

December 15, 1969

was attempting to get across to the Senate, about these young men operating as lawyers and going around in Arizona and New Mexico and engaging in anything but legal activities.

The letter reads as follows:

DEAR Mr. HINMAN: I am writing to express my opposition in the strongest possible terms to the patriotism program underway at Church Rock, as described in tonight's *Gallop Independent*. You are quoted as saying: "These kids don't know the Star Spangled Banner. They ought to have an awareness of the greatness of their country". This is true, but they ought to have an awareness of the faults and errors of their country, as well, of which there have been, and are, many. It is especially appalling to realize that these are Indian children who are being forced to participate in this program, when it is their people who have been treated most shabbily of all by the United States.

Are you in agreement with the statement attributed to Mrs. Stanfield—

Mr. President, I digress to say here that the Mrs. Stanfield referred to is not Mrs. Stanfield but Mrs. Stafford, who happens to be a Negro.

Continuing reading:

who is quoted as saying: "We should indoctrinate every child with the idea of being loyal to his country."? (My emphasis.) If so, I think that this is a sorry philosophy for a public school, which *should* be dedicated to the concept of free inquiry and exchange of ideas, as well as the presentation of *all* sides of disputed issues.

I find it particularly offensive that you are apparently associating "patriotism" with support of the war in Viet Nam, which is, unquestionably, the most controversial war of our time, and, in the opinion of many, the most brutal and unjustified. Young children are subjected to enough pressures from the media, their parents, churches, etc. to hold the view "my country, right or wrong". The least you could do is to refrain from adding to the imbalance in presentation of viewpoints.

I note among the pictures appearing in the *Independent* some of drawings of soldiers with guns and several with the phrase "God Bless America". It is, indeed, unfortunate that you are encouraging these children to glorify war and all its attendant inhumanity. Likewise, it is deplorable for you to stimulate the express of what is, in effect, a prayer, in violation of the Supreme Court's ruling that public schools are to refrain from any such activities. There is simply no need to offend the sensibilities of some persons by indirectly stimulating the establishment of the Christian (or Jewish) faith among a people who have traditionally held conflicting religious beliefs. This does not even take into consideration those people who have no faith whatsoever, or who simply wish to have the business of religion and politics kept out of the schools.

I would also suggest that you take a good hard look at the sponsorship of the organization the *Independent* says your "Patriotism Committee" is affiliated with, the Freedom Foundation. I could be mistaken, but I believe that this organization is one of the extreme right, either affiliated with, or similar to, the Birch Society, Minutemen, or similar paramilitary and far-right groups.

If you are not willing to demonstrate that your program is a balanced presentation, and to remove any hint of religious exercises from the curriculum, I shall take whatever steps I can to investigate the matter myself, and, if necessary, institute legal proceedings.

Kindly show this letter to Mrs. Stanfield—

That is Mrs. Stafford—
and any other interested parties.

Sincerely,

STEPHEN B. ELRICK.

Mr. President, the program referred to in the letter was a Veterans' Day program held in a school whose enrollment is 99 percent Indian children, at which two Vietnam casualty families were awarded medals and various patriotic displays were in the school, including one bulletin board display that read "God Bless America."

I read this letter into the Record to help to prove that these young lawyers, engaged against the wishes of the Navajo tribe, are not practicing law out there. They are practicing disruption of the American way of life.

I am amazed that the Republican head of the Department that controls the OEO would allow such things to go on. I am going to continue to be critical of him, even though he is a Republican. I believe that he has a responsibility to the people of this country to consider the feelings of the people of this country long before he has any obligation to a bunch of formerly unemployed lawyers.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on the Judiciary.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes, with amendments, in which it requested the concurrence of the Senate; that the House insisted upon its amendments to the bill, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PERKINS, Mrs. GREEN, Mr. PUCINSKI, Mr. BRADEMAS, Mr. O'HARA, Mr. CAREY, Mr. HAWKINS, Mr. WILLIAM D. FORD, Mr. HATHAWAY, Mrs. MINK, Mr. MEEDS, Mr. CLAY, Mr. AYRES, Mr. QUIE, Mr. REID of New York, Mr. ERLBORN, Mr. SCHERLE, Mr. DELLENBACK, Mr. ESCH, and Mr.

STEIGER of Wisconsin were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 14580) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic economic, social, and political institutions, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MORGAN, Mr. ZABLOCKI, Mr. HAYS, Mr. FASCELL, Mr. ADAIR, Mr. MAILLIARD, and Mr. FRELINGHUYSEN were appointed managers on the part of the House at the conference.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

S. 2864. An act to amend and extend laws relating to housing and urban development, and for other purposes;

H.R. 210. An act to eliminate requirements for disclosure of construction details on passenger vessels meeting prescribed safety standards, and for other purposes;

H.R. 4244. An act to raise the ceiling on appropriations of the Administrative Conference of the United States; and

H.J. Res. 10. Joint resolution authorizing the President to proclaim the second week of March 1970 as Volunteers of America Week.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 15090) making appropriations for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes.

Mr. THURMOND. Mr. President, I would like to warn my distinguished colleagues that funds for national defense on most items have been cut to the lowest acceptable risk. In my personal opinion, we have already cut entirely too much in the face of ever increasing Soviet military power.

This bill has been reduced by \$5.9 billion from the estimated requirement. Our worldwide forces are being cut back. It is reported that President Nixon tonight will announce further withdrawals from Vietnam.

Mr. President, we have a very unique and unusual situation this year in view of the tremendous reductions already made in our national defense programs. The manned orbiting laboratory—MOL—program has been terminated. This amounted to a \$400 million reduction. I might point out that this is one of the Soviet's main experimental programs.

The Cheyenne helicopter program has been stopped. This amounted to a reduction of \$429 million. The Army's main battle tank program has been cut back with more than a \$20 million reduction. A letter from Secretary Packard to Chairman RUSSELL indicates this might be reduced another \$10 million but no

other reductions on the MBT-70 tank should be made.

Mr. President, there are many other essential items of military hardware that have been reduced. Combat operations in Vietnam have been curtailed severely during the first 5 months of this fiscal year. The Secretary of Defense has cut the fiscal year 1970 program by \$3 billion. Our nation cannot expect to make any further cuts in the foreseeable future.

Efforts have been made to defer the procurement of the F-14 aircraft for the Navy. The House disallowed \$275 million for this program. In my view, this is a fatal mistake. Funds have been restored in the Senate bill to provide for a total of 12 F-14's for the test program. This is a bare minimum. The Navy must be permitted to go forward with this modern fighter for the fleet.

Mr. President, there has been some talk of not approving the funds for the ABM which have been authorized. In view of the extensive previous review and approval of this program by the Senate, I strongly recommend that such ideas be forgotten. Our urgent need for this defense has been further documented since my distinguished colleagues approved the minimum deployment of the ABM to defend against the Soviet ICBM's. Anyone who proposes to cut funds for the ABM will face strong opposition.

The C-5A super transport has been cut back from 123 aircraft to 81. This will seriously reduce our flexibility for response to reinforce our overseas forces in time of peril.

This bill is already a compromise which reveals risks to our national security due to the pressure of domestic problems. Our present as well as our future capabilities have been reduced. Unanticipated requirements in Southeast Asia cannot be met with our reduced military capability.

Mr. President, the slowdown of new weapons development and the critical reduction of our force structure are coming at a perilous time in our history. For the first time, the Soviets are moving ahead of us in military capability.

The Russian naval fleet totals 1,575 vessels, as opposed to 894 for the United States. Moreover, 58 percent of the U.S. Navy's combat ships are 20 years old or more; but only 1 percent of the Soviet navy is that old.

We have 143 submarines; the Soviets have more than 375. We have 81 nuclear powered units; the Soviets have 65, but they are building one nuclear sub a month, and may surpass us by the end of 1970. By 1978, they may well have constructed between 100 and 150.

This year, for the first time, the Soviets surpassed us in the number of ICBM's and they continue to build at a constant rate.

Mr. President, the security of our Nation must not be exposed to any further risks to accommodate domestic needs. The appropriations bill before us today in view of previous reductions is already a grave risk. I strongly appeal to my colleagues not to propose further reductions.

Mr. MANSFIELD. Mr. President, it was my intention to offer the Cooper amendment on Laos at this time but, pending receipt of a copy of it for my own use, I suggest the absence of a quorum, without relinquishing my right to the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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. MANSFIELD. Mr. President, I call up the amendment at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The BILL CLERK. The Senator from Kentucky (Mr. COOPER) and the Senator from Montana (Mr. MANSFIELD) propose an amendment as follows:

On page 46, between lines 8 and 9, insert a new section as follows:

"Sec. 643. None of the funds appropriated by this Act shall be used for the support of local forces in Laos or Thailand except to provide supplies, materiel, equipment, and facilities, including maintenance thereof, or to provide training for such local forces."

Mr. MANSFIELD. Mr. President, I join with the distinguished Senator from Kentucky, who is absent because of unavoidable circumstances, in sponsoring the amendment.

As the Senator knows, there have been some hearings held on the situation which exists in Laos as it relates to our participation in the war.

If my memory serves me correctly, the number of sorties, so-called, which have emanated from these bases has increased considerably in recent months.

We know that the situation in Laos has developed into a two-sided affair. It seems that the main factors there are the North Vietnamese on the one hand, backing up the Pathet Lao, who number something in the order of 50,000 and who have been in constant violation of the Geneva accords of 1962 since the agreement was made. On our part when the Geneva accords were reached, we withdrew what unformed elements we had in Laos. However, with the passage of time and the difficulty which beset the royal Laotian army, we have stepped up our activity in that unhappy kingdom.

Much of this activity is centering around the infiltration of men and supplies down the so-called Ho Chi Minh trail, which goes through the panhandle of Laos.

There has also been air support to the Royal Laotian Forces in the carrying out of activities in the Plaine des Jarres and elsewhere in that country.

It is safe to say, I believe, that the Pathet Lao would not be able to function without the support of the North Vietnamese on the one hand and, on the other, that the Royal Laotian Army itself would be placed in a very precarious position without the air support of the United States and the training given to the few pilots which the Laotian kingdom has.

I think there should be brought out also in a general discussion of Laos, the fact which has been known for some

months now, that the Chinese under an agreement, tacit or otherwise, with a previous Laotian Government has been building a road down from Menglien in Yunnan Province into Laos itself. And the road terminates at a place called Muong Soui.

There are shafts in both directions. The one on the left, looking south, is an extension which has been begun along Route 19 toward Dien Bien Phu. And, the one on the right, extending toward Thailand, has been extended only a very short distance, despite the reports which have come out recently that great activity is underway in that particular area and that the Chinese have two divisions there.

When I was in Laos in August, the figure was anywhere from three to 10 battalions of Chinese along the road, mostly labor troops and anti-aircraft personnel.

The consensus was that a figure of four or five battalions would be closer to the truth.

I note in the press recently where Souvannah Phouma, the Prime Minister of Laos has indicated that there is no such thing as two divisions in Laos. And he sets the number at five Chinese battalions along the road primarily extending from Menglien in Yunnan down to Muong Soui in northern Laos.

I was happy to note that the President on several occasions has stated definitely and without qualification that there are no U.S. combat troops in Laos.

I believe that to be a true statement of fact, if by that we mean the foot soldiers as such. There are, of course, other types of activities going on.

Certainly airlines are in operation there. They are operating, at least in part—perhaps in large part—on American funds.

And what I am saying is nothing secret, because it has been carried in the press and it is public knowledge.

The fact that the United States has been carrying on additional sorties against the North Vietnamese coming down the Ho Chi Minh trail and is in support of the Royal Laotians around the Plaine des Jarres is, of course, open knowledge.

The point of the Cooper amendment is that we do not want to become involved in Laos. We do not want to become involved in another Vietnam, no matter where it would be. And, while there is perhaps some justification for what is going on at the present time, there certainly is no justification for this country getting involved deeper and deeper and, in effect, becoming the keeper of the keys as far as the Kingdom of Laos is concerned.

Providing supplies, materiel, equipment, and facilities, including the maintenance thereof, and the providing of training for local forces is being undertaken at the present time. We are providing supplies. We are providing materiel. We are providing equipment and facilities. We are providing training for local forces, those belonging in the Royal Laotian Army as well as those that operate on a small independent basis, the Meo and the other tribesmen who have been supplied by us.

December 15, 1969

S 16753

They are carrying on clandestine activities and making a contribution toward stability in the areas in which they live and in which they function.

The important thing, and I believe this is the intention of the Senate and the administration, is that one Korea is more than enough, that one Vietnam is more than enough, and that this country does not want to become involved in any other area on a basis approximating that in which we find ourselves in Vietnam at the present time.

I do not think anyone would doubt, or at least very few would doubt, the fact that it was a mistake to go into Vietnam. And it is just as well to state it publicly.

My view does not agree with that of some of my colleagues, because I think the difficulty arose with the assassination of Ngo Dinh Diem in 1963. And many of my colleagues looked upon Ngo Dinh Diem as a dictator and as a hard man.

Well, he may have been hard, but at least he furnished a timely civilian stability to that government which kept us from going in and which was able to function on the basis of only a relatively few American advisors being there.

I use the term relatively few American advisers in comparison with the figures today. However, with the assassination of Ngo Dinh Diem, began a continual succession of military dictatorships. And that is what we still have in Vietnam today, I believe, despite the so-called election in September 1966. Under that succession, we have been ground down in that area.

We have spent well in excess of \$100 billion.

Our total casualties up to December 11, 1969, amounted to 307,242, and of that number, 206,420 have been wounded in battle, 39,742 have died in combat, and 7,080 have died in other than combat situations. The total number as of December 11 is 307,242. While the figures are declining, the end is not in sight, even with the sizable withdrawal of forces which this administration has undertaken and which I hope it will speed up and move as rapidly as it possibly can.

May I say in that respect that I am delighted that this administration has brought about a deescalation of the war and that, rather than a step-up, or a continuing increase in forces, or a stabilizing at the 548,000 or 550,000 level. The figure now is somewhere, I believe, below 480,000. The move in the right direction, the acceleration, is not fast enough. I wish it could be faster. If I had my way, it would be. The final responsibility rests with the President and I am sure he is doing all he can to bring about a deceleration of this war, a deescalation of this war, and is trying to find a pathway to peace which will bring about, in time, a total withdrawal on the part of this country.

Nevertheless the black boxes are still coming home. Men are still dying in combat, even though the deaths are decreasing.

Too many Americans are involved in a country in which we really have no vital interest. It is an area in which the

South Vietnamese themselves, of all kinds and all sorts, will have to make the final decision as to what kind of government they want, what kind of future they envisage, and what kind of life their people will lead. It is not up to us; it is up to them.

So I hope that this amendment, offered by the distinguished senior Senator from Kentucky and myself, will be agreed to, as a means of indicating that we do not wish to become involved in another Vietnam in Laos or Thailand or anywhere else.

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

Mr. MANSFIELD. I yield.

Mr. FULBRIGHT. I congratulate the distinguished majority leader for offering this amendment. I expect to support it. I should like to ask one or two questions by way of clarification.

If I correctly understand the amendment, it does not prohibit money in this bill to provide training for local forces in Laos. Is that correct?

Mr. MANSFIELD. In Laos or Thailand.

Mr. FULBRIGHT. It does not prevent supplies, materiel, equipment, and facilities being supplied to those forces?

Mr. MANSFIELD. It does not.

Mr. FULBRIGHT. Is there anything in the hearings or in this bill that indicates to the Members of the Senate what we are doing by way of providing training to local forces in Laos?

Mr. MANSFIELD. I would have to refer that question to the acting chairman of the committee, who has been called on, on short notice, to handle this bill.

As I recall, some information was given. I do not know the details even though I happen to serve on the particular subcommittee. It had to do with training pilots, servicing planes, and other activities carried on primarily in Thailand and not in Laos itself, because of the Geneva accords.

Mr. FULBRIGHT. May I ask it in a little different way. Does the majority leader believe that Members of the Senate should be called upon to vote for the appropriation in this bill, which is just under \$80 billion? Incidentally I want to congratulate both committees for having cut what seems to me a reasonable amount. My question is whether Members of the Senate are being called upon to vote to appropriate money to pay for a program which they are uninformed.

Mr. MANSFIELD. Yes, I think we should, in view of a situation which has developed over the years. After all, the United States was responsible in large part for bringing about the Geneva accords of 1962, which supposedly divided Laos into a tripartite kingdom—the so-called neutralists, the rightist groups, and the Pathet Lao—who agreed to divide the representation of the country into three.

Since that time, this fiction has been kept alive, at least on a theoretical basis, and one-third of the seats in Vientiane have been set aside for the Pathet Lao to occupy, which they are loath to do.

Furthermore, in connection with that, I think it should be pointed out that there is stationed permanently in Vientiane a 100-man Pathet Lao company—

for what purpose, I do not know, but at least it is there. We have involved the Laotians to such an extent that we have created an obligation which is most difficult for us to get out of at the present time.

What I oppose is the stepup of activities there which carries with it the threat of greater participation and which carries with it the possibility that if it gets out of hand or goes too far, we may become involved in another Vietnam.

Mr. FULBRIGHT. I agree with the Senator that it might amount to another Vietnam. But I do not understand how the Senate can exercise a proper judgment in this matter if it is not informed as to what is being done with the moneys in this program. This is the only case I know of outside of a strictly intelligence operation in which we are expected to act without detailed information. I am not suggesting that we should make anything public. What I am suggesting is that the Senate, in executive session, should be informed by the sponsors of the proposed legislation and by the administration as to what we are being asked to finance in this operation. Aside from what we normally call the typical intelligence operations, upon which traditionally we have not requested information even in executive session, I believe we need information now. I do recall, however, we did have one executive session last year to discuss that matter.

But very large sums of money are included in this bill. I believe they are concerned with the activities that are mentioned in the amendment. But they are not identified and no Members of the Senate, or at least very few, know what they are voting on.

It strikes me that we have come to such a pass—as we became involved so deeply in Vietnam—that we are threatened to become involved in Laos. The Senate should be informed.

The Senator from Montana congratulated the President on deescalating the war in Vietnam. But what good is this going to do if we are escalating the war in Laos at the same time as much as we are deescalating in Vietnam?

Mr. MANSFIELD. That is a valid question, and the Senator makes a fair comparison.

I would be prepared—this may come as a surprise; I just happened to think of it—to suggest at an appropriate time that the Senate go into executive session to listen to this information, and in that way to educate ourselves to a greater extent covering this particular matter.

Mr. FULBRIGHT. I appreciate that from the majority leader.

On last Saturday, I sent to the chairman of the Appropriations Committee a letter asking basic questions on money and commitments to Laos. My purpose was to give notice that I would expect this information, which can be supplied by the executive branch, by way of the Committee on Appropriations. I think that the Senate should have such information before it is called upon to vote.

Mr. MANSFIELD. May I say—if the chairman will pardon me—that, in my opinion, without the American assistance

now going to Laos, it would have fallen a long time ago; that the Pathet Lao on paper would have been successful, but in reality North Vietnam, with its huge concentration of troops, would have assumed actual and physical control; and that if that happened, we would be confronted with a situation with the Laotians or North Vietnamese, whichever group was in control, at the Mekong.

I would point out that we have a treaty relationship with Thailand which is a full-fledged member of the Southeast Asian Treaty Organization. The headquarters are in Bangkok. Unlike the situation applicable to Laos, Cambodia, and South Vietnam there is no question but that we would be involved under the terms of the Southeast Asian Treaty Organization, but involved only through constitutional processes because that is included toward the ends of the treaty. So we have a situation there which is delicate, difficult, dangerous, extremely hard to explain. It is tied very closely to the war in Vietnam in which we never should have become involved. It is not only a mistake; it is a tragedy, on the basis of these complex factors we find that the situation developing in Laos has increased our participation and activity there. It has been responsible for the questions raised by the chairman of the Committee on Foreign Relations and other Members of this body who are fearful of what might happen in the future if a curb is not established in this body.

Mr. YOUNG of North Dakota. Mr. President, like the Senator from Montana, I was very much opposed to becoming involved in a war in Vietnam. I want to make sure we do not get involved in any more Vietnams.

I could support the proposal. This would not prevent assistance to a country like Indonesia which fought off communism. We could give them assistance, such as military or economic, but no manpower assistance.

Mr. MANSFIELD. Yes, in Laos, too. These items, which are allowable, fit in very nicely with the Nixon doctrine which says, in effect, we are primarily a Pacific power with peripheral interests on the Asian mainland. The purpose would be that our friends would receive logistical help and economic assistance, but no further use of American manpower on the Asian mainland, no further use of American military power unless there were a nuclear confrontation and then all bets would be off.

This amendment would strengthen the President's hand because it says to him "The executive branch cannot go beyond what is now being done; the situation may have already gone a little too far but you said that there are no U.S. combat troops in Laos."

Secretary Rogers, in his appearance before the National Education Television commentators, on a television show, stated that the President did not intend to become involved in Laos. I am paraphrasing, but that is what he said.

Mr. YOUNG of North Dakota. I believe the acting chairman of the committee said, regarding the money in this bill, that it could be used in Laos.

Mr. MANSFIELD. Mr. President, if it is agreeable with the Senator, I would like to yield to the Senator from Vermont briefly.

Mr. AIKEN. Mr. President, as a matter of fact, I have seen no evidence that this administration desires to engage in any more Vietnams in Laos or anywhere else; and if the administration should change in the future I am satisfied the Senate would never approve of any more Vietnam like conflicts.

However, I rose to speak in reference to what the majority leader said earlier in regard to Vietnam. As of December 11, last Thursday, I find that our troop strength in South Vietnam was 472,500. That indicated a reduction of 2,700 for the week of December 4 to December 11. Previous to that, the previous week, there was a reduction of 4,500. This means a total of something over 71,000 troops having been withdrawn from South Vietnam, largely within the last 3 months, at a rate of about 20,000 a month. That rate of withdrawal may not hold good for each of the months ahead, but at the present time the withdrawal program is 11,500 ahead of schedule, ahead of what was projected for December 15, with 4 days yet to go. It is quite apparent that, at anywhere near the present rate of withdrawal, 80,000 troops will be withdrawn before the beginning of the year; and probably 100,000 by the first of February and possibly more. I just do not know, but that is my best guess at this time.

I thought those figures would be worthwhile to place in the Record at this time for the benefit of Members of the Senate, as well as for those who read the CONGRESSIONAL RECORD.

Mr. MANSFIELD. Mr. President, I thank the Senator for performing a commendable service. I am delighted that he has placed the figures in the Record. I congratulate the President for being 11,500 ahead of schedule, 4 days before the withdrawal date, December 15, which is today.

Mr. AIKEN. That is right.

Mr. MANSFIELD. Mr. President, I wish to quote now from the statement by the distinguished Secretary of State in a National Education Television network interview. He was asked about whether or not Laos would develop into another Vietnam-type conflict. He said:

The President won't let it happen.

Continuing, he said:

I mean we have learned one lesson, and that is we are not going to fight any major wars in the mainland of Asia again and we are not going to send American troops there, and we certainly aren't going to do it unless we have the American public and the Congress behind us.

Mr. JAVITS. Mr. President, will the Senator yield very briefly?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, I think what I wish to say would fit in before the explanation by the Senator from Louisiana (Mr. ELLENDER) as to the money. I wish to ask a question, which I arranged to ask on behalf of the Senator from Kentucky (Mr. COOPER).

It is a fact, when he allows material and training you must contemplate certain American personnel in the training or logistical handling of the material. Is that correct?

Mr. MANSFIELD. I did not get the last part of the question.

Mr. JAVITS. When you assume in Laos or Thailand we will be giving some support, actively training, and so forth, there will be American manpower involved, will there not?

Mr. MANSFIELD. Yes, there would be American manpower involved; there is American manpower involved. There are the intelligence activities which the distinguished chairman of the Committee on Foreign Relations referred to, and that is to be understood.

Mr. JAVITS. Correct.

Mr. MANSFIELD. But as far as the training is concerned, most of it would be in Thailand, to observe the concept of neutrality. We have an extra large military mission in Laos, and I suppose in view of the circumstances that may be understandable.

Mr. JAVITS. One of the questions the Senator from Kentucky and I want to clarify is: If our advisory people, who are military representatives, advisers and so forth, come under attack, should not the record be perfectly clear that U.S. advisory troops are free to defend themselves; that is, they have the right of self-defense but again we should utter caution that that should not represent general authorization to engage in combat operations or to draw us in because U.S. troops have been attacked who are engaged in some advisory role.

Would the Senator care to give a response?

Mr. MANSFIELD. Mr. President, U.S. troops in any country in the world would have very right to protect themselves and I would hope they would. We do not have too many—and we really have no troops, as such, in Laos, but what we do have is a military mission which represents the four services, the Marine Corps, the Navy, the Army, and the Air Force, stationed at Vientiane. From what I gather, they attend, pretty much, to their own knitting.

Mr. JAVITS. The Senator from Kentucky and I wanted to know the effect on this amendment of the commitment resolution. Is it not a fact that that is intended here is an actual implementation in advance of our being faced with the issue of the commitment resolution which has already passed the Senate and which says that matters that will involve us in any major military responsibility must be referred to the Senate under the constitutional processes which relate to Congress.

Mr. MANSFIELD. Without question. I think that Secretary Rogers made that tacit recognition when he said in effect—and I quote it again, because it is a very important passage from his interview:

I mean we have learned one lesson, and that is we are not going to fight any major wars in the mainland of Asia again and we are not going to send American troops there, and we certainly aren't going to do it unless we have the American public and the Congress behind us.

That means congressional consultation before an action is taken which would go beyond what they are doing now.

Mr. JAVITS. If it is of any major character necessitating congressional action, whatever that may mean—

Mr. MANSFIELD. That is right, so far as that is concerned, and under the SEATO organization we can only become involved, at least it says so, through the constitutional processes of this country. That is something which we have been prone to forget in recent years, and something which I think we should remember constantly from now on.

Mr. JAVITS. I should like to identify myself with my colleague's statement on that score, and also express to him my support of the amendment.

Mr. President, I ask unanimous consent that a statement prepared for delivery by the senior Senator from Kentucky, Senator COOPER, concerning his amendment regarding Laos and Thailand, be printed in the RECORD. Senator COOPER is not able to be present on the floor for the debate.

Mr. President, in my judgment Senator COOPER—as always—has made a wise and knowledgeable statement which deserves the close attention of the Senate and the Nation.

As my colleagues will recall from the RECORD of the debate on Senator COOPER's amendment to the Defense procurement authorization bill, I find myself in great agreement with my colleague on this vital matter.

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

STATEMENT BY SENATOR COOPER

On August 12, I introduced an amendment to the Military Procurement Authorization Bill which would have prohibited the use of funds to support U.S. personnel in Laos or Thailand in support of local forces engaged in the local war there. My amendment provided that supplies, materials, equipment and facilities, including maintenance thereof and training, could be given to local forces in Laos or Thailand. On September 17, the amendment was adopted 86-0, and although its purpose was clearly understood, the Chairman of the Armed Services Committee, Senator Stennis, manager of the bill, was of the opinion that my amendment did not cover all the funds available for programs in Laos and Thailand. The Amendment was deleted in conference.

I have offered once again an amendment to the pending Appropriations bill for the Department of Defense which reads as follows: "None of the funds appropriated by this Act shall be used for the support of local forces in Laos or Thailand except to provide supplies, material, equipment, and facilities, including maintenance thereof, or to provide training for such local forces."

The purpose of the amendment is again the same, to prevent the United States from backing into a war that has not been considered or approved by Congress. It is evident from newspaper reports and from the testimony given on the Symington Subcommittee that there is a serious danger of becoming more deeply involved in the situation in Laos. My amendment would prohibit all actions not already approved by the Congress that are now taking place in Laos and Thailand. The situation in Laos is very complex. Insofar as the bombing in Laos affects the war in Vietnam, such opera-

tions as the interdiction of the Ho Chi Minh Trail would not be affected by my amendment. Our military personnel would of course have the right of self-defense.

The other bombing operations that are taking place, however, are of such a nature and magnitude that the Senate should fully understand from the Administration why such operations are being undertaken before approval is given and funds appropriated. There are dangers of escalation of the kind that have taken place in Vietnam. The United States should not be involved in a widening of the war in South Asia.

Because of the tragic experience of Vietnam, I felt it necessary that through full discussion in closed session, if required, that the facts essential for sound judgment would be obtained.

I regret that the serious illness of my mother has prevented me from being in the Senate today. My good friend and colleague, the majority leader, Senator MANSFIELD, has kindly agreed to introduce the amendment for me in my absence. There is no better expert on Asian affairs in the Senate. His wisdom and knowledge on this issue will give the Senate a full understanding of the purpose of the amendment introduced today.

Mr. GOLDWATER. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. GOLDWATER. I want to ask the majority leader and distinguished chairman of the Foreign Relations Committee why they feel that any meeting of this body on this subject should be secret?

Mr. MANSFIELD. I just raised the question, may I say, to the distinguished Senator from Arizona, in case the chairman and the others of the committee on both sides felt it would be more applicable. Frankly, I have read about this for so many years in the public prints that it is my belief that not much that is known would be made known.

Mr. GOLDWATER. I might say that I was in Thailand 2 days ago and there are no major secrets there as to what we are doing.

I am sure that a secret meeting of this body would be the property of the press within minutes after it was finished.

I realize that there are some things, as there are some matters in all military operations, that we cannot and should not talk about but I think that if the American public is to be informed, we would be better off talking about it on the floor, as to what the commitments are, and why we feel those commitments to be right, and so forth and so forth.

Frankly, I would be more in favor of an open hearing than I would be in favor of a secret hearing, because I think it is pretty much public property now, with the exception of testimony that I would expect would be kept confidential.

Mr. MANSFIELD. I would agree with the distinguished Senator. So far as I am concerned, I would rather it be out in the open, but if for some reason members of the particular committees affected—and I refer to the Appropriations Committees, both subcommittee and full committee—felt it would be advisable to have an executive session, I would go along with it; but, speaking personally, I agree with the distinguished Senator. Let it be out in the open and let everyone know about it.

Mr. GOLDWATER. I thank the Senator,

Mr. ELLENDER. Mr. President, I am in thorough agreement with the distinguished Senator from Arizona on the points he has just made, that if we do have an executive session, in a matter of minutes, not hours, but minutes, the whole of the press will know about it. So far as I am personally concerned, I do not see anything wrong with accepting the amendment.

As I suggested to the distinguished Senator from Arkansas, this matter can go to conference and no doubt the conferees could delve into that matter themselves.

Another thing, as I understood the answers to the questions propounded by the distinguished Senator from Arkansas, the Senator from Montana is in agreement, evidently, with the wording of section 638(a) on page 43 of the bill which states:

SEC. 638. (a) Appropriations available to the Department of Defense during the current fiscal year shall be available for their stated purposes to support: (1) Vietnamese and other free world forces in Vietnam; (2) local forces in Laos and Thailand; and for related costs, on such terms and conditions as the Secretary of Defense may determine.

Mr. MANSFIELD. That is right, but what this does is spell out what the Secretary of Defense may determine in an area with which we are all in accord.

Mr. ELLENDER. If that ever comes about, the matter can be brought to the Senate and to the President, and he can act upon it.

Mr. MANSFIELD. That is the strength of the amendment about which there really should be no discord.

Mr. ELLENDER. It was suggested a while ago that I give to the Senate a short résumé of the amount of money, and I now read from the statement:

The recommendations of the subcommittee include approximately \$90 million for the support of local forces in Laos. These funds are included in the bill pursuant to the authority granted in section 401 of the Department of Defense Procurement and Research and Development Act of 1970.

Mr. President, at this point I ask unanimous consent to have printed in the RECORD the entire text of that act.

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

DEPARTMENT OF DEFENSE PROCUREMENT AND RESEARCH AND DEVELOPMENT AUTHORIZATION ACT, 1970 (PUBLIC LAW 91-121)

TITLE I—PROCUREMENT

Sec. 101. Funds are hereby authorized to be appropriated during the fiscal year 1970 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army \$570,400,000; for the Navy and the Marine Corps, \$2,391,200,000; for the Air Force, \$3,965,700,000: *Provided*, That of the funds authorized to be appropriated for the procurement of aircraft for the Air Force during fiscal year 1970, not to exceed \$28,000,000 shall be available to initiate the procurement of a fighter aircraft to meet the needs of Free World forces in Southeast Asia, and to accelerate the withdrawal of United States forces from South Vietnam and Thailand; the Air Force shall (1) prior to the obligation of any funds ap-

appropriated pursuant to this authorization, conduct a competition for the aircraft which shall be selected on the basis of the threat as evaluated and determined by the Secretary of Defense, and (2) be authorized to use a portion of such funds as may be required for research, development, test, and evaluation.

MISSILES

For missiles: for the Army, \$880,460,000; for the Navy, \$851,300,000; for the Marine Corps, \$20,100,000; for the Air Force, \$1,486,400,000.

NAVAL VESSELS

For naval vessels: for the Navy, \$2,033,200,000.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, \$228,000,000; for the Marine Corps, \$37,700,000: *Provided*, That none of the funds authorized herein shall be utilized for the procurement of Sheridan Assault vehicles (M-551) under any new or additional contract.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1970 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, \$1,646,055,000;

For the Navy (including the Marine Corps), \$1,968,235,000;

For the Air Force, \$3,156,552,000; and

For the Defense Agencies, \$450,200,000.

SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1970 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, \$75,000,000.

SEC. 203. None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such project or study has a direct and apparent relationship to a specific military function or operation.

SEC. 204. Construction of research, development, and test facilities at the Kwajalein Missile Range is authorized in the amount of \$12,700,000, and funds are hereby authorized to be appropriated for this purpose.

TITLE III—RESERVE FORCES

SEC. 301. For the fiscal year beginning July 1, 1969, and ending June 30, 1970, the Selected Reserve of each Reserve component of the Armed Forces will be programed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 393,298.

(2) The Army Reserve, 255,591.

(3) The Naval Reserve, 129,000.

(4) The Marine Corps Reserve, 49,489.

(5) The Air National Guard of the United States, 86,624.

(6) The Air Force Reserve, 50,775.

(7) The Coast Guard Reserve, 17,500.

SEC. 302. The average strength prescribed by section 301 of this title for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever any such units or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately

increased by the total authorized strength of such units and by the total number of such individual members.

SEC. 303. Subsection (c) of section 264 of title 10, United States Code, is amended as follows:

In the last line of the last sentence of subsection (c) after the word "within", change the figures "60" to "90".

TITLE IV—GENERAL PROVISIONS

SEC. 401. Subsection (a) of section 401 of Public Law 89-367 approved March 15, 1966 (80 Stat. 37) as amended, is hereby amended to read as follows:

"(a) Not to exceed \$2,500,000,000 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) 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."

SEC. 402. (a) Prior to April 30, 1970, the Committees on Armed Services of the House of Representatives and the Senate shall jointly conduct and complete a comprehensive study and investigation of the past and projected costs and effectiveness of attack aircraft carriers and their task forces and a thorough review of the considerations which went into the decision to maintain the present number of attack carriers. The result of this comprehensive study shall be considered prior to any authorization or appropriation for the production or procurement of the nuclear aircraft carrier designated as CVAN-70.

(b) In carrying out such study and investigation the Committees on Armed Services of the House of Representatives and the Senate are authorized to call on all Government agencies and such outside consultants as such committees may deem necessary.

SEC. 403. Funds authorized for appropriation under the provisions of this Act shall not be available for payment of independent research and development, bid and proposal, and other technical effort costs incurred under contracts entered into subsequent to the effective date of this Act for any amount in excess of 93 per centum of the total amount contemplated for use for such purpose out of funds authorized for procurement and for research, development, test, and evaluation. The foregoing limitation shall not apply in the case of (1) formally advertised contracts, (2) other firmly fixed contracts competitively awarded, or (3) contracts under \$100,000.

SEC. 404. (a) Section 136 of title 10, United States Code, is amended—

(1) by striking out "seven" in subsection (a) and inserting in lieu thereof "eight"; and

(2) by inserting after the first sentence in subsection (b) the following new sentences: "One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Health Affairs. He shall have as his principal duty the overall supervision of health affairs of the Department of Defense."

(b) Section 5315 of title 5, United States Code, is amended by striking out item (13) and inserting in lieu thereof the following:

"(13) Assistant Secretaries of Defense (8).

SEC. 405. Section 412(b) of Public Law 86-149, as amended, is amended, to read as follows:

"(b) No funds may be appropriated after December 31, 1960, to or for the use of any armed force of the United States for the procurement of aircraft, missiles, or naval vessels, or after December 31, 1932, to or for the use of any armed force of the United States for the research, development, test, or evaluation of aircraft, missiles, or naval vessels, or after December 31, 1963, to or for the use of any armed force of the United

States for any research, development, test or evaluation, or after December 31, 1963, to or for the use of any armed force of the United States for the procurement of tracked combat vehicles, or after December 31, 1969, to or for the use of any armed force of the United States for the procurement of other weapons unless the appropriation of such funds has been authorized by legislation enacted after such dates."

SEC. 406. Section 2 of the Act of August 3, 1950 (64 Stat. 408), as amended, is further amended to read as follows:

"Sec. 2. After July 1, 1970, the active duty personnel strength of the Armed Forces, exclusive of personnel of the Coast Guard, personnel of the Reserve components on active duty for training purposes only, and personnel of the Armed Forces employed in the Selective Service System, shall not exceed a total of 3,285,000 persons at any time during the period of suspension prescribed in the first section of this Act except when the President of the United States determines that the application of this ceiling will seriously jeopardize the national security interests of the United States and informs the Congress of the basis for such determination."

SEC. 407. (a) After December 31, 1969, none of the funds authorized for appropriation by this or any other Act for the use of the Armed Forces shall be used for payments out of such funds under contracts or agreements with Federal contract research centers if the annual compensation of any officer or employee of such center paid out of any Federal funds exceeds \$45,000 except with the approval of the Secretary of Defense under regulations prescribed by the President.

(b) The Secretary of Defense shall notify the President of the Senate and the Speaker of the House of Representatives promptly of any approvals authorized under subsection (a), together with a detailed statement of the reasons therefor.

SEC. 408. (a) The Comptroller General of the United States (hereinafter in this section referred to as the "Comptroller General") is authorized and directed, as soon as practicable after the date of enactment of this section, to conduct a study and review on a selective representative basis of the profits made by contractors and subcontractors on contracts on which there is no formally advertised competitive bidding entered into by the Department of the Army, the Department of the Navy, the Department of the Air Force, the Coast Guard, and the National Aeronautics and Space Administration under the authority of chapter 137 of title 10, United States Code, and on contracts entered into by the Atomic Energy Commission to meet requirements of the Department of Defense. The results of such study and review shall be submitted to the Congress as soon as practicable, but in no event later than December 31, 1970.

(b) Any contractor or subcontractor referred to in subsection (a) of this section shall, upon the request of the Comptroller General, prepare and submit to the General Accounting Office such information maintained in the normal course of business by such contractor as the Comptroller General determines necessary or appropriate in conducting any study and review authorized by subsection (a) of this section. Information required under this subsection shall be submitted by a contractor or subcontractor in response to a written request made by the Comptroller General and shall be submitted in such form and detail as the Comptroller General may prescribe and shall be submitted within a reasonable period of time.

(c) In order to determine the costs, including all types of direct and indirect costs, of performing any contract or subcontract referred to in subsection (a) of this section, and to determine the profit, if any, realized under any such contract, or subcontract,

either on a percentage of the cost basis, percentage of sales basis, or a return on private capital employed basis, the Comptroller General and authorized representatives of the General Accounting Office are authorized to audit and inspect and to make copies of any books, accounts, or other records of any such contractor or subcontractor.

(d) Upon the request of the Comptroller General, or any officer or employee designated by him, the Committee on Armed Services of the House of Representatives or the Committee on Armed Services of the Senate may sign and issue subpoenas requiring the production of such books, accounts, or other records as may be material to the study and review carried out by the Comptroller General under this section.

(e) Any disobedience to a subpoena issued by the Committee on Armed Services of the House of Representatives or the Committee on Armed Services of the Senate to carry out the provisions of this section shall be punishable as provided in section 102 of the Revised Statutes.

(f) No book, account, or other record, or copy of any book, account, or record, of any contractor or subcontractor obtained by or for the Comptroller General under authority of this section which is not necessary for determining the profitability on any contract, as defined in subsection (a) of this section, between such contractor or subcontractor and the Department of Defense shall be available for examination, without the consent of such contractor or subcontractor, by any individual other than a duly authorized officer or employee of the General Accounting Office; and no officer or employee of the General Accounting Office shall disclose, to any person not authorized by the Comptroller General to receive such information, any information obtained under authority of this section relating to cost, expense, or profitability on any nondefense business transaction of any contractor or subcontractor.

(g) The Comptroller General shall not disclose in any report made by him to the Congress or to either Committee on Armed Services under authority of this section any confidential information relating to the cost, expense, or profit of any contractor or subcontractor on any nondefense business transaction of such contractor or subcontractor.

Sec. 409 (a) The Secretary of Defense shall submit semiannual reports to the Congress on or before January 31 and on or before July 31 of each year setting forth the amounts spent during the preceding six-month period for research, development, test and evaluation and procurement of all lethal and non-lethal chemical and biological agents. The Secretary shall include in each report a full explanation of each expenditure, including the purpose and the necessity therefor.

(b) None of the funds authorized to be appropriated by this Act or any other Act may be used for the transportation of any lethal chemical or any biological warfare agent to or from any military installation in the United States, or the open air testing of any such agent within the United States until the following procedures have been implemented.

(1) the Secretary of Defense (hereafter referred to in this section as the "Secretary") has determined that the transportation or testing proposed to be made is necessary in the interests of national security;

(2) the Secretary has brought the particulars of the proposed transportation or testing to the attention of the Secretary of Health, Education, and Welfare, who in turn may direct the Surgeon General of the Public Health Service and other qualified persons to review such particulars with respect to any hazards to public health and safety which such transportation or testing may pose and to recommend what precautionary measures are necessary to protect the public health and safety,

(3) the Secretary has implemented any precautionary measures recommended in accordance with paragraph (2) above (including, where practicable, the detoxification of any such agent, if such agent is to be transported to or from a military installation for disposal): *Provided, however,* That in the event the Secretary finds the recommendation submitted by the Surgeon General would have the effect of preventing the proposed transportation or testing, the President may determine that overriding considerations of national security require such transportation or testing be conducted. Any transportation or testing conducted pursuant to such a Presidential determination shall be carried out in the safest practicable manner, and the President shall report his determination and an explanation thereof to the President of the Senate and the Speaker of the House of Representatives as far in advance as practicable, and

(4) the Secretary has provided notification that the transportation or testing will take place, except where a Presidential determination has been made: (A) to the President of the Senate and the Speaker of the House of Representatives at least 10 days before any such transportation will be commenced and at least 30 days before any such testing will be commenced; (B) to the Governor of any State through which such agents will be transported, such notification to be provided appropriately in advance of any such transportation.

(c) (1) None of the funds authorized to be appropriated by this Act or any other Act may be used for the future deployment, or storage, or both, at any place outside the United States of—

(A) any lethal chemical or any biological warfare agent, or

(B) any delivery system specifically designed to disseminate any such agent, unless prior notice of such deployment or storage has been given to the country exercising jurisdiction over such place. In the case of any place outside the United States which is under the jurisdiction or control of the U.S. Government, no such action may be taken unless the Secretary gives prior notice of such action to the President of the Senate and the Speaker of the House of Representatives. As used in this paragraph, the term "United States" means the several States and the District of Columbia.

(2) None of the funds authorized by this Act or any other Act shall be used for the future testing, development, transportation, storage, or disposal of any lethal chemical or any biological warfare agent outside the United States if the Secretary of State, after appropriate notice by the Secretary whenever any such action is contemplated, determines that such testing, development, transportation, storage, or disposal will violate international law. The Secretary of State shall report all determinations made by him under this paragraph to the President of the Senate and the Speaker of the House of Representatives, and to all appropriate international organizations, or organs thereof, in the event such report is required by treaty or other international agreement.

(d) Unless otherwise indicated, as used in this section the term "United States" means the several States, the District of Columbia, and the territories and possessions of the United States.

(e) After the effective date of this Act, the operation of this section, or any portion thereof, may be suspended by the President during the period of any war declared by Congress and during the period of any national emergency declared by Congress or by the President.

(f) None of the funds authorized to be appropriated by this Act may be used for the procurement of any delivery system specifically designed to disseminate any lethal

chemical or any biological warfare agent, or for the procurement of any part or component of any such delivery system, unless the President shall certify to the Congress that such procurement is essential to the safety and security of the United States.

Sec. 410. (a) As used in this section—

(1) The term "former military officer" means a former or retired commissioned officer of the Armed Forces of the United States who—

(A) served on active duty in the grade of major (or equivalent) or above, and

(B) served on active duty for a period of ten years or more.

(2) The term "former civilian employee" means any former civilian officer or employee of the Department of Defense, including consultants or part-time employees, whose salary rate at any time during the three-year period immediately preceding the termination of his last employment with the Department of Defense was equal to or greater than the minimum salary rate at such time for positions in grade GS-13.

(3) The term "defense contractor" means any individual, firm, corporation, partnership, association, or other legal entity, which provides services and materials to the Department of Defense under a contract directly with the Department of Defense.

(4) The term "services and materials" means either services or materials or services and materials and includes construction.

(5) The term "Department of Defense" means all elements of the Department of Defense and the military departments.

(6) The term "contracts awarded" means contracts awarded by negotiation and includes the net amount of modifications to, and the exercise of options under, such contracts. It excludes all transactions amounting to less than \$10,000 each.

(7) The term "fiscal year" means a year beginning on 1 July and ending on 30 June of the next succeeding year.

(b) Under regulations to be prescribed by the Secretary of Defense:

(1) Any former military officer or former civilian employee who during any fiscal year,

(A) was employed by or served as a consultant or otherwise to a defense contractor for any period of time,

(B) represented any defense contractor at any hearing, trial, appeal, or other action in which the United States was a party and which involved services and materials provided or to be provided to the Department of Defense by such contractor, or

(C) represented any such contractor in any transaction with the Department of Defense involving services or materials provided or to be provided by such contractor to the Department of Defense,

shall file with the Secretary of Defense, in such form and manner as the Secretary may prescribe, not later than November 15 of the next succeeding fiscal year, a report containing the following information:

(1) His name and address.

(2) The name and address of the defense contractor by whom he was employed or whom he served as a consultant or otherwise.

(3) The title of the position held by him with the defense contractor.

(4) A brief description of his duties and the work performed by him for the defense contractor.

(5) His military grade while on active duty or his gross salary rate while employed by the Department of Defense, as the case may be.

(6) A brief description of his duties and the work performed by him while on active duty or while employed by the Department of Defense during the three-year period immediately preceding his release from active

duty or the termination of his civilian employment, as the case may be.

(7) The date on which he was released from active duty or the termination of his civilian employment with the Department of Defense, as the case may be, and the date on which his employment, as an employee, consultant, or otherwise with the defense contractor began and, if no longer employed by such defense contractor, the date on which such employment with such defense contractor terminated.

(8) Such other pertinent information as the Secretary of Defense may require.

(2) Any employee of the Department of Defense, including consultants or part-time employees, who was previously employed by or served as a consultant or otherwise to a defense contractor in any fiscal year, and whose salary rate in the Department of Defense is equal to or greater than the minimum salary rate for positions in grade GS-13, shall file with the Secretary of Defense, in such form and manner and at such times as the Secretary may prescribe, a report containing the following information:

(1) His name and address.

(2) The title of his position with the Department of Defense.

(3) A brief description of his duties with the Department of Defense.

(4) The name and address of the defense contractor by whom he was employed or whom he served as a consultant or otherwise.

(5) The title of his position with such defense contractor.

(6) A brief description of his duties and the work performed by him for the defense contractor.

(7) The date on which his employment as a consultant or otherwise with such contractor terminated and the date on which his employment as a consultant or otherwise with the Department of Defense began thereafter.

(8) Such other pertinent information as the Secretary of Defense may require.

(c) (1) No former military officer or former civilian employee shall be required to file a report under this section for any fiscal year in which he was employed by or served as a consultant or otherwise to a defense contractor if the total amount of contracts awarded by the Department of Defense to such contractor during such year was less than \$10,000,000, and no employee of the Department of Defense shall be required to file a report under this section for any fiscal year in which he was employed by or served as a consultant or otherwise to a defense contractor if the total amount of contracts awarded to such contractor by the Department of Defense during such year was less than \$10,000,000.

(2) No former military officer or former civilian employee shall be required to file a report under this section for any fiscal year on account of active duty performed or employment with or services performed for the Department of Defense if such active duty or employment was terminated three years or more prior to the beginning of such fiscal year; and no employee of the Department of Defense shall be required to file a report under this section for any fiscal year on account of employment with or services performed for a defense contractor if such employment was terminated or such services were performed three years or more prior to the effective date of his employment with the Department of Defense.

(3) No former military officer or former civilian employee shall be required to file a report under this section for any fiscal year during which he was employed by or served as a consultant or otherwise to a defense contractor at a salary rate of less than \$15,000 per year; and no employee of the Department of Defense, including consultants

or part-time employees, shall be required to file a report under this section for any fiscal year during which he was employed by or served as a consultant or otherwise to a defense contractor at a salary rate of less than \$15,000 per year.

(d) The Secretary of Defense shall, not later than December 31 of each year, file with the President of the Senate and the Speaker of the House of Representatives a report containing a list of the names of persons who have filed reports with him for the preceding fiscal year pursuant to subsections (b) (1) and (b) (2) of this section. The Secretary shall include after each name so much information as he deems appropriate and shall list the names of such persons under the defense contractor for whom they worked or for whom they performed services.

(e) Any former military officer or former civilian employee whose employment with or services for a defense contractor terminated during any fiscal year shall be required to file a report pursuant to subsection (b) (1) of this section for such year if he would otherwise be required to file under such subsection; and any person whose employment with or services for the Department of Defense terminated during any fiscal year shall be required to file a report pursuant to subsection (b) (2) of this section for such year if he would otherwise be required to file under such subsection.

(f) The Secretary shall maintain a file containing the information filed with him pursuant to subsection (b) (1) and (b) (2) of this section and such file shall be open for public inspection and at all times during the regular workday.

(g) Any person who fails to comply with the filing requirements of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by not more than six months in prison or a fine of not more than \$1,000, or both.

(h) No person shall be required to file a report pursuant to this section for any fiscal year prior to the fiscal year 1971.

Mr. ELLENDER. Mr. President, these funds are for the support of the Royal Laotian Army and are comparable to the funds included in the Military Assistance Appropriations prior to fiscal year 1968.

In that connection, I may further state that these funds are made available in the same manner as they were made available under the foreign aid bill. Under the foreign aid bill it was clearly understood that it did not involve manpower but only the materials of war.

Now I have often criticized the Government in the past for having sent to many countries, where aid is given, people to teach the defense departments of the countries how to use the materials of war sent to them. This has been done for many, many years now. Personally, I see no objection to that, but it is something which has occurred in the past and I do not believe that we should go any further now than we have in the past.

The history of the increase in the funds is significant. During the period of the fiscal years 1965 through 1967, when the funds were included in the military assistance program, as I have just said, the sum recommended in the bill represents an increase of approximately 16.7 percent of the amount included in the Department of Defense appropriation amount for fiscal year 1969. As I have said, the bill includes approximately \$90 million for the support of the Royal Laotian Army.

The purposes for which these funds will be used are classified, and I cannot disregard that classification. However, I have the information at my desk and will be glad to make it available to any Senator who desires to see it.

I recognize that I have not answered all the questions that may have been raised by the Senator from Arkansas.

However, I feel that I have fulfilled my responsibilities to the Members of this body as floor manager of the pending bill.

As I said, I can see no objection to the acceptance of this amendment, which, as I understand, is to be read in context with section 638 of the present bill.

This will give the conferees an opportunity to review thoroughly all of the issues involved and make any perfecting amendments that are required.

Mr. FULBRIGHT. Mr. President, I would like to address a question, too, for the purposes of clarification, to the majority leader and/or the acting chairman of the Appropriations Committee.

Would this amendment prohibit the U.S. aircraft based in Thailand from flying tactical missions in support of the Laotian army in Northern Laos, having nothing whatever to do with the interdiction of the Ho Chi Minh Trail?

Mr. MANSFIELD. Mr. President, I am afraid that I am not in a position to give the kind of definitive answer I would like to the question raised by the distinguished chairman of the Foreign Relations Committee.

There is no question that air support would be allowed to be continued to decrease or to stop the infiltration of men and materiel down the Ho Chi Minh Trail through the Laotian panhandle.

It is a moot question as to whether or not the support missions, or the sorties, as they are called, and which number in the hundreds, very likely the thousands, in support of Royal Laotian troops, would hold. That is another matter.

Those sorties are not so much against the Pathet Lao as they are against the North Vietnamese troops, who are the backbone and support of the Pathet Lao forces. They outnumber the Pathet Lao by at least 3 to 1. They are far more vigorous fighters, and they are the ones who determine what shall be done.

The question is, How do you look at the North Vietnamese in Laos in relation to the North Vietnamese along the trail and in South Vietnam itself?

Mr. FULBRIGHT. If I understand the Senator, his amendment would prohibit the use of American Air Force and other personnel related to flying tactical missions in support of the Laotian army in the civil war now taking place in northern Laos. It has nothing to do with the Ho Chi Minh Trail.

Mr. MANSFIELD. "Civil war" is a term you have to use with discretion. If it were a struggle between the Pathet Lao and the Royal Laotian forces, it would be a civil war; but when 50,000 North Vietnamese are backing up and supporting the Pathet Lao, then you have to recognize that a foreign government has intervened in what had become up to that time a civil war, but what, with this intervention, became other than a civil war.

December 15, 1969

Mr. FULBRIGHT. Then, is it not following a pattern very similar to what happened in Vietnam?

Mr. MANSFIELD. No; because, under the Geneva Accords of 1962, all foreign troops agreed to withdraw except for a small French military mission which was located partly in Vientiane and partly around Savanna khet. It is the only training mission of that type which was allowed under the Geneva Accords of 1962, but we did withdraw our forces in 1962 in accordance with the accords.

The North Vietnamese did withdraw a small contingent of their troops, but since that time they have not only restored that withdrawal, but increased the number by, I would say, 150 percent.

Mr. FULBRIGHT. I am not sure in view of the attitude of the Senator from Arizona and the manager of the bill. These questions, I thought, would have been more properly asked in executive session, but if they prefer that they be asked in open session, I suppose we should proceed.

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

Mr. FULBRIGHT. I yield.

Mr. TOWER. Does he not think we may get into highly sensitive matters that should not be publicly disclosed?

Mr. FULBRIGHT. I thought so, but the Senator from Arizona and the Senator from Louisiana did not think so. I understand the Senator from Montana thought this was a matter better discussed in open session. I had suggested, and I thought the majority leader was of the view, that we should go into executive session.

Mr. MANSFIELD. May I say that all this information is public. All one has to do is read the newspapers. All that has been suggested is carried in public print.

Mr. TOWER. Yes, but a good deal more could be said that perhaps should be said in closed session.

Mr. FULBRIGHT. That is what I said before. I thought it should be in executive session. Perhaps they have changed their minds. For example, I was going to ask the distinguished Senator from Louisiana to identify the \$90 million in this bill for military support to the Royal Laotian army. I wonder if he would not identify that in the bill. Is it for the U.S. Air Force missions in Laos? Is there any way the Senator can identify that amount?

Mr. ELLENDER. The \$90 million is in several appropriations.

Mr. FULBRIGHT. Well, it can be identified.

Mr. ELLENDER. It can, but, as I suggested to the Senator, it strikes me that we gain nothing by having a closed session. As I stated a while ago, as manager of the bill, it might be well to accept the amendment, and if the conferees are desirous of going into more detail, let them go into it, and they can act accordingly.

Mr. FULBRIGHT. The only thing I have in mind at the present time is that Members of the Senate, aside from the three or four, perhaps, who are on certain supervisory committees of the CIA, do not know what is being done in this bill in regard to Laos. I think, before they

authorize, with their votes, this kind of program, if it is the kind I believe it to be, they ought to know.

I have been hornsoggled long enough—ever since the previous administration and its Tonkin Gulf Resolution, when I did not know the administration was misrepresenting the facts. All I am saying is that all Senators should know what they are voting for before they vote.

In my view, there is a lot of money in this bill for activities which bear a very great probability of involving us in another full-scale war in Laos, if it is not already a full-scale war. We are deescalating in Vietnam, but I shall read some letters a little later, which are not classified, which came from soldiers and wives of soldiers, which I believe conclusively prove that we are escalating the war in Laos just as much as we are deescalating it in Vietnam.

I think it is a very serious matter; it is not something that ought to be pushed under the rug merely by saying, "I will accept the amendment and take it to conference," and then let it be buried there.

Mr. MANSFIELD. I do not think that is what the Senator from Louisiana said. As I recall, he and the Senator from North Dakota said they were in favor of the amendment.

Mr. FULBRIGHT. He said, "I will accept it," meaning that he would take it to conference in order to avoid further discussion here.

Mr. ELLENDER. Why does not the Senator from Arkansas proceed to give the Senate the information he has heard from soldiers?

Mr. FULBRIGHT. I submitted a questionnaire to the chairman and the ranking minority member of the Committee on Appropriations last week and asked questions that related to this activity.

I had understood that the Senate would go into closed session so that these matters could be discussed. The information should come from the sponsors of the proposed legislation. The sponsors, the members of the Committee on Appropriations, ought to be prepared with official information as to what the money is desired for. That is all in the world I am trying to propose: That when the committee comes before the Senate, and asks us to vote for almost \$80 billion, we ought to know what we are voting for. It is that simple.

(At this point, the Senate went into closed session.)

(The following proceedings occurred in legislative session, following the closed session:)

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, to last only as long as it will take to ring the two bells.

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. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Montana will state it.

Mr. MANSFIELD. What is the pending motion?

The PRESIDING OFFICER. The question is on the motion to table the amendment by the Senator from Montana (Mr. MANSFIELD) and the Senator from Kentucky (Mr. COOPER).

Mr. HOLLAND. Mr. President, a point of order. We should not begin voting until the Chamber has been made open.

Mr. MANSFIELD. The Chamber is open. It was opened 2 minutes ago, I understand.

The PRESIDING OFFICER. The Senate has now resumed its open session.

The question is on agreeing to the motion to table the amendment of the Senator from Montana and the Senator from Kentucky.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from West Virginia (Mr. RANDOLPH) is absent on official business.

I also announce that the Senator from Washington (Mr. JACKSON) is absent because of a death in his family.

I further announce that, if present and voting, the Senator from New Jersey (Mr. WILLIAMS) and the Senator from West Virginia (Mr. RANDOLPH) would vote "nay."

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Iowa (Mr. MILLER) is necessarily absent.

The Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Iowa (Mr. MILLER) is paired with the Senator from Kentucky (Mr. COOPER). If present and voting the Senator from Iowa would vote "yea" and the Senator from Kentucky would vote "nay."

The result was announced—yeas 41, nays 48, as follows:

[No. 232 Leg.]

YEAS—41

Allen	Ellender	McClellan
Allott	Ervin	Murphy
Baker	Fannin	Pearson
Bellmon	Fong	Scott
Bennett	Goldwater	Smith, Maine
Bible	Griffin	Smith, Ill.
Cannon	Gurney	Sparkman
Cook	Hansen	Stennis
Cotton	Holland	Stevens
Curtis	Hollings	Talmadge
Dodd	Hruska	Thurmond
Dole	Jordan, N.C.	Tower
Dominick	Long	Williams, Del.
Eastland	McClellan	

LAOS

December 15, 1969

S 16759

Mr. FULBRIGHT. Then, is it not following a pattern very similar to what happened in Vietnam?

Mr. MANSFIELD. No; because, under the Geneva Accords of 1962, all foreign troops agreed to withdraw except for a small French military mission which was located partly in Vientiane and partly around Savanna khet. It is the only training mission of that type which was allowed under the Geneva Accords of 1962, but we did withdraw our forces in 1962 in accordance with the accords.

The North Vietnamese did withdraw a small contingent of their troops, but since that time they have not only restored that withdrawal, but increased the number by, I would say, 150 percent.

Mr. FULBRIGHT. I am not sure in view of the attitude of the Senator from Arizona and the manager of the bill. These questions, I thought, would have been more properly asked in executive session, but if they prefer that they be asked in open session, I suppose we should proceed.

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

Mr. FULBRIGHT. I yield.

Mr. TOWER. Does he not think we may get into highly sensitive matters that should not be publicly disclosed?

Mr. FULBRIGHT. I thought so, but the Senator from Arizona and the Senator from Louisiana did not think so. I understand the Senator from Montana thought this was a matter better discussed in open session. I had suggested, and I thought the majority leader was of the view, that we should go into executive session.

Mr. MANSFIELD. May I say that all this information is public. All one has to do is read the newspapers. All that has been suggested is carried in public print.

Mr. TOWER. Yes, but a good deal more could be said that perhaps should be said in closed session.

Mr. FULBRIGHT. That is what I said before. I thought it should be in executive session. Perhaps they have changed their minds. For example, I was going to ask the distinguished Senator from Louisiana to identify the \$90 million in this bill for military support to the Royal Laotian army. I wonder if he would not identify that in the bill. Is it for the U.S. Air Force missions in Laos? Is there any way the Senator can identify that amount?

Mr. ELLENDER. The \$90 million is in several appropriations.

Mr. FULBRIGHT. Well, it can be identified.

Mr. ELLENDER. It can, but, as I suggested to the Senator, it strikes me that we gain nothing by having a closed session. As I stated a while ago, as manager of the bill, it might be well to accept the amendment, and if the conferees are desirous of going into more detail, let them go into it, and they can act accordingly.

Mr. FULBRIGHT. The only thing I have in mind at the present time is that Members of the Senate, aside from the three or four, perhaps, who are on certain supervisory committees of the CIA, do not know what is being done in this bill in regard to Laos. I think, before they

authorize, with their votes, this kind of program, if it is the kind I believe it to be, they ought to know.

I have been hornswoggled long enough—ever since the previous administration and its Tonkin Gulf Resolution, when I did not know the administration was misrepresenting the facts. All I am saying is that all Senators should know what they are voting for before they vote.

In my view, there is a lot of money in this bill for activities which bear a very great probability of involving us in another full-scale war in Laos, if it is not already a full-scale war. We are deescalating in Vietnam, but I shall read some letters a little later, which are not classified, which came from soldiers and wives of soldiers, which I believe conclusively prove that we are escalating the war in Laos just as much as we are deescalating it in Vietnam.

I think it is a very serious matter; it is not something that ought to be pushed under the rug merely by saying, "I will accept the amendment and take it to conference," and then let it be buried there.

Mr. MANSFIELD. I do not think that is what the Senator from Louisiana said. As I recall, he and the Senator from North Dakota said they were in favor of the amendment.

Mr. FULBRIGHT. He said, "I will accept it," meaning that he would take it to conference in order to avoid further discussion here.

Mr. ELLENDER. Why does not the Senator from Arkansas proceed to give the Senate the information he has heard from soldiers?

Mr. FULBRIGHT. I submitted a questionnaire to the chairman and the ranking minority member of the Committee on Appropriations last week and asked questions that related to this activity.

I had understood that the Senate would go into closed session so that these matters could be discussed. The information should come from the sponsors of the proposed legislation. The sponsors, the members of the Committee on Appropriations, ought to be prepared with official information as to what the money is desired for. That is all in the world I am trying to propose: That when the committee comes before the Senate, and asks us to vote for almost \$20 billion, we ought to know what we are voting for. It is that simple.

(At this point, the Senate went into closed session.)

(The following proceedings occurred in legislative session, following the closed session:)

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, to last only as long as it will take to ring the two bells.

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. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Montana will state it.

Mr. MANSFIELD. What is the pending motion?

The PRESIDING OFFICER. The question is on the motion to table the amendment by the Senator from Montana (Mr. MANSFIELD) and the Senator from Kentucky (Mr. COOPER).

Mr. HOLLAND. Mr. President, a point of order. We should not begin voting until the Chamber has been made open.

Mr. MANSFIELD. The Chamber is open. It was opened 2 minutes ago, I understand.

The PRESIDING OFFICER. The Senate has now resumed its open session.

The question is on agreeing to the motion to table the amendment of the Senator from Montana and the Senator from Kentucky.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from West Virginia (Mr. RANDOLPH) is absent on official business.

I also announce that the Senator from Washington (Mr. JACKSON) is absent because of a death in his family.

I further announce that, if present and voting, the Senator from New Jersey (Mr. WILLIAMS) and the Senator from West Virginia (Mr. RANDOLPH) would vote "nay."

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Iowa (Mr. MILLER) is necessarily absent.

The Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Iowa (Mr. MILLER) is paired with the Senator from Kentucky (Mr. COOPER). If present and voting the Senator from Iowa would vote "yea" and the Senator from Kentucky would vote "nay."

The result was announced—yeas 41, nays 48, as follows:

[No. 232 Leg.]
YEAS—41

- | | | |
|----------|--------------|----------------|
| Allen | Ellender | McGee |
| Allott | Ervin | Murphy |
| Baker | Fannin | Pearson |
| Bellmon | Fong | Scott |
| Bennett | Goldwater | Smith, Maine |
| Bibic | Griffin | Smith, Ill. |
| Cannon | Gurney | Sparkman |
| Cook | Hansen | Stennis |
| Cotton | Holland | Stevens |
| Curtis | Hollings | Talmadge |
| Dodd | Hruska | Thurmond |
| Dole | Jordan, N.C. | Tower |
| Dominick | Long | Williams, Del. |
| Eastland | McClellan | |

S 16760

CONGRESSIONAL RECORD—SENATE

December 15, 1969

NAYS—48

Alken	Hart	Moss
Bayh	Hartke	Muskie
Borah	Hathfield	Nelson
Brooke	Hughes	Packwood
Burdick	Inouye	Pastore
Byrd, Va.	Javits	Pell
Byrd, W. Va.	Jordan, Idaho	Percy
Case	Kennedy	Prouty
Church	Magnuson	Proxmire
Cranston	Mansfield	Ribicoff
Eagleton	Mathias	Saxbe
Fulbright	McGovern	Schweiker
Goodell	McIntyre	Spong
Gore	Metcalf	Yarborough
Gravel	Mondale	Young, N. Dak.
Harris	Montoya	Young, Ohio

NOT VOTING—11

Anderson	Miller	Symington
Cooper	Mundt	Tydings
Jackson	Randolph	Williams, N.J.
McCarthy	Russell	

So Mr. McGEE's motion to lay on the table was rejected.

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment of the Senator from Kentucky and the Senator from Montana.

Mr. CHURCH. Mr. President, on behalf of the Senator from Colorado (Mr. ALLOTT), the Senator from California (Mr. CRANSTON), the Senator from New York (Mr. JAVITS), and myself, I send to the desk a substitute amendment, which reads as follows—

The PRESIDING OFFICER. The amendment will be stated.

Mr. CHURCH. I ask unanimous consent that I may read the amendment to the Senate instead of the clerk.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CHURCH. The amendment reads as follows:

On page 46, between lines 8 and 9, insert a new section as follows:

"Sec. 643. In line with the expressed intention of the President of the United States, none of the funds appropriated by this act shall be used to finance the introduction of American ground troops into Laos or Thailand without the prior consent of Congress."

Mr. President, I ask unanimous consent that the name of the distinguished senior Senator from Arkansas (Mr. McCLELLAN) be added as a cosponsor of the amendment.

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

Mr. CHURCH. I ask for the yeas and nays on the substitute amendment.

The yeas and nays were ordered.

Mr. CHURCH. I ask unanimous consent also that the name of the Senator from Tennessee (Mr. BAKER) be added as a cosponsor.

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

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. CHURCH. I am happy to yield.

Mr. TOWER. Does the amendment mean that we would have to immediately withdraw all ground troops we now have in Thailand? Because we do have Army troops and pre-positioned equipment in Thailand. The way the substitute amendment is written, it would seem to mean the troops we have there now would no longer be permitted.

Mr. CHURCH. I think the answer to the Senator's question is clearly con-

tained in the language of the proposed substitute.

The PRESIDING OFFICER. Will the Senator suspend, so that we may have order?

Mr. MAGNUSON. Mr. President, will the Senator yield another half minute?

I hope the members of the Appropriations Committee, if we are going to have a discussion on the substitute, will see if they cannot come down to the committee room, and we can come back for the rollcall.

Mr. MANSFIELD. Mr. President, I wonder if it would not be possible to vote on this question in 5 minutes. It should not take much discussion. Would that be sufficient, the time to be equally divided?

The PRESIDING OFFICER. Is there objection?

Mr. DOMINICK. Mr. President, reserving the right to object, we should extend it a little longer than 5 minutes.

Mr. CHURCH. I ask unanimous consent for 15 minutes on each side.

Mr. MANSFIELD. One-half hour, to be equally divided.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CHURCH. Now, Mr. President, I ask for order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. CHURCH. In response to the question of the Senator from Texas (Mr. Tower), the pertinent part of the amendment reads:

None of the funds appropriated by this Act shall be used to finance the introduction of American ground troops into Laos or Thailand.

It is true that we have personnel there. But the amendment conforms to the expressed intention of the President; it reinforces the presidential position; and yet it asserts the constitutional right of the Senate, in an appropriation bill, to determine how public funds will be used, and makes it clear that the Senate is opposed to the introduction of ground combat troops into either country, unless we first have an opportunity to pass judgment on that question.

Mr. TOWER. Will the Senator yield for a further question?

Mr. CHURCH. I am happy to yield.

Mr. TOWER. The term "ground combat troops" still could include those that are there, because those that we have there are capable of engaging in combat. They are trained for combat. They are not actually in combat, true, and it is not anticipated that they ever will be. We hope they will not be. But they are competent to engage in combat.

Mr. CHURCH. As the Senator knows, we presently have no ground troops in Laos engaging in combat.

Mr. TOWER. That is true.

Mr. CHURCH. The President has said so. The language conforms to the Presidential position, and if there is any question concerning our meaning or intent, it should be cleared up by the discussion we are now having on this floor.

Mr. TOWER. That is all I am trying to do, establish the legislative intent.

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

Mr. CHURCH. I yield.

Mr. PASTORE. If we have any lingering shadows of doubt, why not use the words "to support local forces"? Why not say "the introduction of American combat troops to support local forces"? Then we will have no ambiguity.

Mr. CHURCH. I respectfully say to the Senator that the bill authorizes money, which is now being used, to support local forces in Thailand and Laos. There is no question about that. What we are trying to achieve here is a limitation on the use of money for the purpose of financing the introduction of American ground forces into these two countries.

I think the amendment should be supported. It is in line with the expressed intention of the President and accords with our constitutional responsibilities. Moreover, it puts the President on notice that, if there is ever a change of policy that might involve the possible introduction of American combat forces into these two countries, then, in accordance with the Constitution, that question should be brought back to Congress, and Congress should exercise its will.

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

Mr. CHURCH. I am happy to yield to the Senator from Arkansas.

Mr. McCLELLAN. In the executive session, I raised some questions about the original resolution. This substitute amendment, together with the statement by the distinguished majority leader in executive session in response to my questions, answers the questions that I had in mind, and I am happy to support it. I commend the Senator for its wording and its purpose, and for recognizing that the President has given his pledge, and that we support the President in that pledge.

Mr. CHURCH. I thank the Senator very much, and I appreciate his support.

I now yield to my distinguished cosponsor, the Senator from Colorado (Mr. ALLOTT).

Mr. ALLOTT. Mr. President, I joined in the cosponsorship of this amendment because I believe it is preferable to the very vague, in my judgment, amendment now pending before the Senate. I think it says what the Senate would like to say, and I sincerely hope that Senators will support it.

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

Mr. CHURCH. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, just 1 minute. I think we are trying hard—and I hope the majority leader is listening—to deal with a situation in which, he, feeling bound by the language of the Senator from Kentucky—and I do not blame him—did not want it interfered with, and yet to express what we sense to be the will of the Senate. I think that has been done best by the combined brainpower of a number of us here, and I hope very much that the Senator from Montana (Mr. MANSFIELD) and the Senator from Kentucky (Mr. COOPER) will feel they have been successful, rather

December 15, 1969

CONGRESSIONAL RECORD — SENATE

S 16761

than that some substitute has been suggested for the idea they presented to the Senate. I am confident that my colleague would agree with me in that.

Mr. CHURCH. Mr. President, I certainly concur in what the Senator from New York has said.

This amendment was really offered reluctantly. The Senate has made its decision to speak out, in rejecting the motion to table. It is now clear that we intend to take a position on this very sensitive and important question. I think we should take that position in clear and precise terms, so that everyone—the President of the United States, the administration, and the American people—will know exactly where the Senate stands. We should avoid a repetition of the mistake we made in the Gulf of Tonkin resolution, when we carelessly drafted it, only to discover later that it was much broader than many who voted for it intended.

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

Mr. CHURCH. I yield.

Mr. FULBRIGHT. That one having been broader than we thought, we ought to be careful lest the one that restricts it be broader than we thought. Is the Senator's proposal to be interpreted as an authorization for continued bombing, or expansion of the bombing, in the north?

Mr. CHURCH. No, I would say, after the debate we had in the Senate during the closed session, that no one was quite certain what the original amendment meant.

This substitute amendment is purely limiting in its terms. The bill provides money for local forces both in Laos and Thailand. All my amendment does is to make it clear that none of the money in the bill is to be used for the purpose of financing the introduction of American ground combat troops into Laos or Thailand.

As such, it is a limitation in the bill. It is in line with our constitutional responsibility. I think it avoids the flaw in the Tonkin Gulf joint resolution which was drafted in much broader language than intended at the time Congress voted in such haste.

Mr. FULBRIGHT. Mr. President, to me the important significance is that that was assumed to be a grant of authority. This is a restriction. I am not at all sure that there is, and I do not believe there is, really authority for doing what we are doing now in north Laos. There is a very great question as to whether there is authority.

I wonder what the effect of this will be on the granting of authority by having only a restricted application to ground; that is, the combat troops only.

Mr. CHURCH. No. Nothing in this amendment grants any new authority to the Government.

The question the Senator raises is a separate one. All this amendment does is to limit the use of the money in the bill to make certain it is not employed for the very purpose the Senator from Arkansas does not want.

Mr. FULBRIGHT. There may be other activities in addition to using ground

troops for which I do not want them to employ it.

The Senator from Mississippi said a moment ago that he thought the amendment of the majority leader would restrict bombing disconnected or not directly connected with Vietnam.

I do not know as between the two amendments. I do not wish to authorize the President to use ground troops or airpower in a local war in northern Laos which is not directly connected with the Ho Chi Minh Trail and the war in Vietnam.

Mr. CHURCH. I think the Senate should speak plainly or not at all.

The substitute amendment is intended to make our purpose plain. The amendment offered by the distinguished majority leader, I think, is ambiguous and unclear.

If we are to act at all, we should act in a way that is understandable to the Government and to the American people. For that reason, I would hope that the Senate would adopt the substitute amendment.

Mr. HOLLINGS. Mr. President, to be precise and clear, does the amendment say ground troops or ground combat troops? I am trying to get to the point of the Senator from Texas.

Mr. CHURCH. It says ground combat troops.

Mr. HOLLINGS. It says only "ground troops" here. Could the Senator by unanimous consent change that to read "ground combat troops"?

Mr. CHURCH. Yes, that is how my amendment reads. In line with the expressed intention, the pertinent part should read:

None of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand without the prior consent of Congress.

If the text of the amendment at the desk does not conform with my reading of the amendment, I ask unanimous consent that it so conform.

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

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

Mr. CHURCH. I yield.

Mr. HART. Mr. President, I hope this is not repetitious. We say that the moneys shall not be used to finance the introduction of American ground combat troops. What about American aircraft and American ships? Are we saying that is all right?

Mr. CHURCH. We are simply not undertaking to make any changes in the status quo. The limiting language is precise. And it does not undertake to repeal the past or roll back the present. It looks to the future.

Mr. HART. Is the existing status quo inclusive of the action by air, ground, and ships, and are we saying now we should cut out the ground forces?

Mr. CHURCH. The Senator is aware of the intent. He is aware from the closed debate. In Laos and Thailand, it was never proposed in any amendment offered to roll back or change the existing situation.

We are striving to prevent Laos and Thailand from becoming new Vietnams. That is the purpose of the amendment.

And I think it is well drafted to serve that purpose.

Mr. HART. We could make it more explicit by eliminating the other features of American might.

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

Mr. CHURCH. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Idaho has 2 minutes remaining.

Mr. CHURCH. Mr. President, I would prefer not to yield the remainder of my time. Could the other side yield some time?

Mr. ELLENDER. Mr. President, I yield 2 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. GOODELL. Mr. President, would the Senator agree that his amendment grants no authority, that it in no way approves or disapproves of what is going on, but that it is simply directed toward making sure that in the future no ground combat troops will be introduced into Laos or Thailand?

Mr. CHURCH. Without the prior consent of Congress.

Mr. GOODELL. That is correct. That will not be done without the prior consent of Congress.

Mr. CHURCH. The Senator is correct. That is the intent.

Mr. GOODELL. That is vital. The implication has been raised that we are giving some kind of approval to the status quo of what is going on. This is a prohibition against the future occurrence of what is now going on. This grants no authority or approves nothing that is going on.

Mr. CHURCH. The Senator is correct. There is nothing in the text of the amendment itself, or the debate upon it, that could give any basis for such an interpretation. The Senator has correctly construed the amendment.

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

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

Mr. ELLENDER. Mr. President, I yield 2 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 2 minutes.

Mr. MUSKIE. Mr. President, is it the intent of the amendment to prohibit or, at least, to inhibit the introduction of any additional elements of American military strength in Laos beyond the present level of military support for our allies in Laos and Thailand?

Mr. CHURCH. The intent of the amendment conforms with the language used. And the language used, the operative language used, is as follows:

None of the funds appropriated by the Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand without the prior consent of Congress.

S16762

Mr. MUSKIE. Let me put this proposition. It seems to me that by being silent on the question of possible enlargement of our land activity in Laos or Thailand, the Senator's amendment may, in effect, approve that kind of enlargement of our activity in Laos or Thailand.

Mr. CHURCH. I think that the exchange between the Senator from New York and myself negates such an interpretation.

The legislative history is being written right here on the floor.

It would not be practical to attempt to legislate in a way that would unduly hamper the President in relation to the delicate problems he faces in Thailand and Laos.

We have only one objective of saying, at this time, that we do not intend any of the funds we vote in this bill to be used for the purpose of introducing American ground combat troops in Laos or Thailand.

There are many other things we might do, but they are not covered here.

Mr. MUSKIE. That indicates one reason why the distinguished majority leader prefers the ambiguity of his language rather than the language offered in the closed session.

Mr. CHURCH. No one was certain of what the other language meant.

If we are going to act, we should act with sufficient certitude that the Government and the people of the country know what we mean.

Mr. MUSKIE. We all respect, and I respect, the intention on that point. I do not challenge it.

I think this colloquy and the other colloquy has suggested the difficulty of reaching an absolute decision.

Mr. CHURCH. There is that difficulty in any action we take. We have tried to draft the language that expresses precisely the intent we have in mind.

I reserve the remainder of my time. Mr. FULBRIGHT. Mr. President, this evening, with great public fanfare, the President of the United States is scheduled to make a statement in which—according to all the reports I have seen—he will announce further withdrawal of troops from South Vietnam.

Similar widely publicized announcements have been made concerning earlier cutbacks in troop levels not only in South Vietnam but also in Thailand.

This administration's announced policy of a lessening direct military involvement in Asia has also been given a good deal of publicity.

It is against this chorus of administration public announcements of a policy in one direction that I voice my apprehension over continuing administration silence over policy in Laos where our military involvement appears to be growing rather than declining.

As in Vietnam, the Nixon administration inherited a Laotian policy. Unlike Vietnam, where some changes appear underway, the new administration seems to have accepted everything we have done and are doing in Laos.

It is important for us in the Congress, the present administration to be determined to continue the dangerous part of that policy of secrecy in which our

military activities are wrapped—instigated during the Kennedy administration and continued during the Johnson years.

Mr. President, at this late date, is it too much to ask that the administration come forward to the Senate, at least, and give to the majority of the Members here the details on our activities in Laos? The Defense Appropriations Act before us finances those activities. This money bill is the only opportunity the Senate will have to discuss and in any way affect these activities in Laos.

To my knowledge there is no treaty or joint resolution granting any President authority to send military air or ground forces into Laos. We have been told by the State Department there are no executive agreements or written commitments of any kind which have led to our involvement.

Why then are we there and what are we doing?

These questions are not unique to me. For almost 2 months—since the question of Laos was first raised in the Senate Foreign Relations Committee—I and other members of the committee have received a steady flow of letters from people asking the same question. Most of them are concerned because of what they read in the newspapers. But a few are worried because of their direct personal knowledge.

Last week, for example, I received the following from a young man in the Army:

I recently completed a course at Ft. Huachuca, Ariz., called [deleted]. This is a classified course dealing with a new method of electronic warfare to combat guerilla (sic) warfare.

During this course, I asked an instructor, Lt. [deleted], if there was a good chance we would get sent to Laos or Cambodia. He said there was.

Now, my question is this, "What is our relationship to Laos and Cambodia?" and "Are we allowed to have combat troops in either Laos or Cambodia?"

If the Army's action is illegal, I hope that you will expose to the American people the dangers of spreading the war in S. Vietnam to all of Indochina.

Or, take these words from an Air Force officer in Thailand:

In the last few months we have had dozens of Laotian Army battle casualties in our USAF hospital here. In the last few months, I have looked and listened; I have seen and heard much.

Although I do not have a top secret security clearance (and most of what goes on here requires that), any airman can count the numbers of jet fighter-bombers taking off fully loaded with ordinance. Anyone here can pass the runway and see dozens of unmarked aircraft parked at the Air America and Continental Airlines ramp. Any drunken pilot will tell of the fighting, bombing, and killing for which we, here at Udorn, are responsible. Not in Vietnam, not in an open war, but in Laos, 35 miles to the north.

There are many things which I have learned to accept here. The censorship of our radio and TV station; the application of arbitrary curfews; arbitrary rules and regulations, so that we may not badly impress this foreign country from which we wage war. These I can accept, though I think them regulations of unsteady minds.

What I have much difficulty accepting is a secret war in which non-military, CIA spon-

sored fighters lay the groundwork for U.S. military destruction.

I appeal to you and your fellow congressmen to stop the foolishness of the American involvement in Southeast Asia. Stop the secrecy, stop the fighting, stop the death.

In a few short months, my presence in Thailand has assured me of the wrongness of our position here. We will never win by supplying arms and soldiers. We will only win by destroying the corrupt governments that we now support and by getting our wealth into the mouths of the people instead of into the hands of dishonest leaders of indigent countries.

Or the following from a Navy man aboard a carrier off Vietnam:

It would be conservative to say that at least half or perhaps three-quarters of our sorties, expended ordinance and time for the past six months has been trained solely on Laos. Yet, current military and administration policy forbids the reporting of such activities. It seems evident that the attack aircraft carrier Navy is no longer a force used against North Vietnam but rather is engaged in a private but related war in another country.

The enormous amount of money expended in keeping these carriers operational plus its manpower consumption obligates the military to make public its mission. But of more importance is the long range effects of becoming more deeply committed in Southeast Asia and perhaps the loss of more American lives in the future. Thus, I encourage you to bring these activities before the public as soon as possible.

Or the following from an AID contract employee in Laos who freely discusses the mercenary Lao Army teams that call in U.S. Air Force bombing and concludes:

All of this, although it seems to be more or less common knowledge here, is denied by the Embassy. They have "no comment" on the bombing which is apparently "free" throughout the territory held by the Pathet Lao and North Vietnamese, directed at anything they can see, whether military or not. It appears that once again the U.S. is involved in something of which it has reason to be ashamed, which it does not want the world or its own people to know.

I do not like to see an agency of our government maintaining its own mercenary army in Laos, not subject to the public control intended by our Constitution.

I wish to help the people here, and I believe the U.S. should help them. But if we cannot find any way to help them that does not also require indiscriminate bombing of them and maintaining a mercenary army in their midst, then I do not believe we should be here.

Or the following from another AID contract employee who finished his tour and remained in Laos:

While military activity has de-escalated to some extent in South Vietnam over the last year, it has greatly intensified here in Laos. Restraints which were in force on both sides since 1964 have been lifted. The future presages continued escalation and increased American involvement. The recent investigation of your committee could not have been more timely, and I wish to contribute in any way possible to them.

There is another group of letter writers, women who have a different type of firsthand experience with Laos. They are wives and mothers whose loved ones have been killed or are missing in a war they never knew existed.

The following came from a woman

December 15, 1969

whose son was killed flying a combat mission over Laos:

On May 23, 1969 we buried an unopened casket in Arlington National Cemetery.

We have written repeatedly inquiring more detailed information. We would like to know who recovered our sons body, Americans or Laotians or whoever it was. We also understand that they were losing OIA pilots like flies in that particular area. We would like to know why they send OIA planes unarmed (like the one our son piloted to his death) in heavily entrenched enemy territory?

We have written to our congressman, but he has been unable to receive much information except that its classified information. There seems to be an awful lot of hush, hush about Laos and I would like to see it come out in the open.

Or take the dilemma of this woman whose husband was lost over Laos, is missing and perhaps captured:

Do you see how all of this secrecy jeopardises any chance of ever hearing about these men? They are no doubt rotting (if still alive) in some jungle stockade probably tended by Pathet Lao. Can you imagine what that is? It is enough to send men off to this questionable "commitment" in Vietnam, but for a military man to then end up missing in a country in which we do not admit to activities, loses him all his rights.

To whom can we turn to beg for information and mercy for these men missing in Laos? My husband has been (if still alive) captured for 3½ years. How much longer can he live? When will someone admit to the truth of the war in Laos? Can we send men to war and then disclaim responsibility for them once they are taken by the so-called enemy?

Mr. President, we are not an Asian kingdom. No President is a king or prime minister, entitled to make secret arrangements and send American men into war with the understanding their activities will not be publicly acknowledged.

Mr. President, the secrecy over our involvement in Laos has gone on too long. It had been my hope that the transcript of the Symington subcommittee's detailed hearings on Laos would have been released by now permitting the Senate and the public an opportunity to study and debate the issue.

The administration, however, has refused to declassify the necessary details and the subcommittee has, correctly I believe, refused to publish a document that it believes would be misleading.

Therefore, because I deeply believe that Members of this body should be aware—as I am—of what they are voting on when they approve the bill we have before us, I have sought to have the administration—through the managers of the bill—provide basic factual information on our activities in Laos.

I would hope that my colleagues would join me in requesting the administration to provide the information. An executive session can be called—if it is so desired—to permit the discussion of that material which the administration considers classified.

I believe the public has a right to know everything it can. But I more strongly believe the Senate and each of its Members has a personal responsibility to his constituents to learn the facts on this matter before he votes.

Mr. President, I ask unanimous consent to have printed at this point in the Record a copy of a letter I sent to the chairman of the Committee on Appropriations.

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

DECEMBER 12, 1969.

HON. RICHARD B. RUSSELL,
Chairman, Committee on Appropriations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: During the past few weeks some members of the Committee on Foreign Relations have examined in depth the nature of American military involvement in Southeast Asia with particular emphasis on Laos and Thailand. It had been our impression that American supported military activities there were directly related to the war in Vietnam and it was with deepening concern that we learned that the United States is becoming directly involved in escalating military activities in Laos.

Furthermore, what once might have been viewed as a small, secret intelligence-type operation has now become of such magnitude that I feel strongly that the Senate should be aware of its size and possible future costs in men and money.

Under these circumstances, I would appreciate it very much if, during Senate discussion of the Defense Appropriation Act, the managers of the bill would provide Members of the Senate who must act on the legislation with answers from the Administration to the questions which I have attached. If the only way this information can be made available to the Senate would be in an executive session, I would hope this could be arranged.

I am sending a copy of this letter and enclosure to Senator Milton Young as ranking minority member of the Defense Appropriations Subcommittee.

Sincerely yours,
J. W. FULBRIGHT,
Chairman.

AGREEMENTS WITH LAOS SECRET QUESTIONNAIRE

1. What treaties, agreements or declarations provide the basis for our defense commitment and military assistance to the Royal Laotian Government?

2. What commitment, written or implied, exists between the United States or its agencies and the present Royal Laotian Government or its Prime Minister, Souvanna Phouma?

3. What military assistance, including manpower, material and training, is the United States providing through this bill?

4. As of today, what is the total number of United States military personnel in Laos and describe the manner in which they operate.

5. Describe in detail activities over Laos of the United States Air Force, including both those activities, if any, based in Laos and those, if any, based in Thailand.

If pertinent, include:

a. What, if any, is the current monthly sortie rate over northern Laos for the United States Air Force aircraft?

b. How does that rate, if any, compared to a year ago and two years ago?

c. The contemplated sortie rate, if any, over northern Laos in the coming 12 months.

d. How these sortie rates, if any, compare to United States Air Force sorties directed toward the Ho Chi Minh trail.

6. What, if any, have been the total number of United States military personnel killed, wounded, and missing in northern Laos since 1962?

7. How does this total compare to personnel lost in operations solely against the Ho Chi Minh trail?

8. What is the amount of personnel, operating and maintenance and military assistance funds included in this bill for Laos and Laos-related activities?

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the Record an article entitled, "Rogers Admits Laos Arms Role."

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

ROGERS ADMITS LAOS ARMS ROLE (By Murrey Murder)

Secretary of State William P. Rogers indirectly conceded yesterday that for years the United States has financed, armed and trained a clandestine army of 38,000 guerrillas in Laos.

In the first acknowledgement ever made on the public record, Rogers treated the U.S. involvement in the semi-secret war in Laos as a matter of common knowledge. But Rogers avoided explicitly stating precisely what he was acknowledging, and said there are no plans to stop or change present operations in Laos.

"I had thought that the Congress was familiar with the developments in Laos," Rogers said. "Certainly they are familiar with them now . . . I thought Congress understood it."

"This is really quite extraordinary," said Sen. J. W. Fulbright (D-Ark.). Both were commenting after Rogers testified behind closed doors for three and a half hours before the Senate Foreign Relations Committee, which Fulbright heads.

"It is quite ordinary for a dictatorship," said Fulbright, "but to be conducting quite as large a war as this (in Laos) without authorization is quite unusual."

Fulbright said in an interview Tuesday that through the Central Intelligence Agency, the United States, under three administrations, has been supplying, arming, training and transporting the clandestine Laotian army of Meo tribesman headed by Gen. Vang Pao.

The cost to the United States for military assistance to Laos, Fulbright said, is between \$50 and \$160 million this year. Other sources said yesterday that about half this amount is used to finance the Meo guerrilla force, and the rest goes to other military needs in Laos. But uncounted in the \$160 million total this year, these sources said, are the costs of U.S. bombing support from Thailand for operations in Laos.

Rogers, when newsmen put Fulbright's specific statements to him, said:

"Well, the operations in Laos, as you know, were started in the time of President Kennedy" and continued through the Johnson and Nixon administrations. When he was asked if they will be halted now, Rogers responded, "No, I don't think there is going to be a change in policy, not now."

There are no U.S. "ground forces in Laos," Rogers reiterated, but there are still "45,000 North Vietnamese forces in Laos." It continues to be the United States' hope, he said, that an end to the war in Vietnam will solve the problems of Communist penetrations into Laos and Cambodia as well.

Newsmen asked Rogers for comment on Fulbright's charge Tuesday that the extent of the U.S. involvement in Laos may be unconstitutional. "I doubt very much if it is unconstitutional," replied Rogers.

"What about the public's right to know?" asked a reporter. Said Rogers, "Well, I think the public, if they have been reading the papers, know."

Fulbright, when told later that Rogers said he expects no change in U.S. policy in Laos, said: "I regret it, if that's what he said."

Hearings on Laos, which have been conducted in executive session by a subcommittee

tee headed by Sen. Stuart Symington (D-Mo.), show that the United States is "enormously over-committed" in Laos, Fulbright said, and "I don't think there is any authority for it."

Symington declined to make any direct comment at this time on his Laos inquiry, except to say, "I've never known him (Fulbright) to make a misstatement in this field."

In Rogers' testimony yesterday, Fulbright said, "There was no effort whatever to deny what was in the papers" about U.S. clandestine operations in Laos, and Fulbright's comments on them.

The Symington subcommittee now has finished taking testimony on Laos. The question is how much of a struggle there will be between the subcommittee and the Nixon administration over making the testimony public. A major witness in the inquiry, on Tuesday, was CIA Director Richard Helms.

There is disagreement about the degree to which Congress has been aware of the clandestine U.S. operations in Laos in support of anti-Communist forces there. Senate Democratic leader Mike Mansfield (Mont.), a specialist on Southeast Asia, was quoted yesterday as saying that "I've really found nothing new in the (Laos) hearings that I didn't know."

But Fulbright and other senators said they had no indication that covert U.S. activity in Laos was more than what Fulbright called "very minor, peripheral," apart from "the bombing of the Ho Chi-Minh trails." With the present administration's contention that it thought Congress "understood" what was going on in Laos, pressure is now likely to mount for official disclosure of the details of the CIA-run operation there.

Mr. ELLENDER. Mr. President, it will be recalled that before we went into executive session, I suggested that the amendment be taken to conference, and it seems that this amendment places the Senate in a very confusing position.

I note that this amendment is based on a contingency which is legislative. I make the point of order that this amendment is not in order, in that it is legislation on an appropriation bill.

The PRESIDING OFFICER (Mr. HUGHES in the chair). The Chair sustains the point of order.

Mr. CHURCH. 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. CHURCH. 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. CHURCH. Mr. President, it is the understanding of the Senator from Idaho that the inclusion of the phrase "without the prior consent of Congress" at the very end of the proposed amendment renders it legislative in character and therefore subject to the point of order.

The PRESIDING OFFICER. The Senator is correct.

Mr. CHURCH. I invite the attention of the Senate to the fact that the final phrase is not necessary, in any way, to carrying out the full intent of the Senate in regard to the real question before us. The defect in the amendment, as it is presently written, can be cured simply by striking this final phrase.

Mr. JAVITS. The Senator is correct about that, because this must be read with the commitments resolution, which does call for the way in which Congress may consent to such a situation.

Mr. CHURCH. That is correct. I appreciate the comment by the Senator from New York.

Therefore, I offer the amendment in new form, striking the words "without prior consent of Congress" from the text. So that the revised amendment would read:

Sec. 643. In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand.

I ask for the yeas and nays on the amendment, Mr. President.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho (Mr. CHURCH). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from West Virginia (Mr. RANDOLPH) is absent on official business.

I also announce that the Senator from Washington (Mr. JACKSON) is absent because of a death in his family.

I further announce that, if present and voting the Senator from West Virginia (Mr. RANDOLPH), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Washington (Mr. JACKSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Iowa (Mr. MILLER) is necessarily absent.

The Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Iowa (Mr. MILLER) would vote "yea."

The result was announced—yeas 73, nays 17, as follows:

[No. 233 Leg.]

YEAS—73

Allott	Dole	Javits
Baker	Dominick	Jordan, N.C.
Bayh	Eagleton	Jordan, Idaho
Bellmon	Fannin	Magnuson
Bennett	Fong	McClellan
Bible	Goldwater	McGovern
Boggs	Goodell	McIntyre
Brooke	Gravel	Metcalfe
Burdick	Griffin	Mondale
Byrd, Va.	Gurney	Montoya
Byrd, W. Va.	Hansen	Moss
Cannon	Harris	Murphy
Case	Hartke	Nelson
Church	Hatfield	Packwood
Cook	Holland	Pastore
Cotton	Hollings	Pearson
Cranston	Hruska	Pell
Curtis	Hughes	Percy
Dodd	Inouye	Prouty

Proxmire	Smith, Ill.
Ribicoff	Sparkman
Saxbe	Spong
Schweiker	Stevens
Scott	Talmadge
Smith, Maine	Thurmond

NAYS—17

Aiken	Core	McCarthy
Allen	Hart	McGee
Eastland	Kennedy	Muskie
Ellender	Long	Stennis
Ervin	Mansfield	Young, Ohio
Fulbright	Mathias	

NOT VOTING—10

Anderson	Mundt	Tydings
Cooper	Randolph	Williams, N.J.
Jackson	Russell	
Miller	Symington	

So Mr. CHURCH's amendment was agreed to.

Mr. CHURCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ALLOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the Cooper amendment, as amended.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ELLENDER. Mr. President, before we proceed with the vote on the amendment, I would like to announce that we shall try to complete action on the bill this evening. As far as I know there are only two more amendments. One of them is sponsored by the Senator from Missouri (Mr. EAGLETON), and deals with the main battle tank 70. The committee is willing to accept this amendment because of a letter received from the Deputy Secretary of Defense in respect to a cutback of \$20 million from the \$50 million recommended for this tank.

The next amendment will be offered by the Senator from Maine (Mrs. SMITH), and it deals with the ABM. Since there has been so much discussion on the ABM heretofore, I am very hopeful that we can get through with these two amendments this evening. I understand the distinguished Senator from Maine (Mrs. SMITH) has a speech which she will make.

I hope other Senators will not take too much time in discussing this matter inasmuch as we had this matter before us for 2 months.

Mr. ALLOTT. I have one short matter, not an amendment but a legislative clarification.

The PRESIDING OFFICER. The question is on agreeing to the Cooper-Mansfield amendment, as amended. On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

December 15, 1969

CONGRESSIONAL RECORD—SENATE

I further announce that the Senator from West Virginia (Mr. RANDOLPH) is absent on official business.

I also announced that the Senator from Washington (Mr. JACKSON) is absent because of a death in his family.

I further announce that, if present and voting, the Senator from West Virginia (Mr. RANDOLPH), the Senator from Alabama (Mr. SPARKMAN), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Washington (Mr. JACKSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Iowa (Mr. MILLER) is necessarily absent.

The Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Iowa (Mr. MILLER) and the Senator from Kentucky (Mr. COOPER) would each vote "yea."

The result was announced—yeas 80, nays 9, as follows:

(No. 284 Leg.)
YEAS—80

Alken	Gore	Mondale
Allott	Gravel	Montoya
Baker	Griffin	Moss
Bayh	Gurney	Murphy
Bennett	Hansen	Muskie
Bible	Harris	Nelson
Boggs	Hart	Packwood
Brookie	Hartke	Fastore
Burdick	Hatfield	Pearson
Byrd, Va.	Holland	Pell
Byrd, W. Va.	Hollings	Percy
Cannon	Hruska	Prouty
Case	Hughes	Proxmire
Church	Inouye	Ribicoff
Cook	Javits	Saxbe
Cotton	Jordan, N.C.	Schweiker
Cranston	Jordan, Idaho	Scott
Curtis	Kennedy	Smith, Maine
Dodd	Magnuson	Smith, Ill.
Dole	Mansfield	Spong
Dominick	Mathias	Stevens
Eagleton	McCarthy	Talmadge
Fannin	McClellan	Williams, Del.
Fong	McGee	Yarborough
Fulbright	McGovern	Young, N. Dak.
Goldwater	McIntyre	Young, Ohio
Goodell	Metcalf	

NAYS—0

Allen	Ellender	Stennis
Bellmon	Ervin	Thurmond
Eastland	Long	Tower

NOT VOTING—11

Anderson	Mundt	Symington
Cooper	Randolph	Tydings
Jackson	Russell	Williams, N.J.
Miller	Sparkman	

So the Cooper-Mansfield amendment, as amended, was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. EAGLETON. Mr. President, I call up my amendment, which I offer on behalf of myself and the Senator from Oregon (Mr. HATFIELD).

The PRESIDING OFFICER. The clerk will state the amendment.

The ASSISTANT LEGISLATIVE CLERK. It is proposed, on page 16, line 4, to strike out "\$4,264,400,000" and insert in lieu thereof "\$4,254,400,000".

THE MBT-70

Mr. EAGLETON. Mr. President, this year the Congress of the United States has begun to reassert its right, and indeed its duty, to scrutinize spending on

defense as carefully as it does other smaller, but no less important, programs. In this vein, I wish to commend, as I am sure the American taxpayer does, the Senate Appropriations Committee under its distinguished chairman, Senator RUSSELL, for cutting much of the fat from Department of Defense requests.

H.R. 15090 as reported by the Senate Appropriations Committee is \$3,407,544,000 less than the original budget request; \$5,945,544,000 less than the revised budget request, and \$627,392,000 under the amount allowed by the House.

Conflicting pressures and reasons converged this year to make these cuts, and even deeper ones, possible.

The overriding need to control rampant inflation—causing prices to rise at more than 5 percent per year—at times at 6.4 percent, the highest rate in 18 years—and interest rates to climb to 8.5 percent—driving many young Americans out of the housing market and many senior citizens to the brink of despair—certainly was an important factor in defense cuts.

The need to exercise prudence in governmental spending of all public moneys, especially the least economically productive type—military spending—has never been more clear.

Reasonable and responsible cuts, such as those recommended by the Appropriations Committee, will assist in curbing inflation—and should be hailed by every taxpayer.

And yet the need for increased spending in some domestic areas has never been more clear. Recognition of urgent domestic needs, so long untended, and domestic challenges so long unmet, make the redirection of Federal moneys all the more imperative.

The Commission on Violence recently argued that \$20 billion per year must be found to reconstruct American society if we are to avoid disaster. It cannot all be found in one year, but a start must be made now—and an important step toward that goal is the restoration of sanity to our search for security.

We, as legislators, need only to reread the all-too-familiar litany of pressing, recognized, and still unmet domestic needs to understand the urgency for action and the danger of continued inaction. And the citizen driving in polluted air on crowded, unsafe, often antiquated thoroughfares which run through the poverty-bound slums of our dilapidated cities to the fear-bound suburbs understands it, too.

The time to channel public moneys to meet the domestic challenges of the latter third of this century is now. And decreased defense spending is necessary if funds are to be forthcoming.

But perhaps the most important factor in 1969 was the discovery that the Department of Defense is pursuing research and development of new weapons systems as well as their procurement in a manner that can charitably be described as often haphazard and sloppy.

Taxpayers find themselves saddled with \$20 billion in cost overruns on 35 weapons systems currently under development—and they are angry. They

recognize that substituting the term "cost growth" for "cost overrun," as the Department of Defense apparently plans to do, is not enough. Waste is not a rose by any other name and no amount of "Pentagonese" can make it one.

Mr. President, I ask unanimous consent that the following article from the December 17, 1969, edition of the Federal Times be entered in the RECORD at this time along with a recent article entitled "Defense Deletes 'Cost Overrun,'" by Bernard D. Nossiter of the Washington Post.

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

[From the Federal Times, Dec. 17, 1969]

COST OVERRUNS OF \$20 BILLION SEEN FOR 35 CURRENT WEAPONS SYSTEMS

WASHINGTON.—A Defense Department report indicates taxpayers are to be saddled with about \$19.9 billion in cost overruns on 35 weapons systems currently under development.

The quarterly reports, which cover only major procurement projects, are the first to be received by the Senate Armed Services Committee. And, Sen. John Stennis, D-Miss., chairman, said he is not very happy with the way the reports are prepared.

Just before Stennis announced the massive overruns, Sen. William Proxmire, D-Wis., said a Government Accounting Office investigation revealed massive profit margins in smaller defense contracts.

Citing one example, Proxmire said GAO had found that an "Air Force procurement unit, the Oklahoma City Air Materiel Area (OCAMA), has been so lax in keeping track of prevailing prices in the market that a California contractor realized a 1,403 per cent profit on one small-item contract negotiated by OCAMA."

Stennis said programs covered in his reports are "estimated to cost a total of \$94 billion with additional programs to be added in future periods."

He said the largest overruns occurred in eight project areas.

\$1.379 billion in the Poseidon submarine-launched ballistic missile program.

\$4.011 billion in the F111 series aircraft program.

\$1.661 billion in the F15 aircraft program.

\$1.049 billion in the SRAM missile program.

\$2.586 billion in the Mark-48 torpedo program.

\$1.540 billion in the DXGN nuclear frigate program.

\$1.685 billion in the DD963 destroyer program.

\$1.591 billion for the C5A program, which does not include 81 planes dropped by the Air Force.

Stennis pointed out that the Navy's Mark-48 torpedo project experienced the greatest overrun. Its costs have grown 395 per cent over the initial estimate.

Prediction of cost growth over original estimates, Stennis said, is difficult. He said, "One factor is that both the original and current estimates are projections into the future which is a challenging and not very exact science."

Factors with which Pentagon cost experts must contend include inflationary factors, technological improvements to weapons systems, increase of the initial estimate cost baseline and program delays.

He did not arbitrarily excuse overruns, especially those "which are due in whole or in part to poor or inadequate management or fiscal control."