the NATO alliance, Russia is moving toward realistic arms control talks on several levels, Mansfield's effort to cut in half the backbone of Free World power in Europe surely will embolden the Soviet Union to harden its positions.

There are problems in Europe, of course, and Mansfield recognizes them. Our allies have chosen to rely on the U.S. for security against the time when Russian military maneuvers will not stop at some border, and will instead keep rolling toward the West. Mansfield reflected a certain amount of congressional resentment at the treatment accorded these security forces by the host countries. The U.S. presence overseas is contributing greatly toward inflation at home and the monetary crisis overseas. Four and a half billion a year is a pretty steep price to pay to an ungracious host who's not at all impressed with efforts to share the tab.

The subject needs the full light of study and evaluation aimed at a greater area of impact than removal of 150,000 soldiers from Europe.

A new scheme of world responsibilities is really on Senator Mansfield's mind, and maybe it will grow out of his effort to move a couple of hitherto immovable bodies: the U.S. military posture and the Western European community of prosperous nations.

FIRST THINGS FIRST

We have, of course, the greatest sympathy with the declared purposes of Senator Mike Mansfield's proposal to cut down by half the number of American troops stationed in Europe. But this is no time to do it.

True, the dollar is under pressure. Anything which relieves that pressure is a good thing to do, other things being equal.

And we have no doubt that by and large, in many parts of the world, the American military establishment could be cut back, and in some cases eliminated entirely, without reducing at all the overall security of the United States, of its friends and of its allies—provided always that the cutting is done prudently and wisely.

But this is a good moment to notice that in spite of one war in Vietnam and the grave danger of another breaking out at any time in the Middle East this is still a remarkably stable world.

To get these times in perspective one should remark not on the fact of one war and the danger of another, but rather on the fact that in the whole of the world there is only one war going on right now and only one serious danger of another.

There are plenty of strains, and tensions and rivalries in the rest of the world. But all of them are under control. There is a general stability which touches most nations and the vast majority of all people living on this earth today.

This is a system. It was put together by the statesmen who have managed the reorganization of the world after World War II. And it is not a bad system at all. There have been many worse ones in history.

At the very heart of this system is the present relationship between the United States and Western Europe. Anything that touches that relationship affects the whole system. To touch that relationship carelessly could be disastrous. The whole fabric could be destroyed overnight by damage to that relationship.

If every American soldier stationed in Europe today could be brought home without damaging the essential relationship, then bring them home. But if doubling the number would help that relationship—the deed would be cheap at ten times the price.

But let everyone concerned be terribly careful about the priorities. The first priority, above all else, is the integrity of the American relationship with Western Europe. Protect that, and nothing disastrous will happen. Lose sight of that—and everything accomplished since the big armies settled down in 1945 would have to be done all over again—or worse. To cut U.S. Europe-based troops by half now would be far too dangerous to justify the dollars saved.

[From The Evening Star, May 13, 1971]

THE MANSFIELD AMENDMENT

Senate Majority Leader Mike Mansfield made some telling points in presenting his proposal to cut in half the number of American forces assigned to NATO.

Undoubtedly he is quite right that bringing the troops home would considerably ease the American balance of payments deficit that has helped to produce the current world monetary disturbance. Undoubtedly also a good many Americans think that 20 years is a long time for keeping 300,000 American soldiers in an area that has long since developed the capacity, if not the political will, to supply its own conventional defense.

Mansfield's amendment to the draft extension bill will strike a responsive chord with the increasing number of people who are disenchanted by our heavy overseas commitments. Superficially at least, it is in harmony with the philosophy of the Nixon Doctrine which holds that our allies should shoulder the primary responsibility for their defense.

Yet while the senator cogently argues the economic and philosophical sides of the question, he dismisses—rather airily in our view—the practical military, political and psychological effects that a large-scale withdrawal of American troops from NATO would produce.

It is hard to swallow the argument, for instance, that cutting the size of our NATO force in half will, in fact, result in a "leaner, more mobile and more efficient combat force." The 215,000-man American army assigned to West Germany represents the most effective—some would say the only credible—ground force in the central NATO area.

A withdrawal of the size that Mansfield calls for would require a radical revision of NATO's defensive strategies and quite probably a return to the doctrine of immediate, massive nuclear retaliation in case of attack. Just how credible the Russians would find such a doctrine in an era of nuclear parity is a serious question.

So is the problem of how the West Europeans themselves would respond to a massive American withdrawal. One possible response—the hopeful one—would be a much greater effort by the European members of NATO to defend themselves. But since the greatest effort would inevitably be made by West Germany, it is questionable whether German military predominance in Western Europe is a desirable aim of American policy.

In fact, in the view of most European leaders, a contrary reaction is far more likely. Instead of doing more to defend themselves, the Europeans are likely to do less, lapsing in time into a passive neutrality, increasingly vulnerable to political pressures from the East.

It is possible that over a period of time some reductions can be made in American NATO forces. If financial considerations are

paramount, it is quite certain that the Europeans can pay a far larger proportion of the cost involved in keeping Americans on their soil. But in any event, the security of Western Europe is still as essential to the security of the United States as it ever was. Anyone who would change our commitment should keep that in mind.

[From the New York Times, May 14, 1971]

MEAT-AX MIKE

(By James Reston)

WASHINGTON, May 13.—Mike Mansfield, the majority leader in the Senate, is a cool and sensible man, so when he tries to cut the American military forces in Europe in two it is obvious that something is seriously wrong.

Mainly, it is the accumulated frustrations of over twenty years. Mike is fed up with the war, with the cost of the military, with the failure of most of the European allies to hold up their end of the common defense burden, with the inability of the Government to resolve any of these problems.

For ten years now, he has been wrinkling his expressive face and appealing to successive administrations to make substantial cuts in U.S. forces in Europe. Last August, he sent a long catalogue of questions to Secretary of Defense Laird on this subject and never even got an answer. The recent European run on the dollar was too much for him, so he reached for his meat-ax.

His general charge is fair enough: the American military presence in the world is too large, the allied contribution too small, and neither is very responsive to gentle persuasion.

According to his figures, the United States now has over 2,000 bases in over thirty countries all over the world, surrounded by 1,750,000 military personnel, military dependents and indigenous workers at an annual cost of about $4.5 billion a year.

In Europe alone, the United States has 300,000 military men, 225,000 dependents, 128 generals, and over 7,000 nuclear warheads, and is even paying land taxes on some of its bases. "We are paying them to stay there to defend them," Senator Mansfield says, and a lot of his colleagues on both sides of the aisle share his resentment.

Well, the Congress of the United States, silly as it sometimes is and much as it likes and respects Senator Mansfield, is not going to dismember the most effective American alliance of the century by voting to compel the President to halve his European force, but this is what happens in Washington when old policies are not kept up to date and appeals for sensible review of force levels are ignored.

In their preoccupation with the Vietnam war, the last two Administrations have allowed the North Atlantic Alliance to loiter down into a military organization that is just large enough to be enormously expensive, and yet just small enough to be vulnerable to defeat without the use of tactical weapons.

It was the aim of American policy over the last generation—and of Senator Mansfield—to encourage the formation of a strong and unified Europe which could act as an equal partner with the United States in a shared defense of a common civilization.

Instead, the Europeans have preferred to enjoy their prosperity and national independence rather than pay the price of political union, and have counted on the United States for their security rather than on one another.

This has caused increasing irritation here, particularly when the cost of U.S. arms has contributed to monetary crises abroad and social and economic difficulties at home; but it is clearly far too large a problem, encompassing nothing less than the organization of world peace, to be handled with a sudden rider on a Senate bill that has not even gone through the scrutiny of public or private hearings in this session of the Congress.

What is particularly ironic about this is that the Mansfield amendment was tossed at the Senate precisely at the time when the West Europeans are finally on the verge of bringing Britain into the European Economic Community and making progress at least toward some political unity.

Still, Mr. Mansfield is not an ill-tempered isolationist acting out of frustration and caprice. He knows the U.S. Army in Europe is bloated with noncombat and noncombat support troops. He feels the war is coming to an end in Vietnam and that, with China emerging from isolation, new reappraisals of policy in Asia as well as in Europe are on the horizon.

Also, he has been around this city just long enough to know, as John Gardner says, that institutions don't move unless they are shoved, and that on such questions as influencing the Pentagon and the allies, a gentle shove is not enough.

So for the moment he sounds like the terrible-tempered Mr. Bang, and he has the President, the Secretaries of State and Defense, Henry Kissinger and assorted spokesmen rushing to the defense of the grand alliance.

But maybe Mike's gentle meat ax will do some good after all. He could even revive some talk about building a sensible world order again, and no such large subject as that has been discussed around here since Lyndon Johnson discovered Vietnam.

THE MANSFIELD AMENDMENT: WHY NOT VIETNAM

The merits, the politics and the diplomacy of the Mansfield amendment to the draft-extension bill, which would compel the United States to halve its troop strength in Europe by Dec. 31, are three separate matters.

On the merits, the amendment is a disaster. The essence of alliance is to consult with one's allies about the common interest. To present them with a *fait accompli*, especially one of the Mansfield magnitude, would quite certainly cost the United States not only the confidence of its allies but the respect of its adversaries. In particular, the prospects of negotiating troop reductions or political settlements in Europe with the Warsaw Pact would disintegrate. Important sums might be saved on the American defense budget and balance of payments. Far more important increments would be lost to Washington's world position and its word.

The politics of the Mansfield amendment seem to be that even though its sponsor may give way on details of number and date in order to get it through the Senate, the measure stands virtually no chance of clearing the House, and the President doubtless would employ a veto if any significant shred of it reached his desk. We have a certain sympathy for Senator Mansfield, who has tried patiently and politely for years to win successive Presidents over to his view, but this does not justify his use of a legislative bludgeon now. The very fact that he introduced his amendment, even though it may be watered down and finally defeated, will stretch taut the already strained relations between the House and the Capitol and—without just cause—embarrass the President in his conduct of foreign affairs.

This is where the diplomacy of the amendment lies. There is nothing magic about the figure of 310,000 American men in Europe but it is spun of more than cotton candy. It reflects a NATO consensus on the military requirements of Western security and it also reflects a political guarantee of the American commitment to Europe. Any change from this figure must express more than a senator's irritation or the general weariness over Vietnam or an attack of balance-of-payments blues. Above all, any change must flow from alliance decision.

We have never been sanguine about chances of getting Moscow to negotiate troop cuts if only because of the large occupation role of Soviet troops in East Europe. This should not mean, however, that American troops are frozen in place until Moscow feels ready to trust its East European allies. Ideally, reduction or thinout or redeployment would be mutual but in practice it may be appropriate and safe simply for NATO to sit down and *as an alliance* explore again whether improvements in NATO firepower or mobility or changes in the nature of the Soviet threat may not permit certain agreed reductions, or whether the growing unity and strength of West Europe may now allow the Europeans themselves to take over a greater share of their own defense. The key words are, we repeat, *as an alliance*. Therein, the postwar years have shown, lies the true security of the West.

In fact, if Senator Mansfield and others feel an overwhelming urge to retrench and reduce American forces overseas, there is another far more appropriate place they might look: Vietnam. To summon home troops from one theater where they have helped keep the peace well for more than two decades, while shying from removing troops from a theater of costly and agonizing war, is lopsided and baffling. There looms in the Senate, beyond the Hatfield-McGovern amendment that would set a flat deadline for withdrawal from Vietnam, the Cooper-Church amendment that would in effect require the President to set a deadline linked to Hanoi's release of American POW's. Why Europe, why not Vietnam?

[From the Washington Star, May 14, 1971]

DANGERS OF A EUROPEAN CUTBACK

(By David Lawrence)

Proposals in Congress that American forces in Europe for the protection of members of the North Atlantic Treaty Organization should be reduced by 50 percent are resulting in much concern about such a plan.

In some of the Western European countries, it is being suggested that the United States hereafter may be expected to rely on its nuclear deterrent to prevent any aggression by the Soviet Union. The general impression is that the United States can hardly leave NATO undefended and in an emergency would have to employ its nuclear strength.

The withdrawal of a considerable number of ground troops by the United States is occasioning a good deal of discussion both here and abroad, and it is significant that there has been a recurrence of talk about nuclear power as a substitute for conventional forces. This certainly was not intended by the sponsors of the legislation in Congress, who have been merely concerned with curtailing military expenses abroad.

The supreme allied commander in Europe, Gen. Andrew J. Goodpaster, left SHAPE headquarters yesterday to come here for what are described as urgent consultations about the plan for American troop withdrawals from Europe. He said that the proposals by Sen. Mansfield are a threat to both NATO and the future peace and security of the United States. He added:

"Proposals for unilateral reductions of forces amount to proposals for the destruction of NATO and of the deterrence and defense it provides. It will degrade the deterrent that ensures the state of peace that we have enjoyed here in Europe.

It was emphasized at the headquarters abroad that the urgency of the consultations in the United States was underlined by the fact that Gen. Goodpaster left in the middle of the annual SHAPE excercise.

The American commitment to protect the members of the North Alliance Treaty Or-

ganization is explicit, and they have relied upon the United States to carry out its pledge.

The Western European nations are unlikely to be able to replace the American troops which are withdrawn. This means that the Soviets will be able to exert greater pressure than they have before. Not only can they threaten the Western countries, but they can take more extreme measures in Eastern Europe and run far less risk of encountering any interference from the West.

What it amounts to is that a new situation will be developing. The Soviet Union will virtually dominate Europe.

Congress, therefore, has a critical decision to make. Will it say, in effect, to the Russians that if they attack a member of NATO, American nuclear power will be used to defend our allies?

It has been assumed that the United States and the Soviet Union were approaching a time when they could limit arms and perhaps apply restraints to the use of nuclear weapons. But if conventional forces are to be withdrawn which hitherto were required for defensive purposes, the way is opened again to the dangers of nuclear war.

Stanley Resor, secretary of the army, states the American position as follows:

"Our forces are not in Europe to protect Europeans who are unable or unwilling to defend themselves. They are there to assure our own stability. They are more necessary today than ever before. To weaken NATO would destroy the present stability and tempt the Soviets to pressure an adventurism which they now shy away from."

Resor also declares that the cost of our European deployments "is well within our capabilities and has been greatly exaggerated by some critics."

The North Atlantic Treaty—which was signed in 1949 by the United States, Canada, and 10 Western European nations, and since joined by three others—says specifically that "an armed attack against one or more of them in Europe or North America shall be considered an attack against them all."

None of the other members has the economic strength to maintain such a large force as the United States has kept in Europe over the years. If only a small force is contributed by the United States, the defense of Europe will be less secure.

The possibility of confrontations, particularly as between East and West Germany, may create situations that would have never been initiated if balanced conventional forces had been retained. If nuclear warfare is the only alternative, acts of aggression against NATO members may ensue, as the Russians may think that the United States would not use nuclear weapons.

[From the Christian Science Monitor, May 14, 1971]

U.S. TROOPS IN EUROPE

(By Robert R. Bowie)

(NOTE.—Dr. Bowie is director of the Center for International Studies, Harvard University. He was formerly Counselor of the U.S. Department of State.)

CAMBRIDGE, MASS.—Once again Senator Mansfield is urging the Senate to adopt his resolution calling for the United States to cut in half its forces in Europe. His aim is to save budget costs and foreign exchange. Given U.S. domestic needs and payments deficit, any such saving has great appeal at first sight. But before endorsing it, two questions should be answered: How will such force cuts affect basic U.S. interests? What will they actually save?

Analysis will show, I think, that they would risk grave damage to crucial U.S. interests out of all proportion to any potential benefits.

1. Stability in Europe would be deeply shaken. By underwriting America's nuclear guarantee, U.S. forces are a key component in the NATO deterrent, which has kept the peace for over two decades. Beyond that, their presence is the foundation for the confidence essential for European and Atlantic cooperation in many fields. Any major withdrawals would be interpreted as a decline in U.S. concern, would raise doubts about its future intentions and reliability, and would give new weight to nearby Soviet power. The political effects could be profoundly unsettling for the existing system of security.

2. Troop withdrawals could gravely impair the prospects for East-West negotiations. Currently the U.S. and its allies are engaged in or have suggested negotiations with the U.S.S.R. and Eastern Europe on many fronts: SALT, Berlin, mutual force reductions. Ostpolitik, etc. Genuine negotiations will require reciprocal concessions. If the United States appears likely to disengage from Western Europe in a major way, the U.S.S.R. would be less inclined to negotiate seriously and more likely to step up efforts to expand its influence and to erode confidence in the U.S.

3. Force cuts in Europe could jeopardize the chances for progress in the Middle East. U.S. naval forces in the eastern Mediterranean are a major factor for stability there. If they are reduced substantially, Israel, Egypt and our NATO allies would have serious doubts about future U.S. purposes; and the U.S. would probably have less influence and the U.S.S.R. more on events and trends in that region.

4. U.S. withdrawals could not be replaced by added European forces. The Europeans now provide over three-quarters of NATO ground forces, and agreed last year to spend a billion dollars more to improve forces and NATO facilities over the next five years. Larger European forces could not, however, substitute for the political significance of U.S. forces as evidence of the continuing U.S. interest in the security and stability of Europe.

5. Cutting U.S. forces in Europe would save much less than many suppose. The costs are of two types: (a) the budget expense; and (b) the foreign exchange drain. The budgetary costs are no higher in Europe than at home, and can be cut only if the forces are demobilized. And even if total U.S. forces were much smaller, it would be wise to keep a major part in Europe. Doing so, however, does entail a large outflow of dollars, especially to Germany. But the Germans offset this foreign exchange drain by buying U.S. equipment; and since 1967 they have neutralized the drain by retaining the dollars in their reserves and not exchanging them for gold reserves.

6. Having wisely decided not to reduce U.S. forces in Europe the President would surely veto any legislation embodying the Mansfield proposal. But the effect on the allies and on the U.S.S.R. of approval in the Senate (even if vetoed) would still be damaging. And attaching the proposal to a pending bill will by-pass the normal committee hearings which would have exposed its premises and consequences before submission to the Senate or House.

This procedures, like the proposal itself, is hard to justify.

[From the St. Louis Globe-Democrat, May 14, 1971]

SLASH U.S. FORCE IN EUROPE

Once again the United States' vulnerable financial position is shown by the Belgian National Bank's announcement that it is cashing in its excess dollars for $80 million in gold at Fort Knox.

The Belgian bank said its internal policy barred taking in more dollars to add to its already swollen reserves of United States dollars.

Belgian bankers aren't a bit concerned that this could start a run on the remaining $10.9 billion of United States gold.

This illustrates how ridiculous it is for the United States to pour billions into the defense of Europe 26 years after the end of the war with Hitler's Germany.

Senate majority leader Mike Mansfield is right to call for a sizable reduction in the number of American troops stationed in Europe. The expense is totally unjustified in terms of what the huge annual outlay required to support this overseas garrison is buying for the United States.

"We've got too much over there," the Montana Democrat said in recommending that our European force be cut in half. The "too much" Mansfield makes reference to is the estimated 525,000 servicemen and their dependents America is now supporting in Europe. Of this number, about 300,000 are service personnel.

The cost of maintaining this huge contingent on the continent is about $14 billion a year. This excessive drain of taxpayers' dollars could and should be slashed sharply.

It makes no sense that a quarter of a century after the end of World War II America is still supplying approximately 25 per cent of the troops making up the North Atlantic Treaty Organization forces in Europe.

We are carrying a disproportionate share of the defense load in Europe, a burden which should be distributed more evenly among our NATO allies.

There is nothing new in the call for large-scale withdrawals of American troops from Europe. Sen. Stuart Symington of Missouri has been urging the same move for some time. So have we.

It is time the Administration took steps to reduce our manpower commitment to European defense. This would not weaken our military strength on the continent, which depends far more on nuclear might than on troop sizes.

The time has passed when a large troop presence was vital to security; today it's our nuclear arsenal which counts.

The expenditure of $14 billion annually on an unnecessarily large Europe force is not supportable in fact or principle.

[From the Sacramento Bee, May 14, 1971]

THE NECESSITY FOR REDUCING U.S. TROOPS IN EUROPE IS SPURRED BY DOLLAR CRISIS

U.S. Senate Majority Leader Mike Mansfield, D.-Mont., has repeated his call for reducing the number of American troops in Europe and his reasons have added cogency in the light of the current dollar crisis.

In plain language, the U.S. for years has been spending more abroad than it has been taking in through foreign trade and the value of the dollar has slipped dangerously. It is not just a question of whether the U.S. should go on maintaining so many soldiers in Europe—the number tops 300,000—but whether the nation can afford it.

Spending on the Vietnam war has been the major cause of the deficit in U.S. balance of payments. But the $14 billion a year spent on American personnel in Europe is also an appreciable drain.

As Mansfield put it: "We've got too much over there. Too much logistics, too many generals, too many colonels, too much headquarters. Too much. The 525,000 servicemen and dependents could be cut by half, and they would probably be twice as effective."

Mansfield is preparing legislation which would reduce U.S. forces in Europe by half. Debate on the measure should delve deeply into the future policy of U.S. military commitments abroad. If, as President Richard Nixon declared in his state of the world message, the U.S. seeks to adopt a new "low profile" policy in international affairs, the maintenance of so large a military establishment in Europe is questionable. After all, the war there ended a quarter century ago.

The growing economic and political stability of most European nations means they are competent to shoulder a much larger share of the cost of their defense and the NATO operation. To date they have not. And it becomes ever clearer the U.S. cannot sustain this heavy drain upon its resources.

The age of nuclear push-button missiles makes the presence of conventional U.S. forces in Europe an anomaly. The immediate post-World War II jitters as to the Soviet Union's designs in Europe should have given way to a clearer understanding of Soviet limitations.

Mansfield's proposal is sound. Congress should take action, long overdue, to reduce the U.S. military presence in Europe.

[From the Christian Science Monitor, May 15, 1971]

THE CASE FOR EUROPEAN WITHDRAWAL

(By Senator MIKE MANSFIELD)

There are now well over 300,000 U.S. military personnel in Western Europe. With dependents the figure is around 525,000. My proposal would return to this country approximately 150,000 U.S. armed forces personnel.

As early as 1964, President Eisenhower—the former allied commander in Europe—advocated a reduction far greater than the one advocated in my amendment. The justification for these permanently stationed American forces has diminished further since President Eisenhower spoke. Efforts have been made in the Senate over the past decade to urge the executive to phase these forces down, but to no avail. It was the Congress in 1951 that prescribed the present force level. The circumstances have changed greatly since 1951. But no change, of any consequence, in our troops stationed in Europe has occurred.

With this proposal I do not suggest that we diminish in any way our commitment to NATO. A residual U.S. force in excess to 150,000 stationed in Europe should still reflect fully our commitment to the defense of Western Europe. Our commitment has not changed. What has changed, however, in the 25 years since the end of World War II is Europe herself; her stability, her economy, her own capacity to meet the challenges of today and tomorrow. As Europe has grown economically, her monetary position has grown stronger, and correspondingly our balance-of-payments deficits have risen to proportions that demand action. These deficits derive mainly from our military expenditure around the world.

No longer should we shrug off the effects of our faltering international monetary posture. No longer should we ignore that the United States is the only NATO partner that has honored in full the double standard of NATO.

As a spirit of détente spread in Europe, individual members of NATO ignored their force levels under NATO. Why, then, the resistance to much more modest reductions by the United States? As domestic requirements demanded, cutbacks were made by the European NATO members through the years. Why are reductions for the same purpose not in order for the United States? A reduction of forces certainly does not deter peaceful exchange with the Soviet Union looking towards further reductions in tension. We have frozen our levels in Europe for 20 years, and have endured monetary and economic hardships; but when our commitment can be met and manifested with less diversion of resources, it is senseless to think that we are fulfilling our commitment better because it hurts more. The dollar outflow for military activities in Western Europe rose in 1970 to more than 1.731 billion.

We must break out of this bind and take clear-cut action to reduce the payments deficits which have weakened international confidence in the dollar. A reduction in U.S. forces, as proposed, will bring about early relief to our pressing payments deficits abroad. It is necessary and reasonable. It will permit more than 150,000 American military personnel still to be stationed in Europe. It need only be repeated that President Eisenhower recommended the retention of fewer than 150,000 military personnel years ago.

To sum it up, I believe the proposed reduction represents a construtive move. It responds to the need for greater resources to meet the challenges at home. At the same time, it does not in any way represent a diminution of commitment to Western Europe or its defense. It is, in short, a reflection of today's realities.

[From the Washington Star, May 15, 1971]

NATIONAL DEFENSE UNDER ATTACK

(By Gould Lincoln)

A Senate filibuster against the extension of the military draft is the latest gimmick of the peaceniks, who for reasons of their own are wittingly or unwittingly shooting down our national security. The draft, they believe, has become extremely unpopular with the young voters and their mothers and fathers: And these are voters they feel they must have for re-election next year.

President Nixon has asked that the draft be extended for two years. Unless this extension is voted by Congress, the draft law will expire June 30. The House passed the measure now before the Senate, entitled "To amend the Military Selective Service Act of 1967 and to Increase Military Pay," in accordance with the President's request. That is the measure that Democratic Sen. Mike Gravel of Alaska has set out to kill.

If he can continue to filibuster long enough, the law will automatically expire, or if he can gain enough support in the Senate to vote its death it will leave this country without sufficient armed forces to continue the war in Indochina or to defend its citizens or itself in any other area of the world. There are simply not enough voluntary enlistments.

All kinds of amendments are being proposed which if adopted would send the bill back to the House for further action. The peace-at-any-price members of the House are threatening delays there.

Sen. Mike Mansfield of Montana, Democratic leader of the Senate, offered an amendment which would cut by 150,000 men our armed forces now stationed in Europe as part of the NATO armies to check aggressive inroads of the Communist nations. Other amendments would limit the draft to six months or one year. The Nixon administration is opposing this legislation which at Mansfield's request will be voted on next Wednesday.

The hope for a two-year extension of the draft lies in the hands of a number of Republican and Democratic senators who are strong in the belief that we must retain our nuclear arms deterrent against possible Communist attacks by Russia, the other great nuclear power, and China.

One leading Democrat, a probable contender for the Democratic presidential nomination, Sen. Henry M. Jackson of Washington, is traveling about the country in an effort to arouse the people and make them aware of the danger to our national security and America's future—"for individual liberty, social justice, decent housing, better health, education and the environment."

"Too many," he said, "fail to recognize what is really going on in the world—and some of them seem to care less. The truth is that the United States is no longer in the position of overwhelming military superiority of just a few years ago. While our energies have been absorbed in Southeast Asia, the Soviet Union has been building a huge nuclear attack capability. They are moving into a position to threaten that most vital of all areas of our strength—the strength to deter a preemptive attack against us."

Jackson said that for nearly a year and a half we have been meeting with the Russians in Vienna and Helsinski to discuss the limitation of strategic weapons and all that the Soviets have been willing to agree on is a limitation of defensive weapons, not of offensive weapons. In the last five years, the Russians, he continued, have moved markedly in strength in land-based intercontinental missiles, such as the mammoth 25 megaton SS9. They are gaining and soon will excel us in missile weaponry at sea.

"Now the motto of the Kremlin is doubtless 'No more Cubas,'" Jackson added, "and we, and not they, will be expected to back down and accept diplomatic defeat."

He was referring to the threat which former President John F. Kennedy made to compel the Russians to remove long-range nuclear missiles from Castro's Cuba.

Jackson said: "I believe that those urging acceptance of the Russian proposal have things backward. If two armies, each armed with swords and shields, wish to disarm, does it make sense to lay down the shields and keep the swords? Would it not serve the peace and security of both to lay down swords—and keep the shields to guard against bad faith on the other side?"

The answer, of course: "It would."

This is true, in the light of Russia's repeated threats to come down on us unless we get out of Indochina and cease arming the Israelis against the Arab countries.

Another threat against the safety of the United States lies in the attitude of certain senators from the Southern cotton growing states to filibuster against the ratification of the treaty between the United States and Japan returning the island of Okinawa to the control of Japan, unless the Japanese first agree to curtail their exports of cotton goods to this country.

If they carry out that threat and defeat ratification of the treaty, there is danger that the friendly Sato government may be turned out of office and that Japan will look to China and Russia for all kinds of aid and trade.

In addition to their fight against the draft, the young are determined to do away with any and all ROTC establishments on college campuses. This would be a serious blow to the armed forces, which look to the ROTC for officer material. National Guard units, which have been used with effect to check the demonstrators who seek to gain their ends through so-called "civil disobedience," have also come under attack.

Too many seem to be inviting the Russian Communists to take advantage of our weaknesses and move against the United States.

[From the Washington Post, May 16, 1971]

MANSFIELD'S AMENDMENT

The amendment to the draft act just proposed by Senator Mansfield, which would prevent the United States from maintaining more than half its present NATO forces in Europe after Dec. 31, could have exceedingly far-reaching consequences for our country. Some of them are easily visible.

In military terms alone, it could make defense by conventional forces impracticable, thereby directly increasing the danger of nuclear war. At successive meetings of the North Atlantic Assembly of NATO Parliamentarians two conclusions have emerged: first, our present conventional forces are only barely adequate for our strategy of flexible response; second, the conviction of European parliamentarians that their coun-

tries would not compensate for any drastic reduction of existing American forces, but would instead emulate their senior partner.

But the military implications of this amendment appear to be overshadowed by the political.

Last December the President informed the NATO Council that "the United States will maintain and improve its own forces in Europe and will not reduce them unless there is reciprocal action from our adversaries." If one year later half our forces in Europe are withdrawn, our NATO allies will lose confidence in the United States.

Under those conditions, NATO, which has maintained peace in Europe for 21 years and which today provides our best means of bringing about agreement with the Soviet bloc on mutual force reductions, would be undermined. Some of our European allies might then seek security through "neutrality" or even through deals with the Soviet Union. Thus the Mansfield amendment would tend directly to bring the Soviet Union success in two objectives it has sought since 1949: withdrawal of U.S. forces from Europe and disruption of NATO.

Soviet military expenditures and forces have been expanding while we are seeking to reduce our defense commitments. The Mansfield amendment could create a situation in which the American people, isolated from their NATO allies, would have to increase their yearly defense expenditures a hundred times the amount the senator hopes to save.

LIVINGSTON HARTLEY.

WASHINGTON.

[From The Arizona Republic, May 16, 1971]

MANSFIELD RIGHT IN TROOP STAND

(By Michael Padev)

WASHINGTON.—Senate Majority Leader Mike Mansfield (D-Mont) last week introduced in the Senate an important and timely resolution, asking that American troops stationed in West Europe be cut by half immediately.

"We've got too much over there," Senator Mansfield told newsmen. "Too much logistics, too many generals, too many colonels, too much headquarters. Too much! All this can be cut by half, and our troops would probably be twice as effective."

White House spokesmen strongly opposed Senator Mansfield's ideas on grounds that our direct and large-scale commitment was "the essential ingredient for the cohesion of the West." Government officials also added that American credibility in the world would suffer if the U.S. ordered a large withdrawal of troops from West Europe.

Considering today's international realties, as well as U.S. national interests, there can be little doubt that Senator Mansfield is right and White House spokesmen are wrong. The credibility of any state does not depend on the amount of troops it has stationed on bases abroad. In fact, the opposite is true: The more troops a state has stationed abroad, the less its word is believed by foreign political leaders.

The credibility of a state depends entirely upon its military and economic strength, and upon the firmness and continuity of its foreign policy. Troops stationed abroad always tend to weaken a country's economic strength, as is the case with the U.S.

Few foreign leaders can be impressed by the foreign policy of a state which finds it necessary to send its armed forces to foreign bases. If anything, an army stationed in foreign lands is a serious blow to the political prestige of its government. Foreign armies are always unpopular, even when stationed in friendly countries.

The serious run on the dollar which took place in Europe in the past two weeks has led to a humiliating devaluation of the once proud and mighty American currency in most European countries. Among other things, it showed that West Europeans have serious doubts about American economic strength and U.S. financial solvency. Here is a most convincing—and very painful—example of lack of credibility in the U.S.

Senator Mansfield rightly points out that only drastic cuts in foreign expenditures can help restore the foreign confidence in the U.S.—by strengthening the international dollar position as well as the American economy.

The U.S. cannot have strong influence in world politics if the dollar is weak, and if the future of the American economy is uncertain. Absolutely the most important problem which today faces the U.S. government is restoration of the strength of the dollar and the stability of the American economy. This is the foundation stone of all policies, internal and external.

With a strong dollar and a healthy economy, the U.S. government will enjoy all the international credibility it needs. Without them, American influence in world affairs, would amount to little, no matter how many foreign bases are occupied by American troops.

[From the New York Times, May 16, 1971]

SENATOR MANSFIELD'S FOLLY

Senator Mansfield could not have chosen a more inopportune time to revive his effort to cut American forces in Europe in half by the end of the year. His amendment will surely be rejected next Wednesday unless the Senate has lost all sense of responsibility; but its mere introduction could harm nearly every ongoing negotiating effort by the United States and its allies.

Above all, the amendment will weaken an agreed NATO position for negotiations with the Warsaw Pact nations for balanced force reductions in Europe at the very moment when this initiative is finally drawing a positive response. Leonid Brezhnev, the Soviet Communist leader, has at last proposed negotiations with NATO and promised that the Warsaw Pact members will make clear just what mutual troops reductions they are prepared to discuss. As Secretary of State Rogers says, Mr. Brezhnev will have no incentive to negotiate seriously if the United States intends in any event to withdraw 50 per cent of its forces unilaterally.

Even a narrow defeat for the amendment will shake the confidence of ten European allies who have committed themselves to a greater share of the common burden by spending a billion more dollars over five years to improve conventional forces and boost their contributions to the NATO infrastructure. In return for this pledge, President Nixon promised last December not to reduce United States forces in Europe "unless there is reciprocal action from our adversaries."

Such a drastic American pull-out would weaken the West's negotiating stance on many critical fronts. It would jeopardize chances for working out with the Soviet Union a viable solution to Berlin; and if there is no Berlin settlement, West Germany's treaties with the Soviet Union and Poland will be stillborn. Bonn's whole *Ostpolitik*—the effort to build more normal and peaceful relations with its Eastern neighbors—would thus be derailed and a severe political convulsion in West Germany would be inevitable.

It is easy to share Senator Mansfield's dismay that the United States still has 300,000 troops in Europe twenty-six years after the end of World War II. It is easier still to agree with him that the halving of these forces offers a quick way to ease America's balance of payments deficit and bolster the ailing dollar.

But can anyone really believe that this unilateral action in breach of agreed NATO policy is the proper way to bring about a safe reduction in forces? Or that such a high-handed American move could possibly lay the base for more orderly cooperation on international monetary problems or on anything else?

In nearly thirty years of service in House and Senate, Mr. Mansfield has made notable contributions to American foreign policy; but this move at this time is reckless in the extreme. Secretary Rogers may have exaggerated in saying such a withdrawal would "signal the end of NATO," but he was surely right in describing it as "a mistake of historic proportions"—a sentiment promptly and rightly endorsed by the President and a bipartisan group of distinguished former officials."

PULL IN OUR HORNS?

The much-touted dollar crisis—which already looks rather less than critical—has spawned some weirdly wonderful ideas for its cure.

Sen. Mike Mansfield (D-Mont.), for example, has longed for years to pull a lot of U.S. troops out of Western Europe.

So the senator now gallops in with a bill in Congress to compel withdrawal of 150,000 of these men, arguing that our spending for their and other far-flung troops' keep has helped to bring on the monetary what-is-it or what-was-it.

Other deep thinkers feel that the dollar would regain its health overnight if the U.S.A. would bug out of Vietnam and leave its South Vietnamese allies to butchers, sadists and savages from Red North Vietnam.

It is merely coincidence, of course, that these same thinkers were yelling long before the dollar's uneasy spell for a Viet bugout.

These news items are symptoms of a spreading desire among Americans to pull in our military horns and set ourselves up in our blessedly lonely U.S. homeland for some years to come if not forever after.

[From the New York Times, May 16, 1971]

UNBALANCED GOVERNMENT

(By James Reston)

WASHINGTON.—The ancient dilemmas of American politics are back in the headlines again: How to give the President the powers necessary to defend the nation in a time of nuclear weapons and international ballistic missiles, and still maintain the control of Congress. How to keep him strong enough to govern the nation without allowing him to impose his will on the people and their representatives in Congress.

There is another question that is central to the present debate: How to keep the President from using the authority he clearly must have in a major nuclear crisis—when the nation could be devastated before the Congress could even be assembled—in more limited emergencies like the Vietnam war.

This is the new element in the old struggle between the executive and legislative branches. The invention of nuclear weapons and intercontinental ballistic missiles has clearly destroyed the old concept of an "equal balance" between the President and the Congress, and another invention—national television—has added to the President's advantage in the ancient struggle. But the struggle goes on because President Johnson and President Nixon have been assuming that the new Presidential powers of the nuclear-missile age may be applied to limited emergencies.

This is the assumption that is now being challenged by Senators Mansfield, Fulbright, Javits and others.

Unfortunately, Mr. Mansfield and Mr. Fulbright have not done much better than Presidents Johnson and Nixon in clarifying this distinction between Presidential power in primary emergencies and Presidential power in secondary emergencies.

In his conduct of the Vietnam war, for example, President Nixon has asserted his right, as he sees it, to invade Cambodia and Laos even without prior consultation with the Congress, and Senators Mansfield and Fulbright, among others, fearing that the Congress may be losing all effective control over Presidential power, are now trying to compel him to get all American troops out of Vietnam by the end of this year and cut the American forces in Europe.

So there is a new and more subtle aspect now to the old struggle of executive vs. legislative power. It is not merely who rules—the President or the Congress—but when and under what circumstances.

Even before the invention of nuclear weapons and intercontinental ballistic missiles and national television this was an endless and unresolved controversy.

Only very rarely in the history of the Republic have the White House and the Congress managed to establish the mutual trust, self-restraint and cooperation that are essential to give the President adequate power and the Congress adequate control.

During the critical days before the two World Wars, when United States influence might have been used to prevent the tragic divisions of Western civilization, the American Presidents were too weak to conduct an effective diplomacy for peace.

During the Civil War, the complaint was not of Congressional but of Presidential dictatorship.

The Senators of that day were much more outspoken against the dominance of the President than Senators Fulbright or Javits are today. Many of them back in the war between the states believed that the 37th Congress in 1863 would actually be the last to meet in the Capitol in Washington. Senator Wade, according to George W. Julian's memoirs, "said the country was going to hell, and the scenes in the French Revolution were nothing in comparison with what we should see here." Even in his gloomy moods, which are not infrequent, Senator Fulbright never went quite that far.

Nevertheless, the controversy goes on and will continue to do so, for the Founding Fathers, when they were allocating power between men at Philadelphia, were consciously, and purposely ambiguous.

They knew conditions would change. They wanted the Executive and the Congress to struggle for power and to clarify the problem in the struggle.

That is what is happening now in Washington. On the ultimate questions of life and death of the nation, the President will inevitably prevail. But in lesser emergencies, as Vietnam has proved, the need for Congressional oversight and veto is obvious.

Passing bills to give the Congress more power to restrain the President is not likely to be more effective than the power the Congress already has over money, and refuses to use.

So, although candid and trustful consultation between the White House and Congress is, and always has been, hard to come by, there is really no more effective compromise, particularly after the inventions of the atomic bomb and the long-range missile.

Since then, the President cannot be deprived of decisive power. As Walter Lippmann said back in 1941, even before the invention of the atomic bomb, "this difficulty can be resolved, but only by the display of self-restraint, objectivity of mind, and magnanimity which are rare indeed in public life. The difficulty will never be restored by those who, if they like the President, are for him regardless, who if they do not like him, incite Congress to resist him. . . . It is no good depriving him of necessary power. It is no good arguing that mechanical provisos and limitations are a real substitute for consultation, common council, and continuing accountability."

That is a fairly good description of where the President and the Congress are in May of 1971.

[From the Baltimore Sun, May 16, 1971]

HOW NOT TO REDUCE TROOPS

(By Joseph Kraft)

WASHINGTON.—American troops are in Europe as one part in a grand strategy of intricately connecting political, military, and economic considerations which bear importantly on this country's relations with its allies and with the Soviet Union. So any change in the troop level needs to be made with discriminating attention to side effects and consequences.

The present Senate effort to lower the troop figure has been undertaken without any such care. Only the nearly universal respect felt for Majority Leader Mike Mansfield prevents widespread expression of the view that his proposal on troops demonstrates the Senate's unfitness to play a larger role in foreign affairs.

For one thing, it comes piggyback on two other extraordinarily difficult issues. One is the bill before the Senate now to extend the Selective Service system. The other issue arises from amendments limiting what the President can do in Vietnam which are going to be offered to the Selective Service law.

Nobody can be altogether confident of the right approach on either of these two weighty issues. But Senator Mansfield has now added to the draft extension bill the amendment that would cut the American troop presence in Europe. In such a context, nobody can effectively weigh his proposal on the merits.

Then there is the timing of the Mansfield amendment. It has nothing to do with any serious foreign policy consideration. On the contrary, what seems to have moved the majority leader was a misunderstanding of the implications of the recent international money crisis.

Some Southern and Midwestern Democrats in the Senate wrongly interpreted the European decision to let various currencies float as a smack at the United States. They were angered to the point of feeling a tough riposte was in order. Seeing that in such a mood they would be for troop reduction, Senator Mansfield slipped in his amendment.

As far as the serious foreign policy considerations go, the present time is particularly inauspicious for a move on troop reduction. The big on-going negotiation turns on the strategic arms limitation talks between Russia and the United States in Vienna. The underlying premise of those talks is that a rough parity now obtains between this country and the Soviet Union.

As Senator John Sherman Cooper, the distinguished Kentucky Republican, pointed out on the Senate floor the other day, the parity principle argues that any scaling down of forces in Europe be mutual. For the United States to undertake unilateral reduction this time would actually work against the prospects for a secure easing of tension.

Many of Senator Mansfield's most sophisticated supporters argue that he did not really intend to precipitate a troop cut. They say that he put forward the amendment mindful that it would be watered down in the legislative process. His true purpose, they feel, was to shake things up—to push the administration to some new diplomatic moves.

Considering the inertia of any administration and the nearly sacred character which has been imparted to the issue of troops in Europe, that purpose is surely legitimate. The more so as the Nixon administration has used the need for standing firm against the Communists as a justification for every presidential policy from invading Laos to starting a new bomber. But there are far better ways to change an unsatisfactory status quo than by fixing troop limits in Europe.

One way would be to deal with the question of total military strength. Instead of a mandatory lowering of the number of troops stationed in Europe, the Congress might appropriately cut the military manpower the President is allowed to maintain all over the world. That way there would be pressure on the administration to use manpower resources in a more discriminating fashion.

A second useful variant would assert the principle of mutual force reduction. The Senate would come out for a troop cut providing an equal cut were made on the Soviet side. Such a step would be particularly worthwhile in view of party Secretary Leonid Brezhnev's assertion of Russian interest in a mutual reduction of forces.

The shaping of these possible variants offers an important test of leadership in the Senate. There is a widespread feeling in the country that there has been too much power and authority vested in the presidency. There is a disposition to redress the balance in favor of the Senate. But the Senate has to show—as it has not done at all in the handling of the Mansfield amendment to date—that it is worthy of such trust.

Note: In a previous column, I erred in stating that General Electric owned Pratt & Whitney. They are independent companies.

[From the New York Times, May 16, 1971]

TROOPS IN EUROPE: MANSFIELD DID FINE UNTIL BREZHNEV CAME ALONG

(By John W. Finney)

WASHINGTON.—Senator Mike Mansfield, an accommodating Irishman from Montana, can be as stubborn as he is gentle, and that probably explains as much as anything why the Administration suddenly found itself confronted last week with a political crisis on the long quiescent NATO front.

For years the Senate majority leader had been promoting a sense-of-the-Senate resolution calling for a "substantial reduction" in the American military contribution to NATO. Deliberately he never pushed the resolution to a vote, though undoubtedly it would have passed by a sizable Senate majority. Rather, he held out the threat of passage of the resolution in the hope that it might bestir first the Johnson Administration, then the Nixon Administration into reexamining American policy toward NATO.

The gentle prods were ignored. Instead the Nixon Administration in February announced that "the United States would maintain and improve its forces and not reduce them without reciprocal action by its adversaries."

More in frustration than in anger, Senator Mansfield last week went beyond his sense-of-the-Senate resolution by introducing an amendment to the Selective Service Bill that would require the 300,000-man American force in Western Europe to be cut in half by the end of the year.

Such is the breakdown in communications between the White House and Capitol Hill that the Nixon Administration was surprised by the Mansfield move. When it realized a couple of days later that the amendment stood a good chance of passing the Senate, the White House—which tends to treat Congress like a distant enemy best ignored—mounted a rare political counteroffensive.

Summoned to the White House were such Democratic and Republican stalwarts of another era as Dean Acheson, John J. McCloy, George Ball, Henry Cabot Lodge and Lucius D. Clay, along with such former NATO commanders as Alfred M. Gruenther, Lauris Norstad and Lyman L. Lemnitzer. As Mr. Acheson observed later, "we are all old and we are all eloquent." Their Presidential assignment was to lobby on Capitol Hill against the Mansfield amendment.

While they lobbied privately, Secretary of

State William P. Rogers was unleashing a barrage of dire warnings before the Senate Foreign Relations Committee that should have been enough to intimidate any wavering Senator. If the amendment were passed, the Secretary said, it would be "a mistake of historic proportions," "very detrimental to our foreign policy and very harmful to our national interest," and "signal the end of NATO."

And yesterday President Nixon issued a statement of his own, saying that a NATO troop cut now would be "an error of historic dimensions."

Through all the noise, Senator Mansfield sat bemused in his leather easy chair in his Senate office, smiling over the Administration's reaction. He quipped: "They are calling in all the old-timers, all the guys who formulated this policy 25 years ago. It just illustrates the generation gap in our policy."

The Administration arguments and the rhetoric had a familiar ring. As always they were based on dire hypothetical assumptions and predictions of what would happen if the United States withdrew any of its troops from Europe. The present level was needed, it was said, to give NATO the "flexible response" of countering a Soviet thrust with conventional means rather than being forced immediately to nuclear weapons. If the United States withdrew some of its forces, the argument went, it would demoralize the Europeans, make them question the American commitment to their defense and, perhaps, lead the Germans beyond Ostpolitik detente toward appeasement of the Soviet Union.

In comparison, the Mansfield rebuttal seemed relatively simple, straightforward, almost negative in tone. It included the following points:

Twenty-five years after the war it doesn't make sense" to have 300,000 military men and 200,000 dependents in Europe. With its four divisions backed up by layers of support troops, the United States Army in Europe is overstuffed and plushy, as indicated by the fact that there are 128 generals, or one for every 2,300 men. The new prosperous Europeans are not carrying a fair share of the defense burden, and meanwhile the United States needs the dollars being spent in Europe for problems back home. Two divisions are as good a commitment of American intentions as four, and besides there are those 7,000 tactical nuclear weapons to deter the Russians.

But the fillip to the Mansfield argument was the monetary crisis in Europe, brought on by the United States deficit in international payments. To this deficit the American troops in Europe contribute about $1.8 billion annually, offset in part by German purchases of American equipment and bonds. If there is one lesson that Senator Mansfield has learned from his predecessor, Lyndon B. Johnson, it is that nothing quite so agitates a politician as a suggestion that the dollar is in danger. So day after day, Senator Mansfield was reminding his colleagues that the "run" was not on the mark or the ruble but on the dollar. For a while it seemed a persuasive enough argument to carry the day in the Senate.

SENATE ASSERTIVENESS

The Mansfield amendment also reflected the new foreign policy assertiveness of the Senate. Through Congressional power over appropriations, Senator Mansfield is seeking to force a change in NATO policy, just as in a broader sense Senator John Stennis, chairman of the Senate Armed Services Committee, last week joined liberals in attempting to impose legislative restrictions on the President's war powers.

Faced with a challenge to his foreign policy prerogatives, President Nixon ruled out any face-saving compromise on the NATO issue, just as Mr. Rogers, last week dismissed proposed war powers legislation as ineffective, probably unconstitutional and a dangerous impairment of the President's ability to act in an emergency.

But then, from the most unlikely quarter, came help for the Nixon Administration. In a speech in Tiflis, capital of Soviet Georgia, Soviet party chief Leonid Brezhnev called on NATO to open negotiations on military disengagement. As Mr. Rogers let slip before the Foreign Relations Committee, the Brezhnev offer was virtually the same that the Warsaw Pact nations had made nearly a year ago. But the Administration latched on to the offer as a way to beat the Mansfield amendment. A White House spokesman found the Brezhnev opening encouraging and said it reinformed the Administration view that "this is not the time to unilaterally dismantle our forces in Europe." If the amendment is adopted, Mr. Rogers warned, "we could kiss that issue (mutual reductions) goodbye."

Armed with the unlikely Brezhnev-Nixon-Acheson alliance, the Administration probably now can defeat the amendment when it comes up for a vote this Wednesday. But even in defeat, Senator Mansfield believes he will finally prevail. Twenty years ago, in another "great debate" over stationing troops in Europe, the Senate, by a 69-21 vote, endorsed President Truman's decision to send four divisions to NATO.

By running up a substantial minority for his amendment, Senator Mansfield at least will be able to demonstrate to the White House, Pentagon and State Department that political sentiment is shifting against keeping these four divisions in Europe. If so, perhaps at last he will have succeeded in his objective of getting the Administration and the European allies off dead center in examing future policy for NATO.

[From the Washington Post, May 16, 1971]

A "SUBSTANTIAL" TROOP REDUCTION IS "OVERDUE"

(By Arthur J. Goldberg)

In the legislative quiet of Washington, the Democratic Majority Leader, a moderate and almost wholly non-partisan man, has become the center of a storm. President Nixon has rallied some prestigious figures—Democrats and Republicans—against the Mansfield amendment to mandate the reduction by half of the American forces deployed in Europe.

Lest it be thought that everyone who has served our government in the cabinet and in a diplomatic capacity agrees with the group assembled by the President, I want to state my support for Senator Mansfield's thesis. This is not to say that I agree with the size of the reduction in our European forces that he has proposed. Nor do I believe that we should proceed unilaterally without a last clear warning to our allies that this time we really mean business. (I emphasize "last clear warning" because our other warnings over the years have not been taken very seriously.) But these differences can be resolved by appropriate revisions of the Mansfield amendment. The important consideration is that Congress assert its authority to declare that the time has come, and indeed is long overdue, for a substantial reduction of American forces in Europe.

Along with Senator Mansfield, I am a firm supporter of the Atlantic alliance. But it is no service to that alliance for the United States now and for the indefinite future to continue to play the role of the dominant and dominating influence in the defense of Western Europe.

It is 26 years since the end of World War II. Western Europe, with our generous help, has made a remarkable economic recovery from the havoc and destruction of war. The strength of the mark and other European currencies compared to the dollar is dramatic proof of Western Europe's economic ability to assume the primary burden of its own defense, with sensible supporting help on our part against the threat of Soviet aggression.

For some years, Senator Mansfield has patiently and diplomatically advanced the view that Western Europe should assume the paramount role in the defense of its allied countries. If today, Senator Mansfield swings what some critics characterize as a "meat ax," it is because the arts of persuasion have proved singularly ineffective.

The Senator has pointed out, as noted in the press, that we still have some 300,000 military men, 225,000 dependents, 128 generals and over 7,000 nuclear warheads in Europe. These figures exclude the formidable military establishment of our Sixth Fleet, a major element of our European presence and deterrent capacity.

I believe, as does Senator Mansfield, in a rational and balanced deterrent against the possibility of ill-conceived Soviet movements in Western Europe. Neither he nor I advocate total withdrawal of our forces from Europe but surely the time is overdue for a substantial reduction in the number of our troops there. And, among other considerations, it seems to me that part of the billions we now devote to the maintenance of land forces in Europe would be better spent by improving our airlift capacity, so that we could dispatch combat-ready troops to Europe should the occasion require. In this connection, many of our present European troops are not combat forces, and both they and their dependents constitute a heavy drain on American resources not adequately offset by current arrangements with our European allies.

There is another factor to be taken into account. True, a mutual reduction in forces would be the ideal solution, but since this has not eventuated because of past Soviet intransigence and our NATO allies' foot-dragging, is it not time that we gave serious consideration to the proposition that a limited unilateral reduction in our European forces will put the cold-warrior elements at the Kremlin under pressure to consider a corresponding reduction of forces on their part? We are not the only country suffering from the exactions of a swollen military establishment.

Mr. Brezhnev's recent and welcome initiative indicating an interest in a mutual reduction of NATO and Warsaw forces would seem at the very least to be some indication that the Soviet Union is also such a country.

Senator Mansfield is a thoughtful man. There is a basic philosophy behind his move. I think I understand what it is and would summarize it thusly:

Realism requires us to remember that our national power, great as it is, is not unlimited and that our interests and responsibilities are not unlimited, either. President Kennedy properly reminded us that the United States is neither omnipotent nor omniscent and that there cannot be an American solution for every problem.

In this spirit, Senator Mansfield has been trying to tell us for a decade that in place of an American prescription for European security, we should encourage one by Western Europe—one which we can support and to which we can subscribe. Senator Mansfield seeks, I believe, only to communicate the basic truth that today, time and circumstances have rendered obsolete the means once required to demonstrate our basic commitment to the security of Western Europe.

I think it high time that we pay careful heed to Senator Mansfield's sound advice. Surely there is no need to employ a shop-worn collection of pejorative adjectives in characterizing that advice, coming as it does from our most non-pejorative statesman.

STATEMENT BY REPRESENTATIVE BINGHAM

In my view, Senator Mansfield's position on unilateral U.S. troop withdrawals from Europe is seriously mistaken. However, President Nixon has only himself to blame for his troubles on this issue in the Senate. The rebellious mood prevalent in the Senate reflects the high-handed way Mr. Nixon has treated the Congress in regard to Vietnam. Moreover, it will not help in the Congress for the President to enlist the help of an elder statesman who can seemingly never express disagreement with anyone these days without insulting him. Senator Mansfield may be wrong, but he is by no means "assinine."

The administration is also poorly advised to take the position that the maintenance of American troops in Western Europe, at great expense, is not properly the business of the Congress. Instead, the Administration should be talking about whatever plans it has to press for troop withdrawals on a mutual basis, either by prior agreement with the Soviets, or by phased withdrawals keyed to corresponding reciprocal action by the Communists. That the administration had not done enough along these lines was the overwhelming consensus last year of the subcommittee on Europe of the House Foreign Affairs Committee, of which Congressman Farbstein of New York was Chairman and member. The Subcommittee held extensive hearings (Feb. 17–April 9), but failed to find a single knowledgeable witness who would support the Mansfield view and accordingly did not advocate substantial unilateral withdrawals.

JONATHAN B. BINGHAM,
Member of Congress.

WASHINGTON.

SCALING DOWN MILITARY POSTURE

Senate Majority Leader Mike Mansfield of Montana would cut the number of American troops in Europe by half, he announced in Washington. He will introduce a bill to that effect, either as an amendment to the draft extension or to another later defense bill, he said. He thinks the 525,000 servicemen and their dependents in Europe could be cut in half "and they would probably be twice as effective."

One reason for this move is the weakness of the American dollar abroad, due in part to an over-supply of dollars. The cost of American troops and equipment, either actually in Europe or set aside for use there, is put at $14 billion a year. It has been a quarter of a century since the second World War ended, and the United States organized the North Atlantic Treaty Alliance forces to stem the tide of Communism over Europe. We keep 4⅓ Army divisions in Europe and Americans are in overall command of NATO forces.

A World War I veteran—he enlisted in the Navy at 14 and subsequently in the Army and the Marines—Mansfield thinks, "We've got too much over there. Too much logistics; too many generals; too many colonels; too much headquarters. Too much."

Mansfield's is the latest of a series of challenges to the armed services. In the draft bill itself, for the first time, Congress tells the Pentagon how many men and women it can have in the Army, Navy, Marine Corps and Air Force. Heretofore, Congress exerted control over armed forces size through appropriations; it had never authorized levels. The Armed Services committee warned the services not to fatten their ranks with returned Vietnam men. To emphasize the point, it cut the Army by 50,000, the Navy and Air Force by 3,000 each and left the Marines at its own requested 209,846 strength.

Congress is expressing the general disenchantment with war with these challenges. It is overlooking the ever-present threat to the United States from the Soviet Union. When it gets over this sock-the-services binge, we hope it won't be too late to rebuild the nation's defenses.

[From the Washington Post, May 16, 1971]

BREZHNEV'S BID: NIXON'S OPPORTUNITY

Mr. Brezhnev's new bid to NATO to negotiate "reduction of armed forces and armaments in Central Europe" could not have come at a more convenient moment for Mr. Nixon. The administration, to blunt Senator Mansfield's sudden threat to legislate a 50 per cent cut in American troops levels in Europe, had just declared that a unilateral cut would destroy prospects of negotiating a mutual NATO-Warsaw Pact reduction. And just a few days later, Mr. Brezhnev hands the President precisely the bid he needs to hammer home his point.

It would be wrong to conclude, however, that the Kremlin had deliberately set out to lend Mr. Nixon a hand. There is a more likely explanation. The Russians had been complaining in diplomatic corners that the West had not picked up a vague negotiations proposal in a Brezhnev speech of March 30. Probably they decided to give the proposal a new push. Meanwhile Senator Mansfield struck. But a few days simply was not enough for the Soviet bureaucracy to change signals in order to take advantage of the Mansfield amendment's contribution to American and overall NATO disarray. The second Brezhnev speech went ahead anyway.

Whatever the explanation, the new language is on the table. The NATO Council is to meet in early June in Lisbon and certainly it will examine Mr. Brezhnev's words closely. It is interesting that the Kremlin now seems willing to discuss not only the reduction of foreign troops stationed in Europe, as before, but the reduction of national troops, too. Moreover, Mr. Brezhnev indicated that Moscow wishes to bring in nuclear as well as conventional weapons, an explicit widening of terms that would bring talks between the two alliances into an area now monopolized in the SALT discussions by the two great powers alone.

Invariably any offer of negotiations from Moscow is met in the West with expressions of vigilance and with extended and usually turgid and negative inquiries into the Kremlin's motives. Surely the wiser posture is suggested by Mr. Brezhnev's observation that the Soviet offer, like wine, ought to be judged not by appearance but by taste: "Translated into diplomatic language, this means to start negotiations." In recent years the United States, fearful of getting into a situation where Moscow could play on the anxieties of the Western public and the differences between the Western allies, has resisted sitting down with the Kremlin on broad European issues. But this time—thanks, evidently and inadvertently, to Senator Mansfield—the White House quickly welcomed the Soviet bid. Indeed, it restated it, with something of a bargainer's twist, as an offer to negotiate "mutual" reductions, and reductions of "forces" (not of "forces *and armaments*"). Mr. Brezhnev said nothing about the pet Soviet project of a "European security conference," though any NATO-Warsaw Pact negotiation on force reductions doubtless would be dubbed that by Moscow. The White House said nothing about its own and NATO's previous insistence on prior progress on a Berlin agreement.

Many will now cry that the President has been tricked into premature and dangerous East-West talks that he will be unable to control, but this is quite wrong. The President has before him precisely the opportunity for a major European negotiation that the times require. It is an opportunity not just to put down Senator Mansfield but to try to move toward the sort of new East-West and American-European relationships which both he and the Senator surely desire. Arthur Goldberg, in an article printed elsewhere on this page, suggests that Senator Mansfield himself actually is helping the administration to reach out into this larger international dimension. Averell Harriman, also on this page, emphasizes how vital it is to preserve the Atlantic Alliance, even while shaping it to new conditions. Together, they make plain that any administration effort to beat down Senator Mansfield merely for the sake of holding intact the status quo runs counter to the American interest in a more stable world.

[From the Sunday Herald Traveler, May 16, 1971]

U.S. TOKENISM TOWARD NATO?

Senate Majority Leader Mike Mansfield of Montana has renewed his drive to compel by legislative stipulation the reduction of U.S. forces in Europe by 50 per cent—from 300,000 to 150,000.

Among other reasons, Sen. Mansfield cites the imbalance of international payments that results from the support of American troop commitments in NATO countries, a timely reason these days when European moneymen are speculating against the dollar. At other times, Sen. Mansfield and shriller critics of the American presence in Europe have deplored the "abnormal" situation that keeps U.S. military might on the Continent a quarter of a century after World War II, a presence that neo-isolationists consider ominous and provocative.

U.S. troop commitments within NATO countries are, admittedly, "abnormal"—just as "abnormal" as the Russian divisions in East Germany and elsewhere throughout the Warsaw Pact nations. Two "abnormal" presences do not make a situation normal but they help to explain, for those critics with short memories, why U.S. troops are there, why the Europeans want us to stay and why, unless the neo-isolationists prevail, they will stay as part of the collective defense of Western Europe—to whose rescue this nation rushed twice within 25 years.

American troops in Europe are also "hostages of our intent." Under the provisions of the NATO alliance, the presence of U.S. ground and air forces in Western Europe (and the Sixth Fleet in the Mediterranean) constitute a far greater deterrent than mere numbers would suggest. Any temptation to encroach upon West Germany or Turkey, for example, becomes frightfully sobering because it would entail hostilities with the United States.

The temptation would be greater and the deterrence much less forceful, however, if American troops were reduced to only a token force. Under these circumstances, a still more menacing strategic option must be considered. Without sufficient conventional forces to deter or repel a sudden attack, NATO leaders might have no other choice than to resort to nuclear weapons. A credible conventional NATO force—of which U.S. troops compose about 25 per cent—thus gives the United States and its NATO partners a "strategy of flexible response."

Just as important, however, are the nonmilitary repercussions a reduction or removal of U.S. troops would set off. As President Nixon observed in his "State of the World" message in February:

"Accurately or inaccurately, our allies would interpret a substantial withdrawal of American forces as a substantial withdrawal of America's commitment. Were they to conclude that this was happening, they would not necessarily do more on their own to compensate; they would more likely lose confidence in the very possibility of Western

defense and reduce their reliance on Western solidarity."

France under the late Charles de Gaulle was a perfect case in point. Somehow convinced that the United States and Great Britain would not risk nuclear war over continental Europe, de Gaulle forged ahead with the development of French nuclear weaponry and expelled U.S. combat troops and NATO's headquarters from France.

These strategic considerations are vastly more significant than the $1.7 billion spent in 1970 to support U.S. troops in Europe. That is not to say, of course, that the dollar drain is of no consequence. But the solution is not to pull out U.S. troops but to persuade prosperous European nations to contribute more to their support.

Sen. Mansfield's proposal therefore makes more monetary than military sense, at least if it reminds Bonn, for instance, that one reason for the sturdiness of the dollar in the European money markets is that the United States has long made a disproportionate contribution to West Germany's financial and military security.

The main points of the whole question, however, remain collective security and collective responsibility for it. American conventional forces and the American nuclear umbrella over Europe make those collective considerations possible. The argument should be not on splitting NATO's forces but on splitting the tab.

[From the Washington Post, May 16, 1971]

THE MANSFIELD AMENDMENT: TWO VIEWS "AN UNWISE REACTION TO UNWISE POLICIES"

(By W. Averell Harriman)

Not quite every member of the postwar foreign policy establishment has lined up with President Nixon in all-out unyielding, either/or opposition to a cut in U.S. troop levels in Europe. In the accompanying articles, a long-time veteran and a relatively new member of the club (both Democrats) take opposite approaches to a middle ground.

For the Senate to act precipitously to reduce our forces in Europe at the very moment the Soviets are offering to negotiate for a mutual withdrawal of forces would be highly irresponsible. Brezhnev stated, in his speech to the party conference in Moscow, just six weeks ago, "We stand for a reduction of armed forces and armaments in areas where the military confrontation is especially dangerous, above all in Central Europe." Again speaking in Tbilisi, Georgia, last Thursday, Brezhnev called upon the North Atlantic Treaty Organization to open negotiations, in one form or another, for mutual reduction of forces in Europe.

I can well understand the frustrations of Senator Mansfield and other senators who have been calling for the last six years for reduction in our forces stationed in Europe. I share this frustration. This administration has been cool to discussions which might lead to the withdrawal of some of our forces either by agreement among our allies or, preferably, by agreement for balanced mutual force reduction with the Soviet Union and Warsaw Pact countries.

The Soviet Union has been urging the convening of a European Security Conference which could be a good forum to discuss such a reduction: I agree with the administration that a discussion of a force reduction would be greatly facilitated if an agreement were first reached on Berlin, eliminating the most explosive point of East-West tension. However, the administration has been less than enthusiastic about Chancellor Brandt's *Ostpolitik* initiative, as well as Berlin. In spite of Brandt's specific assurances there has been a suspicion that ratification of the Moscow and Warsaw treaties would turn West Germany toward Moscow rather than the Western alliance. This mistrust is shared by some of our old time cold war warriors who still live in the Stalin era. I recall a conversation I had with one at the time Brandt was first launching his *Ostpolitik*. I asked what he thought about it. He replied "It is terrifying, isn't it?" NATO seems to be viewed by them as an institution to be protected for its own sake rather than as an instrument for improving the long term security of its members.

This attitude also fails to look at the other side, Moscow's relations with Eastern European countries. Take Poland. Clearly one of Warsaw's gravest concerns has been the uncertainty about its border with Germany. While this fear exists, the tendency must be to depend on Moscow. If the Oder-Neisse line is accepted and if there is other progress made toward improving relations between Poland and West Germany, Poland's dependence on Moscow will lessen and the natural desire of the Polish people to look to the West will be encouraged.

Despite Brezhnev's invitation, we cannot be sure that an agreement on a reduction of forces can be reached. But surely we should make an attempt and not throw away a position we have attained at great cost and effort.

In 1951 I was chairman of the so-called "three wise men" which included British Chancellor of the Exchequer Gaitskill and Jean Monnet of France. This committee made the first detailed analysis of the capabilities of NATO members and attempted to indicate a fair division of the burden of the forces needed. I strongly supported the stationing of our troops in Europe at that time. But it never occurred to me that we would continue to keep such large forces for as long as we have. I thought that with the extraordinary economic expansion of Western Europe stimulated by the Marshall Plan it could and would build up its forces while we would gradually reduce ours although continuing where necessary to contribute sophisticated arms.

Unfortunately, we have substantially maintained our force levels and ended our supply of weapons, except for the special cases of Greece and Turkey. This has become such a rigid tradition that any reduction of troops on our side gives credence to the feeling among Europeans that we are turning our backs to them and retreating to isolationism. This is an unnatural and unheathy situation which should be corrected by careful handling, but is not helped by a move in the Senate to take abrupt action to cut our forces in half.

I firmly believe that the Senate should assume greater responsibility in foreign affairs but surely this requires careful consideration including full public hearings and committee reports before action.

A pressure for reduction in forces in Europe is our balance of payments crises. We have continued our forces in Europe at substantial balance of payments loss. In addition we have been engaged in the war in Vietnam without the slightest regard to its effect on our balance of payments.

Our first action should be the prompt end of our reckless expenditures in Vietnam. The slow reduction now promised by the administration would withdraw only two-third of our forces from Vietnam after three years in office. There has been no assurance given about the balance, the air support by our Navy and our Air Force stationed in Thailand, and no estimate of the vast sums needed for continued economic and military aid to the Thieu government if the Vietnamization of the war is to be perpetuated.

Because of the unwillingness of the administration to act to end the war in Vietnam I strongly endorse the suggested Congressional moves to cut off the use of funds for continuing the war if all our troops are not withdrawn by the end of the year. The polls indicate that this has the support of the overwhelming majority of the American people. The administration is continuing the war in defiance of the will of the American people. I fully agreed with last Friday's Washington Post editorial when it succinctly asked at its conclusion, "Why Europe, why not Vietnam?"

President Nixon maintains that the alternative to support of his continuation of the war in Vietnam is neo-isolationism. He is wrong. The fact is that continuation of the war is turning more and more people in their frustration towards isolationism. The action proposed in the Senate precipitously to reduce by half our forces in Europe is an unwise reaction to his unwise policies in Indochina.

[From the Baltimore Sun, May 16, 1971]

AMERICA'S FRIENDS SHOULD HELP

People in Britain and Western Europe ought to be more worried than they are about the American mood behind Senator [Mike] Mansfield's [proposed troop-cut] action . . . When an influential liberal Democrat like Senator Mansfield reacts so angrily to European criticism it is time to ask what is wrong. The probable answer is that America is tired of being the punch ball of the Western world.

Both doves and hawks have the scars of Vietnam deeply on their souls. Some feel justified, others humiliated by Washington's conversion to withdrawal, but all are hurt in their national pride. If the role of policeman is so unrewarding in Asia, it is asked, why should it be right in Europe? Why should America be criticized for letting its currency grow weak through spending on overseas troops and aid? And, above all, why should countries that are most critical of the Vietnam war and the weak dollar expect to shelter behind a subsidized American policeman? The sobering fact is that these are isolationist questions. . . . But the growth of an increasingly isolationist and protectionist mood in America is also understandable, predictable and perhaps inevitable. It is a mood which America's friends ought to help her to combat.—The Guardian, London.

[From The Shreveport (La.) Times, May 16, 1971]

NIXON'S VIETNAM TROOP WITHDRAWALS ARE A MONUMENTAL ACHIEVEMENT

The Senate is scheduled to vote next Wednesday on a resolution—as an amendment to the draft extension bill—by Democratic Majority Leader Mike Mansfield of Montana calling on President Nixon to cut in half the 300,000 American troops stationed in Europe, with the assumption that the Senate would take the lead in an effort to have Congress cut off funds for the European forces if the President failed to follow the resolution's demand.

A dozen or more amendments take precedence to Mansfield's in the order of voting, some just the opposite of his. One does make some sense—which Mansfield's does not. An amendment by GOP Senator Javits of New York simply calls on the President to negotiate with our European allies for reduction of our troops over there and reduce the number as rapidly as possible in accordance with results of the negotiations. The President has been doing that for some time.

The Mansfield proposal is simply an outgrowth of a Vietnam proposal, largely backed by the same senators backing Mansfield, to try to compel the President (by cutting off funds) to set a date—presumably next De-

cember 31— for withdrawal of ALL American personnel from Southeast Asia. Both proposals are marked by a narrowness of vision, or an inability to understand world conditions—and America's condition—now.

WEST GERMANY IS THE KEY

Today, the keystone of strength and solidarity in western Europe is West Germany. France, Britain, Italy and the smaller countries would be of little value in a crisis with Russia. The American troops there are the keystone of Europe's security and also the northern flank of American naval strength in the Mediterranean. America's power and prestige, economic and military, has been deteriorating steadily over the past 10 years. Any weakening of what we have now could plummet us quickly into the No. 2 spot behind Russia not only in Europe but around the globe. Russia is not going to move while we stand strong behind Europe and maintain our Mediterranean naval power.

As for Southeast Asia, President Nixon's achievements thus far in getting American troops home—sent there by two previous Democratic Presidents with hurrahs from virtually all of the senators now taking the lead in trying to use war, public emotionalism and often misrepresentation of facts to chop Nixon into political pieces prior to the 1972 elections—should go down in history as monumental.

SENATORS CHANGE DIRECTION

And the United States senators so loud and raucous now in their attacks on him, such as Democrats Birch Bayh, George McGovern, Teddy Kennedy, Edmund Muskie and Hubert Humphrey—as well as TV and press commenators of either extreme leftist beliefs or anti-Nixon just for spite, or both—are the same senators who demanded that the U.S. clean the Communists out of Southeast Asia in 1965, when there was a Democratic President, no matter how long a war it took to do so.

The shouting anti-Nixon senators should remember that while the Senate has a constitutional authority and mandate to "advise and consent" with the President on foreign affairs, he was ELECTED constitutional Commander-in-Chief (through being elected President) of ALL of the nation's armed forces and they were not. The final decision now is his.

The American people, as they hear these men, should remember:

1. What they are advocating is the first surrender in American history.

2. It almost certainly would be a surrender cruelly and mercilessly abandoning American prisoners of war estimated at up to 1,600 to rot in Communist prisons. Hanoi has never said it would release the prisoners of war if we set a withdrawal date. It has said that if we set a date the Communists then would TALK with us about the prisoners of war—but no more. Talk for how long? From now to Eternity? We would be pledged to get every American in uniform out of Southeast Asia before the Reds would even consider the prisoner of war tragedy.

3. When President Nixon became President, there were 549,500 American troops in Southeast Asia. Today there are only 273,000 still over there, with close to another 100,000 scheduled to leave by December 1—bringing the total down somewhere around 173,000 to 180,000 at that time. Right now the President is about 10,000 ahead of his withdrawal schedule.

4. The last combat division (the Americal) now is starting home. Approximately 80 per cent of all troops returned thus far are combat troops.

5. When Democratic President Kennedy took office there were only a handful of noncombat advisory Americans in South Vietnam.

When Kennedy was assassinated and Lyndon Johnson became President, there were only 16,000 combat U.S. troops in Vietnam. Since Nixon inherited the Kennedy-Johnson total of U.S. military strength of 549,500, he has reduced that a total by 276,000—truly a monumental achievement.

6. When Nixon announced a short invasion of Cambodia to have American lives by wiping out Communist sancturaies, the anti-Nixonites in the Senate and among the liberal extremists—TV or press—said he was "expanding the war. But he ended that campaign at the exact time he said he would. Further, in the period from just before Cambodia to shortly after the South Vietnamese invasion of Laos (in which America gave only air support plus some reconnaissance) the number of Americans in Southeast Asia was REDUCED by more than 200,000.

NOT "NIXON'S WAR"

For Democrats and extremists to try to call the present conflict "Nixon's war," as some are doing, is not only ridiculous but utterly and obviously 100 per cent falsehood.

It is Nixon's withdrawal and if given half a chance by the Senate orators and others he'll get all Americans back home—safely, with some honor, some dignity and some success, although the Kennedy-Johnson venture never can go down in history as successful in achieving its objectives to more than a limited extent. But such failure as this was generated in the escalating years to 1969—not in the Nixon withdrawal years.

The ACTING PRESIDENT pro tempore. Does the Senator from Pennsylvania (Mr. SCOTT) desire to be recognized at this time?

Mr. SCOTT. Yes, Mr. President.

The desirability of a mutual reduction of forces in Europe is, I think, very clear to most Americans. I agree with the distinguished majority leader in his desire that this program be advanced and expedited in any way possible. I am sure that the Secretary of State and the Secretary of Defense, and others in the administration generally, would like very much to see a mutual reduction of forces of the East and the West in Europe.

I am hopeful that the economies of the East and the West would grow and prosper to the degree that we could remove the nonproductive elements existing today—war and the preparation for war—from the backs of men.

I would hope that on the Russian side as well as on the Western European side there would be a growing desire to reduce forces fairly and mutually. It surely would be in the interest of all parties concerned. Whatever can be done to impress our friends in Europe and impress those who needlessly have fear of us, is a good thing.

Therefore, I am very glad that the distinguished majority leader continues to make this point; namely, that it is in the national interest and in the interest of world peace that we find a way to reduce our forces overseas, provided they can be reduced safely and on the basis of some comity and concurrence with other forces present in those areas.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order the distinguished Senator from Alabama (Mr. ALLEN) is now recognized for not to exceed 15 minutes.

NEED FOR OVERALL LIMIT ON CAMPAIGN EXPENDITURES

Mr. ALLEN. Mr. President, while I voted to order reported from our Committee on Rules and Administration the bill, S. 382, as amended, I feel that it is subject to the objection that it does not limit the overall cost of campaigning. While commendable in purpose and potentially effective in the limited area of its operation, it simply does not go far enough.

The bill would limit campaign expenditures in two categories only, first broadcast media advertising; and second nonbroadcast media advertising, such as newspapers, magazines and other periodicals, and billboard facilities.

The limit set is 5 cents for each person of voting age for such office for each of the two categories of advertising. However, the expenditures are interchangeable, so that actually a limit of 10 cents for each person of voting age for such office is provided, to be divided as the candidate wishes between the two categories.

Mr. President, inasmuch as the Committee on Rules and Administration did vote to make these two limits interchangeable, I think it might be well to reduce this 5 cents per category expenditure to a lower figure, because as it is now it would allow as much as 10 cents per person of voting age to be expended for one type of advertising only if the candidate saw fit to expend his funds for one purpose only.

In most cases, the limits set are much higher than those set by S. 3637 which passed during the 91st Congress but was vetoed by the President and his veto sustained.

In the President's veto message, he said that S. 3637 did not limit the overall cost of campaigning. Neither does S. 382.

The President also said in his message:

The problem with campaign spending is not radio and television; the problem is spending. This bill plugs only one hole in a sieve.

Candidates who had and wanted to spend large sums of money, could and would simply shift their advertising out of radio and television into other media—magazines, newspapers, billboards, pamphlets, and direct mail. There would be no restriction on the amount they could spend in these media.

Hence, nothing in this bill would mean less campaign spending.

This is in the President's veto message, but the same comment still pertains to S. 382.

I continue to read:

In fact, the bill might tend to increase rather than decrease the total amount that candidates spend in their campaigns. It is a fact of political life that in many Congressional districts and States a candidate can reach more voters per dollar through radio and TV than any other means of communication. Severely limiting the use of TV and radio in these areas would only force the candidate to spend more by requiring him to use more expensive techniques.

By restricting the amount of time a candidate can obtain on television and radio, this legislation would severely limit the ability of many candidates to get their message to the greatest number of the electorate. The

people deserve to know more, not less, about the candidates and where they stand.

These same criticisms apply to S. 382 except that nonbroadcast media advertising has now been limited along with radio and TV.

The President seemingly favors an overall limitation on expenditures, and with this position I agree.

The bill places no limit on expenditures for mass mailings, for handbills, brochures, printing, WATS lines, telephones, postage, stationery, automobiles, trucks, telegrams, campaign headquarters—State and various local ones—unlimited campaign workers, airplane rentals and tickets, buses, trains—special and regular—campaign newspapers, movie theater film advertisements, campaign staffs, public relations firms, production expenses for broadcasts, public opinion polls, paid campaigners and poll watchers, novelties, bumper stickers, sample ballots.

I am sure that most candidates have used many or most of these methods of advertising and campaigning. None of these items are limited at all. The sky is the limit. The bill contains no limit on the amount of contributions, no limit on the amount of a single contribution, no limit on the amount of the overall campaign contributions that a candidate could receive. So, the bill is deficient in these areas.

I feel that an overall limit should be placed on the total amount of campaign contributions and expenditures that a candidate may receive or spend.

I would feel that a limit of 10 cents or less per person of voting age for an office should be set for all expenditures not limited by the broadcast and nonbroadcast media advertising limitations.

Total contributions that might be received could thus be limited to 20 cents or less per person of voting age for such office. This limitation on the total amount of contributions would probably be more effective than merely adding the 10 cents or less limitation for all expenses other than media advertising. I would also feel that the candidate's own expenditures should be treated as contributions to the campaign, which is not provided for by the bill.

I submit that there is even greater need to limit expenditure for nonmedia advertising than for media advertising. Media advertising—newspapers, magazines, periodicals, billboards, radio, and television—is open and aboveboard and available for all to see. Overuse of media advertising might even be counterproductive if the electorate felt that the candidate was overspending in that field. The nonmedia expenditures would not be as apparent to the public but could be as effective and as expensive. It would be in the field of nonmedia expenditures that irregularities, or corrupt practices or abuses, if any, might be more likely to occur. This is not done by S. 382 as reported by the Committee on Rules and Administration. I plan at the proper time when the bill comes before the Senate for consideration to offer an amendment to place an overall limit on all expenditures of every type and on all campaign contributions received.

Mr. President, I yield the floor.

QUORUM CALL

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the quorum call be rescinded.

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

Under the previous order, the distinguished Senator from Alaska is recognized for not to exceed 15 minutes.

NATO TROOP REDUCTIONS

Mr. GRAVEL. Mr. President, both the majority leader and the minority leader spoke this morning of the events that have recently taken place in Lisbon. I and many other Members of this body have waited anxiously to make some assessment as to what transpired there.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Crucial Questions on NATO Cutback," by Andrew Borowiec, published in the Washington Star.

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

CRUCIAL QUESTIONS ON NATO CUTBACK

(By Andrew Borowiec)

LISBON—"We don't really know much about the Soviet attitude, but we are willing to do everything to find out."

This statement by a delegate to last week's ministerial conference of the North Atlantic Treaty Organization sums up the mood of the Western defensive alliance.

Relaxed but with a strong feeling of purpose, the alliance is embarking on exploratory talks with the Soviet bloc on how to reduce the forces of the two pacts in Europe.

It will be a long and complicated process and pessimists within NATO feel as many as 10 years will be needed to accomplish it. What is important at this stage is that both NATO and its Communist counterpart, the Warsaw Pact, are talking about how to cut rather than increase their military strength.

BILATERIAL TALKS PLANNED

The NATO spring ministerial session decided to probe further the Soviet attitude by a series of bilateral conversations between its members and Warsaw Pact countries. The United States, for example, is preparing to start such talks soon in Washington and Moscow. Other NATO members are making their own plans.

These "feelers" will represent the first stage of the new detente effort, to be followed this fall by a special meeting of NATO deputy foreign ministers or other high officials in Brussels.

If the situation warrants it, the Brussels meeting would appoint a special envoy or a group of NATO envoys to carry the exploratory talks a step further in direct contacts. The full-dress ministerial session normally held in Brussels in December would thus be faced with a full report of progress—or lack of it.

A lot depends on how the Soviet leadership responds to this new detente effort by NATO, which in itself is a response to some encouraging statements by Soviet leaders in recent weeks.

RUSSIAN RESPONSE AWAITED

The last of such statements was by Soviet Premier Alexi Kosygin who said Russia would "do everything possible" to agree on a mutual force reduction if NATO "displays real readiness to take practical steps in this direction."

In NATO's view, the alliance already has shown such readiness. It remains to be seen whether the Russians, in turn, respond in kind.

Thus the next few weeks could determine whether the spirit of detente will stay and develop or whether the hopes voiced on both sides once again will be deflated.

Although the Berlin issue is not a precondition, most NATO allies feel some solid progress has to be accomplished there before other detente moves are pursued. Already they have discerned some movement to warrant a mild degree of optimism.

One question asked frequently by NATO members concerns the advantage to the Russians to agree to any troop reduction in the face of persistent moves in the U.S. Senate to cut the strength of American forces in Germany.

After all, some NATO officials say, the Russians could, theoretically, wait for such a unilateral American move without doing anything on their side.

There is no clear-cut answer to that except that the Soviet Union has its own serious problems connected with the stationing of more than half a million troops in East Germany, Poland, Czechoslovakia and Hungary.

Every time a Soviet division is rotated from East Germany, a psychological problem is created in Russia. The Soviet soldiers have clearly seen the contrast between a comparatively prosperous East German "ally" and their own country.

And more and more Russians have been wondering about the need of spending money on their expensive military presence instead of on the improvement of their standard of living.

There also have been reports of growing pressure on the Soviet Union by the satellite countries, forced to spend large portions of their budget on military preparedness—at the expense of their economic well being. This is particularly true of Poland, which has to cope with persistent demands within its own Communist party for a better lot.

Obviously, there would be some disadvantage to the Russians in removing their forces from such countries as Czechoslovakia, Hungary and Poland where they provide a serious deterrent to any pronounced revolt movement.

SYSTEM SEEMS IMPLANTED

But at this stage, 26 years after World War II and after successful Soviet strength demonstrations in Hungary and Czechoslovakia, the system appears well implanted.

In any case, the proximity of Russia to its East European satellites makes any military intervention comparatively easy.

The problem of East Germany is somewhat more delicate. Perhaps inadvertently, the Russians have permitted the creation there of a strong military machine which now flexes its muscles and is quite capable of blocking a solution in Berlin.

It will take considerable ability and persuasion—if not pressure—by the Russians to induce East Germany to adopt a more conciliatory stand toward any Berlin solution.

Once the preliminary stage has been passed, the problems in the path of any force reduction are bound to multiply. For the time being, there are few precise ideas how to proceed—whether the troops would be reduced as a simple mathematic equation or

whether the distances or comparative strengths of various European armies are to be taken under consideration.

NEED FOR NATO TO CONTINUE

NATO's apparent willingness to engage in this process does not signify its disintegration. On the contrary—most ministers attending the Lisbon meeting preached extreme caution and the need for the continuation of the alliance as the best guarantee of peace.

The alliance, said the final communique after the Lisbon meeting, "remains indispensable to peace and stability in Europe and to the security of all its members."

Despite some divergencies of its members the alliance has survived 22 years and is still a force to reckon with. Its exploratory talks with Russia do not presage the slackening of preparedness but simply a willingness to dismantle some of the expensive death threat poised in the heart of Europe.

Mr. GRAVEL. Mr. President, I find this to be a very fine article in the approach it makes to what has transpired. Earlier I spoke in this Chamber about the approach of this administration in fracturing any possibility of developing a concrete, precise, and aggressive program on the mutual decrease of troops in Europe. I can only come to the conclusion that this administration does not feel this is as important as their rhetoric would lead us to believe.

If I were to characterize the approach of this administration to the whole problem, I would characterize it by saying that this administration has brought about a European diplomats' employment assistance program, because to undertake what seems to be the present very lackadaisical approach will, of course, bring about a lot of different efforts from different embassies throughout Europe, and throughout the world, for that matter.

The article refers to the pessimism that was felt or certainly the leisureliness—and that is the word that is used throughout the article—that was felt, because it speaks of the 10 years before we arrive at a balanced force reduction.

The article states:

The NATO spring ministerial session decided to probe further the Soviet attitude by a series of bilateral conversations between its members and Warsaw Pact countries.

Reference is made to "feelers." I hope problems we face today are beyond the stage of feelers. If anything frustrates the American public, and also the world, it is the attitude of diplomats that we have a lot of time in these problems. We do not have a lot of time.

This Nation may bankrupt itself in present policies as a result of taking so much time.

The article states that Kosygin said Russia would do "everything possible" to agree on a mutual force reduction if NATO "displays real readiness to take practical steps in this direction."

This is very clear English. I hope it would be that clear in Russian. But when we fracture our effort and disperse our effort into what we call feelers it places us in a syndrome where we will not see appreciable results.

The article goes on in what I think is a very interesting manner to talk about the discussions that took place between our allies in NATO, and that we should not worry too much about the Senate undertaking a unilateral force reduction because this would be a total giveaway, and the Soviet Union would merely stand by and wait for these results to take place. They would not have to make any effort.

The facts speak differently, because it was in the course of an effort on the floor of the Senate by the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD) in connection with cutting the troop level that the Russian proposal came forward.

If anything, the statements made by Chairman Brezhnev played into the hands of those who advocate negotiations, so those in Europe who now say that the Soviet Union will stand by and let us make cuts are not aware of the events that have taken place in the last 30 days.

The article goes on to refer to the withdrawal of Soviet Union troops from Eastern Europe, although we recognize these troops are there not in defense of the Soviet Union but, in an indirect sense, are kept there to assure the status quo of East European governments, and to destroy or nip in the bud any insurgency that might take place. It is interesting to note the dilemma into which this places the Soviet Union, because Soviet troops that serve in East Germany see that the economy there produces greater rewards than those in Russia, in the homeland. And when the troops go back they talk to the people and tell them how much better it would be to live in East Germany than in the Soviet Union, or in Czechoslovakia than in the Soviet Union. This creates a unique morale problem for the Russian people, and this might be the underlying motivation for their opposing the idea that they must maintain troops in Eastern Europe to maintain security. This offers a threat in connection with maintaining the resolve among the Russian people that they must maintain troops there while the people at home are denied consumer goods that are being enjoyed by those people they are sent to protect.

The article also refers to the fact that there would be some disadvantage to the Russians in removing their forces from such countries as Czechoslovakia, Hungary, and Poland, where they provide a serious deterrent to any pronounced revolt movement.

It is unfortunate that the administration chose to play into this situation by adopting the "linkage" theory that we would not budge on anything, and if we did it would not be tied to anything, so all efforts with respect to mutual force reductions in Europe are tied to Berlin.

This approach is fallacious because progress made in decreasing troops in Berlin and in West Germany, or Great Britain, could build a climate wherein we would contribute to a better understanding and develop a solution to problems in Berlin. I think the day is not here when the leadership of this country will talk candidly about the real source of the problem, the heart of the matter in Europe, and that is the universality of U.N. membership, and the solution of problems as related to North and South Korea, Taiwan, and the People's Republic of China. They have no status in the world. Therefore, the tenuousness of their government is subject to the vicissitudes of the future. Were they given a concrete assurance that they would be recognized as legal countries, then I think we would see the feelings that have been exacerbated by the refusal of recognition turn to the beginnings and underpinnings of real peace in Europe.

The price that would have to be paid for that is that perhaps for the next 100 years we would have two Germanys. I think that is unfortunate, but I think it is not too big a price to pay for world peace. I think it is unfortunate for the Germans who desire unity, but I think it is not too big a price to impose upon them as a result of what occurred in the late 1930's and the first 5 years in the 1940's; and I am referring to the Second World War. The price for that Second World War is not unduly severe if it means, for a number of years, decades, perhaps a century, the division of East and West Germany. I think I could accept that, and I think the people of the world could accept that, if that were the price of peace. I think the people of Germany could accept that if it meant they would live in peace, because they themselves were the first to work out an accommodation through Ostpolitik and through other methods of moving capital and economic activity across the two borders, because the ties between the Germans are much stronger, through blood, than the false ideological boundaries that have been created as a result of communism and capitalism.

In my mind, this article is a very fine analysis of the problems that plague us in this particular point in our negotiations for a decrease in troop levels.

I only wish that, instead of all the protestations made by this administration, we could have seen a somewhat larger measure of leadership in this problem area. If any criticism can be leveled at this administration, at our Secretary of State, at our President, it is certainly the lackadaisical, business-as-usual attitude which was adopted in the efforts to decrease not only American troop levels in Europe, but, as an adjunct to our activity, the total troop levels in Europe.

I find this a very gloomy appraisal of the activities of this administration, and I mean it in no partisan sense, because in the past Democrat administrations have been derelict in showing the same initiative, the same creative imaginative foreign policy that could bring about not only a lessening of the cost to the American taxpayers but, far more important than that, bring about an adequate construction of a platform upon which to build a lasting peace.

I only hope that the American people, realizing this, will demand much more than the rhetoric that we have been subjected to in the past, for the time is long past when the niceties of diplomacy

can go on at the fine banquets, the conviviality, the sumptuous dinners, realizing that every day men die on the battlefield, and men die as a result of the economic muscle that we waste uselessly in many areas—economic muscle that could be used to improve health care.

We are so used to thinking of men dying solely as a result of gunshot wounds in Vietnam, but I can attest that children die in places such as remote Alaska mainly because we have not utilized the money, the wherewithal, the economic resolve to solve these human problems. People die because we have not found a cure for cancer. Of course, we could have developed a cure for cancer had we had the desire to spend money to find the cure. As a result of the structure of the society, we have had to spend money on the defense posture, in many cases a proper defense but in many cases a fallacious and wasteful defense.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. GRAVEL. I thank the Chair.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed a bill (H.R. 8825) making appropriations for the legislative branch for the fiscal year ending June 30, 1972, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 8825) making appropriations for the legislative branch for the fiscal year ending June 30, 1972, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. BENTSEN) laid before the Senate a message from the President of the United States submitting the nomination of Ezra Solomon, of California, to be a member of the Council of Economic Advisers, which was referred to the Committee on Banking, Housing and Urban Affairs.

DECLINE IN VIETNAM SECURITY

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Decline in Viet Security Worries U.S. Command," written by Ward Just and published in yesterday's Washington Post.

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

DECLINE IN VIET SECURITY WORRIES U.S. COMMAND

(By Ward Just)

Despite official reassurances on the success of Vietnamization and the course of the war in South Vietnam, American commanders on the scene are privately reporting serious deterioration, particularly in the Mekong Delta. Fifty-four allied bases and outposts have been overrun in the first four months of 1971, nearly double that of a year ago.

A meticulous investigation by U.S. officials disclosed that these successful assaults by the Vietcong have resulted in the capture of 79 radios, enough to equip 10 battalions of troops, enough ammunition for at least 100 attacks and enough weapons to equip three main-force battalions.

In addition, allied defenders have lost 327 killed, 170 wounded and 146 missing in action. Five hundred and seventy rifles were lost, along with mortars and machine guns. Eleven of the 16 provinces in the Delta have overruns, with Kienhoa Province (for many years an enemy stronghold) the highest with 10 in the four-month period.

More serious than the effects, in the view of U.S. officials in Vietnam, are the causes. With its passion for statistical analysis, the U.S. Command has investigated each of the assaults and has arrived at the reasons for the enemy's success:

Twenty-one traitors, 22 sentries asleep, seven failures to offer resistance, 30 ambushes, 13 instances of allied ambushes and listening posts withdrawn before the attack, and 20 poorly fortified outposts. In 12 instances, the allied defenders numbered less than a squad (14 men), but in only three of the 54 attacks did the enemy outnumber the allies.

What is concerning the American command, among other things, is the dramatic increase in both Quislings and sleeping sentries. The analysis discloses failure both in patrolling and simple alertness. After an apparent improvement toward the end of 1970 (there were only nine attacks in the last three months of that year), one U.S. official in Washington observed that the present condition in the Delta was reminiscent of the "bad old days" of the mid-1960's.

The allied investigation indicates that the enemy has lost none of its grit and passion for battle, nor its resourcefulness and willingness to fight at night. The great majority of the attacks took place between 2 and 4 a.m.

The outposts that have been hit are manned by Vietnamese militia, known as regional forces and popular forces, or the "Ruff-Puffs." The deterioration of allied defense has occurred despite recent and determined U.S. efforts to mold the Vietnamese into a successful resistance force. U.S. troops, with the exception of advisers, have been entirely withdrawn from the Delta.

It was understood that in the wake of the investigation, U.S. officials sent a letter of complaint to the Vietnamese commander of the IV Corps, Maj. Gen. Ngo Quang Truong. In the message to Truong, John Paul Vann, deputy American adviser in the Delta, urged him to enforce disciplinary measures on his subordinate commanders.

In an apparent illustration of the growing lack of security, Truong himself was shot down in a helicopter on May 25 while inspecting military posts with U.S. Gen. John H. Cushman, commander of the Military Assistance Command in the Delta. Both men escaped unharmed.

According to officials in Washington, Vann's message charged that Truong's subordinates were ignoring his directives both spoken and written. Security was deteriorating, Vann said, and only harsh discipline would arrest it.

Truong's reply, if any, is not recorded.

Curiously, the Americans have repeatedly requested that the Vietnamese abandon most small outposts throughout the Delta and pull back into larger firebases, presumably more secure from enemy attack. The report notes that 42 of the 54 overrun bases were manned by fewer than 20 men. In any event, the Vietnamese have been reluctant to comply.

One U.S. official acidly noted that enemy commanders were using the small outposts as supply points for weapons, ammunition and radios. In the past, this tactic has sometimes been cited as cause for optimism, on the theory that if the enemy had to steal weapons, it meant that his own supply lines were disrupted. Thus did a grim fact reveal a hopeful one.

However the situation is analyzed this time, the Vietcong are hitting Vietnamese bases in the Delta almost at will, are invariably successful, and the cause is a languid defense and traitors inside the base.

Mr. GRAVEL. The article speaks of the situation that exists in the Mekong Delta, which, to say the least, does not seem too cheerful. We have heard great statements from the administration as to how well Vietnamization is working and how effectively the South Vietnamese are pursuing their cause, but reports such as this article keep slipping out to reveal what really is transpiring.

We all realize, of course, that when we speak of the Mekong Delta, we are not talking about an area near North Vietnam; we are talking about an area in the South, far away from the DMZ, and very much in the hands of the South Vietnamese Government. When one sees reports such as this, one begins to wonder what really is going on. As the polls indicate, there is not much credibility left in this Nation with respect to public official, or, for that matter, the President himself.

This article demonstrates very well that there has been a series of attacks by the enemy in the Mekong Delta, that all of the attacks have been succeeding, that 54 allied bases have been overrun, and that of the 54 allied bases that have been overrun, all but three were attacked by fewer troops than were manning the base itself.

It does not require much knowledge of military strategy to understand that when you attack a fixed position, you should normally have more forces than your opponent, because it is more difficult to overrun a fixed defensive position. But in this case, the opposite has been true.

American Government forces have made an analysis as to why these attacks have been so successful for the Vietcong.

One reason they have come up with is that there have been 21 traitors. Another reason is that in 22 cases, sentries were asleep. There were seven failures because of ambushes. There were 13 instances of allied ambushes and listening posts withdrawn before the attack. There were 20 poorly fortified outposts.

The article goes on to speak of quislings, who are in great evidence now in this part of South Vietnam. The deterioration of the allied defense has occurred despite recent and determined U.S. efforts to mold the Vietnamese into a successful resistance force.

I think that as we withdraw our troops and a greater burden is placed on the South Vietnamese, it will probably become more and more apparent that they cannot carry that burden, for the very simple and logical reason that even with 500,000 Americans, with South Vietnam approximately the same size as North Vietnam, and with about the same sized army——

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. GRAVEL. I think, Mr. President, the article will speak for itself.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. STEVENSON) laid before the Senate the following letters, which were referred as indicated.

REPORT OF THE FEDERAL TRADE COMMISSION

A letter from the Chairman of the Federal Trade Commission transmitting, pursuant to law, a report on cigarette labeling and advertising, dated December 31, 1970 (with accompanying report); to the Committee on Commerce.

PROPOSED LEGISLATION RELATING TO CRIME AND LAW ENFORCEMENT IN THE DISTRICT OF COLUMBIA

A letter from the Assistant to the Commissioner of the District of Columbia submitting proposed legislation relating to crime and law enforcement in the District of Columbia (with accompanying papers); to the Committee on the District of Columbia.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on premature production of the Antisubmarine Warfare Directional Low-Frequency Analysis and Recording System, Department of the Navy (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports issued by the General Accounting Office in May, 1971 (with accompanying papers); to the Committee on Government Operations.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. STEVENSON):

A concurrent resolution of the Legislature of the State of Lousiana; to the Committee on Armed Services:

"SENATE CONCURRENT RESOLUTION No. 70

"A concurrent resolution to urge and request the President of the United States to consider a full pardon for Lieutenant William Calley

"Whereas, Lieutenant William Calley answered the call of this nation that he defend the people of South Vietnam without once questioning that order and with his utmost loyalty and the defense of his country and its allies foremost in his mind; and

"Whereas, war itself, and particularly the war in Vietnam is one of daily slaughter of many people on both sides and inevitably of innocent civilians particularly because of the difficulty and practical impossibility of distinguishing innocent persons from the enemy; and

"Whereas, if indeed there was a massacre at My Lai three years ago, it is the belief of the Legislature that such was the result of the type of war being fought and the tactics of the enemy and not the intentional acts of Lieutenant Calley or any other American soldier to murder innocent civilians; and

"Whereas, Lieutenant Calley and all our fine, dedicated and courageous soldiers have been taught and disciplined to follow their orders and commands without question; and

"Whereas, this sole conviction of one man for premeditated murder in a guerilla type war is a mockery of justice and totally and unreasonably unsound, showing not the least appreciation for the dedication and loyalty of Lieutenant Calley and our other brave fighting men defending this country and its highest principles and those of the rest of the free world.

"Therefore, be it resolved by the Senate of the Legislature of Louisiana, the House of Representatives thereof concurring, that we, the members of the Legislature of Louisiana, do hereby memorialize and earnestly and respectfully urge and request the President of the United States and Commander-in-Chief of the Armed Forces of the United States to forthwith grant Lieutenant William L. Calley, Jr. a full pardon from his conviction.

"Be it further resolved that a duly certified copy of this Resolution shall be transmitted without delay to the President of the United States, the Louisiana delegation in Congress and Lieutenant Calley."

A concurrent resolution of the Legislature of the State of Louisiana; to the Committee on Foreign Relations:

"SENATE CONCURRENT RESOLUTION No. 100

"A concurrent resolution to commend the letter writing campaign on behalf of our prisoners of war and to request the President and Secretary of State to bring pressure on North Vietnam, through countries that trade with it, on behalf of the prisoners of war

"Whereas, wars are waged against nations and ideologies, not against individuals, and to this end nations, including North Vietnam, have subscribed to the Geneva Convention, which provides for the humane and just treatment of prisoners of war; and

"Whereas, the government of North Vietnam, even though a subscriber thereto, is not abiding by the provisions of the Geneva Convention as evidenced by, but not limited to, the following: There has not been made available by the North Vietnamese government a complete list of prisoners of war; prisoners of war are rarely allowed to correspond with their families; a neutral body, such as the International Red Cross, has not been allowed to inspect conditions under which prisoners of war are being confined; needed medical treatment is being denied American prisoners of war; and

"Whereas, North Vietnam's inhumane treatment of American prisoners of war is in inflicting terrible hardships on the prisoners' families at home; and

"Whereas, public pressure and public involvement have long been effective means of correcting or alleviating man's inhumanity to man; and

"Whereas, groups have been organized to initiate the sending of thousands of letters on behalf of our prisoners of war to the North Vietnamese government, even though as of yet such letters are not being accepted by North Vietnam; and

"Whereas, many of our allies engage in trade with the North Vietnamese and it is felt that their influence both economically and friendly would be advantageous in securing better treatment of the prisoners of war; and

"Whereas, our forces in South Vietnam should continue to exert military pressure on the North as a lever to secure these basic rights.

"Therefore, be it resolved by the Senate of the Legislature of the state of Louisiana, the House of Representatives thereof concurring, that the Legislature hereby goes on record as commending those groups that have written letters to the North Vietnamese delegation in Paris, even though such letters have not been accepted, requesting basic humane rights for American prisoners of war.

"Be it further resolved that the President of the United States, the Secretary of State of the United States and our delegation in Paris request the Soviet Union and other countries which engage in trade with North Vietnam to intercede on behalf of the prisoners of war by exerting their economic powers of persuasion to obtain dated, sound, color film of our prisoners of war held captive in North Vietnam, South Vietnam and Communist China, to obtain the transfer of the sick and wounded to a neutral country for treatment and rehabilitation and to obtain as soon as reasonably possible the release of all war prisoners.

"Be it further resolved that the government of the United States is requested to continue military aid to South Vietnam until all American prisoners of war are released.

"Be it further resolved that copies of this resolution be transmitted forthwith to the President of the United States, the Secretary of State of the United States, the United States delegation in Paris and the entire Louisiana delegation in Congress."

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. MCGEE, from the Committee on Post Office and Civil Service:

Jayne Baker Spain, of Ohio, to be a Civil Service Commissioner.

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MILLER:

S. 2015. A bill to amend the Internal Revenue Code to permit a deduction for expenses of preventing destruction of trees from disease or infestation and removing infected or infested trees. Referred to the Committee on Finance.

By Mr. SPARKMAN (for himself and Mr. TOWER):

S. 2016. A bill to provide emergency au-

thority for the guarantee of loans to aid certain business enterprises to meet temporary and urgent financial needs. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HART:

S. 2017. A bill to establish an Independent Consumer Council as an independent nongovernmental organization to represent the economic interests of consumers of goods and services made available to them through the trade and commerce of the United States before Federal departments and agencies, to receive complaints and arbitrate voluntary adjustments thereof, to gather and disseminate information for the benefit of consumers, to authorize governmental assistance and support, and for other purposes. Referred to the Committee on Commerce.

By Mr. BROCK:

S. 2018. A bill to amend the Internal Revenue Code of 1954 to provide for the determination of reasonable additions to bad debt reserves for real property loans by banks in the manner for such determination by certain other financial institutions. Referred to the Committee on Finance; and

S. 2019. A bill to amend the Trading With the Enemy Act to decontrol U.S. direct investments abroad. Referred to the Committee on the Judiciary.

By Mr. BAKER:

S. 2020. A bill to amend section 220(b) of the Interstate Commerce Act to permit motor carriers to file annual reports on the basis of a 13-period accounting year. Referred to the Committee on Commerce.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPARKMAN (for himself and Mr. TOWER):

S. 2016. A bill to provide emergency authority for the guarantees of loans to aid certain business enterprises to meet temporary and urgent financial needs. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SPARKMAN. Mr. President, the Chairman of the Federal Reserve Board, Dr. Arthur F. Burns has sent up a bill which I introduce today for myself, and Senator TOWER. This legislation proposes the establishment of the Emergency Guarantee Act which would authorize guaranteed loans to business enterprises under certain conditions.

As you know, the Committee on Banking, Housing and Urban Affairs is presently considering legislation that proposes to provide loans or guaranteed loans to private business enterprises. Dr. Burns' proposal will be included as subject matter of the present hearings and I am delighted to have the Federal Reserve Board's thoughts so that they may be considered along with other bills that are pending before the committee.

Mr. President, I ask unanimous consent that the letter from the Chairman of the Federal Reserve Board transmitting this proposal to me be printed at this point in my remarks. In addition, I ask unanimous consent that the text of the bill be printed in full in the RECORD.

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

CHAIRMAN OF THE BOARD OF GOVERNORS, FEDERAL RESERVE SYSTEM,

Washington, D.C., June 4, 1971.

Hon. JOHN SPARKMAN,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Board of Governors recommends legislation to authorize the Government to guarantee loans by private lenders to business in emergency situations.

Congress should enact standby authority to guarantee loans to basically sound firms when such assistance appears to be the only practical way to avoid serious adverse effects on the nation's economy.

The performance of our financial markets in 1970 demonstrated their ability to withstand severe strains. Nonetheless, at midyear there was widespread concern that we might find ourselves in the grip of a liquidity crisis—a situation in which creditworthy borrowers could not raise funds in the money and capital markets to meet legitimate needs for credit. Fortunately, no such breadkdown occurred; the markets proved equal to the challenge. But action should be taken now to help ensure against a possible future emergency.

Direct lending by Government for this purpose should be avoided. In the circumstances described, the need for Government assistance will arise mainly because of a lack of private confidence, not from lack of private loanable funds. Accordingly, the authority should be limited to Government guarantee of loans advanced by private lenders.

Direction of the program should be in an Emergency Loan Guarantee Board comprised of officials of agencies and departments especially concerned with overall economic and financial policy. No permanent staff should be provided. Funds for the program should come from fees paid by lenders, although it will be necessary to provide for borrowing authority from the Treasury to protect against the contingency of insufficient funds being available to pay in the event of default on a guaranteed loan.

Further to assure that the program will be limited to specialized circumstances, the Emergency Loan Guarantee Board should inform the Congress of each loan it proposes to guarantee while the loan is still under consideration.

A draft bill to establish an emergency loan guarantee program along the lines favored by the Board is attached. The Board urges introduction and enactment of the bill.

Sincerely yours,

ARTHUR F. BURNS.

S. 2016

A bill to provide emergency authority for the guarantee of loans to aid certain business enterprises to meet temporary and urgent financial needs

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 "Emergency Loan Guarantee Act".

SEC. 2. There is created an Emergency Loan Guarantee Board (referred to in this Act as "the Board"), composed of the Secretary of the Treasury, as chairman, the Secretary of Commerce, and the Chairman of the Board of Governors of the Federal Reserve System.

SEC. 3. (a) The Board may guarantee lenders against loss of principal or interest on loans that meet the requirements of subsection (b), and may make commitments to guarantee such loans.

(b) A loan may be guaranteed by the Board only if—

(1) the loan is made by a private lender to a business enterprise;

(2) the loan is needed to enable the borrower to continue to furnish goods or services to the public and failure to meet this need could adversely and seriously affect the economy of the nation or a major region thereof;

(3) the borrower furnishes reasonable assurances that the loan is not otherwise available on reasonable terms and conditions;

(4) the lender certifies that it would not make the loan without such a guarantee;

(5) the loan cannot be guaranteed under the Defense Production Act; and

(6) there is reasonable assurance of repayment.

SEC. 4. The maximum obligation of the Board under all outstanding loans guaranteed by it shall not exceed at any time $2,000,000,000.

SEC. 5. There is established in the Treasury an emergency loan guarantee fund to be administered by the Board. The fund shall be used only for the purpose of fulfilling the Board's obligations under this Act. Moneys in the fund not needed for current operations may be invested in direct obligations of, or obligations that are fully guaranteed as to principal and interest by, the United States or any agency thereof.

SEC. 6. The Board shall collect a fee in connection with each loan guaranteed by it. Sums realized from such fees shall be deposited in the emergency loan guarantee fund.

SEC. 7. Any Federal Reserve Bank which is requested to do so shall act as fiscal agent for the Board. Each such fiscal agent shall be reimbursed by the Board for all expenses and losses incurred by it in acting as agent on behalf of the Board.

SEC. 8. Payments required to be made as a consequence of any guarantee by the Board shall be made by the Secretary of the Treasury from the emergency loan guarantee fund. The Attorney General shall take such action as may be appropriate to recover any amount so paid, with interest, from the defaulting borrower or other persons liable therefor. In the event that moneys in the fund are insufficient to make such payments, the Secretary of the Treasury is authorized to use proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, for that purpose. The purposes for which securities may be issued under that Act, as amended, are extended to include such use.

SEC. 9. No loan shall be guaranteed under this Act unless the President certifies that it is needed to avoid serious and adverse effects on the economy of the nation or a major region thereof, and a copy of such certification, together with a detailed justification thereof, is transmitted to the Congress, the Committee on Banking, Housing and Urban Affairs of the Senate, and the Committee on Banking and Currency of the House of Representatives at least ten days before the guarantee is made. In addition the Board shall submit to the Congress annually a full report of its operations, including a description and statement of the reasons for approval of each loan guaranteed by it during the period covered by the report.

By Mr. HART:

S. 2017. A bill to establish an Independent Consumer Council as an independent nongovernmental organization to represent the economic interests of consumers of goods and services made available to them through the trade and

commerce of the United States before Federal departments and agencies, to receive complaints and arbitrate voluntary adjustments thereof, to gather and disseminate information for the benefit of consumers, to authorize governmental assistance and support, and for other purposes. Referred to the Committee on Commerce.

INDEPENDENT CONSUMER COUNCIL ACT

Mr. HART. Mr. President, the administration has made it perfectly clear that if a consumer agency is to be established in the near future, it favors one within the Federal Trade Commission.

Many of us—who think that a major assignment for this agency would be to protect consumers from their Government—scoff at this proposal.

But, lest we be accused of convicting the defendant without a fair trial, may I suggest a perfect test case. In other words, we would give the FTC a chance to prove that it matters not that its members are appointed by the Executive and its chairman by the sitting president, its heart belongs totally to consumers.

The issue is the recently released "Consumer Product Information" index.

For about 5 years now, I—and several others—have been requesting that product information acquired at taxpayer expense by the Government for its own purchasing be made available to the public. It seemed a reasonable step toward helping consumers figure out best buys.

In truth, I could not convince the past administration—which shared my political philosophy—to embrace the idea.

Yet on October 26, 1970, President Nixon said he did just that.

These were his exact words:

> Government product information is acquired in the public interest, and it should be made available to the public and to other government agencies in a manner that is useful to consumers.

This was a big step from the day in 1969 when Consumers Union had to take the Veterans' Administration to court, under the Freedom of Information Act, to get the rather confusing data that agency had acquired on hearing aids.

So my response to the President's announcement was an apolitical and heartfelt "Amen."

On April 21—with great fanfare and a lengthy press release—the first product of that product information appeared.

Will someone please call the FTC? I think we have a pretty good case of false and misleading advertising here.

The booklet was described in the press release as "a listing of 211 Government publications"—"an index to product information."

Its title is "Consumer Product Information."

It is published by the Consumer Product Information Coordinating Center with the cooperation of the Office of Consumer Affairs.

The Consumer Product Information Coordinating Center—the release explains—"was created by President Nixon as part of GSA," and is "responsible for encouraging the development and publication of meaningful and relevant product information, accumulated as a by-product of the government's research, development and procurement activities."

It sure enough seemed to be billed as a buying guide.

But—

Inside we find mostly a rehash of various booklets—most of which consumers had available for years.

And—

Only 35 of them—giving the greatest benefit of the doubt to several—could conceivably be called buying guides.

These include "Look at That Label"—which apparently is an explanation of the Textile and Fur Labeling Acts—and "Cereals and Pasta in Family Meals"—published in 1968 and which we are told contains recipes with some hints on buying and storing.

The other 176 booklets—or 84 percent of those listed—include the alltime best-seller of the Government Printing Office, "Infant Care,"—which has sold more than 14 million copies in 20 years—along with its sisters, "Prenatal Care," "Your Child From 1 to 6" and "Your Child From 6 to 12."

While I grant that in one sense children are a product, I don't think in any sense they are what consumer advocates held in mind when they spoke of releasing "government product information."

Certainly, this is not what I had in mind.

Other helpful "product" booklets offered are: "Changing a Hem in a Dress or Skirt;" "LSD—Some Questions and Answers;" "Growing Pansies"—along with "Growing Flowering Annuals," "Growing Flowering Perennials," "Growing Camellias," "Growing Chrysanthemums," "Growing Dahlias," and "Growing Peonies".

Plus there are 29 recipe booklets for various kinds of fish—from catfish through tuna. While I have nothing against promoting the sale of pansies and fish—indeed, I applaud the effort—a booklet entitled "Consumer Product Information" should lead us to Government information suggesting which pansies and which brand of catfish are a best buy. We need to know which one to buy, not what we can do with it after buying it.

It is true that the press release said, "this is one of the first steps in President Nixon's new program to share more product information with consumers."

As a first step, it is pretty wobbly, I must say.

Worse, it is deceptive because it gives the impression that it is what it is not.

Now, the FTC does not need any designation as the consumer agency to tackle problems of false and misleading advertising. Such cases are almost routine for the agency today.

In fact, in one case—involving DuPont's Zerex—the FTC is seeking to require the company to inform the public in future advertising that it deceived them in past Zerex ads.

That kind of case brought against the Consumer Product Information Coordinating Center and the Office of Consumer Affairs certainly would allay my fears about the service an in-government agency could give consumers hurt by governmental practices.

In fact, I would settle for a simple cease-and-desist order—without the future admission of past guilt.

But I do not expect we will see either happen. It is something to consider when we talk about a Government agency taking the consumers' banner into battle with the Government.

The Consumer Product Information index is a little thing.

But, it makes a very big point.

Mr. President, apparently the day of the permanent consumer organization is near at hand.

Outlook for enactment this Congress of legislation setting up such an organization is most optimistic. The vote last year of 74 to 4 in the Senate and 31 to 4 in the House Government Operations Committee for a Consumer Protection Agency demonstrates that Congress is convinced of the necessity and wisdom of such an organization.

After 13 years of trying to sell the idea, naturally I am delighted that the progress is so impressive.

However—as I explained last year when the Senate was considering the agency—I do caution that, as we move to establish an instrument to help consumers, we do the whole job.

It is unnecessary to repeat in detail my concerns with proposals that would, in effect, give control of a consumer agency to the President and leave it subject to restrictions built into the executive branch, such as clearance of the Office of Management and Budget, for all testimony and questionnaires.

A basic service of a consumer organization, as I see it, would be to take on the government—local, State, and Federal—when it is not operating in the best interests of consumers. Obviously—since agencies, like people, do not bite the hand that feeds them—this demands some divorcement of the consumer agency from the Government.

Also, I am firmly convinced that in order to be most effective, a consumer organization must be accessible to the people in their communities and not be an operation of far-off Washington only.

Therefore, today I am reintroducing my proposal for an Independent Consumer Council. It is my hope that this plan may be evaluated alongside the other proposals by those seeking to do the best job for the consumer.

Hopefully, full Senate hearings will soon be scheduled on the various proposals so that we may end up with a bill for an organization that will indeed be a voice of the consumer as well as the consumers' servant.

Mr. President, I ask unanimous consent that the bill establishing an Independent Consumer Council be printed at this point in the RECORD. I also ask that my remarks in introducing it in 1969, along with biographies of the members of the board of directors, be printed as background on the measure.

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

S. 2017

A bill to establish an Independent Consumer Council as an independent nongovernmental organization to represent the economic interests of consumers of goods and services made available to them through the trade and commerce of the United States before Federal departments and agencies, to receive complaints and arbitrate voluntary adjustments thereof, to gather and disseminate information for the benefit of consumers, to authorize governmental assistance and support, and for other purposes

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 "Independent Consumer Council Act".

FINDINGS OF FACT AND DECLARATION OF POLICY

SEC. 2. The Congress hereby finds and declares that—

(a) direct representation of consumer interests in the formulation and implementation of policies of Government will aid in the free flow of interstate and foreign commerce in consumer products;

(b) the encouragement and support of research in consumer products, the assembling and dissemination of information on consumer products and trade practices are appropriate matters of concern to the Federal Government in the maintenance and promotion of a free market system;

(c) it is necessary and appropriate for the Federal Government to support, complement, assist, and add to programs for the development of research and the assembling and dissemination of information on consumer products and services as a means of promoting free competition in a free market;

(d) trade practices and goods and services which are detrimental to consumers' economic and other interests tend to obstruct the free flow of interstate commerce;

(e) the establishment of a convenient and effective means of consideration and voluntary settlement of complaints of consumers concerning products and services distributed or furnished through interstate or foreign trade and commerce promotes the free flow of such trade and commerce; and

(f) in order to implement these findings, it is the purpose of this Act to establish an Independent Consumer Council as an independent nongovernmental organization for the purpose of carrying out the declared policy of Congress to assist consumers, manufacturers, and Government departments and agencies in the goal of a free market economy in consumer goods and services.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "consumer" means a person who purchases or otherwise acquires goods for use or services to satisfy his needs rather than to resell them or to produce other goods with them.

(2) The term "goods" means goods, wares, merchandise, or commodities of any kind which are manufactured, produced, or distributed for the use of consumers, as distinguished from economic goods intended for use in production of other goods.

(3) The term "Council" includes the Independent Consumer Council, any local unit thereof, and any person duly designated to act for and on behalf of the Council.

(4) The term "Government agency of the United States" means any department or agency in the executive branch of the Government of the United States, any independent board, commission, corporation, or other instrumentality of such Government which is charged with the administration of any statute of the United States, and any officer of any such department, agency, or instrumentality, but does not include the Council.

(5) The term "government agency of a State" means any department, agency, board, commission, or other instrumentality of the government of a State or any political subdivision thereof which is charged with the administration of any statute, regulation, or ordinance of such State or political subdivision, and any officer of such instrumentality.

(6) The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, the Virgin Island, Guam and American Samoa.

ESTABLISHMENT OF THE INDEPENDENT CONSUMER COUNCIL

SEC. 4. (a) The following persons: James M. Nicholson, Truman B. Clark, Jerry S. Cohen, William D. Drake, John J. Flynn, Henry A. Hill, Benny L. Kass, James S. Kamper, Junior, Olga M. Madar, Margaret S. Moritz, Clay Buckhout, Philip G. Schrag, June L. Sears, Gary Burns Sellers, David A. Swankin, and Aaron S. Yohalem, are created a body corporate by the name of "Independent Consumer Council" (hereinafter referred to as the "Council"). The Council shall be known by such name, shall have perpetual succession, and shall have the powers set forth in this Act, subject to the limitations contained herein.

(b) The right to repeal, alter, or amend this Act at any time is expressly reserved by the Congress.

ORGANIZATION OF THE COUNCIL

SEC. 5. (a) The first Board of Directors of the Council shall be composed of the persons named in section 4(a), and the person first named therein shall serve as Acting Chairman of the Board. Within ninety days after the date of enactment of this Act the first Board of Directors shall meet at the call of the Acting Chairman. At that meeting the first Board of Directors shall adopt bylaws of the Council which shall fix the number persons and the names of the persons who shall thereafter serve for the first regular terms as members of the Board of Directors and as the Chairman of such Board for the term and under the conditions hereinafter set forth in this Act. After the expiration of a Director's first regular term, his successor shall be elected as specified in the bylaws of the Council, which shall provide for such election by local units in conformity with democratic principles of election which shall be set forth with particularity in such bylaws. Upon the expiration of a regular term of a member of the Board, he shall be eligible for election for one or more later terms, except that no person may serve as a member of the Board for more than two consecutive regular terms.

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, the term of office of members of the Board of Directors of the Council shall be five years.

(2) The first directors designated to serve for regular terms at the first meeting provided for in subsection (a) of this section shall continue in office in equal numbers for terms of two, three, four, and five years respectively as determined by lot at the first meeting of the Board of Directors.

(3) Any Director of the Council appointed or elected to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed or elected shall be appointed or elected only for the remainder of such term. A Director may serve after the expiration of his term until his successor has taken office. A vacancy in the Board of Directors shall not impair the right of the remaining Directors to exercise all the powers of the Council.

(c) A majority of the Board of Directors shall constitute a quorum.

(d) After the first meeting of the Board of Directors as hereinbefore provided, the Board of Directors shall meet semiannually and at such other times as the Chairman of the Board may deem necessary.

ADMINISTRATOR AND STAFF

SEC. 6. (a) The Council shall have an Administrator who shall be appointed by the Board of Directors. The Administrator shall be the chief executive officer of the Council and shall administer the activities of the Council in accordance with the bylaws of the Council and the directives of the Board of Directors consistent with the provisions of this Act.

(b) The Board of Directors may appoint and fix the compensation of such additional officers and employees as it deems necessary to carry out the objects, purposes, and functions of the Council. The compensation of the Administrator and such additional personnel shall be fixed by the Board at rates in general conformity with rates prescribed by subchapter II and subchapter III of chapter 53, title 5, United States Code, for Government personnel engaged in the performance of similar duties. Board members shall receive compensation at the rate of $100 per day for each day on which they engage in the work of the Council, and shall be reimbursed for travel and other expenses incurred by them in the performance of work of the Council.

NONPOLITICAL NATURE OF COUNCIL

SEC. 7. The Council, and its members, officers and directors as such, shall not contribute to or otherwise support or assist any political party or candidate for elective public office, nor involve in any manner the Council in any campaign for elective public office.

OBJECTS AND PURPOSES OF COUNCIL

SEC. 8. (a) The objects and purposes of the Council shall be to represent and promote the economic and other interests of the people of the United States as consumers of goods and services made available to them through the trade and commerce of the United States.

(b) The functions of the Council include the following:

(1) to represent the viewpoint of consumers of goods and services within the United States in the formulation and implementation of policies of the Government of the United States and of the several States which affect the economic and other interests of consumers;

(2) to receive, evaluate, and negotiate voluntary adjustments of complaints of consumers concerning consumer products and services and trade practices detrimental to the economic and other interests of consumers, and to receive, evaluate, and negotiate the voluntary adjustment of complaints of consumers with Government agencies of the United States and of the States;

(3) to receive, assemble, evaluate, act upon, and disseminate information helpful to consumers of the United States in performing their economic function more efficiently;

(4) to consult experts on consumer education and representatives of organizations engaged in fostering and protecting the economic and other interests of consumers of goods and services within the United States, for the purpose of obtaining information, recommendations, and suggestions necessary or desirable for the effective performance of the functions of the Council; and

(5) to perform the duties hereinafter vested in the Council.

LOCAL UNITS AND MEMBERSHIP

SEC. 9. (a) Bylaws of the Council shall include, but shall not be limited to, provisions—

(1) for the organization and management of local units of the Council by consumers within the several States and within political subdivisions thereof;

(2) prescribing the powers, duties, and functions of such local units in conformity with the powers, duties, and functions conferred upon the Council by this Act;

(3) requiring that members of the governing body of each such local unit, and members of each such local unit chosen as delegates to such conferences as the Council may conduct, be elected by the membership of such local unit by procedures in conformity with democratic principles of election; and

(4) providing for the election of members of the Board of Directors of the Council, on and after the expiration of the terms of members of the first board of directors, by such local units in conformity with democratic principles of election.

(b) Membership in the Council and in local units thereof shall be open to all individuals in the United States who are consumers. The Council may specify from time to time in the bylaws of the Council a sum not to exceed ——— dollars per annum as a membership fee.

PERMANENT HEADQUARTERS OF COUNCIL

SEC. 10. (a) The permanent national headquarters of the Council shall be located in the metropolitan area of the District of Columbia, but its activities may be conducted in all States. The Board of Directors of the Council may from time to time conduct such conferences and establish such arrangements in cooperation with local units as the Board may determine to be convenient and effective in carrying out the objects and purposes of the Council.

(b) The Council shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the Council, and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the Council.

REPORTS TO THE PRESIDENT AND CONGRESS

SEC. 11. The Council shall as soon as practicable after the 1st day of January of each year make and transmit to the President of the United States a report of its proceedings and activities for the calendar year next preceding, and a copy of said report shall be transmitted to the President of the Senate and to the Speaker of the House of Representatives.

PROHIBITION AGAINST DISTRIBUTION OF ASSETS AND ISSUANCE OF STOCK

SEC. 12. (a) No part of the income or assets of the Council or any local unit thereof shall inure to the benefit of any member, officer or director of the Council or any local unit thereof or be distributed to any such person except for the payment of duly authorized salaries and expenses, and neither the Council nor any local unit thereof may make any loan to any officer, director, employee, or member of the Council or any local unit thereof.

(b) Neither the Council nor any local unit thereof shall have power to issue any shares of stock or other evidence of proprietary interest in capital, or to declare or to pay any dividend, its objects and purposes being limited solely to the rendition without profit of a service to consumers in order to protect and promote the interests of consumers in the trade and commerce of the United States.

REPRESENTATION OF CONSUMERS IN THE PUBLIC INTEREST

SEC. 13. (a) Whenever there is pending in or before any Government agency or court of the United States or any State any investigation, hearing, or other proceeding except a criminal proceeding which may, in the opinion of the Council, affect the economic and other interests of consumers within the United States, the Council through its duly designated attorney may intervene and, pursuant to the rules of practice and procedure of that agency or court, may enter an appearance in that proceeding for the purpose of representing the interests of such consumers.

(b) Upon any such intervention, the Council, through its attorney, shall present to the agency or court, subject to the rules of practice and procedure thereof, such evidence, briefs, and arguments as it shall determine to be necessary for the effective representation of the economic and other interests of such consumers. The attorney of the Council designated by the Council for such purpose shall be entitled to enter an appearance before any Government agency of the United States without other compliance with any requirement for admission to practice before such agency for the purpose of representing the Council in any proceeding.

STUDIES AND CONSUMER COMPLAINTS

SEC. 14. (a) It shall be the duty of the Council and its local units to conduct studies, and to receive and evaluate complaints from consumers of the United States without regard to membership in the Council, concerning—

(1) consumer products and commercial and trade practices employed in the production, distribution, and furnishing of goods and services to or for the use of consumers which may be detrimental to their economic or other interests; and

(2) governmental action or inaction on the part of Government agencies of the United States and of the States detrimental to the economic or other interests of consumers.

(b) Upon receipt of any complaint disclosing the distribution of a product, the rendering of a service, or the use of any commercial or trade practice detrimental to the economic or other interests of consumers within the United States in any consumer products industry or by any producer, distributor, or supplier of consumer goods or services, or governmental action or inaction detrimental to the economic or other interests of consumers, which in the opinion of the Council does not violate any law of the United States or any State, the Council or a local unit thereof may undertake to provide for the adjustment of that complaint with the consent of the parties to the controversy through voluntary negotiation or arbitration.

If in the opinion of the Council such practice is in violation of any law of the United States or any State, the Council shall refer the complaint to the Government agency whose regulatory or other authority provides the most effective available means to obtaining appropriate relief or to proceed against such violation of law.

(c) If the Council finds that no equitable voluntary adjustment of the complaint can be obtained, that no public law has been violated or if violated the Government agency having jurisdiction to enforce the law violated fails to act or is dilatory in action, that in its opinion legal remedial action is available by individual or class action for relief, and the matter involved in the complaint has sufficient economic effect upon consumers generally, the Council, subject to applicable statutes and rules of practice and procedure, may (1) furnish legal and other assistance necessary to the filing and prosecution of an appropriate remedial action in a State or Federal court of competent jurisdiction, or (2) institute and prosecute a class action to obtain appropriate civil relief for the benefit of a designated class of consumers.

(d) The Council may provide for the training of persons in local areas in the practice of the adjustment or settlement of consumer complaints through voluntary negotiation or arbitration. Such persons may be used by the Council and its local units in any voluntary negotiation or arbitration entered into for the adjustment of consumer complaints. If deemed more convenient or effective, the Council may employ the services of any arbitration organization whose personnel are trained and experienced in the techniques and processes of negotiation and arbitration. Such negotiators or arbitrators shall be responsible to the local unit of the Council in the local area in which the consumer complaint involved arose.

(e) The Council shall publish from time to time and disseminate to the public, in such manner and form as the Council may determine to be most effective, information concerning—

(1) the functions and duties of the Council; and

(2) problems encountered by consumers generally within the United States, including particular commercial and trade practices which are detrimental to the economic interests of consumers.

PUBLICATION OF PRODUCT INFORMATION

SEC. 15. (a) The Council shall formulate and publish criteria for the comparison of specific consumer products or categories of such products which will facilitate the determination of values by consumers. Such standards may be determined by the Council, derived from government departments and agencies, from non-Government organizations, or from cooperative programs with manufacturers of such products.

(b) The Council shall publish from time to time in useful form such information for consumers with respect to such specific products or categories of products affecting consumers. It may distribute such publications to public libraries and such other depositories as it deems in the interest of consumers. It shall encourage and promote programs for the distribution of such product information, with or without compensation, through electronic systems and informtion media of all kinds, public organizations, private businesses, educational institutions, and other organizations. It may operate or cooperate with other organizations in the operation of programs and systems for that purpose.

(s) Such product information may be made public only in a form disclosing factual information with respect to such products, and not as recommendations of a product of any particular producer, or any division or subsidiary thereof, over the product of another.

(d) Nothing contained in this Act shall be construed to authorize the Council to engage in any program of testing for the purpose of recommending as among the products of different producers, the relative merits or suitability of products of any class or type over other products of the same class or type or to publish any such recommendation.

SURVEYS AND INVESTIGATIONS

SEC. 16. (a) It shall be the duty of the Council in the public interest—

(1) to conduct surveys and investigations with respect to matters involved in the production and distribution of consumer products and services which affect the economic and other interests of consumers;

(2) to determine the extent of existing information relating to goods affecting consumers in the possession of Government agencies of the United States useful to consumers which is not published in a form useful to consumers by such agencies in the performance of their functions; and

(3) to collect, analyze, and disseminate to the public information obtained through such investigations and surveys in such manner and form as may be best adapted for public information and use by consumers.

CONSULTING SERVICE AND COOPERATIVE ACTIVITIES

SEC. 17. (a) In the performance of its functions, the Council is authorized to—

(1) appoint and defray the expenses of such advisory committees as it may determine to be necessary for the effective performance of its functions;

(2) designate representatives of the Coun-

cil to serve on such committees as the Council may determine to be necessary or desirable to maintain effective liaison with Government agencies of the United States or any State, and with nongovernmental organizations which are engaged in activities related to the functions of the Council; and

(3) to the extent authorized by law, use the services, personnel, facilities, and information, of Government agencies of the United States or any State and of private agencies and instrumentalities with the consent of such agencies and instrumentalities, with or without reimbursement.

(b) Upon request made by the Council, each Government agency of the United States is authorized and directed—

(1) to make its services, personnel, facilities, and information available to the greatest practicable extent to the Council in the performance of its functions; and

(2) subject to provisions of law and regulations relating to the classification of information in the interest of national defense, to furnish to the Council such readily available information, suggestions, estimates, and statistics as the Council may determine to be necessary for the performance of its functions.

GENERAL POWERS

SEC. 18. (a) For the purpose of carrying out its functions the Council shall have power to—

(1) sue and be sued in its corporate name in any court of law or equity of the United States or any State;

(2) acquire, hold, and dispose of interests in real and personal property;

(3) establish, maintain, and operate such laboratories, reference libraries, and other facilities as it shall determine to be required for the performance of its functions;

(4) enter into and perform such contracts, leases, cooperative agreements, or other transactions as it may determine to be necessary on such terms as it may determine to be appropriate;

(5) make, issue, rescind, or amend bylaws, regulations, and rules, not inconsistent with this Act, governing its organizational structure and the manner of its operation and the exercise of its functions;

(6) adopt, alter, and use an official seal which shall be published in the Federal Register and be judicially noticed;

(7) engage in, and support, by grant or contract, research with respect to, and development of, objective standards for nonperishable manufactured goods affecting consumers;

(8) charge and collect membership dues, subscription fees, and other fees for services rendered; and

(9) receive money and other property donated, bequested, or devised, without condition or restriction other than that it be used for the purposes of the Council; and to use, invest, reinvest, sell, or otherwise dispose of such property and the proceeds thereof for the purpose of carrying out the functions of the Council.

(b) The Council shall not accept during any fiscal year any gifts, grants, or donations of money from any single source other than appropriations made under this Act in amounts which exceed in the aggregate 15 per centum of the total amount of all gifts, grants, and donations of money accepted by the Council during that fiscal year from all sources other than appropriations made under this Act.

BOOKS AND RECORDS; INSPECTION

SEC. 19. The Council and each of its local units shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, Board of Directors, and committees having any of the authority of the Board of Directors; and the Council shall keep at its principal office a record of the names and addresses of its members and units entitled to vote. All books and records of the Council may be inspected by any member or local unit entitled to vote, or the agent or attorney thereof, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 20. (a) The accounts of the Council shall be audited annually, in accordance with generally accepted auditing standards, by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the Council are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Council and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be submitted to the Congress not later than six months following the close of the fiscal year for which the audit was made. The report shall set forth the scope of the audit and shall include such statements as are necessary to present fairly the Council's assets and liabilities, surplus or deficit with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the income and expenses of the Council during the year including the results of any publishing or other commercial-type endeavor carried on by the Council, together with the independent auditor's opinion of those statements. The report shall not be printed as a public document.

LIQUIDATION

SEC. 21. Upon final dissolution or liquidation of the Council, and after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the Council may be distributed in accordance with the determination of the Board of Directors of the Council and in compliance with the bylaws of the Council and all Federal and State laws applicable thereto.

EXCLUSIVE RIGHT TO NAME, EMBLEMS, SEALS, AND BADGES

SEC. 22. The Council shall have the sole and exclusive right to use the names "Independent Consumer Council." The Council shall have the exclusive and sole right to use, or to allow or refuse the use of, such emblems, seals, and badges as may be adopted and used by the Council in carrying out its program. Nothing in this Act shall interfere or conflict with established or vested rights.

SAVING PROVISION

SEC. 23. Nothing contained in this Act shall be construed to alter, modify, or impair any provision of any Act providing for the regulation of the trade or commerce of the United States, or to prevent or impair the administration or enforcement of any such provision of law.

APPROPRIATIONS

SEC. 24. There are hereby authorized to be appropriated to the Council such sums as may be required to carry into effect the provisions of this Act.

[From the CONGRESSIONAL RECORD, Sept. 25, 1969]

S. 2959—INTRODUCTION OF A BILL ESTABLISHING AN INDEPENDENT CONSUMER COUNCIL

Mr. HART. Mr. President, for 10 years—starting with Senator Kefauver's first foresighted proposal—the Senate regularly has been asked to give consumers an organization to help them with their special problems.

His original idea was a Department of Consumers, which would absorb the consumer functions of several existing agencies. This idea has remained alive in Congress—and is yet today, with Representative BENJAMIN ROSENTHAL its able sponsor.

Senator Kefauver, 4 years later, amended the proposal to be an Office of Consumers—leaving consumer functions in existing agencies but continuing plans for representation of consumers before Federal agencies and dissemination of product information.

In 1965, with Senator Kefauver taken from us, I undertook the lead in the Senate efforts to establish the Office of Consumers. While I will not accuse myself of halfhearted enthusiasm, I must honestly admit I felt unsure with the plan. This was not because I thought it would not be helpful but that it was not the best assistance we might conjure up for consumers.

By the last Congress, I had a modified proposal—for a National Consumer Service Foundation—which advanced the product information dissemination by using a nationwide computerized network.

Still, I kept tugging, attempting to produce the better plan for consumers that I remained convinced was possible.

Today I am introducing what I think is that better plan.

This proposal—for an Independent Consumer Council—makes two breaks from previous thinking—breaks which will give control to those it is to serve and which should increase effectiveness.

First, it will be far more independent of Government.

Only a cockeyed optimist can expect any agency established as an arm of the executive or Congress not to reflect constantly the prides and prejudices of its master.

If top appointments also are made by either the executive or Congress, the control of philosophy is even more absolute.

It simply is not realistic—and ignores human nature—to establish a consumers' watchdog on Government under those conditions and expect it to perform fully up to anticipations.

The Independent Consumer Council will neither be established as an arm of either branch of Government nor will it—after formation—be governed by appointees of either branch.

The initial Board members are named in the enabling legislation I submit today. But hereafter, positions on that Board will be filled by ballot of its local units.

Granted some funding will come from Federal appropriation—but it is planned that this should not be the major source of financing.

Thus the Board—and the Council—is in the complete control of its constituency, with no middlemen.

The second break this proposal makes from other envisioned consumer agencies is to establish local units.

This facet—in the months I have been discussing it—is what has caught the most generally admiring attention.

Alienation of citizens from this government is a source of great distress to many on both sides of the aisle in this body; it certainly is to me.

It is not youth alone who feel that their government—Federal and local—has taken on many aspects of a foreign power.

I fear a majority of our citizens see government as inaccessible and seemingly unresponsive to their needs and desires. Even those who assign no evil intent are frustrated almost beyond endurance by the maze of bureaucracy which forecloses getting a simple answer to a simple question. They simply cannot discover the right number to call, the right door on which to knock or the right address to write.

Basically the functions of the Council are three.

First, it would serve as an ombudsman. The local unit would be the one-stop complaint center for gripes against government—

Federal and local. No longer need a consumer—as a novice fumbling his way—endure being switched from office to office, from agency to agency simply to get something to which he is entitled.

The Council's experienced staff could make it almost simple to get a street light replaced, a sidewalk repaired, a tax bill adjusted or a social security check processed.

Anyone who questions the need for this help should direct his attention to the mushrooming growth of "Action Line" type columns in metropolitan—and even weekly—newspapers.

These have performed a great service—not only in solving individual problems but in educating consumers as to how to cope with similar ones.

The only complaint I have heard on the columns comes from publishers. They fear that the columns very popularity might be producing adverse public relations. So vast is the number of complaints that only a few can be dealt with in print. A majority of the people are left unaided—and probably more upset than when they started.

Obviously the answer is not to expect newspapers to devote the majority of their space to such columns but to try to perform the service so as to serve more consumers. This the Consumer Council could do.

The local units also would be a funnel for complaints consumers have about products or service they purchase.

In all fairness, I think the growth of the consumer movement in many ways has damaged unjustly many businessmen. Awakened consumers, determined to get full value from each dollar, are not too inclined to give business the benefit of the doubt.

Yet, let us face it: The customer is not always right—old saws to the contrary. In fact, if European experience under the ombudsman system is typical, the complainant is right only a small fraction of the time.

Figures there are that only 50 percent of complaints—after initial examination—are worthy of investigation and only about 10 percent worth remedial action.

If the facts are remotely similar here, a vast majority of the time businessmen are being bad mouthed when they do not deserve it.

On the other hand, a good percentage of the time consumers do deserve adjustments—which most find are hard to come by when they seek them alone.

And, as long as 90 or some related percentage of complainants think they are right—even if they are not—and receive no satisfaction their disenchantment with business grows and festers.

The second significant role for the council would be to serve as "peoples counsel." As such, it would be the voice of the consumer before government—and also the prod to see that agencies implement and enforce consumer legislation once it has been enacted.

To date, we have expected governmental agencies to represent consumers—and have criticized them if we thought they failed. I submit that perhaps the fault in the past has been not with the agencies but with the system which we expect them to operate.

First and foremost, agencies are judges. As such they are presented with documented and forceful arguments from the special interests. But, when they turn to the other side of the courtroom for the representative of the public, the seat is vacant.

Absent a brief for consumers, agencies are forced to rely more on intuition than fact to comprehend the consumers' side. Unfortunately for consumers, statistics, charts, and several talented spokesmen tend to overwhelm the persuasiveness of intuition.

No judge should have to operate in such a system. The Council would be expected to fill the existing void.

As peoples counsel, the Council also would appear in lawsuits to argue for the consumer. Further, under proper circumstances, it would be authorized to initiate suits on behalf of consumers to obtain economic relief.

The third and final role of the Council would be to disseminate product information. Supplied by manufacturers, government testing and testing done by the Council, this information would be disseminated with the most modern of technology available.

As I envision it, we would have a network nationwide of computerized outlets from which—at the deposit of a coin or two—the consumer would receive a printout of information on the product in which he is interested.

Then, at his leisure in his home, he could analyze the facts—far more complete than those now available to him for product decisions—and decide which model would best suit his needs.

The Council would not recommend one brand over another. But it would supply sufficient information for the consumer to balance the individual models against his needs. More and more, consumers do not accept the notion that the advertising claims alone must be their only basis for a shopping decision.

Mr. President, as I said at the beginning, for 10 years Congress has continuously propped up consumers' hopes that "any day now" they would get a fulltime, fully staffed organization to help them.

The performance here has been like the popular stage play, "Promises, Promises."

I sense consumers have stopped asking "when?" and today are demanding "Now." We must deliver. Hopefully this proposal for an Independent Consumer Council will catch the imagination and support of sufficient Members of Congress to do just that.

There has been some question raised as to whether this bill is inconsistent with other bills which would establish a statutory Office for Consumers in the executive branch. The answer is "absolutely not." In my book they would complement each other. My feeling is that the primary consumer need is an advocate—free from both Government and industry ties.

But such an advocate would lead a much easier life if there existed a statutory consumer post within the Government.

Given permanent status, a Esther Petersen, Betty Furness, or Virginia Knauer, would have additional tools with which to work with in the Government in the consumer interest. This is good. This is necessary. And much benefit will come of such a post.

But basically, such a post still is subject to the conflicting demands within the executive branch requiring compromise and, ultimately, direction by the President.

"Independence" is the key to a truly successful consumer effort. But the Independent Consumer Council would find its work simplified and its effectiveness increased if there existed a permanent consumer post within the executive structure.

Mr. President, I ask unanimous consent that the bill be received and referred to the Committee on Commerce.

BIOGRAPHICAL STATEMENT OF CLAY BUCKHOUT, RETIRED

Clay Buckhout, past senior advertising and marketing executive for Time Inc., was closely associated with the fields of marketing and of communications throughout his working career which spanned more than a third of a century.

During much of that career, he was an executive of Life, having joined the magazine in 1939, less than three years after it was launched by Time Inc., as assistant to the general manager. After a period during which he was on loan from Life to be publisher of the *Army-Navy Journal of Recognition* and other aircraft recognition manuals during World War II, he returned to the magazine. He was made Western Advertising Manager in 1946, Advertising Manager in 1947, and Advertising Director in 1948. He remained in that post until 1961. During that 13-year tenure, Life's advertising sales increased some 70 percent, from $81,700,000 to $138,000,000.

Buckout was elected a Vice President of Time Inc. in 1957. In 1961 he left Life to take on a broad corporate assignment for the company, working with Board Chairman Andrew Heiskell on wide-ranging assignments connected with all the company's magazines and interests in the U.S. and abroad. In that capacity, his efforts have been concentrated in the field of marketing and in advertising as the major communications tool of marketing.

He was International Vice President and Chairman of the International Committee of Sales & Marketing Executives—International and a member of the board and of the executive committee. Buckhout was also a member of the National Marketing Advisory Committee of the U.S. Department of Commerce. He presently still serves as a member of the National Information Advisory Committee of the Department of Commerce. He was a founding trustee of the Marketing Science Institute and was on its board and executive committee and a director-at-large, an executive committee member, and Chairman of the Planning & Steering Committee of the Advertising Council.

Buckhout was also active in a number of other trade and professional associations. He was a member of the National Economic Affairs Committee, the International Committee and the Marketing Committee of the National Association of Manufacturers. He was an Executive Committee member and Vice Chairman of the board of the Brand Names Foundation and a member of the board of the Advertising Research Foundation. He was also a member of the United States-Japan Trade Council. In the publishing field, he served as Chairman of the Magazine Advertising Bureau for four terms and was on its Executive Committee. He was also on the board of the Publishers Information Bureau.

Born in New York City on June 13, 1910, Buckhout attended Loyola School in New York and was graduated from Fordham University in 1932. He took graduate work in transportation at Columbia University, after a brief period in which he did research in Europe for major airlines. He was one of the original members of General Air Express in 1933 and 1934, leaving that company prior to its merger with the Railway Express Company.

In 1934 Buckhout joined the New York Stock Exchange firm of McDonnell & Company, serving as a statistician and later as a branch manager. He left the company in 1938 to become Vice President and Advertising Manager of Balsa Wood Company of Brooklyn and Ecuador. He left the firm to join Time Inc. the following year.

Buckhout was honored by Fordham University in 1957 with the Award for Achievement in the Field of Communication Arts. He was on the President's Committee of the University and an administrative trustee of the Fordham University Council, as well as a trustee of Finch College, New York City.

He is married to the former Martha Morgan, of New York City. They have two daughters, Mrs. Jerome K. Chase and Mrs. George T. Poillon. The Buckhouts made their home from 1933 until his retirement in Greenwich, Connecticut, where he was active in community affairs. He was chairman of the 1967 Community Chest Campaign for Greenwich and was a director of the Community Chest and Council Board. The Buckhouts presently reside in St. Michaels, Maryland.

BIOGRAPHY OF TRUMAN B. CLARK

Truman B. Clark, President of the Tappan Division of The Tappan Company, Mansfield, Ohio, and immediate past president of the Gas Appliance Manufacturers Association, was born in Boston, Massachusetts. He moved to Mansfield with his family in 1935. After graduating from Mansfield High School in 1938, he attended the Engineering College of the Ohio State University at Columbus, Ohio. He left there in his senior year to join Bell Aircraft Corporation as a project engineer at Buffalo, N.Y., and Marietta, Georgia from 1942 through 1945.

He began his career with Tappan in 1946 as a district sales manager. After a successful tour of duty in sales, Clark returned to Mansfield to become manager of the War Products Division. In 1952 he became an assistant to the vice president of manufacturing, in 1954 was appointed director of engineering and in 1958 he was advanced to the position of works manager. Two years later he assumed the leadership of the Mansfield operation as its manager.

Elected to the Board of Directors of The Tappan Company in February 1962, he moved to Los Angeles in March 1962 to assume the duties of executive vice president and general manager of O'Keefe & Merritt Company, a wholly-owned Tappan subsidiary. Under his guidance sales grew substantially and in 1964 he was promoted to president and general manager.

In August 1966 he returned to Mansfield to become president of the Tappan Division and assumed leadership of the Mansfield and Murray, Kentucky operations. Clark is a member of the Executive Committee of The Tappan Company, which is the parent organization of all the corporate divisions. He is also a member of the GAMA Executive Committee.

BIOGRAPHY OF JERRY S. COHEN

Mr. Cohen is a member of the firm of Harold E. Kohn, P.A., Attorneys at Law, 2600 The Fidelity Building, Philadelphia, Pennsylvania 19109, in Charge of the Washington Office, 1776 K Street, N.W., Washington, D.C. 20006.

He is married and has four children. The Cohens reside in Washington, D.C.

Mr. Cohen's experience includes:

General Practice—Member of law firm of Cohen & Cohen, Detroit, Michigan, 1952–1957.

Assistant Attorney General for the State of Michigan in Charge of the Criminal Division, 1958–1961.

Assistant Counsel, Senate Antitrust & Monopoly Subcommittee, 1961–1963.

Chief Counsel and Staff Director, Senate Antitrust & Monopoly Subcommittee, 1963–Oct. 1969.

Mr. Cohen is a graduate of Wayne State University, Detroit, Michigan (1945–1949) where he received his A.B. Degree and majored in English. He attended Wayne State University Law School from 1950 to 1952 and received his J. D. Degree.

Mr. Cohen is a member of: American Bar Association, Michigan Bar, District of Columbia Bar, Advisory Board of BNA's Antitrust & Trade Regulation Report.

Mr. Cohen is the author of several articles, including:

A chapter entitled "Trial Tactics in Criminal Cases," which was included in *Legal and Criminal Psychology* published by Hold, Rinehart & Winston, Inc.; "The Packaging and Labeling Hearings,"—Feb. 1962 *Food Drug Cosmetic Law Journal;* "The Consumer and Class Actions," published in May 1970 issue of *Trial,* the magazine of American Trial Lawyers Association; "The Washington Lawyer—A Contrived Legend," published in *The George Washington Law Review,* May 1970; "The Antitrust Laws Applied to Bank Mergers, Reciprocity and Tie-in Arrangements," published in *The Business Lawyer,* No. 1, Vol. 26, September, 1970. He is co-author of "America, Inc. Who Owns and Operates The United States," May 16, 1971.

WILLIAM D. DRAKE, PH. D. IN INDUSTRIAL ENGINEERING, UNIVERSITY OF MICHIGAN, 1964

Professor William Drake is presently Chairman of the University-wide Ph. D. Program in Urban and Regional Planning at the University of Michigan. He is a past member of the Independent Study Board appointed by the U.S. Secretary of Commerce for assessing the impact of governmental policies on regional economic development. In 1965–66 Dr. Drake served as Deputy Executive Secretary for Technology on the President's Commission on Technology, Automation and Economic Progress.

He is also a member of the Board of Directors of the Consumers Union.

BIOGRAPHY OF JOHN J. FLYNN

Address: (Home) 954 Military Drive, Salt Lake City, Utah 84108. Telephone: [redacted] (Office) College of Law, University of Utah, Salt Lake City, Utah 84112.

Born: April 10, 1936, Chelmsford, Massachusetts.

Marital Status: Married (Sheila A. Flynn); three children (John, Siobhan, Timothy).

Education: Primary—Chelmsford, Massachusetts Public Schools 1942–50; Chelmsford High School 1950–1954. College—Boston College, Chestnut Hill, Massachusetts, B.S. 1958 (with honors). Law School—Georgetown Law Center, Washington, D.C., L.L.B. 1961. Graduate School—University of Michigan Law School, S.J.D. 1967.

Honors: Three year scholarship, Georgetown Law Center; W. W. Cooke Fellow, University of Michigan 1961–1963; Order of Coif; Board of Editors, Georgetown Law Journal; Graduate of the Year 1961.

Publications (Representative List):

Federalism and State Antitrust Enforcement. (Michigan Legal Publications 1964).

49 Geo. L. J. 144 (Evidence).

48 Geo. L. J. 594 (Interlocutory Appeals).

1966 Utah L. Rev. 351 (State Government).

1966 Utah L. Rev. 311 (Federalism).

51 A.B.A. J. 229 (Federalism).

52 Cornel L. Q. 829 (Antitrust).

53 Iowa L. Rev. 983 (Antitrust) reprinted. 1 Antitrust L. & Econ. Reprints Vol. 1.

1967 Utah L. Rev. 152 (Antitrust).

22 Vanderbilt L. Rev. 103 (Antitrust).

45 Texas L. Rev. 1301 (Antitrust).

Bar Membership: Member, Massachusetts Bar, Boston Bar, American Bar Association, A.B.A. Antitrust Section; Applicant, Utah Bar.

Legal Experience: Professor of Law, University of Utah 1963–present. Visiting Professor of Law, University of Michigan 1966. U.S. Labor Department Intern 1960. Consultant in several major antitrust and unfair competition cases. Witness before Senate Antitrust Subcommittee and Senate Constitutional Amendments Subcommittee.

Fields of Specialization: Antitrust; Unfair Competition; Regulated Industries; Securities Regulation; Corporations; Patents; Trademarks and Copyright.

Community Service: Chairman, Board of Directors, Community Mental Health Center. Board of Directors, Big Brothers of Utah. Board of Directors, American Civil Liberties Union, Utah Affiliate.

DR. HENRY A. HILL

Dr. Henry A. Hill, president of Riverside Research Laboratory, Inc., of Haverhill, Massachusetts. His doctorate in organic chemistry was granted by the Massachusetts Institute of Technology and he has held several posts with major chemical companies. He was a member of the National Commission on Product Safety and the Advisory Council to the Senate Consumer Subcommittee. He is presently a member of the National Motor Vehicle Safety Advisory Council.

Dr. and Mrs. Hill and their son Anthony reside in Watertown, Massachusetts.

BIOGRAPHICAL STATEMENT OF BENNY L. KASS

Mr. Kass is a practicing attorney in Washington, D.C., specializing in the area of consumer affairs. He is a consumer consultant to a number of organizations, including the National Legal Aid and Defender Association and the National Consumer Law Center. Prior to entering into legal practice, he was Assistant Counsel to the Senate Subcommittee on Administrative Practice and Procedure—a position he held from November 1965–March 1969.

Mr. Kass received a Bachelor of Science degree in Journalism from the Medill School of Journalism, Northwestern University, in 1957. In 1960, he was awarded an L.L.B. degree from the University of Michigan Law School. In 1967, he received his Master of Laws degree from the George Washington University Law School. Mr. Kass received an American Political Science Association Fellowship and spent 1967 studying the office and institution of Ombudsman. He was a member of Mayor Washington's Committee on Economic Development and Chairman of its Consumer Affairs Subcommittee.

From August of 1962 to November, 1965, he was Counsel to the Government Information Subcommittee (the Moss Subcommittee) of the House of Representatives. Prior to that, he served a year with the Air Force during the Berlin crises.

Mr. Kass was admitted to the Bar of the District of Columbia in September, 1960. He is a member of the American Bar Association and the Federal Bar Association. He is married to the former Salme Lundstrom and has one daughter, Gale, born April 25, 1966, and one son, Brian, born in July of 1968. They reside in Chevy Chase, D.C.

Mr. Kass was appointed to the position of Commissioner from the District of Columbia to the National Conference of Commissioners on Uniform State Laws by Mayor Walter Washington in August of 1969.

Mr. Kass was appointed Executive Director of the District of Columbia City Council Study Commission on Interest Rates and Consumer Credit in 1970.

BIOGRAPHY OF JAMES SCOTT KEMPER, JR.

Title: President and Director.

Company. Lumbermens Mutual Casualty Company.

Principal business: Insurance.

Business address: Mutual Insurance Building, Chicago, Illinois 60640.

Business phone: (312) 561–8000.

Mr. Kemper is President and Director of: Kemperco, Inc.; American Manufacturers Mutual Insurance Company; American Motorists Insurance Company; Kemperco Reinsurance Company; Kemperco, S.A.: Chairman of the Board, Economy Fire and Casualty Company: Senior Vice President and Director, Federal Mutual Insurance Company: Director, Fidelity Life Association; Federal Kemper Life Assurance Company; Empire State Mutual Life Insurance Company; Iowa Kemper Mutual Insurance Company; Sequoia Insurance Company; Stewart-Warner Corporation; American Mutual Insurance Alliance: Member and Trustee, Underwriters' Laboratories, Inc.: Trustee, The Conference Board, Inc.; The Insurance Institute of America, Inc.; American Institute of Property and Liability Underwriters.

Mr. Kemper is a member of: National Advisory Committee on Alcoholism of the Department of Health, Education and Welfare; and, National Citizen's Committee for Revenue Sharing. He is a Director of the National Council on Alcoholism, Inc.; Boys' Clubs of America; Chicago Boys' Clubs; Mid-America

Chapter, American Red Cross: President and Trustee, The James S. Kemper Foundation: Trustee, The College of Insurance (New York); Wesley Memorial Hospital (Chicago): Member, Executive Committee, Governor's Advisory Council (Illinois): Member, Senior Advisory Board, National Strategy Committee of the American Security Council.

Mr. Kemper was formerly with the Antitrust Division, Department of Justice and in private practice in New York, Chicago and Los Angeles.

Birthdate: April 8, 1914.

Birthplace: Chicago, Illinois.

Education: Lawrenceville School, Lawrenceville, New Jersey; Yale University, A.B.; Harvard University, LL.B.

Fraternal affiliations: Alpha Sigma Phi.

Church affiliation: Episcopal.

Mr. Kemper was a Lieutenant Commander, USNR, during World War II. He is married to the former Joan Hoff and has two daughters, Linda and Judith, and three sons, James S. III, Stephen and Robert. The Kempers reside at 530 Ash Street, Winnetka, Illinois 60093; telephone AC [redacted].

Kemper's club affiliations are: Chicago Club; Bohemian Club, San Francisco; Metropolitan Club, Washington, D.C.; Glen View Club; Saddle and Cycle Club; Economic Club of Chicago.

BIOGRAPHY OF OLGA M. MADAR

Olga M. Madar, a member of UAW Local 769, was elected to the UAW International Executive Board as a board member-at-large at the 1966 convention, the first woman to achieve that distinction. Prior to that time, she had been director of the union's Recreation Dept. for 19 years.

She is currently director of the union's Dept. of Recreation and Leisure-Time activities, the Dept. of Conservation and Resources Development, the servicing section of the Technical, Office and Professional Workers Dept. (TOP) and the newly established Dept. of Consumer Affairs.

A native of Sykesville, Pa., she was graduated from Detroit's Northeastern High School in 1933 and received her Bachelor of Science degree from Eastern Michigan University in 1938. She now lives on Detroit's east side.

Her working career included jobs on the assembly line at the Chrysler Kercheval Plant and the Bower Roller Bearing Plant, both in Detroit, and at the Ford Willow Run Bomber Plant at Ypsilanti, Michigan during World War II.

She also worked as a recreational therapist at the Ypsilanti, Michigan State Hospital, taught school at Flat Rock, Michigan and then worked as recreation director for the now defunct UAW Local 50.

Prior to her election to the board, she had been on the staff of the International Union for 21 years, assigned to the Recreation Dept. After being appointed director of that department by UAW President Walter P. Reuter, her first assignment was to work with the union's Fair Practices Dept. to eliminate racial discrimination in organized bowling—a goal which was finally achieved in 1950. She also established the first UAW retirees centers.

As TOP Dept. servicing director, she has participated in major contract negotiations for white collar workers.

Currently one of her major projects is the campaign against water and air pollution and for conservation of our natural resources.

She is an officer or member of dozens of civic, recreational, professional, cultural and social work groups, including the American Youth Hostels, the UAW Retired Workers Activities Centers Board, the National Association of Social Work, the National Gerontological Society, the American Parks and Recreation Association, the Michigan United Fund, the Michigan Welfare League and United Community Services of Metropolitan Detroit.

For eight years, she was a Detroit Parks and Recreation Commissioner and a board member of the Huron-Clinton Metropolitan Authority. As city recreation commissioner, she helped to establish the city's multipurpose centers for senior citizens and the Inter-Departmental Council on Aging.

Miss Madar was also instrumental in the establishment of a pilot program in Detroit called DART (Deprived Areas Recreation Team), geared to improving park and recreation facilities for inner city residents and to insuring maximum citizen participation in recreation planning and decision making.

Miss Madar has received numerous civic awards. Recent honors include a citation from the American Camping Association "for her support in the field of recreation and conservation and leadership in creating interracial-interfaith policy;" a citation from the Michigan United Conservation Clubs as "forest and park conservationist of the year;" the Fellowship Award of the Recreation Association of Michigan, and selection as one of Detroit's "Top Ten Working Women."

BIOGRAPHY OF MARGARET S. MORITZ

Born in St. Paul, Minnesota. Raised in So. Pasadena, California. Presently living in White Plains, New York.

Education: Graduate of U.C.L.A. 1936. Graduate work at U.C.L.A., University of Washington and College of Chinese Studies, Peking, China.

Family: Late husband was Executive, International Committee, YMCAs of the U.S. and Canada. Died 1968. Four children.

Professional Experience: Associate Executive, YWCA of U.C.L.A. 1937–1940. National Staff, YWCA, Topeka, Kansas 1940–1941. Library Aide, Wutridge School, Pasadena 1962–1964. Specialist, World Fellowship Education, International Division, YWCA of the U.S.A., 1968-present.

Volunteer Experience: YWCA Boards, New York and California. President YWCA of Pasadena, California 1964. National Board YWCA, 1952–1968.

Served on following committees:

College University; Personnel; Leadership Development; National Nominating; Public Affairs; Convention Planning.

Girl Scouts: Brownie and Girl Scout Leader, Council Member.

League of Women Voters of White Plains: Vice-President, Board Member.

Volunteer Service Bureau of Westchester County: Chairman—Two conferences for training of Board Members.

President, Episcopal Church Women, St. Bartholomew's Church, White Plains, New York 1958.

Foreign Travel: Asia, Europe, Middle East and Africa. (Lived in China one year 1948.)

BIOGRAPHY OF JAMES M. NICHOLSON

Nominated by President Johnson as an FTC Commissioner on December 5, 1967. Confirmed by Senate Commerce Committee on December 12, 1967 and by U.S. Senate on December 13, 1967. Sworn in office on January 5, 1968 and served until December 1969 when he resigned this post. Mr. Nicholson is presently with the law firm of Wald, Harkrader, Nicholson & Ross, 1320 Nineteenth Street, N.W., Washington, D.C. 20036.

Political affiliation: Democrat.

Born: July 11, 1928 at Oklahoma City, Oklahoma.

Education: Attended public schools in Oklahoma City, Oklahoma; Washington, D.C.; Silver Spring, Maryland; Fairhaven, Massachusetts; Hempstead and Sea Cliff, New York. A.B. degree, Knox College, Galesburg, Illinois, 1952. J.D. degree, Law School of the University of Michigan, 1954.

Career: Upon graduation from law school, Mr. Nicholson began to practice law in Indianapolis, Indiana. He was a partner in the law firm of Cadick, Burns, Duck & Neighbours in Indianapolis, specializing in corporate law, 1954–1967. Democratic nominee for the U.S. Congress from the Sixth District of Indiana in 1966.

Military service: Enlisted and served on active duty with the U.S. Navy from 1946 to 1948. Commissioned in the U.S. Army Reserve from 1950 to 1955.

Affiliations: Member, Advisory Board, BNA, Antitrust & Trade Regulation Report; Chairman, Advisory Board of the Indiana School for the Deaf (1965–1969); Indianapolis Bar Association (Past Vice President, Member of Board of Managers); Indiana State Bar Association (Past Member of House of Delegates; former Editor, *Res Gestae*; Co-author of Institute books on various legal topics); The Bar Association of the District of Columbia; American Bar Association (Member of Sections of Antitrust, Administrative Law, and Taxation); Lawyers Association of Indianapolis (Past Director and Treasurer); American Judicature Society; Lawyers Club of Indianapolis; Character and Fitness Committee for the Third Supreme Court Judicial District of Indiana (1965–1968); Barristers Society.

Phi Gamma Delta Fraternity, Phi Alpha Delta Law Fraternity. St. Paul's Episcopal Church, Indianapolis, Indiana. St. Luke's Episcopal Church, Bethesda, Maryland. Brotherhood of St. Andrew.

PUBLICATIONS

"At the Crossroads," 34 *Industrial Banker*, No. 9, p. 7 (Sept., 1968); 53 *Consumer Finance News*, No. 4 (Oct., 1968);

"Antitrust: Sound and Fury?", 37 *ABA Antitrust Law Journal*, No. 4, p. 807;

"Discovery is Not a Game", 21 *ABA Admin. Law Review*, No. 4, p. 441 (June, 1969);

"A Revitalized Commission", *Antitrust Law Symposium, 1969* N.Y. State Bar Association;

"Some Questions and Reservations About Franchising", (To be published, Spring, 1970, Practicing Law Institute);

"Conglomerates and Antitrust: No. 2", *New York Law Journal*, p. 1, November 18, 1969, and p. 1, November 19, 1969; *Conglomerates and Congenerics*, Practicing Law Institute, 1970.

Mr. Nicholson is married to former Joan Barnes of Muncie, Indiana. They have four sons: James E. (Bowdoin College), William C., Thomas B., and John A.

BIOGRAPHY OF PHILIP G. SCHRAG

Consumer Advocate of the Department of Consumer Affairs of the City of New York, Mr. Schrag is the chief law enforcement officer of the Department and drafts the regulations of the Department. He investigates consumer frauds in the city of New York and represents Commissioner Bess Myerson in court.

Before assuming this post, Mr. Schrag was Assistant Counsel of NAACP Legal Defense and Educational Fund, Inc. in New York, and of its National Office for the Rights of the Indigent (NORI). He directed the Fund's consumer protection test litigation, including the case of *Sniadach v. Family Finance Corp.* (June 9, 1969), in which the U.S. Supreme Court abolished pre-judgment wage garnishment. The Fund's consumer protection litigation docket also included a case testing the availability of consumers' class actions in New York (*Hall v. Coburn Corp.*), a consumer's action for punitive damages against a ghetto department store, and a test of consumer standing to enforce Section 43(a) of the Lanham Trademark Act of 1946.

Author of "Bleak House 1968: A Report on Consumer Test Litigation", 44 *N.Y.U. Law Review* 115; and, "The Rights of Consumers" in *The Rights of Americans*, edited by Norman Dorsen, Pantheon Press, 1971.

Lecturer in Law, Columbia University Law School, teaching a course in consumer protection law.

Education: A. B. Harvard College, 1964 (magna cum laude); L.L.B. Yale Law School, 1967.

BIOGRAPHY OF JUNE L. SEARS

Mrs. June L. Sears, Extension Home Economist, is employed with the Michigan State University Cooperative Extension Service as Administrator of the Expanded Nutrition Program.

In May, 1968, Mrs. Sears, Wayne and Oakland Counties Extension Home Economist, received a USDA citation for her outstanding service from Orville Freeman, Secretary of Agriculture. Mrs. Sears was cited for "unusual insight and understanding of people living under adverse conditions and for providing enlightened leadership to develop their desires to learn and gain self-respect by doing things for themselves."

Her work with low-income families in the two-county area has gained her statewide and national recognition. Her office is in Wayne. She was recently named to the National Advisory Council to the U.S. Food and Drug Administration. In 1966 she was cited by the Negro Business and Professional Women's Association of Detroit for outstanding service. She is also in "Who's Who in American Women."

Mrs. Sears earned her B.S. and M.S. degree from Wayne State University. She was named family living agent for the Michigan State University Cooperative Extension Service in 1963 after two years teaching home economics at Southwestern High School, Detroit. She is married and the mother of four children. One of the children attends Eastern Michigan University and one recently graduated. The other two (twins) are at home.

BIOGRAPHY OF GARY BURNS SELLERS

Address: 14 Snow's Court, N.Y., Washington, D.C. [redacted]

Marital Status: Married 9/11/68, Dorothy Davidson.

Education: Cranbrook School, Bloomfield Hills, Michigan. Graduated 1953: Wesleyan University, 1955, 1956, Middletown, Connecticut; University of Michigan, 1954, 1957, A.B. 1957; University of Michigan, Psychology, 1957–1960; University of Michigan Law School, LLB, 1963; Graduate Work, University of Michigan, Psychology and Graduate Work, 1957–1960 and University of Michigan Law School, LLB, 1960–1963.

Professional Experience. Covington & Burling, Washington, D.C., 1963–1965. Preparation of briefs (before various regulatory agencies), legislative histories, and associated tasks, coverage of Congressional hearings and Supreme Court arguments on firm related business.

U.S. Bureau of the Budget, Washington, D.C., 1965–1969. Served as legislative attorney and program and budget examiner for federal oil, energy and scientific research programs. Also drafted model state legislation and argued case before the Council of State Governments. Drafted and coordinated legislation for the White House for presentation to Congress.

Mr. Sellers is presently serving as Counsel with Ralph Nader's Public Interest Research Group, 1025 15th Street, N.W., Washington, D.C. 20005. He also works part-time on the staff of Congressman Phillip Burton (California).

BIOGRAPHY OF DAVID A. SWANKIN

David A. Swankin, former executive director of the President's Committee on Consumer Interests, assumed duties as the Washington representative of Consumers Union on August 15, 1969. Swankin, a lawyer and economist, was director of the Labor Department's Bureau of Standards.

In his new position with the nonprofit consumer testing and advisory organization, Mr. Swankin works with and is available to governmental bodies and agencies that deal with the consumer and writes for *Consumer Reports* and other CU publications.

Mr. Swankin has held several federal consumer posts. Before serving as executive director of the President's Committee in 1965 and 1966, he was executive secretary of the President's Consumer Advisory Committee and executive assistant to the then Special Assistant to the President for Consumer Affairs, Mrs. Esther Peterson. In 1966, he coauthored a report that examined consumer programs of European governments and their relevance to Federal programs in the United States.

In announcing Swankin's appointment as Washington representative, the executive director of Consumers Union, Walker Sandbach, said:

"Although CU has not had a Washington representative for some years, we feel that the tempo of consumer activities at the federal level is such that it is now desirable to reactivate that position. With a man of Mr. Swankin's experiences and abilities serving as the organization's eyes and ears in the Capitol, *Consumer Reports* will now be able to react more quickly to the need for certain in-depth stories about governmental issues affecting the consumer."

Mr. Swankin was appointed in 1968 as the director of the Bureau of Labor Standards, the same agency where he began his government career as a management intern in 1957. He had served as a staff assistant to the Assistant Secretary of Labor in 1962 and 1963, and as chief of the Section of Collective Bargaining in the Bureau of Labor Statistics in 1961.

Educated in public schools in Boston, he graduated from Brandeis University in 1954 with a B.A. degree. He received a master's degree in economics from the University of Wisconsin in 1957 and a law degree from George Washington University in 1962.

Mr. Swankin resides in Reston, Virginia.

BIOGRAPHY OF AARON S. YOHALEM

Mr. Yohalem is Senior Vice President and Member of the Board of Directors, CPC International, Inc. He came to the company's top management with a background in management and consumer products marketing.

A native of New York City, he received his education there, attending the College of the City of New York as an undergraduate and earning his law degree from New York University in 1934. He was admitted to the New York State Bar and joined the law firm retained by The Best Foods, Inc. In 1943, he joined the official family of Best Foods, being elected Secretary of the company.

Mr. Yohalem served as executive vice president of Best Foods' Canadian affiliate, returning to New York as vice president and assistant to the president of the parent company. He was elected a member of its board of directors in 1953 and named executive vice president in 1958.

When Best Foods merged with Corn Products, Mr. Yohalem was elected a vice president in charge of the Best Foods Division, responsible for consumer products marketing. In 1960, he was made a senior vice president and in 1963 was elected to the board of directors of Corn Products Company, which changed its corporate name to CPC International in 1969. He is currently a senior vice president and executive assistant to the president. Among his assignments as senior vice president has been worldwide responsibility for the company's development activities, including acquisitions and new products.

Mr. Yohalem is a member of the National Marketing Advisory Committee to the Secretary of Commerce and has served as consultant to various government departments; has testified before a number of Congressional committees; and has taken an active role in public affairs for the Grocery Manufacturers of America and the National Association of Manufacturers. He is a member of the board of directors of the United States Chamber of Commerce and a member and former chairman of the Chamber's Consumer Issues Committee. He is also a trustee of the American Freedom from Hunger Foundation and a member of the Industry Co-Operative Committee of the Food and Agriculture Organization (FAO) of the United Nations.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 142

At the request of Mr. McGEE, the Senator from Utah (Mr. Moss) was added as a cosponsor of S. 142, a bill to amend the Gun Control Act of 1968 to permit the interstate transportation and shipment of firearms used for sporting purposes and in target competitions.

S. 455

At the request of Mr. INOUYE, the Senator from Alaska (Mr. STEVENS) and the Senator from Tennessee (Mr. BROCK) were added as cosponsors of S. 455, a bill to amend the Internal Revenue Code of 1954 to allow a reduction from gross income for social agency, legal, and related expenses incurred in connection with the adoption of a child by the taxpayer.

S. 746

At the request of Mr. SCHWEIKER, the Senator from Alaska (Mr. STEVENS), was added as a cosponsor of S. 746, a bill to provide that U.S. Flag Day shall be a legal public holiday.

S. 1113

At the request of Mr. BAKER, the Senator from Iowa (Mr. MILLER) was added as a cosponsor of S. 1113, a bill to establish a structure that will provide integrated knowledge and understanding of the ecological, social, and technological problems associated with air pollution, water pollution, and other related problems.

S. 1174

At the request of Mr. SCHWEIKER, the Senator from New Hampshire (Mr. MCINTYRE) was added as a cosponsor of S. 1174, the Veterans Drug Abuse Rehabilitation Act of 1971.

S. 1188

At the request of Mr. CHURCH, the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Maine (Mr. MUSKIE) were added as cosponsors of S. 1188, a bill to amend section 620 of the Foreign Assistance Act of 1961 to prohibit foreign assistance from being provided to foreign countries which do not act to prevent narcotic drugs from unlawfully entering the United States.

S. 1209

At the request of Mr. HANSEN, the Senator from Iowa (Mr. MILLER) was added as a cosponsor of S. 1209, relating to the control of noxious plants on Federal lands.

S. 1315

At the request of Mr. HARRIS, the Senator from Connecticut (Mr. RIBICOFF) was added as a cosponsor of S. 1315, a bill to protect ocean mammals from be-

ing pursued, harassed, or killed, and for other purposes.

S. 1316

At the request of Mr. CURTIS, the Senator from Oklahoma (Mr. BELLMON) was added as a cosponsor of S. 1316, a bill to increase from 50 percent to 80 percent the amounts that may be paid as the Federal share of the cost of cooperative meat inspection.

S. 1376

At the request of Mr. LONG, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 1376, a bill to amend the Social Security Act to add a new title XX thereto which will provide insurance against the cost of catastrophic illness.

S. 1408

At the request of Mr. MUSKIE, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1408, a bill to amend the Internal Revenue Code of 1954 so as to permit certain tax-exempt organizations to engage in communications with legislative bodies.

S. 1437

At the request of Mr. CANNON, the Senator from Colorado (Mr. DOMINICK) was added as a cosponsor of S. 1437, a bill to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes.

S. 1461

At the request of Mr. MCGOVERN, the Senator from Indiana (Mr. HARTKE) was added as a cosponsor of S. 1461, the truth in advertising bill.

S. 1599

At the request of Mr. THURMOND, the Senator from Iowa (Mr. MILLER) was added as a cosponsor of S. 1599, a bill to establish a commission to study ways and means of maintaining an adequate military Reserve force after transmission to an all-volunteer system.

S. 1630

At the request of Mr. INOUYE, the Senator from Illinois (Mr. STEVENSON) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1630, a bill to restore the wartime recognition of certain Filipino veterans of World War II and to entitle them to those benefits, rights, and privileges which result from such recognition.

S. 1815

At the request of Mr. LONG, the Senator from Arizona (Mr. FANNIN) was added as a cosponsor of S. 1815, a bill to require that publications of statistics relating to the value of articles imported into the United States include the charges, costs, and expenses incurred in bringing such articles to the United States, and for other purposes.

S. 1830

At the request of Mr. JAVITS, the Senator from Iowa (Mr. MILLER) was added as a cosponsor of S. 1830, a bill to require that the budget contain information with respect to revenue losses incurred and indirect expenditures made through the Federal tax system.

S. 1844

At the request of Mr. GOLDWATER, the Senator from Nebraska (Mr. CURTIS), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. FANNIN), and the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 1844 to amend the National Labor Relations Act to further secure and protect the constitutional guarantee of free speech belonging to employers and employees.

S. 1846

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished junior Senator from Washington (Mr. JACKSON), I ask unanimous consent that, at the next printing, the names of the senior Senator from New Mexico (Mr. ANDERSON) and the junior Senator from North Dakota (Mr. BURDICK) be added as cosponsors of S. 1846, to establish a Coal Gasification Development Corporation.

The PRESIDING OFFICER (Mr. TAFT). Without objection, it is so ordered.

S. 1848

At the request of Mr. HARTKE, the Senator from Alaska (Mr. GRAVEL), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Jersey (Mr. CASE), and the Senator from Montana (Mr. METCALF) were added as cosponsors of S. 1848, the Truth in Savings Act.

S. 1872

At the request of Mr. GRIFFIN for Mr. CASE, the Senator from Maryland (Mr. BEALL), the Senator from Oklahoma (Mr. BELLMON), and the Senator from Delaware (Mr. BOGGS) were added as cosponsors of S. 1872, a bill for the relief of Soviet Jews.

S. 1942

At the request of Mr. PEARSON, the Senator from Michigan (Mr. GRIFFIN) was added as a cosponsor of S. 1942, a bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act in order to authorize free or reduced-rate transportation for persons who are 65 years of age or older.

SENATE JOINT RESOLUTION 32

At the request of Mr. BAKER, the Senator from Delaware (Mr. ROTH) was added as a cosponsor of Senate Joint Resolution 32, proposing an amendment to the Constitution of the United States with respect to the offering of prayers in public buildings.

SENATE CONCURRENT RESOLUTION 29—SUBMISSION OF A CONCURRENT RESOLUTION REGARDING POTENTIAL NEW SOURCE OF FRESH WATER

(Referred to the Committee on Interior and Insular Affairs.)

DEVELOPING NEW WATER FOR THE WEST FROM WITHIN THE EARTH

Mr. GOLDWATER. Mr. President, I am today submitting a concurrent resolution, together with my colleague from Arizona (Mr. FANNIN), which is designed to open up an exciting and major new source of critically needed fresh-water supplies for the Western United States. Not only does this development hold out the prospect of adding as much as 14 million acre-feet of high-quality water each year in the Colorado River Basin alone, but up to 60,000 megawatts of electrical power might be produced simultaneously from the same resource. And to top the frosting on the cake, the development of this prodigious quantity of water and energy should be completely free of all harmful environmental effects.

Most surprising of all, the realization of the full potential of the program which we are laying before the Congress may turn on the dredging of a sea water canal from the Gulf of California to the tip of Arizona and the construction of an international seaport at Yuma.

In truth, Mr. President, there is at hand a promise of achieving the pollution-free development of water and electricity throughout a large region of the United States. For the resource which offers this great hope is believed to exist in every Western State. It is literally lying about, undiscovered and untapped, representing an enormous reservoir of energy capable of supplying fresh water to the most arid localities for year after year lasting unto centuries.

Mr. President, I am referring to geothermal energy, a virtually untouched resource trapped deep underground in vast portions of the West. Putting it simply, geothermal resources take the form of steam and water held by a hot belt of spong rocks at depths down to 20,000 feet.

While the energy released by the boiling water underlying the American West is generally pictured as hot springs and roaring geysers, there is a wealth of commercially valuable resources in storage under the earth. In fact, the United States is a Johnny-come-lately in understanding or caring about the true potential of geothermal resources, although practical demonstrations of this energy are not totally unknown even here.

For example, some 200 homes and greenhouses in Boise, Idaho, have been heated by underground steam since 1890. Five hundred homes, seven schools, and several factories are heated by geothermal steam today in Klamath Falls, Oreg., which has used natural steam in this manner for four decades. Other small communities in at least four States, California, Idaho, Nevada, and Oregon, use underground steam for home heating purposes.

But perhaps the most prominent incident of American development of geothermal energy is the actual production of 82,000 kilowatts of clean electrical power by the Pacific Gas & Electric Co. at the Geysers field in California. With its present generating capacity, the cost of producing energy at this field is reported to be about 4 mills per kilowatt hour as compared with 7 mills at conventional utilities in California. Imagine what the cost-effectiveness picture will look like once production reaches its proven capacity of 1,300 megawatts, a figure which exceeds the total capacity of geothermal power now in production throughout the entire world.

But the practical application of geothermal energy in the United States is peanuts when it is compared with what is

occurring right here and now in other parts of the world. For example, scientific mapping, investigations, and projects involving geothermal energy are being pursued on a grand scale in the Soviet Union. In fact, a Russian scientific representative recently claimed the geothermal energy potential of the Soviet Union is greater than all its other energy sources of coal, oil, and gas put together.

For its part, Japan is developing two geothermal fields having a known capacity of electrical power up to 20 megawatts. Nearby New Zealand has been exploiting geothermal resources since 1925 and presently has one power station in operation which produces 192 megawatts of electricity, with a new one programed for 1976 which will generate 120 megawatts.

In Europe, Italy has generated electricity from underground steam since 1904 and now possesses the greatest geothermal power capacity actually installed anywhere in the world. Italian geothermal powerplants totaled over 384 megawatts of capacity 2 years ago.

Closer to home, our sister nation to the south is undertaking a vigorous, long-range geothermal energy program which started at least 20 years ago. As a result, the Mexicans have developed operational drilling techniques and well hardware that our engineers would do well to emulate. Thanks almost exclusively to their own foresight and ingenuity, the Mexicans have achieved a breakthrough in geothermal development virtually under our noses about 20 miles south of the U.S. border. Over 100 geothermal reserves of possible commercial interest have been identified in Mexico and a plant generating 75 megawatts is scheduled to open in the Mexicali Valley next year.

Mr. President, the commercial use of geothermal energy has become so widespread and familiar in the rest of the world that two United Nations conferences have been held on the subject. The first occurred at Rome in 1961 and resulted in the publication of two volumes concerning research on geothermal power. The second was held in Pisa, Italy, just last fall and might have been located in the United States had anyone at the State Department shown a serious interest.

Mr. President, the production of geothermal electrical energy is a story of its own. Today I am primarily interested in revealing the high potential which geothermal energy holds for the production of great quantities of fresh water. Unfortunately, this is one dimension of the international geothermal developments that has not been explored extensively; but it is also one in which the United States might fast gain a role of world leadership.

An excellent start has been made here in recent years thanks to the industriousness of the U.S. Bureau of Reclamation, which has already sponsored and conducted 3 years of preliminary investigations of geothermal resources in the Colorado River Basin region. Also, I wish to applaud the outstanding research work carried on by the Institute of Geophysics and Planetary Physics of the University of California at Riverside, directed by Dr. Robert W. Rex. The institute has performed extremely useful geothermal investigations in the Imperial Valley of California under contracts with the Bureau of Reclamation which offer a promising outlook for developing a major new water supply from underground geothermal reserves in the area.

And I most certainly want to compliment my good friend from Nevada, Mr. BIBLE, who gave a tremendous impetus to the entire field of geothermal development by steadfastly pushing legislation permitting the Secretary of the Interior to lease public lands, other than any parks or outdoor recreation areas and refuges, for the exploration and development of geothermal resources. This pioneering legislation was signed into law recently after a series of similar efforts by the Senator from Nevada beginning in 1962.

Mr. President, it is to build upon this strong foundation that I am today submitting a concurrent resolution for myself and Senator FANNIN. Our resolution would put Congress squarely on record in support of an expanded and accelerated program of geothermal research designed to develop actual producing deep steam wells and operational prototype desalting plants. Further, it would announce the policy of Congress that field investigations of geothermal resources should be undertaken in Arizona, Nevada, and any other State in which the Secretary of the Interior finds it is desirable to locate and map out the extent and quality of such resources.

The resolution ties in with the request made by the Bureau of Reclamation for a modest amount of increased funds which will enable it to embark on an orderly program of geothermal research. For the 1972 fiscal year, the Bureau is seeking $2,950,000 for geothermal water investigations. But if the Bureau is to get it, Congress must act because the Office of Management and Budget has allowed the Bureau only $300,000 in its 1972 budget for geothermal work.

Mr. President, this is a drop in the bucket compared with the obligations imposed on the Bureau of Reclamation by the Congress in 1968 when the Bureau, under the direction of the Secretary of the Interior, was assigned the duty of developing a general plan to meet the future water needs of the Western United States. And, as every Senator knows, Congress told the Bureau that in carrying out this function, it must restrict its search for water over the next 10 years to the area within the Colorado River Basin itself.

With this imposing task having been set by Congress, I believe it becomes the responsibility of Congress to provide the full funding needed in order to comply with its directive. Accordingly, my resolution will declare the willingness of Congress to appropriate the added moneys required for expanding geothermal studies. In effect, the resolution will commit Congress to continuing such a program as a matter of national policy.

Mr. President, I wish to emphasize our resolution includes a specific guideline providing that any new geothermal studies should include a thorough evaluation of all the environmental effects accompanying the development of geothermal energy. Actually, it is believed a properly managed geothermal program will enhance the environment, rather than degrade it, but our legislation is designed to require that this promise shall be demonstrated in practice, not just in theory.

Another feature of our resolution is the provision calling for a detailed investigation of the feasibility of substantially increasing the potential contribution from any geothermal reserves in the Colorado River Basin by means of injection of sea water brought into the area through a canal to be dredged from the Gulf of California to Yuma in Arizona. This idea might sound fantastic at first hearing, but it has been seriously put forward by Dr. Robert Rex in his official reports on geothermal resources in the Imperial Valley.

In October of 1968, Dr. Rex disclosed his finding that the geothermal reserves underlying the Imperial Valley contain at least 3 billion acre-feet of geothermal water "or more than 200 times the annual flow of the Colorado River." As staggering as this conclusion is, Dr. Rex added that the injection of cold sea water as part of a pressure maintenance program could "nearly double the previous ultimate reserve estimate."

It is in order to obtain this cold sea water that Dr. Rex conceived the concept of developing a port at Yuma. In Dr. Rex's words:

> One possible area for introduction of sea water is in the old Colorado channel at Yuma Mesa. Here dredging of the old channel and construction of a port for Mexico, California, and Arizona would introduce sea water into the upper delta.

In his latest report of June 1, 1970, Dr. Rex concludes the size of the Colorado River Basin reserves are so large they could produce "at least 5 to 7 million acre-feet per year of distilled water and 20,000 to 30,000 megawatts of electric power." What is more, his report reveals this calculation ignores the enormous secondary reserve of geothermal energy which could be recovered by injecting sea water underground into the geothermal wells. This supplemental source, Dr. Rex claims, would be approximately equal to the original geothermal fluids already stored underground.

Accordingly, a reasonable interpretation of Dr. Rex's second report shows he has stuck by his belief that the geothermal water potential of the region might be doubled by bringing sea water into the reserves. It is also clear Dr. Rex stands by his view that developing a ship canal into Yuma might be a feasible way of doing this. In his 1970 report, Dr. Rex states:

> The lower Colorado River below Yuma is an international navigable waterway by Mexican-U.S. treaty, and Yuma used to be a seaport before the damming of the Colorado River. Dredging of a ship canal to bring in sea water to Yuma Mesa would not only provide a means of introducing sea water for geothermal pressure maintenance for Mexico and the U.S., but it would also open markets

for the abundant by-product potassium chloride, sodium chloride, and calcium chloride contained by the geothermal brine.

It is true Yuma was once Arizona's principal seaport. For more than 50 years the Colorado River and Yuma are reported to have furnished the avenue of commerce not only of Arizona and southeastern California, but also of Utah. In fact, nearly the entire trade of Arizona until the coming of the railroads was brought into the territory by water. The first commercial river traffic into Yuma was opened in the 1850's and appears to have lasted until 1917, with its heyday occurring in the 1870's.

In view of this historical precedent, I believe the Bureau of Reclamation should be encouraged to make a serious study of reopening a port at Yuma and have so provided in the concurrent resolution I am submitting.

Finally, Mr. President, I believe any continued work on geothermal resources should be accompanied by a consideration of specific agreements which could be reached among the States of the Colorado River Basin region governing the appropriate proportions of water produced from geothermal reserves which should be used to satisfy various nationally set obligations on water from the Colorado River system. These include the Mexican Water Treaty, the central Arizona project, the rights described in the decree of the Supreme Court in Arizona against California, and other presently perfected rights.

Since we are talking about a major resource which might add up to 14 million acre-feet of new water to the Colorado River Basin each year and which can only be developed through Federal assistance, I believe equity demands that a fair portion of this additional water should be used or counted in some manner for meeting these prior existing national obligations. For this reason, our resolution provides that Congress expects the Bureau of Reclamation to develop specific recommendations as to how this kind of cooperative agreement can be achieved in the course of making progress toward the commercial utilization of geothermal water. We want to see agreements reached on how to share this enormous additional supply of water long before it is flowing, not afterward.

Mr. President, the time is long overdue when the United States should begin exploring and utilizing its geothermal potential in a big way. Farmers in Kenya have been condensing the steam issuing from natural earth holes with homemade condensers for a long time in order to produce drinking water for their cattle. Surely the Nation with the greatest technology on earth can match this and go beyond it by developing plants sophisticated enough to produce water suitable for irirgation, industrial, and municipal consumption. By proclaiming a national policy to do exactly that, as our resolution would do, Congress may point the way to a major role in America's future for geothermal water and pollution-free power.

Mr. President, I ask unanimous consent that the concurrent resolution I have submitted shall be printed in the RECORD, as well as a petition endorsing the same purposes adopted by the Arizona Water Commission.

There being no objection, the concurrent resolution and petition were ordered to be printed in the RECORD, as follows:

S. CON. RES. 29

Concurrent resolution to express the sense of Congress that the U.S. Bureau of Reclamation should accelerate its investigations of geothermal resources as a potential major new source of fresh water supplies for the Western United States

Whereas geothermal resources, consisting of hot water in storage underground, are believed to occur in every Western State of the United States; and

Whereas the actual commercial utilization of geothermal energy has been achieved at a low cost by several nations of the world and preliminary studies in the United States indicate geothermal energy represents an economical source for producing both usable water and pollution-free electricity for the Western United States; and

Whereas existing geothermal resources underlying the Lower Colorado River Basin States are believed to hold a high potential for the development of several million acre-feet of fresh water each year which could be used to improve the water quality of the basin area, enable the United States to meet its obligations under the Mexican Water Treaty, and otherwise augment the water supply of the Colorado River system; and

Whereas during the past three years, the United States Bureau of Reclamation has undertaken significant investigations of geothermal resources in the Imperial Valley of California, near the Arizona border; and

Whereas such investigations have been conducted primarily by contract with the Institute of Geophysics and Planetary Physics, University of California at Riverside, under the direction of Dr. Robert W. Rex; and

Whereas reports published by the University of California conclude that the potential contribution of the Imperial Valley geothermal reserves to the water supply of the lower Colorado River Basin would be doubled by the injection of sea water into such reserves, possibly by means of dredging the former Colorado River channel and constructing a seaport at Yuma, Arizona; and

Whereas the Bureau of Reclamation is seeking to continue its geothermal investigations at an accelerated rate, including the drilling of a deep test well and the construction of a prototype desalting plant: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That in recognition of the immense potential which geothermal resources may have as a major new source of water supply for the Western United States, including States in the Colorado River Basin, it is the sense of the Congress that the Bureau of Reclamation should be provided with increased appropriations sufficient to support its efforts to carry out a program of expanded and accelerated geothermal investigations in connection with the overall purpose of developing a general plan to meet the future water needs of such States.

SEC. 2. It is further the sense of Congress that any such geothermal investigations hereafter conducted or contracted for by the Bureau of Reclamation—

(1) should be accompanied by the drilling of deep steam and water producing test wells and the construction of prototype desalting plants with a view to determining the actual technological feasibility and operational cost of developing additional fresh water supplies from geothermal resources;

(2) should include a thorough study of all the environmental advantages or disadvantages of using geothermal energy;

(3) should be expanded to include field studies in Arizona, Nevada, and any other State in which the Secretary of the Interior finds it is desirable to define the extent and quality of geothermal resources;

(4) should include a study of the feasibility of substantially increasing the potential contribution from any existing geothermal reserves in the lower Colorado River Basin by means of injection of sea water brought into such area through a canal to be dredged from the Gulf of California to Yuma, Arizona; and

(5) should include specific recommendations as to the best means for achieving the making of arrangements or agreements among States in the Colorado River Basin concerning the appropriate proportions of water produced from geothermal resources underlying such Basin which should be used to satisfy the respective requirements of the Mexican Water Treaty, the decree of the Supreme Court of the United States in Arizona against California (376 U.S. 340), the Central Arizona Project, and any other pertinent uses described in the Colorado River Basin Project Act.

RESOLUTION OF THE ARIZONA WATER COMMISSION, MAY 7, 1971

Whereas, the Colorado River Basin Project Act, P.L. 90–537, the Act authorizing the Central Arizona Project, recognized that the future needs of the Colorado River Basin could not be met without augmentation of the Colorado River and directed the Secretary of The Interior to develop a plan to meet the needs of the Colorado River Basin that includes augmentation in sufficient quantity to meet needs that cannot be met from internal sources and to satisfy Mexican Treaty requirements; and

Whereas, that same Act placed a moratorium of ten years on reconnaissance study by the Secretary of importation of water into the Colorado River Basin from any other natural river basin lying outside the states of Arizona, California, Colorado and New Mexico and those portions of Nevada, Utah and Wyoming that are in the natural drainage basin of the Colorado River; and

Whereas, limited research has indicated a high potential for the production of large quantities of electricity and desalted water from the high temperature brines underlying the Imperial Valley; and

Whereas, the fresh waters developed from geo-thermal resources if found feasible, can and should be used to augment the flow of the Colorado River to meet future requirements and to reduce the salinity of the water diverted from the Colorado River for use in the United States and Mexico; and

Whereas, additional studies must be undertaken and pilot plant demonstration projects constructed and operated before the feasibility and comparative merit of developing these resources can be evaluated; and

Whereas, the study that the Secretary is required to make pursuant to P.L. 90–537 of necessary augmentation projects must be completed by June 30, 1977,

Now therefore be it resolved that the Arizona Water Commission hereby petitions the Congress of the United States to appropriate funds required to finance an expanded and expedited study of the feasibility of developing the geo-thermal resources of the Imperial Valley as a means of augmenting the water supply and reducing the salinity of the Colorado River and of developing a large new source of low environmental impact electrical power for the Pacific Southwest, with said studies including pilot plant demonstration projects constructed in time to provide operation experience for use in developing the Western United States Water Plan.

THE MILITARY SELECTIVE SERVICE ACT—AMENDMENT

AMENDMENT NO. 147

Mr. GRAVEL submitted an amendment intended to be proposed by him to the bill (H.R. 6531) an act to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes, which was ordered to be printed and to lie on the table.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 115

At the request of Mr. ALLOTT, the Senator from New Jersey (Mr. Case, the Senator from New Mexico (Mr. MONTOYA), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Tennessee (Mr. BROCK), and the Senator from Florida (Mr. CHILES) were added as cosponsors of amendment No. 115, intended to be proposed to H.R. 6531, the Military Selective Service Act.

AMENDMENT NO. 121

At the request of Mr. GRAVEL, the Senator from Wisconsin (Mr. PROXMIRE) and the Senator from South Dakota (Mr. MCGOVERN) were added as cosponsors of amendment No. 121 intended to be proposed to S. 1531, a bill to authorize certain construction at military installations, and for other purposes.

ADDITIONAL STATEMENTS

HIGH SPEED MAIL DELIVERY PUT IN PROPER PERSPECTIVE

Mr. McGEE. Mr. President, a 30-year veteran of the Railway Mail Service sent me a letter that does a very good job of putting the recent announcement of high-speed mail delivery into its proper perspective. I ask that this letter be printed in the RECORD.

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

Senator GALE MCGEE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCGEE: I read with much interest your views regarding overnight delivery of Zip-Coded air mail letters between cities not more than 600 miles apart. I have five picture post cards mailed to Johnstown in 1907 bearing 1¢ stamps. In those days, they were so proud of the service they gave the public that the cards were postmarked at both the office of origin *and* the office of address showing the hour of dispatch and receipt. These were mailed from as near as Philadelphia, 280 miles, and as far as Harvey, Illinois, 520 miles; and every single one reached its destination in 12–14 hours? All of this happened when the airplane was only four years old and many, many years before the advent of Zip Code and Mr. Blount.

Sincerely,

——— ———.

PRESIDENT NIXON'S ENERGY MESSAGE

Mr. PROXMIRE. Mr. President, I have just finished reading President Nixon's energy message to Congress. It is good that the President thinks the issue important enough to send a special message to Congress, although I am disappointed that he spent so much time talking about the future and so little time talking about the present.

He spoke of spending tens of millions of dollars to prepare for the future, but gave no hint that he was going to exercise the power he has to alleviate the threatened energy crisis at no cost to the taxpayers.

The President has within his powers, right now, the ability to lower the cost of energy drastically. He can do it with a stroke of the pen. All he has to do is follow the recommendation of his own Cabinet Task Force on Oil Import Control—eliminate the oil import quota program.

If national security is a consideration—and I think it is—there are other, far more effective ways of protecting the national security at a much lower cost to the American economy. The tariff suggested by the Cabinet Task Force on Oil Import Control or the national petroleum reserves suggested by Professors Mead and Sorenson are just two alternatives.

The oil import quota program costs the American consumers at least $5 billion a year. It is an artificial restraint on our free market imposed by the Government at the behest of the generous oil barons. Yet, President Nixon mentioned it only in a very peripheral way—he promised to work toward ending Canadian oil import quotas, a restriction he, himself, imposed.

Natural gas is supposedly in short supply. There have been all sorts of rumors that the oil and gas companies have been holding back natural gas from the market in the expectation that the Federal Power Commission would raise the price for gas. The FPC is, in fact, sharply raising the price of natural gas in the face of the apparent shortage. But, the appalling fact is that we do not know whether there is any shortage at all. The only facts that the FPC has to act upon are those unaudited "facts" supplied to it by the natural gas industry itself.

It is amazing. Here we have a program involving billions of dollars and the Federal policymakers have only the facts that the gas industry wants them to have. What kind of basis is that for rational decisionmaking? Can you imagine the defenders of that program applying the same rationale to small business loans? But, of course, that is a different situation—small business loan applicants do not have the political clout of the major oil companies; they cannot buy the best available.

President Nixon announced that he was going to allow increased offshore leasing for oil and gas exploration. But he made no mention of changing the leasing pattern that shuts out competition. Under the present system which requires a high initial bonus payment for the right to drill on Federal land, only the major oil companies have the capital to bid and they are so tied together with joint ventures that there is no long-range competition.

The independent oilmen who might bring some competition to the field are shut out by Government policy effectively sought by the major oil companies. If President Nixon wants to increase competition and to increase the amount of money received by the taxpayers for these offshore lands, he should switch to royalty bidding. Royalty bidding would allow the independents to compete with the majors on a more equal basis. The bidders would not offer the Federal Government large amounts of cash in advance, something the independents cannot do, but would bid on the amount of royalties they would pay the Government if they found oil.

Although the details of President Nixon's oil shale leasing proposal are not spelled out, if past history is any indication, it is likely to be a billion-dollar sell-out of the taxpayers' property to the oil industry.

All in all, President Nixon's energy program is a call for business as usual—whatever is good for the oil industry is good for the Nation.

That is not true. What is good for the oil industry is not necessarily good for this Nation.

At a time when we have to make some hard decisions to reorder our priorities, we cannot continue to hand out billion-dollar favors to the oil industry without getting anything in return. According to the President's own inflation alert program, oil prices are escalating at an increasingly inflationary rate. Yet, the President does nothing.

The President has the power right now, by himself, to strike at inflation, to lower energy costs by over $5 billion a year, to return to some semblance of the capitalistic system, and to allow free enterprise to structure the energy industry so that it can meet our future energy needs, but what do we get? Business as usual.

Mr. President, we will not solve our energy problem until we return to the principles of free enterprise, until we get the Government out of the energy business and let the discipline of the free market create an efficient energy industry. It is time for Congress to take a hand in solving our energy problems.

The Joint Economic Committee will be holding hearings in September to determine the inflationary impact of the administration's oil policies. In order to get the best possible information available, the information upon which the President based his decision, I have requested copies of the reports prepared by the Council of Economic Advisers and the Domestic Council suggesting the most economic way to meet our energy needs. These should provide Congress with some of the raw data we need to adequately respond to the Nation's energy needs.

Hopefully, once we have the facts, we can make some rational decisions about our Nation's energy supply; decisions which I believe will lead us back to a much more competitive, free market environment for our energy industry.

THE FDA MACARONI STANDARD OF IDENTITY

Mr. BURDICK. Mr. President, on March 3, 1971, the Food and Drug Ad-

ministration published in the Federal Register a proposed standard of identity for "enriched macaroni products with improved protein quality." Two temporary permits have been issued for products, designated as macaroni by the manufacturers, which have corn and soybean flour as their principal ingredients.

For centuries "macaroni foods," spaghetti, macaroni, and noodles, have been made primarily from wheat. The existing FDA standard of identity describes them as:

The class of food each of which is prepared by drying formed units of dough made from semolina, durum flour, farina, flour or any combination of two or more of these, with water and with or without one or more of the optional ingredients specificed in subparagraphs (1) to (6) inclusive of this paragraph.

None of the specifications permits the use of cereal grains other than wheat in the production of macaroni.

North Dakota produces 85 percent of the durum wheat grown in this country. Durum is a high protein hard wheat with special qualities which contribute to the desired "al dente" characteristic of macaroni and spaghetti. So North Dakota durum producers are naturally interested in any proposal that could threaten their traditional markets. Opposition to the change has been expressed by a number of organizations representing wheat producers, by milling companies that supply the macaroni industry with durum flour, semolina and granulars, and by the manufacturers of foods.

But opposition to the FDA proposal comes not only from those groups who have a direct economic interest in this action.

Restaurants that serve popular spaghetti and macaroni specialties are also concerned, as evidenced by a newspaper story headlined "One Order of Pasta Fiasco" which appeared in the Washington Daily News on Wednesday, June 2, 1971.

The voice of the American consumer has also been raised on the question. The Consumer Federation of America and the National Consumers League have sent letters to the Food and Drug Administration objecting to the proposed change of the identity standard for macaroni. It should be noted that these organizations are not objecting to the manufacture and sale of the new products, but to their distribution to the general public under the name of macaroni.

Mr. President, I ask unanimous consent that following my remarks the text of the Daily News article and the consumer organization letters be printed in the RECORD.

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

ONE ORDER OF PASTA FIASCO

Sergio Toni, Italian food aficionado, says he wasn't being corny when he wrote the Food and Drug Administration: "Don't mess with the macaroni!"

Mr. Toni, head waiter for the Cantina d'Italia Ristorante, one of the top Italian eateries here, is genuinely concerned the FDA might let manufacturers start making the little elbow shaped noodles out of cornmeal and some other things instead of hard wheat. And then call it macaroni.

CHICKEN FEED

"In Italy we give cornmeal to the chickens," said the dapper Rome-born waiter in a heavy Italian accent. "We don't eat it."

Mr. Toni's indignation is shared by his boss, Mrs. Marilyn Wayne, who grew up "bumper to bumper" with an Italian family in New York and knows good pasta—and macaroni—when she tastes it. Her restaurant has received three Holiday Magazine awards and one from the Washingtonian for the food she puts on her table.

Cornmeal will make the little noodles "soggy and scratchy" like milk-doused cornflakes. And Italian connoisseurs will bite into something more akin to a Mexican tortilla than macaroni, she said.

"MACARONI MARCH"

The petite brunet feels so strongly about it, she may organize a "macaroni march" on FDA protesting the new product's infringement on "the good will macaroni has."

An FDA spokesman said the proposal now being considered was instigated by General Foods, which claims a macaroni mixture of cornmeal, soybean and wheat is cheaper, more nutritious and tastes good, too. FDA has been accepting the public's comments with an angry macaroni industry opposing the new noodles on the same grounds as Mr. Toni and Mrs. Wayne.

"We don't have any objection to them allowing the new product . . . but let them call it, oh I don't know . . . cornaroni," she said.

The new product will be cheaper to make, putting the wheat industry out of business as far as macaroni's concerned, she said. "Sure, they can make it out of wheat, but the other stuff will be cheaper, and eventually it will be unavailable to the American public."

"And it will ruin macaroni's image."

MAY 18, 1971.

DR. CHARLES C. EDWARDS,
Commissioner of Food and Drugs,
Department of HEW,
Washington, D.C.

DEAR DR. EDWARDS: The National Consumers League wishes to go on record in opposition to the proposed rule (21 CFR Part 16) to establish a standard of identity for "enriched macaroni products with improved protein quality".

The League was in the forefront of the campaign to establish the Food and Drug Administration in the early years of this century, and since that time has continued in its efforts to help the consumer get protection needed to safeguard his health and economic well-being.

Among those measures which afford consumers assurance of product integrity are standards of identity. When such standards are threatened without regard to the consumer interest, consumers are threatened.

We are, therefore, surprised to find FDA proposing to give official sanction to the marketing of a new product as macaroni which does not conform to our long established standards for macaroni.

Macaroni, under the existing standards, is a product based in durum wheat. This has long been understood and accepted by consumers. The new product is not a wheat product, and permitting it to be called macaroni simply because of its appearance would not only deceive consumers, but would chip away at the well known standard in a manner which could result in undermining all standards of identity.

The new product was first offered as a meat substitute, which apparently did not meet with U.S.D.A. acceptance. It is not a wheat product, and its designation as macaroni should therefore not meet with FDA acceptance.

There is certainly no dearth of terminology in the English language which would prevent the product from being marketed under a designation which would not mislead consumers.

There is also no reason why FDA could not promulgate a new standard of identity for the new product under a new and appropriate name.

We merely ask that you not indulge in deceptive labeling by permitting a non-wheat product to be called macaroni, since the latter has for so long been identified by the standard which limits it to being a durum wheat based product.

The League, therefore, respectfully urges that you not promulgate 21 CFR Part 16.

Sincerely yours,

SARAH H. NEWMAN,
General Secretary.

CONSUMER FEDERATION OF AMERICA,
Washington, D.C., May 21, 1971.

Re (21 CFR Part 16) proposal to establish identity standard for enriched macaroni products with protein quality

HEARING CLERK,
Department of Health, Education, and Welfare, Rockville, Md.

DEAR SIR: Macaroni has long been accepted by consumers as a wheat product. The purchase of macaroni is probably less confusing to the average consumer than most other goods on the grocery shelves today.

The Food & Drug Administration's proposed standard of identity published March 3, 1971, in the *Federal Register*, if approved, would mislead, perhaps even successfully disguise what the shopper is buying. Consumer Federation of America must oppose this proposed rule.

This proposal implies that consumers would have a choice between ordinary macaroni and a more nutritious or "super" and "enriched" macaroni. Because a product looks, feels, smells or even tastes like macaroni does not mean that it is macaroni. FDA set macaroni identity standards in 1964. Now we understand a new product has been developed with all the visible characteristics of macaroni. We assume this new product prompted the pending FDA proposal.

CFA does not take exception to this product or to its purported nutritional value. But we seriously question that it is macaroni as defined by the dictionary, common usage, or by current identity standards requiring "two or more farinaceous ingredients"—wheat—in contrast to the proposal's "one or more" requirement. Compounding the chaos this proposal could create over real or imagined macaroni is the interchangeability of terms "improved protein quality" and "meat substitute."

CFA's members, in their policy resolutions observed: "Modern technology not only is sharply changing existing foods but also is developing means to mask these alterations from the consumer. Traditional foods are at times cheapened without the consumer's knowing. To prevent this, CFA calls on existing food regulatory agencies to establish standards of identity for all processed foods containing three or more ingredients, *after meaningful consultation with consumers and public hearings.*

"Nutrition information on the processed food package is often unrelated to consumers' knowledge of nutrition. CFA therefore urges federal food regulatory agencies to require percentage labeling of all ingredients of processed foods greater than one percent, in addition to listing all ingredients by their common name. Further, CFA urges the labeling by weight of major nutritional components of processed foods, i.e., protein, carbohydrates, minerals, etc. Foods for which a standard of identity is established *should not be exempt* from these requirements."

Consumer Federation of America therefore opposes at this time anything other than macaroni—made principally from wheat—being sold under that name.

Respectfully submitted,

(Mrs.) ERMA ANGEVINE,
Executive Director.

WORLD PEACE AND THE HUMAN RIGHTS CONVENTION

Mr. PROXMIRE. Mr. President, the late President Kennedy asked in his 1963 commencement address at American University, "And is not peace, in the last analysis, basically a matter of human rights?" I believe it is.

The Senate's failure to ratify the human rights convention—the Genocide Convention, the Convention for Political Rights of Women and the Convention Against Forced Labor—has set back the cause of world peace. The United States is antagonizing other nations by its aloofness.

Let me remind the Senate of the late President's words when he transmitted the latter two conventions to this body. he said:

United States law is, of course, already in conformity with these conventions, and ratification would not require any change in our domestic legislation. However, the fact that our Constitution already assures us of these rights does not entitle us to stand aloof from documents which projects our own heritage on an international scale. The day-to-day unfolding of events makes it ever clearer that our own welfare is interrelated with the rights and freedoms assured the peoples of other nations.

* * * * *

The United States cannot afford to renounce responsibility for support of the very fundamentals which distinguish our concept of government from all forms of tyranny. Accordingly, I desire, with the constitutional consent of the Senate, to ratify these Conventions for the United States of America.

I call upon the Senate to fulfill the late President's desire and ratify the human rights conventions.

U.S. ROLE IN THE VIETNAM ELECTIONS

Mr. STEVENSON. Mr. President, in 1967 a 22-man Commission appointed by President Johnson and led by Ambassador Lodge was dispatched to South Vietnam to observe the election which placed Mr. Thieu in office. The Commission was in South Vietnam for only 4 days and depended heavily on interpreters and other personnel supplied by the South Vietnamese Gove ment. For those reasons, "the so-called observers could do little but sanctify the results," as Clayton Fritchey points out in the June 5 Washington Post.

Mr. President, the Congress should act now to avert a repetition of the 1967 charade and assure that the long suffering people of South Vietnam have at least a chance to choose their government. The sooner an independent congressional commission with its own Vietnamese speaking staff is in place, the greater the chances of an election undistored by the massive U.S. presense in South Vietnam or coercive acts of the South Vietnamese government.

Mr. Fritchey has done a great service by pointing out some of the differences between the congressional commission I have proposed and the 1967 Presidential Commission. To his observations I would add that the resolution I have offered not only declares U.S. neutrality in the forthcoming elections. In view of recent political events in South Vietnam I would also point out that it declares the United States will in no way support a government of South Vietnam which acquires, or retains, power through corrupt or coercive means. I ask unanimous consent that Mr. Fritchey's analysis be printed at this point in the RECORD.

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

U.S. ROLE IN THE VIETNAM ELECTIONS

(By Clayton Fritchey)

Although the American public would never guess it from the prevailing silence at the White House, the all-important South Vietnamese presidential election (set for Oct. 3, 1971) is only four months away. President Nixon failed to mention it even in his State of the World message or in his April 7 special television speech on Vietnam. The election is both an embarrassment and a threat to the Nixon administration, for an honest count could end the reign of Mr. Nixon's protege, President Nguyen Van Thieu.

Yet, if the administration's real aim was to end the war by negotiation rather than prolong it indefinitely by backing Thieu, it would be looking forward to the election, meanwhile doing all in its power to see that non-Communist peace candidates have a fair chance at the polls.

As former ambassador Averell Harriman, who was the first U.S. peace negotiator at Paris, has just reminded the Senate Foreign Relations Committee, it was President Thieu who sabotaged the peace effort in the early days of the Paris talks when there was some hope of progress. And of course he will continue to do this if he is re-elected. Hence, the only chance of an early end to the war through negotiation now rests on an unrigged election and the hopeful victory of a peace ticket.

President Thieu, Harriman predicts, would be defeated if the election were, to put it mildly, "uninhibited." He says, "Those political elements desiring peace must be brought into the government in Saigon and a team fielded in Paris willing and able to negotiate for a compromise solution."

But how to get an "uninhibited" election? The answer of Sen. Adlai Stevenson III is a resolution which calls on Mr. Nixon "to implement a policy of strict neutrality" in the election and provides for the creation of a commission of five senators and five representatives (aided by a special staff of experts) to check the whole operation.

It would oversee "the activities of the United States, its citizens and its government during the campaign in a continuing effort to assure the people of South Vietnam that we as a nation are truly committed to their rights as a free, self-governing people."

Stevenson's proposal is picking up strength, though at first it encountered some indifference simply because many senators were disillusioned after the fiasco of a superficially similar mission that former President Johnson sent to Saigon just before the 1967 election.

The Johnson mission was a joke. The 22-man group was selected by the administration, not by Congress. It arrived on the scene only four days before the balloting, and by that time Thieu and his running mate, Gen. Ky, had the election machinery and conditions under full control, with the knowledge and blessing of the American embassy. The so-called observers could do little but sanctify the results, which, of course, was what the White House had in mind.

Gen. Ky, who won the vice presidency, later was to call the election a "mockery." It was only useful, he added, "to elect a regime which is wrong and corrupted and weak and would fall immediately with a revolution. It is hard for me to say so because I share the responsibility of those elections . . . but I recognize evil for what the evil is."

Sen. Stevenson has a very different kind of mission in mind. His would be in the field long before the election, and also it would have a staff that knows South Vietnam and its language. It is hoped that its very presence would restrain Theiu from imposing impossible pre-election conditions on the opposition, as he did in 1967, and also restrain the United States embassy from aiding and abeting Thieu in its usual behind-the-scenes way.

It may be that nothing can guarantee a fair election on October 3, but Stevenson's proposal is worth a try. There are those who oppose his resolution on the grounds that we should "keep hands-off" and not "meddle." But the United States has been meddling right along, and hands-off is really hands-on, for in practice it means being in Thieu's corner, allowing him to do as he pleases regardless of America's declared aims.

Only a few weeks ago, President Nixon reminded the American people that the United States is fighting in Vietnam so that the people there can "chose the kind of government they want." So far, the United States has suffered over 300,000 casualties and spent over $100 billion in the name of saving Vietnam for its self-determination.

That is sacrifice not only in title, but obliges the United States to do all in its power to guarantee the integrity of the Oct. 3 election so that, for the first time, the people of South Vietnam can enjoy the privilege of self-determination. To do less would be a mockery of our avowed war aim.

THE COURAGE OF FREDDIE JOE STEINMARK

Mr. BENTSEN. Mr. President, I was greatly saddened to learn today of the death last night in Houston, Tex., of Freddie Steinmark, former defensive star of the Texas Longhorn football team.

Freddie was born in Wheatridge, Colo., where he had a remarkable career as a high school athlete. He came to the University of Texas in 1967 where he started at safety in all of the 21 varsity games that he played, despite the fact that he stood only 5 feet 10 inches and weighed 166 pounds. Many of us remember his great performance, in the final game of his career, against the University of Arkansas in 1969; this victory won the University of Texas a national championship and has been called by many the greatest game in the history of college football.

Freddie Steinmark's greatest battle, however, was to take place off the field, for shortly following the 1969 Texas-Arkansas game, in which he was standout performer, doctors discovered a cancerous tumor in Fred's thigh that required the amputation of his leg.

Such a blow would have devastated a lesser man. But in his adversity, Fred was an inspiration to his teammates and friends. He never lost his optimism nor his faith, and he continued to live as normally as possible under very difficult circumstances.

Freddie continued his studies and an

active life even though he suffered from the effects of a spreading cancer infection. He was, for example, a freshman coach at the University of Texas this past year and traveled extensively speaking to groups around the country.

I think we are all moved, Mr. President, by the spirit and the determination that Freddie Steinmark demonstrated during his 22 years. Even though he knew that his life would soon end, he continued to work, to apply himself, and to win admirers from all over America.

Freddie never accepted defeat; he never resigned himself to disability. He provided us all an example to emulate and a memory that we will not soon forget.

The death of Freddie Steinmark, reminds us further, Mr. President, that we in the Congress have a duty to act affirmatively on proposals to broaden aid for cancer research so that we will hasten the day when we can eradicate this dread disease from American life.

It has been estimated that 34 million Americans will die of cancer if better methods of prevention and treatment are not discovered. The amount spent on cancer research today is grossly inadequate. In 1969, for every man, woman, and child in the United States, our Government spent $120 on the war in Vietnam, $19 on the space program, $19 on foreign aid, but only 89 cents on cancer research.

If the method of funding increased cancer research is delayed for political purposes over the coming months, thousands of other Freddie Steinmarks will perish because of our delay. Let us make the passing of this fine young man a signal for action in this body, to move as expeditiously as possible to achieve a cure for this dread disease.

I wish to express my condolences, to the family of Freddie Steinmark and to all those who stood by him during his long and painful ordeal.

TOM F. McGOURIN RETIRES AS STATE CONSERVATIONIST

Mr. BYRD of Virginia. Mr. President, on May 31, Tom F. McGourin, Virginia State conservationist for the Soil Conservation Service, retired. He leaves behind a host of friends, a solid record of accomplishments, and his greatest legacy, a greener, better Virginia.

Mr. McGourin, a career conservationist for more than 35 years, spent the last 10 years directing SCS resource conservation work in my State. During that time, major gains were made in adapting farm conservation techniques to urbanizing areas; in community benefits from watershed projects; and in outdoor recreation developments.

Many thousands of men and women were helped to improve their land through conservation measures.

Hundreds of local, county, and multicounty governments were provided with natural resource inventories or evaluations to help solve present problems or plan future growth.

Twenty-four watershed projects were completed, began construction, or were approved for planning during the last 10 years. Virginia has abundant water supplies, but not always at the right locations. Virginia communities, without exception, have discovered that when they store municipal and industrial water supplies under this program, they have an increase in employment.

And, the mountain dominion resource conservation and development project was begun in the Virginia counties of Bland, Giles, and Tazewell.

Under Tom McGourin's leadership, Virginia pioneered in riverbank erosion control work and in urban conservation work for the "bedroom" communities of northern Virginia. New erosion control techniques developed here are being copied in other States.

Tom McGourin is an advocate of preventive conservation work, but when a natural disaster strikes he and his people stand ready to provide major repair and recovery help.

Hurricane Camille, in August 1969, was the worst recorded disaster in Virginia's history. The record storm and devastating rains—up to 31 inches in 5 hours—caused immense damage and destruction. Many agencies joined together to repair the torn land and obliterated river channels.

Maj. Gen. Alfred B. Denniston (retired), former coordinator of civil defense and director of emergency plans for Virginia, summed up the SCS contribution this way:

> The Soil Conservation Service, United States Department of Agriculture, deserves the sincere appreciation of all Virginians, but especially those living in the ten counties that suffered major damage during Hurricane Camille.
>
> The results achieved by the dedicated and extremely competent members of this Service, though verging on the impossible, did not happen by accident. The planning and coordination of their efforts represent the best I have observed during my 47 years in Federal and State Service. Before they made a move, they sat down with the representatives of all Federal, State, and local agencies that had any responsibility related, even remotely, with that laid upon them by the Congress of the United States. Thus, they insured that there would be neither overlapping nor gaps in the relief afforded the people of these grievously afflicted areas.
>
> I had covered these areas during and after Camille. Recently, it was my privilege to revisit these areas. The results achieved by the Soil Conservation Service verge on the impossible.
>
> Not just Virginians, but all Americans owe a debt of gratitude to the Soil Conservation Service.

Tom McGourin's personal qualities of warmth and enthusiasm, his professional skill and knowledge and his hard, competent work will be greatly missed by many of us when he retires this month. He is a good friend of Virginia and of thousands of its citizens.

It is our good fortune that the conservation profession continues to attract people like Tom McGourin. His influence will be evident for many years to come, through better use of Virginia's farm and urban lands, through cleaner streams and better water management, and through the ongoing work of the dedicated conservationists that he has inspired and helped to train in his lifelong profession.

DEATH OF FREDDIE STEINMARK

Mr. TOWER. Mr. President, last night Mr. Freddie Steinmark died of cancer. Mr. Steinmark was a member of the 1969 National Championship Texas Longhorns. In that year, Freddie reached the height of his football career in the final regular game of the season against the Arkansas Razorbacks, another fine Southwest Conference football team. During this game Freddie performed admirably, in the finest tradition of the Texas Longhorns. He was instrumental in helping his team to victory, which assured them the Southwest Conference championship, the National Championship, and a berth in the 1970 Cotton Bowl. It was, indeed, one of the finest performances of team football that has ever been seen in the Southwest Conference or, indeed, the Nation.

After the game, Freddie complained of a soreness in his leg which was diagnosed just a few days later as a very fast-moving cancer. At that point his leg was amputated to above knee. He recovered quickly and was able to rejoin his teammates on the bench and lend them moral support which led to a victory over the very determined Fighting Irish of Notre Dame in the 1970 Cotton Bowl.

Given the nature of the cancer, Freddie most probably knew that his days were numbered. Nevertheless, he faced this fact with the courage that he had always displayed on the gridiron. Never once did he complain about his situation; he went about his activities as a man of deep convicton. He appeared before many sports groups and many youth organizations urging that they renew their adherence to the principles that helped to make Texas a great State and this Nation a great country: honesty and courage.

Freddie Steinmark will long be remembered in the history of football for the inspiration that he gave to his teammates, both in good times and bad. Likewise, he must be remembered in the personal history of this Nation as a man who refused to give in to adversity and fought for the things he believed in up until the very last moment. I am personally very saddened today by Freddie's passing and have expressed my private condolences to his family. I am also personally richer because of the fine example that Freddie set both in the face of victory and adversity.

POSSIBLE FTC SUIT AGAINST GEORGIA-PACIFIC CORP.

Mr. THURMOND. Mr. President, the House of Representatives of South Carolina recently passed a concurrent resolution requesting the Federal Trade Commission not to instigate antitrust charges against the Georgia-Pacific Corp. concerning its eight plywood plants in the South.

The State of South Carolina has actively sought Georgia-Pacific's expansion into our State, and because of their involvement our State has benefited by over one thousand and four hundred jobs and by hundreds of dollars in tax revenue.

Mr. President, on behalf of Senator HOLLINGS and myself I ask unanimous consent that this resolution be printed in the RECORD.

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

A CONCURRENT RESOLUTION REQUESTING THE FEDERAL TRADE COMMISSION NOT TO INSTIGATE ANTI-TRUST CHARGES AGAINST THE GEORGIA-PACIFIC CORPORATION CONCERNING ITS EIGHT PINE PLYWOOD PLANTS IN THE SOUTH

Whereas, the news media has published unconfirmed reports that the Federal Trade Commission is in the process of commencing antitrust charges against the Georgia-Pacific Corporation, which would require Georgia-Pacific to divest itself of eight plywood plants in the South, including one at Russellville, South Carolina, and also six hundred seventy-three thousand acres of timberland including two hundred thousand acres in South Carolina; and

Whereas, Georgia-Pacific's industrial expansion in South Carolina has been sought and encouraged by both local and State officials and is presently an important factor in our State's economy with a capital investment of seventy-six million dollars and annual expenditures for materials and labor of approximately thirty-seven million dollars; and

Whereas, the citizens of the entire State and particularly those of Sumter County are deeply disturbed by the threat of these charges against Georgia-Pacific, which has been an excellent industrial citizen in our State supplying one thousand three hundred jobs and over six million dollars in annual payroll in Sumter County alone and one hundred forty jobs with a payroll of over seven hundred fifty thousand dollars in Clarendon County; and

Whereas, this company owns less than one per cent of the commercial forest lands in the Southern States which have pine, which is extremely small compared to the amount of forest lands owned by other companies in the South. In most instances the forest acreage owned provides only a small percentage of the requirements of Georgia-Pacific as the bulk of its timber needs are purchased on the open market; and

Whereas, in 1964 Georgia-Pacific, at great expense and risk, successfully pioneered Southern pine plywood and up to now it has built eight plants in the South, none of which were acquired. Incredibly, this proposed Federal Trade Commission order would require Georgia-Pacific to divest itself of the first pine plywood plant constructed in the South; and

Whereas, the development by Georgia-Pacific of Southern pine plywood, as well as related facilities, greatly increased utilization of Southern pine timber, bringing thousands of jobs, better market for logs and timber, greater community stability and much needed building materials to help meet the nation's housing goals. The imposition of this proposed Federal Trade Commission order would stifle one of the most dynamic innovative firms in the industry, establish a crippling precedent and penalize genuine progress at a time when the nation must utilize every job creating, tax generating, production enterprise it can. Our anti-trust laws are intended to benefit not burden this country. Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

That the Federal Trade Commission is hereby requested not to instigate anti-trust charges against the Georgia-Pacific Corporation concerning its eight pine plywood plants in the South.

Be it further resolved that copies of this resolution be forwarded to each member of Congress from South Carolina.

POLLUTION CONTROL AND THE AUTO INDUSTRY

Mr. GRIFFIN. Mr. President, recently, Mr. John Ricardo, president of the Chrysler Corp., delivered a thoughtful and important speech in Miami before the National Installment Credit Conference.

I believe Mr. Ricardo's remarks deserve wide attention and careful consideration in and out of Congress. Accordingly, Mr. President, I ask unanimous consent that the text of Mr. Ricardo's address be printed in the RECORD.

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

REMARKS BY JOHN J. RICCARDO

I appreciate the opportunity to talk with a group whose business activity is so essential to the successful operation of the automobile business. I also appreciate the opportunity to enjoy the warm Florida climate, although it's getting so that the climate in Detroit is pretty hot the year around.

As you know, we automobile men have been subjected to a great number of very severe pressures in the last few years—economic, political, and social. Some of these pressures are going to have a continuing effect on the fortunes of the auto industry in the years ahead; and since about half of this group's installment credit outlay is in automobile paper, what happens to us is going to have a definite effect on what happens to you.

This inter-dependence would give me a good opportunity to urge you to take a greater share in providing the industry's dealers with more floor plan capital and more working capital, so they can move more vehicles, and so we can all do more business. But as important as automobile paper is to our economic well-being and to the future success of both your business and mine, and as much as I would like to talk about it today, I'm going to have to save that speech for another time.

Beyond the day-to-day pressures of credit, sales, and profit that we all face, there are some political and social pressures that are going to make our jobs a lot more difficult in the years ahead. I'd like to discuss one that will be more and more important to all business, and especially to mine. You are all aware of the growing national concern about the protection of our environment. The major share of this concern has been directed at the problem of air pollution, especially as it is affected by the automobile.

Now, I am not at all questioning the danger of air pollution, or the very real necessity for eliminating it as a threat to our environment. There can be no argument against that objective. And it is because air pollution is one of the major problems facing this country today that it has generated a lot of concern, a lot of publicity, and a lot of activity directed at its control.

This is as it should be. If there is an unfortunate aspect of this new concern, it is that all of us in this country have become conditioned to expect instant answers to all problems. We have instant breakfasts, instant credit, and split-second retrieval from our computers of vast amounts of information. And that is the root of the problem of air pollution and the automobile. No source of information can put out more than the sum of information put into it, and much of the information on air pollution, especially as it concerns the automobile, is far from complete and often more subjective than objective.

When we in the automobile industry attempt to explain the automobile's place in the total problem of air pollution, when we try to explain where we are now as opposed to where we were ten years ago, we run into a serious credibility gap. It has been difficult for us, for the academic and scientific community, and for the government, to get the facts. And it has been even more difficult to present them in such a way that the public understands and accepts them.

There is too little awareness of the progress we have already made in eliminating the automobile as a factor in air pollution. A great deal of attention is being given to even more stringent control of exhaust emissions. Just to set the record straight, let's look at the facts we do have—let's look at where we've been and where we're going in the problem of automotive emissions.

In the past decade, we have reduced the amount of hydrocarbons given off by an automobile by 80 percent. In addition, carbon monoxide emissions are 70 percent less in a 1971 automobile than they were from the uncontrolled vehicle of 1960. By 1973 oxides of nitrogen will have been reduced by some 60 percent. Under our present program of continued modification and improvement of the internal combustion engine, we can increase the efficiency of our controls to the point that by 1974 hydrocarbon emissions would be 88 percent less than the uncontrolled vehicle of the early 1960s, carbon monoxide would be 76 percent less, and oxides of nitrogen 66 percent less.

I want to stress that these reductions can be accomplished with much the same engine as exists today, and without adding on any expensive new equipment or systems to control these emissions. But, under present federal standards for 1975, these reductions are not enough. *The 1975 standards call for a 90 percent reduction, not below the emissions of an uncontrolled car, but 90 percent below the emissions of a car that has already eliminated almost 80 percent of its hydrocarbons, for example.*

While that may sound like a commendable and desirable objective, let's take a look at what that means in relation to the non-automotive contributions to air pollution. The 1975 standards are based on emissions created by an average car use of twenty-seven and a half miles a day.

If we apply these same standards to other activities of the car owner, we find that, if he owns an average house in an average suburb, the foliage in his yard would give off his daily quota of hydrocarbons just in the process of growing. If he lived within his daily quota of automotive hydrocarbon emissions, he'd have to leave his car parked for two days after filling the gas tank because while gasoline is going from the pump to the tank, it gives off twice the daily allowable amount of hydrocarbons.

If the car owner wants to paint his house, he might as well put his car up on jacks, because each half-ounce of paint he spreads on will use up his daily quota of hydrocarbons. If he wants to enjoy the luxury of his fireplace, he'll have to get the family together before he lights up, because once he's burned up five pounds of wood, *one* log, he'll have used up his daily allotment of carbon monoxide. If he's using oil heat instead, he's got to shut off the furnace after it's used less than three gallons of oil each day, or he'll be over the limit in oxides of nitrogen. As for particulates, six cigarettes a day will use up his fair share.

If these standards seem to be very stringent, you must bear in mind that it is generally agreed that because research on air quality is still in the embryonic state, there is very little medical evidence that can be used to set reasonable and defensible standards.

This is a major part of the automobile industry's air pollution problem, because whenever you are building-in safety factors without adequate scientific evidence, you have to overcompensate. In other words, the less the information, the bigger the safety factor. If you know nothing about the harm-

ful oxides of nitrogen, get rid of them anyway, just to be on the safe side. While that might well be an emotionally attractive decision, it doesn't really make sense.

Yet this was the atmosphere in which the 1975 automotive air pollution standards were developed, and this was the rationale under which they were approved by Congress. Obviously, you can't criticize their intent. Given the limited amount of scientific information available, I can understand why any senator would vote for the standards just to be on the safe side. My concern is not that action was taken to control automotive emissions. Everyone in the industry agrees that controls are essential. My concern is that, in an attempt to eliminate unknown dangers, controls far in excess of anything known to be necessary for protection of the public health have created a new set of dangers to our economy and to our future environmental efforts. Let me mention just three of them.

First, we are imposing a very heavy cost penalty on the consumer to protect him from dangers we haven't clearly identified. And when we talk about costs, we're not talking about pennies, we're talking about additional billions of dollars a year paid by the buyers of new automobiles.

Second, we are expending skills and manpower that, when all the facts are in, might well have been better directed against other aspects of the air pollution problem, or other environmental needs. We need a re-evaluation of our priorities, to make sure that the biggest pollution problems receive the most time and attention.

Third, and this is very important, this kind of over-kill, and this kind of random response to the problem introduces a strong possibility of seriously widening the credibility gap between the public and those people who serve it.

Most of you will remember that not too long ago some environmentalists declared that pastel tissue paper was ecologically undesirable because the dyes wouldn't break down, and would go on coloring our rivers and oceans forever. A lot of concerned citizens gave up pastels as an act of faith.

As you know, the claim turned out to be completely unfounded, and a lot of sincerely motivated people lost some measure of faith.

The same kind of thing has happened to my industry. I have seen supposedly authoritative sources which identify the automobile as being responsible for anywhere from half to 90 percent of all air pollution. But when even the limited facts now available were examined, the official government report attributed only 39 percent of the total pollutants, by weight, to the automobile. This most recent report was based on an estimate for 1968. Any new evaluation would certainly show an even lower contribution because of the control devices which have been installed on all new cars since then.

But the credibility problem goes even further than that. Air pollutants, in addition to being measured by the proportionate weight of each of its elements, should also be measured by the degree of harmfulness of each individual element. A pound of salt, for example, is obviously less harmful than a pound of cyanide. And, on the basis of harmfulness to health, the best estimate now available, from the University of California, holds the automobile responsible for only about five percent of the adverse elements of air pollution.

Now, when the public continues to hear numbers that are that far apart, there's bound to be a loss of confidence, not only in business and government, but also in the scientific community that produces the numbers. The people deserve better. They are picking up the tab, whether it is in increased product cost or in the tax money required to support national programs. They ought to get their money's worth, and a fair return on the time, talent, and money invested in meeting the problem. None of these resources is inexhaustible, and we can't afford to waste them. Nor can we afford the adverse effect such waste would have on our national output, our competitive position in the world's markets, and the upward curve of our economic growth.

Beyond that, unnecessary or inappropriate responses to the problem, at public expense, may strain public confidence to the breaking point. Like the boy who cried "wolf" too often, those of us who are concerned about the environment may end up having the public turn us off entirely. In fact, Dr. A. J. Haagen-Smit, the man who first identified the elements of the air pollution problem in Los Angeles, and who launched the drive for emissions controls, recently warned the Environmental Protection Agency that, and I quote, "It is imperative that air quality standards be based on reliable data which clearly demonstrate that the need for attainment of these standards is justified. Otherwise, the standards will lose much of their effectiveness, and may not be taken seriously, even by experts in the air pollution control field."

What, then, should we do? Just drop everything and wait for the necessary information to emerge? Of course not.

Cleaning up our air is a top national priority. Let's treat it like one. Let's take a step-by-step scientific approach. I'd like to suggest three key steps in that approach.

First, let's eliminate the emotionalism and close the credibility gap. Let's work more closely with the news media, so that they are better able to supply the country with the facts as they become known, to let the public know of the real problems and the proposed solutions, to encourage intelligent discussion of the alternatives, and to give the public enough information to make valid decisions on priorities.

Second, let's remove any restrictions on the free exchange of information between all sources of knowledge in the problem area, whether the restrictions stem from the traditions of a competitive economic system, or from government regulations intended to deter trusts and monopolies. Certainly we can re-examine the competitive instinct, and re-evaluate the anti-trust rulings so that we can encourage the sharing of information among competing companies when our health and welfare are concerned.

American industry should be free to do whatever is necessary to combat air pollution. Our industry has already achieved substantial reductions, and developed enough information and techniques to achieve more. We believe that properly applied, these techniques can effectively remove the automobile as a significant source of harmful emissions. Other sources, such as stationary sources of pollution, should also be encouraged to work together, to share whatever technology is available now, to put that technology to work now, and to accelerate their programs.

Third, and most important, let's take the most direct and most effective approach. It's not my place to set national goals, but it seems to me that control of air pollution is at least as important to our well-being as putting men on the moon.

To get to the moon we put together a total national effort that used the best of everything we had, from government, industry, and from the universities. That team, at its peak, involved an organization of 400,000 people, 200 universities, and 20,000 separate industrial companies working toward a common goal.

They approached the problem with cold facts, with logic, and with determination. You all know the result. We can get the same kind of result in our battle against air pollution.

But we need the same kind of scientific and medical facts. We need scientific and medical teams to identify all the elements of air pollution, and to determine the effects of each of the elements on the health of the population. We need meteorologists and biologists to determine the effects of weather and geography on the total pollution problem. We need engineers and technicians to develop accurate systems of measurement and analysis of the various sources of pollution.

Only when all these essential bits of information have been developed and analyzed can we begin to assign priorities and set standards for the control of air pollution with any degree of scientific confidence that we are really solving the problem. And this is not simply putting the ball into someone else's court.

The automobile industry has already made substantial progress in controlling pollution. In fact, Dr. Haagen-Smit himself recently observed that the job of controlling engine emissions is "well under way and over the hump." We may be over the hump, but as I pointed out before we are by no means coasting, and are continuing our progress every day.

But the job is bigger and the problem is bigger than any one industry, or any one source of talent. A national problem calls for a national effort, and we in the automobile industry are prepared to contribute to that total effort. We simply ask for a rational and reasoned approach to a very serious problem.

This country has faced, and solved, many serious problems. It is facing, and can solve, this one. Let's start now to make our best effort, not only to solve this particular problem, but to set the pattern for the most effective and efficient approach to the many other challenges out ahead.

ROBERT E. LEE

Mr. BOGGS. Mr. President, it is my very great pleasure to join with the distinguished Senators from Virginia (Mr. BYRD and Mr. SPONG) in sponsoring legislation to restore full U.S. citizenship posthumously to one of our most revered statesmen, Gen. Robert E. Lee.

At the time of his death in 1870 General Lee had applied for, but had been denied, complete restoration of his citizenship rights. This unfortunate circumstance came about, it seems, by accident. Under procedures outlined in a General Amnesty Proclamation by President Andrew Johnson in May of 1865, Lee promptly wrote and requested a pardon. The request was received by the President but never granted due to the fact that it had not been accompanied by a loyalty oath. Lee did comply with this requirement later and submitted the loyalty oath, but it was lost before it reached the President. It has only recently been discovered in the National Archives. Thus, we now know that General Lee fulfilled every requirement for restoring his citizenship in his own lifetime.

There are, it should be noted, those who argue that General Lee's citizenship rights were restored to the fullest extent possible at the time of his death and fully thereafter. They point to President Andrew Johnson's fourth amnesty proclamation in 1868 which granted to all former Confederates "full pardon and amnesty . . . with restoration of all rights, privileges, and immunities under the Constitution and the laws which have been made in pursuance thereof." Thus, it appears that Lee was pardoned in

1868 to the fullest extent of presidential authority.

However, section 3 of the 14th amendment prohibited Lee and others from holding office, a fundamental right of citizenship. And so Lee died in 1870 without full restoration of his citizenship rights. In 1898, it is true, section 3 of the 14th amendment was repealed, and some point to this act as removing the last bar to restoring full citizenship status to Lee.

This is, I believe, a misreading of the intent of that legislation. As John W. Dean III, Counsel to President Nixon, pointed out in response to an inquiry by Senator BYRD of Virginia:

> A reading of the legislative history supports the conclusion that this act was not intended to have any posthumous effect, but rather it was directed to removing the disability as to "those once engaged in rebellion . . . before they pass away . . . and while some of them are left."

If this is the case, then the right to hold public office was not restored posthumously to General Lee in 1898. Likewise, Mr. Robert Tienken, Legislative Attorney of the Library of Congress, points out that the repeal of section 3 of the 14th amendment was not retroactive and, therefore, did not posthumously affect Lee's citizenship status.

Only new legislation specifically directed to the question of restoring Lee's citizenship can rectify this injustice. This view is also that of the White House. To quote again from Mr. Dean's letter to Senator BYRD:

> It is our conclusion that Gen. Robert E. Lee did not die possessed of any disability from which President Nixon could now relieve him, and that congressional action is required to posthumously restore to him full rights and privileges of citizenship.

The first legislative initiative to restore Lee's citizenship was taken in 1957, by Senator Capehart of Indiana. A number of similar resolutions have been introduced since that time although none has been enacted.

The American Law Division of the Library of Congress has researched this question thoroughly and has suggested several reasons why Congress has declined to act to clarify Lee's citizenship status. As I have no doubt that these factors have in fact been responsible for delay on this matter, I believe they deserve some comment at this point.

The first reason for delay is cited as "the effect of the combination of circumstances surrounding the general granting of amnesty to members of the Confederate cause in the years following the termination of the Civil War, including the untimely death of General Lee." As already indicated, it is the opinion of legal experts that the repeal of section 3 of the 14th amendment in 1898 did not affect Lee and the opinion of counsel to President Nixon that only congressional action can remove this last remaining prohibition. Furthermore, with the recent discovery of Lee's loyalty oath at the National Archives, we now know that it was Lee's intention to obtain the full restoration of his citizenship rights during his own lifetime.

A second reason given for delay is "the difference of opinion as to General Lee's possession of his rights of citizenship at the time of his death regardless of congressional action or the lack thereof." Although there is still difference of opinion on this point, I believe the evidence indicates that Lee is still barred from the full prerogatives of U.S. citizenship a century after his death for reasons that I have already outlined.

The third possible reason for delay on this matter suggested by the American Law Division is "the possibility of timing as respects the restoration of such rights, that is, Congress might be awaiting the most appropriate moment." If this be the case, I can think of no more fitting time than the present for positive legislative action in this area. One hundred years have passed in which a cloud of doubt has hung over the question of Lee's place in the heritage of our country. Moreover, we will soon commemorate the 200th anniversary of the founding of our Nation—a time when we will pause to remember our great national heroes. The time is right to correct this injustice to the memory of this great leader. To those who would still contend that no injustice has been done the memory of Lee, I would say we should enact this legislation simply to correct any false impression and to remove any lingering doubt.

I believe Lee's claim to full U.S. citizenship has grown with his memory over the past century. In fact, it transcends technical questions of obscure documents and testimonies. Lee has become a figure of great magnitude in American history. His humanity, his leadership, and his integrity have raised him to the level of a truly national hero. These are qualities that all Americans should honor.

President Eisenhower, like Lee a strong military leader but a gentleman, wrote:

> A nation of men of Lee's caliber would be unconquerable in spirit and soul. Indeed to the degree that present-day American youth will strive to emulate his rare qualities, including his devotion to this land as revealed in his painstaking efforts to help heal the nation's wounds once the bitter struggle was over, we, in our own time of danger in a divided world, will be strengthened and our love of freedom sustained.

My association with the name of Robert E. Lee is one of which I am extremely proud. Shortly after the end of the War Between the States General Lee accepted the presidency of Washington College in Lexington, Va.

Upon his death 5 years later the name of the school was changed to Washington and Lee in recognition of his many contributions. It was during Lee's extraordinary tenure as president of Washington College that the Kappa Alpha Order, a fraternity dedicated to the cultivation of gentlemanly qualities exemplified by Lee, was founded.

It was my very great honor to become a member of Kappa Alpha as an undergraduate student at the University of Delaware. Ten other Members of Congress, including the distinguished Speaker of the House, also share this distinction. I know they share my pride in the fact that Kappa Alpha sprang from the small academic community headed by Robert E. Lee. There are today more than 90 chapters of Kappa Alpha benefiting thousands of young men at institutions of higher learning throughout the country.

General Lee has been an inspiration to Kappa Alpha as well as its patron saint. He is also an inspiration to a nation seeking to heal its wounds whether those wounds be fresh or those of a century ago. It is in recognition of his place in our history and in our hearts that I urge the Senate to pass Senate Joint Resolution 68 and thereby restore Robert E. Lee to his rightful place among our Nation's heroes.

BEEF FOR FATHER'S DAY

Mr. ALLEN. Mr. President, the third Sunday of June was proclaimed as "Father's Day" by the 91st Congress and the President. The Father's Day Council, the Beef Industry Council of the Meat Board and the American National CowBelles are combining forces to proclaim beef as the official food. Beef will be served at the annual national Father's Day award luncheon. In past years such famous fathers as former Presidents John F. Kennedy and Dwight D. Eisenhower, Bob Hope, Frank Borman, Joe Garagiola, to mention a few, have been honored. The cooperative effort of these organizations insures an increase in both popularity of Father's Day and beef sales.

The originator of Father's Day, Mrs. John Bruce Dodd of Spokane, Wash., believed "tenderness" should be part of the annual June celebration. What could be more appropriate than beef?

Mr. President, beef is America's favorite food. In 1960, Americans were eating 85 pounds of beef per capita and today we are enjoying over 114 pounds. American beef is the most wholesome in the world. Consumers are assured of its purity by the U.S. Department of Agriculture's stringent inspection standards. America's beef industry produced some 14.7 billion pounds of beef in 1960 and today's production is over 22 billion pounds. Due to greater production efficiency, beef prices have increased only 16 percent between 1951 and today while the cost of living index for the same period rose 38 percent. In 1951, 1 hour's labor bought 1.7 pounds of beef and today 1 hour's labor will purchase 3.3 pounds of beef.

Mr. President, the tradition of beef for Father's Day was begun in 1953 when Mrs. Thomas C. Currier presented the idea to the Plateau Valley CowBelles at Collbran, Colo. At the 1955 convention of the American National CowBelles, the "beef for Father's Day" program was adopted for expansion into a nationwide program. In cooperation with the Beef Industry Council of the National Livestock and Meat Board, the CowBelles have built "beef for Father's Day" into a successful merchandising effort.

Mr. President, Alabamians are particularly proud of this year's chairman of the "beef for Father's Day" committee, Mrs. Louise Wilson, wife of executive vice president E. H. Wilson, of the Alabama Cattlemen's Association, who has done an outstanding job promoting this year's program. On Father's Day,

over 60 million American families will honor father and nothing could be more appropriate than "beef for Father's Day."

THE ATTORNEY GENERAL'S LAW DAY ADDRESS

Mr. GRIFFIN. Mr. President, an enlightened public is one of the cornerstones upon which our Government rests. If a free society is to be preserved, it is essential that the public have access to accurate information.

In a recent speech at Southern Methodist University in Dallas, Attorney General John Mitchell spoke of a growing tendency by many who have the public ear to overlook or ignore the facts.

He told his law school audience that a reluctance to recognize facts is not confined to any special segment of American society. He said there are examples wherever public issues are debated—in the Halls of Congress, and on campuses, as well as in the news media.

His strongest criticism was reserved for the members of his own legal profession when he voiced grave concern about a lack of regard for accuracy in the courtrooms. In his words, "the respect for facts should be ingrained to the very marrow" as far as attorneys are concerned.

In his address, Attorney General Mitchell cited examples of dangerous misinformation that have been accepted as factual in public discussions today.

Incredibly, the press coverage of his speech provided a classic example of the very point the Attorney General was trying to make—that too often "emotion and intuition are in the saddle while truth is trampled in the dust."

Unfortunately, the newsstories which appeared in a number of leading journals throughout the Nation, following the address, ignored the Attorney General's criticism of public officials, lawyers and others to whom the public turns for information; and the stories reported his speech as an attack only on the news media.

Subsequently, at least one voice was raised in protest against the coverage, and I think it deserves to be heard. I refer to a radio editorial by news director Dick Wheeler of radio station KRLD of Dallas.

Mr. President, I ask that the KRLD editorial be printed in the RECORD, and I ask also that a copy of the Attorney General's speech be printed following the editorial.

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

"REPORTER'S NOTEBOOK" KRLD RADIO, DALLAS

It may sound almost heretical to some of my colleagues in the broadcast news business, but I find it necessary to take exception to the treatment given a story in Dallas last week by CBS News. This is a shocker, of course, since no one can really convince me that CBS News is not by and large the best news gathering organization in the country. And despite the criticisms leveled at CBS by Vice President Agnew and occasional listeners of a particularly hard-line conservative nature, I still feel this to be true. But sometimes even the loftiest of idols have feet of clay . . . and in my judgement CBS News, along with United Press International, really blew it on their coverage of the Dallas visit of U.S. Attorney-General John Mitchell. The Attorney-General's press man released an advance copy of the speech to reporters, and in his delivery of the address, Mitchell did not depart from his prepared remarks. He said, as many of you heard on KRLD Radio, that he feels strongly about those who fail to get the facts before they act. Mitchell continued, and I quote, "This refusal to hear the facts is not confined to any special element in American life. We find examples in the Halls of Congress, on the campuses, in the news media . . . wherever public issues are debated." End quote. Mitchell then proceeded to outline several examples of what he was talking about and mentioned an un-named State Senator from an un-identified State, a former Attorney General generally assumed to be Ramsey Clark, although Mitchell didn't say so in so many words, and an un-named Congressman. Mitchell also mentioned three newspapers and one magazine and two reporters working for those publications. For one of the newspapers, the magazine and both reporters, Mitchell had nothing but praise. He specifically chastised only two of the newspapers. But the point is this: CBS News treated the story, which they apparently got off the U-P-I wire, as a quote "strong new blast at the news media by a high administration official." End quote. It was no such thing as both news organizations were blatantly wrong. I had no particular feeling for or against Mister Mitchell, which is more than I can say for *Mrs.* Mitchell, but it seems to me CBS and UPI should have taken their cue from another quote in the Attorney-General's speech . . . "We find emotion and intuition in the saddle, while truth is trampled in the dust."

This is Dick Wheeler, KRLD News.

LAW DAY ADDRESS OF JOHN N. MITCHELL, ATTORNEY GENERAL OF THE UNITED STATES AT THE DEDICATION OF THE LAW LIBRARY, SOUTHERN METHODIST UNIVERSITY LAW SCHOOL, DALLAS, TEX., APRIL 30, 1971

I am especially happy to be here because a lawyer cannot help being inspired at the dedication of such a fine new law library. It is not too much to say that a college or a law school is no better than its library, which should attempt to provide the students with the sum of man's knowledge in its field. The bricks and mortar that make up this building are symbolic of the pieces of information—the hard-won facts—which together make up the whole edifice of civilization.

This observation bears strongly upon the subject of my remarks today. As most of you know, at this time of the year Law Day speeches are being made at law schools and before bar associations around the country. This year the Law Day theme established by the American Bar Association is, "Change Through Law and Reason." I thoroughly endorse this proposition. I would like to confine my remarks to one aspect of it, which is this: In the national dialogue and ferment that accompanies change, let us get the facts before we act. Law and reason cannot even spring to action except from a platform of facts.

It would seem unnecessary to utter this simple truism, except that so often today it is ignored in the most serious national issues. We find emotion and intuition in the saddle, while truth is trampled in the dust.

As a nation we cannot continue on this retrogressive course without inviting grave dangers that so far we have generally avoided through a respect for the facts.

Most of you in this audience have been or are being trained in the law. You know that the practice of law is built on precise information—of which the rules of evidence are the most striking example. You know what the television character, Sergeant Friday, meant by his familiar plea during investigations, "Just the facts, ma'am."

Law schools have had the responsibility, among others, of instilling in their students this devotion to the facts. On Law Day may I take the liberty of reminding you that the hallmark of the lawyer is a healthy skepticism when confronted with broad conclusions—no matter how often they are repeated and no matter how generally they seem to be accepted. We lawyers must ask: "Who said it? . . . "Why did he say it? . . . "What is the proof?"

Lawyers schooled in this discipline also have a duty that goes beyond the courtroom and the law office. They have a responsibility, when their communities are embroiled in public issues, to promote among their fellow citizens this same devotion to the facts. It is a prerequisite for any sane and worthy resolution to public problems.

I feel strongly about this because of the wild irrationality, the unfounded accusations, that have recently characterized some national issues. This refusal to hear the facts is not confined to any special element in American life. We find examples in the halls of Congress, on the campuses, in the news media—wherever public issues are debated. Let me give you two such examples:

CASE NO. 1—THE BLACK PANTHER GENOCIDE FRAUD

In December 1969 the attorney for the Black Panthers, Charles R. Garry, stated publicly that police across the nation had murdered 28 Panthers in "a national scheme by various agencies of the government" to "commit genocide upon members of the Black Panther Party." With no proof whatever, a number of public figures repeated the claim of this biased source as though it were accepted fact. A state legislator charged that the scheme "was arranged by the Federal police apparatus." Soon the 28 murders were reported as a fact, not as an allegation, by the *New York Times*, the *Washington Post*, and many other news media. One national magazine stated that the Department of Justice had joined the police and "escalated the drive" against the Panthers.

These were the charges—widely accepted and believed. Whenever our Department of Justice representatives met with campus groups, they would invariably be questioned about the 28 murders and the genocide scheme. But what were the facts?

A few days after the Panther attorney's original charge, a *Chicago Tribune* reporter named Ronald Koziol exposed it as a fraud. But his story was ignored in the onrush of vilification against law enforcement agencies. More than a year after the original allegation, it was investigated by writer Edward Jay Epstein, who reported his findings in the *New Yorker* magazine of February 13, 1971.

With old-fashioned thoroughness, these two reporters independently started from the same base—the rather obvious journalistic step of requesting a list of the 28 alleged murders. It turned out that 28 had just "seemed to be a safe number," according to Garry's own admission, and that the most names he could scrape together was 19. The investigators checked on each of these 19 and as Mr. Epstein reported it:

One had been killed by a storekeeper in resisting a robbery, not by police.

One was shot in an argument with "friends," not by police.

One was shot by his wife, not by police.

Another was executed by other Black Panthers, not by police.

Four were killed in a shootout with members of a rival black militant organization, not by police.

One was shot in an unsolved case, by a pistol later found in a raid on a Black Panther headquarters.

There were eight other cases which involved crimes or street shootouts, in which the police believed they were dealing with

criminals as such and had no reason to think they were encountering Black Panthers. Six of these Panthers were shot by policemen who were already seriously wounded and were fighting for their lives. According to Epstein's report, two policemen were killed and 14 were wounded in the eight cases.

In only two Panther deaths were the police conducting a planned raid. One was killed as the police entered after he had fired a shotgun through the door, and the other appears to have been hit by a stray police bullet that went through two intervening walls.

Thus, no deaths can be attributed to what the Panther attorney called a "national scheme" of "genocide." The fraud has been laid bare, and to its credit the *Washington Post* made a full admission of error. But this is small compensation for the sorry spectacle of supposedly responsible public figures and the press repeating the most damaging charges without the facts.

The genocide fraud is a classic example of the triumph—hopefully, a temporary triumph—of the Big Lie over the Simple Truth. It operates on the old principle that if you tell a falsehood long enough and often enough, it becomes accepted as fact. I am reminded of George Orwell's *1984* and his language of "Newspeak," in which words assume opposite meanings—wrong becomes right, and fiction becomes truth. I believe that we Americans are not now, and never will be, ready to speak that language.

CASE NO. 2—THE "NO-KNOCK" SCARE

I refer to a provision, supported by the Department of Justice, in the District of Columbia Court Reform and Criminal Procedure Act of 1970, and in the Comprehensive Drug Abuse Prevention and Control Act of 1970. It spelled out the circumstances under which officers making an arrest or searching premises with a warrant must announce their identity and purpose, and when they need not. In the latter case they must show a judge probable cause for believing that the suspect may destroy evidence, or attack the officers, or try to escape, if they announce themselves. If the judge is convinced he can then authorize the unannounced entry as part of his warrant.

When this proposal came before Congress it stirred a great hue and cry. Opponents labeled it the "no-knock" law. Many of them ignored the requirement for court approval. They conjured up images of Hitler's storm troopers kicking in the doors of their trembling victims. The provision was said to violate the Fourth Amendment against unreasonable searches and seizures. A former Attorney General was quoted in a newspaper interview as saying. "The no-knock law is immoral."

These were the accusations. What are the facts?

Actually, the provision gives more citizen protection, not less. Previously, under Federal case law an officer about to make an arrest or search could decide for himself whether the circumstances justified his entering without announcing himself. In the District of Columbia, case law had prohibited unannounced entry under certain conditions and indicated others in which the policeman could use his discretion in entering without announcing himself. In a majority of states this same latitude has been recognized either by statute or in case law, and in others such discretion has been practiced without specific formal guidelines.

In the case of *Ker* v. *California* in 1963, the U.S. Supreme Court upheld an unannounced entry to prevent the destruction of evidence. It took the occasion to declare that an officer should announce himself as a general rule, but it set forth specific exceptions in which he could decide not to announce himself.

In all of this prevailing practice and legal support, it was the officer who was given the on-the-spot discretion on whether or not to announce himself, subject only to possible later judicial review. But under the new D.C. and drug control acts, this discretion is taken from the officer and given to an independent judge, in the same manner that a judge decides beforehand whether there is probable cause for an arrest or search warrant. For the first time, this hazy area of citizens' privacy has been clarified—and decidedly in favor of further protection to the citizen. In fact, the provision is more restrictive on the police than a similar provision in a draft Federal drug bill proposed by the Department of Justice during the term of a former Attorney General—the one who now says the present law is immoral.

In short, citizen protection against "no-knock" entry is greater than it was before, but the Department of Justice is accused of inventing a new form of repression. Citizen protection means citizen repression in the "Newspeak" language of *1984*.

These are only two public issues that arose out of a shocking contempt for truth and a cheap surrender to instinct. Nor do I blame the public, so much as the sharp erosion of professionalism among many who have the public's ear. Whether parents or students, the people are no better informed than the quality of their information sources. I am especially aware of this when I meet with student groups, and when Justice Department spokesmen join campus forums.

Time and time again students ask, "What are you doing about the concentration camps?"

Time and time again the patient answer is, "There are no concentration camps in this country, and if we can help it there never will be!"

The other day a Congressman, after claiming that the FBI tapped the telephones of Congressmen and Senators, offered the evidence that the telephone company reported that he had *no* tap on his line, but he said it always denies this when the FBI taps a line, and so the "no" report was really a "yes" report. Again, "no" means "yes" in the Newspeak language of *1984*.

Despite the transparency of the Congressman's so-called information, despite the complete lack of evidence that the FBI has ever wiretapped the phones of Congressmen, despite the Justice Department's unequivocal denial of the charge, the day after the Congressman's speech a student asked me, "Why are you tapping the telephones of Congressmen?"

At least I am glad to have the question, because it gives me the opportunity to compete with the student's own source of information—whatever that may be. I am happy to report that, time and time again, after getting the other side of the story for the first time, students have gone away with a different view of the matter. And I am also happy to say that this unfamiliarity with the facts is not particularly noticeable among law students, trained to dig out evidence from a variety of sources.

Ladies and gentlemen, let us recall that the advancement of man has been measured by his ability to discover and apply accurate information. Since the 16th Century the rise of the Scientific Method of experimentation and proof has provided the basis for all the physical knowledge on which our technical capabilities stand. Beginning in the Middle Ages the development of trial by jury and the rules of evidence provided the same basis of fact in the world of law. All the major professions—science, medicine, engineering, accounting, and not least, law—have become true professions in proportion as they have come to identify, respect, and make use of facts.

Can we now allow ourselves, in our national decisions, to abandon fact in favor of emotion? We cannot, any more than the medical profession would revert to the age of the witch doctor, or our courts return to trial by combat.

Most especially I am gravely concerned that some of those who, in public debate, have shown the least regard for facts have been attorneys—those in whom the respect for facts should be ingrained to the very marrow. And we find courtrooms—where hard evidence and sworn testimony should alone rule the results—turned into theaters for histrionics and even violence. I am reminded of the somber warning of Roscoe Pound, writing two decades ago:

"In jurisprudence we are dealing with experience developed by reason and reason tested by experience. The seventeenth and eighteenth centuries put their faith in reason. The nineteenth century, in the main line of its thought, put its faith in experience. The twentieth century has been putting its faith in intuition."

If this be the trend in our time, it is my fervent hope that it can be reversed before we as a nation follow it into some desperate mistakes. Rather, I would remind America's practitioners of law of that fundamental Latin Maxim: "Ex Facto Jus Oritur"—"The law arises out of the fact." "That ancient rule," Mr. Justice Brandeis told us, "must prevail in order that we may have a system of living law."

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

THE MILITARY SELECTIVE SERVICE ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972, and for other purposes.

AMENDMENT NO. 24

The ACTING PRESIDENT pro tempore. The pending amendment is amendment No. 124, offered by the Senator from Alaska (Mr. GRAVEL), on which there is a time limitation of 1 hour, under the control of the Senator from Alaska and the manager of the bill.

The amendment reads as follows:

On page 30, line 23, strike out "twenty" and insert in lieu thereof "four".

Mr. GRAVEL. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. GRAVEL. Are we proceeding under the Pastore rule today?

The ACTING PRESIDENT pro tempore. The rule of germaneness has not been waived, and is in effect.

Mr. GRAVEL. Mr. President, I am prepared to speak on my amendment, but I would be happy to and will graciously wait until the chairman of the Armed Services Committee arrives. It will serve no purpose to make the presentation on the amendment without his presence.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. BYRD of West Virginia. May I state, for the information of the able Senator, that I have contacted the office of the manager of the bill, and am informed that the distinguished Senator from Mississippi (Mr. STENNIS), the manager of the bill, is on his way here.

Mr. GRAVEL. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be charged equally to both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

Mr. GRAVEL. Mr. President, the subject before the Senate at this time is amendment No. 124.

In discussing the larger issues involved in the extension of the Selective Service Act, our attention has been diverted until now from the basic mechanics of the system.

We have talked about manpower requirements. We have discussed compensation. We have debated our Nation's role in the security of other nations of the world.

But it is important that we keep in mind the basic mechanics of the system that calls up some individuals from society, forces their induction into military service, and requires them to take arms and risk their lives in combat.

What is frequently referred to as the backbone of our Selective Service System is a network of local boards. About 4,000 are located around the Nation. Much of their work is automatic, handled by clerical help, operating under regulations and directives issued by the National Selective Service System office.

But it would be a mistake to consider the boards as ceremonial instruments of a fairly standard Federal procedure.

Board members determine who receives certain deferments and who does not. Board members determine whether or not an individual may escape induction because of certain personal hardships. Board members wrestle with the difficult questions of conscientious objection.

Through most of its history, our Selective Service System has resisted uniform application of standardized regulations that would guide board decisions. Therefore, the boards have considerable latitude for discretion and as so many recent studies clearly prove, that discretion has lead to wide and varied applications of inherent board powers.

Considering how few guidelines were given to local board members, I consider it a tribute—and I want to underscore this—to the basic honesty and decency of those who have served on boards that there has been so little scandal connected with their decisions.

Nevertheless, I think that most Americans would agree that it is inherently unfair and dangerous to vest board members with what amounts to a lifetime appointment to perform a quasi-judicial function.

Even judges in our court systems must at some point come to public accountability. And those who serve as jurors serve only limited terms under highly controlled conditions.

Until 1967 our Selective Service Act placed no limit on the amount of time a person could serve on a local draft board. In 1967 the Congress limited service to 25 years and required resignation at the age of 75.

Recognizing that those limits are insufficient, the Senate Armed Services Committee this year reduced the limit of service to 20 years.

I consider that limitation insufficient.

The latest national survey indicated that the average age of board members was 60 years old. One-fifth of all those serving on local draft boards were over 70 years old. Fifty percent of the incumbent board members had served more than 10 years.

Changing the limitation of service from 25 to 20 years would not appreciably satisfy the need to make local boards more responsive to the communities they serve. Newer appointees are more likely to reflect the attitude of the community than those who have served a decade or two, so long that the job becomes automatic routine.

Newer and younger appointees would bring to the board enthusiasm and interest and they would be less likely to rely on office clerks for what in reality should be board decisions.

Further, more people should be exposed to the duty and obligation of service on a local draft board. More frequent rotation of board members would develop a broader base of understanding in the community of the obligations and mechanics of our system of induction.

If we are to consider the draft a permanent institution in our national life, then this quasi-judicial function should be discharged at the local level as jury duty is discharged.

And so, Mr. President, I propose that service be limited to 4 years. I think that 4 years is sufficient time to require from anyone in a role that demands the time and decisionmaking required by the local draft board process.

One may argue that such a limitation would deny boards the valued experience of long-time membership. But, I believe that such an argument places board service in an improper context.

We are not talking about a scientific discipline or mechanical proficiency. We are not talking about familiarity with an extensive body of laws or regulations. When we ask the person to serve on a local draft board, we ask him to make independent value judgments that will affect the lives of many of his fellow citizens.

That is a job requiring anything but a standard or routine approach resulting from years of service.

Certainly if we ask our young men to serve against their will in the armed forces of the United States, we should offer them the best and fairest system of evaluation we can devise. I believe that restricting the years of service of board members would go a long way toward meeting that goal.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, I yield 10 minutes to the distinguished Senator from Ohio (Mr. SAXBE).

The PRESIDING OFFICER (Mr. CHILES). The Senator from Ohio is recognized for 10 minutes.

Mr. SAXBE. Mr. President, I am particularly interested in this amendment because I was involved in Selective Service for a number of years in Ohio, and also because in the committee hearings I believe it was my amendment to make it 20 years, and also because I have served with local boards and have audited local boards and I know their proceedings.

The adoption of this amendment will seriously cripple the operation of Selective Service. It would almost approach a privilege in that a 4-year term for a local board member would hardly permit him to become acquainted with the operations of Selective Service.

In Selective Service we do not have the advantage of having someone who knows the system. A new member has to be educated, he has to be recruited. Someone asked me, "Is it a political appointment to serve on a Selective Service board?" It is not. While States have various ways to recruit members, the most common one is that they are appointed by the President on recomendation of the Governor. The Governor gets the names from a local committee in Ohio, named by the courts of general record in that county, the probate court in Ohio, the common pleas court, and in counties where they have multiple judges on the same bench—the presiding judge of that court. Also they call on veterans' organizations, service organizations and service clubs, churches, everyone they can think of it, to offer the names of people willing to perform this patriotic, nonpaying duty.

These names, once they are secured, are sent in. I have never known over one or two cases where the name was not accepted by the Governor and duly appointed. Some areas attempt to have standby members—in other words, where members will say that they will serve when a vacancy occurs.

Over the years, one of the reasons that members serve so long is that they could not get other members to replace them.

During World War II, it was a great patriotic duty. They met sometimes almost daily, nightly, weekly, to perform this duty and to make these quasi-judicial decisions.

But thereafter, in a county or local board, 1, 2, 3 months afterward, or month after month, the clerk did the calling, as the Senator from Alaska has said. Many times the clerk was the board. The greatest protection that we have, that the clerk would not become the board, is that we have people who become acquainted with the regulations, so well acquainted with them that they know exactly what their function is and they can make the decisions. But hitches do occur.

I recall in one county—Williams County, I believe—it was in one of the northwest counties of Ohio—an appeal was made on a student deferment and the appeal board granted the student deferment after the local board had turned it down. That angered the local board and they said, "Why should we be here if

we cannot interpret the regulations as we think they should be interpreted? We thought it was a fair decision and here a bunch of strangers has given an exemption to this man whom we believe is just trying to avoid the draft."

So they all resigned.

The feeling in that county was so strong that for some 3 or 4 months they could not get a volunteer to serve on that local board. For 3 months there was not one call made from that county because there was no local board to make the call.

The State director of Selective Service made numerous trips there, meeting with the service clubs and veterans' organizations, with the bar association, with the Farm Bureau, with every public body he could think of, talking to them about the importance of serving on a local board, and finally they did secure, through the judges, volunteers who were then appointed to the local board.

Mr. President, the 20-year limitation which was put in there as an amendment is a completely reasonable limitation, because it does give opportunities for a turnover. It gives opportunities for training. But it also gives opportunity to the dedicated people who feel they have some public function to perform, and they are willing to perform this function obviously. Anyone would think it to be ridiculous if we set a limited tenure on the bench and a judge could only serve for 4 years. I think these men are required, as nonpaid public servants, to learn a body of law and regulations that many times approach the judicial knowledge similar to that which a judge would have to possess in order to decide.

Certainly if one happens to be one of those who is before a local board, he wants to feel that the person making that decision is not only qualified, but also has some knowledge and training in what he is doing.

So, this 4-year amendment, I cannot help feeling, is not for the purpose of helping Selective Service, but rather hindering it by making it more difficult of operation.

Mr. President, I have some figures here that are almost unbelievable.

In Ohio, under a 4-year tenure, they would lose 75 percent of the membership of the board immediately on the effective date.

In Pennsylvania, it would be 90 percent.

In Illinois, it would be 90 percent.

In Texas, it would be 75 percent.

In Florida, it would be 60 percent.

In Michigan, it would be 80 percent.

In Georgia, it would be 75 percent.

In Massachusetts, it would be 85 percent.

In Oregon, it would be 87 percent.

The impact of the 20-year limitation is going to be substantial enough.

In Pennsylvania, Ohio, and Illinois, 30 percent are just under the 20 years of service. I think this is proper, in that we must have these boards composed of some younger and newer people who are then trained and have to step out after they have performed 20 years of service. However, I do not see any way it could be accomplished in the 4 years suggested in the amendment.

I realize that the Senators who are advancing these amendments are opposed to any selective service in any way. Therefore, I can understand their willingness to advance almost any amendment which might embarrass the system and make it more difficult to get members and to operate. But I think it should be identified for what it is—mischief on one of the systems that has, almost on a volunteer, fair basis, performed their service in a very effective manner to serve this country.

Mr. GRAVEL. Mr. President, I yield myself 2 minutes to respond to the Senator from Ohio. I would hope that the Senator from Ohio would believe that I am acting with sincerity.

I do not offer this amendment as a frivolous amendment. It is not mischievous. I made it perfectly clear on this score, that I would be one of the first to volunteer if it were needed.

I feel that we should have some effective and intelligent implementation of drafting people if needed in the future. With the high expertise I have acquired, if I can make a contribution, I will make that contribution. And I would hope that my colleagues would indulge me and believe that I have the motivation of improving the law. I would hope that they do not believe this is a waste of time in the Senate.

Let me address myself to the logic of the argument advanced, to the effect that we cannot get people to serve voluntarily.

I would have hoped that in the interest of the country they might have come up with an imaginative solution to the problem. I would like to inform the members of the committee that I will have an amendment to require that people serve on draft boards just as they do on juries. Capital punishment is not being used in the courts at the present time, but the selective service boards around the country do send young people to their deaths. Should it be so unusual that we should require service on these boards?

I should also like to inform my friends, the Senator from Mississippi and the Senator from Ohio, that I will have an amendment to require that people demonstrate their proficiency in the rules and regulations of the Selective Service System. What is the use of having a man if he does not know what he is doing and cannot make a ruling, but must defer to a clerk? Why go through a charade of appointing people to the draft boards? I also think the Senate will see an amendment offered by me to provide for paying people to serve.

Why should we have draft boards in which we only seek out the volunteers, those people who feel a particular zeal to study and sit in judgment over the young?

As I have demonstrated, it is mostly the old men who serve on draft boards. Those far above the average age comprise the membership of the boards who sit and make these judgments. All of these points will be commented on. If, as my colleague says, the passage of my amendment would mean the discharge of a high percentage of draft board members around the country, it would compel the Senate to pass an amendment to provide for paying draft board members as we do jurors.

Second, we should devise a method of having people serve mandatorily on draft boards as they mandatorily serve on juries. I do not think it is a luxury that we do this. I think it is not only not a luxury, but is also a supreme injustice that we do this today with jurors and not with draft board members.

We have 4,000 draft boards that consist of old people. But I think that if these young men are to be sentenced to death, they should at least have it done by their peers.

I think the argument of the Senator from Ohio tends to paint a situation of doom and gloom. It is true that there is now doom and gloom. It is an appalling situation on the draft boards. I would hope that the Senate would have the foresight, the imagination, and the perspicacity to correct this great injustice.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, the matter involved in this amendment is highly important. It concerns the administration of this act right down to the level of the people. We should not take this lightly and say that it does not matter. It does matter.

I think it is one of the bright pages in the administration of law that, as a whole, the members of these local boards have done such an outstanding job although they have been subjected at times to very adverse criticism. They have been misunderstood. They are serving without pay, but still they are willing to serve year after year.

Mr. President, the committee has thoroughly considered this entire matter. This is something that the Senate ought to know about. We took testimony on the matter. We discussed it around the table on at least two occasions. We waited until we had the final markup. The Senator from Ohio, who is very well versed indeed in this field and has experience in it, came forth with an amendment that the committee adopted unanimously. There was not one objection on the part of any Senator who was familiar with the facts on the committee and had made a study of the matter.

Now, I have prepared a memorandum for the information of Senators. This memorandum was based on actual contact with knowledgeable people back in the States who know the facts. If the amendment offered by the Senator from Alaska should be agreed to and become law it would wipe out or make ineligible 90 percent of the membership of all the boards in the State of Pennsylvania Overnight 90 percent of them would become ineligible for service. In Ohio it would eliminate 75 percent, in Illinois 90 percent, in Texas 75 percent would become ineligible, in Michigan 80 percent would become ineligible, in Massachusetts 85 percent, and Oregon 87 percent. That is what would happen in those States from East to West and North to South.

Based on that information there is no doubt in my mind what Senators would do. No one suggests how these men would be replaced. No member of this body who was formerly a Governor would hesitate to tell us what a job it would be. I do not know what the situation would be in Alaska, but these figures show what the situation would be in these States.

I know something about the atmosphere that prevails with respect to these draft board members. I have never had any communication with the local boards since I have been a Senator. I have never asked them to do anything and they have never asked me to do anything, either. But I know how it works. In order to serve on a board a man has to have respectability, judgment, commonsense, and he has to be a man of discretion, with a respectable standing in the community where his actions and his judgment and decisions will be respected. With respect to pay or compensation, they do not receive one dime, not one dollar of pay. They get a little travel expense by the mile. I do not know how far one would have to go over the Nation to find a more patriotic group of men who are doing a job that is not one bit pleasant.

I know that down home when they have a vacancy from time to time no one jumps up and volunteers. They have to be induced one way or another. The Governor is responsible for making these nominations. People in the community have to go out and search to find a respectable man who has the time he can give and he must be persuaded to serve.

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

Mr. STENNIS. I will yield in just a moment.

I do not think that Senators want to take a meat ax and knock that system in the head and just obliterate the entire system against the unanimous recommendation of the 16 members of the Committee on Armed Services who dealt with this problem for years and years.

I have talked to all the former Governors and I venture to say that virtually all former Governors who are Members of this body will vote against this amendment. Why is that? It is because they have practical knowledge of the operation of these boards and they know the fine service that is rendered and how difficult it is to get someone to serve.

I am glad to yield to the Senator from Alaska.

Mr. GRAVEL. I would like to ask my colleague from Mississippi, who, I know, is a distinguished jurist—and I think that my distinguished colleague from Ohio is also a distinguished jurist, having been the attorney general of his State—whether he knows of any people who volunteer for jury duty.

Mr. STENNIS. I know a lot of them will not turn it down when they are summoned. They will not make excuses. But, yes, I know some people who volunteer for jury service and they are not worth a continental as jurors.

Mr. GRAVEL. To make a parallel, if those who volunteer for jury service, who can hand out capital punishment, are not worth what the Senator said, maybe a lot of people who volunteer for the draft today are not worth what the Senator said.

Mr. STENNIS. The Senator's reference to capital punishment is so far off base I can hardly begin to answer it. This is a different forum, so different from everything else that it has no analogy in public service. They are willing to serve initially and they continue under the pressure of the unpleasantness that is involved. It is the finest kind of a test of a man's patriotism. I cannot follow the Senator's analogy.

I wish to refer to one other matter. The committee, in making adjustments to meet the practical realities as to age with respect to membership on the board, found that with 20-year tenure the loss in Texas would be 20 percent, Michigan 10 percent, Florida 5 percent, and Georgia 15 percent. The House had a tenure that was shorter and this will be in conference if this stands.

I have great respect for the Senator from Alaska and his logical reasoning on many matters, but I respectfully say that on this matter his analogies do not apply.

This is not sentencing anyone to death. The probability of a man having to make the supreme sacrifice is remote, but the actualities are there. It is distinctive service and it is an obligation to the country. Therefore, it has to be dealt with in a distinctive way.

Mr. President, I trust the wisdom of the Senate will be that this amendment will be rejected.

Mr. GRAVEL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Alaska has 14 minutes remaining.

Mr. GRAVEL. Mr. President, how much time does the Senator from Mississippi have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 5 minutes remaining.

Mr. GRAVEL. Mr. President, to recapitulate, the situation today is simple. We have a problem in justice. There are 4,000 groups of people around the country that decide whether or not a person is denied his freedom or his choice in connection with the pursuit of his life for 2 years. To my mind that is comparable to a jury of one's peers sentencing a person for 2 years, because if I want to go to college or work at some remunerative job I cannot do it because a group of people say I have to serve for 2 years. To me that is comparable to jury duty. If I do that and if I am killed—and we have had 45,000 Americans killed and in excess of a quarter of a million maimed and wounded—what kind of a situation is that if I come back with no legs or arms or if my body is crippled for the rest of my life? Those people who sat on that board sent me there. I find that analogy very close to the jury system.

I just question how all these years we have gone through the draft system and yet never realized we could establish a sense of equity in how we do this.

My colleague has cited figures of how, in Pennsylvania and other States, they will have to vacate the draft boards because of the requirement which I propose. I wonder, when my amendment comes up proposing that they take an examination to see how familiar they are with the law, how many will vacate the draft boards? It is not bad if they vacate the draft boards and put other people on those boards. It might create a sense of responsibility and let the will of the people be worked. The way it is right now, the figures indicate that the average age of the board members is 60. They make the decision for a 19-year-old to go to war. They make the decision as to whether a boy is to be crippled or maimed. I see no wrong in having these people displaced.

My colleague made some reference to the jury system. Judges and lawyers are suspect as to whether they would be good jurors, because too many of them are sadists in meting out punishment to their fellow man. So it is not strange that we get our jurors as we do, because we want to get the best possible cross-section of people to serve as jurors.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. GRAVEL. So if the premise is valid that we must have trial by jury, that the members of the jury should be our peers, would it not be equally valid that if we have to draft young men, we improve the mechanism, as I am suggesting in my amendment? I have stated my position enough on the draft. If the Nation were in danger, I would be here to institute the draft. So if I could add to the improvement of the law that I hope will be in standby readiness should it ever be needed, I think I should do it. I am for the draft—the draft I am for is to draft the board members. I want to draft them and pay them for their time as we pay jurors.

I noticed that my colleague from Virginia (Mr. BYRD) has proposed a constitutional amendment. I complimented him on it. I think there would be much gain in shortening the term of judges. I think a lifetime is too long. I think there would be some improvement in the system. But I ask that we improve the induction system by guaranteeing that those who sit in judgment on who goes and who is free, who goes and is maimed, who goes and dies, be mandatorially, by law, their peers. I think this is not too much to ask.

To answer the argument that this would be disruptive, let me say that any intelligent change and improvement is disruptive. If this body cannot do it, what a low ebb we have fallen to if we can do no more to change the existing systems, whether they are just or unjust. I certainly have a high regard for the ability of this body to make progressive, imaginative judgments. That is all that is called for here. That is all I am asking for.

I am asking for improvement in a system, that the head of the system, that the President of the United States, that the chairmen of the Armed Services committees, that every Senator who has debated this question on the floor, has

said contains great inequities. Is it bad to deal with these great inequities? Why do we not try to change some of those inequities and perhaps bring about a little improvement? Is that too hard to do—to get a little work out of the Department of Defense and the Selective Service Agency? We are paying their salaries already.

What would be wrong with their searching out new members for the Boards? Why not put women on those Boards? Why should we leave those decisions to men? We empty the beds, we empty the homes, we make children fatherless. Women have had to carry the burden. I have talked with women whose husbands are prisoners of war, with women whose children are fatherless, women who carry unfair burdens. How did those men get there? Some of them volunteered. Most of them were drafted. The least this body could do is stand up and try to get a certain amount of justice in the system, and not say, "My God, there is so much injustice in the Selective Service System that we just have to carry it forward." I am really chagrined that some membership of this body would take refuge in that parliamentary oratorical device. I had wished for better.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, if it is agreeable with the Senator from Alaska, we can yield back our time.

Mr. GRAVEL. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Alaska has 6 minutes remaining; the Senator from Mississippi has 5 minutes.

Mr. GRAVEL. I shall take only one moment to briefly restate a point.

Mr. STENNIS. Mr. President, I yield myself 2 minutes. There may be present some Senators who have just entered the Chamber.

The committee fully considered this matter and all aspects of it and arrived at a unanimous recommendation here that is reflected in the bill, with a 20-year limitation upon the number of years a person could serve, and reduced the age to 65 years.

The Senator's amendment would disqualify 90 percent of the board members in Pennsylvania, 90 percent in Illinois, 80 percent in Michigan, 85 percent in Massachusetts, and 87 percent in Oregon.

We must have on the boards persons of discretion, judgment, and respectability in the community, whose decisions will be generally accepted. It is a thankless job. It is a payless job. Of course, it is not sought after. The type of man wanted in a position like this would not seek it. It is one of the finest expressions of old-fashioned, basic, loyal Americanism that I know of or ever have known of in my tenure in public life. This system should not be lightly set aside, and I feel sure it will not be.

I yield back the rest of the time allotted to me.

Mr. GRAVEL. Mr. President, I can only add, in one moment, that my colleague makes the best argument for my amendment, which is that if this amendment will vacate all those draft boards and create a turnover, I can only say that in a democracy, in a system of representative government, it will be good to get new people there with new blood, to give the task some responsibility and give some assessment to the task they perform.

We draft 19-year-old boys in this country. The average age in this country is a good deal lower than 60. Yet the average age of a draft board member—and there are 4,000 of them around the country—is 60. One-fifth of them are over 70 years old. These are the people who send young men to their death and to be wounded and maimed, and deprive young men of 2 years of their lives.

This amendment is merely one in a series of amendments to be offered in hopes of improving the mechanism in the event this mechanism would be used in this country in the future when this country—God forbid—would have to undergo some emergency.

I would hope that the Senate would favorably consider my amendment, because I believe it would be a boon to democracy. I think it would be a boon to the improvement of the Selective Service System.

I think there should be certain adjuncts to this proposal, and I intend to offer an amendment to provide for payment of draft board members. I shall also offer an amendment to make a determination of the qualifications of people who serve on draft boards, and I shall offer an amendment to make draft board membership a mandatory duty of a citizen, just as it is a citizen's duty to serve on juries, because the same sort of problem exists as exists with juries, which is that we must be wary of those who volunteer to serve on juries, because, as every counselor knows, with volunteer juries you tend to get a web of people who should not be serving on juries. From the testimony given on this floor a few moments ago by the chairman of the Armed Services Committee, I suggest there has been the same sort of web of injustice which has crept into our selective service boards; people volunteer to serve on those boards who really should not be there because they are not capable of exercising the best possible judgment.

I would hope, Mr. President, that the Senate would consider favorably this amendment, which I consider to be a minor amendment but one which would strike a very important blow toward establishing equity and justice in the Selective Service System.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. CHILES). All remaining time having been yielded back, the question is on agreeing to the amendment (No. 124) of the Senator from Alaska (Mr. GRAVEL).

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Missouri (Mr. EAGLETON), the Senator from North Carolina (Mr. ERVIN), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Minnesota (Mr. MONDALE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Indiana (Mr. HARTKE) are absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PASTORE), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

I further announce that, if present and voting, the Senator from North Carolina (Mr. ERVIN) and the Senator from West Virginia (Mr. RANDOLPH) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. FANNIN), the Senator from Wyoming (Mr. HANSEN), and the Senator from North Dakota (Mr. YOUNG) are absent on official business.

The Senator from Nebraska (Mr. CURTIS) is absent because of death in his family.

The Senator from Massachusetts (Mr. BROOKE), the Senator from Colorado (Mr. DOMINICK), the Senator from Maryland (Mr. MATHIAS) and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Maryland (Mr. BEALL), the Senator from New York (Mr. BUCKLEY), the Senator from Arizona (Mr. GOLDWATER), and the Senator from South Carolina (Mr. THURMOND) are detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. BUCKLEY), the Senator from Nebraska (Mr. CURTIS), the Senator from South Dakota (Mr. MUNDT), and the Senator from South Carolina (Mr. THURMOND) would each vote "nay."

The result was announced—yeas 20, nays 48, as follows:

[No. 82 Leg.]

YEAS—20

Allott	Hart	Moss
Church	Hatfield	Muskie
Cooper	Hughes	Stevens
Cranston	Javits	Stevenson
Fulbright	Jordan, Idaho	Taft
Gravel	Mansfield	Tunney
Harris	Metcalf	

NAYS—48

Allen	Brock	Cook
Anderson	Burdick	Cotton
Baker	Byrd, Va.	Dole
Bentsen	Byrd, W. Va.	Eastland
Bible	Case	Ellender
Boggs	Chiles	Fong

Gambrell	McIntyre	Saxbe
Griffin	Miller	Schweiker
Gurney	Montoya	Scott
Hollings	Nelson	Smith
Hruska	Packwood	Sparkman
Jackson	Pearson	Spong
Jordan, N.C.	Percy	Stennis
Kennedy	Prouty	Symington
Magnuson	Proxmire	Talmadge
McGee	Roth	Tower

NOT VOTING—32

Aiken	Ervin	Mondale
Bayh	Fannin	Mundt
Beall	Goldwater	Pastore
Bellmon	Hansen	Pell
Bennett	Hartke	Randolph
Brooke	Humphrey	Ribicoff
Buckley	Inouye	Thurmond
Cannon	Long	Weicker
Curtis	Mathias	Williams
Dominick	McClellan	Young
Eagleton	McGovern	

So Mr. GRAVEL's amendment (No. 124) was rejected.

Mr. STENNIS. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. SCOTT. Mr. President, I move that the motion to reconsider be laid on the table.

The motion was agreed to.

Mr. SCOTT. Mr. President, I call up my amendment No. 84 and ask that it be stated.

Mr. MANSFIELD. Mr. President, if the Senator would yield before the clerk reads the amendment, may I say that after this amendment is disposed of, it is the intention of the distinguished Senator from Massachusetts (Mr. KENNEDY) to call up one of his amendments. It is hoped, if there is time, another amendment will be called up before the hour of 1:15 arrives.

For the information of the Senate, it is anticipated that the Packwood amendment will be taken up after the conclusion of the closed session. Furthermore, I think the joint leadership should say that we expect to have votes on a lot of amendments tomorrow and Wednesday, that we are coming in every morning this week at 9 a.m. and will stay as late as possible so that, hopefully, we will be able to get some of these amendments behind us.

Some time around the middle of the week—again, hopefully—we might get to the beginning of discussion of the McGovern-Hatfield amendment, which will be the big one so far as this bill is concerned.

Mr. STENNIS. Mr. President, will the distinguished Senator from Pennsylvania yield?

Mr. SCOTT. I yield.

Mr. STENNIS. I want to commend the joint leadership for their position with reference to taking up these amendments. The law of necessity is now operating. We will have to stay here and dispose of them. Fortunately, we have many agreements on time limitations concerning them.

The question on these amendments being called up is something that the Senator from Mississippi does not want to do at all. But the amendments are already pending. However, if they are not given attention by their authors, I, as manager of the bill, will feel compelled, as my duty, to call up the amendments and let the Senate vote on them as they see fit.

I am not planning to jump in and do these things hurriedly but, after some notice to the author of the amendment, if it does not get attention, at this stage of the bill and debate we are in now, it is my duty to call up the amendment myself, and I shall do so.

AMENDMENT NO. 84

The PRESIDING OFFICER (Mr. BENTSEN). The amendment of the Senator from Pennsylvania will be stated.

The assistant legislative clerk read as follows:

On page 41, following line 4, insert the following new title:

TITLE IV—VOLUNTEER FORCES

SEC. 401. No later than June 30, 1972, the Secretary of Defense will report to the Chairmen of the Armed Services Committees of the Senate and of the House of Representatives on the effectiveness of the provisions of title II of this bill in increasing the number of volunteers enlisting in the active duty uniformed services of the United States.

The PRESIDING OFFICER. Who yields time?

Mr. SCOTT. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. STENNIS. Mr. President, may we have order in the Senate? This is a new matter which has not been proposed to the committee as such.

The PRESIDING OFFICER. The Senate will please be in order.

The Senator from Pennsylvania may proceed.

Mr. SCOTT. Mr. President, I have discussed this matter with the distinguished chairman of the Armed Services Committee, and I have also reported it to our Policy Committee. It requires the Secretary of Defense to report to the Armed Services Committees of the Senate and the House no later than June 30, 1972, on the effectiveness of the pay increases in the bill in increasing the number of volunteers for military service.

In other words, it is simply a reporting provision. It has no other substantive effect, but would furnish the committee with certain necessary information as to how title II of the bill is functioning.

I now yield to the distinguished chairman of the committee.

Mr. STENNIS. I thank the Senator from Pennsylvania.

I should like to ask the Senator this question: What points does the Senator have in mind that this report should cover? It seems to me it should be more of an analysis than a report, certainly to point out what the system was, and at least the method used with reference to recruiting, and what records were kept, and so forth. The Senator is familiar with that. Will he expound on it further, please?

Mr. SCOTT. I shall be happy to do so. The amendment requires that no later than June 30, 1972, the Secretary of Defense will report to the chairman of the Armed Services Committees of the Senate and the House on the proposed pay levels contained in title II of the bill to increase the number of volunteers enlisting in the Armed Forces of the United States.

One of the purposes in providing these pay increases for men in the military is to make the armed services more attractive to potential volunteers in the military selective service if it is extended for 2 years, which would again expire in June of 1973.

Congress should know, well in advance of this date, how far we have progressed toward that objective and what further steps are necessary to make an all-volunteer army a practical reality.

The operating words here is "effectiveness," whether what we will have enacted will serve to bring in a sufficient number of potential volunteers over the years. This will enable us to evaluate the draft and see whether the time will come when it can be put on a standby status; but, in the meanwhile, as I have said several times on the floor, we need this bill for another 2 years.

Mr. STENNIS. I think the Senator's idea has much value but, at the same time, we do not want to be confronted here with something that is just a statement of some official who says, "I think it has been effective in bringing in x thousand men." We expect him to prove that is substantially what he has in mind, based on his conclusions, and have a reasonable number of tabulations to show. Would not the Senator join me in that expectation?

Mr. SCOTT. Yes, indeed. That is what I would like to know. I would like the analysis to show whether the law is working, whether the draft is working, whether there is an influx of additional volunteers, what effect they have on the draft, and whether it makes it ultimately possible to put it on a standby basis or not.

This should be a careful analysis of where we stand with regard to the protection of the Nation, through the call-up of the Armed Forces or through the volunteer route.

Mr. STENNIS. Mr. President, the report, of course, would be for the benefit of the entire Congress and the public, as far as that is concerned. However, would not the Senator join me in the idea that the committees that have to deal primarily with this matter would be free to prepare questions or points for the Defense Department and to ask that these points be considered as guides in their records and in their determining how much tabulation they are going to keep.

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

Mr. SCOTT. Mr. President, I yield myself 2 additional minutes.

Mr. STENNIS. Mr. President, would the Senator join me in that expectation?

Mr. SCOTT. Yes, I agree with the distinguished chairman of the committee. I join him in the expectation that that procedure would be included in the real formulation of the report.

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

Mr. SCOTT. May I inquire whether the Senator has any objection?

Mr. STENNIS. Mr. President, the amendment was called to my attention

some weeks ago by the Senator from Pennsylvania. At that time we had not settled the tenure or time element and the level of pay. I think that both have been settled now.

The amendment has merit. It shows good forethought on the part of the Senator. A report of this kind can be very helpful to our committees or to the entire membership of Congress.

This would be fair notice to the Department of Defense that they should prepare these records.

The Senator joined in the suggestions here that the committees be permitted to include points that they think ought to be the basis and also that the effectiveness is not a matter of mere words, but it would have to be substantiated by proof.

I think the amendment has great merit. I would be glad to recommend that it be agreed to by the Senate.

Mr. SCOTT. Mr. President, I yield back the remainder of my time.

Mr. STENNIS. Mr. President, I yield back the remainder of my time.

Mr. SCOTT. Mr. President, I call for a vote.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Pennsylvania. All those in favor of the amendment, signify by saying aye. [Putting the question.]

All those opposed to the amendment, signify by saying no [putting the question].

The amendment was agreed to.

AMENDMENT NO. 119

Mr. KENNEDY. Mr. President, I call up my amendment No. 119.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk proceeded to state the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

Mr. STENNIS. Mr. President, I would like to have the amendment read.

The PRESIDING OFFICER. Objection is heard. The clerk will state the amendment.

The assistant legislative clerk read as follows:

On page 23, between lines 10 and 11, insert the following:

"(8) The second paragraph of section 4(j) is amended to read as follows:

"'In the performance of their functions, the National Advisory Committee and the State and local volunteer advisory committees shall, after consultation with the Secretary of Health, Education, and Welfare, or his designee, give appropriate consideration to the respective needs of the Armed Forces and the civilian population.'"

Renumber paragraphs (8) through (32) of section 191(a) of the bill as section (9) through (33), respectively.

On page 34, between lines 2 and 3, insert the following:

"(c) The Secretary of Defense and the Secretary of Health, Education, and Welfare shall conduct a joint study of practicable means of meeting the medical needs of the Armed Forces through means which would require less dependence on medical personnel of the Armed Forces. In carrying out such study special consideration shall be given to the feasibility of providing medical care for military personnel and their dependents under contracts with clinics, hospitals, and individual members of the medical profession at or near United States military installations within and outside the United States. The results of such study, together with such recommendations as the Secretary of Defense and the Secretary of Health, Education, and Welfare deem appropriate, shall be submitted to the President and the Congress not later than six months after the date of enactment of this subsection.

Mr. KENNEDY. Mr. President, this amendment would accomplish two objectives; First, it would assure that civilian medical needs are considered in the determination of military medical manpower needs. Second, it would provide the Congress with the means to determine whether alternatives are available to the current method of meeting military health care needs.

First, it would require that the Department of Health, Education, and Welfare consult with the national advisory committee of the Selective Service system prior to the issuance of calls for the doctors draft.

Second, it would require the Secretary of Defense and the Secretary of Health, Education, and Welfare to conduct a joint study of the alternatives to meeting the health care needs of military personnel, their dependents and retired personnel through the use of military personnel.

Special attention in the study would be directed to the feasibility of contracting with civilian facilities and civilian medical personnel in meeting the health care needs of the Armed Forces.

The reasons for these amendments relate directly to the health manpower crisis that the Nation currently is undergoing.

For some time, the critical lack of medical professionals in the United States has been aggravated by the numbers of doctors who must desert internships, residencies, and practices, oftentimes in community clinics and county hospitals, to fulfill their military obligation.

Dr. Roger Egeberg, Assistant Secretary of the U.S. Department of Health, Education, and Welfare, stated that the United States truly needs 50,000 more doctors, several hundred thousand more nurses and perhaps 150,000 more medical technicians. To meet the current demand within our present health care system, we also must produce some 120,000 more dentists.

By the end of the decade, we will be even further behind in our ability to meet the demand for health professionals.

Moreover, the geographic distribution of health manpower is grossly distorted so that lower income residents of inner cities and rural communities find it nearly impossible to obtain adequate health care.

Perhaps the most graphic manner of indicating this disparity note is that 134 counties in the United States are without a practicing non-Federal physician. These counties cover approximately 8.2 percent of the land area in the United States and are inhabited by almost one-half million people.

The Carnegie Commission on Higher Education stated last fall:

The geographic distribution of health manpower is highly uneven, and although there is no clear agreement on what ratio of, say, physicians to population is adequate, there is little question that the supply of health manpower is gravely deficient in some parts of the Nation.

Therefore, it is not only desirable but absolutely vital to improve the availability, the distribution and the productivity of our existing supply of health manpower if we are to meet the Nation's health needs.

Considering those needs, the calls in fiscal year 1972 of 1,531 M.D.'s, 77 osteopaths, and 536 dentists present serious dilemmas for the Nation.

Can the health care needs of our military and their dependents be maintained at their present level through other means? What are the advantages and disadvantages of contracting with civilian medical personnel and facilities both in the United States and in allied countries to meet those needs? As chairman of the Senate health subcommittee, I strongly believe that a detailed exploration of this subject is eminently desirable. Such a study, would permit the Congress to make a decision based on fact and not on opinion.

With regard to the current draft call, I am pleased that the selective service director has ordered local boards to take into account the essentiality of physicians to their community in deciding whether to defer them. Also, it is appropriate that the local advisory boards in the communities where doctors are employed make recommendations to the local boards. However, it would be even more desirable, I believe, if in the future, the files on doctors be transferred to the local boards where they are employed. I believe this would facilitate the consideration of the impact of drafting an individual physician on a local community.

The extent of the impact of the doctor's draft rarely is understood. For example, the current call of some 1,500 doctors is approximately equal to one-sixth the graduating physicians from the Nation's medical schools last year.

For 19 of the past 22 years, the doctor's draft has been used to provide additional medical personnel to meet the health care needs of the Armed Forces and their dependents.

Although draft-induced enlistments in the Berry plan have supplied the bulk of the medical personnel, the draft has been the vehicle to insure that military medical quotas remain filled. For example, in 1969, 8,059 young men and women graduated from the Nation's medical schools. Of those, some 5,597 entered the Berry plan. But in the same year, 246 young doctors were drafted.

Thus, the impact of military medical needs on the available supply of doctors clearly should be a matter of national concern.

That concern prompted a panel of the

National Advisory Commission on Health Manpower to declare:

On the basis of the available evidence, it is the judgment of the panel that the number of physicians available to serve the civilian population is at a level where no further diversions of our health manpower can be allowed, except for purposes essential to the security of the Nation itself.

The report then went on:

It appears to the panel that the provisions of health services to military dependents and to retired military personnel residing in the United States is not essential to the national defense.

Despite certain reservations regarding the Gates Commission report, the recommendation of a staff study seemed to me eminently sensible. There, Mordechai Lando wrote:

The primary recommendation of this study is: Civilianize the provision of the Armed Forces health services to the fullest extent possible.

Recently, additional information supplied by the Department of the Army has increased my belief that an evaluation of overall military health-care requirements and alternatives would reduce reliance on the use of military medical personnel.

Thus, 32.5 percent of the medical and 22 percent of the dental workload of Army health professionals involves the care of dependents and retired servicemen.

This breaks down to 15,245 of health-care personnel in hospitals and clinics in the United States and 3,191 overseas concerned with the care of dependents and retired servicemen. At the current time, the Army estimates that 1,597 doctors—which you will note is almost exactly the size of the proposed doctor's draft for all Services—448 dentists and 1,301 nurses are engaged in the care of dependents and retired personnel. The remainder of the dependent and retired servicemen costs are borne by the Champus program.

The proposed study would explore the possibility of expanding the Champus program, of direct contracting with civilian personnel to operate current military clinics and other means of reducing the reliance on military medical personnel.

Also, the study should at least consider the possibility of serving some of the health care needs of military personnel themselves through civilian physicians and facilities. Obviously we are not discussing here men in combat or those on duty in remote posts such as the Sierra Army Depot in California. There and in a number of other isolated posts, Army medical facilities are vital and at times are used to assist civilian emergencies.

However, only a very few of the Army posts are in these areas. Thus, 28 of the 46 Army hospitals in the United States are located in metropolitan areas. Also, 44 of the Army's 63 medical clinics are also in metropolitan areas.

In these areas, where there is generally easy access to civilian medical resources, military health care needs might be met by nonmilitary means.

Also, it should be noted that of the total of 6,118 Army doctors, only 14 percent are utilized in Vietnam and in the care of wounded in other areas. Similarly, 7 percent of the dentists and 20.5 percent of the nurses in the Army are assigned to Vietnam or to the care of wounded in other areas.

Also, among the physicians in the Army some 20 percent are not directly involved in patient care. For example, 18 generals, 197 colonels, 248 lieutenant colonels, 431 majors, and 407 captains are not engaged in patient care.

Without presuming that this situation should be changed, the study also would determine whether the administrative and research functions which these officers perform might be filled by other professionals, relieving them for patient care and perhaps thereby reducing the total need for military medical personnel.

Another matter of concern is the military tendency to employ doctors in areas outside their particular specialty. A December 1968 table showing the authorized number of physicians by specialty and those on active duty disclosed that there were 34 percent more pediatricians, 31 percent more obstetricians and gynecologists and 64 percent more specialists in internal medicine on active duty than were authorized. Approximately 5 percent of the doctors sea duty in the Navy were pediatricians or OBG specialists.

All of these elements should be explored in the study. Our current crisis in health manpower requires that all of these avenues of reducing the reliance on military medical personnel be examined.

I ask unanimous consent to have printed in the RECORD information supplied by the Department of the Army, and additional statistical information.

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

QUESTIONS OF SENATOR EDWARD M. KENNEDY TO THE SURGEON GENERAL, U.S. ARMY

1. How many health professionals (physicians, dentists and nurses) are being used in Army facilities for the care of dependents and retired members?

a. Based on workload, the following estimates are made:

Medical Corps 1597
Dental Corps 448
Army Nurse Corps 1301

b. In oversea areas, foreign languages constitute a serious obstacle to using local national medical services, although in Europe there is a growing use of civilian sources by nationals married to U.S. servicemen. In other countries, medical services are generally substandard or nonexistent.

c. In the U.S., the Army operates a number of training centers and other installations which are located in areas where there is extremely limited civilian medical capability to care for military dependents. Such locations include those around Fort Leonard Wood, Mo.; Fort Polk, La.; Fort Stewart, Ga.; Fort McClellan, Ala.; Sierra Army Depot, Calif.; Fort Huachuca, Ariz.; Fort Hood, Texas; Dugway Proving Grounds, Utah. At these places, Army medical facilities often care for civilian emergencies.

2. How are Army physicians and dentists classified in accordance with procurement programs?

Program (as of Feb. 28, 1971)	Percent Physicians	Percent Dentists
Draftees	11.2	0.4
1-year Berry plan	24.9	25.8
Full-Berry plan	25.8	3.6
Early commissioning	.7	25.6
Regular Army	23.3	25.6
Other than Regular Army	14.1	19.0
Total	100.0	100.0

3. What portion of Army health facilities, manpower and costs are related to the care of dependents and retired?

	United States	Overseas	Total
a. Medical treatment facilities:			
Hospitals	46	42	88
Clinics	63	102	165
b. Percent of capacity for dependents and retired hospitals and clinics	35	23	
c. Health care personnel in hospitals and clinics			
Total	[1] 43,559	13,872	57,431
In support of dependents	[1] 15,245	3,191	18,437
Percent	[1] 35	23	32
	OMA	MPA	Total
d. Direct costs of hospitals and clinics, fiscal year 1971 (amounts in thousands):			
Total	$230,622	$254,635	$485,257
Amount for dependents and retired	$73,799	$81,483	$155,282
Percent	32	32	32

[1] As of Dec. 31, 1970.

4. How many and what percent of the total number of Army medical facilities are located within the Standard Metropolitan Statistical Areas in the U.S.?

Facilities	Total	Number in SMSA's	Percent in SMSA's
Hospitals	46	28	58
Clinics	63	44	67

5. What is the current health insurance coverage for CHAMPUS beneficiaries if care is not available from military sector? What are the costs of this coverage, current forms of reimbursement to civilian physicians?

a. This program provides for medical care to beneficiaries of dependents of the Uniformed Services pursuant to the Dependents Medical Act (10 U.S.C. 1071–1087) as modified by Section (25) of Public Law 85–861 and Public Law 89–614. Included are impatient and outpatient medical care in civilian facilities in the United States, Puerto Rico, Mexico, Canada and Europe. Included also is a program of health services, training, special education and rehabilitation for handicapped dependents of active duty personnel. The current estimates of fund requirements for this program are shown below:

	Fiscal year— 1970	1971	1972
Army	$106,128,000	$124,191,000	$140,503,000
Navy	95,804,000	104,522,000	117,504,000
Air Force	73,458,000	90,868,000	96,384,000
USPHS	5,960,000	6,927,000	8,329,000
Total	281,350,000	326,508,000	352,720,000

b. Civilian physicians are reimbursed for their services through contracts negotiated by the Executive Director in Denver, Colorado, and various fiscal agents.

CONTRIBUTION BY INDIVIDUALS COVERED BY CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES

Category	Type of care	Cost to the individual
Active duty dependents	Inpatient	$1.75 per day or $25 whichever is greater.
Do	Outpatient	$50 per year per individual or $100 per year per family and 20 percent of cost thereafter.
Retirees, their dependents and dependents of deceased personnel.	Inpatient	25 percent of cost.
Do	Outpatient	$50 per year per individual or $100 per year per family and 25 percent of the cost thereafter.

6. What percent of the Army health professionals entering the service in any given year leave after two, eight and 15 years of military service?

[In percent]

Officers	2–7 years	8–14 years	15–30 years
Medical Corps	85.4	10.6	4.0
Dental Corps	92.5	2.6	4.9
Nurse Corps	88.9	2.8	8.3

7. To what extent are Army physicians utilized in their specialties and what number are in Vietnam?

a. Every effort is made to use military physicians to gain the maximum value from their specialized skills and education. Imbalances do occur because of changing workload or due to shortages in some specialties. In such situations, a physician may be used part-time for professional duties not entirely consistent with his degree of specialization. This is likely to happen at Army training centers and in oversea areas.

b. The following table shows the distribution of physicians by specialty and the number authorized for Vietnam:

MEDICAL CORPS AUTHORIZATIONS

MOS		Worldwide total June 30, 1971	RVN authority MC's April 30, 1971
3000	Medical staff office	127	10
3004	Nuclear medicine	14	----
3005	Preventive medicine	135	14
3006	Occupational medicine	9	----
3100	General practice	150	----
3100	General duty	1,034	194
3101	Pulmonary disease	26	----
3105	Gastroenterologist	25	----
3107	Cardiovascular disease	47	----
3108	Obstetricts-Gynacologist	302	2
3111	Urologist	80	6
3112	Dermatologist	75	6
3113	Allergist	17	----
3115	Anesthesiologist	143	33
3116	Pediatrician	310	3
3125	Ophthalmologist	115	6
3126	Otoloryngologist	118	9
3127	Child psychiatrist	7	----
3128	Neurologist	62	2
3129	Psychiatrist	313	15
3131	Neurosurgeon	35	7
3139	Internist	704	33
3150	General surgeon	538	91
3151	Thoracic surgeon	41	7
3153	Orthopedic surgeon	314	28
3160	Aviation medicine	156	66
3180	Physiatrist	11	0
3325	Pathologist	254	13
3500	Medical unit commission	121	10
0002	General officer	18	----
TP&S	Interns/transit	576	----
3306	Radiologist	221	16
3152	Plastic surgeon	20	2
	Total authorized	6,118	573

8. How are military physicians utilized by function?

Function	Number	Percent
As of Mar. 1, 1971:		
Patient care	5,204	80.0
Preventive and aviation medicine	338	5.2
Executive medicine	273	4.2
Medical research	195	3.0
Students	364	5.6
Transients	111	1.7
Patients	19	.3
Prisoner of war	1	----
Total	6,505	100.0

Medical officers in executive medicine include surgeons of combat divisions and field Armies; hospital commanders; medical battalions, group and brigade commanders; instructors at the Medical Field Service School; key staff officers in the Office of the Surgeon General; major Army headquarters, and other Department of Defense Agencies.

9. HOW ARE PHYSICIANS DISTRIBUTED BY RANK AND HOW MANY ARE IN PATIENT CARE (AS OF FEB. 28, 1971)?

Grade	Regular Army	USAR and NG	Total	Estimated number in patient care	Percent
Lieutenant general	1	0	1	----	
Major general	8	0	8	(1)	
Brigadier general	9	0	9	(1)	
Colonel	366	31	397	200	50
Lieutenant colonel	434	114	548	300	55
Major	667	1,964	2,631	2,200	84
Captain	33	2,878	2,911	2,504	86
Total	1,518	4,987	6,505	5,204	80

[1] Approximately one-fourth of the time of these officers represents involvement in patient care.

10. How many physician assistants are being trained in the Army to do the former work of general medical officers?

a. None at present.

b. 120 are programed to begin training at the Medical Field Service School in February 1972.

11. What percent of the total Army health professionals are in Vietnam or caring for wounded in other areas?

	Percent
Medical Corps	14.0
Dental Corps	7.0
Nurse Corps	20.5

TABLE IV.3.4.—DEPARTMENT OF DEFENSE NUMBER OF MEDICAL CORPS OFFICERS AUTHORIZED, ON ACTIVE DUTY, BY SPECIALTY, AS OF DEC. 31, 1968

	Total authorized	Total on active duty
Total	15,674	15,972
1. Aerospace medicine	1,683	923
2. Allergy	37	17
3. Anesthesiology	367	386
4. Cardiovascular diseases	75	76
5. Colon and rectal surgery	----	1
6. Dermatology	164	200
7. Gastroenterology	42	47
8. General practice	----	238
9. General surgery	1,233	1,521
10. Internal medicine	1,216	1,993
11. Neurology	93	145
12. Neuropsychiatry	10	----
13. Neurological surgery	91	127
14. Obstetrics and gynecology	697	913
15. Occupational medicine	40	28
16. Ophthalmology	258	290
17. Orthopedic surgery	585	607
18. Otolaryngology	235	284
19. Pathology	401	483
20. Pediatrics	647	865
21. Plastic surgery	42	51
22. Physical medicine	17	30
23. Preventive medicine	171	221
24. Psychiatry	693	693
25. Pulmonary diseases	50	36
26. Radiology	474	504
27. Thoracic surgery	97	107
28. Urologic surgery	192	268
29. Special weapons defense	35	26
30. Submarine medicine	140	151
31. Tropical medicine	3	4
32. General medical officer	3,565	3,583
33. Interns	497	149
34. Osteopaths	----	149
35. Transients, patients, etc	1,046	----
36. Flight medical officer	----	551
37. Other	777	16

Mr. STENNIS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 10 minutes.

Mr. STENNIS. Mr. President, this amendment was not submitted in time for the committee to pass on it.

Mr. KENNEDY. The Senator is correct.

Mr. STENNIS. I am really impressed by the purposes of the amendment and by the remarks which have been made by the Senator from Massachusetts in support of the amendment.

To be frank, I think if the Senator had had a chance to present the amendment in committee when he testified—and he had several major amendments—I would have supported this amendment in committee.

We do want to be certain that the man in uniform and his dependents have adequate medical care and that there will be no doubt that those in combat receive adequate care. The war is still with us. At the same time there are great areas of the country that are acutely suffering from the lack of doctors.

I know of many counties in my State that have A-one medical facilities and hospitals with modern equipment and technicians and everything that goes with it, but they just do not have enough doctors available. That has been true for several years and it is something that is not going to go away. The Senator from Massachusetts said he knows about the situation in the congested city areas.

I heartily endorse the idea of having the board consider the number of doctors to be drafted, that it sit and consult with another group, and that together they consider the respective needs for doctors in the armed services and for the civilian population. I do not suggest they have been ignoring that relationship up to now

but I think this will bring it in much closer focus and get results without any sacrifice of medical attention needed for our forces.

The 6-month study would not prohibit the call of more doctors during the 6 months, as I understand it. Is that correct?

Mr. KENNEDY. The Senator is correct.

Mr. STENNIS. The Senator does not expect to defer any future calls before this study is complete. Is that correct?

Mr. KENNEDY. It in no way affects current doctors called.

As we mentioned earlier, 35 percent of the health personnel serving in the Armed Forces now are looking after dependents. Although we want to assure that they are looked after adequately, we have to balance the way we provide for dependents on the one hand and the way we provide for those Americans who live in the inner cities and in rural America on the other hand.

Mr. STENNIS. I thank the Senator. A call has gone out for drafting doctors very recently. I do not remember the number. A call was made not long ago for a number of doctors.

In the Senator's amendment he does not propose to curtail any further calls.

Mr. KENNEDY. As the chairman mentioned, the call went out for 1,531 doctors, including some 15 doctors from the Senator's State. This would in no way affect these young people, but it would permit the Congress to study this problem for the future.

Mr. STENNIS. I want to be understood that if this amendment becomes a part of the Senate bill I would be interested in following it up and getting additional facts and insisting on something like this in conference because I do not believe these areas in civilian life that are without a proper number of doctors have had enough consideration in the balancing of the needs of the military and civilians for attention.

I do not want a casual report or consideration of this matter but an actual study and an actual advisory consultation.

I believe, Mr. President, that if the matter could have been presented to our committee it would have been reported for inclusion in the bill. I recommend that now myself. I hope it will pass and we will do what we can with it in conference.

I am ready to yield back my time.

Mr. KENNEDY. I am ready to yield back my time. I know the chairman is very interested in this proposal and I am gratified that he feels it deserves support.

I yield back the remainder of my time.

Mr. STENNIS. I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Massachusetts ask unanimous consent that the amendment be considered en bloc?

Mr. KENNEDY. I do ask unanimous consent that the amendment be considered en bloc.

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

All time having been yielded back, the question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 140

Mr. KENNEDY. Mr. President, I call up my amendment No. 140.

The PRESIDING OFFICER. The clerk will state the amendments.

The assistant legislative clerk proceeded to read the amendments.

Mr. KENNEDY. Mr. President, I ask unanimous consent to suspend with further reading of the amendments and ask unanimous consent that they be printed in the RECORD.

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

On page 29, between lines 5 and 6, insert the following:

"(23) Section 9 is further amended by adding at the end thereof a new subsection as follows:

"'(k)(1) Any person described in subsection (a) of this section who, in order to perform training and service in the armed forces, withdraws from an institution of higher education while enrolled as a student in such institution and who (A) was performing his schoolwork at such institution in a satisfactory manner prior to his withdrawal, (B) receives a certificate described in subsection (a) of this section, and (C) makes application for reenrollment as a student in such institution within one hundred and twenty days after he is relieved from such training and service or from hospitalization continuing after discharge for a period of not more than one year, shall, whenever practicable, as determined in accordance with regulations promulgated by the Director, after consultation with the Secretary of Health, Education, and Welfare and after seeking the counsel and advice of the appropriate officials of various institutions of higher education throughout the United States, be accept and reenrolled in such institution at the next regular term (not including summer terms) which begins more than thirty days after his application for reenrollment is received by such institution. An institution of higher education shall not be required to give a preference to the enrollment of any such person except as a full-time student or to permit any such person to pursue a course of study other than the one he was pursuing at time of his withdrawal from such institution to enter military service.

"'(2) Any person enrolled as a student at an institution of higher education shall be granted an excused absence by such institution for any period necessary for him to report for preinduction or other examination to determine his fitness for training and service in the Armed Forces under this Act. Upon his rejection, completion of his preinduction or other examination, or his discharge from hospitalization incident to that rejection or examination (not exceeding one year after rejection or examination), he shall be permitted by such institution to resume his schoolwork at such institution.

"'(3) Any person who (A) was enrolled in an institution of higher education at the time of his induction for training and service under this Act, and (B) was at the time of his induction receiving financial or other assistance in connection with his education, either from such institution or under any program carried out in whole or part with Federal funds, shall be entitled upon his reenrollment in such institution to a preference, over persons who have not performed active duty with the Armed Forces, for such financial or other assistance to the extent that he is otherwise eligible for such assistance.

"'(4) As used in this subsection—

"'(A) The term 'student" means a full-time graduate or undergraduate student at an institution of higher education.

"'(B) The term "institution of higher education" means any public or private educational institution in any State which admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, is legally authorized within such State to provide a program of education beyond secondary education, and provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree.

"'(C) The term "full-time" means full-time as determined under the rules and regulations of the institution of higher education concerned.'"

Renumber paragraphs (23) through (32) of section 101(a) of the bill as paragraphs (24) through (33), respectively.

Mr. KENNEDY. Mr. President, for some time under the Selective Service Act we have insured within that act that if someone were drafted away from an employable position he would, as a matter of right, after he had served his country in the Armed Forces, be able to receive back the job from which he had been drafted.

This is eminently fair and eminently equitable because, as long as we drafted someone who was working hard and was taken from that employment to serve his country, he ought to be given assurances that when he had completed his service to his country he would be able to resume his job.

There is language today under the Selective Service Act that if there were extenuating circumstances the State employer would not have to hire him back, but at least the burden was then on the employer and not on the employee.

One of the most important features, I believe, of the Selective Service Act as reported out by the committee was the abolishment of student deferments. Student deferments had provided an opportunity for young people to pyramid their deferments and almost fully escape responsibility under the draft. Other young men, who had neither the educational background nor perhaps the intellectual gifts, were forced to serve in the Armed Forces of our country.

One of the important features achieved by the Armed Services Committee was to abolish student deferments so that those who who might be working for a living would not be required to serve in the Armed Forces while those who were getting an education would be excused.

I think that was one of the important reforms made by the Armed Services Committee, because it did not serve the cause of equity to permit a young man

whose number had come up, and who was going to a 4-year college, to delay induction for 3 more years. We hoped the war would not last that long, but it would excuse his possibility of going to war, while someone who might be a garage mechanic in a small town would have to serve in the Armed Forces and would have to bear the risk of going to Vietnam and experience the horrors of life and death in Vietnam.

Now that we have proceeded in this way, I think it is important to insure that a young person who is taken from a college or school be given the same kind of assurance of being able to return to that college as one who had been drafted out of an employment situation. As I mentioned, we have limited occupational deferments, which was very important, but we left the educational deferments in effect. This year, in 1971, we have abolished the educational deferments also. There are some 1.4 million student deferments in effect at the present time; so there will be a number of those young people who may be drafted out of the schools, universities, and colleges. In many instances, they may be dependent upon scholarship aid and assistance. They have worked hard in high school, and have received aid under one of the four scholarship programs subsidized by the Federal Government and now they have served in the Armed Forces and come back; and even though they have the GI bill, we know from studies that have been made that it will not cover the educational costs of most of the young people of this country. They may be confronted by a situation where not only are they disadvantaged by going into the Armed Forces, but when they come back they are further disadvantaged because they are not sure that they will be accepted by their college or university, and again receive whatever kind of scholarship help they were receiving when drafted.

The purpose of this amendment is to guarantee to the students as a matter of right that, unless the college or university is able to show extenuating circumstances, they will be able to go back to the college or university they were attending, and also that they will be able to reassume the benefits of scholarship help and assistance that they had been receiving before.

This, I think, will require colleges and universities to undertake the burden of assuring young people that when they are discharged from serving their country, upon their return, they will receive the same consideration that someone taken from an employment situation would receive.

I have had an opportunity to communicate with a number of colleges, universities, and educational associations about this matter. I shall put the correspondence into the RECORD; but in summary, I would say that of the responses I received most did support the proposition of an individual having, as a matter of right, the opportunity to return. A few had reservations about Congress actually mandating the requirement that universities have to let them in. They have some concern about that kind of action by Congress with respect to the autonomy of the universities and academic freedom.

Mr. President, I am very much interested in trying to support and insure that young people have this right, but I am sensitive to that feeling expressed by a number of schools and colleges, and take it very seriously. I would hope that young people who are drafted from colleges and universities would be able to return, and would at least be able to feel, when they are drafted out of a school or college, that when their time for service in the Armed Forces is over, they will not have to go through rather extensive or exhaustive additional processes to insure that they will be readmitted to their college or university. If they have left in good standing to serve their country, they should be able to feel they will have, as a matter of right, the opportunity of returning to that college.

As to the question of mandating this requirement, I have, for example, received from Lawrence University, Miami University, Brown University, Boston University, and Fordham University strong support of the language of the amendment, but, as I have stated, I am aware of the concerns of some other schools and colleges which feel that mandating this language would be an interference with their rights.

I ask unanimous consent to insert several letters I have received in the RECORD.

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

UNIVERSITY OF NOTRE DAME,
Notre Dame, Ind., May 24, 1971.

Mr. VERNON R. ALDEN,
Chairman of the Board
The Boston Co., Inc.
Boston, Mass.

DEAR VERN: I would be very happy to support the amendment which Senator Kennedy plans to introduce. It makes a lot of sense.

All best wishes from here.

Cordially yours,

Rev. THEODORE M. HESBURGH, C.S.C.
President.

BOSTON UNIVERSITY,
Boston, Mass., May 25, 1971.

Hon. EDWARD M. KENNEDY,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: I would like to add my support to your bill (H.R. 6531) amending the *Military Selective Service Act of 1967*. I think it is important that students who must interrupt their higher education to serve in the armed forces be encouraged and assisted in returning to their education after their military obligation has been fulfilled. This is exceedingly difficult for those students who were receivinng financial assistance from the institution or under Federal programs prior to their entry into military service. Your bill to guarantee not only the re-enrollment of the student in the institution at which he was pursuing his studies but also to insure preferred status for financial assistance makes very good sense. It would correct an injustice presently suffered by the less affluent student who finds his education interrupted by required service in the armed forces.

My colleagues and I greatly appreciate your efforts on behalf of these young men.

Sincerely yours,

JOHN R. SILBER.

FORDHAM UNIVERSITY,
Bronx, N.Y., June 2, 1971.

Senator EDWARD KENNEDY,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: At the request of Mr. Philip Heller, I am enclosing a copy of a letter Father Michael P. Walsh, S.J. sent to Mr. Vernon Alden commenting on Senator Kennedy's amendment.

Sincerely yours,

STELLA MOUNDAS,
Secretary to the President.

FORDHAM UNIVERSITY,
Bronx, N.Y., May 25, 1971.

Mr. VERNON R. ALDEN,
The Boston Company, Inc.
Boston, Mass.

DEAR VERN: I believe all of us would wholeheartedly support Senator Kennedy's amendment as described in sections 1 and 2. I doubt very much that we could support section 3 with regard to promising the same financial aid.

It is possible that something can be done for undergraduates but I would see some serious problems on the graduate level. Graduate students are generally supported by assistantships and fellowships and it is very likely that when a veteran returns to a university the funds would already be appropriated to the one who replaced him. All universities appropriate a certain amount of money for scholarship aid annually and, again, it would be difficult to find the money for a veteran returning when the funds have already been appropriated to other students.

I noticed, however, that in the amendment the word "preference" is used. Certainly every consideration should be given to a veteran over a non-veteran if all things were equal. Certainly, too, he should be given preference when it comes to federal funds, if he already had them before he entered the service. My concern is with the money one institution gives out of its operating income. Most colleges and universities are giving financial aid out of operating income. Very few of us have enough funds from an endowment. Therefore, if a large number of veterans returned after funds had been appropriated for a new class, it would be impossible to find the money to give these veterans.

These were a few observations after studying the amendment, Vern. I wish that I could support this section but I feel that it would cause many problems for most colleges and universities.

With all good wishes.

Sincerely yours,

MICHAEL P. WALSH, S.J.

Mr. STENNIS. Mr. President, will the Senator yield? I yield myself 10 minutes, if the Senator will answer some questions.

Mr. KENNEDY. I yield.

Mr. STENNIS. Mr. President, the Senator from Massachusetts and I have conferred about this amendment. He has mentioned it to me several times.

It is certainly true that this provision would be far more relevant now, under the terms of the pending bill and the position of the President about no more deferments, than it has been heretofore.

The copy of amendment No. 140 that I have before me has, on line 6 of page 2, the language "whenever practicable."

I ask the Senator, does that not avoid a mandatory requirement on the university or college as to what they shall do in a particular case? Is that the Senator's interpretation of that language, that it eliminates the mandatory requirement?

Mr. KENNEDY. That is the correct interpretation, as I would understand those words.

Mr. STENNIS. The question that comes to my mind is, who is going to have the say as to whether, in an individual case, it is practicable or not? Who is going to say when it is practicable? Who will give it meaning?

I am in favor of the idea of the GI having this privilege and this right, but, after all, the institution, a private institution especially, is entitled to the greatest consideration.

If they determine, after good faith action on their responsibility to consider the evidence, that, everything considered, it was not practicable in a given case, their judgment would be final; is that not correct?

Mr. KENNEDY. That is correct, under the language which we have included here, that is true.

Mr. STENNIS. They certainly have a moral responsibility, though.

Mr. KENNEDY. That is right.

Mr. STENNIS. To consider each case on its merits, as I see it.

Mr. KENNEDY. That is correct; yes.

Mr. STENNIS. Line 6 continues: "as determined in accordance with regulations promulgated by the Director, after consultation with the Secretary of Health, Education, and Welfare and after seeking the counsel and advice of the appropriate officials of various institutions of higher education throughout the United States."

As to those rules and regulations, it seems to me that we are agreeing on some language here that would enable those lines to be stricken out. I hope the Senator will modify his amendment, because I believe that language leads into a field of uncertainty, and I think it would be much clearer to have his straightforward words here, leaving out the regulations.

Mr. KENNEDY. As proposed, the amendment attempted to mandate or to require.

Mr. STENNIS. Yes.

Mr. KENNEDY. After consultation with the heads of some of the institutions, and from writing to colleges and universities—we undertook to write to several score of them—some resent the requirement in law. If we were to delete the words as suggested by the chairman of the committee—which would be to strike the words after "practicable"——

Mr. STENNIS. Yes.

Mr. KENNEDY (continuing). On line 6, to the words "United States" on line 11; change the word "accept" to "accepted"; strike on page 3, line 11, after "education," to "or" on line 12, then I think the thrust of this amendment would be an advisory sense of the Senate resolution, which would put a moral obligation on the colleges and universities to use a good faith effort in considering the reapplication of various students to the colleges and universities, and if they were in the kind of financial situation which required the assistance to continue, then this would give assurances to those young people that they would be given preference by the colleges. It would not be all I would like to have, but I think that the changes in the language designated by the chairman of the committee still would fulfill our responsibility.

Mr. STENNIS. I heartily agree with the Senator. I hope he will modify his amendment in the two particulars he has pointed out. With those modifications, the former student would be given the right to be earnestly and honestly considered.

I would support the Senator's amendment with those modifications.

Mr. KENNEDY. Mr. President, I ask unanimous consent to modify amendment No. 140 on page 2, line 6.

The PRESIDING OFFICER. The Senator has the right to modify his amendment. Will the Senator send a copy of the modification to the desk?

Mr. STENNIS. Mr. President, will the Senator yield to me while he is preparing the modification?

Mr. KENNEDY. I yield.

Mr. STENNIS. I invite attention to line 4, page 3, where mandatory language is also found in the words "he shall"; and it is tied in with the idea of "be permitted." It seems to me that the same purpose the Senator now has in his modification would apply to the words "he shall," by inserting the words "whenever practicable be permitted by such institution to resume his school work."

Mr. KENNEDY. It seems to me that what we have done on page 2 is to make it the sense of the Senate that they ought to be admitted back to the college, which I would be willing to accept. If he is admitted back to the college or the university, the language on page 3 would insure that he would be entitled to the scholarship aid and assistance he would have had on a previous——

Mr. STENNIS. Excuse me. That comes in section 3, on page 3, beginning with line 7. I think the paragraph beginning on line 21 of page 2 is a rather——

Mr. KENNEDY. I agree with the Senator. That is satisfactory. If we insert "he shall whenever practicable," that is taking the same language we had on page 2. That is satisfactory.

The PRESIDING OFFICER. Will the Senator send to the desk the further modification to the amendment?

Mr. KENNEDY. May I explain it?

The PRESIDING OFFICER. Yes.

Mr. KENNEDY. It is to insert on page 3, line 4, after the word "shall," two words, "whenever practicable." That is the addition to the modification which has been sent to the desk.

The PRESIDING OFFICER. The clerk will state the modifications to the amendment.

The assistant legislative clerk read as follows:

Modifications to Amendment No. 140 the following:

On page 2, line 6: delete the comma after "practicable" and all that follows through the comma after "States" in line 11. Also on page 2, line 11 delete the word "accept" and insert instead "accepted".

On page 3: insert a comma after the word "shall" in line 4 and insert words "whenever practicable" followed by a comma.

On page 3, line 11: Delete the following: the comma after "education" and all that follows through the word "or" in line 12. Also delete the comma after "funds" in line 13.

The PRESIDING OFFICER. Does that constitute a correct statement of the modification?

Mr. KENNEDY. With one modification. On page 3, after the word "education," strike the words through the first word on line 12, which is "or."

Mr. STENNIS. That is correct. Strike the comma.

The PRESIDING OFFICER. The amendment is so modified.

The time of the Senator from Mississippi has expired.

Mr. STENNIS. I yield myself 5 additional minutes.

Mr. President, I did not hear the modification read concerning line 4 on page 3.

The PRESIDING OFFICER. The clerk will state the modification at that point.

The assistant legislative clerk read as follows:

On page 3, line 4, after the word "shall", insert "whenever practicable".

Mr. STENNIS. Mr. President, I think that in the modified form this is a very salutary amendment. I cannot see how it would work harm on any institution. It certainly would put all of them under an obligation, however, to consider the gentleman and his qualifications as they existed then; and, unless impracticable for some reason, of which they are the judge, he would be restored to the place he previously occupied. On that basis and with that understanding, I am glad to support the amendment.

Mr. KENNEDY. I thank the Senator.

Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. Does the Senator yield back the remainder of his time?

Mr. KENNEDY. I yield back the remainder of my time.

Mr. STENNIS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STENNIS. Mr. President, with respect to the last 3 votes, I move that the votes by which those amendments were agreed to be reconsidered.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, it is my understanding that after the closed session has been completed, the distinguished Senator from Oregon (Mr. PACKWOOD) is prepared to lay before the Senate his amendment having to do with the surviving son or sons provision, No. 98. In the meantime, because of the information already given to the Senate, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. GAMBRELL). Without objection, it is so ordered.

CLOSED SESSION

Mr. SYMINGTON. Mr. President, pursuant to rule XXXV, I now move that

the doors of the Senate be closed and that the Presiding Officer direct the galleries be cleared.

Mr. FULBRIGHT. Mr. President, I second that request.

The PRESIDING OFFICER. The motion having been made and seconded that the Senate go into closed session, the Chair, pursuant to rule XXXV, now directs the Sergeant at Arms to clear the galleries, close the doors of the Chamber, and exclude all the officials of the Senate not sworn to secrecy.

(At 1:11 p.m., the doors of the Chamber were closed.)

U.S. INVOLVEMENT IN LAOS—PROCEEDINGS IN CLOSED SESSION

The PRESIDING OFFICER. If the Senate will indulge the Chair for a moment, the precedents and rules provide that any action taken now in the Senate is confidential, and that means that it is secret. It can be divulged only by special affirmative action by the Members of the Senate, or by a majority vote of the Senate.

Under section 2 of Rule XXXVI, when acting on confidential or executive business, unless the same shall be considered in open executive session, the Senate Chamber shall be cleared of all persons except the secretary, the chief clerk, the principal legislative clerk, the executive clerk, the minute and Journal clerk, the Sergeant at Arms, the assistant doorkeeper, and such other officers as the presiding officer shall think necessary.

Under recent practices, the word "assistant doorkeeper" as used in the rule, has been expanded to include the majority and minority secretaries.

Under previous practices, the Chair under his authority to retain "other officers as the presiding officer shall think necessary" retains the Parliamentarian and the Assistant Parliamentarian to aid him.

Mr. MANSFIELD. Mr. President, I also want to make it absolutely clear that the loudspeakers are shut off completely, in the cloakrooms and elsewhere. I would hope that the Sergeant at Arms would see that that is done.

UNANIMOUS-CONSENT AGREEMENT

Mr. President, I send to the desk two unanimous-consent requests, the first having to do with Senate staff employees. I want to make it very plain that those who are on the list, if the Senate agrees that they should be present, must have the clearance that the ones previously allowed on the floor had.

The PRESIDING OFFICER. The clerk will state the first agreement.

The Senator from Montana (Mr. MANSFIELD) makes the following unanimous-consent request:

That during the closed session the following Senate staff employees be permitted the privileges of the floor to perform their official duties: The Official Reporters; the Secretary of the Senate, Francis Valeo; the Parliamentarian, Floyd Riddick; Journal clerk, Bernard Somers; chief clerk, Darrell St. Claire; legislative clerk, James Johnson; the secretary for the majority, J. S. Kimmitt; the assistant secretary for the majority, Teddy Roe; the secretary for the minority, Mark Trice; the assistant secretary for the minority, William Brownrigg; majority policy committee staff members Charles D. Ferris and Daniel E. Leach; the following officials for the minority: William Hildenbrand, Cecil Holland, and Oliver Dompierre, and the following Senate officials: Robert Dunphy, the Sergeant at Arms; William Wannall, the Deputy Sergeant at Arms; and Nicholas Lacovara, the Assistant Sergeant at Arms.

The PRESIDING OFFICER. Does the Senator from Montana wish to include the Assistant Parliamentarian?

Mr. MANSFIELD. Only the Parliamentarian now.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

PRIVILEGE OF THE FLOOR

Mr. CASE. Mr. President, I ask unanimous consent that my assistant, who specializes in matters relating to this specific question of troops in Laos and the American employment of mercenaries in Laos, be added to the list. His name is John Marks.

The PRESIDING OFFICER. Is there objection to adding this name to the list?

Mr. SYMINGTON. Mr. President, I ask unanimous consent that two staff members be allowed the privilege of the floor during my presentation. Their names are James G. Lowenstein and Richard M. Moose.

The PRESIDING OFFICER. Is there objection to these persons staying on the floor during the closed session?

Mr. STEVENS. Mr. President, reserving the right to object, I wonder if the chairman of the committee, the Senator from Mississippi (Mr. STENNIS), has his people included?

Mr. MANSFIELD. Mr. President, the Senator from Mississippi will be taken care of.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I have received no request from the chairman of the Committee on Armed Services.

However, in view of the fact that this may well encompass part of his responsibility, I ask unanimous consent that the distinguished Senator from Mississippi (Mr. STENNIS) may be allowed to have the following staff members on the floor if he so desires: T. Edward Braswell and R. James Woolsey.

The PRESIDING OFFICER. Is there objection?

Mr. SYMINGTON. Mr. President, reserving the right to object, may I say to the able majority leader that I told the staff of the Armed Services Committee this morning that in case the distinguished chairman of the committee would like to have staff members on the floor, I would have no objection.

The PRESIDING OFFICER. There being no objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I send to the desk the other unanimous-consent request and ask that it be stated.

The PRESIDING OFFICER. The request will be stated.

The legislative clerk read as follows:

The Senator from Montana (Mr. MANSFIELD) makes the following unanimous consent request:

That, at the conclusion of the closed session, the complete transcript of the proceedings be delivered by the chief reporter to the chairman of the Committee on Foreign Relations; that the transcript of the remarks of each Senator who participated in the debate be made available to that Senator for revision in the office of the Committee on Foreign Relations; that the chairman of the committee, with the assistance of sworn and security-cleared personnel, be authorized to expurgate the transcript, by deleting all classified material; that such expurgated copy be delivered to the chief reporter for publication at the appropriate place in the permanent CONGRESSIONAL RECORD; and that the chief reporter turn the short hand notes of the official reporters over to the Secretary of the Senate, to be kept in secret and not to be disclosed without leave of the Senate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, on the basis of the declaration made by the presiding officer, the Assistant Parliamentarian be allowed to remain also.

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

QUORUM CALL

Mr. MANSFIELD. Mr. President, if the Senator from Missouri will allow me, I would like to suggest the absence of a quorum briefly.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SYMINGTON. Mr. President, I would hope my colleagues would allow me to finish my statement, at which time I will be glad to yield for any observations or questions.

Mr. CASE. Would the Senator use the loudspeaker?

Mr. MANSFIELD. No, they are turned off.

Mr. SYMINGTON. The reason for requesting this executive session of the Senate was in order to discuss the situation in Laos and also the implications of those operations for the United States.

One of the implications which is of concern, as will be made plain in the course of these remarks, relates to the future role of the U.S. Senate.

First, a brief description of what the United States is doing in Laos, and then let me discuss whether there is legal authority for what we are doing; also whether we can afford it and, if we can afford it, whether it is in our interest to do so.

Many of us believe that in a situation

of this character we in the Senate have a right to know what we are actually doing and the right to participate in decisions as to whether or not the military operations in that country should continue.

In any case, in order to perform our constitutional role, that is, carry out the functions which the people who elected us now expect us to carry out, as I see it we have the obligation to inform ourselves about this war and thereupon the duty to form our own judgment.

After all, in Laos, every year, we are spending hundreds of millions of dollars of appropriated public moneys, and many will be surprised to know how much.

The executive branch currently directs this Laotian war, not through the Department of Defense, where clearly understood congressional controls apply; rather through the State Department and the Central Intelligence Agency, the latter an Agency which, through the National Security Council, reports directly to the President.

I do not cast any aspersions on that Agency, one which, in the main, has carried out properly and efficiently the orders which it has been given.

It is a fact, however, that the United States is currently paying for foreign troops, for mercenaries if you will, despite legislation which, by letter as well as intent, was designed to prohibit any such practice.

So much for the reasons for this session. I now turn briefly to what we are actually doing.

By way of introduction, let me first describe the process by which we obtained the information being presented to you today.

On January 27 of this year, the chairman of the Senate Foreign Relations Committee, Senator FULBRIGHT, wrote the Secretary of Defense asking for statistical information relating to the military situation in Cambodia and Laos similar to that information regularly supplied the committee with regard to Vietnam.

More than 2 months later, in a reply dated April 10, and signed by Assistant Secretary of Defense G. Warren Nutter, this request was refused.

The operative portion of said refusal read as follows:

> I regret we are unable to comply with your request in this instance. It would not be at all appropriate to disclose outside the executive branch highly sensitive information on military combat operations of the kind your questions would elicit if answers were to be provided.

Chairman FULBRIGHT then replied on April 20, saying:

> Would you please supply the committee with a list of the items which you consider in this category.

On May 5, Mr. Nutter responded as follows:

> The information required to respond to the request is normally provided through U.S. personnel acting in a military advisory assistance role who accompany the Laos country forces on combat operations. However, the Geneva Accord, the so-called Cooper-Church amendment, and certain other restrictions imposed by the Congress have prohibited by law the presence of U.S. military advisory personnel in Laos and Cambodia which, in turn, effectively precludes reliable reporting to the Department of Defense of information of that nature.

Because of the extraordinary nature of this correspondence, I ask unanimous consent that this exchange of letters be printed as a part of the record of this session and appear in the record at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, so ordered.

Mr. SYMINGTON. After this stated refusal by the executive branch to give the committee the information, two staff consultants of the committee, who are currently serving as staff members of the Subcommittee on U.S. Security Agreements and Commitments Abroad and who are on the Senate floor at this time, went to Laos late last April and early last May.

They took with them the list of questions about which the Defense Department said it did not have reliable information.

Nevertheless, during their 2-week stay, they obtained from U.S. civilian and military officials stationed in Laos and Thailand answers to all but one of the questions on the list and upon their return prepared for the committee a top secret report.

On May 21 this report was presented to a meeting of the subcommittee, to which the full committee was also invited, and, to say the least, all present found the contents of said report most disturbing.

With the approval of the chairman and members of the full committee, I thereupon decided to request this closed session so that the information contained in the report would be made available to all Members of the Senate.

May I emphasize that said report is classified top secret.

The major points it contains are the following:

First. It is clear to most observers in Laos that, from the military point of view, the situation in that country is growing steadily worse, with the initiative now in the hands of the enemy.

Since February, when South Vietnamese ground forces, supported by American air and logistical support launched the Lam Son 719 attack on the Ho Chi Minh Trail area of southern Laos, more territory than was under Lao Government control prior to that attack has now been lost.

Today two-thirds of the country, including the Plain of Jars as well as most of the Bolovens Plateau, is no longer under Government control.

The map at the back of the room shows in yellow the amount of ground in Laos, according to our most recent information, that is controlled by the enemy, and the white shows what is not controlled by the enemy. Relatively small parts in the lower left-hand corner and the upper left-hand corner show, in shaded yellow, territory that is contested.

To the best of our knowledge, there are no plans for trying to retake and hold any of this territory, only hope; and even that hope is confined to holding the territory remaining under Government control.

North Vietnamese and Pathet Lao forces in Laos currently total between 115,000 and 139,000. (Three years ago they totaled some 92,000.) This compares with a total of 95,000 to 97,500 forces considered friendly to the United States.

Second. Since February 1970, this country has been using B–52's in northern Laos on "a regular basis" (B–52 operations against the Ho Chi Minh Trail area in southern Laos began years earlier); but the Foreign Relations Committee was never apprised of this fact; and it was only learned by our committee members as a result of this recent staff visit.

After discovery, the executive branch defended not letting the committee know by stating the question had not been asked. (No doubt many other pertinent questions have not been asked.)

But the committee did not have sufficient information to know what to ask.

The committee, as well as the public, was only informed about this regular use of B–52 bombers in northern Laos when the Under Secretary of State, testifying on May 3, 1971, in open session before the committee, was asked about these B–52 raids in northern Laos close to China. The question was asked as the result of the finding of the subcommittee staff.

At that time the Under Secretary was thereupon asked how many B–52 sorties were being flown over Laos. He said he did not know, would have to obtain that information from the Defense Department.

The committee staff, however, had already been given these figures by the American Embassy in Vientiane; and their report tells us that in the first 4 months of this year, [deleted] B–52 sorties were flown over northern Laos, compared with [deleted] such sorties in all of 1970.

Third. The United States continues to train, arm and feed the Royal Lao Army and Air Force. Also, through the CIA, our Government trains, pays, advises supports and, to a great extent, organizes a large number of Lao irregular military units.

These irregulars, whose present strength is about 30,000 [deleted] include combat elements almost as large as those of the Royal Lao Army.

These combat elements, known as BG (for Bataillons Guerriers) units, constitute the most effective force now opposing the North Vietnamese and Pathet Lao; and, as such, they are bearing the brunt of the most critical fighting in Laos. They are found not only in military region II, which is commanded by General Vang Pao, but in every other military region of Laos except the region immediately around Vientiane.

The cost of maintaining this irregular

army is increasing every year, primarily because of the rising costs of air transport and ammunition. That figure, our staff people were told, is now estimated to be around [deleted] million annually.

Fourth. In addition, the United States is currently operating a large civilian air fleet in Laos. This fleet includes about 20 aircraft rented from the U.S. Air Force. (During this fiscal year local air transport costs alone amount to some $30 million.)

Fifth. [Deleted].

Sixth. For their part, the Chinese presence has increased in northern Laos, from between 6,000 and 8,000, as of 2 years ago, to between 14,000 and 20,000 at the present time.

The road the Chinese are building in northern Laos has been improved in recent months; and its antiaircraft and associated radar have been heavily increased. (In the opinion of knowledgeable U.S. officials, from an antiaircraft standpoint that area is now one of the most heavily defended areas in the world.)

This area of northern Laos is considered out of bounds to U.S. combat planes, but it has been bombed at least twice and repeatedly overflown by planes of the Royal Lao Air Force. The latter planes are unmarked T–28's provided by the United States. In addition [deleted].

We were told that, whether related or not, the rapid buildup of this antiaircraft defense system followed these Lao air attacks.

[Deleted.]

Seventh. [Deleted] there are [deleted] Thai soldiers in Laos.

The Thai forces in Laos are part of an irregular program. They are employed in conjunction with other, in effect, CIA-directed irregulars in Laos. They are recruited in Thailand. All costs are paid by the CIA, however, including both salaries and allowances.

These Thai forces are flown into Laos by Air America planes which in turn are hired by the U.S. Government.

If any of these Thai are wounded, at least some are thereupon evacuated by Air America to a U.S. Air Force field hospital at the Royal Thai Air Force Base at Udorn, in northern Thailand.

The facts with respect to U.S. support for Thai forces presently fighting in northern Laos were provided to the staff by U.S. Government officials. On their face they describe a situation which contravenes not only the intent, but also the actual letter, of the Fulbright amendments to last year's Defense authorization and appropriation bills. These amendments were specifically designed to prohibit the hiring of foreign troops, such as Thais, to defend the Governments of either Laos or Cambodia.

In recent exchanges of correspondence, letters from the State Department in reply to questions from Senator FULBRIGHT and Senator CASE acknowledge that the United States is paying Thai forces to fight in Laos. I ask unanimous consent that these letters also be printed in the record at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, so ordered.

Mr. SYMINGTON. In a labored effort to justify this secret operation, Assistant Secretary of State Abshire made the following extraordinary statement in his letters to Senators FULBRIGHT and CASE:

> We believe that it has been made clear that this is not a question of U.S. support for regular Thai forces in Laos. The irregular forces involved, while raised and trained in Thailand, are all one-year volunteers who go to Laos to serve under the command of the Royal Lao Government; in this case the Lao Military Region II Commander. These guerrilla forces are therefore considered to be local forces in Laos.

Commonsense forces one to ask, however, how can these Thai irregulars in Laos be described as "local forces."

They are Thai, not Lao. They are recruited in Thailand, not Laos. They are [deleted].

[Deleted].

Eighth. The cost of our military assistance program in Laos is rising rapidly. In the fiscal year 1970 it was funded originally at $74.2 million. According to information given our staff by U.S. officials in Laos, however, it would seem to have actually cost about double that amount—$146.4 million.

The program figure for the fiscal year 1971 has already risen to $162 million; and the amount presently being programed for the fiscal year 1972 has risen to $252 million, double the amount of the original estimate of new funds needed.

Most of these increases were described to our staff as being the result of the increased cost of ammunition. Ammunition alone for Laos will cost $136.3 million in fiscal year 1972.

In sum, during the next fiscal year the military assistance program for our Laotian operations will be three times as large as the program was in 1967; and 25 times as large as it was when it first began, in 1963.

At least as disturbing as the constantly rising cost of this program, however, is the fact that over the years the true magnitude of the increase has been concealed from the Congress; and one of the primary purposes of this session is to present that fact to your attention.

To our knowledge the Department of Defense has never acknowledged—certainly never voluntarily—that this program is costing far more than the amounts specified in the authorization requests.

As but one example, during this year's authorization hearings the figures given to the Armed Services Committee by the Defense Department as the cost of funding the 1970–71 programs were those of the amounts originally requested; but on the basis of what our staff was told by our own officials in Vientiane, 1970 program costs were $72 million higher than the amount Congress thought it had authorized in new funds.

The program costs for 1971 will be $45 million higher than the amount of new funds requested; and before the fiscal year 1972 even begins, plans are being made to spend more than twice the amount currently being requested of the Congress in new funds by the executive branch.

Ninth. The Laos AID program for this year—Fiscal 1971—has amounted to some $52 million. Some $16 to $18 million of this figure goes to the Foreign Exchange Operations Fund, the fund through which the Royal Lao Government obtains 90 percent of its foreign exchange. Other countries also contribute to the fund, but we provide about three-fourths of the total amount required to support the value of Lao currency abroad.

Tenth. The budget for the Government of Laos for this year is the local currency equivalent of $36.6 million; whereas only a partial total of anticipated U.S. expenditures in Laos during the fiscal year 1971 comes to $284.2 million. In other words, this year, in Laos, the United States will be spending, at a minimum, almost eight times more than the total Government budget in that country.

This latter figure includes the $162.2 million being spent by the service funded Military Assistant Program, although even that figure may turn out to be low; the $52 million AID program; and the [deleted] million spent by CIA; but it does not include any further increases in military assistance, the cost of the Thai irregulars, the administrative costs of maintaining some 1,200 military and civilian American Government employees in Laos, or the heavy price the American taxpayer also pays for United States air operations in and over Laos.

Consider the fact that this partial total of United States expenditures nevertheless amounts to $141 per capita for the estimated 2 million Lao people under Government control, as compared to an estimated per capita gross national product for those same people of $66.

And that is not all. The military assistance presently scheduled for next year will increase these partial United States expenditures to at least $374 million. That is $187 per capita, almost three times the per capita gross national product of this impoverished and war ravaged country.

Let me again present to the Senate, however, that the only figure so far actually released by the executive branch for any category of assistance to Laos is the $52 million AID program, about one-sixth of the true estimate of expenditures in Laos in this fiscal year.

Eleventh. Finally, the executive branch would appear determined to maintain that perhaps unprecedented secrecy which for so long has characterized United States operations in this country.

It has been argued that, for many reasons, this secrecy is necessary: examples, to avoid offending the sensibilities of Thai Government; to avoid violating the agreements we have with that Government under which we use Thai air bases for operations against three other countries—North Vietnam, Cambodia and Laos—[deleted] in Thailand; and [deleted] Thai to fight in Laos.

It is also argued that the Central Intelligence Agency, which runs by far the most effective government military force

in Laos, is not accustomed to operating in public; and that to do so would jeopardize its operations in other countries.

Underlying both of these arguments appears to be the view, never stated directly, that while much of what the United States is doing does violate the Geneva Accords of 1962, the North Vietnamese also violate the Accords; but they do not admit their violations. Accordingly, those who hold this view argue that if we were to admit publicly what we were, and are, actually doing, that would further complicate whatever possibility there may be of reactivating the Geneva Accords at some point in the future.

So much for what one member of the committee, after hearing this staff report, described as the "lurid tale" of our activities in Laos.

It is obvious that unless the Congress of the United States takes action now, these activities will continue.

Our military strategy, as described out there to our staff, would appear to be one of regarding the war in Laos as an adjunct to our military strategy in Vietnam. This, they were told, ties down North Vietnamese divisions and permits the use of U.S. air power, in conjunction with South Vietnamese ground forces, so as to exploit Lao territory to interdict the Ho Chi Minh Trail.

This, we are also told, will buy more time for Vietnamization.

What we have not been told, however, is how long these operations will continue.

The stated aim of Vietnamization is to spend these billions in order to put the Thieu-Ky Government of South Vietnam in a position to defend itself after U.S. forces have been withdrawn.

But what about Laos?

Surely the Lao are in no position to defend themselves; and the South Vietnamese have shown they are not capable of fighting in Laos even with extensive U.S. air support.

Are we to believe our involvement in Laos will end when our troops are withdrawn from Vietnam?

Or are we planning to stay, and fight, and pay for others to fight indefinitely?

To our knowledge, the administration has never disclosed any "future plans" for Laos.

Could it be they have no such plans?

In any case, as the staff report concludes, it has now become clear that the United States is using the people of Laos for its own purposes, at a startlingly heavy increased cost to our taxpayers in money, and to the Lao people in terms of destroyed hopes, destroyed territory, and destroyed lives.

Based on the above facts, we believe the time has now come for another effort by the Congress to limit the extent and nature of our long secret involvement in this war-torn country.

Experience would imply that one way, and the most effective way, to accomplish this would be to place a limitation on the amount of money our Government can spend in Laos. To that end, $200 million should surely be enough for our Laos operations during this coming fiscal year.

If this administration believes it needs more, it should come to the Congress and justify any need for additional military and financial effort.

The American people and their representatives have the right to know more about the amount of money now being spent and more about the uses to which that money is being put in this long, undeclared and secret war.

As just one example, why should the military assistance figures for Laos be classified, while those for Cambodia are made a matter of public knowledge?

For 6 years I have done my best to find out what has been going on, and is going on, in this little country. One cannot overemphasize the fact that, even with this staff report, we of the Foreign Relations, Armed Services, and Appropriations Committees have only partial knowledge of what the United States is doing, and spending, this year in Laos.

We know about the amount being spent for economic aid, because we appropriated it; but we should have more of the truth about the amount actually being spent for military assistance.

And nobody knows the amounts the CIA is spending while under orders from the executive branch to continue to supervise and direct this long and ravaging war.

To summarize, whereas the American public has been led to believe that in the fiscal year 1971 in Laos, we are spending $52 million, we now know that during this fiscal year at least $284.2 million will be expended; and we have every reason to believe the actual figure is much higher.

The Senate has never had the opportunity to bring to bear its collective judgment on the cost of our Laotian activities, let alone the opportunity to consider, based on the facts, the wisdom of continuing these activities.

Laos stands out as but one more example of the manner in which excessive secrecy is depriving the Congress of information essential to the exercise of its constitutional responsibilities.

In the case of the Thai mercenaries, we were told one thing while something else was being done, a clear abuse of the constitutional authority possessed by the Congress when it comes to its authority over the raising of money, not to mention its war-making powers.

With respect to Laos, not only has there been no declaration of war, to the best of our knowledge there has been no statement of policy on the part of the Congress.

Let's face it. We have been appropriating money for this war in the blind. The Senate's constitutional role of advice and consent has been ignored.

Our advice has not been asked for, let alone our consent given.

Every member of this body will want to satisfy himself as to whether or not the facts presented here today are true.

To the best of our knowledge they are true; and if they are, their meaning is clear. The Senate must act, now, to reassert its constitutional rights when it comes to the waging of war. If it does not do so, who will deny that the legislative arm has become the servile arm of this Government.

* * * * *

With the consent of the Senate, the two staff members in question who visited Laos this spring are now with us on the floor. They have copies of their top secret report which any Senator can look at at this time; or, if preferred, the report can be looked at in the committee room of the Foreign Relations Committee. We ask that no copy of this report be removed from this chamber at this time; also that every copy looked at be returned to the staff members in question.

Mr. President, at some time after this closed session I shall introduce an amendment to S. 939, a bill to authorize appropriations during the fiscal year 1972 for the procurement of aircraft, missiles, naval vessels, and so forth. That amendment follows:

[S. 939, 92d Cong. First sess.]

IN THE SENATE OF THE UNITED STATES

Referred to the Committee on Armed Services and ordered to be printed.

AMENDMENT

Intended to be proposed by Mr. Symington to the bill (S. 939) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes, viz: At the end of the bill add a new section as follows:

Sec. 502. (a) Notwithstanding any other provision of law, no funds authorized to be appropriated by this or any other Act may be obligated or expended in any amount in excess of $200 million for the purpose of carrying out directly or indirectly any economic or military assistance, or any operation, project, or program of any kind, or for providing any goods, supplies, materials, services, personnel, or advisors in, to, for, or on behalf of Laos during the fiscal year ending June 30, 1972.

(b) No funds may be obligated or expended for any of the purposes described in subsection (a) of this section in, to, for, or on behalf of Laos in any fiscal year beginning after June 30, 1972, unless such funds have been specifically authorized by law enacted after the date of enactment of this Act. In no case shall funds in any amount in excess of the amount specifically authorized by law for any fiscal year be obligated or expended for any such purpose during such fiscal year.

(c) The provisions of subsections (a) and (b) of this section shall not apply with respect to the expenditure of funds to carry out combat air operations over the so-called Ho Chi Minh trails in southern Laos, and over areas immediately adjacent to such trails, by United States military forces.

(d) After the date of enactment of this Act, whenever any request is made to the Congress for the appropriation of funds for use in, for, or on behalf of Laos for any fiscal year, the President shall furnish a written report to the Congress explaining the purpose for which such funds are to be expended in such fiscal year.

(e) The President shall submit to the Congress within 30 days after the end of each quarter of each fiscal year, beginning with the fiscal year which begins July 1, 1971, a written report showing the total amount of funds expended in, for, or on behalf of Laos during the preceding quarter by the United States Government, and shall include in such report a general breakdown of the total amount expended, describing the different purposes for which such funds were expended and the total amount expended for each such purpose.

Mr. President, I thank the Senate for its courtesy in listening to these remarks.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
January 27, 1971.

Hon. MELVIN R. LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: As you know, at the request of the Committee on Foreign Relations the Department of Defense has, for some time, been supplying it with monthly statistical data relating to the situation in Vietnam. This information has proved to be extremely valuable in following developments there.

The Committee is finding it increasingly difficult to keep abreast of the rapid developments in Cambodia, Laos, and North Vietnam, and I believe that a monthly report containing data relating to those countries would be helpful. The Committee would, therefore, appreciate the Department's cooperation in supplying, on a monthly basis, the information requested on the enclosed list.

I, of course, have no objection to your making this information available to other interested congressional committees, as was done in the case of the Vietnam reports.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

[Enclosure]

MONTHLY DATA ON MILITARY OPERATIONS IN SOUTHEAST ASIA

Cambodia

1. Size of Cambodian Armed Forces:
   (a) Trained and Combat Ready
   (b) In training (specific location if outside Cambodia) or other
   (c) On duty outside Cambodia (other than training)
2. Number of friendly foreign troops in Cambodia:
   (a) South Vietnamese
   (b) Other (specify)
3. Number of enemy troops in Cambodia:
   (a) North Vietnamese/Viet Cong
   (b) Cambodian Communist
   (c) Engaged in combat operations:
      1. against Cambodian forces
      2. against South Vietnam forces
4. Combat air operations in Cambodia:
   (a) Sorties flown by:
      1. U.S. planes
      2. Sorties flown by Cambodian planes
      3. Sorties flown by South Vietnamese planes
      4. Sorties flown by Thais or other forces
   (b) Ordnance expended (bomb tonnage and other) by U.S. aircraft in Cambodia:
      1. B–52
      2. other fixed wing aircraft
      3. helicopter gunships, etc.
5. Casualties (military):
   (a) Enemy killed, wounded and captured
   (b) Cambodian killed, wounded and missing
   (c) South Vietnamese killed, wounded and missing
   (d) U.S. casualties or missing as a result of air or other operations
6. Transport and Supply Operations:
   (a) Number of flights flown by U.S. military transport aircraft to Cambodian airports
   (b) Number of U.S. helicopter transport flights flown in Cambodia
   (c) Number of air drop missions flown by U.S. aircraft in Cambodia
   (d) Number of transport flights by U.S. non-military aircraft (Air America, etc.)
   (e) Number of transport flights by South Vietnamese or other aircraft
   (f) Number of supply missions by South Vietnamese naval vessels
   (g) Please provide copies of any contracts or agreements with foreign government or private entities relating to supply or transport operations in Cambodia, including data on amounts paid or reimbursed for such services and the sources of the funding.
7. Payments made by the United States to South Vietnam or other countries for operations in or services rendered in behalf of Cambodia:
   (a) Amounts or any such payments and the purpose
   (b) Provide copies of any agreements entered into by the United States concerning payments to foreigners for services rendered in or in behalf of Cambodia and the source of the funding.
8. Number of U.S. personnel involved:
   (a) Number of U.S. personnel attached permanently or temporarily to the U.S. Embassy in Cambodia—civilian, military
   (b) Number of visits in Cambodia by U.S. personnel in a TAD or other temporary status and total number of days of such duty by all personnel during the month
   (c) Number of U.S. personnel in South Vietnam, Thailand, or Laos whose duties relate to operations in Cambodia, including training and logistics operations
9. U.S. Naval operations:
   (a) Number and type of U.S. ships operating in or near Cambodian waters during the month engaged in operations relating to Cambodia
   (b) Number of visits to Cambodian ports by U.S. naval vessels engaged in supply or transport operations
10. Estimated number of U.S. prisoners held in Cambodia:

Laos

1. Number of United States personnel in Laos:
   (a) Civilian (government employees)
   (b) Military
   (c) Personnel on temporary duty, civilian and military (total number of man-days)
   (d) Contractor employees (Air America, etc.)
2. Number of friendly military forces:
   (a) Regular Laotian Armed Forces
   (b) Irregular Forces
   (c) Thai Forces in Laos
   (d) Other Forces in Laos (Cambodian, South Vietnamese, etc.)
3. Enemy forces in Laos:
   (a) Pathet Lao
   (b) North Vietnamese
   (c) Viet Cong
4. Air Operations in Laos:
   (a) U.S. air sorties over Northern Laos and munitions expended
      1. B–52
      2. Other aircraft
   (b) U.S. air sorties over Southern Laos and munitions expended
      1. B–52
      2. Other aircraft
   (c) Air sorties by Laotian forces and munitions used
5. Casualties—killed or wounded:
   (a) United States
   (b) Laotian
   (c) Other friendly
   (d) Enemy
6. Incursions into Laos from South Vietnam or Cambodia:
   (a) Purpose, date and number of U.S. and foreign personel involved in each incursion
7. Please provide copies of any contracts or agreements entered into during the month between the United States and other countries or private parties relating to military operations in Laos.
8. Estimated number of U.S. prisoners held in Laos:

North Vietnam

1. U.S. air operations over North Vietnam:
   (a) Number of reconnaissance flights flown
   (b) Number of escort sorties flown
   (c) Number of helicopters or other manned aircraft sorties flown
   (d) Number of drone flights
2. Enemy actions and U.S. losses:
   (a) Number of times U.S. aircraft were fired upon while over North Vietnam
   (b) Number of times U.S. aircraft were fired upon from North Vietnam while over Laos
   (c) Number of U.S. aircraft lost (by type) over North Vietnam due to enemy fire
   (d) Number of U.S. aircraft lost over North Vietnam (by type) not as a result of enemy fire
   (e) U.S. personnel losses
3. Retaliatory action taken:
   (a) Number of times North Vietnam targets were attacked
      1. Number of aircraft involved in retaliatory actions
      2. Quantities of munitions used in retaliatory action
4. Description of actions by South Vietnamese or other forces in North Vietnam.
5. Estimated number of U.S. prisoners held in North Vietnam.

ASSISTANT SECRETARY OF DEFENSE,
INTERNATIONAL SECURITY AFFAIRS,
Washington, D.C., April 14, 1971.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Secretary Laird has asked me to respond to your letter of 27 January in which you requested that the Senate Committee on Foreign Relations be furnished, on a continuing basis, a detailed monthly report on military operations in Southeast Asia.

I regret that we are unable to comply with your request in this instance. Deputy Secretary Packard's letter to Senator Symington of 11 June 1970, a copy of which Senator Symington forwarded to you, pointed out that it would not be at all appropriate to discuss or disclose outside the Executive Branch highly sensitive information on military combat operations of the kind which your questions would elicit if answers were to be provided.

Sincerely,

G. WARREN NUTTER,

THE DEPUTY SECRETARY OF DEFENSE,
Washington, D.C., June 11, 1970.

HON. STUART SYMINGTON,
Chairman, Subcommittee on U.S. Security Agreements and Commitments Abroad, Senate Committee on Foreign Relations, Washington, D.C.

DEAR SENATOR SYMINGTON: I understand that when Generals Burchinal and Polk appeared as witnesses before your Subcommittee in late May, they were requested to make available to the Subcommittee copies of written instructions they had received both in connection with the European trip of staff members Pincus and Paul and with reference to their testimony before your Subcommittee.

I am sure you will appreciate that those instructions, by definition, were documents intended solely for internal use within the Department of Defense and I would hope that

you would agree with me that such documents should not be distributed outside the Executive Branch.

From your personal experience as a former Secretary of the Air Force, you are well acquainted with the fact that, on the basis of custom, tradition, usage and precedent, the Legislative and Executive Branches have come to accept and recognize that there are certain matters which, for varying reasons, are not normally discussed outside the Executive Branch. The instructions in question contained topics meeting that general description for the most part and included such items as military contingency plans. National Security Council documents. Inspector-General Reports of investigations, matters still in the planning, proposal stage upon which no decision has been reached, operational procedures and methods involving the risk of life or safety of military personnel, and so forth.

Early in the Subcommittee hearings, a misunderstanding apparently developed in connection with the handling or manner of treatment of information on nuclear weapons, a misunderstanding which, as I understand it, has been resolved by the briefing given to the Senate Committee on Foreign Relations on 27 May 1970.

These categories of information are those which have become widely accepted and generally recognized as topics which in the national interest, should be strictly limited in either dissemination or discussion. Be assured that any prohibitions against discussing such topics apply to all testimony and were not, of course, restrictive solely to witnesses appearing before your Subcommittee.

Secretary Laird asked me to convey his apology for the delay in responding to your request, a delay which was occasioned by the urgency of preparing for his trip to Europe.

I trust that you will find this responsive to your Subcommittee's interest in this matter.

Sincerely,

DAVID PACKARD.

APRIL 20, 1971.

HON. G. WARREN NUTTER,
Assistant Secretary for International Security Affairs, Department of Defense, Washington, D.C.

DEAR MR. NUTTER: I wish to acknowledge your letter of April 10 in reply to the Committee's request for a monthly report on certain developments in Cambodia and Laos.

You state that the information requested would involve "highly sensitive information on military combat operations" which would not be "appropriate to discuss or disclose outside the Executive Branch." Would you please provide the Committee with a list of the items requested which you consider to be in this category. In order to avoid further delay and without passing on the merits of the Department's position on those items, I would appreciate your providing the Committee with monthly reports on the other items not in this category.

Sincerely yours,

J. W. FULBRIGHT, *Chairman.*

ASSISTANT SECRETARY OF DEFENSE,
INTERNATIONAL SECURITY AFFAIRS,
Washington, D.C., May 5, 1971.

HON. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This will acknowledge the receipt of your letter of April 20, 1971, relative to our exchange of correspondence in connection with the request of the Senate Committee on Foreign Relations to be provided a monthly report on a continuing basis of certain military combat operations conducted by U.S. forces and the indigenous forces of the governments of Laos and Cambodia.

The information required to respond to questions concerning the size and combat readiness of indigenous armed forces, their air and ground combat operations, the enemy forces they encounter and the casualties they inflict and sustain, etc., is normally provided through U.S. military personnel acting in a military advisory assistance role who accompany the host country forces on combat operations. However, the Geneva Accords, the so-called Cooper-Church Amendment and certain other restrictions imposed by the Congress in enacting the Defense Authorization Bill have, in combination, prohibited by law the presence of U.S. military advisory personnel in Laos and Cambodia which, in turn, effectively precludes reliable reporting to the Department of Defense of information of that nature.

Additionally, there are a number of other questions that were posed such as those relating to U.S. civilian personnel in Laos and Cambodia who are employed either by other U.S. Government agencies or by private contractors that do not fall under the cognizance of the Department of Defense.

Finally, the possibility that identical or similar missions or military operations may be required in the same general geographical area at some indefinite future date creates a sensitivity that precludes discussing, outside the Executive Branch, specific details with respect to cross border incursions by allied forces, intelligence gathering operations, frequency and area of coverage of reconnaissance and attack sorties, types of aircraft employed and types and tonnages of ordnance expended, etc.

Again, I regret that we are unable to respond to your Committee's request in this instance.

Sincerely,

G. WARREN NUTTER.

APRIL 28, 1971.

HON. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I enclose a news article from the *Christian Science Monitor* of April 17 reporting that the United States is providing financial backing for Thai forces operating in Laos. Would you please provide the Committee with a copy of any agreements relating to U.S. support or the use of Thai forces in Laos, as well as the full details of any U.S. funding of such operations.

Sincerely yours,

J. W. FULBRIGHT, *Chairman.*

[From the Christian Science Monitor, Apr. 17, 1971 (19)]

THAI FORCE IN LAOS—U.S. TO FINANCE FOREIGN TROOPS

(By George W. Ashworth)

Nixon-administration officials have hammered out an agreement with the Government of Thailand for sharply increased use of Thai forces in Laos.

The American Government has reportedly agreed to provide the financial backing necessary for Thai troops to help bolster the South Vietnamese-United States position in Laos.

Officially, neither the North Vietnamese nor the Americans are involved in Laos. However, both sides are heavily involved in fact and have been for years. The North Vietnamese have provided the backbone needed by the Pathet Lao for their insurgency. And the Americans, largely through the Central Intelligence Agency (CIA), have advised and paid for much of the war effort, particularly around the Plain of Jars.

Thai troops are known to have been in Laos for six or seven years. But until late last year, the number was relatively small. This time last year, there were perhaps 1,000 Thais fighting on the South Vietnamese-American side in Laos.

Now, the U.S. is providing most of the financial backing for a force in Laos of between 4,000 and 6,000 Thais, according to unofficial estimates.

OPEN-ENDED AGREEMENT?

According to sources, the agreement between the U.S. and Thailand on the use of Thai troops in Laos is open-minded. As one official put it, "The Thais are ready to send in just about as many troops as we are willing to pay for."

The Pentagon refuses to discuss Thai involvement in Laos. Queried, a Pentagon spokesman suggested that the Thais were the only persons who could provide details.

One reporter in the field, Tammy Arbuckle, reported in January in the Washington Star that Thai forces were alleged to have operated in northeastern Thailand with other troops in an attempt to cut Route 7, Hanoi's major supply route to the critical Plain of Jars. The attempt failed.

Mr. Arbuckle also reported a 155-mm howitzer battery overrun near Muong Soui had been removed to the greater safety of the allied base area at Long Chien and provided protection by Thai infrantrymen. Other Thai troops have been operating in parts of Laos near the Thai border.

Thai manpower has been increased substantially since Mr. Arbuckle reported from the field, according to sources here. The buildup apparently began as soon as the Thais were assured of U.S. financial backing.

MATTER CLOSELY HELD

Although the Thai involvement is a very closely held matter, particularly in the Pentagon, some outside the defense establishment are aware of some details of the new move. Sources report a growing concern among some in the government that the Thai involvement in Laos may soon become too expensive to be absorbed within regular defense expenditures.

Although the cleanest way to handle the matter, at least in financial terms, would be a request to Congress for a supplemental appropriation, such a request almost surely would be a hot political matter. For the moment, the costs are being absorbed with increased difficulty.

There appear to be several reasons for the increased Thai involvement:

Most importantly, perhaps, the Thais were willing to help in Laos if most of the bill were picked up. For several reasons the Thai Government considers the insurgency in Laos a matter of substantial concern. And concerns have not been eased by the Chinese construction of a road from Dien Bien Phu across Laos toward Thailand. The insurgency of Thailand is now a quite serious matter.

In some respects, the tide seems to have tipped against the Royal Lao side in the continuing fighting. Until 1969, the fighting between the neutralist forces and the Pathet Lao backed by Hanoi had been an ebb-and-flow sort of warfare with territory changing hands in a fairly regular pattern depending upon the seasons. Then, in 1969, Gen. Vang Pao and his Meo troops, with heavy American air backing, pushed strongly against the Communists on the plain, capturing large numbers of supplies and causing heavy enemy casualties. The Communist response was to press back harder than before, and the pressure has continued.

The Nixon administration undoubtedly would like to see the neutralist regime in Laos survive. This is seen as important both for the non-Communist factions in Laos and for the other beleaguered nations in Indo-China.

Given the nature of the conflict in Laos, congressional views, and the presidential

determination to pursue the Nixon doctrine, the use of regular American troops in Laos was unthinkable.

DEPARTMENT OF STATE,
Washington, D.C., May 19, 1971.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of April 28, 1971, enclosing an article from the Christian Science Monitor of April 17 concerning US financial support for Thai forces operating in Laos. Senator Case wrote on April 23, 1971 about the same article, and we are providing the same information to him. As Under Secretary Irwin said on May 3, we understand your Committee was briefed on this subject in executive session by Mr. Helms on March 23.

We believe that it has been made clear that this is not a question of US support for regular Thai forces in Laos. The irregular forces involved, while raised and trained in Thailand, are all one-year volunteers who go to Laos to serve under the command of the Royal Lao Government; in this case the Lao Military Region II Commander. These guerrilla forces are therefore considered to be local forces in Laos.

There are no written agreements between our Government and the Governments of Thailand or Laos concerning this program; all arrangements were made orally.

The expenses for the US support of this effort have been met from current appropriations. Although the administration of this activity does not fall under the Department of State, it is our understanding that these expenditures are within present authorities.

May I suggest that upon his return from a visit to East Asia, Assistant Secretary Marshall Green give an oral briefing to your Committee which would bring you up to date and put this program into proper perspective?

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

U.S. SENATE,
Washington, D.C., April 23, 1971.

Hon. WILLIAM P. ROGERS,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: I am enclosing from the April 17 Christian Science Monitor George Ashworth's article which reports that the Administration has reached an agreement with the Government of Thailand for a sharp increase in Thai troops to be used in Laos. Mr. Ashworth notes that the United States Government has reportedly agreed to provide the financial backing to support the Thai troops.

I would appreciate it if you could comment on the accuracy of what Mr. Ashworth has written and then, assuming his information is correct, answer the following questions.

1. Does the Administration consider the financial support of Thai troops in Laos to be in accord with the Cooper-Church provisions in the 1970 Defense Appropriations Act which bans the payment of mercenaries except to protect a safe and orderly American withdrawal or disengagement from Southeast Asia or to aid in the release of United States prisoners.

2. Does the Administration intend to submit the agreement with Thailand to the Senate as a treaty?

3. What are the specific terms of the United States agreement with the Thai Government including the cost to the United States Government and the agreement's duration?

4. Does the Administration intend to request supplemental appropriations to pay the costs of agreement or will existing funds be reprogrammed?

5. Has the United States Government made any assurances to the Thai Government of United States support in event Thai troops in Laos encounter difficulties?

Sincerely,

CLIFFORD P. CASE, *U.S. Senate.*

THAI FORCE IN LAOS—U.S. TO FINANCE FOREIGN TROOPS

(By George Ashworth)

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There appear to be several reasons for the increased Thai involvement:

Most importantly, perhaps, the Thais were willing to help in Laos if most of the bill were picked up. For several reasons the Thai Government considers the insurgency in Laos a matter of substantial concern. And concerns have not been eased by the Chinese construction of a road from Dien Bien Phu across Laos toward Thailand. The insurgency of Thailand is now a quite serious matter.

In some respects, the tide seems to have tipped against the Royal Lao side in the continuing fighting. Until 1969, the fighting between the neutralist forces and the Pathet Lao backed by Hanoi had been an ebb-and-flow sort of warfare with territory changing hands in a fairly regular pattern depending upon the sessions. Then, in 1969, Gen Vang Pao and his Meo troops, with heavy American air backing, pushed strongly against the Communists on the plain, capturing heavy enemy casualties. The Communist response was to press back harder than before, and the pressure has continued.

The Nixon administration undoubtedly would like to see the neutralist regime in Laos survive. This is seen as important both for the non-Communist factions in Laos and for the other beleaguered nations in Indo-China.

Given the nature of the conflict in Laos, congressional views, and the presidential determination to pursue the Nixon doctrine, the use of regular American troops in Laos was unthinkable.

DEPARTMENT OF STATE,
Washington, D.C., May 19, 1971.

Hon. CLIFFORD P. CASE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CASE: Secretary Rogers has asked me to reply to your letter of April 23, 1971 concerning a press report of US support for Thai troops in Laos. The Secretary has also received a letter from Senator Fulbright asking for answers for his Committee to basically the same questions. During his appearance before the Senate Foreign Relations Committee on May 3, Under Secretary Irwin said that we understand your Committee was briefed on this subject in executive session by Mr. Helms on March 23.

We believe that it has been made clear that this is not a question of US support for regular Thai forces in Laos. The irregular forces involved, while raised and trained in Thailand, are all one-year volunteers who go to Laos to serve under the command of the Royal Lao Government; in this case the Lao Military Region II Commander. These guerrilla forces are therefore considered to be local forces in Laos.

There are no written agreements between our Government and the Governments of Thailand or Laos concerning this program; all arrangements were made orally.

The expenses for the US support of this effort have been met from current appropriations. Although the administration of this activity does not fall under the Department of State, it is our understanding that these expenditures are within present authorities.

Parenthetically it should be noted that your first question is in error as to the scope of the Cooper-Church Amendments to the FY 1971 Defense Appropriations Act. These amendments do not bear on the subject of troop pay. Presumably you may have reference to the Fulbright Amendment to Section 838(a) of that Act (i.e. the first proviso thereof), which is a limitation rather than a ban and which is being fully complied with by the Administration.

As I said in my letter to Senator FULBRIGHT, the Department of State believes that it might be useful for the Committee to be briefed orally on this subject among others in executive session by Assistant

Secretary for East Asia, Marshall Green, following his return from his current visit to East Asia. We think that an oral briefing could bring you up to date and put this program into proper perspective.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

Mr. MILLER. Mr. President——

Mr. FULBRIGHT. Mr. President——

Mr. SYMINGTON. I yield first, if I may, to the Senator from Arkansas (Mr. FULBRIGHT), seconder of the request for this closed session.

Mr. FULBRIGHT. Mr. President, I want to commend the distinguished Senator from Missouri (Mr. SYMINGTON) for the thorough job he has done in summarizing a long and exhaustive report.

What the Senator has said calls to our attention our responsibility to know about and to advise in a matter of great importance.

One question I particularly wish to ask the Senator regards the amendments which were put into the Defense authorization and appropriation acts for fiscal year 1971. The Senator from Mississippi and I had a great deal of discussion about those amendments last year. The Armed Services Committee included language in its report on the defense authorization bill which was designed to prevent use of any funds authorized, "For Vietnamese and other free world forces for the support of the government of Cambodia."

I then offered an amendment extending that restriction to Laos. The final clause that was agreed to in the bill was as follows:

> Nothing in clause A, first sentence of this paragraph, shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the governments of Cambodia or Laos.

After considerable struggle and after agreement—by the Senator from Mississippi and everyone, I think, concerned—this provision was adopted. Now we have this staff report.

It seems to me that the Defense Department, or the Government of this country, has simply paid no attention to the restriction on the use of the money which was asserted by Congress in the defense appropriation and authorization acts.

My question is: Does not the Senator from Missouri believe, from what he knows about it, that there is a conflict with that restriction?

Mr. SYMINGTON. The able Senator from Arkansas has read the law. I have it here in front of me. Based on the law, it seems clear said law has been violated.

Mr. FULBRIGHT. Is the Senator going to put into the record the letter from Assistant Secretary of State Abshire replying, for the Secretary of State, to my letter raising this question? If not, I shall put it in.

Mr. SYMINGTON. As previously stated, I have put all that correspondence in the record.

Mr. FULBRIGHT. I thank the Senator. I think that the excuse they give—which I do not consider to be valid at all—is that the language does not include, or rather excepts, guerrilla forces or the recruiting of what they call local forces in Laos.

It is not possible, it seems to me, if the language in the amendments means anything at all, that the Thais in Laos could be considered local forces in Laos. These Thai [deleted]. So if one has any reasonable respect for the use of the language, they are Thai troops in direct contravention of the restriction which we put into law and did so, I may say, with the cooperation and approval of the chairman of the Armed Services Committee.

I do not know what Congress can do if the executive branch will not show any respect for the laws as passed by Congress.

I would be very much interested to know whether the Senator thinks his own amendment, which he has just described, will be respected any more than the existing law was respected.

Mr. SYMINGTON. I reply, I have visited Laos many times and every time, upon return, I thought to myself "I finally have the picture," but later found that was not the case. This report but follows that aspect. I was on the other side of the government at the start of the Korean War. It worries me, the use of these heavy bombers, the biggest jet strategic bombers in the world, so close to the Chinese border. At the request of the man we support, Souvanna Phouma, the Chinese started building an extended road system in the very northern part of Laos. [Deleted]. The Laotian planes have actually attacked it.

Mr. FULBRIGHT. Mr. President, it seems to me that this is a classic case of the sort that we have been confronted with time and time again—the inability to obtain ordinary, basic information with respect to what we are doing.

In this case, we had to send two of our best and most experienced members of the staff to Laos to get the information ourselves. To put it another way, the executive branch imposes an embargo on giving any information or knowledge to the committee. This puts us at a great handicap.

We now have the basis for a reasonably well based judgment on the wisdom of what we are doing. It comes down to the real issue of whether there is any possible objective in Laos worth what we are doing to achieve it? What could we do in Laos which would be worth the expenditure of at least some $375 million in fiscal 1972.

I do not know what it is expected we will achieve, especially in view of the apparent change in attitude of the administration toward China and the whole war in Vietnam. If Vietnamization succeeds, what could we accomplish by continuing to step up the war in Laos?

Mr. SYMINGTON. Mr. President, I once had the privilege of being on the board of directors of various companies. The president of the company in question would often ask the board for money. The directors invariably wanted to know just what the money was being used for.

What worries me in this situation is how little those of us who put up the money under our constitutional prerogative know about what the money is actually being used for.

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

Mr. SYMINGTON. I yield to the able Senator from Iowa.

Mr. MILLER. Mr. President, I thank the Senator for yielding. I would like to get the figures more precisely for fiscal 1971. How much did the Senator say was authorized and appropriated for 1971 in Laos?

Mr. SYMINGTON. Mr. President, unfortunately that information has now been given to the clerk. I will get it. It being top secret, I had only the one copy.

Mr. MILLER. The Senator referred to some figures like $52 million and $300 million.

Mr. SYMINGTON. $52 million was the economic aid approved for Laos.

Mr. MILLER. For fiscal 1971?

Mr. SYMINGTON. Right.

Mr. MILLER. How about the military aid?

Mr. SYMINGTON. With respect to the military aid approved for Laos, the most recent information the committee has received from the Department of Defense on the Defense Department funded military assistance program in Laos was a document dated January 26, 1971, entitled, "Estimated Amounts Included in Military Function Appropriation for the Fiscal Year 1972 Budget for Support of the Free World Forces in Vietnam, Laos, and Thailand, Related to Fiscal Year 1970, Fiscal Year 1971, and Fiscal Year 1972."

That document gives a total figure, for estimated new funds for the military assistance program in Laos, of $74,200,000 in fiscal 1970; $117,300,000 in fiscal 1971; and $125,800,000 in fiscal 1972.

In Vientiane, the staff was told that the fiscal 1970 program ceiling was $125 million; and even that ceiling apparently has been exceeded by some $24,100,000; so the total cost of the military assistance program for fiscal 1970, instead of being $74,200,000, was $146,400,000.

They were also told that, as a result of recent messages that had been received from Washington, the fiscal 1971 program ceiling had been increased to $162,200,000; and the fiscal 1972 ceiling to $252,100,000.

Mr. MILLER. I have here, based upon what the Senator just read, $52 million for economic assistance and $117 million for military assistance, for a total of $169 million for fiscal 1971 that was expressly and specifically authorized and appropriated. The Senator indicated that information received in Vientiane had raised the $117 million by some $45 million.

Did I not understand that there were sums estimated by the Senator to be much more than, say, $200 million for the fiscal 1971 operation in Laos?

Mr. SYMINGTON. The fiscal 1972 operation would be a great deal more. And for 1971, a bare listing of the amount was $284 million, counting both economic and military assistance and the amount CIA is spending.

Mr. MILLER. Well, $284 million. So, I think the essence——

Mr. SYMINGTON. Let me present this straight. The estimate of new funds for 1971 military assistance, the staff was told here was $117,300,000. The economic assistance was $52 million.

Then when they arrived in Laos they were told the CIA was spending [deleted] million; and that the figure for military assistance expenditures had been raised to $162,200,000. This does not include other expenditures the U.S. Government was making in and over Laos.

Mr. MILLER. What the Senator is saying is that in addition to the moneys that we in the Senate specifically authorized and appropriated for Laos, for fiscal 1971 there is another $120 million spent by the CIA in Laos.

Mr. SYMINGTON. I do not know exactly what was, or was not, spent by the CIA, because although a member of the CIA committee, those figures are not given in detail. The staff in Vientiane received this estimated breakdown of expenses of the Central Intelligence Agency.

Mr. MILLER. Mr. President, I do not want to get bogged down.

Mr. SYMINGTON. If the Senator would be good enough to put down, in detail, what figures he has in mind, I would be very glad to have the staff analyze same and make it all part of the record.

Mr. MILLER. Mr. President, I do not think that is necessary to get to my point. What I had in mind now—and the Senator may correct me if I am wrong—is that we specifically appropriated about $169 million for military and economic assistance for Laos for 1971, and about $120 million more came from somewhere else for the operations in Laos. I think there is only one other place that could have come from, and that is from the CIA.

Would that be a proper deduction?

Mr. SYMINGTON. Mr. President, I think the Senator's analysis could be constructive. To be sure, we will place the exact figures given us by the Defense Department in the record. I ask unanimous consent to do so.

The PRESIDING OFFICER. Without objection, so ordered.

ESTIMATED AMOUNTS INCLUDED IN MILITARY FUNCTIONS APPROPRIATION FISCAL YEAR 1972 BUDGET FOR SUPPORT OF FREE WORLD MILITARY FORCES IN VIETNAM, LAOS, AND THAILAND AND RELATED COSTS IN FISCAL YEARS 1970, 1971, 1972

(In millions of dollars)

	Fiscal year 1970						Fiscal year 1971					Fiscal year 1972				
	South Vietnam	Korea	Philippines	Laos	Thailand	Total	South Vietnam	Korea	Laos	Thailand	Total	South Vietnam	Korea	Laos	Thailand	Total
Military personnel:																
Army	23.4	89.9	1.2	.....	20.1	134.6	74.1	90.8	8.1	22.1	195.1	63.1	91.2	8.1	11.9	174.3
Navy	2.5	.....	.....	.....	.....	2.5	.1	.2	.....	.1	.4	.1	.2	.....	.1	.4
Marine Corps	.....	13.8	.....	.....	.....	13.8	.....	12.8	.....	.....	12.8	.....	12.6	.....	.....	12.6
Total, military personnel	25.9	103.7	1.2	.....	20.1	150.9	74.2	103.8	8.1	22.2	208.3	63.2	104.0	8.1	12.0	187.3
Operation and maintenance:																
Army	467.9	58.3	.8	18.0	21.5	566.5	562.2	50.0	17.8	16.6	646.6	530.8	49.6	19.8	13.5	613.7
Navy	42.5	.4	.....	.....	1.0	43.9	85.6	.1	.....	2.8	88.5	70.3	.1	.....	2.0	72.4
Marine Corps	.7	3.3	.....	.....	.4	4.4	.8	4.0	.....	.5	5.3	.2	6.0	.....	.6	6.8
Air Force	85.4	.6	.....	25.8	8.4	120.2	97.4	1.0	36.6	11.2	146.2	110.5	1.1	33.7	12.1	157.4
Total, O. & M.	596.5	62.6	.8	43.8	31.3	735.0	746.0	55.1	54.4	31.1	886.6	711.8	56.8	53.5	28.2	850.3
Procurement:																
Army	858.2	67.2	.....	9.3	37.4	972.1	732.5	60.9	11.9	25.8	831.1	772.4	74.2	14.2	30.1	890.9
Navy:																
Aircraft and missiles	.....	.....	.....	.....	.....	.....	.....	.....	.....	.2	.2	.....	.....	.....	.2	.2
Other procurement	7.3	.....	.....	.....	.3	7.6	18.2	.....	.....	1.0	19.2	9.7	.....	.....	.9	10.6
Shipbuilding	2.6	.....	.....	.....	.....	2.6	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Marine Corps procurement	33.4	4.1	.....	.....	.7	38.2	.5	1.8	.....	.5	2.8	.2	8.9	.....	.....	9.1
Air Force:																
Aircraft procurement	76.6	.....	.....	3.2	5.5	85.3	155.6	.....	5.0	4.4	165.0	113.7	.....	10.4	3.4	127.5
Other procurement	83.6	.....	.....	17.9	.2	101.7	87.3	.....	37.9	1.8	127.0	112.9	.....	39.6	2.4	154.9
Total procurement	1,061.7	71.3	.....	30.4	44.1	1,207.5	994.1	62.7	54.8	33.7	1,145.3	1,008.9	83.1	64.2	37.0	1,193.2
Military construction:																
Army	.....	.....	.....	.....	.....	.....	12.0	.....	.....	.....	12.0	.....	.....	.....	.....	.....
Summary:																
Army	1,349.5	215.4	2.0	27.3	79.0	1,673.2	1,380.8	201.7	37.8	64.5	1,684.8	1,366.3	215.0	42.1	55.5	1,678.9
Navy	54.9	.4	.....	.....	1.3	56.6	103.9	.3	.....	4.1	108.3	80.1	.3	.....	3.2	83.6
Marine Corps	34.1	21.2	.....	.....	1.1	56.4	1.3	18.6	.....	1.0	20.9	.4	27.5	.....	.6	28.5
Air Force	245.6	.6	.....	46.9	14.1	307.2	340.3	1.0	79.5	17.4	438.2	337.1	1.1	83.7	17.9	439.8
Total	1,684.1	237.6	2.0	74.2	95.5	2,093.4	1,826.3	221.6	117.3	87.0	2,252.2	1,783.9	243.9	125.8	77.2	2,230.8

9. (a) Funding of South Vietnamese and other Free World forces under authority of the Defense Authorization and Appropriation Acts, by category or purpose.

Mr. MILLER. As I say, for this purpose I do not think I need to get to whether it is $1 million, $2 million, or $5 million less.

I think one of the points the Senator made is that here we are with another $120 million spent in Laos which we in the Senate did not specifically authorize and appropriate.

I have one further question. Does that money, the $169 million or the $169 million plus the other $120 million, include the cost of bombing of the Ho Chi Minh Trail?

Mr. SYMINGTON. No, it does not.

Mr. MILLER. Here is my point. I say this most respectfully to my colleague from Missouri. I think most of us understand that when we make authorizations and appropriations for the CIA, some of that money is very likely to end up in some of these operations, such as Laos. In other words, I do not think we have quite said there will be only so much money for Laos and nothing more, because if we did we would have no motive in appropriating money for the CIA.

This has troubled a number of us. What is the money going to the CIA to be used for? How much is it? How did they spend it? That agency has been operating for a long time under a cloak of quasi-secrecy in the hands of a limited number of people, and I think the Senator from Missouri is one of them as a member of the subcommittee on CIA oversight.

I have never served on that committee, but I have great respect, as a former member of the Committee on Armed Services, for the integrity of those few Senators who do have that oversight responsibility.

I find it very difficult to believe that the oversight committee could not obtain some pretty accurate information on how much of that CIA money was going to Laos.

I am wondering whether the Senator could tell us what efforts were made by that oversight subcommittee to obtain this information so it would not be necessary for the staff to go to Vientiane.

Mr. SYMINGTON. The more information one obtains before making a decision the better the chances for a wise decision. Even with the staff report mentioned, in all my committees there is no real knowledge of what is going on in Laos. We do not know the cost of the bombing. We do not know about the people we maintain there. It is a secret war.

As mentioned before, the Central Intelligence Agency reports directly to the President. Therefore, in effect, it has executive privilege. The head of the Central Intelligence Agency is also the head of the Intelligence Subcommittee of the National Security Council.

I am not critical of this agency. As mentioned in my prepared text, I have admiration for them. But I do say there is a war going on in Laos, and money is being spent in heavy quantities about which the Senate knows nothing. I am a

member of literally all the committees involved. Each time we go to Laos and believe we have uncovered the last leaf of what has been and is going on, we find later that is not true. The responsibility cannot be placed entirely with the Central Intelligence Agency, because to the State Department has been delegated some of the authority for the instructions being given the CIA.

What worries me, having gone through the Korean situation at a time when we thought we were in very good shape and then were suddenly hit by the Chinese in heavy force, is the fact there has been a great deal of activity near the Chinese border, in northern Laos, which has nothing to do with the Ho Chi Minh Trail, and that could give us more serious trouble.

When we asked about B–52 bombing in northern Laos we were told B–52's were bombing in northern Laos, far from the Ho Chi Minh Trail. We were also told that the reason we had not been told before was because we had not asked.

The shocking information that we were bombing with B–52's way up in northern Laos was given in an open hearing by the Under Secretary of State. He no doubt gave it because he knew what the subcommittee staff report was going to say to the Congress.

Mr. MILLER. I want to make this point. I have had an opportunity to visit Vientiane myself to obtain some information. I think the Senator from Missouri has done more than any Member of the Senate to try to obtain information on our operations in Laos, and for this he is to be commended. At the same time, we should not leave the impression that the Senate somehow or other has been helpless in this matter. We are all mature individuals, and we know what we are doing. We have appropriated a lot of money for the CIA. If we have done so, knowing the CIA is an executive privilege Agency, I think we have done so with our eyes wide open. Maybe we should change that. That is something else. But let us not say the Senate has been hoodwinked or leave the impression we have been mislead and have not known what is going on. I think we may have lacked information on the specifics, and the Senator is pulling out information on the specifics, but the Senators who voted on these appropriations for the CIA voted for them with our eyes wide open, knowing what we were doing. Maybe we should change it. It is something for future debate.

I thank the Senator for yielding.

Mr. SYMINGTON. I thank the Senator for his kind remarks about my efforts to get the facts. I would be the last to say he had been hoodwinked or that any other Member of the Senate had been hoodwinked. But I have been hoodwinked, and I want the Senate to know this afternoon that that is the case.

I wanted to go to Laos in the fall of 1965, but was told the Ambassador did not want Members of Congress to come to that country, and did not like people to go into Laos. So I met the Ambassador in Udorn, Thailand, just south of Vientiane. At that time the Ambassador reafirmed he did not think it right for people such as me to go into Laos.

He mentioned that the present distinguished senior Senator from Massachusetts had been there, added that his visit had created some consternation and had upset the Laotian Government.

So in 1966 I went to the State Department and said, "Regardless of what that Ambassador thinks about my going into Laos, I am going into Laos as a member of the Committee on Armed Services and the Committee on Foreign Relations, with his goodwill or without it, but I am going." State said, "Of course, you can go. Who said you cannot?" I said, "The Ambassador, who so told me and others."

I thereupon went to Hawaii and later received copies of telegrams sent to State by the Ambassador protesting my planned visit.

Later I had a wire from the Ambasador, saying he was glad I was coming and that he hoped I could stay with him, with my aide staying with his military aide. I wired back I appreciated his invitation but was going to stay with friends in Vientiane. He knew the only place that could be was a compound financed indirectly by the CIA, and I was told he wired State saying he thought it would be a mistake if I stayed with those people.

Later, in 1967, I went out again and that time stayed with him.

It was a pleasant trip, and I learned a lot and was told a very great deal I did not know.

But nobody told us that United States combat airplanes, with American pilots, were bombing in northern Laos, American pilots who carried their identification so they would not be shot as spies if they were forced down. Those airplanes were attacking, with napalm and bombs, in northern Laos. This we were not told.

As a matter of interest, when we came back and had hearings in the Foreign Relations Committee, at one point questions came up. The answer was, "You did not ask." For the information of my good friend from Iowa, I did not know we were running B–52 bomber raids over northern Laos until the staff came back and so reported. So in this case, also, it was not logical to ask.

In my judgment (*a*) these B–52 raids in northern Laos are dangerous to the security of the United States—a field in which I have had some experience and (*b*) no member of this body knew we were extending regular B–52 raids that far north in Laos.

In 1946, before there was an Air Force, when I was Assistant Secretary of War for Air, some Senators will remember that the Yugoslavs at that time were not on as friendly terms with us as they are today. They shot down several of our unarmed DC–3's. I called in General Norstad, and asked him to put some of our fighters on that border with instructions to shoot down any planes that attacked our planes.

Norstad said, "I am a fighter pilot and that would be a mistake." I asked, "Why?" He replied, "Because if we do, the fight will not end up at the border; it will end up over Belgrade," and I withdrew the suggestion.

That experience in itself gives me apprehension about the apparently relatively careless way we have been handling the B–52 bombing over northern Laos.

I yield to the able Senator from New York.

Mr. JAVITS. I would like to refer to the Senator's points, which he has rightly emphasized. One point is the money. The second point is the Fulbright amendment. The third point is what the Senator from Missouri, who has served us so well here, calls the long undeclared and secret war.

If the Senator would be kind enough to refer to the letter which Senator KENNEDY has put on every Senator's desk, he will see the explanation of the administration reflected in Mr. Abshire's letter to Senator KENNEDY which reads as follows:

> However, as the President said in his address to the Nation on October 7, 1970, the war in Indochina "cannot be cured by treating only one of its areas of outbreak." If the North Vietnamese were to conquer all of Laos they could divert thousands of their forces now engaged in North Laos to the war against South Vietnam, and greatly enhance their position in those areas of Laos bordering South Vietnam from which they launch attacks on United States and allied forces.

My questions then, to the Senator from Missouri are, one, does what he has just described as our crowding the Chinese border represent, in his opinion, a risk in order to protect U.S. forces; and, two, is there a separate war in northern Laos which does not have a relation to the protection of our troops in South Vietnam, and, if so, does the Senator know of any valid support for the contention that it is to protect our forces in South Vietnam?

Mr. SYMINGTON. If I may answer the last question first, I believe that, without question, the war in northern Laos is a separate war. Secondly, I do not believe this war is essential to our position in Vietnam. But the major point is we have not been informed.

We were not informed about the B–52 raids up north. The defense of the administration was and is that we did not ask. Perhaps some would change their minds if they knew the facts; but the core, the basic thrust, of the request for this hearing today is: How can you have any knowledgeable opinion if you do not know what is going on or the reasons for, and the thinking behind, the policies and programs in question?

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

Mr. JAVITS. If the Senator will allow me to complete my thought, I think what troubles all of us is, assuming we can get an explanation in executive session, whether it is still one of those questions so momentous that it ought to be submitted to the public domain for a vote of the Congress, or at least to have the facts known so that the American people—and we here as their representatives—have an opportunity to answer "Yes" or "No"?

Mr. SYMINGTON. I plan to make every effort to release as much of this information as possible.

Before yielding to the able chairman of the Armed Services Committee, let me summarize my feeling about this war. I have been raised to believe in the value

of human life. The great value of the life of the least important GI is very important. The President—and I respect him for it—has stated that no military victory in Vietnam is possible; that what we are trying to do is get out. With that premise, it is sad indeed to realize that each and every day from the time we decided no military victory was or is attainable, nevertheless we continue with policies which result in the killing of so many of our own young people, and thousands upon thousands of others—military and civilians. We are comfortable around here. We say we are happy. We are very prosperous—at least we think we are. At the same time, out there, day after day, people, human beings, are being slaughtered. One cannot fail, based on our traditions and our beliefs, to ask why.

If it is right from the standpoint of the future security and prosperity and happiness of the United States, then I would be for it. But one day in 1966 I was at a hospital in Nha-Trang when the helicopters started dropping in with the wounded. I turned to my escort officer, a ground hero in the Korean war, and said, "Ed, to be right at all, we must be mighty sure this is right." He said, "I could not agree with you more." There is nothing more heartrending to listen to than the cries of the wounded. Now we admit there is no military victory possible so let us get out as soon as possible, so as to reduce these casualties. In any case, and at the least, let us obtain all the truth before we put up more money. The money is the only way it can continue, right or wrong; and the most important matter facing us today is the right of the Senate to know just what is going on before we fund this money.

I yield now to the able Senator from Mississippi.

Mr. STENNIS. I thank the Senator from Missouri. He has made a very temperate statement here. As he stated, he cannot vouch for all these figures. If they are not correct, he wants to be corrected. I have not seen the statement before——

Mr. SYMINGTON. We finished it only late last night.

Mr. STENNIS. Yes, I understand.

I cannot discuss, much less explain, those figures, and I have none available to refute them, but let me say this to Members of the Senate about the money we appropriated in the military procurement bill. That is the bill for military hardware, which includes the ABM, and which we discussed for 7 weeks this year and 6½ weeks last year. In the bill we provided $2.5 billion for military aid to Southeast Asia. That was explained to the fullest extent, and we had amendments concerning it. There was one amendment to put a cap on it. The Senator from Arkansas and I agreed on it. I wanted a ceiling on it.

That money is what we call, in general terms, military aid. It was transferred over to the Armed Services Committee from the Foreign Relations Committee, with the consent of the Foreign Relations Committee, about July 1, 1966. It showed up for the first time, I think, in fiscal 1967.

Just look at the map. How can you separate the war, and the military aid for all these countries in the area where the fighting was already going on and still is? Since then, we have gone into Cambodia and we have openly gone into Laos. We have done all these things and we are bombing everywhere. I think that is the real reason why the money was transferred.

Now, I did what I could, and other Senators did too, to explain that item to the Senate. And we appropriated $2.5 billion. Whether you remember it or not, I think it was said then that "this money goes in with the regular DOD money that is in this bill." It was not a separate appropriation, so to speak. We had estimates, but they were not separate accounts.

The Department of Defense told us frankly, "We are just not certain exactly how much money was spent through these funds in the various countries," although they made an effort to keep up with it. With bombers flying everywhere, and soldiers coming and going, and [deleted] and everything going on, I can see the difficulty. I was not patient with it at first, but I came to understand it better.

We have figures, but, as the Senator from Missouri said about these expenditures, they still call them estimates. I am talking about the money now that is appropriated through the Department of Defense. The State Department may be an advisor in this program. I am leaving the CIA out of these remarks. They frankly brought them to us as estimates before our committee, we brought them to the Senate floor as estimates, and now, when they report back on the money, they still call them estimates, for the reasons I have given.

The figures here presented were brought in good faith, I know absolutely, by your representatives who went there. They dug into a lot. But I would want to look at these figures further. I think we should.

However, as far as this $2.5 billion is concerned, as far as being able to trace it down country by country, I do not think it is possible to do so. It was the spirit of the appropriation, when the authorization was made, that this money was going into the general accounts of the Department of Defense. They were paying their own way over there, and for every conceivable thing for American soldiers, and we were going to be using the same kitty, so to speak, for this kind of military aid. We were going to leave off the regular military aid that would come through the Foreign Relations Committee.

Just to sum up, I think the Senator raised the point I mentioned, too, which is that while we are doing this, is what we are doing in Laos an adjunct to the war in Vietnam? I think it has been from the beginning, and still is, and the Lord only knows where we would be if we had not done something up there in Laos. What would have been the situation? The North Vietnamese have had two or more divisions in and out of there, back and forth, all this time. I do not know whether they are there today or not, but they have been going back and forth all the time, and they had to be offset. We tied them up, and we did a lot more than that. But I just do not believe you can separate an arm or leg or anything else from the body of the war over there that we are in and want to get out of.

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

Mr. STENNIS. Now, let me say just a word about the CIA, and I will be through. All the money I have been talking about does not involve the CIA at all. The CIA has justified its budget to our subcommittee, and, as always, they have come up with expenditures right in line with what they were authorized expressly to do. By and large, that has happened, and I believe it will happen even as to this complicated situation in Laos. They have come clean with the figures, and they have told us, and I think the Foreign Relations Committee from time to time, about their activities in Laos. We can go into that later. But their money, I think, is largely in the clear and totally separate.

Now, who is involved in the CIA? Well, the President of the United States, the National Security Council, and we are a party to it, in putting up the money. I think we all know that if we are going to have a CIA, and we have to have a CIA, we cannot run it as a quilting society or something like that, in the ordinary way. But their money is in the clear, and their forthrightness, I think, is in the clear. I noticed that the Senator from Missouri was very straightforward, I thought. I noticed his terms.

I have tried to tell the Senate, on behalf of the committee, what the situation was. Of course, we will continue to try to do that. I am very much interested in this report, and intend to get into it as time permits.

Mr. COOPER. Mr. President, will the Senator yield to me?

Mr. SYMINGTON. Mr. President, before yielding to the able Senator from Massachusetts, I would make several observations in response to the remarks of my distinguished chairman.

Perhaps we made a mistake in placing this military assistance in the legislation which goes to the Armed Services Committee. We did not do so with respect to Cambodia. There is no secret aspect about the military aid to Cambodia. I would present to the Senate the fact there are few people more interested in getting the news than the news media people of this country. A great many of the questions asked, when we went to Laos, were and are the result of stories which came from televised reports and newspapers in this country, spoken and written by men and women willing to risk their lives to first obtain and then report the truth. When their stories were published, many times they were in trouble with the authorities out there. Our staff went out and asked "Is this true?" The people, being honorable people and knowing in their hearts the staff had the right to ask, replied, "Yes, it is true." A great deal of this new information was developed in this manner.

With respect to the map, and all countries involved in the map which the able Senator referred to. I never thought Vietnamization would work and said so the day after it was announced as policy.

The reason for this belief was and is simple: If we could not achieve a victory under the rules, regulations, and restrictions laid down with 800,000 of the best of our fighting men—to reach 800,000, I am counting the fleet and all the Americans in Thailand, the Philippines, Okinawa, Guam, and Japan who were devoting all their time to Vietnam as well as half a million in Vietnam—if we could not achieve victory for Messrs. Thieu and Ky with 800,000 of the best of all, how are they going to achieve it by themselves? This is a somewhat oversimplified premise but was the basic reason why I have always opposed the concept of Vietnamization. That, until now, has been my major criticism; and I agree with the President that we should get out as soon as we can.

But today we are talking about two different wars or perhaps better put, another and secret war. I have gone out there and talked with just about everyone in authority. I have gone up to Luang Prabang and Sam Thong. I have talked with Gen. Vang Pao. I have talked with our Jolly Green Giant people. I have gone to Savannakhet and Pak Se, and listened to the reasons, the justifications.

There are two wars. I defy anyone to assert there are not. One war has to do do with protecting our troops, the air and now the ground war against the Ho Chi Minh Trails. But if anyone tries to justify the bombing and napalming of military and occasionally civilians up in northern Laos as a way to protect Americans we say are leaving Vietnam, in my judgment they are very wrong. I have a right to my opinion as a Senator representing the people of Missouri. This is what I have reported and will report back to them.

In any case, the purpose of this session is to again emphasize the importance of getting out the facts, so we can get enough truth to justify or not jusify what is being done. I have never received these facts as a member of either the Foreign Relations Committee, the Armed Services Committee, the CIA Subcommittee, or the Appropriations Committee; only have they come as a result of this report, a report which once again shows much was going on in northern Laos—a different war—that we knew nothing about.

I now yield to the able Senator from Massachusetts.

Mr. KENNEDY. I thank the Senator. I think he has expressed very well the concerns that I have in terms of the authority of the administration to conduct the other war—the one in northern Laos. Not having been on either the Armed Services Committee or the Foreign Relations Committee, but being chairman of the Refugee Subcommittee and interested in the various programs that affect the refugees in Laos, we had former Ambassador Sullivan testify before the subcommittee. In his oral testimony he made a comment about the creation of refugees, the numbers of which increased in almost direct proportion to the escalation of the bombing in Laos.

I read now from Ambassador Sullivan's formal testimony. He remarked:

> Almost all of these original residents have long since left the area and it is today, for all practical purposes, unpopulated except by the North Vietnamese military forces—

He is talking about the Ho Chi Minh Trail.

> Ambassador SULLIVAN (continuing). Their engineering and logistics auxiliaries, and the porters whom they use in the operation of the Ho Chi Minh Trail. Therefore the area of Laos which is subjected to the most intense military activity is not an area which is of direct concern to use in examining the question of refugees.
>
> The refugees in Laos are those whose lives have been disrupted by the other war in Laos, which has nothing to do with military operations in South Vietnam or Cambodia. This other war is a war which represents the ambitions of the North Vietnamese to extend their control over their peaceful Laos neighbors.

Then his testimony continues in elaborating about the war.

At the end of his testimony, I questioned Ambassador Sullivan—who, of course, as Senator SYMINGTON has pointed out, was the Ambassador to Laos. I have visited out there and so have members of my staff on the Refugee Subcommittee, I questioned Ambassador Sullivan.

> What is the President's authority for waging the war there if it has nothing to do with operations in Vietnam and Cambodia?
>
> Mr. SULLIVAN. I think this matter has been examined in other committees.
>
> Senator KENNEDY. I am sorry?
>
> Mr. SULLIVAN. This question has been examined in other committees.

Having this comment of Ambassador Sullivan, I continued the questioning. I asked him to develop this thought. He made the comment about testifying before other committees, and then he said:

> The attacks in northern Laos we do not consider to have to do with the operations in South Vietnam and Cambodia.

That is a direct quotation from Ambassador Sullivan's testimony.

I took the opportunity on April 23 to write to the President to inquire about the authority for what Ambassador Sullivan, as a spokesman for the administration, had commented on as being the other war. A copy of that response is on the desk of each Senator.

As David Abshire, who is the Assistant Secretary of State for Congressional Relations, and who is the spokesman on this matter, points out:

> As the President said in his address to the Nation on October 7, 1970, the war in Indochina "cannot be cured by treating only one of its areas of outbreak."

But here we have quite a clear contradiction, in terms of the expression of policy, between Ambassador Sullivan, who probably has been more involved in the entire Laotian situation than anyone else within the administration, and the spokesman for the administration, Mr. Abshire.

When I asked Ambassador Sullivan at the hearing for a fuller comment with respect to the authority for the war in northern Laos, he said he would submit it for the record. This has not occurred.

As a Senator who is in a rather unique position of being on the committee concerned with CIA appropriations, and the Foreign Relations Committee, I am wondering what the other committees would be that would have had an opportunity to consider this authority—if it was not the Armed Services Committee, the Foreign Relations Committee, or the committee which is involved in the various CIA activities? What is the authority for this war in northern Laos, an authority the administration evidently believes it has?

Mr. SYMINGTON. Mr. President, I thank the able Senator from Massachusetts for presenting that testimony to the Senate, and I know of no other Senate committee with jurisdiction in this field than the ones mentioned.

Testifying before you, Assistant Secretary of State Sullivan made my case about there being two wars better than I have made it or could make it. I fully agree with his conclusions.

The purpose of this meeting was to present to the Senate the fact we are not getting enough information about what the United States is doing in Laos. Whether what we are doing is right or wrong, we should be able to form our conclusion based on facts; otherwise we are operating blindly when we put up the money for these policies and programs in these foreign countries.

Second, and a more direct answer to the Senator from Massachusetts, is that, regarding the written law as passed by the Senate, based on this report, that law, in my opinion, has been and is being violated. This aspect is something in which most certainly every Senator and every citizen should be interested.

The Senator from Alaska has asked me informally whether the State and Defense Departments had a chance to review this report. My answer is "No." But the report will be filed as part of this proceeding, so the executive branch can analyze it and agree or disagree.

My earnest hope is that we obtain a maximum amount of it declassified so our people will be better informed about just what is actually going on in Southeast Asia.

Inasmuch as I mentioned the name of the able Senator from Alaska, I now yield to him and then will yield to the able Senator from Kentucky.

Mr. STEVENS. It is my understanding that the unanimous consent request was that all the proceedings here plus the staff report would remain classified in the offices of Foreign Relations Committee. That is the reason why I asked the Senator whether the Department of State and the Defense Department have access to the staff report and these proceedings without the consent of the Senate.

Mr. SYMINGTON. They will have access.

In addition, as was the case in the last closed session we had, we would ask——

Mr. FULBRIGHT. They do not have access without our permission.

Mr. SYMINGTON. If they desire to examine it, we of course would want them to do so.

In the last session, we had our record declassified. I would hope, and at earliest opportunity, we could have all these proceedings declassified.

Mr. STEVENS. I assume that the staff

report has been classified top secret by the Senator's committee.

Mr. SYMINGTON. That is correct.

Mr. STEVENS. Not by the executive branch.

Obviously, we are going to have debate on your amendment in open session, but I would be interested in having the State Department and the Department of Defense have an opportunity to comment and to have those comments in the Foreign Relations Committee, so that we could read the staff report and the comments of the Department of State and the Department of Defense.

Mr. SYMINGTON. I am not certain we can handle it exactly the way the Senator from Alaska would wish. But the more information we all can obtain, the better. Let us hope, therefore, that all reports and all information, the publication of which would not be against our national security, will be released.

Mr. STEVENS. Will the Senator allow me to ask the chairman of the Foreign Relations Committee this question: Is it possible in some way to get the Department of State and the Department of Defense to comment upon the staff report and the facts contained therein? I am perfectly willing to recognize it for what it is—a staff report that presents facts they have found. In effect, I should like to have these people——

Mr. SYMINGTON. I am chairman of the subcommittee to which the report was made; and with the approval of the chairman of the full committee and the committee would, of course, be glad to have the executive branch examine the report. We would hope also they would comment on it, agree where they agree, disagree where they disagree, in the tradition of our democratic system.

Mr. STEVENS. I would like to have their comments on the report.

Mr. SYMINGTON. They will be available.

Mr. SCOTT. They have not yet seen it.

Mr. FULBRIGHT. They have not yet seen it, no.

Mr. STEVENS. I thank the Senator.

Mr. SYMINGTON. I now yield to the able Senator from Kentucky.

Mr. COOPER. I have had the opportunity to serve on the Senator's subcommittee and to read the various reports, and I would like to say that I have read this report in full.

I think that the two men who went out there, Mr. Lowenstein and Mr. Moose, made a very fair report. That is evident in the instances in which they give full credit to the efforts of the CIA and the embassy to be careful about getting too close to China, and so forth. It shows their fairness.

I wish to raise another point which came to my mind when the Senator from Mississippi was speaking. I do not think this question has been raised before. I think it is a very important question.

I recall 2 years ago, on August 12, 1969, when the Senator from Arkansas (Mr. FULBRIGHT) got up and asked that funds should be made available for military aid to Southeast Asia but limited to $2.5 billion, and the Senator from Mississippi assented to that. It was correct that 1 year before that, and I have it in the record here, Secretary McNamara had come before the Committee on Foreign Relations and asked that the authority to authorize military aid for Laos and Thailand be transferred from the Committee on Foreign Relations to the Armed Services Committee.

This is what he said in the CONGRESSIONAL RECORD, volume 115, part 127, page 23511:

> We are prepared to provide Laos and Thailand the equipment and supplies they require to combat the armed Communist forces which threaten their freedom. Therefore, the transfer itself implies neither escalation of conflict nor change in type or level of assistance; it merely reflects the most effective manner to handle the problem.

He did not tell what that manner or level or nature of the operation was at that point.

Now I hate to be referring to myself, but I got the idea that perhaps we did have forces operating in Laos and I offered an amendment, which was the predecessor of all of these other amendments limiting the authority of the President, to prohibit the use of any American military forces in Laos in support of Laos and Laotian forces. It was challenged. The Senator from Mississippi thought it deserved further study. After a while, I did agree to put it off until later. But in that debate, the Senator from Missouri (Mr. SYMINGTON) said he knew we had forces operating in Laos. The Senator from Texas (Mr. TOWER) said that he thought we had forces operating in Laos. The Senator from Arizona (Mr. GOLDWATER) said he had said so in the campaign in 1964, that he knew we had forces operating out there, but no one paid any attention to him. So we knew then——

Mr. SYMINGTON. The Senator used my name. Could I ask, with respect, what is the point he is driving at?

Mr. COOPER. I am getting to it. We had hearings in the Committee on Foreign Relations a year ago in which Mr. Sullivan and others came before the committee, and they detailed the kind of military operations—the bombing, not by the B–52's, but the bombing in the north to support our forces.

The point I am getting at is that I first think there must have been some transfer of funds to "up" the amount that has been used in Laos; but the question is, have these people got the right to operate out there with U.S. forces in support of a Laotian Government without the consent of Congress? They have been doing that at least since 1964, and maybe before that. We have never acted upon it.

Now of course the President says—and there may be some measure of right in it—that considering the necessity to protect our forces, we have to take this all into consideration.

The point is, we have had an operation there to support the Government of Souvanna Phouma for at least 6 or 7 years without any known authority of Congress. I think that is a very delicate question we will have to talk about some time.

Another question that goes even further is, has the CIA—a secret group—the authority to get into a private war, a secret war, and gradually to lead us perhaps into a larger war?

I raise these questions because I think they are serious. I do not know how we can deal with them unless we discuss them again in another secret session.

Mr. President, I ask unanimous consent to have printed in the record the debate of August 12, 1969, which is printed in the CONGRESSIONAL RECORD, volume 115, part 17, pages 23509–23520.

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

[From the CONGRESSIONAL RECORD—Senate, Aug. 12, 1969]

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces and for other purposes.

Mr. FULBRIGHT. Mr. President, amendment No. 129 does two things.

First, it makes clear that no more than $3 billion of the funds appropriated for use of the Armed Forces of the United States may be used to support the forces of Vietnam and other free world forces in Vietnam, or local forces in Laos and Thailand.

Second, this amendment requires that the decisions as to the expenditures of these funds are to be the responsibility of the President rather than the responsibility of the Secretary of Defense.

My purpose in proposing this amendment is to tighten up the provisions of this authorization bill.

As it now stands, the Congress would be authorizing the Secretary of Defense "on such terms and conditions as he may determine" to spend, without any limitation whatso ever, an amount that could be as high as $80 billion to pay the expenses of armed forces other than those of the United States.

This, I know, is preposterous. The Secretary of Defense would do no such thing. But that is precisely what the language of title IV authorizes as I read it.

There must be some limit on the amount we are expected to take from the use of our Armed Forces and give to other free world forces.

I guess I do not know what that limit is.

My amendment specifies that not more than $3 billion may be spent on foreign armed forces. That is more than we spend for economic foreign aid and for many domestic programs. It is but 10 percent of the some $30 billion which the Vietnam war costs the United States annually.

I know it will be said that there must be a broad delegation of discretion in the expenditure of these funds because we hope that South Vietnam forces will take over more and more of the burden. But I suggest that the Senate is entitled at least to have an estimate of how much next year is to be used to pay for the forces of allies fighting with us in Vietnam.

If the chairman of the Armed Services Committee is not agreeable to the limiting figure of $3 billion for this purpose, I would be interested in receiving some other estimate.

It does not make much sense to me to hold elaborate hearings on the Defense Department budget, to receive detailed estimates

on the costs of various weapons systems, and then to adopt language in this bill which says in effect that notwithstanding any other law authorizing funds for the Armed Forces of the United States, the Secretary of Defense can spend whatever he desires to support other free world forces in Vietnam and local forces in Laos.

The Congress must be cautious of such wide open delegations of authority.

I hope the chairman of the Committee on Armed Forces will accept this amendment.

Mr. STENNIS. Mr. President and members of the committee, I call special attention to the situation with respect to title 4. It may be that a rollcall vote will not be required on the matter.

I will first make a brief explanation of title 4 of the bill. It covers what was once called foreign military aid or foreign aid for military. But this section is limited to the South Vietnamese and other free world forces in Vietnam, local forces in Laos and Thailand, and for related costs during the fiscal year 1970 on such terms and conditions as the Secretary of Defense may determine.

Mr. President, that is the identical language that was used for last year in the authorization bill as brought forward without any change and also for the year 1968.

I am going to propose an amendment as a substitute to the amendment of the Senator from Arkanas. The funds now in the bill for this purpose amount to only $147 million. That is in hardware. The authorization is merely for the Appropriations Committee, concerning such other amounts as they may appropriate and for whatever purposes they may appropriate. The Appropriations Committee now has authority to appropriate items except military hardware for our Army or Navy, but they do not have authority to appropriate even O. & M. funds—operation and maintenance funds—for the Army of South Vietnam. So this would be a general authorization.

When this matter came before us, my best recollection is that in looking at it, the Chief of Staff said that this is identical to the matter of last year, and that was correct. We did not get to the figures then, however, and they gave me the figures later, and showed how it was spent last year for this purpose—$2.5 billion. For this year, it is estimated to be $2.26 billion for this purpose.

On that point, I did not notice the open end clause in here, which is the three or four words on pages 12 and 15: "under this or any other act." That gives it an open end, unlimited authorization. I have not favored that since we built the Air Force Academy. I do not like us to make open end authorizations unless it is absolutely necessary. That is my record on it.

But I failed to point that out to the committee; I am sure I did. That is why I want to offer this substitute amendment now. Instead of saying "not to exceed $3 billion," I think we should put it at $2.5 billion; and if more money is needed, they can get the authorization for it.

So I do not think we should try to step on the President of the United States by requiring him to issue a certificate.

My amendment, which reads as follows, is offered as a substitute:

"On page 5, line 11, strike out the quotation marks and the word 'Funds' and insert in lieu thereof the following: 'Not to exceed $2,500,000,000 of the funds'."

"On page 5, line 17, insert for the word 'conditions' the phrase 'under Presidential regulations'."

That will put it forth in the register. The President is responsible for what it does, anyway. I think that will take care of the situation.

So I offer that as a substitute, and I thank the Senator from Arkansas very much for calling attention to that matter. This language, if it is going to refer to the other authorization bills, should have a limit on it, and it is limited. Let me repeat for clarity, that it is limited to the forces in Vietnam, other free world forces in Vietnam, and the local forces in Laos and Thailand.

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

Mr. STENNIS. I yield.

Mr. FULBRIGHT. Inasmuch as it does deal particularly with the local forces in Laos and Thailand, two countries in which, at least technically and legally, we are not at war, does the Senator not think it would be better that this responsibility be given to the President? We are now discussing before our committee a matter involving Thailand, and it seems to me that this is a matter of such consequence that it should be squarely the President's responsibility to make a decision on a matter of this kind, as distinguished from the ongoing war in Vietnam. That is the part of it that struck me—that it should be a presidential responsibility in the law.

Mr. STENNIS. I think it should be a presidential responsibility. He is responsible for it, anyway. Certainly, we can trust him to make the regulations about this matter, and then the Secretary of Defense, acting under those regulations and our law and restrictions, I believe——

Mr. FULBRIGHT. Customarily, I say to the Senator, under the foreign aid bill which my committee has handled, the funds are made available to the President.

Mr. STENNIS. Yes.

Mr. FULBRIGHT. That has been traditional, since the beginning. Actually, this is an item which has been in the foreign aid bill, in foreign assistance, in the past. In fact, some Members presently are considering taking it back into that bill.

Therefore, I would suggest—I do not know that it is all that important—that it would still be more appropriate for the responsibility to be given to the President.

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

Mr. STENNIS. I yield.

Mr. SYMINGTON. Mr. President, there is a $500 million difference here. As I understand the position of the distinguished Senator from Mississippi, he agrees with the principle of what is desired by the distinguished Senator from Arkansas. We are in a fight in Vietnam, and we are and have been taking military action in Laos and Thailand.

I would hope that the able chairman of the Committee on Foreign Relations would accept the proposals presented by the chairman of the Committee on Armed Services.

Mr. FULBRIGHT. I intended to do that when I rose. I certainly accept the amendment of the Senator from Mississippi as to the amounts. His explanation of it is understandable.

I say to the Senator from Missouri that the prosecution of the war, of course, is a military matter. But this involves far more than a military matter, as we found this morning; and it is the very matter into which the Senator from Missouri is looking. I think it is primarily a political matter as to how far we go in a commitment to support the local forces in Laos and Thailand in particular, as distinguished from Vietnam.

Mr. SYMINGTON. I know of the legislative background incident to the matter we were discussing this morning, and ascertained that the Secretary of Defense believes the matter we discussed this morning, if implemented, would necessitate the approval of Congress.

Again, it is my hope that the chairman of the Committee on Foreign Relations would take the language suggested by the chairman of the Committee on Armed Services.

Mr. FULBRIGHT. I am willing to accept the Senator from Mississippi's proposed amendment in place of mine and would, of course, support it. I merely brought that to his attention, in that I thought there might be a distinction between the significance of the local forces in Laos. But if the Senator from Mississippi feels that strongly about it, I am perfectly willing to accept his amendment as a substitute for mine.

Mr. STENNIS. It is my intention to have the presidential responsibility at the very peak, but I think he should be permitted to make the regulations, and then the Secretary can act on them.

Mr. FULBRIGHT Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. Is it proper for me to accept the substitute or withdraw my amendment?

Mr. President, I modify my amendment as proposed by the Senator from Mississippi.

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

Mr. STENNIS. I do not understand.

The PRESIDING OFFICER. The Senator from Arkansas has modified his amendment.

Mr. FULBRIGHT. I modify my amendment in accordance with the suggested words of the Senator from Mississippi. It is his proposal, and that disposes of it.

The PRESIDING OFFICER. The amendment is so modified.

Mr. STENNIS. I want to discuss it a little further, but I yield to the Senator from Kentucky.

The PRESIDING OFFICER (Mr. SPONG in the chair). Will the Senator send the amendment, as modified, to the desk.

Mr. STENNIS. Mr. President, I yield to the Senator from Kentucky.

Mr. FULBRIGHT. Mr. President, will the Senator yield to me first briefly?

Mr. STENNIS. I yield.

Mr. FULBRIGHT. Did the Senator suggest to strike "any other act" and only confine it to this act?

Mr. STENNIS. No, that was done in marking it up.

Mr. FULBRIGHT. The Senator does not wish to strike out "any other act."

Mr. STENNIS. No, that is part of it. The ceiling is on it now.

Mr. FULBRIGHT. Very well.

Mr. STENNIS. I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I did not wish to intervene until the Senator from Arkansas and the Senator from Mississippi had agreed upon the questions which the Senator from Arkansas had raised. Now, I wish to raise another question on this section. I hope I may have the attention of the Senate for just a few minutes.

When I first read title IV on page 5 of the bill, the thought came to me that it could be considered a commitment as defined in the national commitments resolution which was adopted almost unanimously by the Senate. I may attach too much importance to language, but I want to give the reasons for my thinking in this direction.

In Vietnam we are furnishing supplies and equipment to the South Vietnamese and to other free forces who are assisting the South Vietnamese. We are also using our troops in support of the South Vietnamese.

The same situation may prevail in Laos and Thailand, as far as I know. We have authorized the supply of equipment and materiel to Laos and Thailand. Until a few years ago such supplies were authorized under the military assistance section of the foreign aid bill; in 1967 the authority was transferred to the military authorization bill.

My question goes to the meaning of the word "support." Is it intended in this section that support of free forces in Laos and

Thailand is limited to equipment, materiel, and supplies, or is it intended that word "support" shall include the use of our own Armed Forces in support of the local forces of Thailand and Laos.

Mr. STENNIS. No.

Mr. COOPER. If use of our forces is intended, article IV of the bill could be construed as a commitment of our Armed Forces.

Mr. STENNIS. Mr. President, the Senator presents a very good question but I do not hesitate for one moment in answering. It does not include troop personnel of that kind.

As a matter of fact, I shall have printed in the RECORD within just a few minutes an itemization of these very items for fiscal year 1968, fiscal year 1969, and fiscal year 1970, prospectively. We are dealing here with $2,226,400 for fiscal year 1970 which includes no military construction at this time, but procurement for the Army, Navy, shipbuilding conversion, aircraft procurement, missile procurement, and other procurement, and the operation and maintenance for the Army, Navy, Marine Corps, and Air Force. So it is strictly military matters, and military matters alone.

Mr. COOPER. Mr. President, I accept, of course, as all of us do, the statement and intention of the Senator from Mississippi, about his understanding of the matter. But it is important that we know the intention of the language which speaks of itself. I would ask if the Senator from Arkansas and the Senator from Mississippi would be willing to modify paragraph (2) which now reads "(2) local forces in Laos and Thailand;" so as to insert before "local" the words: "to provide equipment, material supplies, and maintenance thereof to". The additional language would remove any question of the intention—I do not know this is so intended; I hope it is not intended to use any of these funds for our forces to support the local forces of Laos and Thailand.

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

Mr. COOPER. I base my suggested language in part on a statement made by former Secretary of Defense McNamara when he asked that funds to assist Laos and Thailand local forces be taken out of the foreign aid bill and placed in the defense bill. He supported his request in a letter to Senator RUSSELL, chairman of the Armed Forces Committee.

"We are prepared to provide Laos and Thailand the equipment and supplies they require to combat the armed Communist forces which threaten their freedom. Therefore, the transfer itself implies neither escalation of conflict nor change in type or level of assistance; it merely reflects the most effective manner to handle the problem."

My amendment would limit the use of any of the funds, as far as Laos and Thailand are concerned, to equipment, material, and supplies.

Mr. STENNIS. The Senator might supply his language on that point. With respect to equipment and supplies there, we already have a list in the RECORD of what is represented.

Perhaps the language would provide this would not include any troops or U.S. forces. Maybe that would cover it.

Mr. COOPER. "Other than U.S. forces."

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

Mr. STENNIS. I yield.

Mr. MILLER. Mr. President, I would like to make a comment. Perhaps the Senator from Mississippi and the Senator from Kentucky might indicate whether or not this is within the scope of the Senator's proposed language. My understanding is that maintenance can be involved as well as the actual supplies and material.

Mr. STENNIS. Yes.

Mr. MILLER. If we are going to have maintenance, this could indicate contract maintenance, or it could indicate modifications of equipment. So I certainly think maintenance should be in this language if we are going to use specific language.

Mr. STENNIS. The word "maintenance" is in the bill of particulars that I am going to have printed in the RECORD. It does include many things in addition to military hardware. It really has no place in this bill, strictly speaking, except $147 million. As a matter of convenience we put it in 2 or 3 years ago.

I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I am certain I know what the Senator from Kentucky is getting at. I find myself in favor of that but I have a question as to whether or not his exclusion would be so complete that we could not, for example, install radars in Laos or Thailand, or electronic detection equipment, or electronic relay equipment that would require, at least for a time, personnel from the United States. These people might not be in uniform. They might be South Vietnamese. Would the idea of the Senator from Kentucky go that far?

Mr. COOPER. Mr. President, I shall try to make myself clear. I do draw a distinction between operations, on the one hand, in Vietnam and in Laos and Thailand, on the other.

Whatever may be one's views on Vietnam, we are assisting Vietnam in at least two ways; one by the supply of equipment and materiel; and the other, and of greatest importance, by the use of our Armed Forces in support of Armed Forces of Vietnam and other free forces. I have never voted against funds for these purposes.

It has been said by former President Johnson that we have made a commitment for the use of our Armed Forces by the Gulf of Tonkin resolution. It has been debated and debated. In any case, we are in Vietnam, and we are at war. I do not know what is occurring in Laos or Thailand but I know it has not been declared either by the Executive or the Congress that we have a commitment in Laos and Tailand against the Pathet Lao, or any insurgents in Thailand, or Laos. The United States is at least not at war in Laos or Thailand. My purpose is to be sure that we do not provide funds for the use of our Armed Forces in support of the local forces of Laos and Thailand and thus run the risk of becoming engaged in war without joint authority of the Executive and Congress.

On June 25, the Senate passed a resolution which had been introduced by the Senator from Arkansas, which was later modified and passed almost unanimously by the Senate. It states:

"Resolved, That (1) a national commitment for the purpose of this resolution means the use of the Armed Forces of the United States on foreign territory, or a promise to assist a foreign country, government, or people by the use of the Armed Forces or financial resources of the United States, either immediately or upon the happening of certain events, and (2) it is the sense of the Senate that a national commitment by the United States results only from affirmative action taken by the executive and legislative branches of the United States Government by means of a treaty, statute, or concurrent resolution of both Houses of Congress specifically providing for such commitment."

Mr. President, this bill when enacted will become a statute. It will represent the action of both Houses of Congress. It leaves no doubt that we are ready to provide financial resources of the United States to local forces in Laos and Thailand, but if we do not make certain by proper language that it does not provide funds for our Armed Forces to engage in fighting in support of the local forces of Laos and Tailand, it would be interpreted that this statute does provide such funds for such use of our Armed Forces. This may be said to strain language, but if it is strained, we become involved in Vietnam by strained action, by the strained premises by the evolution of events which, I am sure, no one in the early years intended or thought would bring us into that war.

I want to provide language in this section, that will insure that use of the funds involves only the financial resources of the United States. That means our money, our equipment, our materiel, our supplies and operations related thereto. It would prohibit the use of Armed Forces in support and combat support, of local forces fighting in Laos and Thailand.

Mr. SYMINGTON. Mr. President, perhaps we are missing a danger involved in all of this; namely, if we lend or sell equipment to the present Vietnam Government, it is very possible that in the not too distant future, the North Vietnamese and the Vietcong could well be using that equipment against some of the countries which today are on our side; specifically, Laos and Thailand.

That, I think, is a great danger, as evidenced by the fact that in the hearings conducted in the Foreign Relations Committee last year, relative to the sale of arms to other countries, we found there were some 6,000 American tanks which, in effect, were for sale if it could be arranged on the right basis to countries in other parts of the world where the tanks were not considered obsolescent.

With complete respect for the remarks of the distinguished Senator from Kentucky, there is no real secret about the fact that we have and are conducting military operations in Laos; also that we are conducting military operations from Thailand. I believe that it is important to recognize tonight if Americans are in danger in Thailand or if Americans are in danger in Laos, because of actions taken over recent years, it is as important for use to work to defend them in those countries as to defend them in South Vietnam.

This morning, in a hearing conducted in the Foreign Relations Committee with respect to certain activities, the witness, not of high rank, testified that before anything occurred under the contingent agreement in question, the matter should be taken up with the Congress.

That, to me, made considerable impression, because at least up to this administration, many things took place in Laos and Thailand which were not taken up with the Congress. So I checked the legislative history of the present Secretary of Defense when he was a Member of the other body, and found that he was forceful in stating such matters should be taken up with the Congress.

I also found to my satisfaction that the reason this witness stated it should be taken up with the Congress was probably because the Secretary of Defense believed it should be taken up with the Congress. I believe, therefore, that we are in a new era when it comes to the method and the nature of risking troops and utilizing equipment, in foreign countries. I would give full and great credit to the efforts which have been made by the chairman of the Foreign Relations Committee so as to clarify this matter in these hearings.

But, for these reasons and because of the position taken by the current management of the Defense Department, I would hope that we would see fit to pass title IV as it is now in the bill.

Mr. President, I regret implications—not made here on the floor of the Senate—which would imply that we have no military opera-

tions in Laos. We know we are having them there; and we know we have built six major bases in Thailand.

I believe that title 4 is all right, I thing this discussion has been constructive from the standpoint of the future.

Mr. STENNIS. As it is, by adoption of the amendment of the Senator from Arkansas?

Mr. SYMINGTON. That is right; the amendment of the able Senator from Arkansas, as modified by the amendment of the distinguished chairman of the Armed Services Committee. We will have both committees working together, and this part of the bill will be settled.

Mr. STENNIS. Mr. President, the Senator from Texas had asked me for recognition. I yield to him.

Mr. TOWER. Mr. President, I would like to associate my self with the remarks of the distinguished Senator from Missouri. I think the thrust of the amendment of the Senator from Kentucky would be to deny involvement of American personnel. It should be roundly defeated. To begin with, what we are talking about when we talk about Thailand and Laos forces is paramilitary forces, regarding counter-insurgency work. We are trying to give them the sophisticated equipment to do anything, for example, airlift and radar. If we cannot train them to use the equipment, it is pretty useless to give it to them.

I might say that our bases in Thailand are defended by Thai troops. It is proposed that they get no personnel support from the troops in Thailand? Are we going to get no support for the air bases that are supposed to be defended?

The thrust of the amendment of the Senator from Kentucky would be to necessitate using American personnel for work that they would not have to do if we were to allow some support of Thai troops or paramilitary troops.

Mr. COOPER. Mr. President, I would like to hear from the Senator from Arkansas.

Mr. STENNIS. Mr. President, if the Senator will excuse me just a minute, the Senator from Arkansas and the Senator from Indiana asked me to yield to them. I believe the Senator from Arkansas asked me first. I yield to him.

Mr. FULBRIGHT. Mr. President, as I said a moment ago on this particular amendment, it seems to me that, with the amendment of the Senator from Mississippi, it would be satisfactory. I think the matter raised by the Senator from Kentucky, however, is a very significant one, and I do not want, in any offhand way, to make what might be called a national commitment with regard to Thailand.

In my next amendment as printed, No. 111, which deals with the question of the Secretary of Defense making available reports prepared by outside organizations. I have in mind such things as "think tanks," and so on. That amendment is before the Senate.

I have also prepared another section which I want to discuss as a modification to my amendment, which provides that—

"The Secretary of Defense shall also provide to the Committees on Armed Services of the Senate and the House of Representatives a copy of all bilateral contingency plans, signed by a representative of the Department of Defense and an official of a government of a foreign country, involving use of United States forces for the joint defense of that country."

It deals, in effect, with the point the Senator from Kentucky has raised.

The point of the Senator from Kentucky is a very important one. I do not wish, through inadvertence, to see another Gulf of Tonkin resolution go through here without knowing it. I am inclined to believe that, with the explanation and interpretation given by the Senator from Mississippi and the Senator from Missouri, it would be certainly an outrageous way to interpret it if it were done that way.

I wonder if the Senator from Kentucky could not offer this amendment at a later date as his own amendment on this precise subject. I do not know whether the next amendment would cover it.

I think the Senator has a valid point, but I do not think it is necessary, with what has been said with regard to this amendment.

Mr. STENNIS. Mr. President, if I may say this, I think the Senator from Kentucky has made a contribution here. I have enjoyed getting his thought. This is purely a money bill. This is purely a special section here for foreign military aid. It has 2 years of use as a precedent. Except to put a ceiling on it, I believe we ought to proceed in that way.

Mr. FULBRIGHT. The Senator believes it would be an outrageous distortion to interpret it as authority for use of our military forces, apart from what they are presently doing?

Mr. STENNIS. I do not see how it could be interpreted that way. It would be a real monstrosity.

I yield to the Senator from Louisiana.

Mr. ELLENDER. Mr. President, I do not think there is any question that the amount is for military hardware and uses of that kind, and does not involve soldiers at all. But I rose to ask the Senator this question: He earmarked $2.5 billion. During the hearings that were held 2 weeks ago, the figure was $2.2 billion instead of $2.5 billion.

Mr. STENNIS. That is correct.

Mr. ELLENDER. Would the Senator modify his amendment to include that figure?

Mr. STENNIS. No. I think there should be some latitude. The $2.2 billion, which I mentioned during the debate, was arrived at when the budget was written up. We have already had a somewhat augmented program to aid the Vietnamese to build up their military forces.

I think that $2.5 billion figure is a realistic one.

Mr. ELLENDER. The reason why I raised the question is that we used the figure of $2.5 billion during all the hearings we had as being the amount of foreign aid to be used for military hardware.

Mr. STENNIS. It will not hurt at all to have this excess. I suggest that in the supplemental bills the extra amount of money will be used. It is better to have it done that way than to have the department draw the money from somewhere else and then come before the Congress with a big deficit. I think we ought to accept the figure of $2.5 billion.

Mr. COOPER. Mr. President, it is late and I do not want to detain the Senate. As I have said, I may be straining the point, but I do not think so.

This is an important matter. For years we have been talking about Vietnam, and cries of anguish have gone up because we did not look ahead and consider the end that the steps that were being taken could lead to—our involvement in war. This bill before us will become a statute—could be another step involving the United States much as the course of events led to our involvement in Vietnam.

I would agree that it would be a monstrosity if the President of the United States, upon the language of this section should consider the language of this bill as authority to enter the war in Laos or Thailand. It would be a monstrosity, and I have full confidence in President Nixon, and that he would not do so, but that does not relieve us of our responsibility.

It is admitted here by the chairman of the committee that these funds shall be used only for what has been termed military assistance.

Is that correct?

Mr. FULBRIGHT. That is correct.

Mr. COOPER. And, as I understand that they shall not be used for our armed forces in support of fighting, or assisting fighting of the local forces of Laos and Thailand, other than for supplies. Therefore, I will propose another amendment. "Military assistance," I believe, is a phrase of art. Is it not?

Mr. STENNIS. Well, the Senator would know more about that than I would.

Mr. FULBRIGHT. For years it was in the foreign aid legislation. I assume it is still considered as such.

Mr. COOPER. In the testimony of the Secretary of Defense before both the Armed Services Committee and the Foreign Relations Committee in 1967, he spoke of the transfer of military assistance from the foreign aid bill to the defense bill. He called it military assistance.

Mr. FULBRIGHT. That is right.

Mr. COOPER. That is what it had been termed when it was considered by the Foreign Relations Committee.

I propose: On line 15 before "local" insert the words "military assistance" so as to read "Military assistance to local forces in Laos and Thailand." If these two items, Vietnam, Laos, and Thailand, were separated and distinguished there would be no problem of a misunderstanding.

However, the same words are employed for the use of funds in Vietnam as for Laos and Thailand, and there could be a mistake about their meaning. I would urge that before "local" there be inserted the words "Military assistance."

Mr. FULBRIGHT. I would think that would be all right.

Mr. STENNIS. We are talking about money. We are talking about funds. The first sentence reads "Not to exceed $2.5 billion of the funds authorized for appropriation for the use of the Armed Forces," and so forth. We are talking about money, and that is all.

Mr. FULBRIGHT. Yes.

Mr. STENNIS. And it would not fit in there before the Senator's words "local forces," it seems to me.

Mr. COOPER. I thought my suggestion would help. I will offer the amendment I first proposed. Is it in order for me to offer an amendment?

Mr. SYMINGTON. Will the Senator read it?

The PRESIDING OFFICER. The Chair rules that it is not in order for the Senator from Kentucky to offer an amendment at this point, except by unanimous consent.

Mr. COOPER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOPER. After the pending amendment is voted upon, as it has been modified would an amendment to the modified amendment then be in order?

The PRESIDING OFFICER. Will the Senator from Kentucky send his proposed amendment to the desk?

The Chair would say, in answer to the inquiry of the Senator from Kentucky, that after the pending amendment, as modified, is voted upon, it would be in order that his amendment be considered.

Mr. STENNIS. Mr. President, I think the amendment has been fully explained. I ask unanimous consent that the table of funds to which reference has been made, the last item being $2.2 billion, be printed in the RECORD at this point.

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

ESTIMATED AMOUNTS INCLUDED IN MILITARY FUNCTIONS BUDGET FOR SUPPORT OF FREE WORLD MILITARY ASSISTANCE FORCES IN VIETNAM, LAOS, AND THAILAND AND RELATED COSTS, FISCAL YEAR 1970 BUDGET INCLUDING THE AID/DOD REALINEMENT

[In millions of dollars]

	Fiscal year 1968	Fiscal year 1969	Fiscal year 1970
Military personnel:			
Army	118.0	114.2	116.3
Navy	.8	.6	.1
Marine Corps	15.0	14.8	14.2
Air Force	.2	.2	.2
Total, military personnel	134.0	129.8	130.8
Operation and maintenance:			
Army	605.8	708.0	632.8
Navy	43.3	47.5	53.7
Marine Corps	6.1	10.7	10.3
Air Force	55.0	131.8	157.1
Total, operation and maintenance	710.2	898.0	853.9
Procurement:			
Army	552.5	1,243.5	927.3
Navy:			
Other procurement	5.8	10.2	4.2
Shipbuilding and conversion	4.5	6.5	3.4
PAMN—Navy aircraft and missiles			.2
Marine Corps	68.5	50.8	88.3
Air Force:			
Aircraft procurement	36.1	88.1	103.9
Missile procurement	.1		
Other procurement	67.4	85.4	114.4
Total, procurement	734.9	1,484.5	1,241.7
Military construction:			
Army	1.7	10.7	
Navy	1.9	3.3	
Air Force	9.0	1.5	
Total, military construction	12.6	15.5	
Grand total	1,591.7	2,527.8	2,226.4

Mr. STENNIS. Mr. President, I believe that for the information of Senators, the clerk should read the amendment of the Senator from Arkansas, as modified.

The PRESIDING OFFICER. The clerk will state the amendment of the Senator from Arkansas, as modified.

The legislative clerk read as follows:

"On page 5, line 11, strike out the quotation marks and the word 'Funds' and insert in lieu thereof the following: 'Not to exceed $2,500,000,000 of the funds'.

"On page 5, line 17, strike out the words 'the Secretary of Defense' and insert in lieu thereof the words 'the President'.

"On page 5, line 17, insert after the word 'conditions' the phrase 'under the Presidential regulations'."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas, as modified.

The amendment, as modified, was agreed to.

The PRESIDING OFFICER. Does the Senator from Kentucky now call up his amendment?

Mr. COOPER. Yes.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

"On page 5, line 15, after (2) insert the following: 'to provide equipment, material, supplies, and maintenance thereof to'."

Mr. COOPER. Mr. President, there has been a very good discussion, but I do want to have for the RECORD an interpretation of the section. I would not be so interested if I had not been conscious of the steps by which our country became involved in the war in Vietnam. I shall spend a minute or two on the subject.

It all started very simply. Under President Eisenhower, military advisers were sent to Vietnam. I do not know whether I should speak of a statement former President Eisenhower made when he is now dead, but I think it proper. He came here one day 2 years ago and talked to a number of us. He said——

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. COOPER. He said that the only commitment he had made, was to provide military assistance in the form of advisers, and to provide economic aid as long as South Vietnam made appropriate steps to help itself.

I may say that, after searching the record, that is all I could ever find that he had promised.

For years, he had our military advisers in Vietnam. We furnished equipment to Vietnam; we supported various regimes—it is hard to remember how many—and then, as the fighting increased in the outer areas, we began to send troops to those areas, to assist the South Vietnamese in acual fighting. They were finally fired upon, and it became a matter of national honor to defend them, as the President had the right to do, additional troops were sent to South Vietnam and step by step we had become involved in the war in Vietnam.

I am sure that President Eisenhower, President Kennedy, or President Johnson never intended that we would be involved in war and certainly no major war. But we conveyed to South Vietnam the impression that we would stand with them and defend them. I believe we conveyed that impression throughout Southeast Asia.

Wars start from small beginnings. I have thought, and many Senators have thought—it was definitely the expression of the Senate in the adoption of the National Commitments Resolution—that a likely way to become involved in a war is to put our armed forces in another country where there is a local war. And if we stay there long enough and send enough men there, they will be fired on some day, and then, as I have said, it is a matter of national honor and, because the President has the constitutional duty to protect our troops, we will be involved in a war.

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

Mr. COOPER. I yield.

Mr. FULBRIGHT. What the Senator has said does revive in my memory very clearly what was said, and particularly what I said, after having been briefed and informed by the Secretary of Defense, the Secretary of State, and the Chairman of the Joint Chiefs, in regard to the Gulf of Tonkin resolution.

The Senator is very persuasive. It is a fact, even though I thought it was a monstrosity, that later the resolution was interpreted as it was by the President of the United States, that it was so interpreted; and every time the matter came up it was thrown in our faces. I believe the Senator's amendment will make the Senate's intent clearer and more positive. I do not really see how this can restrict the President's obligations, and I hope the Senator from Mississippi will accept the suggestion of the Senator from Kentucky. What we are trying to do is protect ourselves from such a monstrous interpretation. That having happened within the memory of all of us here, I believe it would be a very healthy thing for it to be accepted.

Mr. President, I am not sure; can I accept it? I would be willing to do so, with the agreement of the Senator from Mississippi.

Mr. STENNIS. Mr. President, the Senate has voted on the other amendment.

Mr. FULBRIGHT. That is right.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOPER. I have the floor, but I will yield to the Senator for that purpose.

Mr. STENNIS. Mr. President, the amendment of the Senator from Arkansas has already been agreed to. Can any one Senator accept another amendment to that?

The PRESIDING OFFICER. Is the Senator from Mississippi asking that question as a parliamentary inquiry?

Mr. STENNIS. Yes, of course.

The PRESIDING OFFICER. The Chair rules that it cannot be accepted. The amendment of the Senator from Arkansas has been voted upon. This is new matter.

Mr. COOPER. I hope not, but it is possible we may be in war in Laos or Thailand; and if we go into war with the concurrent authority of the President of the United States and Congress, we will understand where we are, and at least Congress and the President will have made a determination that it is in our national interest.

We may become involved in war without such a determination at some point, with some 35,000 troops in Thailand, as I recall.

Mr. FULBRIGHT. There were 45,000 at the last count, I think.

Mr. COOPER. If at some point we thus became engaged in fighting, we may find ourselves at war by the same process as that by which we backed into war in Vietnam.

Again, I point out that the language of the amendment applies both to Vietnam and to Laos and Thailand. It is the identical language.

I read the language to which I refer:

"Funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (1) Vietnamese and other free world forces in Vietnam, (2) local forces in Laos and Thailand;"

The same language is used for both countries. It is a possible interpretation that these funds could be used in the same way in Laos and Thailand as they are now being used in Vietnam.

I have said that it would be preposterous if the Secretary of Defense or the President were to use the funds in Laos and Thailand as they are being used in Vietnam as a result of the language of title IV. However, it is our province and our responsibility to make certain that the funds are not treated in the same way. This is the purpose of my amendment. It is simply to provide that as far as Laos and Thailand are concerned, these

funds will only involve material, equipment, supplies, and related costs. The term "related costs" is in the language of the bill.

If this is what is intended by the sponsors of the bill and the administration, I do not see why they should not accept my language. It would remove all doubt.

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

Mr. COOPER. I yield the floor.

THE PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. SYMINGTON. Mr. President, I make two points. In effect, we have been in war in Laos for years, and it is time the American people know more of the facts.

Second, the present Secretary of Defense states that, if this matter comes up again from the standpoint of any contingent agreement, he believes it is a matter which should be taken up with the Congress.

Mr. ALLOTT. Mr. President, I believe that the previous remarks of the distinguished Senator from Missouri, as well as his just completed remarks, are well taken.

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

Mr. ALLOTT. Mr. President, I have been very quiet during the course of this debate. And, as I have listened to the debate, I find my emotions swelling up within me to the place where I think I would be hard pressed to express them in the period of 3 or 4 hours.

I am not a warlike man, nor am I an unpeaceful man. But I find it difficult for anyone who was concerned with the vital committees of the Senate to stand on this floor and say he did not know in the spring of 1964 that we were becoming involved in the war in Vietnam.

It is impossible for anyone not to have known it.

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

Mr. ALLOTT. I yield.

Mr. COOPER. Mr. President, was the Senator referring to me?

Mr. ALLOTT. I was referring to anyone who was a member of the Foreign Relations Committee or the Appropriations Committee at the time.

Mr. COOPER. Let me say in response that during that debate I said that I knew what we might get into. I voted for the resolution, but I had no misapprehension about its possibilities. The debate will show that on that day I said that it could lead us into war, but we had confidence in the President that he would use his authority with judgment.

However, I do not want the United States to get into the same situation again by the failure of the Congress to exercise its responsibility.

Mr. ALLOTT. Mr. President, I appreciate the situation of the Senator. And I ask him, and he can answer it in any way he wants to, if he does not believe the Secretary of Defense of his own party and if he does not believe his own President, because we have had assurances from both of them that we will not have any more commitments of troops in the Far East.

Mr. COOPER. Mr. President, will the Senator let me respond?

Mr. ALLOTT. The Senator may respond.

Mr. COOPER. Mr. President, I believe in the responsibility of the President, and I believe in President Nixon. He is my President whether he is Republican or Democrat. It happens that we are members of the same party, of which I am proud.

I understand and respect his responsibility. I believe that he will exercise it to the best of his ability, and he has great ability.

I believe also in the responsibility of Congress, both the House of Representatives and the Senate. I believe that we have a responsibility to determine also, whether the United States should go into war and whether we should become involved in situations which will send us into war—whether our national interests, security and proper commitments are actually involved.

We are talking about the future, and whether we will take steps or refuse to take steps that may prevent or inhibit the possibility of war.

Mr. ALLOTT. Mr. President, I understand the concern of the Senator about not wanting to become involved in another Vietnam. However, my statement was that there is no reason for anyone who was a member of the Foreign Relations Committee of the Appropriations Committee, and particularly the Defense Subcommittee, or the Armed Services Committee, not to have known in the spring and summer of 1964 that we were going to become involved in a war.

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

Mr. ALLOTT. Mr. President, I yield for a question.

Mr. FULBRIGHT. Mr. President, it seems to me that repeating the statement is inviting comment upon a matter which was discussed at length. And the Senator looks in this direction.

I was there. It is true that in the spring of 1964, we had approximately 15,000 or 16,000 soldiers in Vietnam. There had been a gradual escalation from the time that President Kennedy came in, when there were less than 800 men who were considered to be advisers. They were not considered to be combat soldiers.

Mr. ALLOTT. There were 636, if the Senator wants the exact figure.

Mr. FULBRIGHT. Mr. President, I do not think anyone thought that we were at war or anticipated that we would be at war there in the future.

President Eisenhower had been given the opportunity to go to war in Vietnam and he rejected it—I think very wisely—on the advice of General Ridgeway and General Gavin.

I certainly did not think we were getting into war when President Kennedy sent advisor personnel out there.

It is my impression that at about the same time he sent troops to Germany because Khrushchev had threatened him, he believed, at the meeting at Vienna.

I do not believe that he intended to get into war any more than he intended to get into war in Germany by sending those troops there.

No action had been taken when it came to the Gulf of Tonkin incident itself——

Mr. ALLOTT. Mr. President, with all due deference to the Senator, I said that I would yield for a question. I have been listening to the distinguished Senator, without interrupting him for weeks now. I yielded for a question, not for a speech.

Mr. FULBRIGHT. Mr. President, I will put it this way. Has the Senator read the report of the Foreign Relations Committee on the incidents of the Gulf of Tonkin?

Mr. ALLOTT. Recently?

Mr. FULBRIGHT. At any time.

Mr. ALLOTT. Yes.

Mr. FULBRIGHT. Was the Senator not impressed with the fact that the representations given to that committee by the then Secretary of State, Secretary of Defense, and the Chairman of the Joint Chiefs of Staff proved to be in error?

Mr. ALLOTT. I am completely aware of that. And I was present during all of the Gulf of Tonkin debate. I am aware of the statements made by various Senators at that time.

Mr. FULBRIGHT. The Senator is aware that the statements made by the Chairman of the Foreign Relations Committee were based on information given to him which information proved to be in error.

The question I ask the Senator is this: That being so, how can he make the statement that we all knew—and I assume he means by that intended to accept—the Southeast Asia resolution was the equivalent of a declaration of war?

Mr. ALLOTT. Mr. President, I have made no such statement. I have tried to make my remarks, and I am going to make them if we stay here until midnight, despite the Senator's loquacity. I never made the statement or implied the statement that when the Gulf of Tonkin resolution, for which I admit I voted, was passed, everybody knew we were going to get into war. That was not in 1964. The Gulf of Tonkin resolution was not passed in 1964.

Mr. PASTORE. Yes; it was

Mr. FULBRIGHT. Unfortunately, it was in August of 1964.

Mr. ALLOTT. I thought it was before that. I apologize.

Mr. FULBRIGHT. I happen to know about that. I was present.

Mr. ALLOTT. I apologize. I had my dates crossed.

Mr. FULBRIGHT. The alleged incidents took place on the second and fourth of August, 1964. The resolution had been prepared long before that, I think. It was introduced in the House, and it was acted upon almost instantaneously.

Mr. ALLOTT. Let me say to the Senator that my mind played me a trick. I thought it was before this.

But I will still go back to the statement I made that in 1964 no member of the Armed Services Committee or the Appropriations Committee—particularly the Defense Committee or the Foreign Relations Committee—should not have known that we were being committed to a war at that time.

Now, Mr. President, I want to continue——

Mr. FULBRIGHT. Maybe we should be a lot brighter than we are, but I did not know it, I am frank to say.

Mr. ALLOTT. Well, I am not surprised.

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

Mr. ALLOTT. I yield.

Mr. GOLDWATER. Mr. President, having had some unpleasant personal experiences about that time in 1964, involving this subject, I can speak with some experience on it.

I have made the charge repeatedly, and it has never been denied—and this information came to me before my campaign actually started—that we did not drift into this war. We had a small number of advisers over there in 1960 and 1961, and suddenly 15,000 to 16,000 men were sent over, with explicit orders to shoot back.

I tried to bring this to the attention of the American public; I could not get anybody to listen to me. I do not think it would have made a bit of difference.

But we were at war when the Gulf of Tonkin incident took place. I remember begging for equal time on television so I could present not the Republican side but this American side of the understanding of what was going on in Vietnam, and I never got any place. When you are shooting back in a situation such as that, you are in war; and although we had advisers over there who were explicitly told never to fire on anyone, this advisory situation ended some time in 1962, when the troops were told to fire back.

I suggest to the Senator from Kentucky that, unless I am badly mistaken, even his language could not prevent a President from giving the same orders or a Secretary of Defense from giving the same orders.

So I have a feeling that what we are talking about now gets to the fact of whether or not we, as Senators, have faith, regardless of whether we are Republicans or Democrats, in the man who has been elected President and the men with whom he has surrounded himself as Secretary of State and Secretary of Defense.

I merely wanted to inject this because I

have not heard it brought up. I have never been challenged on it, and I have made it and made it and made it.

Mr. ALLOTT. I would say to the Senator that I see no reason to challenge it, looking backward for 5 years now.

Mr. Stennis addressed the Chair.

Mr. ALLOTT. I wish to continue.

Mr. STENNIS. Mr. President, if the Senator will yield for this statement—it is 6 o'clock, and if we are going to have a vote tonight, I think we should vote, with all deference to the Senator from Colorado. I just want to give my opinion.

Mr. ALLOTT. Mr. President, I want to defer to the Senator, but I have kept very quiet during the past weeks. My remarks will be very short. The fact that I would like to speak for 3 or 4 hours does not mean I am going to do so or have any intention of doing so.

Mr. STENNIS. I withdraw my request.

Mr. ALLOTT. If the Senator will permit me to continue for a short time, I will be very grateful to him.

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. ALLOTT. Mr. President, looking at the present admendment, I wish to say this: The thing that has concerned me about many of the rash of amendments that we have had—some of them have been meritorious—is that in my belief the Senate may be moving toward the position of creating a vacuum in Southeast Asia.

I know that the domino theory was discredited by all the intellectuals in this country several years ago. But whether the domino theory was discredited by the intellectuals or not, the fact is that if we do not preserve free governments in Southeast Asia, we are leaving a vacuum which is going to be filled faster than we can turn around by the Red Chinese and by the North Vietnamese.

As long ago as 1962, I brought to the attention of the State Department—without any action or any acknowledgement in any way—the fact that Red Chinese troops were roaming at will through a good portion of northern Thailand. They still are, except that now they are actually engaging in acts of war. This is a large area. It is composed of many people, and with it a lot of the natural resource wealth of the world.

We have done very well, in my opinion, in Indonesia; perhaps not as startlingly well as in Malaysia.

But if we permit Laos to go completely down the drain, Thailand to go down the drain, and Vietnam to go down the drain, as some people would like to do—and some people would like to have us encourage the promotion of a dual government there—I do not think it will be long before Southeast Asia will have become a Communist stronghold. When this occurs, I think our position in the world will be much more difficult; our position with the Philippines will be much more difficult; our position with Indonesia will be much more difficult; and our position with Malaysia will be impossible.

When we formed the tripartite situation in Laos, I said at the time it would not work. It has not worked. Today we find that the Plain of Jars in Laos is pretty much overrun by the Viet Minh.

If I may have the attention of the Senator from Kentucky particularly as I make this remark, I do not want to see commitments made for ground troops in this area any more than he does. He is no more sincere in his belief than I am. But I am sure he knows that we have air bases in Thailand. He knows that we have a naval base in Thailand. That is no secret. He knows of our activities now—which I shall not mention—in Laos, activities which do not involve ground troops.

I have read his amendment. I say in all sincerity, looking down the road to what I think could happen if the Senate keeps on with this sort of frenetic pattern it has established during the last few days and weeks, that I am afraid we shall be sending a good portion of the world down the drain. I have had the clerk write out the Fulbright amendment as modified. The amendment, so modified reads, in pertinent portion:

"Not to exceed $2.5 billion of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (1) Vietnamese and other free world forces in Vietnam, (2)—"

And this is where the Senator's amendment comes in—

"to provide materiel, supplies, equipment, and maintenance thereof to local forces in Laos and Thailand."

Have I quoted the Senator's amendment correctly?

Mr. COOPER. Correctly.

Mr. ALLOTT. In my opinion, what the Senator from Kentucky's amendment could mean is that we could not put supplies in Laos or Thailand to maintain our forces, or supplies to protect our airports, our Air Force, our naval bases, or anything else that we have there. The legislative history is quite clear, I think, as it pertains to every Senator, that none of us wishes to engage in more ground warfare in Southeast Asia or, for that matter, anywhere else.

But I cannot read his amendment in any way except as being a totally unacceptable and crippling burden upon the Secretary of Defense and the President. I know the Senator's concern. I know he is sincere. I have never seen him do anything in his life which was not sincere. He does not play games with people and he does not play games with legislation. He is completely a sincere, honest, and straightforward man.

But just as strongly, I would hope he would not press his amendment because I think it places a burden on our President with respect to the protection of our forces in those areas, which is something that no one, if he understood it as I interpret it, would wish to do.

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

Mr. ALLOTT. I yield.

Mr. MURPHY. Mr. President, I wish to ask the Senator if it is not true that the President inherited the problems in Vietnam. I know the wish is shared by all of us that there had been another way to solve that problem. I know all of us wish that there was some way to solve it now without withdrawing from our commitments and without doing something that would not be in the best interests of our country.

However, is it not true that the President said on several occasions there will be no more Vietnams in his administration?

Mr. ALLOTT. That is my understanding of what he has said.

Mr. MURPHY. Would it not be considered responsible that this man who has been in public life for many years and who has been elected by the people of this country be given the confidence without trying to write into an authorization bill for military procurement provisions that might be a detriment to the protection of American people, American troops, and American property?

Mr. ALLOTT. I fully believe so; yes.

Mr. MURPHY. Mr. President, I have listened patiently to the discussion, As I said at the outset, and as the distinguished Senator from Florida stated, this entire discussion has been a filibuster. This entire discussion has taken place at the wrong time and under the wrong set of circumstances. It should not be a part of this particular bill. I made that statement on the first day we considered the bill.

I assure the Senate that the work of this committee was carefully and thoughtfully done. It was properly done. But now it is being shredded, twisted, and torn up. The more I hear this discussion, the more I am certain discussion on our foreign policy, present and future, should take place in this body, I would enjoy taking part in it.

However, it would seem to me, and I hope the Senator agrees, that this evening, at this stage, in this protracted discussion this is an unfortunate attempt to place restrictions on a new President who has been doing a magnificent job, as far as I know, in bringing about solutions to problems that he inherited. By taking a good hard look at them he will be able to find solutions.

Mr. ALLOTT. I thank the Senator for his contribution. I am appreciative of the Senator's statements.

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

Mr. ALLOTT. I yield.

Mr. TOWER. Mr. President. I think this is a dangerous amendment. I think it is potentially mischievous and very unnecessary for us to vote on it tonight when it has not been printed and no one has had a chance to look at it. There is no copy available except what has been scratched in pencil on a piece of paper. I think the matter requires extensive debate.

I spent a great deal of time in Laos and Thailand. I know what we are engaged in and I know the extent to which we are involved.

If a rigid interpretation were applied to the amendment of the Senator from Kentucky it could seriously jeopardize the lives of American men. I am not prepared to vote willy-nilly on something that we know nothing about. We do not know the reaction of the Department of Defense to the amendment or how they would interpret it.

If extended discussion is required on the matter tonight I am prepared to discuss it at length as long as anyone is prepared to sit and listen.

Mr. Stennis and Mr. Fulbright addressed the Chair.

Mr. ALLOTT. Mr. President, I assured the Senator from Mississippi I would not retain the floor for more than a few minutes. I have no intention of holding the floor further.

I wish to say to the Senator from Mississippi that the statement made by the Senator from California is true. Senators can rest assured that any matter coming out of the committee of the distinguished Senator from Mississippi has had the most meticulous scrutiny, observation, discussion, and thought.

While I do not desire to retain the floor against the wishes of the distinguished Senator from Mississippi, I felt some of these things had to be said before this matter was voted upon because I am convinced this amendment would wreak a lot of havoc.

There can be no question in anyone's mind after this legislative history that the amendment agreed to a few moments ago was never intended to put ground troops in Laos and Thailand.

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

Mr. ALLOTT. I yield to the Senator from Missouri.

Mr. SYMINGTON. I thank the Senator.

Mr. President, I would hope we could get on with the bill. I respectfully point out to the Senate the fact that the language was agreed to by the chairman of the Committee on Armed Services and the chairman of the Committee on Foreign Relations. I thought that the language agreed to was eminently satisfactory and that we could have gone ahead at least 1 hour ago and gotten through with this part of the bill.

Mr. ALLOTT. I yield the floor.

Mr. STENNIS. Mr. President, I appreciate the contribution of the Senator from Kentucky. I feel this section is old law. It already has a meaning. It has been followed these 2 years. It would be far better to keep this section now, as used heretofore, with the ceiling we have prepared. If the Senator from

Kentucky wants to pursue his thoughts further, I know what a draftsman he is and that he does not need anyone particularly, but if he would put anything he has in mind in a separate amendment, it would be helpful to see what others thought.

I am glad now to yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I have taken up a good deal of time tonight. I must say that I have not filibustered.

Mr. COOPER. I have taken some time because I considered this to be an important matter, much more important than merely reducing the amounts involved, with due regard to my friend from Arkansas and my friend from Mississippi. We are dealing with an entirely different concept: The question of whether funds can be spent for the use of our Armed Forces in fighting in support of local Laos and Thailand forces without a commitment by the President or the Congress or both, which might lead to war.

I would therefore urge that the question is much more important than the matter of dollars and cents.

I want to thank my friend from Colorado (Mr. ALLOTT) for his statement. I know him. I know that he has deep feelings about these matters. He does sit quietly at times, but I know how deep his feelings run and he speaks with conviction, courage, and force. I appreciate very much what he has said, and for his kind remarks about me.

Perhaps I may be sincere, but someone else might say that I may be sincere, but I may not be always right or too bright about things. Sincerity does not always make up for those qualities.

My amendment has not been printed. I had thought about it but as we were coming to the close of the debate in these 2 days before we recess, I did not expect to bring it up until after the recess. But when the Senator from Arkansas offered his amendment, I knew that mine should be offered.

I will not press for a vote tonight. I know that I can withdraw, and offer this amendment later, but I ask a parliamentary question because I want to be certain: Mr. President, in the event the Senator from Kentucky withdraws his amendment this evening, would it be possible for him to submit the amendment at a later date?

The PRESIDING OFFICER. Yes, that would be completely in order.

Mr. COOPER. I thank the Chair. I will withdraw the amendment but I will bring it up again. I hope that by the time I bring it up again, the Senator from Mississippi will have consulted with the Defense Department to see if they would be willing to offer language in title IV conforming to the Senator from Mississippi's understanding that it was their intention. The Senator has said is was intended that funds were to be used for supplies, equipment, and such. We have absolute confidence in the Senator from Mississippi, but the Department of Defense should spell out clearly the purpose of title IV relative to Laos and Thailand.

Mr. President, we have been talking about the President. President Nixon is my President. He is a Republican President. I do not want to go back into history, but members of my family have been Republicans since the Civil War—longer than some others have been, and some fought in the Civil War as Republicans. I support the office of President, I support the great responsibility it carries, and I have great admiration for and confidence in President Nixon.

But, I also respect this body. We have responsibilities, too. I do not want the President of the United States—and we are talking about President Nixon—to be hindered in his efforts by the same mistakes which have been made before.

It is rather curious that before 1966, when this item had been carried in the foreign aid bill for years, it was used for military assistance, meaning equipment, supplies, maintenance, food, and money. Then it was changed, and placed in the Defense bill.

It is rather curious that after it had been put in the Defense bill, we began to use helicopters in Laos and Thailand under orders of the Department of Defense, and I understand in military activities I cannot understand why the language is not differentiated between funds to be used in Laos and Thailand and funds to be used in Vietnam. It is exactly the same language. Perhaps funds are to be used for some military activities such as for helicopters. Helicopters may take local forces to back areas. Firing on the helicopters begins, as it did in Vietnam, and war comes.

In 1963 or 1964—before the Gulf of Tonkin resolution—I remember the former Senator from Oklahoma, Mr. Monroney, came back from Vietnam and told us that our helicopters were carrying men up the mountains, that there were U.S. riflemen on the helicopters who were firing in defense of the helicopters and the pilots, and that their fire was being returned from the ground. That may be what we are doing in Laos and Thailand now.

The fact that some Senators have stated we are engaged in fighting in Laos and Thailand makes it more important that we limit the funds in this bill, because if we do not, if we approve that kind of activity, it may lead—I hope not—but it may lead us into war.

The SEATO Treaty states that in the event of armed aggression against any of the parties thereto, including the protocol states, Laos, Cambodia, or Thailand, the parties thereto shall take action according to their constitutional processes.

Mr. President, what are the constitutional processes?

It is not defined.

When Secretary of State Dulles testified before the Foreign Relations Committee on the SEATO Treaty—I have read the testimony—he was asked what constitutional processes meant. He replied that it meant the joint authority of the executive branch and the Congress.

The national commitments resolution was recently passed, expressing the same sense.

If we are fighting in Thailand and Laos now, we should know it.

The President of the United States—whether he be President Nixon, President Johnson, or any President, in my view, has no right to take our country into war without first coming to the Congress and asking for its authority.

If a situation should arise where our forces were being attacked, of course, the President has the constitutional right to defend them and to protect the security of our country. But I do not want war to occur because of carelessness or failure to look ahead. If we get into war, I believe that the Senate wants the determination to be made by the joint authority of the President and the Congress.

Mr. President, that is the meaning of my amendment.

I shall withdraw the amendment tonight because many Senators have not had the opportunity to read it and to consider it. Unless the Armed Services Committee and its chairman modify the section by amendment—it has to be by amendment—and by interpretation so precise that no one can think anything to the contrary. I want to say that I will bring up this amendment again and we can determine if this body wants to abide by the constitutional processes, wants to abide by its national commitments resolution and wants to disapprove funds for the use of our forces which could lead us into another war without the consent of Congress.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator from Kentucky withdraws his amendments.

Mr. STENNIS. I thank the Senator very much for his splendid remarks and for what I think is a constructive step, too, in withdrawing the amendment for the time being. That is all I have to say.

Mr. COOPER. Mr. President, I thank the Senator, and I may add to my remarks that I shall ask for a rollcall.

Mr. FULBRIGHT. Mr. President, I do not know what the wishes of the leadership or of the Senator from Mississippi are. I have a very minor amendment, which can go over until September, but I wanted to inquire as to the wishes of the Senator from Mississippi.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

THE PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Has the amendment been adopted?

THE PRESIDING OFFICER. The amendment has been withdrawn. No amendment is pending.

Mr. FULBRIGHT. Mr. President, in other words, the one which I amended in accordance with the Senator's amendment has been adopted, according to my understanding.

Mr. STENNIS. That is my understanding.

Mr. FULBRIGHT. Mr. President, does the Senator wish me to offer amendment No. 111 at this time or not? The Senator is familiar with it.

Mr. STENNIS. I cannot agree to it.

Mr. FULBRIGHT. I thought the Senator had proposed an amendment to it.

Mr. STENNIS. No; that is the wrong one. The Senator is referring to another amendment. I have only seen the amendment the Senator has handed me within the last hour or two.

Mr. FULBRIGHT. This is No. 111.

Mr. STENNIS. I was handed the wrong one.

Mr. FULBRIGHT. I am sorry the Senator was given the wrong amendment by mistake. Amendment No. 111 was submitted and printed about a week ago.

Mr. STENNIS. I am ready for the Senator to present his amendment, if he is agreeable to a proviso.

Mr. MANSFIELD. Mr. President, will the Senator yield briefly?

Mr. FULBRIGHT. I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I do not feel I should let this occasion go by without expressing my respect, regard, and affection for the distinguished senior Senator from Kentucky (Mr. COOPER). What he tried to say and what he did was and is in the minds and hearts of all of us, and has been for almost half a decade, if not longer.

I want him to know that I honor him for his persistence as well as for his sagacity and I am delighted that he is going to introduce again the amendment which he has withdrawn, because none of us can alibi himself out of what he did on the Tonkin resolution. It was plain, clear, and legible, and every one of us understood it, but that does not mean many of us have not regretted it.

The reason why I am impressed by what the distinguished Senator has said is that he has tried, as best he knows how, to exercise his responsibility as a Senator of the United States, in the hope that this body—the Senate of the United States—will live up to its responsibility, collectively as well as individually, and that we will participate, insofar as we can within the realm of the Constitution, in making certain that we act in line with what President Nixon said just this past month, when he laid down, in Guam, the Nixon Doctrine for the Pacific.

He said, in effect, "No more Vietnams." He said, in effect, we are a pacific nation, with peripheral Asian interests in the mainland. He said, in effect, we are not going to get involved in internal difficulties. He said, in effect, we are not going to go to war again unless it is nuclear and our security is at stake.

So I am delighted that, even though the

hour is late, the Senator from Kentucky did bring up this question. It is paramount. Everything that is happening and has been happening in Vietnam has an indirect and a direct relationship to many of the other troubles that confront this Republic today.

I agree with the Senator that we do not want to get involved again in an area which is not vital to the security of this country, and in an area which has cost this country over $100 billion—and the end is not yet in sight—and not just 36,000, but altogether 44,000 dead—with the end not yet in sight—and with wounded of over 200,000—and the end not yet in sight.

So I think the warning raised by the distinguished Senator from Kentucky should be and will be heeded.

I want him to know that I honor him for what he has said, and I honor him for what he has done in this body.

Mr. FULBRIGHT. Mr. President, I would like to associate myself with everything the majority leader has said about the Senator from Kentucky. The Senator from Kentucky played a leading role relating to the recent resolution with regard to the responsibilities of the Senate and the Congress. In offering this proposal and in making the statement he made, he was carrying into effect the letter, and I think the spirit, of that resolution. He has rendered a great service.

I could go further and say that, as a result of the efforts of the Senator from Kentucky, I have noticed that the Senate as a whole in recent weeks has shown a greater sensitivity to its responsibilities in this whole area than it has ever done in the 25 years I have been in the Senate. I think the Senator from Kentucky deserves the credit which the Senator from Montana so appropriately expressed.

Mr. JAVITS. Mr. President, if the Senator will yield, I wish to associate myself with the remarks just made by my colleagues. The Senator from Kentucky is a dear old friend of mine. I made the practical suggestion that to articulate this amendment properly it will take not only the Department of Defense, but it will take the State Department, which have a role in trying to coordinate the military and diplomatic activities of the United States.

I think the majority leader's words give added authority to the need for articulating an amendment which will be upon the level of the one we discussed so long and which was decided so narrowly, but which will truly seek to carry out a policy of the United States. That is what this amendment is really all about.

I know that I, as a member of the committee, and I am sure the chairman, will cooperate with our colleague from Kentucky, so that when he presents the proposal it will truly represent the Senate declaration as articulated, and which raises the question which the Senator from Colorado (Mr. ALLOTT) raised, all of which is pertinent to our security requirements.

Mr. COOPER. I thank the Senator.

Mr. JAVITS. I think he has rendered a historic service.

Mr. FULBRIGHT. Mr. President——

Mr. STENNIS. Mr. President, who has the floor?

THE PRESIDING OFFICER. The Senator from Mississippi yielded to the Senator from Arkansas. He had the floor initially held by the Senator from Mississippi.

The Senator from Arkansas.

Mr. FULBRIGHT. I was going to yield to the Senator from Kentucky.

Mr. STENNIS. I yield briefly to the Senator from Kentucky.

Mr. COOK. Mr. President, I wish to associate myself with the remarks made by the majority leader and would like to say to my colleague that I would hope he would do us the honor, when he resubmits the amendment, to consider using the argument that is now in the RECORD and disseminating it to the Members of this body, and that he would do many of us the honor of asking for cosponsors to his amendment when it may be submitted in the future.

Mr. STENNIS. Mr. President, I yield to the Senator from Arkansas. If he would rather have the floor, I yield the floor.

Mr. FULBRIGHT. Very well. I will take the floor. I want to direct an inquiry to the Senator.

Mr. President, I wish to take the floor.

THE PRESIDING OFFICER. The Senator from Arkansas.

Mr. FULBRIGHT. It is my understanding the Senator from Mississippi has prepared an amendment to my amendment No. 111—a proviso, I should say, at the end—which made the amendment acceptable to him. Is that correct?

Mr. STENNIS. I may say to the Senator for Arkansas that an additional question has arisen here about which I think we ought to have a colloquy with respect to possibly redrafting the amendment of the Senator. I am in sympathy with the amendment. I believe we could work something out along that line.

Mr. COOPER. Mr. President, I think this question is a profound question that we are dealing with here and one that the Senator from Missouri has raised and deserves great credit for raising. I commend him for his efforts.

Mr. SYMINGTON. I thank the able Senator from Kentucky, one of the most respected members of this body. As he will remember, I urged him to put air power in his resolution, because air power constitutes the majority of our operations in and over Laos. At various times, I have often felt, "Finally I now know what we are doing in Laos." Each time I found out, however, that I did not know the entire story.

As lawyers observe—I say this with respect and not in any criticism—partial truth is an evasion of truth.

There are very important questions concerning the military situation in Laos. One is that little of their manpower is left. Souvanna Phouma, at a dinner here about a year and a half ago, said to us:

> When I first needed arms, I asked the Communists to give me military aid. When they refused, I came to you.

The implication was clear; if we did not give him the military aid, he was going to get that aid from the Communists.

It is my belief, as well as that of experts, that the forces which oppose his government in Vientiane can take Laos any time they choose, unless the United States decides to start another major military intervention in that country.

There is a further development since the hearings the Senator referred to, namely, the greater importance relatively speaking—especially with respect to their military role—of the CIA-directed irregulars. They are close to being about all that is left to protect Souvanna Phouma and his government.

As we know, Pak Se is now in danger. Luang Prabang was in danger for some time.

Finally, and in some ways certainly most important, is the possible confrontation with the Chinese. In the air we are flying pretty close to China. No one had the remotest idea the Chinese would move in force against us in North Korea when they did just that some 20 years ago. We all know the results of that development.

So, despite the fact I respectfully commend the administration for accomplishing better relationships recently with the Chinese, these activities do not seem to support that better understanding.

One can only view with apprehension the number of military commitments of the United States. I recently returned from Germany. As an American, I would not want to see soldiers of a foreign country walking up and down the streets of St. Louis 25 years after the end of a war.

This psychology prevails around the world today. [Deleted.]

So it seems some of these Laos operations should be examined, not only from a strictly military point of view, but also from the standpoint of diplomacy, international relations.

I yield to the able minority leader.

Mr. SCOTT. Mr. President, I join the distinguished Senator from Missouri in expressing the hope that as much as possible of the report of the two staff members can be declassified.

I ask the Senator if it is not the fact that in discussing the allegations regarding the so-called massive U.S. bombings in the north, the charge was the bombings caused great losses among the civilian Laos population and were principally responsible for the refugee problem in Laos. Is it not a fact that the committee investigators do not come to the conclusions I have stated? As a matter of fact, they point out—while they treat it briefly—it is my understanding, that what they found was that while there had been occasional injury to the civilian population, there have been great efforts to avoid it, and that the refugee problem was due to many things, among which the bombing was one. But generally these two charges repeated in the press are not actually borne out by the two staff members.

Mr. SYMINGTON. The distinguished minority leader has made a good point. We do not know just how much damage has been done to the civilian population. The people the staff members saw assured them it was relatively little.

We have the B–52 raids. The staff was told in Vientiane that there were [deleted] raids in the first 4 months of this year, as against [deleted] such raids last year. Then we have fighter planes up there. They use napalm as well as bombs.

I would say that undoubtedly some of the reports have been exaggerated.

In the report itself, the staff members point out:

> Given the apparent stringency of these rules of engagement, it is difficult to see how roads with civilian traffic, villages and groups of civilians could have been bombed, rocketed or napalmed. It seems clear, however, although the rules are stricter now than they were some years ago, that mistakes do happen (especially when Forward Air Controllers begin flying missions as soon as they arrive in Laos); that some pilots have deliberately violated the rules of engagement expending ordnance against unauthorized targets (the town of Khang Khay being a notable example); and that the system itself is so complicated that it cannot possibly be

foolproof. Indeed the effort to provide in the rules of engagement for every contingency appears to create obvious loopholes. One is the rule which allows ground fire to be returned virtually anywhere in Laos when a U.S. plane is participating in a search and rescue operation or is flying in support of infiltrating or exfiltrating troops.

There are plenty of instances known to American civilian employees who have been in Laos for some years in which civilian targets have been bombed. There is a certain reluctance, especially on the part of the Air Force, to admit that mistakes have happened which tends to undermine the credibility of official claims made about the infallibility of the conduct of the air war in Laos. The Embassy itself is quite insistent that the rules are scrupulously observed. Yet it apparently has no system for regular photographic rivew of the results of individual strikes, although it can and does ask for special photography if there is reason to believe a violation has occurred.

In the previous administration we found our advisers were flying with South Vietnamese pilots who could not speak English and the advisers could not speak Vietnamese; it is so often difficult to know just what is going on. But I do feel that any air activity around northern Laos has in it the incipient danger of starting a major war.

Mr. SCOTT. Mr. President, the President's report in March of 1970 points out that the respective press conferences of the 26th of September and 8th of December 1969 and 30th of January 1970, had indicated a number of things, one of which was:

That at the request of the Royal Laotian Government, we have flown reconnaissance missions in Northern Laos in support of the Laotian government's effort to defend itself against North Vietnamese aggression and that we were engaged in some other activities.

Then he goes on to say:

It would, of course, have posed no political problem for me to have disclosed in greater detail this military support activity which had been initiated by two previous administrations and which have been continued by this administration.

I have not considered it in the national interest to do so because of our concern that putting emphasis on American activities in Laos might hinder the efforts of Prime Minister Souvanna Phouma to bring about adherence to the Geneva Agreements by the Communist signatories.

That is part of what he said. Now, in doing that, and in the speech, does not the President recite the goals that the Senator worries about today when he says that we do not have a policy regarding Laos.

Then the whole speech of the President points back to the statements of the other Presidents. He says:

Our goal in Laos has been and continues to be to reduce American involvement and not to increase it, to bring peace in accordance with the 1962 agreement and not to prolong the war.

He quotes earlier the statement of President Kennedy in 1961:

Laos is far away from America, but the world is small. The security of all Southeast Asia will be endangered if Laos loses its neutral independence.

When we put those two statements together, are they not the goals of three successive administrations?

Mr. SYMINGTON. Mr. President, during the administration of President Kennedy, I am sure his goal was also peace, the same as other presidents.

With respect to the statement made by President Nixon, he talks about reconnaissance. We are all looking at each other. I am sure the Soviets take pictures of the capital every day the weather is good. And I am also sure we take pictures of theirs.

What I was and am worried about, however, was and is the nature and the degree of combat involvement up in northern Laos, much of it close to China.

It seems that now we all have the goal of getting out as soon as possible. I do not want to be sarcastic, but have never understood how the best way to get out of one country was to invade two other countries—Cambodia and more recently Laos. I would think the best way to achieve the goals the minority leader presented would be to give fullest support to the Laotian Government.

Anyone who has been to Laos would say this present government would fall even faster than the Governments of either South Vietnam or Cambodia without this heavy support from the United States.

Mr. SCOTT. But the Senator spoke about the wide U.S. participation and the potential threat existing there.

President Kennedy ordered 500 marines to that country in May, 1962. Did President Kennedy ask the consent of Congress prior to going in there with the Marines?

Mr. SYMINGTON. I do not know if he made any specific request.

Mr. SCOTT. I supported him.

Mr. SYMINGTON. If we made a mistake in 1962, or any other year, that does not justify another mistake today.

Mr. SCOTT. I was in favor of it.

Mr. SYMINGTON. At one time I, too, was in favor of many things in the Far East; but that was before I knew as much about what we were and are doing as I know today.

Mr. GRIFFIN. Mr. President, will the Senator yield to me?

Mr. SYMINGTON. I would be glad to yield to the distinguished assistant minority leader.

Mr. GRIFFIN. Mr. President, this follows along on a point involved in the colloquy with the distinguished minority leader. Some reference was made to the fact that in his statement in March 1970, President Nixon, in what I think was a very candid and forthright statement of the situation and the facts regarding our involvement in Laos, not only made it clear that we have flown reconnaissance missions in northern Laos, but he also said:

We have continued to conduct air operations. Our first priority for such operations is to interdict the continued flow of troops and supplies across Laotian territory on the Ho Chi Minh Trail.

Then he says:

In addition to these air operations on the Ho Chi Minh Trail, we have continued to carry out reconnaissance flights in Northern Laos and to fly combat support missions for Laotian forces when requested to do so by the Royal Laotian Government.

At another point in this statement of March 1970, he said:

Our support efforts have the one purpose of helping prevent the recognized Laotian government from being overwhelmed by larger Communist forces dominated by the North Vietnamese.

It may be that the air combat support missions—perhaps different planes are being used, perhaps they are in a different place, but the fact that we were doing more than conducting reconnaissance flights was no surprise to Congress in March of 1970.

With the consent of the distinguished Senator from Missouri, I would ask unanimous consent that this entire statement of President Nixon of March 1970, be printed in the RECORD.

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

SCOPE OF THE U.S. INVOLVEMENT IN LAOS—A STATEMENT BY PRESIDENT NIXON [1]

DEPARTMENT OF STATE

In light of the increasingly massive presence of North Vietnamese troops and their recent offensives in Laos, I have written letters today to British Prime Minister Wilson and Soviet Premier Kosygin asking their help in restoring the 1962 Geneva agreements for that country.[2]

As cochairman of that conference, the United Kingdom and the Soviet Union have particular responsibilities for seeing that its provisions are honored. My letters note the persistent North Vietnamese violations of the accords and their current offensives, support the Laotian Prime Minister's own current appeal to the cochairmen for consultations, urge the cochairmen to work with other signatories of the Geneva accords, and pledge full United States cooperation.

Hanoi's most recent military buildup in Laos has been particularly escalatory. They have poured over 13,000 additional troops into Laos during the past few months, raising their total in Laos to over 67,000. Thirty North Vietnamese battalions from regular division units participated in the current campaign in the Plain of Jars with tanks, armored cars, and long-range artillery. The indigenous Laotian Communists, the Pathet Lao, are playing an insignificant role.

North Viet-Nam's military escalation in Laos has intensified public discussion in this country. The purpose of this statement is to set forth the record of what we found in January 1969 and the policy of this administration since that time.

I. WHAT WE FOUND

A. The 1962 Accords

When we came into office, this administration found a highly precarious situation in Laos. Its basic legal framework had been established by the 1962 accords entered into by the Kennedy administration.

Laos has been a battleground for most of the past 20 years. In 1949 it became a semi-independent state within the French Union. The Pathet Lao Communists rebelled against the government in the early 1950's and fighting continued until the 1954 Geneva settlements ended the Indochina war. Laos at that time became an independent neutral state. The indigenous Communists, the Pathet Lao, nevertheless retained control of the two northern provinces.

Since then, this small country has been the

[1] Issued at Key Biscayne, Fla., on Mar. 6 (White House press release).

[2] For texts of the Declaration on the Neutrality of Laos and an accompanying protocol, see BULLETIN of Aug. 13, 1962, p. 259.

victim of persistent subversion, and finally invasion, by the North Vietnamese.

By 1961, North Vietnamese involvement became marked, the Communist forces made great advances, and a serious situation confronted the Kennedy administration. In his news conference of March 1961, President Kennedy said, "Laos is far away from America, but the world is small. . . . The security of all Southeast Asia will be endangered if Laos loses its neutral independence." [3]

In May 1961, negotiations for a Laotian settlement opened in Geneva, with Governor [W. Averell] Harriman as the chief American negotiator. During the course of those long negotiations, fighting continued and the Communists made further advances. Faced with a potential threat to Thailand, President Kennedy ordered 5,000 marines to that country in May 1962.

Finally, in July 1962, after 14 months of negotiations, 14 nations signed the Geneva accords providing for the neutralization of Laos. Other signatories besides the United States included the Soviet Union, Communist China, North Viet-Nam, the United Kingdom, France, the Southeast Asia nations most directly involved, and the members of the International Control Commission, Canada, India, and Poland.

These accords came 1 month after the three contending forces within Laos announced agreement on the details of a coalition government composed of the three major political factions and headed by the neutralist, Prince Souvanna Phouma. North Viet-Nam claimed that it favored a coalition government. Both North Viet-Nam and the Soviet Union backed Prince Souvanna for his new post. The present government of Laos thus has been the one originally proposed by the Communists. In approving the 1962 arrangements, the Kennedy administration in effect accepted the basic formulation which had been advanced by North Viet-Nam and the Soviet Union for a Laotian political settlement.

B. The Record 1962–1969

Before the ink was dry on the 1962 Geneva documents, and despite the fact that they embodied most of its own proposals, North Viet-Nam started violating them. In compliance with the accords, the 666 Americans who had been assisting the Royal Lao Government withdrew under ICC supervision. In contrast, the North Vietnamese passed only a token 40 men through ICC checkpoints and left over 6,000 troops in the country.

A steadily growing number of North Vietnamese troops have remained there ever since, in flagrant violation of the Geneva accords. They climbed to about 33,000 in mid-1967, 46,000 in mid-1968, and 55,000 in mid-1969. Today they are at an all-time high of some 67,000 men.

These are not advisers or technicians or attachés. They are line units of the North Vietnamese Army conducting open aggression against a neighbor that poses no threat to Hanoi.

In addition, since 1964 over a half million North Vietnamese troops have crossed the "Ho Chi Minh Trail" in Laos to invade South Viet-Nam. This infiltration route provides the great bulk of men and supplies for the war in South Viet-Nam.

The political arrangements for a three-way government survived only until April 1963, when the Pathet Lao Communist leaders departed from the capital and left their Cabinet posts vacant. Fighting soon resumed, and since then there have been cycles of Communist offensives and Royal Laotian Government counter-offensives. The enemy forces have been led and dominated throughout by the North Vietnamese. In recent years Hanoi has provided the great majority of Communist troops in Laos.

North Viet-Nam appears to have two aims in Laos. The first is to ensure its ability to use Laos as a supply route for North Vietnamese forces in South Viet-Nam. The second is to weaken and subvert the Royal Lao Government—originally established at its urging—to hinder it from interfering with North Vietnamese use of Laotian territory, and to pave the way for the eventual establishment of a government more amenable to Communist control.

Prime Minister Souvanna Phouma has tried a variety of diplomatic efforts to restore peace in Laos. He has repeatedly appealed to the co-chairmen and others to help arrange for restoration of the 1962 accords. He and the International Control Commission, hampered by lack of authority, have reported and publicized North Vietnamese violations of the accords. And Prime Minister Souvanna Phouma has made several attempts to achieve political reconciliation with the Pathet Lao and to reconstitute a tripartite government.

None of these efforts has borne fruit. Frustrated in his diplomatic efforts and confronted with continuing outside aggression, Souvanna has called upon three American administrations to assist his government in preserving Laotian neutrality and integrity.

By early 1963 the North Vietnamese and Pathet Lao had openly breached the 1962 agreements by attacking the neutralist government forces in north Laos and by occupying and fortifying the area in southeast Laos along what came to be known as the Ho Chi Minh Trail. In these circumstances, the Laotian Prime Minister requested American aid in the form of supplies and munitions. The Kennedy administration provided this assistance in line with the Laotian Government's right under the Geneva accords to seek help in its self-defense.

In mid-May 1964 the Pathet Lao, supported by the North Vietnamese, attacked Prime Minister Souvanna Phouma's neutralist military forces on the Plain of Jars. North Viet-Nam also began to increase its use of the Ho Chi Minh Trail to further its aggression against South Viet-Nam. The Johnson administration responded to Royal Laotian Government requests to meet this escalation by increasing our training and logistic support to the Royal Lao Government. In May 1964, as North Vietnamese presence increased, the United States, at Royal Lao Government request, began flying certain interdictory missions against invaders who were violating Lao neutrality.

Thus, when this administration came into office we faced a chronically serious situation in Laos. There had been 6 years of seasonal Communist attacks and growing U.S. involvement at the request of the Royal Laotian Government. The North Vietnamese had steadily increased both their infiltration through Laos into South Viet-Nam and their troop presence in Laos itself. Any facade of native Pathet Lao independence had been stripped away. In January 1969 we thus had a military assistance program reaching back over 6 years, and air operations dating over 4 years.

II. THE POLICY OF THIS ADMINISTRATION

Since this administration has been in office, North Vietnamese pressure has continued. Last spring, the North Vietnamese mounted a campaign which threatened the royal capital and moved beyond the areas previously occupied by Communists. A counterattack by the Lao Government forces, intended to relieve this military pressure and cut off supply lines, caught the enemy by surprise and succeeded beyond expectations in pushing them off the strategic central plain in north Laos known as the Plain of Jars.

The North Vietnamese left behind huge stores of arms, ammunition, and other supplies cached on the plain. During their operations in the Plain of Jars last summer and fall, Lao Government forces captured almost 8,000 tons of Communist equipment, supplies, and weapons, including tanks, armored cars, artillery pieces, machineguns, and thousands of individual weapons, including about 4,000 tons of ammunition. The size and nature of these supply caches the Communists had emplaced on the plain by the summer of 1969 show clearly that many months ago the North Vietnamese were preparing for major offensive actions on Laotian territory against the Royal Lao Government.

During the final months of 1969 and January 1970, Hanoi sent over 13,000 additional troops into Laos and rebuilt their stocks and supply lines. They also introduced tanks and long-range artillery.

During January and February, Prime Minister Souvanna Phouma proposed to the other side that the Plain of Jars be neutralized. The Communists' response was to launch their current offensive, which has recaptured the Plain of Jars and is threatening to go beyond the farthest line of past Communist advances.

The Prime Minister is now once again trying to obtain consultations among all the parties to the Geneva accords, envisaged under article 4 when there is a violation of Lao sovereignty, independence, neutrality, or territorial integrity.

In this situation, our purposes remain straightforward.

We are trying above all to save American and Allied lives in South Viet-Nam, which are threatened by the continual infiltration of North Vietnamese troops and supplies along the Ho Chi Minh Trail. Hanoi has infiltrated over 100,000 men through Laos since this administration took office, and over 500,000 altogether. Our airstrikes have destroyed weapons and supplies over the past 4 years which would have taken thousands of American lives.

We are also supporting the independence and neutrality of Laos as set forth in the 1962 Geneva agreements. Our assistance has always been at the request of the legitimate government of Prime Minister Souvanna Phouma, which the North Vietnamese helped establish; it is directly related to North Vietnamese violations of the agreements.

We continue to be hopeful of eventual progress in the negotiations in Paris. But serious doubts are raised as to Hanoi's intentions if it is simultaneously violating the Geneva agreements on Laos, which we reached with them largely on the basis of their own proposals. What we do in Laos has thus as its aim to bring about conditions for progress toward peace in the entire Indochinese Peninsula.

I turn now to the precise nature of our aid to Laos.

In response to press conference questions on September 26, December 8, and January 30, I have indicated: [4]

That the United States has no ground combat forces in Laos.

That there were 50,000 North Vietnamese troops in Laos and that "more perhaps are coming."

That at the request of the Royal Laotian Government, which was set up by the Geneva accords of 1962, we have provided logistical and other assistance to that Government for the purpose of helping it to prevent the Communist conquest of Laos.

That we have used airpower for the purpose of interdicting the flow of North Viet-

[3] For President Kennedy's news conference on Mar. 23, 1961, see *Public Papers of the Presidents, John F. Kennedy, 1961,* p. 213.

[4] For background, see BULLETIN of Oct. 13, 1969, p. 313; Dec. 29, 1969, p. 617; and Feb. 16, 1970, p. 173.

namese troops and supplies on that part of the Ho Chi Minh Trail which runs through Laos.

That at the request of the Royal Laotian Government, we have flown reconnaissance missions in northern Laos in support of the Laotian Government's efforts to defend itself against North Vietnamese aggression and that we were engaged in "some other activities."

It would, of course, have posed no political problem for me to have disclosed in greater detail those military support activities which had been initiated by two previous administrations and which have been continued by this administration.

I have not considered it in the national interest to do so because of our concern that putting emphasis on American activities in Laos might hinder the efforts of Prime Minister Souvanna Phouma to bring about adherence to the Geneva agreements by the Communist signatories.

In recent days, however, there has been intense public speculation to the effect that the United States involvement in Laos has substantially increased, in violation of the Geneva accords; that American ground forces are engaged in combat in Laos; and that our air activity has had the effect of escalating the conflict.

Because these reports are grossly inaccurate, I have concluded that our national interest will be served by putting the subject into perspective through a precise description of our current activities in Laos.

These are the facts:

There are no American ground combat troops in Laos.

We have no plans for introducing ground combat forces into Laos.

The total number of Americans directly employed by the U.S. Government in Laos is 616. In addition, there are 424 Americans employed on contract to the Government or to Government contractors. Of these 1,040 Americans, the total number, military and civilian, engaged in a military advisory or military training capacity numbers 320. Logistics personnel number 323.

No American stationed in Laos has ever been killed in ground combat operations.

U.S. personnel in Laos during the past year has not increased, while during the past few months North Viet-Nam has sent over 13,000 additional combat ground troops into Laos.

When requested by the Royal Laotian Government, we have continued to provide military assistance to regular and irregular Laotian forces in the form of equipment, training, and logistics. The levels of our assistance have risen in response to the growth of North Vietnamese combat activities.

We have continued to conduct air operations. Our first priority for such operations is to interdict the continued flow of troops and supplies across Laotian territory on the Ho Chi Minh Trail. As Commander in Chief of our Armed Forces, I consider it my responsibility to use our airpower to interdict this flow of supplies and men into South Viet-Nam and thereby avoid a heavy toll of American and Allied lives.

In addition to these air operations on the Ho Chi Minh Trail, we have continued to carry out reconnaissance flights in northern Laos and to fly combat support missions for Laotian forces when requested to do so by the Royal Laotian Government.

In every instance our combat air operations have taken place only over those parts of Laos occupied and contested by North Vietnamese and other Communist forces. They have been flown only when requested by the Laotian Government. The level of our air operations has been increased only as the number of North Vietnamese in Laos and the level of their aggression has increased.

Our goal in Laos has been and continues to be to reduce American involvement and not to increase it, to bring peace in accordance with the 1962 accords and not to prolong the war.

That is the picture of our current aid to Laos. It is limited. It is requested. It is supportive and defensive. It continues the purposes and operations of two previous administrations. It has been necessary to protect American lives in Viet-Nam and to preserve a precarious but important balance in Laos.

III. THE FUTURE

Peace remains the highest priority of this administration. We will continue our search for it in Viet-Nam. I hope my appeal today to the Geneva conference cochairmen will help in Laos. Our policy for that torn country will continue to rest on some basic principles:

We will cooperate fully with all diplomatic efforts to restore the 1962 Geneva agreements.

We will continue to support the legitimate government of Prime Minister Souvanna Phouma and his efforts to deescalate the conflict and reach political understandings.

Our air interdiction efforts are designed to protect American and Allied lives in Viet-Nam. Our support efforts have the one purpose of helping prevent the recognized Laotian government from being overwhelmed by larger Communist forces dominated by the North Vietnamese.

We will continue to give the American people the fullest possible information on our involvement, consistent with national security.

I hope that a genuine quest for peace in Indochina can now begin. For Laos, this will require the efforts of the Geneva conference cochairmen and the signatory countries.

But most of all it will require realism and reasonableness from Hanoi. For it is the North Vietnamese, not we, who have escalated the fighting. Today there are 67,000 North Vietnamese troops in this small country. There are no American troops there. Hanoi is not threatened by Laos; it runs risks only when it moves its force across borders.

We desire nothing more in Laos than to see a return to the Geneva agreements and the withdrawal of North Vietnamese troops, leaving the Lao people to settle their own differences in a peaceful manner.

In the search for peace we stand ready to cooperate in every way with the other countries involved. That search prompted my letters today to the British Prime Minister and the Soviet Premier. That search will continue to guide our policy.

Mr. SYMINGTON. May I observe to the able Senator that not too long ago there was a lot of talk about reconnaissance planes flying over North Vietnam, and that heavy attacks were made by our Government because of North Vietnamese attacks against these—our—reconnaissance planes.

One day I happened to ask the question: Were those reconnaissance planes escorted by American fighters? The answer was yes. Now it would have been very difficult at times for a North Vietnamese gunner on the ground with an antiaircraft crew to identify which plane was the reconnaissance plane and which was the combat plane because they were the same model. One is rigged for combat, the other for reconnaissance. It would be difficult for the antiaircraft gunners to determine whether the plane had come in to destroy them or to reconnoiter them.

No doubt we have sent fighter planes up to support forces of the Laotian Government. That does not worry me too much. What does worry me, however, is our air operations up in northern Laos coupled with the addition of thousands upon thousands of Chinese in northern Laos along the road being built at the request of Souvanna Phouma, and at least one the Chinese are building on their own. Thousands more Chinese are there than were there previously; and there is this heavy antiaircraft development.

I suggest to the assistant minority leader that shooting down a fighter bomber is one thing, but if we lost some B–52's up there, either from antiaircraft fire or fighter attacks, this could well be a different ball game as against what we have had in the past, or what was referred to in the statement the Senator placed in the record.

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

Mr. SYMINGTON. I am glad to yield to the able Senator from Colorado.

Mr. ALLOTT. There are two or three points I would like to touch on briefly.

The Senator from Colorado became a member of the Defense Subcommittee on Appropriations at the time of the death of Senator Bridges of New Hampshire. That would take it back to the late fall of 1962, I believe it was, or perhaps January 1963.

I must say to my friend that I have seen him in committee meetings and I have sat with him for many hours in committee hearings of that particular committee. I do not refer to the Committee on Armed Services or the Committee on Foreign Relations because I am not a member of either of those committees.

But this Senator has been aware of the situation going on in northern Laos, I am certain almost all the time since I have been on the Defense Subcommittee.

I think during all this time also the construction of the road has been underway, and I can remember back as long as 4 or 5 years ago in the hearings when the fortifications in the defense of that road were discussed at some length in that committee.

The point of this is that really I am not sure. Perhaps the Senator from Missouri did not know these things. But I think if he casts his mind back, he will recall discussions of particularly the Plain of Jars situation and Prince Souvanna Phouma, if the Senator happened to be present at the Defense Subcommittee hearings at that time.

I am not sure he was present. Of course he is busy and he does not attend all of the hearings, but I know this Senator never had any communication with the Secretary of Defense or any of the subsecretaries at that time and the only place I could have possibly found out this information was in the Defense Subcommittee on Appropriations. I think it is wise to keep this in mind.

Did the Senator say he had no awareness of the road until 1967?

Mr. SYMINGTON. I never said anything like that—have known about this road for a long time—but if the Senator from Colorado knew about B–52's operating in northern Laos in any quantity, he had information I did not have.

Mr. ALLOTT. No, the Senator did not mention B–52's. I am talking about general support.

Mr. SYMINGTON. The B–52 happens to be the largest strategic jet airplane in the world today.

Mr. ALLOTT. I know. I have seen them, too.

Mr. SYMINGTON. The staff report states:

D. *Chinese Forces.* The number of Chinese forces along the road they are building in northern Laos has increased from between 6,000 and 8,000, the figure given the Subcommittee two years ago, to somewhere between 14,000 and 20,000.

The Chinese have also moved in a heavy new increment of radar-directed anti-aircraft weapons, increasing the number by 100 in the last six to seven months to the present total of 395, including for the first time guns of 85mm and 100mm, the latter said to be effective up to 68,000 feet. Since early 1970, they have also [deleted]. Of the Chinese troops along the road, those who hold to the lower figure of 14,000 say that between 3,000 and 3,500 are members of anti-aircraft crews and the rest construction workers while those who give the higher estimate say that anti-aircraft crews total 6,000 to 7,000.

As a result of recent work done on the road it will be a motorable all-weather surface dual-lane highway by August all the way from the Chinese border to Muong Huon, although there has been no extension of the road past Muong Huon since February 1970. In addition to upgrading earlier road construction, the Chinese have, since November 1970, constructed eight small arms firing ranges of a kind normally associated with garrisons of ground troops as well as large headquarters buildings and 66 basketball courts. There are 154 camps along the road. The western branch of the road still ends 45 miles from Pak Beng on the Mekong River, some 20 miles from Thailand. On the eastern leg of the road, only a bridge or ferry across the River Ou needs to be built to connect with the road which has been reconstructed from Dienbienphu into Laos.

The point made is that I received no information about this from any committee; and there is a heavy additional number of Chinese, who possibly are military, placed into northern Laos. There could be a confrontation.

Mr. ALLOTT. This matter has been discussed before in that subcommittee; not with respect to the B–52's but with respect to the Chinese coming in and building the road.

Mr. SYMINGTON. That road development has been known for many years. We are talking about a difference in degree, not in kind.

Mr. ALLOTT. The document on our desks states there were 6,000 troops there.

Mr. SYMINGTON. A simple way to handle this would be to get the testimony from the committee.

Mr. ALLOTT. I think the record is there, and I do not want this moment to pass by treating this matter as if it all has come up in the last few months.

Mr. SYMINGTON. Except for the extensive use of B–52's in northern Laos, that was not my intention.

Mr. ALLOTT. It simply is not true.

Mr. SYMINGTON. I believe the President's statement from which the able minority leader was reading also stated:

We will continue to give the American people the fullest possible information on our involvement consistent with national security.

That is a fine expression of what I believe essential.

I yield to the able Senator from Michigan (Mr. HART).

Mr. HART. Mr. President, perhaps I am the only one here who has this question, but before we close perhaps my question could be clarified. That is the reason why I intrude.

Putting aside the question of the prudence of bombing so close to China, and what happened in 1965 or 1967, twice I got the impression that it is suggested that the executive branch has violated our law. Before we adjourn, will someone please explain to me if that is the position?

Mr. FULBRIGHT. Mr. President, will the Senator yield to me for a comment?

Mr. SYMINGTON. Inasmuch as the author of the amendment discussed is the distinguished chairman of the Foreign Relations Committee, I would suggest that he answer the Senator from Michigan.

Mr. FULBRIGHT. Mr. President, if the Senator will yield, I have already made the point that last year, with the cooperation of the Senator, a restriction was put on the money to be used for military assistance in Southeast Asia by the Armed Forces. The Senator said that $2.5 billion was appropriated: $2.8 billion was originally authorized. This language was added to the Department of Defense authorization and appropriation bills:

Nothing in clause (a) of the first sentence hereunder shall be construed as authorizing the use of any such funds to support Vietnamese or other Free World forces in actions designed to provide military support and assistance to the governments of Cambodia or Laos.

When we struggled over that language here, we thought it would have some significance; that it would be an effective restriction against using money to pay, for example, for the [deleted] Thai troops now being paid to fight in Laos. The question was raised in the course of that debate that perhaps such costs were paid by the CIA, which raises an extremely important point about the CIA.

Whenever we restrict the use of money to be spent by the Defense Department in any specific way, such as we did here, then we find that funds are used by the CIA. There funds are carried in appropriation bills but not in any line item.

When we set that kind of restriction, Senators would logically conclude that the restriction would apply to the CIA. Originally the CIA was supposed to be an intelligence agency. Now, by a process of osmosis, the CIA has become another Defense Department, if we accept this situation, and, furthermore, a Defense Department that we cannot restrict.

We put in a restriction that money cannot be used to pay for Thai troops to fight in Laos, but it has been reduced to an absolute absurdity if all the executive branch has to do is take the money out of the CIA without our knowledge. It has been said that we all know about what the CIA is doing. I have been on the CIA oversight committee, and I have never seen any detailed figures whatever. Often the briefings are about how many missiles the Russians have. When we ask about specific operations, they say they are too secret; they can only report to the National Security Council, which means to the President.

There is a lot that I did not know about specifically in Laos. I did not know they were still paying for [deleted] Thai troops and intended to continue doing so. I thought that was prohibited by law. I still think, by any reasonable interpretation by a Member of Congress, that it is.

Nobody knows that the money has come from the CIA, unless the chairman of the Appropriations Committee knows. He may be privy to knowledge nobody else has. They do not give out this information. I would say, by any interpretation of the law, the executive branch is in violation of the law.

Mr. HART. May I address a further question? Let us assume that the reach of our statutory language extends to CIA.

Does the discussion and debate about whether this northern activity is a separate war or whether it is a part of what we generally describe as the war in Vietnam have a bearing on the question of whether the law has been violated, even assuming that this language reaches the CIA? Is it not true that we made provision in that appropriation that the restraint we were imposing on the use of the moneys was not to be regarded as restraining its use if such use was required to protect our own people in Vietnam? Is the point about whether there is one war or two wars in Laos part and parcel of the argument over whether the law has been violated?

Mr. SYMINGTON. May I say to the Senator that it seems to me to be clear the executive branch has no right, under the law, to support [deleted] Thai troops in Laos. The chairman has answered that.

The Senator's second question is a nicer question. The relevant language in the Department of Defense Appropriation Act reads:

Nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of U.S. forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war.

Under those circumstances, I would say you would have to stretch pretty far relating getting out of Vietnam to making these attacks in northern Laos.

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. SYMINGTON. May I just complete this thought?

Mr. STENNIS. Oh, excuse me.

Mr. SYMINGTON. In the letter that was written to Chairman Fulbright by Secretary Abshire he tells us:

We believe that it has been made clear that it is not a question of United States support for regular Thai forces in Laos. The irregular forces involved, while raised and trained in Thailand, are all one-year volunteers who go to Laos to serve under the command of the Royal Lao government; in this case the Lao Military Region II Commander. The guerrilla forces are therefore considered to be local forces in Laos.

I am sorry the able Senator from Colorado (Mr. ALLOTT) left the floor, because

he mentioned what has come up in the Appropriations Committee. There is nobody more diligent in finding out just what happens to the American taxpayers' money than the chairman of that committee who is now on the floor. Sure, we discussed the fact the Chinese were building roads in Laos. Sure, we discussed planes going up North. But we had no idea of the magnitude of the operations, from the standpoint, for example, of their recently installed antiaircraft defenses against our planes; or about the additional number of people—possibly military—they were putting around these roads, and the building of roads that we had no idea would be this type and character of roads, the building of additional roads, and so forth.

So again I say, when you get into this type and character of discussion, there should be a recognition of the degree of change, for example scores of B–52 raids instead of one.

Mr. HART. I appreciate the help the Senator has given. I repeat, I would hope that all of us could resolve the very precise question: has there been a violation of law?

The other question is largely a matter of judgment—that is, what is or is not helpful in withdrawing from Vietnam. Because we can operate only behind closed doors on a matter like this, we should either stay until all of us understand the answer to the first question—the question of whether there has been a violation of the law—or resolve that no one will say a blessed word, because all of the screaming about law and order in this country is talking about something miniscule if in fact it is established that one branch of the Government ignores the law of the lawmakers.

Mr. SYMINGTON. If the Senator will yield, I would put into the Record at this time the details as to what has actually been going on with respect to Thai troops in Laos. Let us remember that if we are supporting Thai troops in Laos, that violates the law.

The staff report states:

At the time of our visit to Long Tieng on April 28, there were [deleted] Thai there, at the nearby base of Sam Thong, and at Hill 1663 near Sam Thong. (There was also a small Thai team of [deleted] men at Nam Yu in Military Region I.) The Thai irregulars are under [deleted] and the overall command of General Vang Pao, Commander of Military Region II. Of these [deleted].

Most of the irregulars have been recruited, we were told, as a "volunteer" force outside the Thai Army although [deleted]. The Thai irregular program developed during the past year and was designed by the CIA specifically along the lines of the irregular program in Laos. The CIA supervises and pays for the training of these irregulars in Thailand and provides their salary, allowances (including death benefits) and operational costs in Laos. We were told that the details of the funding were not known in Vientiane, as all of this bookkeeping is done in Washington. We were also told, however, that some of the funds probably come from the Defense Department budget. The pay and allowances of the Thai irregulars are said to be less than those of regular Thai Army personnel [deleted]. The Thai irregulars are transported from Thailand to Laos by Air America and are returned to Thailand when their tours are up again by Air America. We were told that the Embassy wanted to [deleted] the [deleted] with [deleted] because the [deleted] were more mobile and thus "could do things the others could not do." As for the future [Deleted.] The need for Thai "volunteers" results from the fact that the military manpower base in Laos is estimated to be 114,765 and the Lao Army, neutralist army, irregulars and Pathet Lao all must draw from this base which is now exhausted. (General Vang Pao's forces, for example, have suffered 3,272 killed and 5,426 wounded since 1967; as a result 40% of his forces are no longer Meo but Lao Thung.) Thus additional military manpower can only come from outside Laos. Estimates of the number of additional [deleted]. We also understand that there have been intermittent discussions regarding the possibility of [deleted].

Incidentally, we asked what motivated Thai to volunteer for the irregular forces in Laos in light of the heavy losses some units have suffered. We were told that the principal motivation was [deleted].

Those are the facts as given in Laos to our staff members. It is quite clear that at least the spirit, and in our opinion the letter, of the law were both contravened when we put these mercenaries from Thailand into Laos.

Several Senators addressed the Chair.

Mr. SYMINGTON. I am glad to yield to the able Senator from Mississippi, chairman of the Senate Armed Services Committee.

Mr. STENNIS. I thank the Senator. On the question raised by the Senator from Michigan, the Senator from Missouri has, of course, correctly read the law as stated in the authorization act, which is Public Law 91–441, October 7, 1970.

However, that same language was brought forward in the appropriation bill, and some will recall that the language in the act of October 1970 was restated in the appropriation bill of January 1971, with this further provision:

Provided further, that nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of U.S. forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war.

In other words, it ties back in again to the condition regarding helping in the withdrawal or disengagement of U.S. forces from Southeast Asia.

So we have gone back and completed the cycle, now, with reference to language. I wanted to make that comment because it is relevant.

Mr. SYMINGTON. I appreciate that. I had intended to bring that up and would say two things:

We knew about the language. It is in the record. But it is not the position taken by the State Department in their letter to the chairman of the Foreign Relations Committee. It is really stretching one's imagination a long way to justify, for example, B–52 raids over northern Laos or napalming villages in northern Laos, as something necessary to insure the safe and orderly withdrawal of U.S. forces from Southeast Asia or the release of Americans held as prisoners of war in these various countries which once composed French Indochina.

The irony is, and I am glad to note it is becoming more of an issue with many of those most closely connected with the POW problem, that if we were to set a date to get out of this war, I think probably we would automatically solve the problem of meaningful and practical negotiations incident to the release of these American prisoners. If we did that, we would also save the taxpayers of the United States many additional billions of dollars needed so badly in other places, and at the same time—to me by far the most important—save the unnecessary additional loss of American and other lives, the lives of their military and civilians.

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

Mr. SYMINGTON. I yield.

Mr. FULBRIGHT. The Senator has already read Ambassador Sullivan's statement, but it ought to go along with this statement of the Senator. This is Ambassador Sullivan's statement before the Refugee Subcommittee of the Committee on the Judiciary:

The refugees in Laos are those whose lives have been disrupted by the other war in Laos, which has nothing to do with military operations in South Vietnam or Cambodia.

Surely, that makes clear what the administration's view is with regard to the war in northern Laos.

Mr. STENNIS. I thank the Senator for yielding. I did not know he had quoted that law.

Mr. SYMINGTON. I yield to the Senator from New Jersey.

Mr. CASE. I want to express my thanks to the Senator from Missouri for his initiative in trying to get to the bottom of this question of Laos. I also express my thanks to the Foreign Relations Committee staff members who have been enormously helpful in bringing the matter to our attention.

My only contribution on the point, if I have any to make, is this:

What we should be most concerned about is finding the best course of action for our country to follow in Laos. We should not overemphasize maintaining the dignity of the Senate or placing the question in dry, legalistic terms. Of course, we must be concerned with preserving the proper constitutional role of the Senate. But our main purpose should be to avoid unnecessary strife, suffering, bloodshed, and catastrophe in Southeast Asia.

That is why it is terribly important to get the facts out, so that a judgment on this matter can be made by Congress and by the people. If the President's actions in Laos are necessary in order to end the war in South Vietnam more quickly, then his contention should be tested. We shall never be able to judge this unless the facts get out, and that is what we are after. We are trying to find out the truth.

I do not think it is terribly important whether or not there is a technical violation of the regulations or the limitations placed in appropriation and authorization bills, so long as we can get the facts out. It certainly was not the purpose of Congress in drafting these limitations to hamstring the President in order to glorify the Senate. That was not the point. The point was that the Senate did not think it was a good idea for the

United States to hire men to fight in Laos, whether they be regular Thai troops, whether they be irregular Thais, or whether they be from Timbuktu. We thought the idea of mercenaries was bad, and that is why we put the prohibition in the law.

I am not terribly interested in whether the administration, by calling the Thai troops irregulars, successfuly avoided that prohibition in a legal way. I am deeply concerned that the administration placed the Thai troops in Laos, and in that way extended the war. Not that the administration did not think it was doing the right thing. Of course, it thought so. I think the administration was mistaken, and the American people should have the facts to decide whether or not a mistake was made.

The ultimate purpose of our inquiry this afternoon, I suggest, should be what Mr. Moose and Mr. Lowenstein concluded in their report about the future of Laos. Where are we going from here? How are we going to get out of this thing? To answer these questions we need the information. I hope it will be possible at least for the concluding sections of the report to be put verbatim in the public record as early as possible, so the country can talk about Laos in these terms. The people do not want to hear any more as to whether the President exceeded his authority or violated the rights of Congress. Few in the country at large care about the rights of Congress or whether the President has exceeded his authority. We want to stop the fighting. That is what the people are interested in, and that is why we need the facts.

Mr. SYMINGTON. I thank the able Senator from New Jersey for his typically constructive remarks; and agree with the first part of what he said without reservation—namely, that what we should do is try to get the facts. That was the basic thrust of the request for this closed session. Let us have the truth.

But I cannot agree entirely with the second part—that it would seem relatively unimportant whether or not the law has been contravened. The Senate's position is important, just as is the position of the executive branch. The position of Congress is important.

Based on our slowly increasing knowledge of developments in this situation, we thereupon interpreted in practical fashion what the distinguished Senator from New Jersey referred to and passed a law. It is important, as the Senator from Michigan requested, to find out whether or not that law has been violated. Otherwise, we continue on the basis of the Congress saying, "You should not do it," but the executive branch saying, "We are going to do it." There is no way, as I see it, that we can prevent violations unless we uphold the dignity of the Senate by finding out whether or not the law was contravened. To me that also—with deference to the Senator from New Jersey—is an important aspect of this situation. Otherwise, why are we here? If we pass a law and the law can be honored in the breach, what real reason is there to be a Senator of the United States.

I have never questioned the sincerity or patriotism of any Senator. Under the Constitution, however, we have the right by majority to put up the money for what is going on in the Far East and all over the world; or not to put it up.

We have the right to find out whether or not a law we passed has been contravened. Otherwise we are just figureheads here, with no position of authority despite the specifics of that authority in the Constitution.

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

Mr. SYMINGTON. I yield to my friend from New Jersey.

Mr. CASE. I am sure the Senator recognizes that I was just emphasizing the question about which I felt we should be most concerned.

I did not mean that the constitutional provisions as to the rights and powers of the several branches of government are not important. All I was trying to get at was: why are they important? Not because of the dignity of the individual; not because of the dignity of the Senate as such; but because the Founding Fathers thought, and I agree, that the separation of powers is deeply important to the continuation of democratic government and to the maintenance of peace. That is all I was talking about.

What I was trying to do was to carry this beyond the dry question of whether the Senate's power and authority had been abused and neglected; whether or not we had been brushed aside. The constitutional question is important, of course—but not so much in itself, or not because it affects individually the Senator from Missouri, the Senator from Arkansas, or anyone else. By this time, most of us have passed the point of worrying about matters such as that. We should be concerned that these abuses have taken place because they lead, in this instance, and in general, to the kind of danger to the peace we are all concerned about.

Mr. SYMINGTON. I thank the Senator from New Jersey for those comments.

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

Mr. SYMINGTON. I yield.

Mr. GRIFFIN. I want to agree with the senior Senator from Michigan, and also with the Senator from Missouri, that whether the President has violated the law is important and is not to be passed over lightly.

Because of that, I want to be sure that the case on the other side is at least adequately presented, at least as I see it, because I do not believe there was any violation.

The Senator from Mississippi has already pointed to the language. The proviso says that—

> * * * nothing contained in this section shall be construed as prohibiting support of actions required to insure safe and orderly withdrawal or disengagement of United States forces from Southeast Asia.

Reasonable men can surely differ as to whether this action—whatever it was—was related to getting our men out of Southeast Asia. A very good case can be made that it is very important and that it means a lot. But aside from that, I think it should be clear that this language, limiting the appropriations in the Defense Department, prohibited the use of Thai forces providing support in Laos.

There is no question, I suppose, under the language here, that if the Thai Government sent forces into Laos under a Thai military command, and they fought, that there would be a violation.

But are we going to say that the Laos military command cannot recruit volunteers—if they were volunteers, and I take it there has been no real contention with the fact that they were volunteers—should limit the recruiting of troops in its own country? Should it not also be pointed out that those Thais who were recruited and fought under the command of Laotians—not a Thai military command—were, for the most part, ethnic Laotians? While it is true they were recruited from Thailand, they were ethnic Laotians. In other words, blood cousins. They have more than a pecuniary interest in what happens in Laos.

That fact has not been brought out. It should be emphasized.

Now, taking those two things together, and also the fact that this was a limitation on the Defense Department appropriation, it had nothing to do with the CIA. The CIA has been in there for a number of years, as has already been brought out.

There is a good case for the proposition that there has been no violation. Whether some further change in the law should be made is a matter for the Senate to consider in the future, but I want the record to have the case on the other side, and I believe it is a persuasive case.

Mr. SYMINGTON. Well, Mr. President, the able Senator from Michigan has made his case. I wish I could agree with him, but cannot, based on the record which I have read about these Thai forces in Laos.

A volunteer is someone who wants to do something, generally in case of war, at a sacrifice to himself. These Thais in Laos were recruited in Thailand. Their costs are paid for by the CIA—salaries, allowances. They are flown into Laos in American planes. If wounded, they are evacuated by Americans to a U.S. Air Force field hospital in northern Thailand—and so forth. The [deleted] pointed out that by going into Laos and [deleted]. So I do not see how anyone can call them volunteers in the true sense of the word.

However, this, no doubt, is an honest difference of opinion, and I appreciate knowing the Senator's position.

Mr. FULBRIGHT. On that last question, apparently the Thais are not recruited by the Lao Government but are recruited by the CIA and the Thai Government in Thailand. It was never suggested to our staff members at any time while they were there that these are ethnic Lao who want to go back and defend their homeland. That was never suggested by anyone in the field.

Mr. CRANSTON. Mr. President, will the Senator from Missouri yield?

Mr. SYMINGTON. I am glad to yield to the able Senator from California.

Mr. CRANSTON. In pursuing the question that the Senator from Michigan brought up, which I think is a helpful contribution to seek to clarify what had happened in relation to the will of the Senate and in the event the will of the Senate was violated, it would be helpful to know what funds were used for that purpose. It was unclear to me what has been used thus far. As pointed out by the Senator from Mississippi, the Senator from Missouri and others, funds have been transferred from one place to another.

Does the Senator know for a fact that the funds were CIA funds, or does the Senator know for a fact that the funds were from funds appropriated for the Defense Department under the Military Procurement Act but used for other purposes?

Mr. SYMINGTON. Based on our investigations, we cannot be sure of the source for all these funds. Certainly a lot came from the CIA. Based on the statements made to our staff, some apparently came from the Department of Defense. In an effort to answer the possibility of a question today. "So what?", I will, as I have said, introduce an amendment which will limit the amount of money that can be used in Laos, unless the administration presents its case to Congress for more money and gives the reasons why more money is necessary than what has been requested, with a ceiling in the coming fiscal year of $200 million.

Mr. CRANSTON. What was the total sum appropriated in fiscal year 1971 for the CIA?

Mr. SYMINGTON. That figure, I believe, is not one that anyone in the Congress could give at this time. The total figure, however, is a great deal more than what we are discussing; that is, the total of what we are spending in Laos.

Mr. CRANSTON. My question relates to the sum that the Senator stated were spent, presumably authorized for these purposes. I wondered if that would constitute a substantial portion of the CIA budget or if it is an infinitesimal amount?

Mr. SYMINGTON. It is a substantial amount although interestingly enough, the total CIA budget is a relatively small amount of the total bill the American taxpayers pay for intelligence each year. The amount the CIA places into its Laos operations is not so great, in my opinion, that it endangers their operating efficiently, as they generally do, in other parts of the world.

Mr. CRANSTON. I am not probing to know how these sums are allocated within the CIA budget. I am interested in how many Senators know how much money is available to the CIA.

Mr. SYMINGTON. Mr. President, in that connection we have the chairman of the CIA Subcommittee on the floor. I would yield to him to determine if he would answer that question.

Mr. STENNIS. Mr. President, I think the Senator from Missouri is correct. We do not have enough facts here to say whether there is any CIA money that was used in this matter.

Mr. SYMINGTON. We do know that CIA money was and is used. We believe we know that a large amount was used. The CIA runs the most effective military operation being run in Laos today. And they run it with money we here both authorized and appropriated. As to what percentage that money is of the total amount obtained, that is a question the chairman could answer better than I.

Mr. STENNIS. Mr. President, it has not been established that direct military money was used here. I think rather than put the total amount for Laos in here as an estimate or a guess, it would be better to get the accurate figures.

Mr. CRANSTON. Mr. President, may the Senator from California ask the Senator from Mississippi a question? Does the Senator know whether CIA funds were part of the funds we have discussed this afternoon?

Mr. STENNIS. Mr. President, I am doubtful about it, frankly. I am doubtful about it, as to this military operation, from what I have heard here. But I think the facts can be established. And we ought to get them, not at this moment, but it ought to be established in a firm way so that we would know.

Mr. CRANSTON. I would like to repeat one question that has not been answered yet. What Senators know how much the total appropriation is for the CIA?

Mr. ELLENDER. That is top secret.

Mr. CRANSTON. Is it top secret what Senators know? I am not asking the figures as yet. I am asking what Senators know that figure. How many Senators know?

Mr. STENNIS. Well, I know it.

Mr. SYMINGTON. I know. The chairman of the Appropriations Committee and the chairman of the Foreign Relations Committee also know, as well as several other Senators now on the floor who are members of the CIA subcommittee.

I put in the record of this closed session the CIA money estimated to be used in the overall operation of this clandestine Laotian war—[deleted] million.

Mr. FULBRIGHT. Mr. President, that question, it seems to me, is very important. Most, if not all, of the money is carried within the military budget without anyone being able to identify it. We put in a restriction that no money should be used in this military assistance program for a particular purpose. If we are going to accept the principle that because CIA is not specifically mentioned, because it is not mentioned anywhere, the executive branch can do whatever it likes to evade the restriction, the restriction is or becomes a complete nullity.

What is the sense of the Senate acting if that is going to be the result? It is rather difficult to work out this kind of restriction. We spent a lot of time on it and came up with a nullity and a farce. It is farcical, it is idiotic, to bring in an amendment saying that we do not want something done if the amendment is ignored. The Senator from New Jersey said that we are against hiring mercenaries in Laos. The Congress agreed. The President signed the bill into law. Then it turns out that the CIA has done things that violate the amendment.

It seems to me that the behavior of not just the Senate and not just the Senate committees concerned but the whole legislative body makes no sense. When two or three Senators say they know, I am surprised they are so positive.

Mr. SYMINGTON. Was the question whether we know the overall amount?

Mr. FULBRIGHT. No, the question is how much money the CIA used.

Mr. SYMINGTON. [Deleted] million was that figure? I do not wish to criticize the Central Intelligence Agency for their operations in Laos. The CIA did not want to conduct this war. It is an intelligence agency, not an agency to conduct war, rather to collect intelligence.

They have been given the authority and the instructions incident to the conduct of this war in Laos; and as a result, the Senate knows little or nothing about its conduct as compared to what we know about the conduct of the war in Cambodia and Vietnam, as well as operations of our military forces in other parts of the world, where matters are directed from the Pentagon.

At times I have had my suspicions as to why this Laotian war was given to this intelligence agency instead of to the regular channels of military control under the Joint Chiefs of Staff.

Mr. FULBRIGHT. The CIA is not doing anything they have not been directed to do by the National Security Council. None of this is intended as criticism of the CIA. It is a criticism of the conduct of the overall war which is a responsibility of the Congress and the executive.

The question is whether the Congress can have any influence upon the conduct of the war. Can it do what the Senator from New Jersey said, say that we want to prohibit the employment of mercenaries in Laos?

I cannot think of any language more specific than that which the Congress passed and the President signed into law last year. What we are faced with is the question of whether the executive branch can evade that prohibition by using CIA money in part or in all.

The staff heard that part of this money for Thai troops came from regular Defense Department funds and part from CIA.

I have known, and several Senators have known, about this secret army. Mr. Helms testified about it.

[Deleted].

He gave the impression of being more candid than most of the people we have had before the committee in this whole operation.

I did not know enough to ask him everything I should have about Thai forces in Laos. I think these forces clearly violate the spirit and the letter of the law unless we can say the CIA is not responsible to the control of Congress. That provision was intended to cover the whole operation. Otherwise, it is a nullity and an empty gesture to put a prohibition into the law if it is not intended to cover the whole operation.

Mr. CRANSTON. Mr. President, will the Senator yield for a question on one other aspect?

Mr. SYMINGTON. I am glad to yield.

Mr. CRANSTON. Mr. President, the presentation and the discussion has been very illuminating.

Mr. SYMINGTON. I thank the Senator.

Mr. CRANSTON. [Deleted].

Mr. SYMINGTON. [Deleted].

Mr. CRANSTON. [Deleted].

Mr. SYMINGTON. [Deleted].

Mr. STENNIS. Mr. President, will the Senator yield to me briefly?

Mr. SYMINGTON. I am glad to yield to my friend from Mississippi.

Mr. STENNIS. I understand the Senator from Kentucky used my name, or had a question on these CIA funds, while I was out of the Chamber, I want to make clear that in this Laotian operation—all of it—the CIA has acted at the direction of the National Security Council or the President. I have been familiar with the situation, and I know that to be a fact.

Mr. ALLOTT. Mr. President, will the Senator yield for a couple of quick noncontroversial questions?

Mr. SYMINGTON. Any time I can accede to the wishes of my colleague from Colorado, that is a privilege.

Mr. ALLOTT. Who are the staff people? When the bell for the quorum call rang I thought it was a routine quorum call and I was 6 or 7 minutes late.

Mr. SYMINGTON. The gentleman to my left is James Lowenstein, and the gentleman with the Senator from Arkansas (Mr. FULBRIGHT) is Richard Moose. These are the two staff members who visited Southeast Asia last April and May; and then made this report.

Any time the Senator would like to discuss or review any part of this report with them, I am sure they would be honored to do so at the Senator's convenience.

Mr. ALLOTT. Were they sent there under a letter of direction by the Senator from Missouri or the chairman of the committee?

Mr. SYMINGTON. I wrote letters to the Secretary of State, the Secretary of Defense, and the Director of the Central Intelligence Agency. We gave their names and they received all necessary clearance. They went with the knowledge of the proper departments of the executive branch.

Mr. ALLOTT. I am not concerned with that so much as to the direction. Was the scope of the investigation laid out in this letter by the Senator from Missouri?

Mr. SYMINGTON. Yes.

Mr. ALLOTT. I thank the Senator.

Mr. SYMINGTON. We did the best we could in advance to tell the heads of the various agencies in question just what it was we wanted to find out. Does that answer the Senator's question?

Mr. ALLOTT Yes. Was that in the letter? Was that asked before I came?

Mr. SYMINGTON. I do not believe that particular point came up, and am glad it is now in the RECORD. I will put in the Record all the letters in question written prior to their trip.

Mr. ALLOTT. I think it would make a complete record.

Mr. SYMINGTON. I think it a good idea.

Mr. ALLOTT. I thank the Senator.

Mr. SYMINGTON. I ask unanimous consent to include these letters in the RECORD at this point.

(There being no objection, the letters were included.)

APRIL 15, 1971.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: At the request of the Subcommittee on United States Security Agreements and Commitments Abroad, James G. Lowenstein and Richard M. Moose, Consultants, Senate Foreign Relations Committee, will be traveling to Laos and possibly Cambodia, Vietnam and Taiwan between the period of April 18 to May 9. The purpose of their trip will be to provide the Subcommittee with information concerning United States military assistance programs, general political, economic and military subjects and United States relations with the countries concerned.

Prior to their departure, Mr. Lowenstein and Mr. Moose will want to receive executive branch briefings. They have already provided your Department with details of the Subcommittee's interests, and I would appreciate the Department of State's assistance in arranging appropriate briefings by officials of the State and Defense Departments.

Sincerely,

STUART SYMINGTON,
Chairman, Subcommittee on United States Security Agreements and Commitments Abroad.

APRIL 15, 1971.

Hon. MELVIN R. LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: At the request of the Subcommittee on United States Security Agreements and Commitments Abroad, James G. Lowenstein and Richard M. Moose, Consultants, Senate Foreign Relations Committee, will be traveling to Laos and possibly Cambodia, Vietnam and Taiwan between the period of April 18 to May 9. The purpose of their trip will be to provide the Subcommittee with information concerning United States military assistance programs, general political, economic and military subjects and United States relations with the countries concerned.

Prior to their departure, Mr. Lowenstein and Mr. Moose will want to receive executive branch briefings on the above subjects. I have asked the Department of State to arrange these briefings and would appreciate the cooperation and participation of the Department of Defense in these sessions.

Department of Defense support, including authorization to use military air transportation as required while they are overseas will be deeply appreciated. Pursuant to the provisions of Section 1314 of Public Law 207, 83rd Congress, the payment of such actual and necessary expenses as they may incur is authorized.

Sincerely,

STUART SYMINGTON,
Chairman, Subcommittee on United States Security Agreements and Commitments Abroad.

APRIL 15, 1971.

Mr. RICHARD HELMS,
Director, Central Intelligence Agency,
Washington, D.C.

DEAR MR. HELMS: The Subcommittee on United States Security Agreements and Commitments Abroad has asked James C. Lowenstein and Richard M. Moose, Consultants, Senate Foreign Relations Committee, to visit Laos and possibly Cambodia, Vietnam and Taiwan and report back to the Subcommittee on the situation in those countries and on various aspects of United States activities there. I would appreciate your asking your Agency representatives in the countries noted above to help Mr. Lowenstein and Mr. Moose in their assignment. I would also appreciate it if you could arrange for them to be briefed in Washington before their departure on April 18.

Sincerely,

STUART SYMINGTON,
Chairman, Subcommittee on U.S. Security Agreements and Commitments Abroad.

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

Mr. SYMINGTON. I yield.

Mr. FULBRIGHT. I do not know if the Senator wishes to be seated or not. I would like to put in a résumé of facts that I thought were not clear in the beginning. If this résumé is not correct, I hope that I will be corrected by the Senator.

I understand that in fiscal year 1971, although Congress thought that it had authorized $117 million in new funds, the military assistance program actually being administered in Laos with military assistance funds from the Department of Defense will cost $162 million. If that is not correct, I hope that someone will correct me.

We thought at the time of the appropriation that the cost would be $117 million but the program has actually cost $162 million.

The estimate of the CIA contribution to the overall effort—our staff was told—was [deleted] million and the AID program was $52 million, making a total of $284 million in fiscal year 1971. That is what is being spent aside from whatever the authorization for new funds provided or what we thought was being spent.

The request for new funds for military assistance in fiscal year 1972 is $125 million for the Department of Defense. Yet they are planning a program which will cost $252 million. Assuming the [deleted] million is still the same for the CIA, and the $52 million is still the amount of economic assistance, there will be an increase from $284 million to $374 million in the next fiscal year. In other words, the present price for staying in Laos will be $374 million just from those three sources.

I want to call attention to the fact that this does not include the cost of Thai troops, whatever that might be. It does not include the cost of maintaining 1,200 U.S. personnel who are there with the State Department, AID, and similar agencies. And it does not include the cost of air operations over northern or southern Laos. These are extra costs which I would guess, at a very minimum, would round that figure to $400 million, not including the cost of air operations, which we will be spending in Laos in 1972 if present programs are put into effect.

If that information is not accurate, I hope that somebody on the staff or the Senator from Missouri will say so.

Mr. SYMINGTON. Those figures are accurate. One that is interesting is that our total annual expenditures in Laos may amount to a total of $187 per capita, almost three times the per capita Gross National Product of that little country.

Mr. FULBRIGHT. To get some sense of perspective, when one considers what a relatively small country this is, a coun-

try which is about 20 percent literate, what we seek to achieve for an investment of that amount of money is beyond my comprehension. Its relation to our troop withdrawals from South Vietnam is beyond me.

Mr. SYMINGTON. I have been to Laos several times; and whether it is right or wrong for us to be there surely is a matter for discussion, as we are discussing this operation today. But nobody could argue that, in effect, the United States, has now destroyed large parts of this country, as it has parts of Cambodia and large parts of both North and South Vietnam.

Mr. GRAVEL. Mr. President, will the Senator yield for one additional question?

Mr. SYMINGTON. I yield to my friend from Alaska.

Mr. GRAVEL. First, let me thank the Senator from Missouri for the contribution he is making to the Senate with his presentation today.

I would like to know how we can bring this matter to the attention of the country. What can we do other than have a dialogue and receive information, which the Senator from Missouri has assiduously secured?

This information is known to thousands of Laotians and Thais. It is obviously known to the Chinese. Obviously it is known to the Soviet Union.

If I heard the Senator correctly, he said the information is classified Top Secret. How do I, as a colleague of the Senator from Missouri, get the information declassified, since the Laotians and the Soviets know about it, so that the American people will know about it?

Mr. SYMINGTON. A good question. This is one of the problems which often comes up with respect to our military activities in various other parts of the world, as we pursue what might be called our "Pax-Americana" concept of the world which has developed since World War II. Other countries know about our activities. Their people know about these things, but for some sad reason the only people who really do not know about them are the people of the United States.

This record will be sanitized and as much as possible of it released to the people; in fact, there will be a major effort on our part to make available as much as possible; but inasmuch as much of said information was given to us as classified information, we cannot print it without first receiving agreement from the executive branch as to what can be released to the public. That was the premise incident to our staff members being told much of this information on their recent visit to Southeast Asia.

We will do our best to see that as much as possible of what is in this record is declassified. Then the Senator can use it for himself and with his constituents, so they can form their conclusions based on as much of the facts as possible.

We are making this record today with a reporter. This record will be examined and as much as the executive branch permits will be made public. In case of disagreement, we hope to be able to convince the executive to release—having been somewhat successful in the past in obtaining declassification of certain information the executive originally classified because we did not believe its publication would in any way affect national security—as much of this information as possible.

Mr. GRAVEL. That would include the report tendered by the Senator's staff?

Mr. SYMINGTON. Yes and I ask unanimous consent to have the staff report printed in the RECORD at the conclusion of debate in this closed session.

PRESIDING OFFICER. Without objection, so ordered.

Mr. GRAVEL. So that I can expect, as an American taxpayer and a citizen, to have it made public as soon as possible?

Mr. SYMINGTON. As much as possible, as soon as possible, will be made a matter of public record.

Mr. GRAVEL. The fact that we are financing people in that part of the world will become public, will it not?

Mr. SYMINGTON. I hope so. Much of that data has already been published.

Mr. GRAVEL. I take that to be an agreement that it will be made public.

Mr. SYMINGTON. It has already been published in the press that we are financing some 4,800 Thai troops in Laos. That is no secret. Some of the details are still secret. Every Senator has to decide for himself whether he will obey the restrictions laid down by those who originally classify the material.

Mr. GRAVEL. How long will it take to sanitize the record?

Mr. SYMINGTON. That is another good question. It will not take too long on our part.

Mr. GRAVEL. I do not understand, and I apologize for taking this body's time with this, but if the Senator from Missouri established the top secret classification and he can declassify it rapidly, who else makes the determination on declassification?

Mr. MANSFIELD. Mr. President, if the Senator will yield, it will be up to the chairman of the committee, the State Department, and the chairman of the subcommittee.

Mr. GRAVEL. If, at some later point, a Senator has disagreement over classification of this information, what recourse would he or any other Senator have?

Mr. SYMINGTON. To the best of my knowledge, no one has ever released information declared top secret by the executive branch.

Mr. GRAVEL. May I ask, if the Senator thinks there is anything in here that goes to the national defense of our country?

Mr. SYMINGTON. Yes, I do.

Mr. GRAVEL. That satisfies me.

Mr. FULBRIGHT. Mr. President, I just want to clarify that the figure of $374 million excludes Thai troops, U.S. personnel costs and the costs of air operations in Laos, north and south. A member of the staff has said the publicly announced cost figure for ordnance for a sortie in 1969 was $3,190. That is the estimated ordnance cost of each sortie. These are obviously estimates. They cannot figure to a dollar what it costs to fly a plane and drop a bomb. I do not believe these estimates apply to B–52 strikes. They are much more expensive.

So, working those figures out, there were approximately 10,000 sorties each month in 1971. In 1970 there were 14,000 sorties per month on an average. By a process of multiplication, $3,190 multiplied by 14,000 a month for 12 months amounts to a total of $539 million. In 1971 air operations have been running at the rate of 10,000 sorties a month, and that works out to $382 million.

If that is a rough estimate of what the air war costs, and we add that to the nearly $400 million in other costs, we get some sense of perspective of what we are investing in the war in Laos. It is no small item.

When we add that to other items, we can see why we have a deficit estimated at $25 billion, a problem in our balance of payments, and so forth. It is no secret that the country is rapidly moving toward bankruptcy. We can understand why when we see what we are spending in Laos alone.

Mr. SYMINGTON. Mr. President, the Senator is clearly correct when he points out what all these adventures are doing to the health of our economy. If we do not stop this growth, this self-appointed task since World War II of trying to defend all the free world and finance—babysit—the free world, we are certain to bankrupt this Government.

Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, first I want to commend the Senator from Missouri. He has rendered a real service in making known to the membership of this body facts pertaining to a country in which, in a sense, two wars are being waged, and for doing so in a nonpartisan and nonpolitical manner, thereby enhancing the education of all of us so that we may be cognizant of what is occurring in that remote land which is occupied by a very simple people, a very happy people—or they were a very happy people before geography placed them in a most difficult position.

Mr. President, I move that the Senate return to open legislative session and that the gallery doors be opened.

Mr. FULBRIGHT. Mr. President, if the Senator will withhold his motion, I want to join the majority leader in commending the Senator from Missouri. I know how hard he has worked on this matter. In working with the staff, he has spent a great deal of time on it. I agree that it is a great contribution to the work of the Senate. I only hope the Senate will take it seriously and seek to use it for the welfare of our country as a whole.

Mr. SYMINGTON. Mr. President, may I thank the able majority leader and my chairman, the chairman of the Foreign Relations Committee, for their undeserved but very kind remarks. It has been and is a privilege to work with and for both of them on these matters which have so much to do with the future security, prosperity and happiness of this Nation.

The report referred to previously is as follows:

LAOS: APRIL 1971

(A staff report prepared for the use of the Subcommittee on U.S. Securtiy Agreements and Commitments Abroad of the Committee on Foreign Relations, U.S. Senate)

COMMITTEE ON FOREIGN RELATIONS

J. W. Fulbright, Arkansas, *Chairman;* John Sparkman, Alabama; Mike Mansfield, Mon-

tana; Frank Church, Idaho; Stuart Symington, Missouri; Claiborne Pell, Rhode Island; Gale W. McGee, Wyoming; Edmund S. Muskie, Maine; William B. Spong, Jr., Virginia; George D. Aiken, Vermont; Karl E. Mundt, South Dakota; Clifford P. Case, New Jersey; John Sherman Cooper, Kentucky; Jacob K. Javits, New York; Hugh Scott, Pennsylvania; James B. Pearson, Kansas; Carl Marcy, *Chief of Staff;* and Arthur M. Kuhl, *Chief Clerk.*

SUBCOMMITTEE ON U.S. SECURITY AGREEMENTS AND COMMITMENTS ABROAD

Stuart Symington, Missouri, *Chairman;* J. W. Fulbright, Arkansas; John Sparkman, Alabama; Mike Mansfield, Montana; George D. Aiken, Vermont; Clifford P. Case, New Jersey; John Sherman Cooper, Kentucky; Jacob K. Javits, New York; Pat Holt, *Staff Assistant;* James G. Lowenstein, *Staff Assistant;* and Richard M. Moose, *Staff Assistant.*

PREFACE

At a meeting in executive session on May 21, the Subcommittee on U.S. Security Agreements and Commitments Abroad received a report, classified "top secret," from James G. Lowenstein and Richard M. Moose of the subcommittee staff on a trip which they had made to Laos on behalf of the subcommittee. The information contained in their report added considerably to the subcommittee's understanding of the nature and extent of the activities of the United States in Laos. I felt that the importance of this information was such that it should be brought to the attention of the Senate and accordingly a closed session was held for this purpose on June 7 at my request and with the concurrence of the chairman of the Foreign Relations Committee.

The staff of the subcommittee has now reviewed the report with representatives of the Departments of State and Defense and the Central Intelligence Agency. After considerable discussion of the basis and need for continued security classification of much of the information in the report—a process which lasted 5 weeks—the representatives of the executive branch agreed to publication of the report as now issued. Nevertheless, considerable information has been deleted at their insistence.

While I do not agree that the publication of some of the material which has been deleted from the report which follows would adversely affect our national security, the information which does appear will give the American public a far better picture of U.S. involvement in Laos than can be found in any previous public government report.

STUART SYMINGTON,
Chairman, Subcommittee on United States Security Agreements and Commitments Abroad, Committee on Foreign Relations.

I. Introduction

During our visit to Laos from April 22 to May 4, 1971, we met with Ambassador Godley and the senior and junior civilian officials and military officers in the U.S. Mission. In addition, one or both of us met with Prime Minister Souvanna Phouma; the Foreign and Defense Delegates and the Transport Minister; the Commander of Military Region V and the Governor of Xiang Khouang Province; the Pathet Lao representative in Vientiane; reporters, teachers, and others in private life; and a number of other Ambassadors. We spent a weekend in Savannakhet with the Ambassador and Chief of the AID Mission who were there to open an airfield during which time we visited the Air Operations Center, the [deleted], the irregular force base camp and the irregular training camp known as "Whiskey Three"; a day at the Long Tieng base, the headquarters of General Vang Pao, with whom we lunched, and at Site 32, a village composed mostly of resettled Meo refugees which is north of the Plain of Jars and is the only enclave in that area not under Pathet Lao control; and a day in Thailand at Udorn, visiting the 7/13th Air Force and the 1802 Joint Liaison Detachment [deleted], and at Nakhon Phanom Air Base, visiting [deleted] which is the activity that runs the so-called electronic battlefield in southern Laos.

II. Summary and general observations

A. Most observers in Laos say that from the military point of view the situation there is growing steadily worse and the initiative seems clearly to be in the hands of the enemy. There are apparently no plans for retaking and holding any of the two-thirds of the country no longer under government control but only a hope, not too firmly held in some quarters, that the one-third of Lao territory now under government control can continue to be held. Since Lam Son 719, more Lao territory has come under enemy control, and there are about three regiments more of North Vietnamese forces in southern Laos than there were before the Lam Son operation. U.S. air operations continue in both northern Laos and in the south against the Ho Chi Minh Trail. In both cases the number of sorties this year is down in comparison with last year, the reduction being proportionally greater in the north. The principal reasons for this reduction are, first of all, the fact that fewer aircraft are now available because some squadrons are being redeployed from Southeast Asia, and, second, the additional demands imposed on remaining aircraft by the situation in Cambodia. Since February 1970 we have been using B–52s in northern Laos on a regular basis, a fact the Committee had not been told and that was not made public until the open Committee hearing at which the Under Secretary of State testified on May 3. We are, however, now flying about [deleted] times as many B–52 sorties in southern Laos as in the northern part of the country. The Royal Lao Air Force has doubled its sortie rate in the past year, but the attrition rate of their limited number of T–28 aircraft is high. We are filling the gap. The "truck kill" rate of North Vietnamese trucks is also high, having reportedly reached the astronomical total of over 100 a day in April of this year, but even some U.S. military authorities in Southeast Asia discount these figures, most by about 30 percent. And despite everything that is being done in the air by the United States, and on the ground by the South Vietnamese, Lao and Cambodians, supplies continue to move through Laos into Cambodia and South Vietnam. The Air Force claims that only about one-third the quantity of supplies is getting through this year compared to last year, but others point out that the fact remains that the North Vietnamese are moving sufficient supplies through Laos to sustain their military operations.

B. The war in Laos is run in most respects by the Embassy in Vientiane. In fact, this undertaking seems to consume a considerable portion of the time of the senior officers in the Mission. The "Operations Meeting" at the Embassy—which lasts from 9 a.m. to approximately 10:30 daily, including Saturday, and at which the Ambassador presides—is devoted in large part to detailed briefings by the Army and Air Attachés and the CIA Station Chief which cover practically every military engagement of the preceding 24 hours. Air operations are followed very closely, even down to the types of ordnance employed, as are the details of the deployment and support of Royal Lao Army and irregular forces.

C. The United States continues to train, arm, and feed the Lao Army and Air Force and to, train, advise, pay, support, and, to a great extent, organize the irregular military forces under the direction of the CIA. The combat element of these irregular forces is about as large as the combat element of the Royal Lao Army. These irregular forces include not only the forces under General Vang Pao's command in Military Region II, but forces in every other military region of Laos except the area immediately around Vientiane. The cost of these irregular forces has been increasing every year, in part because as more territory has fallen under Pathet Lao control it has become necessary to rely increasingly on air transport and in part because of the rising cost of ammunition. These irregular forces have become the cutting edge of the military, leaving the Royal Lao Army as a force primarily devoted to static defense.

D. [Delete.] In the past few months the Chinese have increased their air defense capabilities along the road they are building in northern Laos. The road now reaches to Ou River, marking the division of responsibility between the Chinese and the North Vietnamese on the east, and is only some 45 miles from Pak Beng on the Mekong in the west. The number of Chinese forces along the road has increased from 6,000 two years ago to between 14,000 and 20,000. The concentration of anti-aircraft and associated radar installations along the road which has been greatly increased in recent months, makes this area one of the most heavily defended in the world. The area around the road, and north of it, is off-limits to U.S. aircraft, and supposedly to Lao aircraft as well, although it was bombed in January 1970 by two Lao Air Force planes. Whether related or not, the buildup of anti-aircraft facilities followed this attack.

E. The number of Thai in Laos, at the time of our visit, was about [deleted]. Since then, [deleted]. We were told that these "irregular" volunteers, as they are characterized by Thai and American officials, are recruited for service in Laos from outside the regular Thai Army. They are said to receive lower pay and allowances than regular Thai Army personnel [deleted]. The costs involved are channeled through CIA, although U.S. officials told us that they thought some of the funds come from the Defense Department budget. As far as the future is concerned, [deleted].

F. The Royal Lao Government continues to be almost totally dependent on the United States, perhaps more dependent on us than any other government in the world, and this dependence appears to be increasing as the war continues and the military situation worsens. The cost of U.S. military assistance to Laos has risen rapidly in the past few months with the fiscal year 1972 program doubling since January, mostly as the result of the rise in the cost of ammunition and ordnance being supplied to both the Royal Lao Army and Air Force and the irregular forces and the higher rate at which this ammunition and ordnance is being used. The United States provides not only for all of Laos' defense needs but for day-to-day needs as well. And on the political front, we gathered from our conversations with various Lao that it has been made plain to all opponents of the present Prime Minister—primarily the southern politicians and generals—that we wish to see him continue in office and that any change in government might jeopardize continued U.S. support.

G. The Lao Government's budget for the current year is 18.3 billion kip or, converted to dollars at the official rate of 500 kip to the dollar, $36.6 million. By contrast the partial total of estimated U.S. expenditures in Laos in fiscal year 1971 is $284.2 million, composed of an estimated $162.2 million in military assistance, $52 million in the AID program and $[deleted] millions spent by CIA exclusive of the Thai irregular costs. This partial total of estimated U.S. expenditures amounts to $141 per capita for the approximately 2 million Lao under government control compared with a per capita GNP estimated at $66. Not included in the above U.S. expenditure total are items such as the cost of U.S. air operations in northern or southern Laos or the cost of Thai irregulars in

Laos. The planned increase in fiscal year 1972 military assistance coupled with AID and CIA expenditures at this year's level would bring the total of these three programs up to $374 million. So far as we can determine, the only overall figure ever released by the executive branch for any category of current aid to Laos is the $52 million estimate for the AID program in fiscal year 1971, although during the Symington subcommittee hearings in 1969 the fiscal year 1971 military assistance program was estimated at $90 million. In point of fact, we were told that the actual final total for that year was $146.4 million, as noted in the section below on the military assistance program.

H. U.S. activities in Laos show the interlocking relationship between all U.S. agencies in Laos and all U.S. activities and commands in Southeast Asia. Thus, [deleted]. The sortie rate of U.S. tactical aircraft is kept at Udorn, but this information does not include the rates for B–52s or Navy aircraft. These figures are kept by 7th Air Force in Saigon. Within Laos, the CIA trains and advises irregular forces, but until last week AID had provided these forces with rice in Military Regions I and II, while the military assistance program, operated ostensibly under AID in Laos, provides food and equipment to the regular Lao Army. The U.S. Air Force flies the planes that bomb the Ho Chi Minh Trail, but much of their targeting information comes from CIA, and the final approval for their missions, at least in some cases, comes from the Embassy.

I. Finally, there is an evident determination among U.S. officials in Laos to continue to prosecute the war with only gradually reduced secrecy. It is argued, with regard to air operations, that many of these places are based in Thailand and are there pursuant to agreements with the Thai Government which stipulate that [deleted]. As far as operations of the irregular forces are concerned, some say that CIA is not used to prosecuting a war in public and does not see what purpose would be served by doing so. Underlying many of these arguments for maintaining secrecy is the feeling that much of what the United States is doing does violate the Geneva Agreements of 1962, and ancillary "understandings" thereto and that while our violations are justified by antecedent North Vietnamese violations, putting our violations on the public record, while North Vietnam continues to deny that it is violating the agreements, would make it far more difficult, if not impossible, to reactivate the provisions of the 1962 agreements.

III. The military situation

A. General Description

Since last July, the enemy has extended his control to the the western edge of the Plain of Jars, past Muong Soui and Sam Thong, while pushing further west in southern Laos, taking Muong Phalane shortly after Lam Son 719 ended. To the west of the area in which South Vietnamese forces were active during Lam Son 719, a whole new network of trails has been constructed, although the enemy continues to use the routes in the area in which the Lam Son operation took place. Enemy forces have put increasing pressure on the important towns of Seno and Pakse, both of which are now only a few kilometers from the area under enemy control. Virtually the entire Bolovens Plateau areas is now held by the North Vietnamese, the few remaining Lao outposts on its western edge having been captured in the last few days. In sum, over 60 percent of Laos is no longer under Lao Government control.

The generally accepted figure for the entire population for Laos has been 2.8 million, although some dispute this figure and claim that it is closer to 2 million. On the basis of the 2.8 million figure, the Embassy claims 2.1 million under government control, although a publication issued by the AID Mission sets the figure at 1.7 million.

In the weeks immediately preceding our visit to Vientiane, Luang Prabang had been under virtual siege. The airfield had been rocketed and the enemy surrounded it on all sides. During the time that we were there, the enemy pulled back, indicating an intention not to take the royal capital. During the same period, however, they rocketed the principal base at Long Tieng daily with rocket attacks averaging 30 a week.

Trying to estimate enemy intentions is a constant concern of American officials in Vientiane as it is in Saigon, Phnom Penh, and Bangkok. The prevailing assumptions at the time of our visit were that the North Vietnamese and Pathet Lao would continue the war in the north despite American and Lao bombing; that they could continue to move supplies through Laos into Cambodia and South Vietnam although at a reduced rate, again regardless of the bombing, and in fact could do in Laos pretty well whatever they wished during both wet and dry seasons provided they were willing to take heavy casualties in some cases; that they probably would not try to take Luang Prabang because it is the site of the Royal Palace and home of the King and such an attack would therefore have a deleterious effect on public opinion in Laos; that the Royal Lao Government forces will [deleted]. In this connection, both American and Lao officials told us that they would consider the loss of Long Tieng to be a disastrous psychological blow and hence had determined that it should be defended. Understandably, General Vang Pao was particularly adamant on this point for Long Tieng represents virtually the last foothold of the Meo people in northern Laos.

Recent new developments affecting the military situation, all reported in the press since our visit, have been the deployment, for the first time, of North Vietnamese surface-to-air missiles in southern Laos, the development of a road system into the Plain of Jars which will enable the North Vietnamese to operate throughout the rainy season, and the occasional sighting of North Vietnamese MIGs over Lao territory, a potential new hazard for the Lao T–28s and the U.S. pilots flying Forward Air Control missions in small observation planes.

B. Friendly Forces

Friendly forces in Laos consist of [deleted] in the Royal Lao Army, [deleted] in the neutralist army, [deleted] in the Royal Lao Air Force, and some 30,000 Lao and [deleted] Thai irregulars (which are described in section VI below). Friendly forces thus total between 95,150 and 97,650 compared to enemy forces of about 115,000 to 139,000.

Of the [deleted] in the Royal Lao Army, somewhere between [deleted] and [deleted] are infantry, depending on whether the Army Attaché estimates of those present for duty is taken or the Lao Army figure is used as a basis for calculation.

It has apparently become increasingly difficult in the past year or so to maintain an adequate level of manpower in the Royal Lao Army. There are very few enlistments and no national conscription system. From time to time manpower requirements are set by Royal decree for each military region, and quotas are then levied on provinces and villages. What follows is said by some to resemble a press gang operation in which only those without political connections end up in the Army. We were told that 30 percent of all new recruits desert.

The length of service in the Royal Lao Army is 2 years and the basic pay for a private is equivalent to $5 per month plus allowances for dependents. Soldiers apparently seldom receive all of the money or food to which they are entitled, and the rolls of some units are said to be padded with personnel who never existed or who have been killed, are missing, or have deserted. We were told about one unit in the neutralist army, for example, which was supposed to have 300 men but when mustered could produce only 25. Another American told us that such an accomplishment would be the envy of many other battalion commanders.

C. North Vietnamese and Pathet Lao Forces

The estimate of enemy forces in Laos as of April 20 was between 114,765 and 139,000. The 139,000 estimate is composed of 100,000 North Vietnamese and 39,000 Pathet Lao. The estimate in March of 1968 was 91,690 composed of 40,045 North Vietnamese troops and 51,645 Pathet Lao.

It thus seems clear that the North Vietnamese have been able to increase the level of their forces in Laos despite the heavy casualties they have taken. In fact, at the time of our visit there were three more regiments of North Vietnamese forces—about 15,000 men—in southern Laos than there before Lam Son 719 began, although some of the enemy forces who fought in Laos during that operation had returned to North Vietnam.

[Deleted.]

Of the North Vietnamese in Laos, some [deleted] are in infantry battalions; [deleted] in transportation, engineering, and communications units; [deleted] in antiaircraft and artillery units; [deleted] in Pathet Lao infantry battalions or as advisors to such battalions; and [deleted] in armored units. [Deleted.] In all, about 80 percent of the North Vietnamese are in southern Laos in Military Regions III and IV.

As for the Pathet Lao troops, [deleted] are infantry battalions with some [deleted] of these in Military Region I; [deleted] each in Military Regions II and IV; [deleted] in Military Region III (where North Vietnamese strength is particularly high); and [deleted] in Military Region V. About 60 percent of all Pathet Lao forces—combat and support—are in northern Laos.

The ratio of enemy killed to friendly killed in action is far lower than the ratio released for Vietnam. In the period from 1968 through the first 4 months of 1971, the irregular forces lost 8,020 killed in action (of which 6,873 were lost in Military Regions I and II), while killing an estimated 22,726 of the enemy. During this same period the Royal Lao Army lost 3,664 killed in action, while killing 8,522 of the enemy. The enemy kill ratio is thus far higher for the irregular forces. At the same time, however, the brunt of irregular losses has fallen heavily upon tribal groups such as the Meo, which is one of the reasons why Thai irregulars have been brought into Military Region II.

The North Vietnamese units are definitely carrying the brunt of the fighting and taking most of the casualties, and most Pathet Lao units have North Vietnamese cadre. It seems to some observers that the North Vietnamese are deliberately sparing the Pathet Lao for the future when they will vie for political control in Laos with non-Communist Lao forces whose numbers will have been greatly reduced by war losses inflicted by the far more numerous North Vietnamese. During our stay in Vientiane, a number of Pathet Lao, possibly as many as 200, were reported to have "rallied" to the Government side. Authorities in Vientiane were endeavoring to exploit these defections which they believe, on grounds which were not altogether clear to some observers, to be indicative of a "trend."

D. Chinese Forces

The number of Chinese forces along the road they are building in northern Laos has increased from between 6,000 and 8,000, the figure given the subcommittee 2 years ago, to somewhere between 14,000 and 20,000.

The Chinese have also moved in a heavy new increment of radar-directed anti-aircraft weapons, increasing the number by 100 in the last 6 to 7 months to the present total of 395, including for the first time guns of 85mm and 100mm, the latter said to be effective up

to 68,000 feet. Since early 1970, they have also [deleted]. Of the Chinese troops along the road, those who hold to the lower figure of 14,000 say that between 3,000 and 3,500 are members of anti-aircraft crews and the rest construction workers, while those who give the higher estimate say that anti-aircraft crews total 6,000 to 7,000.

As a result of recent work done on the road, it will be a motorable all-weather surface dual-lane highway by August all the way from the Chinese border to Muong Huon, although there has been no extension of the road past Muong Huon since February 1970. In addition to upgrading earlier road construction, the Chinese have, since November 1970, constructed eight small arms firing ranges of a kind normally associated with garrisons of ground troops as well as large headquarters buildings and 66 basketball courts. There are 154 camps along the road. The western branch of the road still ends 45 miles from Pak Beng on the Mekong River, some 20 miles from Thailand. On the eastern leg of the road, only a bridge or ferry across the River Ou needs to be built to connect with the road which has been reconstructed from Dienbienphu into Laos.

We were told, on originally inquiring, that there had been no provocation which would account for the sudden buildup in anti-aircraft defenses along the road. After further inquiry, however, we learned that the Lao Air Force had bombed the road at least twice. In the most recent and important such incident, two Lao T–28s from Luang Prabang flew over the road in January 1970 and claimed to have been fired upon by the Chinese. In their debriefing the pilots stated they had then destroyed 10 trucks. This claim could not be confirmed from later photography, although the photograph did show craters on the road. [Deleted.]

IV. Air operations

U.S. air operations in Laos have declined in the course of the past year and are now below the level of the first 9 months of 1969. At that time, the United States was flying about [deleted] sorties a day in northern Laos and [deleted] a day in southern Laos, a total of 400 sorties a day. One year ago, the average daily rate was about 350 sorties—[deleted] in northern Laos and [deleted] in southern Laos. In April of this year, the rate averaged about 340 sorties a day—[deleted] sorties a day in northern Laos and [deleted] a day in southern Laos, although during the last week in April, while we were in Laos, the sortie rate averaged 282 a day—[deleted] in the north and [deleted] in the south.

On February 18, 1970, the United States began B–52 missions against northern Laos. The White Huose confirmed in March 1970 that one B–52 mission had taken place in northern Laos, but there had been no subsequent disclosure that B–52's were bombing northern Laos on a regular basis. In fact, the Committee had not been informed, even on a classified basis, that B–52 raids had been extended to northern Laos, although several times executive branch witnesses were prepared so to testify in executive session if asked. Our telegram from Vientiane reporting on B–52 operations in northern Laos was relayed to the Committee by the Department on April 29, 1971. When Under Secretary Irwin was asked about B–52s at the public hearing on May 3, he acknowledged the fact of B–52 operations in northern Laos but said that he could not supply sortie figures as these were not available in the State Department. It is interesing to note, in this connection, that documents dealing with B–52 operations in northern Laos are classified "Top Secret" while B–52 operations in the south are considered "Secret."

The figures we were given by the Embassy in Vientiane indicated that the B–52 sortie rate in northern Laos is higher in 1971 than it was in 1970. We were told in Vientiane that in the first 4 months of 1971 there were [deleted] B–52 sorties in northern Laos and that in all of 1970 there had been [deleted] B–52 sorties in northern Laos.* B–52 sorties in northern Laos constitute a small percentage of total B–52 strikes in Laos, both north and south. For all of Laos B–52 strikes are now average [deleted] to [deleted] a day.

The reported figures for the number of North Vietnamese and Pathet Lao trucks damaged or destroyed are growing at a geometric rate. We were told that, during the first 29 days of April, 69 trucks had been destroyed and over 4,133 damaged in northern Laos and over 4,850 destroyed and 1,155 damaged in southern Laos. For previous years, the figures given us for trucks destroyed or damaged were 3,291 in 1967; 7,332 in 1968; 9,012 in 1969; and 12,368 in 1970. These figures are not taken seriously by most U.S. officials, even Air Force officers, who generally apply something on the order of a 30 percent discount factor. One reason why there is some skepticism about the truck kills claimed by the Air Force is that the total figure for the last year greatly exceeds the number of trucks believed by the Embassy to be in all of North Vietnam.

Truck kill and damage figures are arrived at through a set of criteria developed by the Air Force. It is assumed, for example, that if a truck is hit by a 40mm shell it is destroyed and that if the shell hits within 10 feet of the truck it is damaged. One Air Force officer told us that if the truck kill figures proved, on further analysis, to be unrealistic, the criteria would then be changed. Another commented that he assumed that the North Vietnamese were intelligent enough to set off decoy explosions when trucks were being attacked so that they would be counted as destroyed or damaged even if not hit.

"Through put" figures, which refer to the estimated number of tons transported into South Vietnam or Cambodia by either trucks or water-borne means, are kept at 7/13th Air Force. They vary widely with the season and cannot take account of such unknown factors as stockpiling. In January and February 1970, we were told, between 1,500 and 2,500 tons were estimated to be "in put" and between 1,150 and 1,250 tons as "through put" a week. In January and February 1971, "in put" averaged between 2,000 and 3,300 tons a week while "through put" averaged between 135 and 200 tons a week. The figures for the week of April 14–20 showed an "in put" of 1,932 tons and a "through put" of 824 tons, a record figure for 1971. We were told that the Lam Son operation had not slowed the trend and that the seasonal trend this year follows the same general pattern as last year, although at a considerably lower level. Last year 33 percent of the "in put" was getting through. This year only 10 percent is getting through. And in the course of the first 4 months of this year, 4,000 to 5,000 tons have gotten through, which is exactly half the amount that it is estimated got through in the first 4 months of last year. These figures are regarded with considerable skepticism by some U.S. officials who point out that as a matter of fact, the North Vietnamese continue to be able to get the supplies through to Cambodia and South Vietnam that they require for the military operations they are conducting.

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The Royal Lao Air Force has more than doubled the number of sorties flown in the past year. One year ago they were flying [deleted] sorties a month. Now the rate is [deleted.] Of this total, about [deleted] are T–28 bombing sorties and [deleted] are AC–47 gunship sorties. The Royal Lao Air Force has [deleted] AC–47 and about [deleted] T–28s. Somewhere between [deleted] and [deleted] of the T–28s were in commission every day during our visit and available for bombing missions. [Deleted] T–28s were reserved for training and were kept at Udorn, as were those being repaired. The Lao Air Force has been promised [deleted] additional T–28s through the military assistance program by the end of this December. Ten of these are, however, borrowed from the Thai Air Force program and will have to be returned or replaced.

We noticed that none of the Lao Air Force T–28s we saw in Vientiane, Savannakhet, Long Tieng, and Udorn were marked except for serial numbers on the tail, a fact that seemed to come as a surprise to some American officials when it was mentioned. It seems clear that this procedure would allow them to be interchanged with other T–28s.

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The sortie rate of the 7/13th Air Force seems to provide a rough index to the intensity of the air war in Laos. In January 1970, monthly sorties in Laos reached a high point of 14,000, of which about [deleted] were in northern Laos and [deleted] in southern Laos. The sortie rate then began to decline, the rate of sorties in northern Laos more rapidly than the rate in southern Laos, and total sorties in April of this year were 8,299. The projection for the next fiscal year is that the total will further decrease to an authorized maximum of [deleted] a month.

U.S. sorties in Laos are controlled by a complicated set of "Rules of Engagement and Operational Authorities." These rules seem to make it impossible for villages or other nonmilitary targets to be bombed. In brief, target information is developed either by Royal Lao Army units. CIA irregular units, electronic means, aerial visual reconnaissance, or photo intelligence. 7/13th or 7th Air Force then selects targets and these requests are passed to the mission in Vientiane. Planned strikes are first reviewed by the Air Attaché, or—for targets in southern Laos outside the Trail area—by the Air Operations Center at Savannakhet, and then passed to a junior Foreign Service officer in the Embassy (known locally as the "Bombing Officer") for "validation" or approval. He checks proposals against the rules of engagement and the latest aerial maps which show nonmilitary "structures" in order to make certain, for example, that the proposed strikes are targeted more than 500 meters from "active villages" (defined as one building, hut, or structure not validated by the Embassy for a strike) and at least 500 meters from friendly intelligence teams. If there is any doubt in the Bombing Officer's mind, he passes the request on to the Deputy Chief of Mission or Ambassador for final decision. In 1970, 86 percent of all requests for tactical air strikes, 76 percent of the requests for B–52 strikes in northern Laos, and 70 percent of the requests for strikes in special operating areas, which are explained below, were approved. When U.S. tactical aircraft arrive over targets, they are controlled by U.S. Forward Air Controllers accompanied by Lao spotters.

B–52 strikes are directed against two categories of special operating areas: SOLOAS, which are specially validated areas, and PAR VELAS which are partially validated areas. These special operating areas are, in effect, free fire zones. They are areas in which it has been determined by the Embassy that there is no civilian population or civilian structure of any sort. SOLOAS are considered to be validated without further clearance except when napalm is used. PARVELAS re-

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* Subsequently, in response to a question in an open Committee hearing on May 3, the Under Secretary of State said that he did not know how many B–52 sorties had been flown in northern Laos in 1970 and 1971 but would provide the figures. Under cover of a top secret letter dated June 10, 1971, from Assistant Secretary of State Alsire, the figures given were [deleted] sorties in 1970 and [deleted] as of May 1971—indicating a lower sortie rate in 1971 than in 1970.

quire 72-hour advance notice to the Embassy. At the time of our visit there were 11 SOLOAS and four PARVELAS.

There is one other kind of prevalidated strike area known as a SOA (special operating area) in which tactical air strikes can be made against any military target without specific validation. In these areas the Embassy has predetermined that there are no "active villages." Napalm may be used within the SOA for several kinds of targets, and any type of ordnance approved for use in Laos may be jettisoned within the SOA. At present one group of SOAs covers most of the Plain of Jars plus Route 7 leading from North Vietnam to the Plain.

The rules of engagement for U.S. air operations vary from one area of Laos to another. In eastern Laos pilots have maximum flexibility whereas in the far north, adjacent to China, there are no U.S. combat air operations. In fact, no U.S. aircraft are permitted to enter this area without Embassy Vientiane, CINCPAC, and JCS approval. [Deleted.]

American pilots who fly Forward Air Control missions do so out of five Air Operations Centers. These are located in Vientiane, Pakse, Savannakhet, Luang Prabang, and Long Tieng. In theory each American Forward Air Controller has a Lao pilot in the back seat who is there because he knows the ground situation and can communicate with ground Forward Air Guides. There are 53 Royal Lao Army Forward Air Guides and 129 from the irregular units spread throughout all military regions.

Given the apparent stringency of these rules of engagement, it is difficult to see how roads with civilian traffic, villages and groups of civilians could have been bombed, rocketed, or napalmed. It seems clear, however, although the rules are stricter now than they were some years ago, that mistakes do happen (especially when Forward Air Controllers begin flying missions as soon as they arrive at Laos); that some pilots have deliberately violated the rules of engagement, expending ordnance against unauthorized targets (the town of Khang Khay being a notable example); and that the system itself is so complicated that it cannot possibly be foolproof. Indeed, the effort to provide in the rules of engagement for every contingency appears to create obvious loopholes. One is the rule which allows ground fire to be returned virtually anywhere in Laos when a U.S. plane is participating in a search and rescue operation or is flying in support of infiltrating or exfiltrating troops.

There are plenty of instances known to American civilian employees who have been in Laos for some years in which civilian targets have been bombed. There is a certain reluctance, especially on the part of the Air Force, to admit that mistakes have happened which tends to undermine the credibility of official claims made about the infallibility of the conduct of the air war in Laos. The Embassy itself is quite insistent that the rules are scrupulously observed. Yet it apparently has no system for regular photographic review of the results of individual strikes, although it can and does ask for special photography if there is reason to believe a violation has occurred. We made several attempts to obtain photographs of specific towns which we had been told had been bombed. The Embassy was unable to produce such photographs and neither was 7/13th Air Force. The Lao Ministry of Information was reported to have photographs of bomb damage on the Plain of Jars. In response to its efforts to obtain copies of these for us, the Embassy was given only photographs of sightseeing dignitaries and fuzzy distant views of Xieng Khouangville.

The Royal Lao Air Force is not bound by the same rules of engagement and is theoretically free to do what it wishes, although we were told that U.S. officials have sought to do their best to influence the Lao to adhere to the same general principles. Nevertheless, Lao T–28 bombers have attacked towns, Saravane being a well-known case in point, the Chinese road and other targets that are clearly off-limits to U.S. aircraft. As noted above, Lao T–28s are not marked so some of these attacks may well be blamed on the United States. U.S. Forward Air Controllers have been able to assume control over virtually all of the Lao Air Force sorties in Military Regions III, IV and V, but not in Military Regions I and II. Furthermore, Lao Air Force pilots are given special combat allowances which are different in each military region, and at least in some military regions they are paid a bonus for each sortie so that there is an incentive not to adhere too strictly to rules of engagement. Lao AC–47 gunships are not controlled by Forward Air Controllers but control their own missions, although most of these missions occur in situations were friendly troops are in contact with enemy forces.

Aircraft loss figures are difficult to obtain in Vientiane, but we were told that between January 1970 and April 1971 there have been 25 U.S. aircraft and 13 crew members lost in northern Laos and 56 aircraft and 53 crew members lost in southern Laos. These totals do not include U.S. Forward Air Controllers (five FACs and one Air Operations Center commander were lost in 1970 and three FACs in the first 4 months of 1971), the B–52s (although none has been lost in combat in Indochina) or Navy carrier aircraft.

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In addition to military aircraft operations, there is a large U.S. civilian fleet operating in Laos run by Air America, Continental Air, and Lao Air Transport. These three carriers operate under contracts with AID, although funds are provided by AID, the Defense Department, CIA, and the State Department. The funding arrangements are worked out in Washington.

We were told that the civilian air fleet consists of 20 helicopters, 12 C–123s, 7 C–7As, 5 helios, 10 Porters, 7 C–46s, and 1 Volpar. The C–123s and C–7As are "bailed" aircraft; that is, they are rented from the Air Force. Like the Lao T–28s, they are unmarked.

In fiscal year 1970, the air transport contract costs involved were $5 million for AID (of which $0.5 million was for "bailed" aircraft), $[deleted] million for CIA, and $11.7 million for the AID Requirements Office which administers the military assistance program. Air transport contracts thus totaled $26.2 million. We were told that this total is up about 10 percent in fiscal year 1971.

Half of AID's fixed wing contract of $3.5 million was for refugee relief. Some of the CIA contract goes to ferry Americans back and forth each day to Long Tieng, Sam Thong, and refugee sites, as the military situation is so precarious that Americans do not remain there overnight. There are, for example, 55 Americans at Long Tieng and Sam Thong who are shuttled back and forth from Vientiane every day.

V. The military assistance program

The most recent information the Committee has received from the Department of Defense on the Defense Department funded military assistance program in Laos is a document dated January 26, 1971, and entitled "Estimated Amounts Included in Military Functions Appropriation Fiscal Year 1972 Budget for Support of Free World Forces in Vietnam, Laos, and Thailand and Related Costs in Fiscal Year 1970, Fiscal Year 1971, and Fiscal Year 1972." That document gives as total estimated figures for funding the military assistance program in Laos amounts of $74.2 million in fiscal year 1970, $117.3 million in fiscal year 1971, and $125.8 million in fiscal year 1972. In Vientiane we were told that the fiscal year 1970 program ceiling was not $74.2 million but $125 million (although even that ceiling has been exceeded by $21.4 million, so that the total military assistance program ceiling for fiscal year 1970 was not $74.2 million but $146.4 million). We were also told that as a result of "recent messages from Washington," the fiscal year 1971 ceiling had been increased to $162.2 million, and the fiscal year 1972 ceiling to $252.1 million.

The explanation which we were given for the increase in total program for fiscal year 1972, which is double the original estimate of the new funds needed, was the sharp increase in fighting and the rising cost of ammunition and ordnance. According to figures given us in Vientiane, these ammunition and ordnance costs were $79.4 million in fiscal year 1970, declined to $51.7 million in fiscal year 1971, but rose to $136.3 million in fiscal year 1972. Of that $136.3 million, the Royal Lao Air Force is to receive $[deleted] million (compared to about half that amount in fiscal year 1971), and the irregulars will require an addition [deleted] million worth of ammuntion. Incidentally, the other most noticeable change in the program between 1970 and 1972 is the rise in operating costs of the Lao Air Force from $74.3 million in fiscal year 1970 to [deleted] million in fiscal year 1972, reflecting costs of the [deleted] T–28s to be provided the Lao by the end of this calendar year.

Military assistance costs are thus rising steeply, as they have throughout the program. According to the figures we obtained in Vientiane, the cost of the military assistance program when it began in fiscal year 1963 was $11.9 million. That cost rose to $21.4 million in fiscal year 1964, $40.8 million in fiscal year 1965, $59.7 million in fiscal year 1966, $80.8 million in fiscal year 1967, $79.4 million in fiscal year 1968, $90.4 million in fiscal year 1969, and—as explained above—$146.4 million in fiscal year 1970, $162.2 million in fiscal year 1971, and $252.1 million in fiscal year 1972. The cost of military assistance thus doubled every year between fiscal year 1963 and fiscal year 1965, doubled again between fiscal year 1965 and fiscal year 1967, and in fiscal year 1972 it will be more than three times as large as it was in fiscal year 1967 (and 25 times as large as it was when it began 9 years ago).

The military assistance program is designed to support a Defense Department "force goal" recently increased from [deleted] to [deleted]. As noted above, Royal Lao Army and Air Force strength is now [deleted].

The Royal Lao Air Force has some [deleted] T–28s, [deleted] C–47s, [deleted] H–34 helicopters, and [deleted] small O–1 and U–17 aircraft. It is "authorized" [deleted] T–28s. The rate of loss of T–28s has been about [deleted] a year, although in this fiscal year almost that many have already been lost. As noted above, [deleted] new T–28s are scheduled to be provided between now and December, although 10 of these will go to the Thai Air Force and replace the 10 now on loan from that program.

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The logistical functions of the military assistance program are administered in Laos by the AID Requirements Office rather than by a MAAG as would normally be the case. This device is used in order to maintain the appearance of U.S. compliance with the prohibition against foreign military advisory personnel contained in the 1962 Geneva Agreements. The Requirements Office has 34 U.S. direct hire employees, all of whom are former military personnel but are now AID employees; 24 third country nationals; 93 local employees; and 65 Filipinos under contract to Eastern Construction Co. In addition, there are three Defense Department employees, 18 U.S. dependents, three local employees, and 24 Filipinos under contract to the Eastern Construction Co. who run an English language school for Lao military personnel. We did not have the chance to hear how Lao who

have been taught English by a Filipino use the language, but those who have say the end product is often quite unique.

The Requirements Office has regional offices in each military region where liaison work is done with the Army and the Air Force. We were told that there is not much emphasis in the Requirements Office operation on end-use checking because, it was stated to us, a Presidential waiver has been granted. (In Cambodia, on the other hand, we had been told that there has been no such waiver, and end-use requirements thus continue to be used as a justification by the Defense Department in arguing for an increase in the size of the Military Equipment Delivery Teams and more direct control over the military assistance program by CINCPAC.)

In addition to the Requirements Office personnel, Army Attaché personnel also work with the Lao Army and Air Force in the military regions. Of the 127 authorized Army Attaché personnel, 24 are assistant Army Attachés stationed in the five military regions working with Royal Lao Army units. In addition to gathering information and doing some end-use checking, they perform what seems to amount to an advisory function. One officer from the Army Attaché office is permanently detailed to USIS where his job is to "publicize the Lao Government to the Lao people." Incidentally, these Army personnel wear uniforms in the field and are referred to by rank. The Air Force personnel in the Air Operations Centers do not wear uniforms, are called "Mister" and say they are with the AID Mission if asked.

VI. CIA activities

A. Lao Irregular Forces

The most effective military force in Laos is not the Royal Lao Army, but the force known previously as the Armée Clandestine, then as the SGU (for Special Guerrilla Units) and now as the BGs (for the French term *Bataillons Guerriers*). The BG units are part of the irregular forces which are trained, equipped, supported, advised, and, to a great extent, organized by the CIA. The BG units have become the cutting edge of the Lao military forces, as one U.S. official put it. The Royal Lao Army forces are concentrated near centers of population, lines of communication, depots, and airfields and in fact 3,000 members of the Army, or over 5 percent of the force, is tied up in straight guard duty.

Royal Lao Army units are all controlled by individual military region commanders who are frequently likened to warlords. We were told that Vientiane authorities are thus not at liberty to move them from one region to another as the overall military situation may require. Apparently each such move requires negotiation with regional authorities. The BG units, because of the American connection, are relatively free from such constraints. We were told, for example, that at the outset of the recent crisis in Luang Prabang, the Prime Minister asked for irregular units to defend the capital. The request was refused, and the Prime Minister was compelled to negotiate with the regional commanders in order to increase the forces around Luang Prabang. The Prime Minister's success in this negotiation was cited as an indication of a growing sense of national responsibility on the part of regional military and political figures or, at least, as a manifestation of their devotion to the king.

In addition to the greater flexibility with which they may be used, the irregular forces are considered by American officials to be better disciplined and more capable of conducting independent unit operations. It is the BG units that do most of the day-to-day patrolling, ambushing, and attacking throughout the country. As for other irregular units, [deleted], self-defense units organize the defense of villages and commando teams go out to destroy trucks and supplies and ambush troops.

All of those in the BG units are volunteers (referred to by the Americans in charge of the programs as "assets") with the exception of some 1,500 cadre personnel and officers from the Royal Lao Army. The CIA supervises the operation closely and claims that, [deleted], the irregular units receive the rations and pay due them. Also unlike the Royal Lao Army, they are guaranteed evacuation by Air America helicopters and subsequent medical care, which for at least some of them is in a U.S. field hospital at the Royal Thai Air Force base at Udorn, Thailand. CIA "Case Officers" supervise the training and advise on operations of these irregular units, but we were told that they do not accompany them on operations.

BG units and other supported paramilitary and intelligence units exist not only in Military Region II, where they first began as a force of Meo tribesmen under General Vang Pao, but in every military region, except Military Region V around Vientiane. There are [deleted] in Military Region I, [deleted] in Military Region II, [deleted] in Military Region III, and [deleted] in Military region IV. About 38 percent of irregulars are thus in Military Region II. In fiscal year 1967, the irregular forces totaled 37,800. Their strength rose to 39,800 in fiscal year 1969, but then dropped to present totals by March of this year. The authorized force level for U.S. support is [deleted]. The size of the irregular forces has been reduced since fiscal year 1969 because of attrition, principally desertion, heavy casualties, and the financial restraints incurred by budgetary limitations. We were told that the costs of these forces have gone up as increased combat activity resulted in the expenditure of more ordnance and because of the necessity to rely more and more on air transport as more Lao territory has fallen under enemy control. The CIA budget for the Lao irregulars was [deleted] million in fiscal year 1969. This year, we were told in Vientiane, it is expected to be about $[deleted] million. This figure does not include the costs connected with the Thai irregulars.

B. Thai Forces

At the time of our visit to Long Tieng on April 28, there were [deleted] Thai there, at the nearby base of Sam Thong, and at Hill 1663 near Sam Thong. (There was also a small Thai team of [deleted] men at Nam Yu in Military Region I.) The Thai irregulars are under [deleted] and the overall command of General Vang Pao, Commander of Military Region II. Of these [deleted].

Most of the irregulars have been recruited, we were told, as a "volunteer force" outside the Thai Army, although [deleted]. The Thai irregular program developed during the past year and was designed by the CIA specifically along the lines of the irregular program in Laos. The CIA supervises and pays for the training of these irregulars in Thailand and provides their salary, allowances (including death benefits), and operational costs in Laos. We were told that the details of the funding were not known in Vientiane, as all of this bookkeeping is done in Washington. We were also told, however, that some of the funds probably come from the Defense Department budget. The pay and allowances of the Thai irregulars are said to be less than those of regular Thai Army personnel [deleted]. The Thai irregulars are transported from Thailand to Laos by Air America and are returned to Thailand when their tours are up again by Air America. We were told that the Embassy wanted to [deleted] the [deleted] with [deleted] because the [deleted] were more mobile and thus "could do things the others could not do." As for the future, [deleted]. The need for Thai "volunteers" results from the fact that the military manpower base in Laos is estimated to be 114,765 and the Lao Army, neutralist army, irregulars and Pathet Lao all must draw from this base which is now exhausted. (General Vang Pao's forces, for example, have suffered 3,272 killed and 5,426 wounded since 1967; as a result 40 percent of his forces are no longer Meo but Lao Thung). Thus additional military manpower can only come outside Laos. Estimates of the number of additional [deleted]. We also understand that there have been intermittent discussions regarding the possibility of [deleted].

Incidentally, we asked what motivated Thai to volunteer for the irregular forces in Laos in light of the heavy losses they have suffered. We were told that the principal motivation was [deleted].

C. [Deleted]

D. Secrecy

The irregular force camps continue to be kept behind a barrier of strict official secrecy. This applies particularly to the principal camp at Long Tieng. Reporters are not permitted on either Air America, Continental, Laos Air Force, or civilian planes which land, or which even might land, at Long Tieng airport, the only means of reaching the camp. Every nonofficial American or Lao who wishes to fly to Long Tieng must have written permission from General Vang Pao, and passengers are checked both getting on and getting off planes. In fact, a few chosen reporters have been allowed to visit Long Tieng but they have been sworn to secrecy.

The principal arguments we heard for the need to continue to maintain secrecy were these: first, that General Vang Pao does not want to allow the press to visit because his military security would be compromised; second, that if reporters were permitted to visit Long Tieng, they would concentrate on the role of the United States, overlooking Vang Pao's contribution; third, that CIA is a clandestine organization not used to operating in the open and that its operations in other parts of the world might be compromised if the techniques and individuals involved in Laos were to become known; fourth, that were U.S. activities publicized, the United States would be accused of violating the Geneva Agreements of 1962 and it would thus be more difficult to re-establish the Geneva Agreements as a framework for a future settlement in Laos; and fifth, that the details of the Thai presence would become known which would [deleted].

VII. The AID program

The total Lao budget for this year is 18.3 billion kip or $36.6 million. The estimated total of U.S. economic assistance to Laos in fiscal year 1971 is $52.036 million, a total that has been about the same since fiscal year 1969 when it dropped from the higher totals of fiscal year 1967 and fiscal year 1968.

The scope of the AID program covers virtually every aspect of Lao civil administration. As a publication of the AID Mission in Laos states, there are 24 broad projects involving various fields, 145 activities going on to implement these programs, and some 550 different individual jobs.

The broad categories of the AID program are economic stabilization (the Foreign Exchange Operations Fund which offsets the effect of the Lao Government's budget deficit), programs related to security (such as assistance to refugees, medical assistance, and air transport), the maintenance of governmental services (such as hospital operation, dam repair, school building, teacher training, public administration, police training, and highway maintenance), social infrastructure (such as education and nurse training), and economic development (such projects as rice production, fisheries, agricultural research, irrigation, power, industry, and roads).

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Points of interest from the AID publication "Facts on Foreign Aid to Laos":

(*a*) The government obtains 90 percent of

its foreign exchange from the Foreign Exchange Operation Fund. Contributions to the fund totaled $22.4 million in 1969, the last year for which figures were published, of which the United States contributed between $16.1 million and $18 million, depending on which set of AID figures is accepted. At a minimum, in any case, the United States contributed 72.5 percent of the foreign exchange provided. The other contributors were Japan with $2 million, France with $1.7 million (although it is said that the French have a special arrangement with the Fund which permits them to remove foreign exchange so that their contribution is often less than it appears to be), the United Kingdom with $1.7 million, and Australia with $0.7 million. When the Fund was originally established in 1964, with a total contribution of $7.8 million, the United States provided 51.3 percent of the total. That percentage has gradually increased and has been over 70 percent since 1967.

(*b*) The Lao have recently had to expend an estimated $4.5 million in foreign exchange each year to import rice, the production of which began to decline in 1960.

(*c*) Exports were valued at $2 million and imports at $42.2 million in 1969. The United States was the principal source of imports in the first half of 1970, providing about 34 percent of total imports, followed by Indonesia and Thailand, each with about 19 percent, Japan with 11 percent, and France with 9 percent. Since independence, the trade deficit of Laos has always been financed by foreign economic assistance. In 1969, 67 percent of the country's imports were financed by the Commodity Import Program of the United States and by the Foreign Exchange Operations Fund.

(*d*) Lao budgetary expenditures for security last year equaled total government receipts.

(*e*) Over two-thirds of budget revenues are derived from customs duties and more than half of this sum comes from duties on gold. Direct taxes provide less than 10 percent of the total revenue.

(*f*) The literacy rate in Laos is 20 percent compared to 41 percent in Cambodia, 60 percent in South Vietnam, and 68 percent in Thailand.

(*g*) The United States has constructed or improved 3,272 kilometers of road, which is slightly less than half of the total road network of 6,392 kilometers of asphalt, gravel, or laterite and earth roads in Laos.

(*h*) In any given year 25,000 to 30,000 people become refugees in Laos. The Royal Lao Government estimates that since 1964 over 600,000 people have been displaced by the war. The number of refugees "supported by the government," to use the phrase found in the AID publication, rose from about 108,000 in January 1963 to 275,000 in January 1970 and declined somewhat by May 1 to 257,800. (While refugees depend on the government for support, the government in turn depends on the United States for support. In fiscal year 1971, the United States provided $17.3 million for refugee relief. U.S. aircraft drop approximately 50 tons of rice each day at a total of 120 drop sites for refugee use, and at an air delivery cost of $58 a ton which is about equal to the original price of the rice, and the Public Law 480 food donation has risen from 3,700 metric tons in fiscal year 1968 to 9,800 in fiscal year 1971.)

(*i*) AID has constructed 76 percent of the total number of elementary classrooms in Laos, 100 percent of the teacher training schools, and 22 percent of the secondary schools. In all, 88 percent of the students enrolled in schools in Laos attend schools which have received U.S. assistance.

(*j*) Economic assistance from other countries has been at an annual amount considerably less than that contributed by the United States. The Nam Ngum Dam is described in the AID publication as a regional project implemented under the auspices of the Mekong Committee and financed by grants from a consortium of nine donor nations. The donations total $28.6 million, but of this amount the United States has contributed $15.6 million. The Asian Development Bank has granted Laos $250,000 for a feasibility study of agricultural activities and a $973,000 loan for an irrigation project. The total assistance from U.N. agencies amounted to $968,000 in calendar year 1970. France, which contributes the second largest amount of foreign assistance to Laos, is now giving between $6 and $7 million a year, most of it for technical and educational institutions. British assistance has dropped from a previous high point of $6 million to about $2.5 million annually, of which $1.7 million is the British contribution to the Foreign Exchange Operations Fund. Japan provided, in 1970, $1.7 million to the Foreign Exchange Operations Fund, $500,000 worth of agricultural equipment and $30,000 worth of humanitarian assistance for refugees. Australian assistance had reached an annual level of $1.2 million by 1970 including a $700,000 contribution to the stabilization fund. West Germany has loaned the Royal Lao Government 6 million DM for the Vientiane power distribution system. Canada, Thailand, New Zealand, and India have provided lesser amounts of assistance.

* * * * *

In addition to its own activities in Laos, AID provides support for both CIA and the military assistance program. The AID food distribution program, for example, feeds irregular military units as well as their families who often are nearby in refugee camps. Until recently, this program had also been totally funded by AID, but it is now funded almost entirely by the Defense Department. As noted earlier, both the air operations branch and the Requirements Office of AID are heavily involved in military programs. While visiting Savannakhet we learned that the airport which was being dedicated that weekend as an AID public works project had, in fact, been funded from Department of Defense appropriations.

VIII. Miscellaneous points

A. In the subcommittee hearings in 1969, the number of U.S. personnel as of September 30 totaled 891. Of this total, 558 were so-called direct hire and 333 were contract personnel. In his speech on March 6, 1970, the President gave a total of 1,040 consisting of 616 direct hire and 424 contract. The figures we were given total between 1,143 and 1,231. Every set of figures we received, and they were given to us several times in the course of our stay, showed 663 direct hire, but the number of contract personnel varied from 480 to 568. We noticed that the number of Air America personnel was now somewhere between 276 and 415. The figures we were given covered the full range. The figure we were given for direct hire AID employees ranged from 330 to 395. It seemed clear to us that there is considerable confusion in accounting for the number of Americans in Laos, and that the various categories of people are shifted to keep the numbers as low as possible. In all fairness it should be said that the highest version of various categories include CIA personnel who must be hidden in various components of the mission staff, which may well account for some of the confusion, and that the various contract arrangements also make it difficult to categorize some personnel.

B. The mission does not seem to have made much of an effort to keep a record of what factors have been responsible for "generating" refugees. As a result, they are unable to provide proof to counter allegations that most refugees are generated by U.S. bombing. Some of the officers who work in the refugee affairs section of AID, many of whom have been in the country for years, estimate that between 2 to 5 percent are due to the bombing. They say that the rest of the refugees have come out because of their dislike of the North Vietnamese and their fear of general military activity, the most dreaded aspect of which is the bombing. They also say that in the northeast about 30 percent of the population has chosen to remain in Pathet Lao territory while 70 percent has left. On the other hand, the few on-the-spot surveys that have been conducted tend to put more weight on either the experience of bombing, or the fear of bombing, as a reason for moving. Certainly that was the principal reason given by a group of refugees with whom we talked outside of Seno, only a few miles, incidentally, west of Dong Hene captured by the enemy 10 days after we left Laos.

Those who work most closely with the refugee problem are particularly concerned about the fate of the refugees from the tribal areas, such as the Meo. There appears to be little prospect of these people returning to their native areas, and although they have paid a heavy price in lives to defend their homelands against the North Vietnamese—thereby defending the capital and the Vientiane plain as well—the minority people continue to be looked down upon by the ethnic Lao who control the Government. Some Americans believe that the situation of the minority peoples pose a potentially serious problem as more of them come to recognize what little security the government in Vientiane affords to them.

C. The Embassy in Vientiane told us that the latest figures that they have for U.S. personnel missing in Laos as of January 19, 1971, showed 232 U.S. personnel, including one Air America pilot, missing since April 1, 1965. There is no firm evidence, according to CIA, that any of these men are being held prisoner in Laos by either the North Vietnamese or the Pathet Lao. The Pathet Lao representative told us that Prince Souphanouvong had stated recently that the Pathet Lao were holding prisoners, including some Americans, and that these prisoners were being held in a safe place. We asked him if a list of the prisoners could be obtained, pointing out that the North Vietnamese had provided such a list. He said that the North Vietnamese had not provided a list until after the bombing had stopped and that the Pathet Lao, similarly, would not do so as long as the bombing continued.

D. The Royal Lao Government is holding 92 North Vietnamese prisoners of war. The number of North Vietnamese prisoners taken has thus been low in proportion to the number killed and wounded. There were 17 prisoners taken in 1968, 15 in 1969, 26 in 1970, and 15 in 1971. Similarly, there have been few North Vietnamese "ralliers"; that is, those who have come over to the other side. These ralliers totaled 17 in 1968, 15 in 1969, 18 in 1970, and two in 1971. By comparison, there were 725 Pathet Lao prisoners taken in 1968, 1,213 in 1969, 412 in 1970, and 144 in 1971. Similarly, there have been far more Pathet Lao ralliers—270 in 1968, 401 in 1969, 174 in 1970, and 239 in 1971. The explanation given for the low number of North Vietnamese prisoners is that the North Vietnamese prefer to commit suicide rather than permit themselves to be captured. We also heard reports, however, that the Lao sometimes shoot North Vietnamese wounded prisoners, especially when Lao forces are in retreat.

Last year there were discussions between the Lao and South Vietnamese governments about turning over North Vietnamese prisoners in Laos to South Vietnam. The decision was made not to do so. The United States took no position in these discussions except to say that it would assist both goverments in whatever decision was reached.

E. The table of instructions sent by the State and Defense Departments about our trip asked our Embassies in any country vis-

ited to be frank and forthcoming and to avoid confrontation at all costs but stipulated four subjects which were not to be discussed with us. There were: (1) the deployment of nuclear weapons; (2) military contingency plans or military rules of engagement past, present or proposed, including the operational details of joint integrated air defense, (3) the operational details of sensitive operations, the disclosure of which would clearly jeopardize the safety of U.S. forces, and (4) military assistance program plans and programs beyond fiscal year 1972 (in connection with which the Embassy was instructed to say, if the subject arose, that no decision had been taken beyond 1972). The instructions also said that no documentation should be provided and that if documentation were requested, guidance should be sought from Washington. In summary, the cable noted that our approach "will likely be that of participants in an adversary process."

F. [Deleted.]

IX. Future prospects

No one we met in Laos, American or Lao, seems to have a prescription for the future other than to continue to do what is being done now. Some observers pointed out to us that, in the long run, the odds are heavily against defending Laos, given the advantages the North Vietnamese enjoy. These are a 1,300-mile front along which they can attack; short, well-developed and increasingly heavily defended supply lines; a sanctuary largely safe from direct attack; a population 10 times that of Laos; and a larger, more experienced and better motivated army. In their more optimistic moments Lao and Americans, as well as meet western observers, expressed a guarded belief that the Lao will be able to cling to what remains of their territory until the war ends in Vietnam, believing that the war in Vietnam will end in an agreed settlement in which the great powers will participate and that this settlement will lead to a similar resolution of the situation in Laos.

There is a sporadic dialogue between the Pathet Lao and Lao Governments, and a Pathet Lao representative has arrived in Vientiane within the past week to present new proposals. But these new proposals are apparently harder than previous proposals and include a demand for a bombing cessation throughout Laos—not just in parts of Laos, as previous demands—before talks can begin.

Thus, the prospect of negotiations seems slim indeed. In the first place, the Pathet Lao and North Vietnamese are in the strongest military position they have ever enjoyed, and it is difficult to imagine what, from their point of view, they might gain by a compromise which did not bring an end to U.S. bombing of the Trail. In the second place, as long as we continue to provide the Lao with the means for continuing the war, even though at a high cost to us in money and an exorbitant cost to them in lives, and as long as the leaders of Laos see no crucial need to negotiate, the initiative for a political settlement will not come from the Lao. The latest series of attacks all along the line in Laos may, however, force Lao leaders to alter their attitude toward negotiation, particularly if additional American or Thai help is not forthcoming. Finally, as far as U.S. policy is concerned, it is quite apparent that many American officials regard the continued prosecution of the war in Laos as an essential adjunct of our current military strategy in Vietnam because, in their view, it ties down two or more North Vietnamese divisions and permits us to exploit Lao territory to interdict the Trail, thereby buying time for Vietnamization. In this sense, we are indeed using the Lao for our own purposes at an increasingly heavy cost to them in lives and territory. At the same time, U.S. officials also believe that if U.S. air activities in Laos were stopped, the military situation would be even more serious in Miltary Regions II, III, and IV and that all of Military Region II, including the vital base at Long Tieng, could be lost.

The Thai irregulars constitute a new complicating factor, one not yet fully acknowledged by some accustomed to dealing with Laos within the context of an Indochina war. Some observers pointed out to us, however, that it would seem to follow from the presence of these Thai in a key strategic location in Laos that the Thai will inevitably be parties to any negotiation with the North Vietnamese, the issue for them being the line demarcating areas of influence in Laos. And in connection with areas of influence, it was pointed out to us that the practical effect of the Chinese road is that the Chinese border has already been shifted southward to encompass a substantial portion of northern Laos.

Both the Royal Lao Government and the United States Government seem to consider themselves tied inextricably to the concept of the 1962 Geneva Agreements. Prince Minister Souvanna Phouma indicated in his conversation with us that he regards these agreements as a commitment on the part of the great powers in general, and the United States in particular, to provide military assistance and financial support. He also seems to view the agreements as a pattern for the future. It is difficult for some observers to see how agreements violated so blatantly, by both parties, can be regarded as a realistic basis for a future settlement when they have not accomplished this end so far. Yet the statement is persistently heard in Vientiane—from both Lao and United States officials—that the Geneva Agreements of 1962 can be implemented after the war in Vietnam is settled or in conjunction with a settlement. And no one seems willing to admit the possibility that there may be no final settlement but merely a continuation of the war in Vietnam, though perhaps at a somewhat reduced level.

If there is no settlement in Vietnam and the war also continues in Laos, Laos will remain a hostage available to the North Vietnamese should they wish to draw American airpower away from Cambodia and South Vietnam, embarrass the United States, threaten Thailand or bring the Chinese into closer involvement. Perhaps the only real protection the Lao have is whatever limits the North Vietnamese wish to place on themselves. Some U.S. officials believe that these limits include not taking over the whole country but continuing to use Lao territory as a supply route while assisting the Pathet Lao as a political—as well as military—force with the final objective of a partitioned Laos in which the eastern portion will be governed by the Pathet Lao and the western portion by a regime not unsympathetic to North Vietnam. Meanwhile, the area under government control shrinks steadily, the cost to the United States rises, the Pathet Lao consolidate their hold on territories no longer under government control and the Lao Government's professed policy of neutralism continues to hang by the single human thread of Prime Minister Souvanna Phouma. He, in turn, seems to be increasingly isolated from other powerful political figures in his country who wish to involve the United States, or the Thai, even further in the defense of what remains of their country, knowing that they cannot possibly defend it themselves.

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

(The motion was agreed to, and, at 4:34 p.m., the doors of the Chamber were opened.)

LEGISLATIVE SESSION

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

(The following proceedings, which occurred during the closed session of the Senate today, are printed at this point in the RECORD by unanimous consent.)

Mr. BYRD of West Virginia. Mr. President, will the Senator from Missouri yield for a unanimous-consent request?

Mr. SYMINGTON. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on amendment numbered 98 which will be offered by the Senator from Oregon (Mr. PACKWOOD) when the Senate goes back into open session.

The PRESIDING OFFICER (Mr. BEALL). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on amendments numbered 48.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, so that Senators will be on notice, there is a time limitation on this amendment of 1 hour and a half. The Senate should be on notice that there will be a rollcall vote on this amendment this afternoon.

Mr. President, I ask that the injunction of secrecy be removed from my statement on the Packwood amendment numbered 98 and the ordering of the yeas and nays.

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

(This marks the end of the proceedings which were ordered to be printed in the RECORD at this point.)

Mr. PACKWOOD obtained the floor.

Mr. PACKWOOD. Mr. President, I yield to the Senator from Colorado (Mr. ALLOTT).

ADDITIONAL COSPONSORS TO AMENDMENT NO. 115

Mr. ALLOTT. Mr. President, I ask unanimous consent that the following Senators may be joined as cosponsors of Amendment No. 115: PERCY, CASE, MONTOYA, HOLLINGS, and PACKWOOD.

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

AMENDMENT NO. 98

Mr. PACKWOOD. Mr. President, I call up my amendment numbered 98 and ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The legislative clerk read the amendment, as follows:

On page 29, between lines 3 and 4, insert the following:

"(22) Section 6(o) is amended to read as follows:

"'(o) Except during the period of a war or a national emergency declared by Congress,

no person may be inducted for training and service under this title unless he volunteers for such induction—

"'(1) if the father or a brother or a sister of such person was killed in action or died in line of duty while serving in the Armed Forces or subsequently died as a result of injuries received or disease incurred in line of duty during such service, or

"'(2) during any period of time in which the father or a brother or a sister of such person is in a captured or missing status as a result of such service.'."

Renumber paragraphs (22) through (32) of section 10(a) of the bill as paragraphs (23) through (33), respectively.

On page 34, between lines 2 and 3, insert the following:

"(c) (1) Subject to the provisions of paragraph (2) of this subsection, any surviving son or sons of a family who (A) were inducted into the Armed Forces under the Military Selective Service Act, and (B) are serving on active duty with the Armed Forces on or after the date of enactment of this subsection and such son or sons could not, if they were not in the Armed Forces, be involuntarily inducted into military service under the Military Selective Service Act as a result of the amendment made by paragraph (22) of section 101(a) of this Act, such surviving son or sons shall, upon application, be promptly discharged from the Armed Forces.

"(2) The provisions of paragraph (1) of this subsection shall not apply in the case of any member of the Armed Forces against whom court-martial charges are pending, or in the case of any member who has been tried and convicted by a court-martial for an offense and whose case is being reviewed or appealed, or in the case of any member who has been tried and convicted by a court-martial for an offense and who is serving a sentence (or otherwise satisfying punishment) imposed by such court-martial, until final action (including completion of any punishment imposed pursuant to such court-martial) has ben completed with respect to such charges, review, or appeal, or until the sentence has been served (or until any other punishment imposed has been satisfied), as the case may be. The President shall have authority to implement the provisions of this subsection by regulations."

Mr. MANSFIELD. Mr. President, will the Senator yield without losing his right to the floor?

Mr. PACKWOOD. I yield.

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

The PRESIDING OFFICER. On whose time?

Mr. MANSFIELD. Without any time being charged.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Pursuant to the previous order, the debate on the amendments is limited to 1½ hours, the time to be divided equally and controlled by the Senator from Oregon and the Senator from Mississippi.

Who yields time?

Mr. PACKWOOD. Mr. President, I yield myself such time as I may need.

First, I ask unanimous consent that the name of the Senator from California (Mr. CRANSTON) be added as a cosponsor of the amendment.

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

Mr. STENNIS. Mr. President, may we have the Senate in order? Will the Chair get the Senate in order?

Mr. PACKWOOD. Mr. President, may I ask if the microphones are working, my light is not on.

Mr. MANSFIELD. They will be working in a minute.

Mr. BYRD of West Virginia. The answer is "yes."

Mr. PACKWOOD. Mr. President, I have called up my amendment No. 98. This amendment would prohibit the induction of any person if a member of his immediate family has died or is totally disabled or is captured or missing in action, as a result of military service.

This amendment would expand the present draft exemption for sole-surviving sons who are defined by law as the only remaining sons in families which have lost members in the military service. Under this proposal, any son who has lost a father, brother, or sister in military service, as a result of service-connected causes, would be exempt from involuntary induction. He would not have to be the only remaining son in the family to have this exemption.

At a time when we are winding down our involvement in Vietnam and our draft needs are being reduced, the adoption of this measure seems feasible and highly appropriate. In addition I would like to point out that the Army recently announced a 300-percent increase in combat enlistments since initiating a 13-week advertising campaign. Reportedly, enlistments were up from about 400 a month to well over 1,000 a month in April and May.

In view of the circumstances, it would seem that this measure is compatible with and fully justified by our present military manpower needs.

Last April a similar measure introduced by Congressman JAMES T. BROYHILL of North Carolina was included as an amendment to H.R. 6531. Although passed by the House of Representatives on April 5, 1971, the Senate Armed Services Committee later deleted this amendment in reporting the draft bill to the Senate floor.

Several months ago, I introduced a bill in the Senate, S. 908, which contains many of the same concepts as the amendment I have called up today. That bill, which was cosponsored by 23 fellow Senators, was aimed directly at helping a family in my home State of Oregon, Mr. and Mrs. Louis Johnson in Cottage Grove, Oreg. Regrettably, the bill appears to be stalled in committee.

The Johnsons have had not one—but two sons killed while serving in the Armed Forces. Both unfortunately, have died either in or as the result of injuries sustained in Vietnam. The latest son died December 26, 1970. Another son, the oldest of four sons, was honorably discharged after having served 4 years in the Marine Corps.

Now I believe we can all agree that the Johnsons have given much more than any American family should be asked to give. And yet, the Johnsons have a 17-year-old son, Gordon, who will have to register next October as part of the existing selective service process.

The Johnson family does not shirk its responsibility. That has been clearly demonstrated. Three sons have served in the Armed Forces. Two have been killed and another has been honorably discharged, after having served. Certainly this is far beyond what any family should be asked to give and the fact that Mr. and Mrs. Johnson do not feel they can allow their remaining son to enter the service should be easily understood by all of us.

I do not believe Mr. and Mrs. Johnson are asking too much. In fact, I earnestly feel their request should be honored and the 17-year-old son should be exempted from having to serve in the military.

This can be accomplished by passing this amendment.

Today there are over 55 million families in the United States. During the last 5 years close to 1.5 million young men have been drafted from these families. Based on available information there has been a disproportionate number of draftees who have been killed.

I am sure we are all aware of other families like the Johnsons who have suffered the loss of loved ones as a result of injuries or illnesses incurred in the military service. The war in Southeast Asia has taken a terrible toll in human life. There is no way the Government can adequately repay any family for such a painful sacrifice.

Surely it is a lot to ask of any family that they accept the loss of a father, a husband, a son or a brother. But it is cruel and intolerable that they be asked to suffer more.

Mr. President, I realize that this amendment cannot relieve the sorrow and terrible loneliness that has come to the Johnsons and so many other fine families throughout this land. But it can provide them with hope that tragedy will not be repeated.

We now have in our hands the opportunity to challenge fate. We see to it that families who have lost one member shall no longer be called upon to face greater agony.

In the interest of compassion and fairness for those families who have lost members in the military service, I ask for the support of my colleagues in accepting this amendment.

Mr. President, the argument is going to be raised, and we will face it now, that we would perhaps jeopardize our military manpower needs by passing this amendment.

In fact, that is the principal argument that the Senate Armed Services Committee used when it rejected the House-passed provision in committee. The Department of Defense has been very fair and candid, in frankly admitting that they have no idea how many men this will affect. They have not kept statistics on the families of those who have been killed, and how many might be exempt from the draft by the enactment of this proposal.

I quote here from the committee report, as follows:

No valid estimate is available as to the number of former service members who have died during the same period as a result of injuries received or disease incurred during their military service; nor do we know how many remaining family members of these deceased are now serving or may serve in our Armed Forces. The potential limitation, however, on the manpower resources of the nation to meet current and future military requirements is significant.

I do not see how they can cite the last sentence, when they freely admit they have no idea how many people may be involved.

The only addition I have made to Representative JAMES BROYHILL'S amendment was to add two clauses.

My amendment provides that if someone is now serving in the military forces who would otherwise be exempt and not subject to being drafted if the amendment had been in effect, he can apply for and receive a discharge.

Second, it does not apply to those people serving court-martial sentences, or who are presently under indictment in court-martial proceedings. That number is relatively negligible, however.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, how much time is allotted to each side?

The PRESIDING OFFICER. Forty-five minutes is allotted to a side. The Senator from Oregon has consumed 6 minutes.

Mr. STENNIS. Mr. President, I yield myself 10 minutes.

Mr. President, this is a very serious matter, and has had the attention of the committees and of Congress for a long time.

The present law is that the sole surviving son—let me just read it; it ought to be in the RECORD:

Except during periods of war or national emergency declared by Congress, after the date of the enactment of the 1964 amendments to this subsection, where the father or one or more sons or daughters of a family were killed in action or died in line of duty while serving in the Armed Forces of the United States, or subsequently died as a result of injuries received or disease incurred during such service, the sole surviving son of such families shall not be inducted for service under the terms of this title unless he volunteers for induction.

In other words, Mr. President, the sole surviving son is exempt and shall not be inducted, and the reasons for that are quite obvious.

But this amendment, Mr. President, goes much farther than the present law. It is motivated by good intentions, of course, and very respectable passions, but this amendment broadens the "sole surviving son" provision so that any son or sons of a family in which the father, brother, or sister was killed in action or died in line of duty while serving in the Armed Forces or subsequently died as a result of injuries received or disease incurred in line of duty during that service would be exempt from induction except during time of national emergency. This would also apply to family members of individuals captured or missing in action, as long as they were in that status.

First, it is estimated that this amendment will cover families of some 575,000 persons who have died from all causes while serving in the Armed Forces or who have been missing in action or prisoners of war.

This expanded exemption will have considerable effects on the manpower acquisition problems for the Department of Defense.

Second and most important, the amendment does not seem to be needed in view of the fact that the Department of Defense already has a policy of assigning members of families who have lost a member in the armed service—since January 1, 1961, in Vietnam—to noncombatant assignments.

Third—this has tremendous appeal, and we had better be wary about this—much inequity may arise when one considers that there would be a significant discrimination in favor of large families with many children. Conversely, there would be a discrimination against the small family with only one son.

To me, that is unanswerable. I recall many cases, particularly in World War II, in which the only son was lost in action. If we are going to exempt everyone who is left in a family, if one should most unfortunately and regretfully be the one among many who lost their lives—if we are going to exempt the rest of the members of that family, how can we turn then and face the father and mother of a family with only one son and say, "Yes, he must go, and he must go into battle"?

I know that we had this matter up very carefully in the committee. It is fine to be generous. But this is a case in which we also must be just. I do not believe that the argument will stand up. I believe that it will haunt us.

This amendment, exempting all the other members of the family, was submitted on the floor in the House, without very much debate. I do not know just when it was filed or when it was taken up, but there was not much debate.

On page 60 of the Senate report is a letter from the Secretary of Defense, himself, and a letter from Mr. Tarr, the Director of Selective Service. Mr. Laird writes:

(2) Clause 15 of Section 1 would exempt from induction remaining sons of families which have lost one member as a result of service-connected causes since 1941. It far exceeds the scope of present induction exclusion for sole surviving sons. Approximately 575,000 individuals have died from all causes while serving in the Armed Forces since the beginning of World War II. No valid estimate is available as to the number of former service members who have died during the same period as a result of injuries received or disease incurred during their military service; nor do we know how many remaining family members of these deceased are now serving or may serve in our Armed Forces. The potential limitation, however, on the manpower resources of the nation to meet current and future military requirements is significant.

The provision, as discussed in the House by the sponsor of the amendment, also anticipates the discharge from active duty of all members inducted involuntarily who qualify under these conditions.

Department of Defense policies currently provide exemption from assignment to combat for personnel who have lost a family member or a family member has become totally disabled since January 1, 1961 in Vietnam.

That letter is addressed to me, as chairman, dated April 9, 1971, and signed "Melvin R. Laird."

Mr. President, those are the hard facts of life. But we come back now to the fairness, the discrimination. The present law was brought forward in the new bill. The bill before the Senate, contains exactly the language of the present law as to the sole surviving son.

I believe that is as far as we can go, in fairness and in justice to all the parties involved. It is the only way even to begin to give proper treatment and consideration to the small family with only one son.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. I yield myself 1 additional minute.

Frankly, Mr. President, much as we might like to do this, if we undertake now, in deliberate judgment, to enact a law that would go this far and discriminate against the thousands or hundreds of thousands of fathers and mothers with only one son, there would justly be a great reaction against us, even though we would be acting in good faith and from good motives.

So I trust that in the name of fairness—I do not put it on the difficulty of administration or anything of that kind—simply in the name of fairness in this field, we will limit this policy to the sole surviving son concept. I hope that will be the will of the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. Let me respond to a few points raised by the Senator from Mississippi.

We talk about compassion and we say that today, if you happen to have two sons in a family and one is killed, the other is exempt from the draft. That is the present law. But if you have three sons and one is killed, you still have another one and another one who are subject to the draft, because they are not the sole surviving son.

Is it more compassionate to say that a mother has to give one son, and only one, or that, because she has three or four sons, she has to give two or three before the final one becomes the sole surviving son because all the rest have been killed in the military? Compassion is on the side of adopting this amendment and not limiting it and saying that it will favor only those who happen to have one son left.

As to the manpower needs, let us take a look at the situation. The Senator cites 575,000 people as having been killed in the Armed Forces, and that is correct. They were not all necessarily from different families, but the bulk of them were killed in World War II. Very few sons or brothers are left from the group that were killed that are going to be affected by this amendment, because they have already served their military time, in all likelihood, if they are going to serve it at all. We are talking about brothers of people killed in Vietnam or perhaps the sons of those killed in the Korean war, who may now be approaching 18, 19, 20, or 21 years of age; and that is a relatively insignificant amount.

If, by any possible mathematical

quirk—and the Defense Department admits they do not know—it should turn out that too many people were being exempted under this amendment, Congress would be perfectly free to declare an emergency and this entire amendment would be of no effect. It would be in our power to change it, if we wished.

I am saying, first, that the numbers that would be affected by this amendment would be relatively slight. Second, compassion is on the side of not asking anybody to give more than one son or more than one brother.

I would hope the Senate would adopt this amendment.

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

Mr. PACKWOOD. I yield to the Senator from Kentucky.

Mr. COOK. I thank the Senator.

Mr. President, I think the really important thing is not so much the emphasis that the distinguished chairman has put upon the family with one son. I think the compassionate thing to do is to look at a family that has many sons. I hope the distinguished Senator from Louisiana does not really mind my making this reference, because he has a son who has 10 sons, and under this bill they have to give nine of those sons so that they can save the last one.

I have a family of five children. I have one son. Now I can give that one son and I would still have four daughters. So this idea of saying to a family with one son that they must save, makes little sense to me because if compassion is weighed on the side of justice, then do we really say that because they have one son and he must serve, that somehow or other compassion should go out for them but should not go out to the son of the Senator from Louisiana who has 10 sons and must, under this, the present law, allow them to have the sole surviving son that he—that son—is to give nine before he can have one left at home?

What logic is that? That is not logic. The logic is on the side of the amendment. The logic is on the side of saying that there is only so much that a family unit can do for its country, and that logic is that out of a family unit, if it should lose one son, it need not have the rest of its sons inducted into military service.

Now, obviously we are not under a state of war so, therefore, all they have to do is declare an emergency and all the provisions of the amendment will be out the window. So the logic is that the military, if in fact we can justify a war, if in fact we have to declare that it is the essential feeling of this country that an emergency be declared, then do it, but do it in the name of justice and not hide beyond the fact that 30 to 40 military personnel are killed every week and not have a declared emergency. So that I think the argument of the distinguished chairman really does not make a great deal of sense to me. I think the logic and argument of the Senator from Oregon (Mr. PACKWOOD) make all the sense in the world. If we are to declare an emergency and obviate the terms of this amendment, then do so. If, in fact, there is no emergency, then where is the lack of justice in this amendment? The lack of justice really is that, somehow or other, we can fight wars of major significance and not declare an emergency.

Is that not really what we are talking about?

So I would hope that this amendment will get the same treatment it received in the House, that is, that it would be passed and appended to the bill and would become part of the bill and become part of the law of the land.

I would only say, further, to those who are here—and I am sorry so few Senators are present in the Chamber now—listen to the argument of one Senator, but weigh that against the justice of a family with ten sons which, under the present law, must give nine of them and will have to stand nine times at a graveside so that he or she can save one. Then we see the lack of justice in not passing this kind of amendment.

Mr. PACKWOOD. I thank the Senator from Kentucky. I am happy now to yield to my colleague from Oregon.

Mr. HATFIELD. First, Mr. President, let me commend my colleague from Oregon for having introduced the pending amendment. I have been very much interested in what the distinguished Senator from Kentucky (Mr. COOK) and my colleague from Oregon have been saying in this colloquy, especially when the comment was made that the Senator from Kentucky had one son and four daughters. But if we are really going to go in the full direction of justice, what about the family that has only one son—one son and no daughter? Even under this amendment—and this is a question I would like to ask my colleague—is it not true, under his amendment, that this one son, the only heir of the family, still could be drafted and sent to Vietnam?

Mr. PACKWOOD. Yes. Under this amendment, assuming he had a father or a brother killed in action, he could be drafted.

Mr. HATFIELD. That again points up and should point itself up to the Senator from Mississippi, the chairman of the Armed Services Committee, that we are not embarking upon a mass exemption program under this particular bill or this particular amendment.

As I understand it, the figure used was 575,000 families and I believe that the majority of those would have been involved in World War II, is that not correct?

Mr. PACKWOOD. That is correct.

Mr. HATFIELD. How would that apply to the Senator's amendment, then?

Mr. PACKWOOD. Of the bulk of those killed in World War II, there would be almost no one left who would be exempt. The sons would be 25 or 30 years old and obviously the brothers would be 40 or 50 years old. So we are not talking about anyone left in World War II. These are the sons of those killed in Korea, mostly brothers killed in Vietnam.

Mr. HATFIELD. I thank my colleague. I think that should clarify for anyone who will be reading this colloquy and the statements made, although they will not get the opportunity to read them before we have a vote. That is the unfortunate thing that sometimes happens in debate, that those who should be here listening to the arguments and the statistics are not here in order to make their judgments from them as to the prevailing evidence and to the side which is most persuasive in its debate.

Let me comment on one further point. I am familiar with the case of Cottage Grove in Oregon which my colleagues has shown such great compassion for in setting up the amendment, not only for this family but also for many other families. But this particularly family lost two sons in Vietnam, two other sons served in the military, and now the fifth is approaching draft age. I cannot but totally sympathize with the parents who have been more than understanding. I think I would be even more bitter than they are about this whole problem that we face, because they have given far more than that which should be demanded by any fair or equitable system.

I am glad to say that I join my colleague from Oregon and my colleague from Kentucky because really the three of us, standing here today in this Chamber, have the complete answer to the question of justice, when we cast our votes for the total abolition, in a sense, of the draft, which is so highly inequitable.

The pending amendment is further evidence of the inequitable system we call the draft, the injustices that are perpetrated under that system. Really, the ultimate answer must be total abolition of the draft.

My name does not appear on the pending amendment as a cosponsor, even though I was invited by my distinguished colleague to do so. He fully understands the fact that my position at the time he circulated the amendment was that the way to answer this problem is to vote for total abolition of the draft. Until that vote was taken, which was taken on last Friday, I felt that I could not join in reforming an action because of the commitment I have that when we have something like the draft which is totally inequitable, we do not reform an inequity, we abolish it.

Today I stand shoulder to shoulder with my colleague from Oregon in trying at least to take out some of the inequities and, hopefully, demonstrate again by the adoption of the pending amendment that we are really dealing with the whole system that is riddled from beginning to end with one inequity after another inequity.

What my colleague from Oregon has done today again points up the basic problem we face, and that is trying to reform something that is inherently completely inequitable.

I commend my colleague and I shall vote for his amendment today, short of the opportunity to have seen the total abolition of the system known as the selective service program.

Mr. PACKWOOD. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. SPONG). Who yields time?

Mr. STENNIS. Mr. President, let me

say at the beginning now, that this is a very important matter. This is an emotional matter. It is a duty. It is a matter of compassion. It is a full duty. I wish we could exempt all men and did not have to have anyone inducted. But we are not living in those kinds of times.

Mr. President, regarding this idea about the family with one son, I do not have any absolute statistics on this, but it has come up before. The best estimate and the most solid figure I have to offer is that it is estimated that somewhere in the neighborhood of one-fourth of those who are subject to the draft on the average were from one-son families. I do not know. That may be off two or three or four points either way. That is about the best that I can do in presenting an estimate here.

I remember in World War II that I said something to a gentleman about three sons from the family of Mr. X being in the service. He said, "Well, all that we have are in the service. We have only one."

I remember how it impressed me then. It came back to my mind many years later when this question came up in the committee.

We want to be as liberal as possible. We want to be as generous as possible. However, I do not know how we could do so in good conscience and good faith and use equity as a guide and exempt all of the families, even though they had had the misfortune of losing one and still say that all the families who have only one son, all who come within the limits are all right, otherwise they will have to go.

The best thing we could do would be to strike a balance. There is no such thing as absolute equity and there is no such thing as absolute justice, or whatever one wants to call it.

We are compelled many times over to strike a balance and find what we think is the soundest and at the same time the most just rule to bring to bear. Then we have to live up to whatever the demands are and stand up and write those provisions in the bill.

As I recall it, when the committee considered this matter, my best recollection is that the committee was unanimous on this with one exception. That result happened after the most thorough consideration. Mr. President, I see here that two members on our committee that voted that way.

Mr. President, I yield the floor.

Mr. PACKWOOD. Mr. President, I yield to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOK. Mr. President, the distinguished chairman said that one had to strike a balance. The present law is no balance. It says that if one has one son, he can give that one son. If he has two, he may save one. If he has three, he may save one. If he has four, he may save one. If he has 10, he may save one.

Where is the balance, Mr. President? It is not even a compassionate balance.

As a matter of fact, it is a greedy balance. It is a balance that says, "We need all we can get and we are willing that you save one, except if you only have one, then we want that one."

If in fact, one strikes a balance, then let us strike a compassionate balance. As a matter of fact if we do not want to strike that compassionate balance, declare an emergency. If we should declare an emergency, then a balance is not there either way. In the presence of this type of emergency, there should be no balance. The balance should be that everyone should be delighted to fight to save his country.

I can only say that when one talks about a balance, there is no balance in the present system. And if there is a balance of the minds of those who insist that this amendment be rejected, it is a balance that is so inequitably weighted in their favor that there is no equity.

So, I think that we stand on the merits of an amendment that says when there is no declared war, this is what occurs, and when there is a declared war, then the rules of the game say that everyone must participate and everyone must defend his country. This is what we are really talking about.

Let us get to the man who said to the distinguished chairman, "I gave my all," because he gave one son. I go back to the distinguished Senator from Louisiana who, under the terms of the present law, with 10 grandsons, must give nine. That is not equity. There is no balance in that.

So I can only say, without any figures from the Department of Defense, with no figures at all, that obviously the Department of Defense has never thought this was a serious problem. Obviously if they had, then they would have gotten figures when the amendment passed the House and came over here. Certainly this matter was before the Senate for quite some time. It was before the committee for quite some time. The Defense Department could have come up with statistics. Obviously the statistics must have been so miniscule that they decided it was not worth coming up with their people to say, "Unfortunately we do not have the figures. We do not know, but this could be a serious matter."

Now, is that a solid argument? Would the distinguished Presiding Officer feel he could win a lawsuit for a man saying, "I do not know the facts or circumstances, but it could be serious." Obviously not.

The serious matter is the danger of an erosion to the family occurring in this country if the law stays the way it is, and the uplift and the ability to say to the American family in this type of situation, in an undeclared war, "To give one is a tremendous sacrifice and one need not be called upon to give." In a declared war or a state of emergency, everyone ought to give.

That is really what the distinguished Senator from Oregon has said. I think it is clear. I think the seriousness of the purpose is so apparent that really and truly there should be no valid argument against it.

I thank the Senator.

Mr. THURMOND. Mr. President, the pending amendment, No. 98, would bring about an unnecessary expansion of the present "sole surviving son" provision as set out in section 60 of the current law.

Section 60 of the Military Selective Service Act of 1967 reads as follows:

> Except during the period of a war or a national emergency declared by the Congress after the date of the enactment of the 1964 amendment to this sub-section, where the father or one or more sons or daughters of a family were killed in action or died in line of duty while serving in the armed forces of the United States, or subsequently died as a result of injuries received or disease incurred during such service, the sole surviving son of such family shall not be inducted for service under the terms of this title unless he volunteers for induction.

In other words, a male member of the family only falls under the current definition of the law if he is the last male member of a family in which a brother, father or sister have died as the result of enemy action or in line of duty during military service.

Mr. President, under the pending amendment offered by the distinguished Senator from Oregon (Mr. PACKWOOD), the current law would be broadened considerably.

If adopted, this amendment would exempt any or all sons of a family in which a father, brother or sister were killed in action or died in line of duty resulting from military service.

The amendment further broadens current law in that it includes in the "sole surviving son" category all male members of a family which has any member missing in action or held as a prisoner of war.

The Defense Department estimates that amendment No. 98 would cover families of some 575,000 persons having members who have died from some cause while serving in the Armed Forces or who have family members listed as missing in action or prisoners of war.

Also, it can be argued that this expanded exemption will give large families an unfair advantage. As an example, if a family of five or 10 sons lost a member in military service, then all of the remaining male members would be exempt from serving.

On the other hand, this family could live next door to a family with only one son, and, of course, he would have to serve as being the only son, as opposed to being the sole surviving son, does not qualify a young man for an exemption.

Mr. President, the author of this amendment and his chief cosponsors, Mr. DOLE and Mr. SCHWEIKER, have introduced an appealing and well-intentioned amendment.

However, its adoption would have considerable effects on manpower acquisition problems of the Government. The Department of Defense feels this amendment would be less fair than the current law, which has operated well and has been accepted by the people of this Nation.

Also, it should be noted that this amendment does not excuse those covered under its provisions from combat duty but rather excuses them from military service altogether except in a national emergency.

The Senate and the House have struggled with enacting an equitable law in this area for a number of years, and the provision adopted in 1967 has operated well. Of equal importance it has been accepted by the people as fair.

The very points raised by this amendment were discussed fully by the Senate Armed Services Committee, and in a record vote the membership voted 11 to 2 in favor of the current law.

Mr. President, while I am sympathetic to the intent expressed by the authors of this amendment, it appears to me this is a further attempt to limit the pool of manpower available to the President as Commander in Chief of this Nation.

Therefore, it is my hope the Senate will refuse this amendment on the grounds it is too broad an expansion of a sound provision in the law, which is presently working well and is widely accepted as the fairest handling of a delicate question.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I believe the matter has been fully covered. Anything else would be largely repetitious. I say with emphasis, though, that this is a sound policy. There is no such thing as having everything proved, but this is a sound policy. We had it in World War II and throughout the Korean war and up until now. It has been considered and reconsidered many times.

Every time, so far as the enactment of law is concerned, the demands of the situations, the justice, the fairness, we swing back to selecting this guideline which I think is eminently sound, everything considered.

Mr. President, I hope it will continue to be the law.

Mr. PACKWOOD. Mr. President, I yield back the remainder of my time.

Mr. STENNIS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Oregon (Mr. PACKWOOD). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Missouri (Mr. EAGLETON), the Senator from North Carolina (Mr. ERVIN), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Montana (Mr. METCALF), the Senator from Minnesota Mr. MONDALE), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from New Jersey (Mr. WILLIAMS), are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from South Dakota (Mr. MCGOVERN), are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PASTORE), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from West Virginia (Mr. RANDOLPH), would each vote "yea."

I further announce that, if present and voting, the Senator from North Carolina (Mr. ERVIN), would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. FANNIN), the Senator from Wyoming (Mr. HANSEN) and the Senator from North Dakota (Mr. YOUNG) are absent on official business.

The Senator from Nebraska (Mr. CURTIS) is absent because of death in his family.

The Senator from Massachusetts (Mr. BROOKE), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Maryland (Mr. MATHIAS), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Nebraska (Mr. CURTIS) and the Senator from South Dakota (Mr. MUNDT) would each vote "yea."

The result was announced—yeas 59, nays 9, as follows:

[No. 83 Leg.]

YEAS—59

Allen	Fong	Montoya
Allott	Fulbright	Nelson
Anderson	Gravel	Packwood
Baker	Griffin	Pearson
Bayh	Gurney	Percy
Beall	Hart	Prouty
Bible	Hatfield	Proxmire
Boggs	Hollings	Roth
Brock	Hruska	Schweiker
Buckley	Hughes	Scott
Burdick	Jackson	Sparkman
Byrd, Va.	Javits	Spong
Byrd, W. Va.	Jordan, N.C.	Stevens
Case	Jordan, Idaho	Stevenson
Chiles	Kennedy	Symington
Church	Magnuson	Taft
Cook	Mansfield	Talmadge
Cooper	McGee	Tunney
Cotton	McIntyre	Weicker
Cranston	Miller	

NAYS—9

Bentsen	Ellender	Stennis
Dominick	Gambrell	Thurmond
Eastland	Smith	Tower

NOT VOTING—32

Aiken	Hansen	Moss
Bellmon	Harris	Mundt
Bennett	Hartke	Muskie
Brooke	Humphrey	Pastore
Cannon	Inouye	Pell
Curtis	Long	Randolph
Dole	Mathias	Ribicoff
Eagleton	McClellan	Saxbe
Ervin	McGovern	Williams
Fannin	Metcalf	Young
Goldwater	Mondale	

So Mr. PACKWOOD's amendment (No. 98) was agreed to.

Mr. PACKWOOD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 115

Mr. ALLOTT. Mr. President, I ask unanimous consent that the names of the following Senators be added as cosponsors of my amendment No. 115: Mr. BROCK, Mr. CHILES, and Mr. JAVITS.

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

Mr. ALLOTT. Through a misstatement the other day, I included the name of the junior Senator from Utah (Mr. Moss) inadvertently as a cosponsor of this amendment. I ask unanimous consent that his name be removed, and that the RECORD be changed accordingly.

The PRESIDING OFFICER (Mr. SPONG). Without objection, it is so ordered.

AMENDMENT NO. 122

Mr. GRAVEL. Mr. President, I call up my amendment No. 122.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 32, lines 18 to 20, strike out everything beginning with "twenty-six" and insert in lieu thereof "eighteen".

Mr. GRAVEL. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GRAVEL. Mr. President, it is my intention not to call for a vote on this matter this evening, since many Senators have already departed the Chamber under the impression that the vote just completed was the last one for the day.

Mr. COTTON. Mr. President, will the Senator yield? We cannot hear a word he says.

Mr. GRAVEL. My microphone is on me. I would be happy to talk louder. How is that?

My intention is to vote on this amendment, reserving a remainder of time for debate, shortly after the Allott amendment, which I understand will be voted on tomorrow afternoon, so that we will have a larger quorum present, and I would hope to have more Senators present and listening to the debate, since the positions of the proponents and the opponents can probably be made clear in 5 minutes tomorrow immediately preceding the vote.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield, with the understanding that he not lose his right to the floor?

Mr. GRAVEL. I yield.

Mr. BYRD of West Virginia. Mr. President, in order that we may nail the matter down firmly, I ask unanimous consent that there be a period of 10 minutes, to be equally divided, reserved from the time already allocated on this amendment, and that on tomorrow, immediately following the vote on the amendment—amendment No. 115—that is to be called up by the distinguished Senator from Colorado (Mr. ALLOTT), the amendment No. 122 of the Senator from Alaska be again laid before the Senate, that the 10 minutes so reserved then start running, and that at the con-

clusion thereof a vote occur on amendment No. 122.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of Virginia. Mr. President, reserving the right to object, may I inquire whether that is 10 minutes to a side?

Mr. GRAVEL. I would be happy with 5 minutes to a side.

Mr. BYRD of West Virginia. If the able Senator will yield, on last Friday the Senate entered into an agreement allocating 1 hour on amendment No. 122. That amendment has now been called up. The Senator from Alaska says he would prefer not to have a vote today, but would like to have a vote tomorrow. If my request is granted, 10 minutes of the hour would be reserved for use tomorrow and would be equally divided and controlled between the Senator from Alaska and the manager of the bill.

Mr. BYRD of Virginia. The distinguished Senator from Mississippi is not here at the moment. I am not certain whether 5 minutes would be adequate for him. If the Senator would make it 10 minutes, or make it 5 minutes with the proviso that if that is not adequate, we could change it tomorrow——

Mr. GRAVEL. I would be pleased to modify it to 10 minutes to each side, with the understanding that we will yield back the time if we have more than necessary.

Mr. BYRD of West Virginia. Mr. President, I so modify the request, to provide 10 minutes to each side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. GRAVEL. Mr. President, my amendment would strike out an amendment already inserted by the committee.

I rise to speak in opposition to amending the present Selective Service Act so as to make failure to register under it a continuing offense. Under the present Selective Service Act, as interpreted by the Supreme Court, in *Toussie* vs. *United States*, the 5-year statute of limitations (18 U.S.C. 3282), during which one failing to register may be prosecuted, begins to run the sixth day after a man's 18th birthday.

Under the terms of the measure as reported by the committee, the 5-year statute of limitations would not begin to run until the man has reached his 26th birthday.

Since the crime of willfully and knowingly failing to register is complete on the sixth day after a young man's 18th birthday and since the Government has 5 years within which to prosecute him, if he persists in not registering, it is unnecessarily punitive to subject him to criminal prosecution for a period of 13 years, until he reaches his 31st birthday.

Furthermore, statutes of limitation normally begin to run when the crime is complete.

There is no good reason for imposing, in effect, a 13-year statute of limitations on the crime of failure to register for the draft.

Liability to criminal prosecutions for so great a length of time is rarely known in federal law. Even under the Selective Service Act other criminal acts are not continuing offenses and have the regular 5-year statute of limitations applied to them.

For example, failure to report for induction starts the 5-year statute of limitations running from the date set for induction, even though there is a continuing duty under the regulations on the part of one so ordered to report for, and submit to induction at the earliest possible date.

Likewise, the 5-year statute of limitations should begin to run on failure to register when the crime is complete; namely, on the sixth day after the man's 18th birthday, even though there is a continuing duty on him under the regulations to register as soon as possible.

It is in the interests of consistency, logic and fairness that the statute of limitations begin running when a crime is complete, and that the statute of limitations be the same for all crimes under the Selective Service Act; not 5 years for one and 13 years for another.

What Justice Black said in the Supreme Court's opinion in the Toussie case is most relevant here. He stated:

> Failure to register is subject to heavy criminal penalties. The only question is whether those penalties must result from a prosecution begun within 5 years or whether they can be delayed for a longer period. We are not convinced that limiting prosecution to a period of 5 years following the initial failure to register will significantly impair either the essential function of raising an army or the prosecution of those who fail to register. We do feel that the threat of criminal punishment and the 5 year statute of limitations is a sufficient incentive to encourage compliance with the registration requirements.

The soundness of that reasoning has been demonstrated for a generation of conscription under the acts that H.R. 6531 would now make more severe. Such legislation has permitted the fielding of 600,000 American troops in Southeast Asia alone.

At this moment when all speak hopefully of winding down our commitment of manpower in Indochina, it would not become this body to adopt a vindictive amendment aimed at relatively few while, in its philosophical impact, disturbing to many.

If our enforcement system is not equal to performing its function in 5 years, what assurance have we that harsher provisions will better equip it to perform it in 13.

We would compound immediate problems that divide the generations; we would further turn off a generation of young people if, in the name of winding down the war, we should wind up its reprisals. My amendment would leave an existing unhappy situation alone—by maintaining existing limitations on prosecution that have, in the Supreme Court's view, provided sufficient deterrent for years.

Time and again in our history the courts, in construing congressional language, have brought about statutory passage, and taking the temperate instead of the harsh position, is not cause for this body to ignore the mood of the Nation or to react irrationally to one man's having escaped the draft by virtue of imprecise congressional language and tardy prosecution.

It is not our function to rehear that case but it is our responsibility to show the restraint expected of this body by recognizing an understandable national lack of enthusiasm for an unpopular war.

In line with our universal wish to wind down the war we have sought for weeks to find a means of winding down the draft. It will ill serve either purpose to adopt more militant attitudes now toward those subject to the draft.

I strongly concur with those sentiments and urge this body to vote against making failure to register a continuing offense.

Mr. COTTON. Mr. President, will the Senator yield for a question?

Mr. GRAVEL. I yield.

Mr. COTTON. It has been a good many years since I have engaged in the practice of criminal law, but I am inclined to inquire of the Senator as to whether the statute of limitations, either under the present law or under his proposed amendment, runs while a man is out of the country and out of the jurisdiction. In other words, if a person fled to Sweden or Canada or some other place to avoid filing and to avoid the draft, would the statute start running, under the Senator's amendment, immediately after such time as he had failed to do so, despite the fact that he was out of the country and beyond the jurisdiction?

Mr. GRAVEL. I must say to the Senator that I do not even have his advantage of having forgotten criminal law, since I was not even a criminal attorney.

I may make a prognostication of my own, and I will be prepared to be corrected tomorrow if someone so chooses. I would imagine that the 5-year statute of limitations runs constantly; and if a person does take flight to another country and were to come back 5 years hence, I would say that he has avoided the problem of the statute of limitations.

The chairman of the Armed Services Committee is not in the Chamber, and I do not see a member of that committee. I wonder what their motivation was in raising it to 13 years. I suspect that may have been or could have been the motivation—to get some Americans who are in Canada and Sweden, in self-imposed exile, to circumvent the present law. I do not know that to be the case.

Mr. COTTON. It is my recollection—I may be entirely wrong, because, as I have said, it has been many years—that in ordinary crimes, the felonies, absence from the jurisdiction—for example, if the person robbed a bank and succeeded in getting out of the country and disappeared—tolled the statute. In other words, the statute did not start running until he was back in the jurisdiction. It is my recollection that that was the common law and was the law in most States with respect to ordinary crimes.

It might make considerable difference on the question of the Senator's amendment—the effect of absence from the jurisdiction, particularly if it was absence to avoid the draft.

Mr. GRAVEL. The Senator brings up a good point.

Mr. COTTON. I am perfectly willing to agree to expunge this colloquy from the RECORD, but there might not be time tomorrow to take it up. I would appreciate it if the Senator would check on that point, and I will try to do so.

Mr. GRAVEL. Very much so. If the Senator does not mind, I do not mind this colloquy being part of the RECORD.

Mr. COTTON. I do not. I tried to find a member of the committee staff.

Mr. GRAVEL. I think it is a very valid point.

Mr. COTTON. I tried to find a member of the committee staff, to check it with him, rather than bother to interrupt the Senator. But no member of the staff is in the Chamber, nor, so far as I can see, is a member of the committee.

Mr. GRAVEL. A staff member of the committee is in the Chamber.

Mr. President, I share the same inquiry of the distinguished Senator from New Hampshire. I would hope that the view would be that the motivation of the committee was to impose this greater limitation because the young man had escaped the country and not because of a desire to be more punative. I note that a person who violates the income tax statute, who fails to file his income tax return, is faced with a statute of limitation of 6 years.

Does the Senator from New Hampshire have the answer to this question?

Mr. COTTON. I am informed by a member of the staff of the committee, the counsel, that it is his understanding that absence from the country does toll the statute; that, under the present law, it does not run while the person is out of the jurisdiction. Presumably, unless the Senator's amendment changes that, according to the staff, it would not run, under the Senator's amendment.

Mr. GRAVEL. My amendment would not change that situation.

Mr. COTTON. In other words, it does toll the statute if he is——

Mr. GRAVEL. My amendment actually reestablishes existing law. The committee chose to extend the statute of limitations for 13 years, rather than for 5 years.

Mr. COTTON. I had the same thought that the Senator from Alaska had—that perhaps the reason it was extended so long was for that purpose. Unless the staff gives us other information before tomorrow, we can assume that absence from the country tolls the statute; so that even though the Senator's amendment were adopted, the statute would not start running if the person avoided the draft and fled the jurisdiction to some other country. The statute would not start running until he was back in the jurisdiction.

Mr. GRAVEL. That is correct. That is as I understand it, and I would accept that.

I thank the Senator for the information.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. BYRD of Virginia. I believe the thinking of the committee was along these lines: A person is supposed to register within 5 days after becoming age 18, and then the statute of limitations, under the present law, as I understand the Senator's proposal, would run for 5 years, beginning at that time. But under the law, also, he is required to register until he becomes 26. So if the statute of limitations applies only for 5 years, it would expire roughly 3 years before his 26th birthday. So 3 years before he would be, under the law, required to register. The thinking of the committee was that it should be made a continuing offense until he reaches the limit of 26, which is the age limit, because he is not then eligible for registration.

Mr. GRAVEL. Normally, of course, the statute of limitations goes to when a crime is committed. The commission of a crime in this case is when a person does not register. That is the law. A person must register at that time. The interesting thing is that the committee has chosen not to change the statute of limitations for induction, because if a a person is given orders to proceed on July 1st for induction and does not go on July 1st, then obviously, as long as he is available he can be inducted 1 year hence, or 30 days, and he is still to be brought in. But the statute of limitations in that case would go from the moment he does not show up for induction. So there is an inconsistency in the activities of the committee in that regard.

I do not know what the committee thinking is on establishing comparability. I understand the point my colleague was making. When a person files for an income tax, he is supposed to file it annually. Obviously the liability for that tax exists 5, 10 or 20 years after, because he should have paid that tax. But the statute of limitations for not filing that income tax goes out of effect in 6 years.

The only interpretation that I can give to the amendment is that it is an extra effort to be punitive, to increase the harshness of the liability that people must undergo who commit this particular crime.

Mr. BYRD of Virginia. I do not believe it was the purpose of the committee to be punitive. As a matter of fact, the proposal recommended by the committee was proposed by the Selective Service. It has been adopted by the House of Representatives and was recommended by the committee. The punitive aspect of it did not enter into it, so far as I can recall. As it is now, an individual who complies with the law by registering at the appointed time is liable for induction to age 26.

The PRESIDING OFFICER (Mr. SPONG). The 20 minutes of the Senator from Alaska has expired.

Mr. BYRD of Virginia. I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 10 minutes.

Mr. BYRD of Virginia. Amendment No. 122 would continue to perpetuate what the House of Representatives feels and what the committee felt is an inequity and which the committee bill sought to end. The committee bill, in effect, declares that an individual has a continuing responsibility to register with the Selective Service until the age of 26. Consequently, if at the age of 26 a young man has failed to fulfill his responsibility to register, the 5-year statute of limitations will begin to run and the registrant would be liable for prosecution until the age of 31.

It was to correct an inequity and not to create a punitive measure that the committee acted as it did.

I might say that the selective service feels the amendment offered by the distinguished Senator from Alaska is discriminatory since it would, in effect, allow a 23-year-old man who has violated the law to be free from both prosecution and military service, while the law-abiding young man would remain eligible for induction until the age of 26.

Mr. GRAVEL. With respect to that point, would it not be more logical, at that point in time, until he is 26 years of age, to cause him to register while extending the statute of limitations?

Mr. BYRD of Virginia. He may not be apprehended until he passes his 23d birthday. If he is not apprehended and he passes his 23d birthday, or 5 days thereafter, under the amendment, as I understand it, as offered by the distinguished Senator from Nebraska, he would not be eligible for prosecution.

Mr. GRAVEL. He would not be eligible for prosecution for failing to register, but the point I am making, to arrive at the same continuity the Senator proposes, if we catch him on his 24th or 25th birthday, why not get him to register, get his physical, and then if we want to induct him, induct him? But why extend the statute of limitations for him when, for failing to file an income tax we have a similar statute of limitations for 6 years? To be consistent with all other statutes of limitations, under the Selective Service, the others of 5 years, I fail to see the difference in the problem of continuity if a person registers and takes his physical, and is given an induction date, but then skips town at the time of the induction date. He is still liable until he is 26 years old, after he has been inducted or ordered to be inducted and fails to report for induction. He still has a 5-year statute of limitations on him.

Mr. BYRD of Virginia. I might point out to the Senator from Alaska that there is no effective sanction that after his 23d birthday as to what legal device would require him to register after his 23d birthday. He is eligible for induction until 26.

Mr. GRAVEL. Would that not be a more proper exercise of the committee, to correct the law where it should be corrected rather than to deal out harsher punishment?

For instance, if a person turns 18 and is inducted 1 month after, and he fails to report for induction, is he not liable for induction up to age 26? If that is the case, then what happens after the 5 years of the statute of limitations expires, when he is 23 years old?

Mr. BYRD of Virginia. He is eligible for punishment, but if he were to decide to enlist, then there would be no sanction that could be applied.

I want to say again that the purpose of this is not to take punitive action but

to prevent what the selective service people feel, what the House of Representatives evidently thought, and what the committee feels is presently discriminatory, in that it in effect allows a 23 year old who has violated the law to be free from both prosecution and military service, while the law-abiding young man remains eligible for induction until he is 26. Most people felt that was discrimination in the present law. That is the purpose of the change. Whether that discriminatory aspect should be changed, of course, is debatable; but that was the purpose of it, not to be punitive, but to do away with what the House felt and the committee felt is discriminatory at the present time.

Mr. GRAVEL. Would it not have been better just to attach the statute of limitations to the period of liability for service, rather than to extend it beyond that, the age of 21 to 26, so that we have a statute of limitations that places a person in jeopardy for 13 years.

Mr. BYRD of Virginia. That is one possibility, but I do not believe that is what the Senator from Alaska wants.

Mr. GRAVEL. No, I do not. I want to leave them all the same, so that there is consistency. If my colleague says it was the judgment of the administration and the judgment of the House and now the Senate committee, I am not prepared to accept that judgment. If I find it illogical, and I find it illogical, they should change the statute of limitations for this particular facet of it, when they leave uncorrected other facets, and when the corrections they want to address themselves to are of another nature.

I would think it would be best to leave well enough alone. I rely on a statement of Justice Black, if I may quote from the statement:

> We are not convinced that limiting prosecution to a period of 5 years following the initial failure to register will significantly impair either the essential function of raising an army or the prosecution of those who fail to register. We do feel that the threat of criminal punishment and the 5-year statute of limitations is a sufficient incentive to encourage compliance with the registration requirements.

If our system is not sufficient to get them in 5 years, we might as well make it 20 years. It would not make our system any better. Our system should be corrected in another fashion. So the end result with this type of defendant can only be construed as being more punitive and a more harsh approach to the young men for what they do.

We have very severe penalties. To extend liability, I think, serves no purpose.

The point was made by the Senator from New Hampshire that I think is correct, that these people by and large find that the most objective way of dodging the draft is to leave the country. If they do leave the country, they are out of the jurisdiction and the statute of limitations is suspended for a period of time.

I would understand it better if it were intended to get at these young men who are out of the country. However, since it is not, I can only interpret it on the basis on which I opposed the change in that it exercises undue harshness. I think the record is replete in our legal system to the effect that increasing the penalty by and large does not stop these crimes. I hope that the Senate would address itself more to the root cause.

Mr. President, may I inquire with respect to the time.

The PRESIDING OFFICER. The 10 minutes just allotted to the Senator from Virginia have just expired.

Mr. BYRD of Virginia. Mr. President, does the Senator from Alaska desire committee time?

Mr. GRAVEL. No. I am sure my friend, the Senator from Virginia, would give it to me. I think the time might be better used on tomorrow by the chairman of the Armed Services Committee to make a case as to the motivations. I certainly do not want to cast aspersions on anyone. The attempt to initiate debate tonight was so that we would have a more convenient time for debate and voting. I think we can debate this in the morning, unless my friend from Virginia would want to address an inquiry to me and I would certainly try to persuade him to my cause.

Mr. BYRD of Virginia. Mr. President, I would like to add a few words.

Mr. GRAVEL. I yield the floor.

The PRESIDING OFFICER. Does the Senator from Virginia yield himself such time as he needs?

Mr. BYRD of Virginia. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 3 minutes.

Mr. BYRD of Virginia. Mr. President, in amendment No. 122, Senator GRAVEL proposes that the statute of limitations for failure to register with the Selective Service System begin to run at age 18 instead of age 26 as proposed by Selective Service, adopted by the House of Representatives and recommended by the Senate Armed Services Committee.

Selective Service is definitely opposed to this amendment.

The Supreme Court in *Toussie* v. *United States*, 397 U.S. 112 (1970) interpreted congressional intent as being that failure to register is a single act.

That is what Justice Black said in his statement which the Senator from Alaska read as interpreting the laws that now exist. There is no quarrel with Justice Black's interpretation.

Consequently, it ruled that prosecution could not take place once a registrant reached the age of 23 years, 5 days. Amendment No. 122 would uphold the Court's reading of congressional intent and would perpetuate the inequity created by it. For instance, if a young man does not register with the draft when he is eighteen and remains unnoticed until after his 23d birthday, he is not subject to prosecution for this violation of the Selective Service Act. And if he has not registered, he certainly could not be inducted into the Armed Forces.

Meanwhile, the individual who complies with the law by registering at the appointed time is liable for induction to age 26. Amendment No. 122 would only continue to perpetuate this inequity which the committee bill sought to end. The committee bill, in effect, declares that an individual has a continuing responsibility to register with Selective Service until age 26. Consequently, if at age 26 the young man has failed to fulfill his responsibility to register, the 5-year statute of limitations would begin to run and the registrant would be liable for prosecution until age 31.

In conclusion, Selective Service believes that the Gravel amendment is blatantly discriminatory, since it would in effect allow a 23-year-old man who had violated the law to be free from both prosecution and military service while the law-abiding young man remains eligible for induction until age 26.

It is not the intent to be vindictive. The purpose is to remove the discriminatory requirement which the court effectuated by the way it interpreted the intent of the law.

I do not say that the Court is wrong. However, the purpose of this legislation is to correct what appears to be a discriminatory situation which now exists as a result of the Court action in the present selective service laws.

Mr. President, if it meets with the approval of the distinguished Senator from Alaska, the debate could be continued on tomorrow.

Mr. GRAVEL. Mr. President, I have one additional point to make. I would be prepared to modify my amendment, if the chairman of the committee, were here, to maintain the jeopardy in the draft. I would be happy to do it because I am tired of people telling me that people are receiving deferments who are liable to the draft until they are 31 years of age.

Why not correct the deficiency in the law that would pertain to these men, if this is so, and make them subject to the draft. They would be a lot more valuable to our country serving in the service than in the penitentiary.

If we are consistent in the law, I think that would be the proper course to take.

I would be prepared to leave it the way it is so that these young people may remain as liable as those who have deferments. Certainly I think these people who commit the crime of not registering do not have the same liability as a person with a deferment. I think we could leave the 5-year statute as it is.

I would suggest that as the ultimate cause of action. I would be happy to amend my amendment to do so.

Mr. BYRD of Virginia. The staff will present to the chairman of the committee the suggestion of the distinguished Senator from Alaska.

Mr. GRAVEL. I would be delighted to do that.

Mr. BYRD of Virginia. Mr. President, I think it would be well for the Senator from Alaska and the chairman of the committee to consult regarding the proposed modification of the amendment.

Mr. President, I reserve the remainder of my time.

Mr. BYRD of West Virginia. Mr. President, as I understand the situation with respect to amendment No. 122, the yeas and nays have been ordered thereon.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD of West Virginia. Mr. President, if the distinguished Senator from Alaska wishes to modify his amendment No. 122 he would require unanimous consent thereon, and I am sure that could be gotten.

Is the understanding of the Senator

from West Virginia correct that a roll-call vote on amendment No. 122, offered by the Senator from Alaska (Mr. GRAVEL) may not, indeed, take place?

Mr. GRAVEL. If we can work out an accommodation in connection with the amendment and if the chairman can persuade me that I am in error as to my interpretation that I place on the section, I would not press for a vote. I would prefer that we work it out.

Mr. BYRD of West Virginia. I thank the Senator. If the vote takes place as agreed to, there will be 20 minutes on the amendment, divided equally between the mover of the amendment and the manager of the bill, immediately following the vote tomorrow on amendment No. 115, offered by the Senator from Colorado (Mr. ALLOTT).

Mr. BYRD of Virginia. I think it is important to make clear that the Senator from Virginia did not in any way commit the Senator from Mississippi with respect to what he might do.

Mr. GRAVEL. The Senator is correct.

Mr. BYRD of West Virginia. Yes. I thank the able Senator from Virginia.

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

Mr. BYRD of West Virginia. I yield the floor.

MILITARY CONSTRUCTION ACT OF 1972: ADDITIONAL COSPONSORS OF AMENDMENT NO. 121

Mr. GRAVEL. Mr. President, I ask unanimous consent that the Senator from South Dakota (Mr. McGOVERN) and the Senator from Wisconsin (Mr. PROXMIRE) may be added as cosponsors of amendment No. 121 to the Military Construction Authorization Act of 1972.

The PRESIDING OFFICER (Mr. SPONG). Without objection it is so ordered.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. BYRD of West Virginia. Mr. President, tomorrow the distinguished junior Senator from Iowa (Mr. HUGHES) will submit an amendment with respect to the identification and treatment of drug dependent persons in the Armed Forces. I have discussed this amendment with the able Senator from Iowa and also with committee staff members who have been in the Chamber assisting the distinguished manager of the bill today. I am, therefore, going to propose a unanimous-consent request, as follows:

Mr. President, I ask unanimous consent that time on the amendment be offered by the distinguished Senator from Iowa (Mr. HUGHES) tomorrow, which I have just identified, be limited to 1 hour, to be equally divided between the distinguished mover of the amendment and the distinguished manager of the bill, Mr. STENNIS.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on Amendment 117, the mover of which is the distinguished Senator from Oregon (Mr. HATFIELD), be limited to 1 hour, to be equally divided between the author of the amendment and the manager of the bill, Mr. STENNIS. I have cleared this previously.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on any amendment to amendment No. 117 be limited to 20 minutes, to be equally divided between the mover of the amendment in the second degree and the mover of the amendment in the first degree.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on any amendment to the amendment which is going to be offered by the Senator from Iowa (Mr. HUGHES) be limited to 20 minutes, the time to be equally divided between the mover of the amendment to the amendment and the author of the amendment which is proposed to be amended thereby.

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

ORDER FOR RECOGNITION OF SENATOR GRAVEL TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow following the recognition of the two leaders under the standing order, the distinguished Senators from Alaska (Mr. GRAVEL) be recognized for not to exceed 15 minutes.

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

LIMITATION ON STATEMENTS DURING PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON WEDNESDAY, THURSDAY, AND FRIDAY

Mr. BYRD of West Virginia. Mr. President, the distinguished majority leader earlier today received unanimous consent for the convening of the Senate at 9 a.m. on each of the mornings of Wednesday, Thursday, and Friday, and also with the understanding, and it was agreed to, that morning business would not extend beyond 9:30 a.m. on each of those mornings.

Mr. President, I ask unanimous consent that statements made during the period for the transaction of routine morning business on each of those mornings be limited to 3 minutes.

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

ORDER OF BUSINESS ON THURSDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I believe that under the previous order entered last week the distinguished Senator from Georgia (Mr. TALMADGE) is to be recognized on Thursday morning, immediately following the recognition of the two leaders, for not to exceed 15 minutes. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD of West Virginia. I thank the Presiding Officer.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I am going to suggest what I hope will be the final quorum call of the day. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

THE MILITARY SELECTIVE SERVICE ACT AMENDMENT NO. 117—ORDER FOR GERMANENESS OF AMENDMENTS THERETO

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that no amendment not germane to amendment No. 117, by Mr. HATFIELD, or to the amendment to be offered by the junior Senator from Iowa (Mr. HUGHES), to which I have earlier alluded, be received.

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

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows: The Senate will convene at 9 o'clock a.m. Immediately following the recognition of the two leaders under the standing order, the distinguished and very able junior Senator from Alaska (Mr. GRAVEL) will be recognized for not to exceed 15 minutes, following which there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, with the period for the transaction of routine morning business not to extend beyond 9:30 a.m.

At 9:30 a.m. the amendment of the distinguished Senator from Colorado (Mr. ALLOTT), which I shall call up shortly, amendment No. 115, will be laid before the Senate and the time thereon will begin to run. The time is limited to 3 hours, to be equally divided between the mover of the amendment and the distinguished manager of the bill, Mr. STENNIS.

At 12:30 p.m. amendment No. 115 by the distinguished Senator from Colorado (Mr. ALLOTT) will be temporarily laid aside.

At 2 p.m. the conference report on the Appalachian Regional Development Act will be laid before the Senate with the time controlled. Time on the conference report is limited to 2 hours, to be controlled by the majority and minority leaders or their designees. At the conclusion thereof there will be a vote on the conference report, circa 4 o'clock.

Following the vote on the conference report on the Appalachian Regional Development Act, the Senate will resume consideration of amendment No. 115 by Mr. ALLOTT. The time will be limited to

20 minutes, to be equally divided and controlled by the mover of the amendment and the manager of the bill, at the conclusion of which 20 minutes a vote will occur thereon.

Under the agreement, following the vote on amendment No. 115 by Mr. ALLOTT, the Senate will resume consideration of amendment No. 122 by Mr. GRAVEL. That time is controlled. The time is not to exceed 20 minutes, that time to be equally divided between the mover of the amendment (Mr. GRAVEL) and the manager of the bill (Mr. STENNIS).

At the conclusion of the 20 minutes and the yeas and nays having been ordered, if they are not rescinded in the meantime—the vote will occur on amendment No. 122. Following that vote, several Senators have indicated a willingness to call up other amendments on which time agreements have already been reached. Moreover, the Senate is prepared to work until a reasonably late hour.

So, there will be a number of rollcall votes on tomorrow.

There is a hiatus in the program between 12:30 p.m., and 2 p.m. tomorrow. It is hoped that a Senator or Senators will be prepared to call up one or more of the amendments which were enumerated last Friday so that that gap can be filled to the best advantage.

I repeat, the Senate is prepared to run reasonably late on tomorrow, and there will likely be several votes.

RULE OF GERMANENESS TO OPERATE FOR 7 HOURS TOMORROW

Mr. BYRD of West Virginia. At this time, Mr. President, I ask unanimous consent that the Pastore rule of germaneness tomorrow start operating at 2 p.m., in the afternoon and that it be operative for a period of 7 hours.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

AMENDMENT NO. 115

Mr. BYRD of West Virginia. Mr. President, I ask that the pending amendment, No. 122, now be temporarily laid aside and that the Chair lay before the Senate amendment No. 115 by the distinguished Senator from Colorado (Mr. ALLOTT).

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read the amendment (No. 115) as follows:

On page 35, beginning with line 7, strike out all down through line 9 on page 36, and insert in lieu thereof the following:

"SEC. 201. Section 203(a) of title 37, United States Code, is amended to read as follows:

"'(a) The rates of monthly basic pay for members of the uniformed services within each pay grade are set forth in the following tables:

"'COMMISSIONED OFFICERS

[In dollars]

Pay grade	Years of service: Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
O-10 [1]	2,111.40	2,185.80	2,185.80	2,185.80	2,185.80	2,269.50	2,269.50	2,443.50	2,443.50	2,618.40	2,618.40	2,793.30	2,793.30	2,967.60
O-9	1,871.40	1,920.60	1,961.70	1,961.70	1,961.70	2,011.20	2,011.20	2,094.60	2,094.60	2,269.50	2,269.50	2,443.50	2,443.50	2,618.40
O-8	1,695.00	1,745.70	1,787.40	1,787.40	1,787.40	1,920.60	1,920.60	2,011.20	2,001.20	2,094.60	2,185.80	2,269.50	2,361.00	2,361.10
O-7	1,408.20	1,504.20	1,504.20	1,504.20	1,571.10	1,571.10	1,662.60	1,662.60	1,745.70	1,920.60	2,052.60	2,052.60	2,052.60	2,052.60
O-6	1,043.70	1,147.20	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,263.30	1,463.10	1,537.80	1,571.10	1,662.60	1,803.30
O-5	941.40	980.70	1,047.90	1,047.90	1,047.90	1,047.90	1,080.30	1,137.90	1,213.80	1,304.70	1,379.70	1,421.10	1,471.20	1,471.20
O-4	844.20	886.80	914.40	914.40	930.60	972.30	1,038.30	1,097.10	1,147.20	1,197.00	1,230.30	1,230.30	1,230.30	1,230.30
O-3	758.10	791.70	809.10	864.90	906.00	938.70	989.10	1,038.30	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80
O-2	693.30	726.00	748.20	773.10	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30
O-1	612.30	648.90	672.60	672.60	672.60	672.60	672.60	672.60	672.60	672.60	672.60	672.60	672.60	672.60

[1] While service as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is $3,000 regardless of cumulative years of service computed under section 205 of this title.

"'COMMISSIONED OFFICERS WITH OVER 4 YEARS' ACTIVE SERVICE AS AN ENLISTED MEMBER

Pay grade	Years of service: Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
O-3	0	0	0	$864.90	$906.00	$938.70	$989.10	$1,038.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30
O-2	0	0	0	773.10	798.30	814.20	856.50	889.80	914.40	914.40	914.40	914.40	914.40	914.40
O-1	0	0	0	672.60	698.40	722.10	743.70	766.50	790.50	790.50	790.50	790.50	790.50	790.50

"'WARRANT OFFICERS

Pay grade	Years of service: Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
W-4	$666.30	$714.60	$714.60	$731.10	$764.40	$798.00	$831.00	$889.80	$930.60	$963.90	$989.10	$1,022.10	$1,056.00	$1,137.90
W-3	605.70	657.00	657.00	665.10	673.20	722.40	764.40	789.30	814.20	838.80	864.90	897.90	930.60	963.90
W-2	544.20	576.60	576.60	590.40	622.80	657.00	681.90	706.50	731.10	756.60	781.20	806.10	838.80	838.80
W-1	484.80	517.20	517.20	549.00	573.60	598.50	622.80	648.30	673.20	698.10	722.40	748.20	748.20	748.20

"'ENLISTED MEMBERS

Pay grade	Years of service: Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
E-9 [1]	0	0	0	0	0	0	$756.90	$774.30	$792.00	$809.70	$827.70	$843.90	$888.60	$975.00
E-8	0	0	0	0	0	$635.10	652.80	670.20	687.90	705.30	722.10	740.10	783.60	870.90
E-7	$445.80	$478.50	$496.20	$513.60	$531.30	548.10	565.50	583.50	609.60	626.70	644.10	652.80	696.60	783.60
E-6	411.30	431.70	448.80	463.20	480.30	497.40	514.20	531.30	548.10	565.50	574.50	574.50	574.50	574.50
E-5	378.90	397.80	413.10	429.00	446.10	462.90	479.70	496.80	505.50	505.50	505.50	505.50	505.50	505.50
E-4	352.80	370.50	387.90	405.30	421.20	430.20	430.20	430.20	430.20	430.20	430.20	430.20	430.20	430.20
E-3	336.90	353.40	367.80	384.00	392.40	392.40	392.40	392.40	392.40	392.40	392.40	392.40	392.40	392.40
E-2	320.70	336.60	353.70	353.70	353.70	353.70	353.70	353.70	353.70	353.70	353.70	353.70	353.70	353.70
E-1	310.80	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40
E-1 (under 4 months)	301.50	0	0	0	0	0	0	0	0	0	0	0	0	0

"'[1] While serving as sergeant major of the Army, master chief petty officer of the Navy, chief master sergeant of the Air Force, or sergeant major of the Marine Corps, basic pay for this grade is $1,185 regardless of cumulative years of service computed under section 205 of this title.'"

ADJOURNMENT UNTIL 9 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 a.m. tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 32 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, June 8, 1971, at 9 a.m.

NOMINATION

Executive nomination received by the Senate June 7, 1971:

COUNCIL OF ECONOMIC ADVISERS

Ezra Solomon, of California, to be a member of the Council of Economic Advisers, vice Hendrik S. Houthakker.

HOUSE OF REPRESENTATIVES—*Monday, June 7, 1971*

The House met at 12 o'clock noon.

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

Agree with one another, live in peace, and the God of love and peace will be with you.—II Corinthians 13: 11.

Almighty and eternal God, our hearts rejoice and our spirits take courage when we remember that Thou art with us seeking to lead us along the way of truth and love. May the consciousness of Thy presence and the assurance of Thy goodness live in us all the day long.

Bless our beloved country with Thy favor and keep her faithful in her mission to preserve freedom, to promote freedom, and to proclaim freedom to all the world.

Be with the men and women who serve in our Government, and in our Armed Forces, particularly our prisoners of war. Inspire them with a faith that is strong and steadfast as we seek the end of war, the coming of peace, and the release of the captives.

In the spirit of the Prince of Peace, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 6359. An act to amend the Water Resources Planning Act to authorize increased appropriations.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 493. An act to authorize and direct the Secretary of Agriculture to classify as a wilderness area the national forest lands adjacent to the Eagle Cap Wilderness Area, known as the Minam River Canyon and adjoining area, in Oregon, and for other purposes.

THE THREE R'S

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

Mr. BRINKLEY. Mr. Speaker, how the Supreme Court of the United States can rationalize its sectional decrees in the field of education is beyond credibility. For the South, it says busing may be implemented to achieve racial balance; yet for the North the all-black schools of Chicago and Washington and New York and Philadelphia and Detroit and Cleveland and Boston and Pittsburgh and Newark and Baltimore and Cincinnati, based on housing patterns are just fine.

What do they think exists in Columbus, Ga., except the same type housing patterns? We choose where we live, commensurate with our ability to afford it, based specifically on the considerations of school area, church affiliation, nearness to friends and the like—just as our friends in New York City do. The legal background of statutory law and the technical distinctions between the North and South, made thereupon, constitutes a continuing judicial reconstruction of the South.

Mark it well. Those technicalities upon which different standards are based, one for the North, another for the South, are oppressively invalid.

In the words of Justice Louis D. Brandeis:

They [the Founding Fathers] conferred, as against the Government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized men.

That is all we ask—to be let alone; without the yoke of judicial oppression and authoritarian decrees which convert personal rights into personal duties.

FLAUNTING OF ENEMY FLAG SHOULD BE MADE A CRIMINAL OFFENSE

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

Mr. FISHER. Mr. Speaker, a number of bills have been introduced to make it a criminal offense to publicly display the flag of the Vietcong or of the Government of North Vietnam during the time hostilities continue with those people, or while American prisoners are held by them.

I have offered a similar measure, but have made the offense apply to such a display of the flag of any nation or group which engage in armed conflict with American forces.

Recently when the pro-Hanoi May Day demonstrations were taking place in Washington, scores of enemy flags were flaunted by alleged war protesters. Regardless of what they may call themselves, they are in fact the traitors to our Government, and enemies of the American people. They should be dealt with accordingly.

Let us hope the Committee on the Judiciary will act promptly on the pending bills. This kind of infamous conduct simply cannot be tolerated by a decent self-respecting society. Those who pay tribute to an enemy flag should be prosecuted for such seditious assault upon American sovereignty. In order to do that the pending legislation needs to be enacted.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN REPORTS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain reports.

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

There was no objection.

HEARINGS ON TREATMENT AND REHABILITATION OF NARCOTIC ADDICTS

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

Mr. EDWARDS of California. Mr. Speaker, I would like to announce that Subcommittee No. 4 of the Committee on the Judiciary has scheduled a series of public hearings on various proposals to provide for the treatment and rehabilitation of narcotic addicts. Included among these proposals are: H.R. 1540, H.R. 5612, H.R. 8389, H.R. 284, and a number of companion bills.

These hearings will begin on June 23, 1971, at 10 a.m., room 2141, Rayburn House Office Building, at which time congressional witnesses will be heard. Government witnesses will be heard at hearings on June 30 and July 1, 1971. Public witnesses will be scheduled at a later date.

Those wishing to testify or to submit statements for the record should address their requests to the Committee on the Judiciary, House of Representatives, room 2137, Rayburn House Office Building.

LIMIT TERMS OF CERTAIN GOVERNMENT OFFICIALS

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

Mr. THOMPSON of Georgia. Mr. Speaker, I noticed in the news over the weekend that the junior Senator from