

**Foes to Continue Debate**

# Senate Softens Wording In Cambodia Amendment

By Spencer Rich

Washington Post Staff Writer

The Senate voted 82 to 11 yesterday to soften the preamble of the Cooper-Church amendment on Cambodia, but Republican opponents of the measure appeared ready to continue talking at length to delay a final vote.

Sen. Frank Church (D-Idaho), a sponsor of the anti-war amendment, said he feared the administration-opposed legislation might be facing a filibuster.

"I . . . believe that a solid majority in the Senate is now prepared to support the Cooper-Church amendment in its present form," said Church. "The question now is whether a vote on the merits will be permitted or blocked by filibuster."

The Cooper-Church amend-

ment denies funds for retention of U.S. troops in Cambodia after July 1, the date President Nixon has set as the deadline for withdrawal of U.S. forces. It also bars the use of U.S. instructors, advisers on air power for the purpose of aiding the Cambodian government, or U.S. financing of others to give such aid — unless congress first gives approval.

The language adopted yesterday softens the original preamble to avoid any overt implication of rebuke to President Nixon and to make clear that the ban on retention of troops will not take place before the President's July target date for withdrawal.

See DEBATE, A13, Col. 3

**DEBATE, From A1**

The language declares that the prohibitions stated in the amendment are "in concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1, 1970, and to expedite withdrawal of American forces from Cambodia."

Administration spokesmen, while praising the change of tone resulting from the preamble revision, said the amendment is still unacceptable to the President because it does not make clear that he is empowered to take any actions needed to protect American troops.

Minority Whip Robert P. Griffin (R-Mich.), who voted for the change in the preamble, called the revision "cosmetic perfecting amendment which makes the Cooper-Church amendment look a lit-

tle better" but does not change its substance.

Despite the language change, he said, the effect "nevertheless is to take a slap at the President of the U.S., undermine and undercut him at a crucial time in our history" by implying that Congress feels it must tie him to his pledge to get out of Cambodia by July 1.

Sen. Edward J. Gurney (R-Fla.) called the overall amendment "a rebuke to the President" that would "tell the world we have no confidence in his word, no trust in promises, no faith in honor or ability," and would "hogtie the President."

Majority Leader Mike Mansfield (D-Mont.), Church and John Sherman Cooper (R-Ky.) insisted the amendment did not repudiate the President. "Our amendment can better support the President," said Cooper. "All we're saying is don't go into Cambodia and

stay there" without Congressional assent." He said that regardless of charges of "tying the President's hands," the President always retained power to take emergency action to protect U.S. troops "wherever they are."

With about a dozen other amendments still to be called up, some Republican Senators indicated they will filibuster—perhaps until the President has had time to announce that all U.S. troops are out of Cambodia.

Former Under Secretary of State George W. Ball told the House Foreign Affairs Committee, meanwhile, that he saw little benefit and much danger from "our Cambodian adventure" because U.S. embroilment in Indochina was allowing Russia to threaten Israel and thus undermine U.S. interests in an area of the world far more important to it than Southeast Asia.

May 25, 1970

S 7721

anted the neutrality of Laos. In 1968 our warplanes were openly bombing Laos.

That we are waging war in Indochina is an act of national insanity. This most unpopular war in the history of our Republic has now become the longest war in time and the bloodiest in the total number of American soldiers killed, wounded, and maimed for life.

Mr. President, the Washington Post of May 24 carried a letter written by four young Army officers. These officers are all West Point graduates and decorated veterans of the Vietnam fighting.

Mr. President, these West Point graduates know from their combat experience the nature of this war in which we have become involved on a major scale in the muck and the slime of Southeast Asia; and theirs is a voice we would do well to heed.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD at this point as a part of my remarks.

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

#### WEST POINTERS IN DISSENT

With regard to your May 4, 1970 article pertaining to Lt. Louis Font, we also graduates of West Point, wholeheartedly support the stand taken by Lt. Font. Three of us have served in Vietnam; one of us was wounded. We have earned between us one Silver Star and four Bronze Stars. We have seen the ideals of the Republic which we have sworn to defend perverted beyond recognition in the systematic destruction of another people's country. We have seen the price in lives and treasure that has been paid by both Vietnamese and Americans, and we declare it a waste beyond redemption. In the pursuit of a series of myths (self-determination, outside aggression, Democracy vs. Communism, etc.) this nation has devastated a peasant Asian society—physically with our weapons, culturally with our attitudes—and in so doing we have divided and neglected our country with its own massive social problems yet unsolved. This intolerable situation cries out for correction; we are offered instead by our President a program designed to lower American casualties to a level which the electorate will accept—a tolerable level of death—while we inch toward disengagement, and Vietnamese continue to die in large numbers at our hands.

In the name of the America of our hopes we join Lt. Font in saying—No.

GORDON S. LIVINGSTON,

*Class of 1960.*

THOMAS R. SHECKELLS,

*Class of 1965.*

ROBERT BOWIE JOHNSON JR.,

*Class of 1965.*

JOHN T. THOMASSON,

*Class of 1965.*

WASHINGTON.

#### TRANSACTION OF ROUTINE BUSINESS

The ACTING PRESIDENT pro tempore. At this time the Senate will proceed to the transaction of routine morning business with a limitation of 3 minutes on statements.

#### MESSAGES FROM THE PRESIDENT— APPROVAL OF BILL AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated

to the Senate by Mr. Leonard, one of his secretaries, and he announced that the President had approved and signed the following act and joint resolution:

On May 21, 1970:

S.J. Res. 199. Joint resolution to further amend the Elementary and Secondary Education Act.

On May 22, 1970:

S. 1458. An act to prohibit the business of debt adjusting in the District of Columbia except as an incident to the lawful practice of law or as an activity engaged in by a non-profit corporation or association.

#### EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. ALLEN) laid before the Senate a message from the President of the United States submitting the nomination of Preston Martin, of California, to be a member of the Federal Home Loan Bank Board, which was referred to the Committee on Banking and Currency.

#### 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 a bill (H.R. 15424) to amend the Merchant Marine Act, 1936, in which it requested the concurrence of the Senate.

#### ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 3920. An act for the relief of Beverly Medlock and Ruth Lee Medlock;

H.R. 5419. An act to provide relief for Comdr. Edwin J. Sabec, U.S. Navy;

H.R. 8402. An act for the relief of the Sanborn Lumber Co., Inc.;

H.R. 8694. An act for the relief of Capt. John T. Lawlor (retired); and

H.R. 9910. An act for the relief of Hannibal B. Taylor.

#### HOUSE BILL REFERRED

The bill (H.R. 15424) to amend the Merchant Marine Act, 1936, was read twice by its title and referred to the Committee on Commerce.

#### COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

#### PROPOSED SUPPLEMENTAL APPROPRIATION (S. Doc. No. 83)

A communication from the President of the United States, transmitting a proposed supplemental appropriation for the fiscal year 1970 in the amount of \$150,000,000 in budget authority to provide immediate assistance to school districts which must desegregate by the fall of 1970, which with an accompanying paper was referred to the Committee on Appropriations, and ordered to be printed.

#### REPORT ON THE ADEQUACY OF PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

A letter from the Assistant Secretary of Defense, Manpower, and Reserve Affairs, transmitting, pursuant to law, a report on the adequacy of pay and allowances of the

uniformed services (with an accompanying report); to the Committee on Armed Services.

#### PROPOSED 2-YEAR EXTENSION OF AUTHORITY OF FEDERAL RESERVE BANKS TO PURCHASE U.S. OBLIGATIONS DIRECTLY FROM THE TREASURY

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury (with accompanying papers); to the Committee on Banking and Currency.

#### REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the opportunities for savings through the elimination of nonessential stock items. General Services Administration, dated May 22, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Attorney General of the United States, transmitting, pursuant to law, a report on unrecovered costs in providing address correction service to postal patrons, Post Office Department, dated May 22, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on an inappropriate source of power used as a basis for allocating costs of water resources projects, Corps of Engineers (Civil Functions), Department of the Army, Department of the Interior, Water Resources Council, dated May 25, 1970 (with an accompanying report); to the Committee on Government Operations.

#### REPORT OF THE DIRECTORS OF FEDERAL PRISON INDUSTRIES, INC.

A letter from the Commissioner, Federal Prison Industries, Inc., U.S. Department of Justice, transmitting, pursuant to law, a report of the Federal Prison Industries, Inc., for the fiscal year 1969 (with an accompanying report); to the Committee on the Judiciary.

#### REPORT OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report of his department for fiscal year 1969 (with an accompanying report); to the Committee on Labor and Public Welfare.

#### PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

A resolution adopted by the Military Order of the World Wars, New Orleans, La., expressing its unqualified support for the ROTC program; to the Committee on Armed Services.

A resolution adopted by the Military Order of the World Wars, New Orleans, La., expressing its complete and unqualified support of the Vietnam policy of the administration of the President of the United States; to the Committee on Foreign Relations.

#### REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. PELL, from the Committee on Labor and Public Welfare, without amendment:

S. 2293. A bill to amend the National Sea Grant College and Program Act of 1966 in order to extend the authorizations for the

May 25, 1970

purposes of such Act (Rept. No. 91-894); referred to the Committee on Commerce, pursuant to unanimous-consent agreement of May 29, 1969.

### EXECUTIVE REPORTS OF COMMITTEES

As in executive session,  
The following favorable reports were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without reservation:

Executive A, 91st Congress, second session, Agreement between the Government of the United States of America and the Government of Canada, relating to the operation of radiotelephone stations (Ex. Rept. 91-19); and

Executive C, 91st Congress, second session, Treaty on Extradition between the United States and New Zealand, signed at Washington on January 12, 1970 (Ex. Rept. 91-20).

### BILL AND JOINT RESOLUTION INTRODUCED

A bill and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HARRIS:

S. 3878. A bill to establish a National Economic Equity Board to protect the public interest in price stability and the control of inflation; to the Committee on Banking and Currency.

(The remarks to Mr. HARRIS when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. PELL (for himself and Mr. JAVITS):

S. J. Res. 204. Joint resolution relating to withdrawal of U.S. military forces from Southeast Asia; to the Committee on Foreign Relations.

(The remarks of Mr. PELL when he introduced the joint resolution appear later in the Record under the appropriate heading.)

### SENATE JOINT RESOLUTION 204— INTRODUCTION OF A JOINT RESOLUTION RELATING TO WITHDRAWAL OF U.S. MILITARY FORCES FROM SOUTHEAST ASIA

Mr. PELL. Mr. President, on behalf of the senior Senator from New York and myself, I introduce a joint resolution and ask that it be appropriately referred and that the text of the joint resolution be printed in the Record at this point.

The Presiding Officer (Mr. DOLE). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the Record.

The joint resolution (S. J. Res. 204) relating to withdrawal of U. S. military forces from Southeast Asia, introduced by Mr. PELL (for himself and Mr. JAVITS), was received, read twice by its title, referred to the Committee on Foreign Relations and ordered to be printed in the Record, as follows:

S. J. Res. 204

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That it is the sense of the Congress that combat forces of the United States should be withdrawn from Southeast Asia by December 31, 1970; that remaining United States forces be withdrawn as soon as possible thereafter, and that dur-

ing the period of withdrawal, steps should be taken to provide asylum for those in South Vietnam whose lives could be endangered by such action; and,

*Resolved further,* That, notwithstanding any other provision of law, no funds appropriated by the Congress shall be expended for offensive operations by United States forces in South Vietnam after December 31, 1970, provided, however, that funds may be expended for the secure and orderly withdrawal of all United States military personnel.

Mr. PELL. Mr. President, I think there is no question but that there is a deep conviction on the part of the vast majority of Americans, including the President of the United States and most of the Congress, that the United States should cease engaging in military operations in Southeast Asia.

The big questions are when and how? My own view is that the answer to the question "when" is as "soon as possible." And, the answer to the question of how is simply to start doing it.

Again, there are many of us who share this view. The problem is to find the right array of words that will carry this view simply, succinctly and effectively to the President and to the Nation.

I recognize also there are two crucial considerations to be taken into account in connection with our military withdrawal from Indochina. The first question is the protection of the lives of our own men to make sure they are not stabbed in the back as we draw down our forces. This security is provided for in our resolution in the phase that funds may continue to be "expended for the secure and orderly withdrawal" of our personnel.

The second requirement is to make sure that there are no blood baths or slaughter of those South Vietnamese who sided with us over the past years, regardless of whether their reason for siding with us was that of cupidity or patriotism or both. This objective would be met by the requirement that "during the period of withdrawal, steps should be taken to provide asylum for those South Vietnamese whose lives could be endangered."

For these reasons I hope that my colleagues will give thought to this resolution. It meets the objectives of those of us who want to get out of Southeast Asia, at the same time assuring that our own men's lives are not endangered and that a South Vietnamese blood bath is avoided.

### ADDITIONAL COSPONSORS OF A BILL

S. 3842

Mr. KENNEDY. Mr. President, on behalf of the distinguished Senator from Wyoming (Mr. MCGEE), I ask unanimous consent that at the next printing, the names of the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Delaware (Mr. BOGGS) be added as cosponsors of S. 3842, to improve and modernize the postal service and to establish the U. S. postal service.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, it is so ordered.

### ADDITIONAL COSPONSOR OF A JOINT RESOLUTION

SENATE JOINT RESOLUTION 187

Mr. HRUSKA. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New York (Mr. GOODELL) be added as a cosponsor of Senate Joint Resolution 187, to authorize the President to designate the third Sunday in June of each year as Father's Day.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, it is so ordered.

### OFFICE OF EDUCATION APPROPRIATIONS 1971—AMENDMENT

AMENDMENT NO. 654

Mr. NELSON (for himself, Mr. KENNEDY, Mr. GOODELL, and Mr. HART) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 16916) making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 656

Mr. CASE (for himself, Mr. COOPER, Mr. MONDALE, and Mr. CRANSTON) submitted amendments, intended to be proposed by them, jointly, to House bill 16916, supra, which were ordered to lie on the table and to be printed.

### AUTHORIZATION OF APPROPRIATION DURING FISCAL YEAR 1971 FOR PROCUREMENT OF AIRCRAFT, MISSILES, NAVAL VESSELS, AND TRACKED COMBAT VEHICLES—AMENDMENT

AMENDMENT NO. 655

Mr. NELSON. Mr. President, in the muddy fire bases and in the thick, steamy jungles where the ugly warfare of body counts and kill ratio is being fought in Vietnam and Cambodia, the prospects of an end to the fighting tomorrow or even next summer have a cynical, unreal ring.

To the young soldiers and marines who spill out of helicopters with thumping rotors kicking up dust and debris, ready to lift quickly in case of attack, war is present and endless.

By ever-increasing numbers, the young men who make up the units that seek out and destroy the suspected sanctuaries of the elusive Vietcong guerrillas are not the volunteer soldiers of 5 years ago, but the draftee, who in most cases would have finished his schooling or started a family and a career had he not been drafted.

And he goes to fight with a good chance of not returning from a confusing, unpopular war that no rational man wants to see continue and that nearly every American leader in and out of Government says must come to an end.

He is fighting and sacrificing his life in a war Congress did not declare. In a war that grew to full scale as the country first sent economic and military assistance to the shaky government of South Vietnamese President Diem after the French colonial rule ended in 1954,

compensate for a progressive breakdown in our law enforcement structure and especially our over-burdened courts. Yet, the proposed solution would impose heavy additional administrative burdens on the already heavily backlogged courts.

The required full adversary hearing and the need to make informed decisions on predictability would, in many instances, take as much time as would actual trial of the principal case. The judicial and prosecutorial manpower required by this legislation has not been estimated, but it is no doubt great. Court congestion would get worse. Delays in criminal trials, now running almost a year, would increase.

Under the terms of S. 2600, those detained would presumably be released after 60 days. While the Department would have us believe that its bill authorizes preventive detention only for the first 60 days following arrest, it is by no means clear that this will be so in practice. This bill, it is true, authorizes preventive detention only for 60 days. However, if trial is not held at the end of that time, the defendant will not necessarily be released. At this point he will be returned for a new bail hearing under the modified procedures of the bill. While theoretically the detained defendant may be released at this point, as a practical matter it is doubtful how often, if at all, this will actually be the case.

It is hard to believe that any judge will release a man whom he has previously found to be so dangerous as to require preventive detention. The bill allows the judge to set bail conditions based upon suspected "danger to the community"—the same standard employed in the preventive detention hearing. While money bail may not be imposed on the grounds of "danger," it still may be imposed with respect to "flight," as is now the law. There may be a theoretical difference between imposing high money bail to deter "flight" but not for "danger." There is no difference in practice. Even now, under the Bail Reform Act, money bail is set on more than half the defendants charged with felonies. More than 30% of felony defendants are not released. Spokesmen for the Department's bill have argued that preventive detention now exists *sub. rosa* because judges impose high bail to deter dangerous offenders in the guise of deterring flight. It is disingenuous to argue that a formal system of 60-day preventive detention should be instituted to end this "extra-legal" form of preventive detention when the same bill would retain and actually encourage "extra-legal preventive detention" after the initial 60-day formal detention.

We can expect that money bail will be imposed after the 60-day period is up, and that it and other conditions will be set so as to assure, as a practical matter, the continuing imprisonment of the preventive detention defendant for however long it takes for him to come to trial. The Department's bill must be evaluated not on the basis of a "little bit" of imprisonment without trial, but as gullt by arrest, with an indeterminate sentence of up to two years.

As with any legislation affecting the freedom and livelihood of the individual, we should examine the impact of that law upon the individual with the utmost care. It is obvious that 60 days minimum preventive detention will cost the detained individual his job. Loss of employment plus physical absence from his home will unquestionably have a detrimental effect upon his family. The taxpayers will probably be required to contribute to the financial support of his family and will certainly pay the costs of his detention. It is interesting to note that testimony during bail reform hearings a few years ago estimated that the public cost of pretrial detention before the Bail Reform Act was \$2 million.

Probably the most serious blows to be dealt the individual will stem from his subjection to the physical and psychological deprivations and degradations of prison life. It is true that S. 2600 does provide that an individual preventively detained under the bill will be confined separately, if "practicable." That provision, however, constitutes another example of the meaningless "rights" the bill offers those subjected to preventive detention.

Approximately 40% of all Federal criminal cases in the country are tried in the District of Columbia. Criminal suspects in the District of Columbia will bear the brunt of the preventive detention law. Consequently, we ought to ask where individuals selected by prophetic judges for preventive detention in the District will be incarcerated pending trial.

The combined District of Columbia detention facilities have a capacity of 3,053 inmates but on May 15, 1970, housed 3,275. Out of that total 1,408 persons, more than 40% were in jail awaiting trial at that time. Of these, 934 had been awaiting trial 30 days or more. Nearly half, 675, or 48%, had been incarcerated without trial for more than 60 days. Over 10%, 149, had been imprisoned for more than one year with no trial. Incredibly, 20 had been there more than two years and 4 for more than three years.

The D.C. Corrections Department already wrestles each day with the problems of assault, narcotics, and homosexual rape, as well as general turmoil and unrest, all of which result primarily from overcrowding and inadequate supervision. The jails of this city are already a national disgrace. Yet the advocates of preventive detention would inject untold additional individuals, many of them innocent, into our problem-ridden, over-crowded prison system. The probability that separate confinement facilities will be available for detainees under S. 2600 is simply non-existent.

A period of sixty days or more of preventive detention in such a system is not likely to improve an individual's reputation. It will make securing employment difficult. It will, in all probability, increase rather than reduce any existing criminal tendencies. And it will sharply detract from the defendant's ability to secure a fair trial, or a probationary or suspended sentence in the event of conviction.

Although I have not exhausted either the constitutional ramifications of S. 2600 or the implications of instituting preventive detention as the policy of our government in the realm of criminal justice, I hope that at the very least the need for great care in examination of pending preventive detention legislation is clear. On the basis of our hearings last year and my study of proposed preventive detention legislation, I stand firmly convinced that the legislation is unconstitutional on its face and would initiate a disastrous policy in criminal justice. Preventive detention will not solve the problem at hand but will instead merely relax the mounting public pressure for a real and lasting solution to our crime problem.

Perhaps most damaging of all to the proponents of preventive detention is the fact that there are no compelling factual data to support the claims of necessity for such drastic legislation. The almost total lack of any reliable statistics on bail recidivism has been a major and long-standing impediment to resumption of these hearings today. For that reason I anxiously awaited completion of the Justice Department statistical study. Once that study was finally released last month, it became clear that the facts in the study completely disprove the theories on which the preventive detention bill has been based.

S. 2600 is based upon a series of untested assumptions about the amount and nature of pretrial crime, and the ability of judges

and prosecutors to predict those defendants who are predisposed to crime while on pre-trial release. The bill defines certain special classes of offenses, and certain special types of defendants who will be subjected to pre-trial detention proceedings. It utilizes a theory of predicting dangerous behavior based on certain facts about the individual and his background. It presumes a knowledge of the frequency of crime, and of the kind of information about defendants available to the police, the prosecutors, and the judge. It makes other assumptions about the capacity of the courts to handle additional works, and of the jails to accommodate additional defendants.

#### AMOUNT OF PRETRIAL CRIME

One of the primary assumptions which is disproved by the study is that the rate of pretrial dangerous and violent crime is very high and thus justifies preventive detention. I think it will be useful to view that assumption in light of the low rearrest rate shown in the study.

The study's most valuable information about crime on bail may be its overall statistics. The National Bureau of Standards traced the subsequent arrest records of the 712 defendants falling in three categories; those arrested for all felonies, those arrested for so-called "dangerous" crimes, and those arrested for "violent" felonies. The latter two categories are artificial ones used by the Department of Justice in the preventive detention bill. They are catchall phrases for defined groups of crimes listed in the bill. Although the bill is not perfectly clear, I assume the definitions apply only to felonies, and do not include misdemeanor versions of these offenses.

Briefly, the "dangerous" category consists of robbery with use of force, burglary, rape, arson of property used for dwelling or business, and sale of drugs. "Violent" crimes consist of all types of robbery, burglary, rape, all types of arson and drug crimes—in other words, an expanded definition of the dangerous category—plus homicide, kidnapping, and assault with a dangerous weapon.

It should be noted that many of the offenses in these categories are capital, and under the law as it has existed from the founding of the country until now, and as preserved by the Bail Reform Act, defendants in capital cases have no right to bail and may be detained pending trial. Special preventive detention is not needed for such cases. The inclusion of these categories of cases, however, tends to overstate the problem of crime on bail when one looks at the study results to gauge the need for preventive detention. As appears often in the analysis of the Bureau, the study has erred on the side of overstating, rather than understating, the data in favor of preventive detention.

Looking first to all felony arrests, the study shows that the overall rearrest figure was 17%. That is, one in six persons arrested for a felony was rearrested for either a felony or a misdemeanor while on bail. As low as this figure is, however, it is by no means the most pertinent fact for the purposes of estimating the seriousness of crime on bail or the effect the preventive detention bill will have on such crime. When one looks at this 17% figure more closely, it turns out that only 7% can be attributed to a second felony arrest. The balance, more than half of the rearrests, represents misdemeanors or is unknown. Thus, when considering serious offenses, using the felony-misdemeanor distinction, only one in 14 persons arrested for a felony and released on bail is rearrested for a subsequent felony.

The Department of Justice preventive detention bill does not, however, propose to subject all persons arrested for felonies to preventive detention. The bill is directed to the smaller arbitrary categories of dangerous



and violent crimes as defined by the Department. When the Bureau analyzed the data according to the Department of Justice categories, it found equally interesting results.

In the violent crime category, the rearrest rate overall is 17%, or one in six. However, even this low recidivist rate overstates the case for the Department's preventive detention. Two-thirds of these rearrests are for nonviolent crimes, presumably misdemeanors and all felonies other than the defined violent kind. The percentage of persons arrested for violent crimes and released who are later arrested for subsequent violent offenses is only 5%, or only 5 persons in the group of 106 released on bail. In other words, for every 100 persons arrested for a violent crime and subjected to the jeopardy of imprisonment without trial, only five can be expected to be risks warranting detention.

A similar result is disclosed when the other major category, dangerous crimes, is examined. Here the overall rate for rearrests is somewhat higher, 25%. But by far the greater number of these subsequent arrests are for non-dangerous crimes. For dangerous crimes, the rearrest rate is again 5%, or 4 of the 68 total released on bail.

It cannot be stressed too often that the figures in this study which are relevant to preventive detention must be those which conform to the assumptions and procedures underlying the actual bill before Congress. Even if there were shown a very high rearrest rate for all persons arrested, no matter what the charge, this would not be especially relevant to the evaluation of a bill which did not presume to authorize preventive detention for all these persons. The Department bill does not presume to authorize preventive detention for all persons arrested, whether on traffic offenses, misdemeanors, felonies or what have you. The bill assumes that persons committing certain kinds of serious crimes have a high probability of committing subsequent crimes of similar kind and seriousness.

For these purposes, the 17% overall rearrest rate for felonies, even if considered high, is not pertinent. Nor indeed, is the 7% felony rearrest rate pertinent, low as it is. The Department does not presume to detain all felony arrestees.

By the same token, the overall rearrest rates for violent crimes—17%—and for dangerous crimes—25%—is not pertinent. The Department does not justify its deprivation of liberty on the grounds that we must protect society against subsequent misdemeanors, or even subsequent felonies, whatever their type. The Department's justification for preventive detention is limited to preventing persons arrested for dangerous and violent crimes from committing additional alleged offenses of equal seriousness. Thus, the bill must be evaluated on the basis of the frequency of repeat crimes in these categories. As the study shows, the rate is five percent—five out of every 100. To pass the Department's bill means that 100 people stand the risk of deprivation of liberty in order to protect society against the five in their midst. It means that due process, fair trial, and pretrial liberty may be sacrificed for 95 in order to get the five. Viewed from the perspective of the Department's bill, and adopting all its procedures and policy as true, it still turns out that the Department is prepared to accept 19 wrong decisions in order to get the one.

Thus, the assumption that persons arrested for dangerous or violent crimes have a high propensity to be arrested for subsequent offenses of a serious nature, turns out to be wrong. The rate is very low, too low to justify preventive detention.

#### OTHER UNPROVED ASSUMPTIONS ABOUT PREVENTIVE DETENTION

A second assumption is that when persons who are arrested for serious felonies are rearrested, it will be for an equally serious charge. This, too, is not substantiated by the study.

A third assumption is that judges can accurately predict those who will be dangerous if released. This turns out to be unsupported by the study's findings.

The Department's bill is also predicated on assumptions (1) that the most critical period in which recidivism must be controlled is the first 60-day period following initial release, and (2) that speedy trials within 60 days of arrest can be conducted for persons detained.

The study confirms what most have assumed about the frequency of arrests of persons released on bail. The longer the delay between arrest and trial the greater the crime. Frequency of crime is higher when trial is delayed more than four or five months.

The critical period when rearrests occur is definitely not in the first 60 days following arrest, which is what the Department's bill presumes. Rather, the need, if indeed one exists, is to prevent recidivism in the period beyond two months, and particularly beyond four months from release. If trials could be held even within a four-month period from arrest and release, crime on bail could be substantially reduced.

The study explodes another myth propounded in favor of preventive detention—the myth that robbery and burglary offenders tend to repeat these same crimes if released on bail. In fact, of 80 persons arrested on felony robbery and burglary charges, only 2 were rearrested for repeat robbery and burglary felonies. This figure is so low as to show there is no probable relationship at all in this class of defendants.

The preventive detention proposal assumes that there is enough basis in an arrest for a serious offense to justify subjecting the defendant to the risk of imprisonment at the initial bail stage. Yet the study shows that half of the serious charges made ultimately will not be substantiated when trial is finally held.

Of very 200 people arrested for a dangerous or violent offense and released on bail, about 10 will later be rearrested for a second dangerous or violent crime. But only two or three of these 200 will eventually be convicted of two successive dangerous or violent crimes. And it should always be remembered that the judge has no reliable means of selecting those two or three from the 200 who will appear before him in jeopardy of preventive detention. Thus, another and very critical assumption—that arrest is the equivalent of guilt and so justifies preventive detention—is not proved by the facts.

Each assumption is rebutted by the Justice Department report. Preventive detention is more than unconstitutional. It is based on unsupported theories of criminal behavior. It presumes a need for preventive detention which has not been shown to exist. It claims an effectiveness for reducing crime which is asserted but unproved. It promises to make extremely difficult the achievement of those reforms which can help to improve criminal justice. I have dealt with these statistical matters in greater detail in a separate statement and will include a copy in the hearing record.

If the Justice Department statistical study undermines, as I believe it does, the funda-

mental premises on which preventive detention is based, then we surely must look elsewhere for answers to the problem of crime on bail.

#### ALTERNATIVES TO PREVENTIVE DETENTION

In my judgment, the real solution to the immediate problem of crime committed by persons on bail and, indeed, the solution to the general problem of crime, lies not in the preventive detention of individuals presumed innocent but in the speedy trial of the accused and the swift and sure punishment of the guilty. To attain that objective we must bring major improvements, long overdue, into our system of criminal justice. We must have more judges with adequate staffs and facilities, more prosecutors with sufficient supporting personnel, a more efficient system of defense for suspects financially unable to obtain counsel, and a more enlightened approach to penal reform.

The House and the Senate are both considering a variety of legislative proposals designed to achieve those ends. We must proceed with dispatch to enact carefully thought-through legislation in each of the areas affecting our criminal justice system. While working toward such long range reform, we can, I am convinced, meet our immediate problem by greater effort on the part of our judges and prosecutors to bring about speedy trials, by the advancement of cases involving defendants believed dangerous, and by wider use of the procedures established in the Bail Reform Act of 1966 and the D.C. Bail Agency Act to supervise and control the conduct of defendants on bail.

Given the choice between a course of action fraught with constitutional perils and others clearly constitutional and necessary to a just and efficient judicial system, I hope we will choose the latter. We should flatly reject this facile and desperate detention device which repudiates our traditional concepts of liberty and pursue instead the goal of speedy trial of criminal suspects. That objective does not depend upon constitutional affront but rather plainly preserves and enhances the rights of us all under the Constitution.

The constitutional issues, the statistical study, the practical difficulties, the policy problems and viable alternatives to preventive detention must receive deliberate and careful consideration. It is our intention in these hearings to consider all these matters in a just manner and to see the issues fully aired by Senators, Congressmen, judges, prosecutors, defense attorneys, law professors, bar association representatives and other knowledgeable individuals we have invited to our hearings.

*Cambridge*

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

#### AMENDMENT OF THE FOREIGN MILITARY SALES ACT

Mr. KENNEDY. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

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

The LEGISLATIVE CLERK. A bill (H.R. 15628) to amend the Foreign Military Sales Act.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts?

There being no objection, the Senate resumed the consideration of the bill.

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

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

The bill clerk proceeded to call the roll.

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

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

TIME OF CONVENING TOMORROW

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. MANSFIELD. What time does the session tomorrow begin?

The ACTING PRESIDENT pro tempore. At 10 o'clock, as previously ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the Chaplain's prayer tomorrow, the time be equally divided between the majority and minority leaders, or Senators they may designate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. GRIFFIN. Mr. President, I can say that I have discussed this matter with the minority leader, and this arrangement is acceptable to him.

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

Mr. MANSFIELD. In other words, Mr. President, after the prayer has been delivered by the Chaplain, we will be on controlled time until the hour of 2 o'clock, at which time the vote on the Cooper-Church amendment will occur.

The ACTING PRESIDENT pro tempore. There will be no controlled time until the next legislative day, then?

Mr. MANSFIELD. That is correct.

The unanimous-consent agreement was subsequently reduced to writing, as follows:

Ordered, That the Senate proceed to vote at 2 o'clock p.m. on Tuesday, May 26, 1970, on the pending amendment (No. 653) by Senators Cooper, Church, Mansfield and Aiken, with the time on Tuesday prior to the vote being equally divided and controlled by the Majority and Minority Leaders, or whomever they designate.

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

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

The bill clerk proceeded to call the roll.

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

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

NEEDED: AN ACT OF CONGRESS

Mr. CHURCH. Mr. President, the hard facts about the Indochina war continue to come from Saigon rather than from Washington.

The President has pledged to pull back American forces from Cambodia by June 30. However, the United States finds itself already compromised by South Vietnam's announced intention to remain in Cambodia. President Thieu, Vice President Ky, and other Saigon generals have bluntly indicated that South Vietnam's Army is going to keep operating in Cambodia beyond President Nixon's deadline "as long as necessary."

Over the weekend, for instance, Saigon committed 7,000 more men to the Cambodian operation, setting the total ARVN force in Cambodia at 47,000, including elements from eight of South Vietnam's 12 regular infantry divisions. This new thrust, thus, underscores South Vietnam's determination to stay on, and gives new urgency to the need for Congress to provide legislative backstopping for the President to better enable him to bring our forces out of Cambodia on time.

As the New York Times concluded in their lead editorial of May 24:

The Senate can help to restrain Saigon's reckless ambition by enacting the Cooper-Church amendment which prohibits, among other things, "paying the compensation or allowances of, or otherwise supporting directly or indirectly, any person in Cambodia who . . . engages in any combat activity in support of Cambodian forces."

Last Wednesday, Vice President Ky said that South Vietnamese forces "are strong enough to conduct separate operations in Vietnamese territory as well as in Cambodia." He then said scornfully that it is "a silly argument of silly people" to believe that the South Vietnamese will leave Cambodia when the Americans do.

That is harsh language to be used in rebuttal to an argument that had been made by the President of the United States in his press conference on May 8th.

The New York Times contends:

Saigon's announced determination to keep South Vietnamese troops in Cambodia indefinitely, which has now been publicly sanctioned by Defense Secretary Laird, is a direct challenge to the Administration's own professed efforts and those of Congress to reestablish limits to the Southeast Asian conflict.

Daniel Sutherland, of the Christian Science Monitor, quotes a European diplomat in Saigon as saying:

The ARVN may end up being your Frankenstein's monster.

The diplomat went on—

It may drag you, kicking and screaming, deeper into Cambodia than you ever intended to go.

Mr. President, there is gathering evidence that this may become the greatest danger in the decision that President Nixon made to move Americans across the South Vietnam border into Cambodia.

I have just seen on the UPI ticker a morning story out of Phnom Penh, which reads as follows:

PHNOM PENH, Cambodia.—Foreign minister Yem Sambaur said today he will ask

President Nixon to keep American troops in Cambodia along with South Vietnamese soldiers "until the end of the war."

His remarks in an airport news conference before leaving for Saigon for the first visit there by a high Cambodian official since Prince Norodom Sihanouk was deposed March 18.

President Nixon has said he will have American ground forces out of Cambodia by June 30, with the South Vietnamese leadership pledging to keep its men there until the Viet Cong and North Vietnamese are beaten.

"I am going to ask President Nixon to keep the Americans in Cambodia until the end of the war," Yem Sambaur said. The request apparently has not yet been made.

As for the South Vietnamese, he said, they can stay "as long as the war lasts. Then we will ask them to leave."

The purpose of his trip to Saigon was to discuss the reestablishment of diplomatic relations between the two nations and to protest what was described only as "misbehavior" by South Vietnamese troops in Cambodia.

Yem Sambaur told newsmen in Saigon after his arrival that his visit would "inaugurate a new era of fertile cooperation for the future of our two countries."

Yem Sambaur's departure from Phnom Penh for Saigon coincided with that of the last remaining Viet Cong, North Vietnamese, North Korean and Communist Chinese diplomats in Cambodia. They flew to Peking.

Mr. President, that wire service story is the latest indication of the mounting pressure on our Government to keep American forces in Cambodia. First, the pressure came from Saigon in a series of statements last week from high-ranking officials of the Thieu-Ky regime. Now, on Monday morning of this week, it has begun to come directly out of Cambodia from the foreign minister of the new Lon Nol regime, Yem Sambaur.

Amidst this background to the Cambodian operation, Tom Wicker of the New York Times asked the penetrating question, "Who is saving whom from what?" American taxpayers know by now that the ARVN cannot fight effectively in either Cambodia or in their own country without American supplies of every kind. This includes American personnel.

Mr. Wicker correctly points out:

This is precisely the nightmare that motivates the sponsors of the Cooper-Church amendment to the military sales bill: the amendment, which the Administration is strongly opposing, would prohibit spending appropriated funds to keep American forces in Cambodia, to pay for the operations of advisers or mercenaries from other countries in Cambodia, or to conduct "any combat activity in the air above Cambodia after June 30."

Mr. Wicker goes on explaining the amendment's purpose:

On the face of it, this does no more than guarantee legislatively what Mr. Nixon has promised personally; in fact, however, the Cooper-Church amendment is designed also to prevent a strong-willed ally like the Thieu-Ky Government in Saigon from dragging or persuading Mr. Nixon into continuing military operations in Cambodia.

That is the real question we face, Mr. President (Mr. Spang): Will we be

May 25, 1970

dragged further into Cambodia now that the borders have been breached?

Continuing to read from Mr. Wicker's article:

The statements of Ky and other South Vietnamese, as well as a State Department spokesman's concession this week that "determinations have not finally been made" about when South Vietnamese troops will withdraw, don't square with the hit-and-run kind of Cambodian operation the Administration originally described.

Therefore, backers of the Church-Cooper amendment have been strengthened in their fears that the United States will be dragged, if it does not jump, into a far wider war.

The Administration has insisted that it has moved only to clean out the sanctuaries, not to support the Cambodian military Government of Lon Nol. Yet, if it is now to acquiesce in long-term South Vietnamese operations in Cambodia, with American air and logistic support, the reason can only be to support the Lon Nol regime, weak as it is.

Another troubling element, as the New York Times editorial describes, is the possibility that the United States is now "actively promoting a new defense alliance in Southeast Asia that would link South Vietnam and Thailand—and perhaps others—militarily with the shaky Lon Nol government in Phnom Penh, forging a new anti-Communist alliance across the southern half of Southeast Asia."

Before such an undertaking develops too far, it should certainly be made necessary for the executive branch to come before the proper committees in both Houses of Congress, to lay out their plans, and for the Congress "to explore thoroughly the implications of such a far-reaching development and especially the role that the United States would be expected to play."

Mr. Wicker expresses the fears and perceptions of many of us in the Congress when he says:

Continuing South Vietnamese operations in Cambodia, moreover, raise the possibility that in some emergency the United States might have to put its own troops back in for rescue or assistance; or that Thieu and Ky, with their apparently boundless ability to lead American Administrations by the nose, might at some point persuade Mr. Nixon that "just one more" American effort in Cambodia would be decisive.

Because our vital national interests are not at stake, Mr. Wicker concludes that what is really required at this serious juncture in the widening Indochina war is an "act of Congress" to preclude further American involvement, either for short-range, temporary military tactics or by letting our Saigon allies call the terms as they please. He writes:

It is really no wonder, then, that the Church-Cooper amendment is believed to command a majority in the Senate; even Mr. Nixon's opposition to the amendment in the face of his own pledges, raises questions about his real intentions in Cambodia.

The situation was sharply illuminated at a dinner here the other night when a high Administration official described the Presidency as the unifying force of the nation. He said that Americans recently had seen one President destroyed by assassination and another by lost credibility, and implored his audience not to let a third be destroyed for lack of support, even if it now required "an act of compassion, an act of love" by his critics.

Whereupon a leading Senator coolly replied: "What many of us think is required is an act of Congress."

I ask unanimous consent, Mr. President, that the two articles from the New York Times, the article from the Christian Science Monitor, and two news reports from the Washington Evening Star be printed here in the RECORD.

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

[From the New York Times, May 24, 1970]

#### VIETNAMIZING CAMBODIA

Saigon's announced determination to keep South Vietnamese troops in Cambodia indefinitely, which has now been publicly sanctioned by Defense Secretary Laird, is a direct challenge to the Administration's own professed efforts and those of Congress to reestablish limits to the Southeast Asian conflict.

It should be noted that the South Vietnamese are not speaking in terms merely of further operations against the border sanctuaries, as Secretary Laird indicated, but of a wider general effort against the Communists throughout Cambodia in support of the Lon Nol Government. South Vietnamese troops already have penetrated to within three miles of the Cambodian capital, they say, and are operating in other areas far beyond the 21-mile limit imposed on American forces.

If these operations are prolonged, there can be little doubt that they will provoke a strong reaction from the Communists and possibly also from Cambodians who are showing increasing signs of malaise over South Vietnamese activities within their borders. It is straining credibility to suggest that the South Vietnamese, who are not yet capable of defending their own country, can fight successfully alone in an alien environment where they must also confront the deep traditional antipathy of the native people.

Vice President Nguyen Cao Ky has boasted that South Vietnamese forces "have the capability of mounting military operations independently in Cambodia as well as in Vietnam." If this is so, there is no further excuse for continuing to maintain American forces in South Vietnam to fight Saigon's battles there. If it proves false, as is most likely, Americans have a right to ask what fresh demands will be made on the United States to help pull Saigon's chestnuts out of this foreign fire.

The Administration has failed so far to make clear its own intentions regarding future allied operations in Cambodia. President Nixon declared on May 8—and the White House reiterated last weekend—that it is expected "that the South Vietnamese would come out approximately at the same time that we do, because when we come out our logistical support and air support will also come out with them." Vice President Ky has scornfully dismissed this "hypothesis" as "a silly argument of silly people." Secretary Laird and some other more recent Administration spokesmen seem to agree with him.

Even more disturbing are recent State Department hints that the United States Government is actively promoting a new defense alliance in Southeast Asia that would link South Vietnam and Thailand—and perhaps others—militarily with the shaky Lon Nol Government in Phnompenh, forging a new anti-Communist alliance across the southern half of Southeast Asia. Congress will certainly want to explore thoroughly the implications of such a far-reaching development and especially the role that the United States would be expected to play.

In the meantime, the Senate can help to restrain Saigon's reckless ambition by enacting the Cooper-Church amendment which prohibits, among other things, "paying the compensation or allowances of, or otherwise

supporting directly or indirectly, any person in Cambodia who . . . engages in any combat activity in support of Cambodian forces."

[From the New York Times, May 24, 1970]

#### WHO IS SAVING WHOM FROM WHAT?

(By Tom Wicker)

WASHINGTON.—Vice President Ky, who is South Vietnam's Agnew, has called the statement that South Vietnamese troops would withdraw from Cambodia when America's troops did "a silly argument of silly people." This is a harsh way for an ally to speak of President Nixon, who said on May 9 that he "would expect that the South Vietnamese would come out approximately at the same time that we do because when we come out, our logistical support and air support will also come out with them."

But will they? That is a more important and less obvious matter than Ky's manners. Certain sources here are now guardedly explaining that while American combat troops will be out of Cambodia by July 1, as repeatedly promised by the Administration, a strong South Vietnamese force may well have to remain in Cambodia, with the support of American air strikes from bases in Thailand as well as South Vietnam. And while Ky boasted that Saigon's forces had the capability to fight in both countries, the fact is that they could not fight in either without American supplies of every kind.

This is precisely the nightmare that motivates the sponsors of the Cooper-Church amendment to the military sales bill: the amendment, which the Administration is strongly opposing would prohibit spending appropriated funds to keep American forces in Cambodia, to pay for the operations of advisers or mercenaries from other countries in Cambodia, or to conduct "any combat activity in the air above Cambodia after June 30."

#### AMENDMENT'S PURPOSE

On the face of it, this does no more than guarantee legislatively what Mr. Nixon has promised personally; in fact, however, the Cooper-Church amendment is designed also to prevent a strong-willed ally like the Thieu-Ky Government in Saigon from dragging or persuading Mr. Nixon into continuing military operations in Cambodia.

Why would such operations be needed? If the sweep through the border sanctuaries has been as successful as the Administration proclaims, Communist military activities will have been badly set back for months to come. This is the Administration's own claim, and its high-level officers have contended that if the sanctuaries became a renewed problem later on, the South Vietnamese would by then be strong enough to sweep them again without American troops.

But the statements of Ky and other South Vietnamese, as well as a State Department spokesman's concession this week that "determinations have not finally been made" about when South Vietnamese troops will withdraw, don't square with the hit-and-run kind of Cambodian operation the Administration originally described.

Therefore, backers of the Church-Cooper amendment have been strengthened in their fears that the United States will be dragged, if it does not jump, into a far wider war.

The Administration has insisted that it has moved only to clean out the sanctuaries, not to support the Cambodian military Government of Lon Nol. Yet, if it is now to acquiesce in long-term South Vietnamese operations in Cambodia, with American air and logistic support, the reason can only be to support the Lon Nol regime, weak as it is.

That means, at the least, one more puppet or client state the United States will have agreed to prop up. It could lead, at the outside, to fulfillment of Ky's proposal for "an anti-Communist front consisting of Cambodia, Thailand, Laos and South Vietnam" that

would "guarantee the security of all of Southeast Asia."

ONE MORE TIME

What that would really guarantee is that there could be no negotiated settlement of the Vietnamese question—hence only an endless war in which U.S. would have to back these four weak sisters against North Vietnam and China.

Continuing South Vietnamese operations in Cambodia, moreover, raise the possibility that in some emergency the United States might have to put its own troops back in for rescue or assistance; or that Thieu and Ky, with their apparently boundless ability to lead American Administrations by the nose, might at some point persuade Mr. Nixon that "just one more" American effort in Cambodia would be decisive.

All of this is put in chilling perspective by Mr. Nixon's reported remark to retired Admiral W. R. Smedberg, two days before he told the nation on April 30 about the supposedly limited sweep into the sanctuaries. The admiral quoted Mr. Nixon as saying: "I am not going to let Cambodia go down the drain as some of my advisers want me to do."

It is really no wonder, then, that the Church-Cooper amendment is believed to command a majority in the Senate; even Mr. Nixon's opposition to the amendment, in the face of his own pledges, raises questions about his real intentions in Cambodia.

The situation was sharply illuminated at a dinner here the other night when a high Administration official described the Presidency as the unifying force of the nation. He said that Americans recently had seen one President destroyed by assassination and another by lost credibility, and implored his audience not to let a third be destroyed for lack of support, even if it now required "an act of compassion, an act of love" by his critics.

Whereupon a leading Senator coolly replied: "What many of us think is required is an act of Congress."

[From the Christian Science Monitor, May 19, 1970]

VIET ARMY TO NEED BRIDLING?  
(By Daniel Sutherland)

SAIGON.—The Cambodian campaign has given a big boost to the morale of South Vietnam's Army. But a number of officials, diplomats, and other observers here are concerned about the potential dangers of unrestrained South Vietnamese intervention in Cambodia.

As troops of the ARVN (Army of the Republic of Vietnam) plunged with obvious zest deeper into their neighbor's territory, one American official commented: "ARVN morale is getting so high, I'm almost afraid of it."

The United States has the power to hold back the ARVN simply by threatening to cut off its vital supplies.

MILITARY VERSUS POLITICAL THRUST

But President Thieu, Vice-President Nguyen Cao Ky, and other Saigon generals have indicated the South Vietnamese are going to try to keep operating in Cambodia well beyond President Nixon's June 30 deadline for the pullout of all U.S. troops from that country.

"The ARVN may end up being your Frankenstein's monster," a European diplomat remarked to an American friend. "It may drag you, kicking and screaming, deeper into Cambodia than you ever intended to go."

As the Saigon military leaders see it, there are a number of persuasive reasons why they should stay on in Cambodia beyond the Nixon deadline.

While paying lip service to the American-inspired idea of a negotiated compromise to end the war, President Thieu has always be-

lieved strongly in what basically comes down to a military solution. In his view, the North Vietnamese and Viet Cong must be beaten badly—to the point where they will accept a settlement on Saigon's terms. As he sees it, sustained operations in Cambodia might force an already weakened enemy to its knees.

Continuing South Vietnamese involvement in Cambodia could also help President Thieu divert attention from his own internal political problems, and they are formidable. In the past few weeks, student and Buddhist unrest has approached the boiling point.

Mr. Thieu has been able to take some of the sting out of his critics' attacks, which had begun to focus on his government's inability to prevent Cambodian mistreatment of Vietnamese nationals. He did this by making one of the purposes of his operations the repatriation of those Vietnamese civilians who want to leave Cambodia.

Some of the Vietnamese senators who had been critical of Mr. Thieu's initial restraint in dealing with the problem of the Vietnamese residents in Cambodia, now are applauding South Vietnam's intervention there.

Commenting on the boost to ARVN morale, one American working with the Vietnamese Army said: "This is the greatest thing that ever happened to them. The frustration of not being able to cross that border has been relieved."

PHNOM PENH LOSES GROUND

"A military operation like this is exhilarating," he said. "They've got a feeling they're moving somewhere and they're doing something. They feel that if you must fight, it's much better to fight in Cambodian villages than Vietnamese villages."

The Phnom Penh government appears to have little choice in the matter. Its position has crumbled throughout the area lying east of the Mekong River. The Cambodians appear to have lost control to the extent that they know less about what is going on in Cambodia's eastern provinces than the South Vietnamese, or for that matter, the Viet Cong.

And President Thieu recently told newsmen that General Lon Nol, the Cambodian Premier, had invited the South Vietnamese to help take over the defense of the eastern provinces.

But there is convincing evidence that long-term South Vietnamese military involvement in Cambodia would inevitably lead to conflict between the Cambodians and the South Vietnamese. And it would be accompanied by incidents involving South Vietnamese soldiers eager to avenge the deaths of Vietnamese nationals massacred in earlier incidents by Cambodian troops.

All this might then serve only to weaken the U.S. and South Vietnamese position in Indo-China.

Another danger for the United States is that the Western-leaning government of General Lon Nol may find whatever authority it still retains being undermined by the South Vietnamese intervention.

The Cambodian Army's weakness has led to an attitude of ill-disguised contempt on the part of some of the South Vietnamese generals.

One recently emerged from a meeting with a Cambodian colonel and remarked to assembled reporters: "He told me the situation here was critical for his men. . . . But of course, it is not critical for me."

The Vietnamese contempt for the Cambodians is matched in intensity by the Cambodians' traditional fear and dislike of the more aggressive Vietnamese.

Thus, while General Lon Nol may accept the Vietnamese intervention as a painful necessity to help ensure his government's survival, it can hardly be popular with the rank and file in Cambodia.

In the past, when Vietnamese troops were called in to help reinstate Cambodian monarchs threatened with internal strife, the

Vietnamese always demanded a price; usually in the form of territorial concessions.

U.S. PULLOUT SIZED UP

Before the Cambodian drama has played itself out, then, Phnom Penh may find itself in the uncomfortable position of being bullied not only by the North Vietnamese but also by the South Vietnamese.

Once the Americans pull out of Cambodia, however, the initial euphoria of the South Vietnamese generals may yield to a recognition of harsh facts.

President Thieu remains heavily dependent on United States assistance, and he is in no position to go off on his own in Cambodia.

The South Vietnamese can be expected to continue to launch brief forays across the Cambodian border such as the ones they initiated, despite American misgivings, toward the end of March. But large-scale, sustained operations are another matter.

"I think that in the final analysis, Thieu will stay in Cambodia as long as he can," said an American source. "But he does not want to push it to the point where he is jeopardizing his relationship with the United States."

[From the Washington Star, May 22, 1970]

LAIRD SAYS DON'T CURB SAIGON PUSH

(By Orr Kelly)  
Star Staff Writer

Defense Secretary Melvin R. Laird said today it would be a mistake to set a "firm timetable" for withdrawal of South Vietnamese forces from Cambodia.

His flat statement in a televised interview this morning indicated a possible growing controversy within the Nixon administration over whether or not the South Vietnamese should be forced to get out of Cambodia by the June 30 deadline set for withdrawal of American forces.

Laird, interviewed on NBC's Today Show, repeated President Nixon's assurance that American troops would be out of Cambodia by June 30. He also promised that there will be no American advisers in Cambodia after June 30.

Some high-ranking officials—including President Nixon—have indicated strongly that the South Vietnamese also would be expected to be out by that date.

BUNKER, THIEU CONFATE

U.S. Ambassador Ellsworth T. Bunker met with South Vietnamese President Nguyen Van Thieu today and was expected to urge him to have his forces meet the American deadline.

A statement by South Vietnamese Vice President Nguyen Cao Ky that South Vietnamese troops had no intention of leaving Cambodia at the same time as Americans has generated new concern in Congress.

"I think it would be a mistake," Laird said, "to make a firm timetable and establish it here for the Vietnamese forces. I personally feel as secretary of defense, if the occasion should arise when the South Vietnamese forces could go into the sanctuary areas when there are North Vietnamese occupying a particular territory, I would recommend that they be used if they so desire."

"It would be a decision that would be worked out with the cooperation of the Cambodian government and the South Vietnamese . . . and would not be a matter in which we should become involved in any direct way."

QUERIED ABOUT AMBITIONS

Laird was asked about the possible South Vietnamese "territorial ambitions" toward Cambodia, a point raised by Senate Democratic Leader Mike Mansfield.

Laird acknowledged that "there are problems" in that area because of long-time enmity among some neighboring Indochina area nations such as Vietnam, Cambodia, and



Thailand. He added, "This will be watched very closely and very carefully."

Laird called the allied thrust into Cambodia by U.S. and South Vietnamese troops "a great tactical success." He said it exceeded expectations as far as the destruction of enemy supplies and captured food was concerned.

As for the strategic success of the operation which began April 30, Laird said that would have to be judged on the progress of our Vietnamization program and the decrease in U.S. casualties.

#### COSVN CHASED OUT

The Pentagon said yesterday that the allied thrust forced the North Vietnamese to move their elusive central headquarters beyond the 21-mile striking distance permitted U.S. ground troops.

High-level military and political elements of the enemy's command structure had moved to positions "north of Mimot" by May 16, the Pentagon said.

Just how far north of Mimot was not disclosed. However, in briefing newsmen, a Pentagon spokesman said it was beyond the 21-mile limit established by the President for U.S. ground operations in Cambodia but within range of American jet and bomber strikes. Limits for these strikes have not been disclosed.

Nixon on April 30 gave as a main goal of the Cambodian operation the destruction of the North Vietnamese headquarters—known as COSVN, Central Office for South Vietnam.

Both the President, in briefing certain congressional leaders, and Secretary of State William P. Rogers, in public statements, have implied that the South Vietnamese, as well as the Americans, would be out of Cambodia by the end of June.

The President said on May 8 that "I would expect that the South Vietnamese would come out at approximately the same time we do because when we come out, our logistical and air support will also come out with them."

Another such statement came Saturday in a background briefing for reporters at Key Biscayne, Fla., by a top White House official.

#### OPPOSED BY DEFENSE

He said the United States had every reason to expect the South Vietnamese to be out by July 1, and this was widely interpreted as a White House assurance that the U.S. would enforce such a pullout.

Defense officials said they feel this kind of talk is harmful for three reasons.

First, they said they think the Cambodian operation has been a great morale builder for the South Vietnamese forces and it does not help to talk as though they were puppets whose every action can be precisely controlled from Washington.

Second, the South Vietnamese, despite their dependence on American support, are perfectly capable of keeping at least a token force in Cambodia beyond the June 30 deadline just to show that they can not be ordered around.

Third, defense officials said they don't want the enemy to think he can return to the sanctuaries after June 30. In this view, the possibility that the South Vietnamese might return to the base areas in Cambodia will at least keep the enemy guessing.

[From the Washington Star, May 22, 1970]  
SAIGON PLACES NO DEADLINE ON CAMBODIA ROLE

SAIGON.—The South Vietnamese military command today that its forces will stay in Cambodia "as long as necessary" to destroy Vietnamese Communist forces and their sanctuaries and remove their threat to South Vietnam.

The announcement came in response to a question whether South Vietnamese troops would withdraw from Cambodia by June 30, the deadline set by President Nixon for American troops to pull back to South Vietnam.

A spokesman for the South Vietnamese command recalled earlier statements by President Nguyen Van Thieu and Vice President Nguyen Cao Ky that South Vietnamese troops would stay in Cambodia as long as necessary to complete their mission and that they had the ability to stay there alone.

#### CAMBODIA AID IN QUESTION

The spokesman did not indicate whether this mission includes aiding the Cambodian government in its fight against the North Vietnamese and Viet Cong.

But Ky said Wednesday that South Vietnamese forces "are strong enough to conduct separate operations in Vietnamese territory as well as in Cambodia. You will see the presence of our troops as long as the Communists fight there."

The announcement today clashed with predictions of some White House officials last weekend that South Vietnamese troops would withdraw from Cambodia around June 30.

Ambassador Ellsworth Bunker met for 30 minutes today with President Thieu. Spokesmen would not say what was discussed, but it was reported from Washington that the Nixon administration had instructed Bunker and Gen. Creighton W. Abrams, commander of U.S. forces in Vietnam, to work out a joint policy of troop withdrawal with Thieu's government.

#### 40,000 IN CAMBODIA

The South Vietnamese military command also disclosed that it now has 40,000 regular troops operating in Cambodia, the largest number it has acknowledged. They include elements from eight of South Vietnam's 12 regular infantry divisions.

The spokesman also reported that South Vietnamese marines and infantrymen had pushed to within three miles of Phnom Penh, the Cambodian capital, in recent operations. He said their mission was to provide security for Route 1, the Phnom Penh-to-Saigon highway, to protect the movement of supplies to South Vietnamese troops operating in Cambodia.

Informed sources said the number of U.S. troops in Cambodia had increased in recent days from 10,000 to 11,000 or 12,000. The additional troops are helping evacuate the thousands of tons of war materials seized.

#### BOMBING IN FISHHOOK

About 50 U.S. B52 bombers unloaded 1,500 tons of bombs in the Fishhook region of Cambodia today, hitting areas where intelligence information indicated the presence of North Vietnamese storage depots.

Little ground action was reported in Cambodia and South Vietnam. But the eight-jet Stratofortresses pummeled suspected Cambodian sanctuaries that the sweeping ground troops apparently have not reached.

About half the more than 1,000 B52 sorties flown this month have been against targets in Cambodia. The other half have been split between South Vietnam and Laos. A sortie is one flight by one B52, carrying 30 tons of bombs.

There was speculation that the B52 raids on Cambodia are being stepped up to get at territory American troops cannot reach before June 30, the date President Nixon has said they will all be out of Cambodia.

Earlier this week, Lt. Gen. Michael S. Davison, commander of the 10,000 U.S. troops in Cambodia, said his men had been able to cover only 30 percent of the territory assigned to them since they crossed the border three weeks ago.

Results of the B52 raids in Cambodia have not been announced, but informed sources said the strikes have killed at least 150 North Vietnamese soldiers and set off scores of secondary explosions, indicating hits on ammunition and fuel stores.

In South Vietnam, enemy troops ambushed a five-truck U.S. convoy in the Central Highlands six miles south of Dalat, killing two Americans and wounding 13.

#### THREE COPTERS DOWNED

U.S. headquarters also announced that enemy gunners shot down three American observation helicopters at scattered points along the Laotian border in northwestern South Vietnam. Three crewmen were wounded.

In Peking, Cambodian Prince Norodom Sihanouk told Chairman Mao Tse-tung and a cheering crowd of 500,000 that he is "prepared to persevere in a protracted people's struggle" against the Cambodian leaders who deposed him, and against the U.S. and South Vietnamese troops in his country. "At the end of the long road there will be victory and the consequent liberation of Cambodia," he declared.

The former chief of state also denounced last week's Asian-Pacific Conference on Cambodia in Jakarta and rejected its recommendation that another international conference, similar to the Geneva conferences on Indochina and Laos, be held to restore Cambodian neutrality.

He demanded that the Indochinese people be left alone to solve their problems.

Hsinhua, the Chinese Communist news service, reported that at least 3 million persons turned out for rallies in Peking, Tientsin and Shanghai expressing support for the fight to expel U.S. forces from Indochina. Mao was flanked at the Peking rally by all top officials of his regime.

#### SOUTH KOREA SUPPLIES

Sources in Seoul said the South Korean government has decided to provide medical supplies to the Lon Nol government in Phnom Penh as the initial step in a program of nonmilitary assistance to the regime that overthrew Sihanouk. The newspaper Chosun Ilbo said the cabinet had earmarked \$15,000 for the initial aid.

The Philippine government also announced that it would contribute to a "people to people" program of food, clothing and medicine for Cambodian war victims.

Mr. GRIFFIN. Mr. President, will the distinguished Senator yield?

Mr. CHURCH. I am happy to yield.

Mr. GRIFFIN. Mr. President, on previous occasions when I have listened to the distinguished Senator from Idaho, it has seemed to me that he has made a great point of the fact that the amendment, which he cosponsors, is not intended in any way to question the credibility of the President of the United States. I may not quote him exactly, but I think he has used words to the effect that all he seeks to do is to support the President of the United States.

In light of the remarks the Senator has made this morning, and particularly the quotations which he has now inserted in the Record with his approval, would he comment again as to whether the purpose of his amendment raises doubts and whether the amendment is intended to raise questions about the credibility of the President?

Mr. CHURCH. Certainly not, Mr. President, the matter I have placed in the Record this morning—

Mr. GRIFFIN. The Senator does not agree with what he has had printed in the Record?

Mr. CHURCH. No; the Senator draws the wrong inference from the matter I have had printed in the Record this morning. All of these insertions relate to the pressures developing that could mire us down in Cambodia, despite the best intentions of the President.

The argument I made is that the time has come for us to backstop the President by legislatively establishing his own



limits on this operation, so as to prevent the very thing happening to us in Cambodia that did happen to us in Vietnam.

Mr. President, I look back over the last 6 or 7 years and remember a great many Presidential assurances of one kind or another. And although I am certain that every time the President making them was sincere, events rapidly overtook him and we found that we were being carried, step by step, deeper and deeper into the morass.

That was our experience in Vietnam. I think we should learn from it.

The way we can avoid duplicating that experience in Cambodia, in my judgment, is to adopt the Cooper-Church amendment.

Mr. GRIFFIN. Mr. President, the Senator has referred to a statement on the wires by the Foreign Minister of Cambodia indicating that he will ask President Nixon for American troops to remain in Cambodia beyond June 30. Does the Senator from Idaho have any doubt or question in his mind what the response of the President of the United States will be?

Mr. CHURCH. Mr. President, I certainly anticipate, in line with the President's pledge to the American people, that he will reject the request of the Foreign Minister of Cambodia. But I recall that, at his last press conference, the President was asked if the South Vietnamese troops would leave Cambodia when the American troops left. And he responded in words to the effect that they would have to, because they were dependent on us for their logistical support.

Now, just a few short days later, we are informed by the Government in Saigon that it intends to keep its troops in Cambodia. And there is growing indication that this will now be done with the acquiescence, if not with the support, of the administration.

So, already the ground is shifting. I do not mean to imply that the President was not sincere when he said that the South Vietnamese would have to leave with us. It is obvious, however, that new arguments are being pressed upon him, new reasons for giving way. The policy is being reconsidered. And the earlier position of the administration is being eroded.

The resolve that the President displayed only 2 short weeks ago is no longer reflected by the statements emanating from the State Department or the Pentagon.

This is what I am concerned about. And this is why I think, if we are going to strengthen the President's own resolve and back up his own pledge, then we should enact this amendment to better guarantee that the limits he himself has imposed on this Cambodian operation will, in fact, be observed.

Mr. GRIFFIN. In order to keep the record straight, it should be pointed out that while others have frequently referred to the Government of South Vietnam as a puppet government of the United States, the fact is that we do not make all of the decisions of the Government of South Vietnam.

President Nixon's statement referred

to what the United States would do. And he has made it very clear that all American troops will be out of Cambodia by the end of June. And I believe him. And I think that most Americans believe him and that they do not want to see action taken in the Senate of the United States which tends to say to the world that the Senate does not believe the President of the United States.

Mr. CHURCH. Mr. President, since the Senator from Michigan is not the only Member of the Senate who feels duty bound to keep the record straight, let me reiterate what I have often said: this is not, in any way, an amendment which calls into question the intention of the President of the United States. I fail to see how anyone could read the language we are now proposing in the preamble of this amendment and find in it any possible implication of rebuke to the President.

Indeed, we have expressly stated that we ask this action in concert with the declared objective of the President to withdraw American forces from Cambodia by the end of June.

So, I simply think that the argument made by the distinguished Senator from Michigan is entirely without any foundation in fact.

#### A VALUABLE ADDITION TO THE CAMBODIAN DEBATE

Mr. CHURCH. Mr. President, on Saturday, May 23, the distinguished Senator from Missouri (Mr. SYMINGTON) spoke at a breakfast gathering in Columbia, Mo., on the current Cambodian situation.

I call attention to this speech, Mr. President, because of the signal contribution it makes to the debate we are now engaged in with respect to the amendment offered by the Senator from Kentucky (Mr. COOPER) and myself.

Senator SYMINGTON has traced the Constitutional question involved here in some detail. Quite rightly he points out that it is a matter of balance—balance between the Congress' power to declare war and the President's powers as Commander in Chief to protect American security.

"The history of Constitutional balance—in the past century—has proven that congressional inaction can be disastrous," Senator SYMINGTON points out. "The President's inherent powers to respond to immediate emergencies has been expanded far beyond the original intent to justify his unilateral assumption of the power to decide between war and peace."

The Senator also points out that—

Commitments of large numbers of troops for an indeterminate length of time in a far-off land is not the sort of decision which the Constitution delivers to the sole discretionary power of the President.

This, I submit, goes right to the heart of the debate in which we are now engaged. I commend Senator SYMINGTON's speech to the Senate and ask unanimous consent that it be printed at this point in the RECORD.

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

#### CONGRESS AND THE RIGHT TO DECLARE WAR

I have expressed before my deep misgivings about recent events in Southeast Asia, particularly the crossing of thousands of American troops into Cambodia.

I have also expressed concern about the implications of this new escalation of a war that has already gone on too long—the implications this action could have on (1) the success of the "Vietnamization" policy, (2) the future of the negotiations in Paris, (3) the SALT talks in Vienna, (4) our domestic economy already strained by the high cost of these foreign ventures; and perhaps most important (5) the respect and regard in which the American people, especially the young people, hold their government and their country.

But I have another concern which I believe is equally important; namely, my concern for preserving the Constitutional separation of powers, while at the same time preserving a credible and flexible national defense posture; and it is the latter I would dwell on briefly today.

The Constitution tells us that the power to declare war and to appropriate funds for the waging of war is reserved to Congress. The Constitution also provides that the President, under his powers as Chief Executive and Commander in Chief, has the power to respond quickly to an immediate threat to national safety or the safety of our troops.

These two principles are not inconsistent; the Constitution dictates that they be balanced. But a proper balance will result only if both Congress and the President are aware of their separate responsibilities and are prepared to act to fulfill them.

The principle which emerges from the debates over the formulation and adoption of the Constitution, and its application in the early years of our history, is that Congress should have the power and responsibility to decide when American forces will be used to achieve national security objectives, with the single limited exception that the President should have discretion to commit troops to battle when the threat to the safety and survival of the nation itself is immediate.

The most obvious example of this limited exception is nuclear war. If we should be attacked with nuclear weapons, only the President can respond in the few minutes time that action is possible and meaningful. Thankfully, this remains only a future possibility.

On the other hand, the Constitution does not give the President discretion to act alone if a possible threat to our national security is not so immediate as to preclude a few days of Congressional consideration.

In the middle of the last century an attempt was made in the House of Representatives to censure the President for "unnecessary and unconstitutional" action in committing American troops to a war with Mexico without providing Congress with all of the information needed to make a sound judgment on whether such intervention was justified. That attempt at censure was supported by perhaps our greatest President, when he was still a member of the House—Abraham Lincoln—as well as by another member who had formerly been a President, John Quincy Adams.

The history of the constitutional balance in the intervening century has proven that Congressional inaction can be disastrous. The President's inherent powers to respond to immediate emergencies has been expanded far beyond the original intent to justify his unilateral assumption of the power to decide between war and peace.

Commitments of large numbers of troops for an indeterminate length of time to a war in a far-off land is not the sort of decision which the Constitution delivers to the sole discretionary power of the President. It is

S 7758

## CONGRESSIONAL RECORD — SENATE

certainly not a decision to respond immediately to a threat to the safety of our troops.

Such commitments may be a decision as to what is essential to our national security, but not one which need be—or should be—made precipitously.

I find the distinction between an immediate threat to national safety and a general threat to national security a nice one—and I conclude that Congress should participate in decision as to the proper response to the latter.

President after President in this century, however, has made this sort of decision privately, without any deference to Congressional authority; and often without even consulting the legislative branch. We have seen how the traditional power of Congress has atrophied, as time after time the executive has committed and dispatched American forces to foreign conflict; occasionally, as I have emphasized previously, under cover of secrecy.

Part of the blame, of course, belongs to Congress. We have for too long passively accepted the President's ability to commit our troops to battle, to use the awesome military establishment with which we have provided him as the equivalent of a Constitutional power to do so, and so as to preclude Congressional attention to the issue.

Time after time we have justified these involvements by invocation of the magic words of "national security" as a means of foreclosing either Congressional scrutiny or public examination.

To invoke the words "national security" or even "safety of our troops," with nothing more, is merely to beg the question of what our national security really requires in troop commitments, and of what the safety of our troops really means.

Who is truly supporting our young military—those who would leave more to die where too many have died already, or those who would bring them home in orderly fashion as quickly as possible? The answer is at least debatable—and the proper forum for that debate is Congress itself.

The result of the repeated and specious invocation of the concept of "national security," which has been used to justify giving unbridled war power to the President, has been a series of private executive decisions in which the Congress has played no meaningful role; and the most striking example of the executive's arrogation of the power to make such private decisions about what constitutes our national security, is the whole conduct of the war in Indochina, by Administrations of both parties.

First, we had the Tonkin Gulf Resolution. Certainly, none of us foresaw that the measures required then to protect our ships—whether or not they had provoked attack by the North Vietnamese—would require the eventual commitment of hundreds of thousands of our troops—army, navy and air force—to a protracted war on the Asian mainland.

The decision that our security required such a commitment, with the ensuing heavy cost in lives, treasure, and domestic distress, was made exclusively in the secret counsels of the Executive Branch of the government.

A second example of a private Executive decision as to what the national security required was the decision that led to our deep involvement in the conflict in northern Laos. Not only was the decision not made by Congress, but the truth about the situation was not made available to Congress.

Time after time I have pointed out the grave danger incident to the veil of secrecy which the Administration drew over our role in that area.

If the President's power to respond to immediate threats justified those combat actions in an area far removed from any

American combat forces, his discretionary powers would allow him to commit our forces to battle just about anywhere in the world. But the President did engage our forces, and in such a manner as to exclude Congressional participation in the decision.

A third, and the most recent and dramatic example of a private executive determination of what national security required was the decision to send troops into Cambodia. The situation posed there was certainly not an immediate threat to our security as a nation, by any standard.

It was a situation which could have been dealt with in consultation with the Congress. Instead, the executive branch has been quite proud of its ability to keep the plans for this venture a secret for a considerable period. Their pride in preserving this secrecy illustrates precisely how much the original allocation of the war power has been twisted and distorted.

Today I am sorry to state that the balance has tipped heavily to one side. This tipping is not solely the fault of the present President. It is a process that has been going on for years under several Presidents. And Congress must carry its share of the blame for failure to meet its Constitutional responsibilities.

Passing the Cooper-Church amendment will not by itself redress the balance and undo the current misallocation of decision-making power. It will be only one step, the first step, in what I hope will be a growing list of instances where Congress exercises its share of this power. The weight of precedent and the powers of the Presidency are so strong that only continued awareness and sensitivity by Congress can guard the Congressional prerogatives which remain, and recoup those which have been defaulted in recent years.

Furthermore, it is fitting that we begin the process of reasserting our responsibilities by addressing the most recent example of executive arrogation of the power to make decisions about the national security: namely, the venture in Cambodia, a nation hitherto not included in even the most diffuse and distorted conceptions of national security.

The president's unilateral decision must be balanced, and balanced immediately, by a firm and clear expression of the will of Congress. The amendment proposed by Senators Cooper and Church is an example of the kind of action that is necessary, and it addresses itself to that Presidential action which stands out most prominently at the moment as an arrogation of the power which rightfully belongs to Congress. For these reasons I am a co-sponsor and supporter of the amendment.

Let me stress that the blame for the American tragedy in Vietnam does not lie with one political party, or with one President, or with one Congress. But regardless, let us now have the fortitude to admit these past errors; and firmly commit ourselves to seeing that they are rapidly corrected, so we will be able to pull back from the brink of the most serious domestic political crisis to have endangered this Republic since the Civil War.

**SENATOR KENNEDY AND CAMBODIA**

Mr. CHURCH, Mr. President, amid the torrent of words in opposition to American military presence in Cambodia, there have been comments of special significance. One such commentary was that of Senator EDWARD KENNEDY of Massachusetts, the distinguished majority whip. His remarks were published recently in the Washington Post in the form of a letter replying to the syndicated columnist Joseph Alsop.

At one point, Senator Kennedy vividly declares:

"Political lunacy" it was that brought upon us the events of the past two weeks. Yet, I would not place that charge against those who came to Washington (for the May demonstration), but on those who caused them to come here. As a Nation we have had enough of war, and death, and devisiveness. What goal do we have in mind, what prize so enviable, that this great nation must pursue Asians through endless jungles, across borders, in and out of their burning villages, to give and take human life. Do we do these things in 1970 for trucks and rice, rifles and bunkers, some mythical Pentagon in the forests? Or do some among our military or political leadership still suffer the illusion that a military victory can be won in Vietnam? Unfortunately I must conclude, all public statements aside, that the motivation to move into Cambodia was the latter."

Senator KENNEDY, in his eloquent broadside, asks how in the name of sanity and humanity:

can one persist in asking the American people, and especially the young, to support this war as just another painful incident in history made necessary by some grand and mystical design? How can we ask the American people to keep a stiff upper lip, to wait out what many consider an immoral war in the hope that one day it will be clear to all how thousands and thousands of innocent and combatant deaths were necessary to satisfy some archaic definition of the great power burden?

Mr. President, I ask that the text of Senator Kennedy's remarkable letter be printed in the RECORD.

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

**SEN. KENNEDY REPLIES TO A LETTER**

DEAR JOE: I have never before replied to an open letter with an open letter—but I agree with you that the times demand some rules be broken.

Though I am flattered that you imply I may have the capacity to bring this land to some unanimity of view in these difficult moments, neither I nor anyone else except the President of the United States can bring this nation together. And he can do so only by ending the war. It should be understood by now that the turmoil in America created by Vietnam results not from a public misunderstanding, but from deep and personal convictions of right and wrong.

I must say, without qualification, that I fully and openly protest against what has now become the war in Indo China. I am sure you feel that in taking this position I have allied myself with the naive, the idealistic, and the young. I ally myself with no one, and I seek no one to join with me. I simply protest the war and its consequences, as one person who has obligations of office, some sense of the responsibilities memory has placed upon me, and as a man who has not escaped the "harshnesses of the historic process."

"Political lunacy" it was that brought upon us the events of the past two weeks. Yet, I would not place that charge against those who came to Washington, but on those who caused them to come here. As a nation we have had enough of war, and death, and divisiveness. What goal do we have in mind, what prize so enviable, that this great nation must pursue Asians through endless jungles, across borders, in and out of their burning villages, to give and take human life. Do we do these things in 1970 for trucks and rice, rifles and bunkers, some mythical Pentagon in the forests? Or do some among our military or

political leadership still suffer the illusion that a military victory can be won in Vietnam? Unfortunately, I must conclude, all public statements aside, that the motivation to move into Cambodia was the latter.

The continuation of these acts, if justifiable at all, could only be morally defended if the vital security interests and welfare of the people of the United States of America were at stake. I do not believe that they are, nor do I believe that it was the very survival of our country that involved us in this tragedy in the first place.

At this late, date, then, how can one persist in asking the American people, and especially the young, to support this war as just another painful incident in history made necessary by some grand and mystical design? How can we ask the American people to keep a stiff upper lip, to wait out what many consider an immoral war, in the hope that one day it will be clear to all how thousands and thousands of innocent and combatant deaths were necessary to satisfy some archaic definition of the great power burden?

If those thoughts had persisted in us, even in the face of this great error in Vietnam, the Cambodian adventure should have cut all that. Cambodia should have shown us that no foreign adventure, for whatever reason short of national survival, is worth the threatened destruction of American institutions and traditional checks on presidential discretion.

And so perhaps we have now learned that what once was rationalized, in the atmosphere of a decade ago, as an attempt to maintain a balance in the game of world power politics, has deteriorated into a monumental and historic catastrophe. Now we know it was an error—and now we must not only end it, but never commit that error again. We cannot, in essence, so fear tomorrow and our ability as men to assure peace on this planet that we must constantly be at war—always striving, ever reaching, always professing a desire for a higher order of life, never relying upon the higher instincts within us to attain it.

It is, then, this question of America's survival that divides you and me. You attempt to draw an inverse relationship between United States and Soviet Union actions, i.e. as we show weakness in Vietnam or on our own campuses, Russia shows a greater boldness in her actions in the world. I would draw a direct relationship that maintains:

The longer we remain bogged down in Southeast Asia, with periodic escalations that only serve to involve us deeper, the more latitude the Soviet Union feels in her Middle East adventures;

The greater the growth in our military budget and preoccupation with things of war, the greater the growth in Soviet concerns with such matters;

The louder the official noise and the more conflicting the arguments for an ABM system or Polaris or MIRV program, the more numerous the Russian implacements of nuclear missiles and construction of missile-bearing submarines;

The more we escalate in Vietnam, the more the Soviet Union escalates her activities there.

In my view, it was our escalation in Southeast Asia that brought an end to the favorable developments that could have followed from the Nuclear Test Ban Agreement.

So it is that I cannot be deterred from my abhorrence of the Vietnam war by the argument that our extrication from it means that America must assume the blame for the death of Jews in Israel: the strange logic that says that every Asian child who dies becomes a ghostly messenger to Moscow, warning the Marshals of the Soviet Union that they must go easy on the banks of the Suez. If it is Russia that we are now fighting in Indochina, then the American people

should be so informed by their President. Then we will be forced to face at last the moral question of great powers destroying third countries to avoid the possibility of dealing with or facing each other.

On another level I do believe America's survival is involved in this awful war—her survival not within the family of the world, but within her own borders. As one of the most perceptive observers of the domestic scene, you must recognize the deterioration taking place in our society; among young people, and between the age groups.

But we are a nation constantly being re-born, and we can thank our God that those newly arrived in our society will not casually accept their views and presumptions of their fathers, much less their errors. They do not protest their "country's successes on the battlefield," doubtful as those successes may be; they protest the very existence of the battlefield, for it has no place in their vision of the country that is to be theirs. And I support them in that.

When we were young, and struggling as a collection of colonies to go our own way, to make our own political choices, we had a spokesman in the English Parliament who supported our effort not out of affection but from a conviction and deep faith that the affairs of the world could be met by means other than stark violence. He viewed the colonialists in the prophetic terms that could apply to many in America today. "They anger misgovernment at a distance; and sniff the approach of tyranny in every tainted breeze." In pleading before his King and country to allow our colonies to be free of England's domination without having to pass through the crucible of war, Edmund Burke said:

The proposition is Peace. Not peace through the medium of War; not Peace to be hunted through the labyrinth of endless negotiations; not Peace to arise out of universal discord . . . ; not Peace to depend on the juridical determination of perplexing questions; or the precise marking the shadowy boundaries of a complex government. It is simple Peace; sought in its natural course, and in its ordinary haunts—it is Peace sought in the spirit of Peace; and laid in principles purely pacific.

I wish to conclude on a note as personal as can be carried in an open letter. I have long valued our friendship and I mean to keep it. There are in America today enough people by half not talking, communicating, or understanding each other. And I am mindful of the respect that President Kennedy and my brother Robert had for you. You are quite right in noting that President Kennedy did not hold the view that our country is immune from history's dangers. I would only add, that while holding that view he also never doubted that the future could be different.

Your Friend,

TED.

#### DISSENT AT WEST POINT

Mr. CHURCH. Mr. President, there appeared in the Washington Post on May 24, 1970, a letter that needs no comment from me. It speaks for itself. The letter is signed by four graduates of West Point who express their opposition to our policy in Vietnam.

It was my intention simply to ask that the letter be printed in the RECORD. However, because it is such a poignant and powerful letter, I will read it instead. The young officers write:

#### WEST POINTERS IN DISSENT

With regard to your May 4, 1970 article pertaining to Lt. Louis Font, we, also graduates of West Point, wholeheartedly support the

stand taken by Lt. Font. Three of us have served in Vietnam; one of us was wounded. We have earned between us one Silver Star and four Bronze Stars. We have seen the ideals of the Republic which we have sworn to defend perverted beyond recognition in the systematic destruction of another people's country. We have seen the price in lives and treasure that has been paid by both Vietnamese and Americans, and we declare it a waste beyond redemption. In the pursuit of a series of myths (self-determination, outside aggression, Democracy vs. Communism, etc.) this nation has devastated a peasant Asian society—physically with our weapons, culturally with our attitudes—and in so doing we have divided and neglected our country with its own massive social problems yet unsolved. This intolerable situation cries out for correction; we are offered instead by our President a program designed to lower American casualties to a level which the electorate will accept—a tolerable level of death—while we inch toward disengagement, and Vietnamese continue to die in large numbers at our hands.

In the name of the America of our hopes we join Lt. Font in saying—No.

GORDON S. LIVINGSTON,  
Class of 1960.

THOMAS R. SHECKELLS,  
Class of 1965.

ROBERT BOWIE JOHNSON, JR.,  
Class of 1965.

JOHN T. THOMASSON,  
Class of 1965.

WASHINGTON.

#### CONFERENCE OF MAJOR SUPERIORS OF JESUITS SPEAK AGAINST THE WAR

Mr. CHURCH. Mr. President, each day the mails bring me fresh evidence of the pervasive alarm felt by persons in all categories of the social order against the persistent American involvement in Southeast Asia. The most recent goad to this alarm has been, of course, the American military operations in Cambodia.

I have received a letter that I believe should be paid solemn heed. It is a letter from the Conference of Major Superiors of the Society of Jesus urging that we in the Senate "take steps to end this war without delay." The letter, dated May 20, 1970, is signed by John V. O'Connor, S.J., executive secretary of the conference, the headquarters of which is located at 1717 Massachusetts Avenue NW., in Washington, D.C. The letter is sent on behalf of Major Superiors in 10 provinces of the Jesuit order in the United States—the Provinces of Maryland, California, New Orleans, Detroit, Oregon, New England, Chicago, New York, Missouri, and Wisconsin. I ask that the full text of the letter be published in the RECORD.

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

CONFERENCE OF MAJOR  
SUPERIORS OF JESUITS  
Washington, D.C., May 20, 1970.

HON. FRANK CHURCH,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR CHURCH: We write to you as a corporate body of Major Superiors of the Society of Jesus, as leaders of the Jesuits who work throughout the United States. Meeting in Tampa for our semi-annual review of our ministries, we take this occasion to bring to your attention our concern over moral issues afflicting the conscience of every citizen of this Nation.

We speak to you out of our deep appreciation of the dignity of all human life and of the brotherhood of all mankind. We can no longer be silent in the face of an issue which encourages and fosters hostile divisions between man and man, at home and abroad. The tenets of our Christian faith cry out for peace among all men.

We wish to express to you our deep concern over the moral implications of the war in Indochina. We must ask whether the results which are sought in good conscience by those who support the war, are any longer proportionate to the evil involved. Our concern is further heightened by the clouded origin of American involvement in this war and by the questionable morality of the recent escalation of the war by the invasion of Cambodia and the resumption of the bombing of North Vietnam. In addition, we deplore any attempt to motivate the American people to accept this escalation on the basis of our never having lost a war.

Over and above the moral ambiguity of the war in itself we have a further concern over the effects of the Indochina war in our own country, namely, violence in our streets, unrest on our campuses, and the problem of the military draft.

Moved by these considerations and by our profession as ministers of religion, we call for immediate action from every member of the Senate of the United States:

- (1) We urge that you take steps to end this war without delay.
- (2) We urge that the national budget be channeled into peaceful directions by cutting back military appropriations.
- (3) We urge you to modify Selective Service regulations (the draft) to allow selective conscientious objection, as recently espoused by the United States Catholic Conference.
- (4) We urge that you take these positive actions to heal the alienation of our youth from this country.

We earnestly address these requests to the Senate of the United States, as American citizens and ministers of religion, grievously distressed over the present moral state of our beloved country.

Most sincerely yours,

JOHN V. O'CONNOR, S.J.,

Executive Secretary

#### EDITORIAL VOICES OF OPPOSITION

Mr. CHURCH, Mr. President, illustrative of the vast outpouring of protest against the American military action in Cambodia is the volume of editorials recently published.

On May 22, the New York Times encouraged support for the Church-Cooper amendment, which it described as a "warning shot across the bows that says: 'No More Cambodias!'"

I fully agree.

The New York Times urges the administration to revise its views so as to understand that the amendment offered by Senator COOPER and myself is designed to assist the President in carrying out his intention to withdraw American combat troops from Cambodia by July 1, 1970. The New York Times concludes:

But whether the Administration accepts it or not, the Senate can best serve the national interest now by pressing ahead with its (the Cooper-Church amendment) enactment.

In an earlier editorial, one appearing on May 17, 1970, the New York Times quite properly points out the grave price we are paying domestically for the Cambodian invasion. The New York Times states:

But the heaviest price for President Nixon's Cambodian misadventure has been paid at home where bitter division and bloodshed have torn American society . . . Congress can help restore confidence at home and abroad on the direction of American foreign policy by beginning to reassert its own constitutional powers through adoption of the Cooper-Church amendment.

The Washington Post, in an editorial on May 15, 1970, evidenced an apprehension about the Nixon position in respect to Cambodia. Discussing the ambiguity of whether all American military forces, air as well as ground, will be removed by July 1, 1970, or only ground troops, the Washington Post states:

One can appreciate why the Administration would not wish to tell Hanoi and the Vietcong, from the rooftops as it were, that if they will only keep their heads down in Cambodia for six more weeks, they will never be bothered again. Ambiguity has an obvious military utility. Yet at a certain point in the American people's rising ferment, the reasons for keeping the enemy guessing butt against the claims of Americans to be informed and reassured about their own government's policy. After everything that has happened in the last few weeks, is there still an argument about where the priority lies?

And finally, Mr. President, I wish to call attention to a discussion of American foreign policy, particularly that in Southeast Asia and the Middle East, which was written by Wallace Carroll, distinguished editor and publisher of the Winston-Salem, N.C., Journal and Sentinel.

Mr. Carroll, in his article that appeared May 17, 1970, began by stating:

For sixteen years we Americans have been trying to save South Vietnam. Now it is time to save the United States of America.

In conclusion, he notes that every American military unit should be evacuated from Vietnam by the end of 1971. He notes that by that time we will have been involved in Vietnam for 17 years and he declares:

Seventeen years is a long time, and we Americans must mend the neglected fences around the home shift and the further pastures. If the Vietnamese cannot stand on their own feet after 17 years of tutelage, it means either that they lack the will to learn or that we lack the skill to teach.

Yes, it is time to come home. It is time to bind up the nation's wounds. And it is time for the best of our youth and the best of their elders to sit down together and agree on what they want this America of ours to be.

For when this nation is again at peace with itself nothing in the world will be impossible.

Mr. President, I ask that the three editorials and the article by Mr. Carroll be printed in the RECORD at this point in my remarks.

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

[From the Washington Post, May 15, 1970]

#### CAMBODIA AFTER JUNE

Some of the blurred edges of Mr. Nixon's pledge to take "all Americans of all kinds, including advisers . . . out of (Cambodia) by the end of June" are beginning to come into focus. The clearer view is not entirely reassuring. Essentially, what Mr. Rogers and Mr. Laird have said this week in amplification

of the President's withdrawal commitment is that, while ground troops will be removed from Cambodia by the set deadline, the United States maintains the option of using its own air and naval arms there and of supporting later forays by military units of South Vietnam.

One can appreciate why the administration would not wish to tell Hanoi and the Vietcong, from the rooftops as it were, that if only they will keep their heads down in Cambodia for six more weeks, they will never be bothered again. Ambiguity has an obvious military utility. Yet at a certain point in the American people's rising ferment, the reasons for keeping the enemy guessing butt against the claims of Americans to be informed and reassured about their own government's policy. After everything that has happened in the last few weeks, is there still an argument about where the priority lies?

Perhaps these simple things should be said about the Cambodian intervention. First, it involves combat in another sovereign state, a fact not altered by the use of airplanes or ships or allies rather than ground troops. Second, the criticality of further operations in Cambodia, as opposed to their convenience, remains to be demonstrated, the more so as the current intervention is claimed to be a success. Third, such further operations confirm precisely the fears of those who suspected from the start that intervention in Cambodia could not be swift and "surgical." That is just what "a wider war" means.

Saigon's policy is especially disturbing. The Thieu-Ky leadership is broadcasting loudly that it intends to fight on in Cambodia after June 30; Mr. Ky speaks wistfully of recapturing a town fully 80 miles beyond Phnom Penh. But observers on the scene wonder how long a rekindling of traditional Vietnamese-Cambodian animosities can be avoided, if Saigon's strikes go on. Another worry is that South Vietnamese units, if deprived after June 30 of their customary extensive American support, may get into trouble so deep that pressure on the United States to rescue them will overwhelm the discretion evident now. The administration's commitment to the Thieu-Ky government is large. It is by building up its military prowess that Mr. Nixon hopes to allow troop withdrawals from Vietnam to go forward. Yet surely that commitment does not require the administration to license Saigon to fight a proxy war in a third country.

With some apprehension, we note reports that a good part of the Nixon policy in Cambodia is being based on estimates of what the American public will stand for. Use of airplanes, ships and South Vietnamese, it is suggested, may not make outrage brim over, the way the use of ground troops did. This is in our view, a very chancy basis for policymaking. It literally asks for policy to be made in the streets. If students and others dismayed by the war come to believe that mass protest is the only deterrent Mr. Nixon will honor, then the evidence of the last three weeks plainly is that the protesters will accept that challenge. Domestic peace as well as international sense argues for limiting the intervention in Cambodia, before June 30 and after.

[From the New York Times, May 17, 1970]

#### CAMBODIAN BALANCE SHEET

Desperately eager to head off a long-overdue reassertion of Congressional restraints over the President's warmaking powers, the Nixon Administration strove last week to put the best possible face on what it insists will be only a limited extension of the Vietnam war into Cambodia. It remains too early to tell how much or how little military success will attend the two-week-old Cambodian escalation, but it is already plain that it is a political disaster.

Administration sources cite a count of



May 25, 1970

more than 7,000 reported enemy dead and an impressive list of weapons and other booty captured as evidence that the thrust into border sanctuaries has proved its worth. But even Defense Secretary Laird appears skeptical of the body count and nobody doubts that the seized supplies will be replaced in time.

Meanwhile, the main body of enemy forces has not been touched. The Communists continue to extend their grip over northern Cambodia and southern Laos, beyond the self-imposed limits of American penetration. Still a phantom is the central Communist headquarters that President Nixon had said was the principal target of the allied attack.

On the global political front Secretary of State Rogers has conceded that foreign reaction has been largely negative. Instead of inducing the other side to negotiate, President Nixon's get-tough policy appears to have stiffened Hanoi's resolve and strengthened North Vietnam's ties with its Communist allies. It has exacerbated Soviet-American relations at a critical time in the SALT talks and in Middle East negotiations; it even appears to have cooled the quarrel between Moscow and Peking.

But the heaviest price for President Nixon's Cambodian misadventure has been paid at home where bitter division and bloodshed have torn American society. Less than a month ago, Mr. Nixon was boasting that the Communists had made "their most fatal calculation" when they "thought they could win politically in the United States." Now it is the President who has misjudged the depth of American aversion to the war. This opposition has exploded not only on the campuses but within his own Cabinet, in the usually mute State Department bureaucracy and among such solid citizens as 1,000 "establishment" lawyers who plan to travel from New York to Washington this week to urge "immediate withdrawal from Indochina."

Henry Kissinger, the White House foreign policy adviser, yesterday said that the President's July 1 timetable of withdrawal would be fulfilled and that the South Vietnamese would pull out their combat forces about the same time. His statement is made speculative because they have gone far beyond the border sanctuaries and become deeply involved in Cambodia's internal affairs. In any case, it is difficult to believe that the Saigon forces, incapable thus far of mastering their own country, can save the inept rulers of a neighboring nation whose people are ancient enemies of the Vietnamese.

Equally unsettling is the reiteration by an American spokesman in Paris last week of the President's earlier warning that, if the Communists remain intransigent in negotiations and aggressive on the battlefield, "we will react accordingly."

Congress can help restore confidence at home and abroad on the direction of American foreign policy by beginning to reassert its own constitutional powers through adoption of the Cooper-Church amendment. Its goal of cutting off funds for future military involvement in Cambodia would not imperil the troops or undermine Presidential authority to carry out all of Mr. Nixon's stated objectives in the current drive there. Rather it would enable Congress to share with the Chief Executive as it should, responsibility for ending a war that already has cost the United States far more than it could ever be worth.

[From the New York Times, May 22, 1970.]

#### NO MORE CAMBODIAS

The firmness with which Senators of both parties are resisting efforts to kill or cripple the Cooper-Church amendment on Cambodia is encouraging evidence of a new determination in Congress to restore the constitutional balance in reaching vital decisions on war and peace.

The proposal to bar funding of American troops in Cambodia after June 30 does not infringe on the President's constitutional power to command the armed forces in the nation's defense. It does reassert the long-eroded constitutional prerogatives of Congress to participate in foreign policy and defense decisions, which President Nixon ignored when he unilaterally ordered American troops into Cambodia.

An aroused public opinion, to which Congress is at last responding, already has prompted the President to make an open commitment to terminate his Cambodian adventure by June 30. The Cooper-Church amendment would enable Congress to share responsibility for this important decision, as it should under the American constitutional system, and would give it the reassuring force of law.

The measure does not interfere with the military operations now under way. Nor does it bar any important actions in the future that the President himself has not already foreclosed. It does not prohibit limited arms aid to the Cambodian forces nor air interdiction of Communist supply lines through Cambodia to South Vietnam. Nor—despite some Congressional misgivings on this point—does it rule out future American air and logistical support to South Vietnamese units in Cambodia, although Mr. Nixon has pledged himself to halt the current support operations by June 30.

There is no need, despite Administration urging, for the amendment to re-state the President's power to take action to protect American forces in the field should they be in imminent danger of attack. Congress cannot restrict this power. What Congress seeks to prevent is the use of this power as a pretext for military operations of wider scope undertaken without consultation with the nation's elected legislators.

Essentially, the Cooper-Church proposal is a warning shot across the bows that says: "No More Cambodias!" It does not create a constitutional crisis, but implies that the President could precipitate one—if he again widens the war or reverses American disengagement from Vietnam without Congressional agreement. The Administration argument that the amendment would impair the President's credibility in dealing with the Communists is unpersuasive. The way to assure Presidential credibility is to gain Congressional support by treating Congress as a partner in decisions on peace and war. Acceptance of the Cooper-Church amendment would be a useful step in that direction. But whether the Administration accepts it or not, the Senate can best serve the national interest now by pressing ahead with its enactment.

[From the Winston-Salem Journal and Sentinel, May 17, 1970]

TIME TO COME HOME—WE'VE DONE OUR BEST FOR VIETNAM—NOW LET US SAVE AMERICA

(By Wallace Carroll)

For 16 years we Americans have been trying to save South Vietnam. Now it is time to save the United States of America.

All wars confuse, and the war in Vietnam has confused our minds and purposes more than most. But if we stand back a moment and ignore the angry clamor at home and abroad, we should be able to establish two useful truths:

1. The United States is not losing the war in Vietnam.
2. What we are losing is something more serious than the loss of any war or territory. It is the soul of America that is being lost in Vietnam.

It is time for us to save the soul of America.

#### MYTHS AND REALITIES

This fixes our purpose. Now what must we do? Let us begin by cutting through the

underbrush of myth, sloganeering and emotional catchwords that will otherwise keep us from reaching any wise solution to our Vietnam problem.

The most persistent myth of all is that the war in Vietnam is a do-or-die struggle with "World Communism"—that if we falter in Southeast Asia, the balance of power in the world could shift heavily against us.

Why is this a myth?

What we are concerned with here is the reality of *power*—the ability of a nation to control or precipitate events beyond its own borders.

Among the Communist nations there are two great concentrations of power, the Soviet Union and Communist China. No American who has read his history will underestimate the hostility of these two power centers to the United States. This hostility is heavily documented by 50 years of words and acts. And today, if you talk to an American ambassador or intelligence agent in any part of the world, he will tell you that the local operatives of the Soviets and Chinese, though they may not be on speaking terms, are vying with each other in the damage they can do to American influence and prestige.

Any prudent American must therefore want his country to maintain its present margin of superiority—its deterrent capability—over these two hostile power centers, and particularly over the Soviet Union. So why should the United States stop smiting the Communists in Vietnam?

It takes no special insight to see that, despite all we have done in Vietnam, we have left the two big hostile power centers completely untouched. For 16 years we have been helping the South Vietnamese with money and brains. For the past five years we ourselves have made appalling sacrifices in blood, money, prestige and internal peace and security. Yet for all this, we have not sinned the whisksers of a single commissar in Moscow or Peking.

#### SOVIET INFLUENCE

During these past five years our first team—the best of our fighting men—has been bogged down in a grinding struggle with what is not even the fourth team of the Communist side.

During these five years two presidents, with all the military and civilian brains at their command, have spent fretful days and sleepless nights, week after week, month after month, year after year, absorbed by this dirty little war. And during all this time the big rascals in Moscow and Peking have been sitting back comfortably and laughing at us.

During those same five years (as we shall see in a moment), the Soviet Union especially has been able to project its power and influence into parts of the world that really weigh heavily in the strategic balance—areas that are much more vital to the United States than South Vietnam. And the United States has suffered a disastrous—yes, disastrous—loss of prestige and influence in those areas.

The net effect, then, of the Vietnam war to date on the world power situation has been to enhance the strength of the Communist side and weaken our own.

But suppose that the United States persists in Vietnam. Suppose that we go on fighting for another 10 years until the last little man in black pajamas has been run to earth. Won't that change the world equation?

No, it will not. The centers of power in Moscow and Peking will remain untouched. And our own resources will only be squandered further in what is no more than a strategic backwater.

Consequently, if we are really alarmed by the growth of Communist power in the world, it would make much more sense to put our resources where they can count in the balance. We would do better, for exam-



May 25, 1970

ple, to put \$10 billion into an anti-ballistic missile system that would help maintain our deterrent capability over the Soviet Union and Red China than to put another \$100 billion into Vietnam. (We could do even better by putting more money into our cities, schools, hospitals and anti-pollution programs, but we are only concerned at the moment with the power relationships outside our borders). Yet as long as we continue to waste our substance in Vietnam, Congress and the taxpayer will be reluctant to spend adequate amounts on our truly vital needs.

In sum, the continuance of the war in Vietnam is all gain for the Soviet Union and Communist China, all loss for the United States.

But other myths and catchwords persist. We are told, for example, that we cannot end this war in Vietnam short of military victory without losing our "national honor."

Certainly every American should be concerned about the honor of his country, so let us examine this argument.

American aid to Vietnam does not derive from a treaty negotiated between the two governments and solemnly ratified by the Senate. It all stems from a letter sent by President Eisenhower on October 24, 1954, to the late President Diem. In that letter President Eisenhower simply promised "assistance" to the government of South Vietnam; in return the United States expected South Vietnam to undertake "needed reforms."

Now, President Eisenhower's pledge of assistance did not mean that Americans would fight in Vietnam. In fact, no fighting men were sent for the next 10 years. The letter simply meant that the United States would send military and civilian advisers, war materials and economic and technical assistance.

On the Vietnamese side, neither Diem nor any of his successors ever took the promised reforms seriously. To this day, successive Vietnamese governments have done very little to build a solid base of support among their people.

On the American side, however, Eisenhower's promise has been fulfilled many thousand times over.

Forty-one thousand Americans have given their lives. Another 285,000 have been maimed or scarred. And hundreds of thousands more have interrupted their careers and left their homes and families to fight for a country from which we can never expect any material return or even gratitude.

The United States has spent \$100 billion in the war. And it is continuing to spend at the rate of nearly \$25 billion a year.

This vast expenditure has aggravated a ruinous inflation that eats up the earning power and savings of every family in America.

This same expenditure has deprived our schools, hospitals, welfare services and other programs of the funds they urgently need to meet the growing demands of our own people.

Our effort to help Vietnam has caused political and social strains such as this nation has not experienced in more than a century. It has set generation against generation. It has brought two presidents into a constitutional conflict with the Congress. It has, indeed, ground up one President and now threatens to grind up another.

What more must we do? Clearly the "national honor" argument is a hollow one, and no responsible American should give it currency.

#### FACING REALITY

Still, we are told, if we leave Vietnam without "victory" our allies will never trust us again.

If we are honest with ourselves, we must admit that withdrawal from Vietnam would shake our allies in that part of the world, particularly Thailand, Nationalist China and the Philippines.

But alliances must be based on realities, and the leaders of these countries must face the reality that the United States will never again fight anyone's battles that way it has fought the battles of South Vietnam.

Our withdrawal would therefore give the governments of these allies a healthy and needed jolt. It would tell them, in effect, to hitch up their britches, make the kind of reforms that the Vietnamese have failed to make, win the confidence of their people and be resolved to fight their own battles against internal and external enemies.

Given such energetic measures of self-help, these governments might then expect advice, military supplies, economic assistance and only such additional help as a touchy Congress would be willing to give under our constitutional procedures.

But there are other more potent allies, notably in Western Europe. There we find the second great power concentration of the non-Communist world. In this power complex, symbolized by the NATO alliance, our obsession with Vietnam and our neglect of Europe have been resented and deplored by the civil and military leaders.

In this area, which is the prime battleground of the Cold War, our withdrawal from Vietnam would bring one spontaneous cheer: "Thank God the Americans have come to their senses."

On balance, then, our alliances would be strengthened and our leadership enhanced by withdrawal from Vietnam.

#### FALLING DOMINOS

There remains one of the most hoary and seductive catchwords of the lot—"the falling domino theory." If South Vietnam falls to communism (so the theory goes), Laos, Cambodia, Thailand and Malaysia will inevitably follow.

Let's assume for the sake of argument that this theory is 100 percent correct—that all these nations will slip into the embrace of their big neighbor, Communist China.

What would be the effect on the world power equation?

Power in the modern world is determined largely by industrial production and technological skills. A rough index to this kind of power is a nation's gross national product—its annual output of goods and services.

The World Bank puts the GNP of South Vietnam at a little less than \$2 billion. For purposes of comparison the output of goods and services in the state of North Carolina is about \$19 billion.

The GNP of South Vietnam, Laos, Cambodia, Thailand and Malaysia combined is barely \$11 billion. Compare this with little Belgium, which alone has a GNP of about \$22 billion.

It follows that if these five Asian countries joined up with China lock, stock and bean-sprouts, the effect on the world balance would be negligible.

As we know too well, the people of these countries can make life miserable for an intruder. But for the rest of this century they will not be able to project power—military, economic or political—beyond their borders in ways that might shape events in the world.

#### WHERE DISASTER LOOMS

There is one part of the world, however, where the domino theory is working with ominous accuracy—and working relentlessly against us. This area is not a strategic backwater, an economic cipher, like Southeast Asia; it is an area of prime strategic importance in the world power equation.

The land, sea and air communications of three continents and the oil pipelines that feed an even wider area traverse the Middle East.

This region now leads the world in oil production. The output of countries bordering on the Persian Gulf alone is 10 million barrels a day compared with 8.8 million barrels in the United States.

This oil is wealth and power. The U.S. forces in Southeast Asia run on Persian Gulf oil. So do the U.S. and NATO forces in Western Europe. For the latter reason, the Persian Gulf has been called the eastern flank of the NATO alliance.

In addition, Western Europe gets three-fourths of its non-military oil supplies from the Gulf. And Persian Gulf oil flows eastward to fuel the economy of Japan, the second leading industrial power of the non-Communist world, as well as Australia, New Zealand and most of the countries of South Asia.

It follows that any serious interruption of the oil flow from this region could cause economic disruption from London to Tokyo and hamper the military operations of the United States and its allies from Britain to the Sea of Japan.

With this background, let us see what has happened since the United States decided that everything must be sacrificed to Vietnam. The map shows how the dominos have fallen.

Start with Iraq on the eastern flank of the Arab world. Iraq is rich in oil and it leads to the still richer oil-producing sheikhdoms of the Persian Gulf. (Bear in mind that for more than a century, czars and commissars have schemed to gain access to the Gulf.) Iraq, like most of the other Arab countries, has broken diplomatic relations with the United States. Its government is fanatically anti-American and up to its neck in Soviet advisers. Its armed forces are equipped and trained by the Soviet Union.

To the west, commanding an important stretch of the eastern Mediterranean, is Syria. Same story here. The government is saturated with Soviet influence, the armed forces equipped and trained by the Soviets.

Now jump to the United Arab Republic on the southern shore of the Mediterranean. Here is a country in hock to the Soviet Union. There are now said to be as many as 10,000 Soviet "advisers" in the UAR. Among them are more than 100 Soviet fighter pilots.

Next to the west is Libya. Only a year ago its government was pro-western. Now a new military dictatorship, like those in the other Arab countries, is flirting ominously with Egypt and the Soviets. The British have been forced out of their bases at Tobruk and El Adem; the United States is being forced to withdraw from Wheelus Air Force Base, our last remaining military installation in the Middle East.

Farther to the west, (skipping Tunisia, which remains friendly to the U.S.) is Algeria. Its government is so close to the Soviets that it permitted only Russian accounts of the invasion of Czechoslovakia to be published in 1968. The armed forces are trained and equipped by the Russians.

Let us pause here in our map-reading long enough to make a point. If anyone thinks these vast Soviet investments in the UAR and other Arab countries are aimed against Israel, he should have his head examined. They are aimed against us—against us and our allies.

For more than a hundred years the British kept the Russians out of the Mediterranean. Only five years ago this vast sea was an American lake. Now most of the eastern and southern littoral are dyed a deep pink. A Soviet fleet sails the blue waters, using former British and French naval bases that are denied to the American Navy.

The Russians are well on their way to achieving their strategic objective: to make it impossible for American sea and air power to operate in this area and to destroy American political influence as well.

Now look at the Red Sea, the link between the Mediterranean and the Indian Ocean when the Suez Canal is open. The Red Sea is becoming a very red sea indeed. On the western shore are the United Arab Republic and the Sudan. The latter, like the UAR, has a pro-Soviet government and Soviet-trained armed forces. On the eastern shore, com-

manding the narrow entrance to the Red Sea from the Indian Ocean, are the South Yemen Republic and Yemen. Both are armed by the Soviets and are overrun with Soviet advisers.

Just to sew things up, the Soviets have equipped and trained the armed forces of Somalia, which stands on the peninsula where Africa juts out to form the Gulf of Aden.

There remains the Persian Gulf itself. For more than a century, the British, who were masters there, would not let a Russian poke his nose into these shiekdoms. But now the British are leaving—their small air, ground and naval forces will be entirely out of the Gulf next year. Already the Russians have sent warships on "courtesy calls" to the Gulf ports. When the Suez Canal is again open, Soviet vessels from the Black Sea will be able to sail down the Red Sea to Aden, the old British base which the obliging South Yemen government has made available to them. From Aden they will be able to patrol the Persian Gulf at will.

All of this Soviet maneuvering, from the Persian Gulf to the Straits of Gibraltar, makes up the boldest power play of the entire Cold War (which has not come to an end, by the way, no matter what some of our eminent scholars may say).

If this power play succeeds—and it is far on its way to success—the Soviet Union will be able at a given moment to slow down industry from Western Europe to Japan and put a crimp in the military operations of the United States and its NATO partners.

#### THE HOME FRONT

The Middle East is the worst example of what has happened to American interests since we made Vietnam the keel and end-all of our foreign and domestic policies. There are other regions, notably Western Europe, where American interests have also suffered from similar neglect. But let us move now to the home front. And again let us confine our discussion to one area—the effects of the war in Vietnam on the soul and character of this nation.

We can begin with some ancient wisdom from the Bible. The second book of Chronicles tells the story of Amaziah, a young king of Judah whose reign promised well until he set off on a foreign war. In a battle with the Edomites, Amaziah's army killed 10,000 of the enemy and took 10,000 prisoners. By Amaziah's orders these prisoners were hurled over a cliff to their death. Then the young king brought home with him the gods of his enemies and set them up and worshipped them. This was the beginning of the end of Amaziah.

We Americans have fought three wars in less than 30 years and we have known no real peace in between. And from each of these wars we have brought back the gods of our enemies—the gods of violence and terror, we were repelled, of course, by the bestial cruelty of Hitler's Nazis, the Japanese militarists and the North Korean Communists. But as we fought fire with fire we learned ways of war that would have appalled the soldiers of the 18th, 19th and early 20th centuries.

All of these new and hideous forms of violence and cruelty were brought out of our arsenal in Vietnam.

Heaven knows we Americans did not introduce cruelty to Southeast Asia. Here, in fact, we met an enemy who was—if possible—even more fiendish than the Nazis. But again we let his gods become gods—his standards our standards.

We ordered our American boys, who had been brought up to believe in justice and mercy and love of their fellow men, to sow the land with napalm, a hellish kind of liq-

uid fire that spared no one, no matter how innocent or unoffending.

We set up "free fire zones" and ordered our troops to shoot anything that moved. We set fire to the thatched villages of the miserable people we had come to save. If we did not torture and butcher prisoners ourselves, we stood and watched while our allies did it for us. We dabbled in the hideous arts of assassination. We sprayed the fields and forests with chemicals that wiped out the livelihoods of no one knows how many people and left side effects that may continue for generations.

A few weeks ago we saw on our television sets an American soldier known as "Killer." And why was he called "Killer"? Because he loved to kill "Gooks." How many "Killers" will come home from Vietnam, and what will happen when they re-enter the lifestream of the nation?

The horrible truth is that we have done things in Vietnam that would have made Sherman retch.

"Indeed," wrote Thomas Jefferson in the days of America's innocence, "Indeed, I tremble for my country when I reflect that God is just."

But nobody trembled for America this time. Nobody, that is, except our young people.

#### THE SERIOUS YOUNG

When we talk about young people, let us shunt aside the Jerry Rubins, Abbie Hoffmans, Mark Rudds and all the other scruffy hoodlums who have tried to capture and pervert the idealism of a generation.

The young we have in mind are the millions of sober, serious, hard-working students who have not been hurling rocks or burning down libraries. Anyone who has talked to these idealistic young men and women in recent years must have been struck by the kind of sadness that hangs over them like the mist on an upland meadow. These young people are sad with the sadness of impending doom. They have seen the United States—this country they were taught to love—go to war with every kind of violence and savagery against the people of a far-away land. They have become conscious of what this violence and savagery have been doing to the American character. And they have become increasingly fearful that the "American system" has gone off the tracks and is lurching headlong toward doomsday.

For their entire generation they can see only a fiery end in the ultimate madness of a nuclear war.

For more than five years these students—the serious and idealistic ones—have been trying to tell their elders of their fears. They started out quietly, seeking to show us that the war in Vietnam was wrong—morally wrong and wrong in every other way because it could only end in futility. They tried to tell us that the war was destroying the soul of America—that, like any moral wrong, it was hurting the perpetrators more than it was hurting the victims.

But nobody would listen—nobody, that is, but a few senators, like Eugene McCarthy and Robert Kennedy.

The young rallied to these leaders and tried to make their point through the open and legitimate ways of our political system. They left the campuses and went to work for the candidates who were willing to stand for and end to the war.

In this effort of political persuasion they were largely unsuccessful, and the leader who might have won for them became a victim of violence (like his brother before him).

Still, the young did not give up. After a time they resumed their rallies, their petitions, their letter writing to the politicians, their debates and discussions. But as the nation continued, unheeding, on its course, something ugly happened.

It was the supreme irony of the student

peace movement that many of the students who were revolted by the violence in Vietnam began to condone violence at home—anything that would make "the system" listen.

#### BLOODY EVENTS

And this violence of the young brought the inevitable reaction. The killing of students on university campuses and the assault of an organized mob on a peace march in New York City were ominous enough. But even more disturbing was the cry of exultation over these bloody events that went up across the nation and the clamor for more student blood from supposedly civilized Americans.

If we of the older generation can overlook the students' excesses for a moment and try to be honest with ourselves, we will have to admit that these young people were right about the war when we were wrong.

These young men and women saw the folly and futility of this war and they sensed that it was poisoning the bloodstream of the nation. They saw the futility of the war long before President Johnson (who recognized it only tacitly and reluctantly in March, 1968) and well before President Nixon (who conceded it even later).

But if we still refuse to give these young people their due, let us imagine that their reaction to the war had taken the opposite course.

Suppose that when the recruiters for the napalm company came to the campus, the students had vied for those well-paid jobs in the chemical industry.

Suppose that they had shouted at their rallies: "Pour it on. Burn the mothers, scorch the children, destroy the villages, slaughter the prisoners, drop the atom bomb!"

If we had raised such a generation of fiends, would we be better pleased with them? And would the future of our country be the brighter for it?

#### THE CITIZEN'S JOB

Every consideration of internal health as well as the standing of the United States in the world thus points to the unmistakable lesson: We must get out of Vietnam.

We must get out, out, out. We must get out fast, fast, fast.

President Nixon has started the withdrawal of our fighting men. For that he should get full credit. The aim of every conscientious citizen should be to keep him on this course and to get him to move faster.

There are many citizens, no doubt, who distrust Mr. Nixon. But they might remember this: He is the only President we have, and he is by far the best President we can possibly have until January 1973.

We should therefore rally round him when he does the right thing and let him know our displeasure when he goes off course. If he speeds withdrawals, we should applaud him. If he goes astray, as he did in Cambodia, we should let him know that we do not like it. And when the super-patriots and jingos start abusing him with cries of "Treason" and "Betrayal" we should let him know that the same people of this country, who are still a majority, are right behind him. As a matter of fact, the same people can try a little jingoism of their own: Do we stand for Vietnam First or America First?

We should also support and applaud those political leaders of either party who work to speed the end of this dirty war.

We can do all this in the healthy ways open to the people of a democracy—letters to the President himself and to other political leaders; by visits to senators and congressmen; by petitions, and by orderly rallies and demonstrations.

Finally, every conscientious citizen should close his ears to the demagogues and ranters who would try to divide us, generation

S 7764

against generation, black against white, region against region.

With the nation proceeding on this course toward peace, we should come down hard on the practitioners of violence. The essence of statesmanship is to identify a source of trouble, correct it, then punish those who still try to exploit it. Any one who troubles the peace of our cities, campuses or countryside should be met with the awesome severity of the law.

**GETTING OUT**

There remains a hard, practical question: How soon can we "decently" get out of Vietnam?

A high official of the State Department recently told a Senate committee that some U.S. forces would have to stay there for another 10 years.

Of all the foolish assumptions that have been made since this bloody mess began, this one is the most outrageous.

We now realize that we should never have put an army into Vietnam.

We know that as long as we keep an army there we shall risk new Cambodias, new temptations to bomb hither and thither, new massacres, new deceptions.

And we know that as long as Americans keep dying in Vietnam the home front will never be at peace.

This is a prospect that we cannot tolerate. We have done our best to save Vietnam. Now it is time to save America.

Secretary Laird has said that American units will no longer be needed in ground combat after the middle of 1971. Why can't we do better than that and aim to get all American units out of Vietnam by that date?

If that should prove to be logistically impossible, we must set the end of 1971 as the absolute deadline for every unit to be out.

By that time 17 years will have passed since we started out to help the Vietnamese to help themselves. Seventeen years is a long time, and we Americans must mend the neglected fences around the home shift and the further pastures. If the Vietnamese cannot stand on their own feet after 17 years of our tutelage, it means either that they lack the will to learn or that we lack the skill to teach.

Yes, it is time to come home. It is time to bind up the nation's wounds. And it is time for the best of our youth and the best of their elders to sit down together and agree on what they want this America of ours to be.

For when this nation is again at peace with itself nothing in the world will be impossible.

**Mr. COOPER.** Mr. President, will the Senator yield?

**Mr. CHURCH.** Yes; I am glad to yield to the distinguished Senator from Kentucky.

**Mr. COOPER.** Mr. President, during this debate the Senator from Idaho has made many valuable contributions. Today he has made a very important contribution in tracing recent trends in Cambodia and South Vietnam which seek to influence, if not control American decisions.

During the course of the debate Members of this body, and people throughout the country, have asked whether our amendment questions the President, distrusts the President's statement that our troops will be removed from Cambodia through June 30.

We have maintained that the suggestion is incorrect for several reasons: First, the President has said categorically that our troops would be removed through June 30, and he has said also that as our troops are removed, the sup-

ply of the South Vietnamese forces would not be available and, therefore, they, too, would move from Cambodia.

Our amendment, when studied carefully, will be seen directed toward the period after June 30. It takes into account that there might be forces and events over which the President might not have control, over which the Congress would have no control, which could compromise the President's statement and intent to remove our forces by June 30. Some of those forces and events over which the President has no control have commenced to assert themselves. This is the point I want to make with reference to the statement of the Senator from Idaho.

While the response of the Cambodian Government is somewhat vague, there have been reports that Cambodia expected our forces to remain in that country after June 30. If we did, I think it is very possible, and most probable, that the United States would become engaged in a war for Cambodia, for its Government, for its forces. I believe everyone, whether he opposes this amendment or not, does not favor the U.S. becoming engaged in war in Cambodia.

Other forces have also been asserting themselves, such as the statement by Vice President Ky and the modified statement by President Thieu that their forces would remain in Cambodia after June 30. If our amendment should take effect, South Vietnamese supplies would dry up, because the amendment would forbid money to support South Vietnamese forces in Cambodia after June 30, 1970. But for a time they would have equipment that we have supplied them. They could find ample equipment in the supplies that have been captured in Cambodia. They might very well assert their sovereignty to stay in South Vietnam and be supplied for quite a long time with equipment captured in Cambodia. I do not think we in the Congress could do anything about that, but I think we can, with this amendment, state that, as far as the U.S. Government is concerned, we will not provide further supplies to them—so South Vietnam cannot dictate the continued engagement of the United States in war in Cambodia.

I would hope the persuasive efforts of our Government will argue that South Vietnam shall follow our lead and come out of Cambodia before June 30.

I say again, I can hardly believe anyone in this country would object to our purpose. We have been involved in South Vietnam for 17 years, and it really is a 20-year involvement because for during 3 years before our Government contributed \$2 billion to the French, who were trying to impose again their colonial rule on Vietnam.

What I want is the application and success of the doctrine of President Nixon that our forces in Vietnam will be withdrawn in an orderly way. There are others who do not support the program, but I support it as a reversal of past policy, and one which offers promise that our forces in Vietnam will be withdrawn. But I doubt that the program, or any program, can succeed if a continued war takes place in Cambodia, a continued

war even if fought by the South Vietnamese. I believe the President will withdraw our forces, by June 30, as he has said he will.

I think it is very important for the morale of the people of the United States that this occur. I would hope also that, with the persuasion of our leaders, the South Vietnamese would not find it very profitable to remain in Cambodia.

I shall finish by saying that the chief argument that has been made against our amendment, other than the one I have just mentioned, is that in some way it will reduce the protection of our own forces in Cambodia and South Vietnam. That is an argument which goes deeply into the consciences and hearts of the people in this country, particularly those who have sons there. I said the other day that it is not a correct argument. The President, in his constitutional powers, can protect our own forces, and we cannot give him that power and we cannot take it away from him. Those of us who support this amendment want those men to be protected, just as much as those who are fearful they may not be.

I make the point again that we are not dealing with the Cambodian operation. We do not question it, and we do not approve it. We have stayed away from his powers.

The chief thrust of this amendment is to say we shall not become engaged in a longer war in Cambodia or for Cambodia, without the approval of the Congress. Personally, I do not believe the Congress would act favorably upon such a decision.

So I hope very much that the true nature and purpose of our amendment will be understood.

I have confidence that the President will withdraw our forces, and I hope very much that, through his influence, he can persuade the South Vietnamese also to withdraw their forces.

**Mr. CHURCH.** I thank the Senator. I do not know whether he was present on the floor earlier today when I quoted a news dispatch from the UPI wire out of Phnom Penh, as follows:

Foreign Minister Yem Sambaur said today that he will ask President Nixon to keep American troops in Cambodia along with South Vietnamese soldiers "until the end of the war."

This simply bears out the developing pressures that all of us knew would inevitably follow once the boundaries of Cambodia had been breached.

I agree with the Senator: What this amendment is, rather than an effort to somehow rebuke the President, is in fact an effort to reinforce his own declared intention to limit this Cambodian operation. The amendment sets those limits precisely where the President has set them. If I were in his position, I should think it would be of great help to be able to say, "I have declared the policy, I have set the limitations, and the Congress of the United States backs me up. How much stronger his position would then be in dealing with these mounting pressures.

I thank the Senator for his remarks.  
**Mr. TYDINGS.** Mr. President, the time has come for Congress to live up to its

important responsibility over the great issue of war and peace. Indeed, after 15 years of American military involvement in Vietnam, the expansion of the war across international boundaries into Cambodia and Laos, the tragic loss of over 40,000 American lives, the wounds inflicted upon a quarter of a million American servicemen, the expenditure of more than \$100 billion desperately needed to solve serious domestic problems in our own country, the marked decline in America's capacity for leadership around the world, the divisiveness and turmoil and violence at home, the sizable damage wrought upon our economy, congressional action to help extricate our Nation from the tragic and widening military quagmire in Southeast Asia is long overdue.

Now, the Senate is presented with a critically important opportunity to take such action, an opportunity to reassert its long-neglected responsibility over the issue of peace in Southeast Asia. This opportunity is in the form of the Church-Cooper amendment which calls for the end of American military involvement in Cambodia after July 1, 1970.

The significance of each Senator's vote on this matter must be measured not only in terms of its affect on hastening the conclusion of this disastrous war, important as this may be. The votes will also test whether the Senate shall continue to be nothing more than a mute sister unwilling to make the hard decisions when it comes to guiding the Nation into or out of war, or whether the Senate shall at long last reclaim and exercise its rightful authority to help make these important decisions. The vote shall test whether the checks and balances of our governmental system are to remain asleep or whether they shall be revived to doublecheck and oversee, and, if necessary, refrain the President from committing our Nation to a war of any scope, against any adversary and for any duration. The vote shall test whether one man or one Government is to have control over the contraction or expansion of a war which has already cost our country so dearly in blood and treasure. The Church-Cooper vote shall test whether the people of this Nation, through their chosen representatives, shall regain control over their own destinies with regard to the most important issue facing them—that of sacrificing their lives and their treasure in battle.

Last week on the floor of the Senate the distinguished Senator from North Carolina (Mr. ERVIN) argued that the Church-Cooper amendment should be defeated because it represents an unconstitutional infringement upon the President's authority as Commander in Chief. Not even the most imaginative construction of the Constitution supports the thesis that Congress is totally without authority over the overseas warmaking activities of the President. Indeed, not even the loosest interpretation of the Constitution could support the argument that Congress lacks the power to set up the perimeters of American military involvement in this war. And when the Constitution addresses itself to the great warmaking power of our Nation, it behooves all of us not to stray from its

plain meaning. Thus, I was very surprised to see my distinguished colleague (Mr. ERVIN) try to make this elastic interpretation of our Constitution, knowing his general reputation for strict constructionism.

However, the facts are that the plain meaning of our Constitution, the recorded intentions of our Founding Fathers who framed this great document, the opinions of the Justices of the Supreme Court, and the statements and actions of the leaders of our country throughout its history squarely support the authority of Congress to enact the Church-Cooper amendment.

Congress fundamental authority to keep Federal funds from being used for military matters in Cambodia after July 1, 1970, is founded in two important clauses in the Constitution. First, in clause 1 of article 1, section 8 of the Constitution it is provided that Congress shall have the power "to lay and collect taxes, duties, in posts and excises, to . . . provide for the common defense." Second, in clause 11 it is provided that Congress shall have the power "to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water."

Our forefathers were indeed wise in giving to Congress both the power to initiate and generally control war and the power of the purse to ensure that its wishes with regard to war were not abused. They remembered the long history of kings and rulers who plunged their countries into disastrous wars without the approval of their parliaments and people. They sought to insure that no U.S. President would ever involve this country in a war without the stated consent of the peoples' elected representatives in the Congress.

Thus, at the Constitutional Convention in 1787, the framers sought to employ language that would clearly show that the power to embark on war rested solely in Congress. To this end, the words "to make war" were used in the first draft of the Constitution to describe Congress complete control over this area.

It is significant to note that during the debate over this provision, it was suggested that the warmaking powers be given to the President instead. Voicing opposition to this suggestion, George Mason, the great Virginian, said the President could not safely be trusted with it." Others also voiced their objection, and the suggestion was forever put aside.

However, James Madison moved to substitute the phrase "declare war" for "make war." In suggesting this change, his recorded intention was to keep the warmaking authority in Congress but to leave to the President the "power to repel sudden attacks." Roger Sherman agreed, stating that the Executive "should be able to repel and not commence war." With this understanding, Madison's change of language was adopted.

Thus, as the debate reflects, the framers of our Constitution intended Congress to retain control over the power to make war, with the exception that the President was empowered to repel unilaterally sudden attacks upon our shores.

In contrast to the broad warmaking powers entrusted to Congress, the founders of our country envisioned the Commander in Chief powers to be similar to the power possessed by any high military or naval commander. This was the view of Hamilton as expressed in "Federalist Paper No. 69." Hamilton wrote:

The President is to be Commander in Chief of the Army and Navy of the United States. In this respect his authority would be nominally the same with that of the King of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces as first General and admiral of the Confederacy; while that of the British King extends to the declaring of war and to the raising and regulating of fleets and armies, all which, by the Constitution under consideration, would appertain to the legislature.

There is no question what Alexander Hamilton had in mind. There is no question what James Madison had in mind. There is no question what any of the drafters of our Constitution had in mind. It is rather amazing to me that my distinguished colleague from North Carolina (Mr. ERVIN), a man who prides himself on his strict constructionism approach to the Constitution, would advocate such a loose and liberal interpretation of the Constitution, which could hardly ever be justified in the light of the language of the document itself, or the recorded words and intentions of our Founding Fathers who framed the Constitution.

Mr. President, the framers of our Constitution could hardly have imagined that when they vested in Congress the power to commit our Nation to war and made the President the Commander in Chief of our Nation's troops, they were creating in one man, the President, the unfettered power to make for all the Nation a decision to send our troops across recognized boundaries into foreign nations for any time and at any expense.

Likewise, our forefathers could hardly have imagined that in giving Congress the power to initiate war it failed to also give Congress the power to limit a war or, indeed, to end it.

The leaders of our young Nation demonstrated an awareness of Congress broad constitutional power with regard to engaging in war outside our shores. They recognized that congressional authorization was a constitutional prerequisite to committing American troops to battle outside of our country. And they understood that in limited wars, Congress was intended to retain control over the scope and boundaries of American military involvement.

Our first war, which lasted from 1789 to 1801, was a limited naval war with France. Although American shipping was endangered, Alexander Hamilton cautioned President Adams not to take action against the French fleet without congressional authority. Hamilton wrote:

In so delicate a case, in one which involves so important a consequence as war, my opinion is that no doubtful authority ought to be exercised by the President.

President Adams listened to the advice of Hamilton and elected to follow the lead of Congress.

The supremacy of Congress with re-



S 7766

## CONGRESSIONAL RECORD — SENATE

May 25, 1970

gard to the making of war was likewise voiced by President Jefferson, President James Monroe, Secretary of State John Quincy Adams, and Secretary of State Daniel Webster. For example, during a dispute with Spain in 1805 over the boundary between Louisiana and Florida, Jefferson told Congress:

Considering that Congress alone is constitutionally invested with the power of changing our position from peace to war, I have thought it my duty to await their authority before using force in any degree which could be avoided. . . . The spirit and honor of our country require that force should be interposed to a certain degree. It will probably contribute to advance the object of peace.

But the course to be pursued will require the command of means which it belongs to Congress exclusively to yield or deny. To them I communicate every fact material for their information and the documents necessary to enable them to judge for themselves. To their wisdom, then, I look for the course I am to pursue, and will pursue with sincere zeal that which they shall approve.

The words of Monroe and Adams are equally enlightening. In 1824, President Monroe addressed himself to the activities of Cuban-based pirates who plundered American shipping and fled again to the safety of Spanish territory. In his annual message to Congress, Monroe said:

Whether those robbers should be pursued on the land, the local authorities be made responsible for these atrocities, or any other measure be resorted to to suppress them, is submitted to the consideration of Congress.

In 1824, Colombia, then an infant nation, informed the United States that it was threatened by France and needed protection. Even though the Monroe Doctrine had been announced the preceding year, the President would not commit the Nation to defend Colombia. In a letter to former President Madison, Monroe wrote that "the Executive has no right to compromise the Nation in any question of war." Three days later, Secretary of State Adams formally wrote to the Minister of Colombia that "by the Constitution of the United States, the ultimate decision of this question belongs to the legislative department of the Government."

Over the history of our Nation, the Supreme Court has also addressed itself to the relative roles of the President and Congress in the warring process. Three very illuminating decisions of the Supreme Court involve cases which grew out of the French-American naval war. The first case, *Bas against Tingey*, decided in 1800, involved a claim by the owner of a French vessel that his vessel could not be seized and salvaged by an American naval commander because the United States was not officially at war with France. This case raised the question whether Congress had the power to initiate a limited or "imperfect" war and whether the Congress was empowered to so determine the scope of this war. The Supreme Court stated that Congress may both establish and set the boundaries of limited war. Justice Chase said:

Congress is empowered to declare a general war, or Congress may wage a limited war; limited in place, in object, in time . . . if a partial war is waged, its extent and operation depend on our municipal laws.

Justice Patterson agreed. He said:

As far as Congress tolerated and authorized the war on our part, so far may we proceed in hostile operations.

Chief Justice John Marshall was not on the Supreme Court when *Bas against Tingey* was decided, but he had an opportunity to discuss the war in *Talbot against Seaman*. Upholding the right of a U.S. ship of war to take a prize, he said:

The whole power of war being, by the Constitution of the United States, vested in Congress, the action of that body can alone be resorted to as guides in this inquiry.

The third case is *Little against Barreme*, decided in 1804. This case involved a law of Congress which authorized the President to instruct the Navy to seize any American ship "sailing to" any French port. In contrast, President Adams instructed naval commanders to seize American vessels "bound to or from French ports." A Danish vessel bound from a French port was mistaken for an American vessel and seized. In affirming a lower court decision awarding damage against the American captain, Chief Justice Marshall, writing for the Supreme Court, held that the naval commander was not authorized to follow the instructions of the President and seize an outward bound ship because Congress, pursuant to its warring power, had already legislated otherwise.

Thus, Chief Justice Marshall, the man whose court laid down so many of the fundamental constitutional law decisions of our Nation's jurisprudence, opined that the acts of Congress enacted pursuant to its war-declaring power are superior to the actions of the President undertaken pursuant to his commander in chief power, and that the President must comply with the boundaries established by Congress for fighting a limited war.

Moreover, in 1850, the Supreme Court in *Fleming against Page* stated that as Commander in Chief the President's "duty and power are purely military" and the Court held that this power cannot be expanded to include certain powers conferred on Congress by the Constitution.

In 1863, in the prize cases the Court again turned its attention to the power of the legislative and executive branches over war. The Court said:

By the Constitution, Congress alone has the power to declare a national or foreign war . . . [The President] has no power to initiate or declare a war against a foreign nation.

Aside from these Supreme Court decisions, aside from the plain meaning of the Constitution, aside from the "Federalist Papers," and aside from the words and explanations of Madison, Mason, Hamilton, and Sherman, and their deeds and actions and those of the rest of the delegates of the Philadelphia Convention, more recent events serve as ample precedent for congressional action designed to keep our troops out of Cambodia. I am referring to the Selective Service and Training Act of 1940 which set clear geographical limits on the use of our troops abroad. This act provided that:

Persons inducted into the land forces of the United States under this act shall not be employed beyond the limits of the West-

ern Hemisphere except in the territories and possessions of the United States, including the Philippine Islands.

In brief, it is clear that the war-declaring clause of the Constitution independently empowers Congress to specify the outer boundaries of our Nation's involvement in the war in Southeast Asia.

Some might conclude that the President's decision to send American troops into Cambodia without congressional authorization represents an infringement of Congress' warring authority and an abuse of his own authority as Commander in Chief. I am somewhat puzzled by the way this matter has been answered. For while it has been argued on the Senate floor that the Gulf of Tonkin resolution supplies adequate authority for the President's action in Cambodia, the administration has told us that it is not relying on the Tonkin Gulf resolution as support for its Vietnam policy.

However, it is not my purpose to question the President's Commander in Chief authority. Rather, the point I wish to make is that the argument of the distinguished Senator from North Carolina (Mr. ERVIN), that Congress does not have the constitutional right to limit the perimeters of U.S. military activity is completely without support in the constitutional history of the Nation; indeed, it is contrary not only to the language of the Constitution but also to the words of the Founding Fathers and the great opinions of the Supreme Court that were addressed to this vital matter.

It is clear that Congress has been granted by the Constitution, at the very least, an equally important role to play with regard to the issue of war and peace. We must no longer ignore that responsibility.

Mr. President (Mr. CRANSTON), I again invite the attention of the distinguished Senator from North Carolina (Mr. ERVIN)—I wish he were here in the Chamber now—to the fact that the first draft of the Constitution of the United States had the words "that the Congress shall have the power to make war." It was only after lengthy debate, and after the President's authority was clearly limited, that the words "to declare war" were substituted.

An equally independent source of constitutional authority for the Church-Cooper amendment is Congress Article 1, Section 8, power to lay taxes to provide for the common defense. In this regard, there is no doubt that under the Constitution, Congress has complete control over governmental use of funds. This power over the purse must rank as one of the most important standards of our representative democracy. In the "Federalist Papers," Madison described the money power in the following terms.

This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people.

Madison knew what he was talking about.

The power to levy taxes which would determine whether a king could or could not send his country into war contrary



important responsibility over the great issue of war and peace. Indeed, after 15 years of American military involvement in Vietnam, the expansion of the war across international boundaries into Cambodia and Laos, the tragic loss of over 40,000 American lives, the wounds inflicted upon a quarter of a million American servicemen, the expenditure of more than \$100 billion desperately needed to solve serious domestic problems in our own country, the marked decline in America's capacity for leadership around the world, the divisiveness and turmoil and violence at home, the sizable damage wrought upon our economy, congressional action to help extricate our Nation from the tragic and widening military quagmire in Southeast Asia is long overdue.

Now, the Senate is presented with a critically important opportunity to take such action, an opportunity to reassert its long-neglected responsibility over the issue of peace in Southeast Asia. This opportunity is in the form of the Church-Cooper amendment which calls for the end of American military involvement in Cambodia after July 1, 1970.

The significance of each Senator's vote on this matter must be measured not only in terms of its affect on hastening the conclusion of this disastrous war, important as this may be. The votes will also test whether the Senate shall continue to be nothing more than a mute sister unwilling to make the hard decisions when it comes to guiding the Nation into or out of war, or whether the Senate shall at long last reclaim and exercise its rightful authority to help make these important decisions. The vote shall test whether the checks and balances of our governmental system are to remain asleep or whether they shall be revived to doublecheck and oversee and, if necessary, refrain the President from committing our Nation to a war of any scope, against any adversary and for any duration. The vote shall test whether one man or one Government is to have control over the contraction or expansion of a war which has already cost our country so dearly in blood and treasure. The Church-Cooper vote shall test whether the people of this Nation, through their chosen representatives, shall regain control over their own destinies with regard to the most important issue facing them—that of sacrificing their lives and their treasure in battle.

Last week on the floor of the Senate the distinguished Senator from North Carolina (Mr. ERVIN) argued that the Church-Cooper amendment should be defeated because it represents an unconstitutional infringement upon the President's authority as Commander in Chief. Not even the most imaginative construction of the Constitution supports the thesis that Congress is totally without authority over the overseas warmaking activities of the President. Indeed, not even the loosest interpretation of the Constitution could support the argument that Congress lacks the power to set up the perimeters of American military involvement in this war. And when the Constitution addresses itself to the great warmaking power of our Nation, it behooves all of us not to stray from its

plain meaning. Thus, I was very surprised to see my distinguished colleague (Mr. ERVIN) try to make this elastic interpretation of our Constitution, knowing his general reputation for strict constructionism.

However, the facts are that the plain meaning of our Constitution, the recorded intentions of our Founding Fathers who framed this great document, the opinions of the Justices of the Supreme Court, and the statements and actions of the leaders of our country throughout its history squarely support the authority of Congress to enact the Church-Cooper amendment.

Congress fundamental authority to keep Federal funds from being used for military matters in Cambodia after July 1, 1970, is founded in two important clauses in the Constitution. First, in clause 1 of article 1, section 8 of the Constitution it is provided that Congress shall have the power "to lay and collect taxes, duties, in posts and excises, to . . . provide for the common defense." Second, in clause 11 it is provided that Congress shall have the power "to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water."

Our forefathers were indeed wise in giving to Congress both the power to initiate and generally control war and the power of the purse to ensure that its wishes with regard to war were not abused. They remembered the long history of kings and rulers who plunged their countries into disastrous wars without the approval of their parliaments and people. They sought to insure that no U.S. President would ever involve this country in a war without the stated consent of the peoples' elected representatives in the Congress.

Thus, at the Constitutional Convention in 1787, the framers sought to employ language that would clearly show that the power to embark on war rested solely in Congress. To this end, the words "to make war" were used in the first draft of the Constitution to describe Congress complete control over this area.

It is significant to note that during the debate over this provision, it was suggested that the warmaking powers be given to the President instead. Voicing opposition to this suggestion, George Mason, the great Virginian, said the President could not safely be trusted with it. Others also voiced their objection, and the suggestion was forever put aside.

However, James Madison moved to substitute the phrase "declare war" for "make war." In suggesting this change, his recorded intention was to keep the warmaking authority in Congress but to leave to the President the "power to repel sudden attacks." Roger Sherman agreed, stating that the Executive "should be able to repel and not commence war." With this understanding, Madison's change of language was adopted.

Thus, as the debate reflects, the framers of our Constitution intended Congress to retain control over the power to make war, with the exception that the President was empowered to repel unilaterally sudden attacks upon our shores.

In contrast to the broad warmaking powers entrusted to Congress, the founders of our country envisioned the Commander in Chief powers to be similar to the power possessed by any high military or naval commander. This was the view of Hamilton as expressed in "Federalist Paper No. 69." Hamilton wrote:

The President is to be Commander in Chief of the Army and Navy of the United States. In this respect his authority would be nominally the same with that of the King of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces as first General and admiral of the Confederacy; while that of the British King extends to the declaring of war and to the raising and regulating of fleets and armies, all which, by the Constitution under consideration, would appertain to the legislature.

There is no question what Alexander Hamilton had in mind. There is no question what James Madison had in mind. There is no question what any of the drafters of our Constitution had in mind. It is rather amazing to me that my distinguished colleague from North Carolina (Mr. ERVIN), a man who prides himself on his strict constructionism approach to the Constitution, would advocate such a loose and liberal interpretation of the Constitution, which could hardly ever be justified in the light of the language of the document itself, or the recorded words and intentions of our Founding Fathers who framed the Constitution.

Mr. President, the framers of our Constitution could hardly have imagined that when they vested in Congress the power to commit our Nation to war and made the President the Commander in Chief of our Nation's troops, they were creating in one man, the President, the unfettered power to make for all the Nation a decision to send our troops across recognized boundaries into foreign nations for any time and at any expense.

Likewise, our forefathers could hardly have imagined that in giving Congress the power to initiate war it failed to also give Congress the power to limit a war or, indeed, to end it.

The leaders of our young Nation demonstrated an awareness of Congress broad constitutional power with regard to engaging in war outside our shores. They recognized that congressional authorization was a constitutional prerequisite to committing American troops to battle outside of our country. And they understood that in limited wars, Congress was intended to retain control over the scope and boundaries of American military involvement.

Our first war, which lasted from 1789 to 1801, was a limited naval war with France. Although American shipping was endangered, Alexander Hamilton cautioned President Adams not to take action against the French fleet without congressional authority. Hamilton wrote:

In so delicate a case, in one which involves so important a consequence as war, my opinion is that no doubtful authority ought to be exercised by the President.

President Adams listened to the advice of Hamilton and elected to follow the lead of Congress.

The supremacy of Congress with re-

May 25, 1970

## CONGRESSIONAL RECORD — SENATE

S 7767

to the desires and best interests of his people was the most important single power demanded and received by the barons at Runnymede when Magna Carta was agreed to by King John.

Last year, Congress, acting under its pursestring power, took an important step in restricting the President's control over the use of our Armed Forces abroad. In the Defense Appropriations Act for fiscal 1970, Congress provided that "None of the funds appropriated by this act shall be used to finance the introduction of American ground combat troops into Laos or Thailand."

This provision serves as a clear precedent for similar restrictions on the use of American troops in Cambodia under Church-Cooper and, indeed, in Vietnam itself.

Mr. President, the time has come for Congress to live up to its own constitutional authority over the issue of peace. Its important responsibilities under the war-declaring clause and the pursestring clause of the Constitution for too long have remained dormant. Indeed, for too long has Congress relied upon an imaginary rubber-stamp clause when faced with the great warmaking and peace-making decisions of our Nation. Congress can no longer sit back, falsely claiming that the war is the sole prerogative of the President. Since Congress has the constitutional power to limit the war, Congress must share with the President the culpability for the war's continuance, or the credit for bringing it to an end.

There is abundant constitutional authority to support the enactment of the Church-Cooper amendment.

I urge Congress to exercise this authority and do its share toward ending our military involvement in Southeast Asia.

Mr. CHURCH. Mr. President, I thank the distinguished senior Senator from Maryland for his very fine statement in support of the Church-Cooper amendment.

The constitutional issue we face is extremely grave. It was never contemplated, at the time the Constitution was adopted, that the President of the United States would ever assert, unilaterally, a greater power than that of defending the country against an attack.

Too frequently, it is being said these days, that in the nuclear age, the provisions of the Constitution have become outmoded.

No one maintains that the President lacks authority to defend the United States if it is threatened by imminent attack. Those who cry, "It's different now, in this nuclear age," never bother to explain how the difference outmodes the Constitution. As long as the President possesses all the authority he needs to protect the American people, as well as the security of the country against a hostile attack from without, there is nothing in the nuclear age to call into question the wisdom of the constitutional proposition that the decision to enter a foreign war should be made, not by one man, the Chief Executive, but, rather, by all the elected representatives of the people. After all, this was the fundamental reason we revolted against the arbitrary rule of George III.

Congressional authority is what we seek here to reassert.

I commend the distinguished Senator from Maryland for the very fine argument he has made today.

BUSINESSMEN BACK CONGRESSIONAL EFFORT  
TO END THE WAR

Mr. President, it is taken for granted these days that our young people—by overwhelming margins—are opposed to the war in Indochina and especially the American invasion of Cambodia.

What we do not often realize is that large segments of the adult population likewise oppose the administration's Indochina policy. They support congressional efforts to end the war.

Last Friday and again on Monday—May 15 and 18—a poll was taken of business employees in the San Francisco Bay area by business administration students at the University of California.

Sixty-three firms in the Bay area participated in the poll. In all, about 12,700 ballots on congressional initiatives to end the war were distributed to employees of these firms. Of this number, 8,169 were returned.

The results are overwhelming. Seventy-one percent of those responding agreed that the Congress of the United States should "act now to promote and ensure an end to the use of U.S. air, ground, and sea forces in the undeclared war in Southeast Asia."

Mr. President, I ask unanimous consent that a full breakdown of this poll be printed at this point in the Record, together with a copy of the opinion questionnaire on which the results were based.

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

Executive Contact Committee for Business Students, 362 Barrows Hall, University of California, Berkeley. Contact: Dieter Klein, Chairman, Telephone 642-1728. May 19, 1970.

To be released 10:00 A.M., Alexander Grant & Co., 1 California Street, San Francisco.

Business Administration Students at the University of California, Berkeley, with approval of management, have designed a ballot to survey employees of Bay Area business firms on a call for Congressional action to end the war in Southeast Asia. Sixty-three firms participated in this poll by secret ballot on Friday and Monday.

The results of the survey are as follows:

Of 8169 ballots returned,

(1) 5811 support the following call for Congress to act now:

"As an employee of a business firm, I call upon the Congress of the United States to act now to promote and ensure an end to the use of U.S. air, ground and sea forces in the undeclared war in Southeast Asia."

(2) 1900 support the following call for no action by Congress at this time:

"As an employee of a business firm, I call upon the Congress of the United States to take no action at this time regarding the use of U.S. air, ground and sea forces in the undeclared war in Southeast Asia."

(3) 458 ballots were invalid.

(4) on the call for Congressional action now, 4875 ballots were signed.

(5) on the call for no Congressional action at this time, 1277 ballots were signed.

All signed ballots will be mailed to the California Congressional Delegation.

An estimated 12,700 ballots were issued.

Mike Echols (PhD Candidate in Management Science) said, "71% of those employees who voted have supported our

call for Congressional action to end the war. It is time for Congress to respond to this and similar calls from previously silent Americans. We students also call on business leaders for continued support in our positive efforts to bring an end to the violence and abuse which has characterized campus dissent and governmental response."

The ballot before you was designed by business administration students at the University of California, Berkeley, and accepted by your management to survey the opinion of the business community regarding congressional action on the war in Southeast Asia.

We would like you, if you so desire, to register your opinion as an individual. Accordingly you may sign your name. Irrespective of whether you choose to sign your ballot, it will be counted. Only signed ballots will be mailed to the California congressional delegation.

Choose one of the following two statements by checking the appropriate box.

As an employee of a business firm, I call upon the Congress of the United States to act now to promote and ensure an end to the use of U.S. air, ground and sea forces in the undeclared war in Southeast Asia.

As an employee of a business firm, I call upon the Congress of the United States to take no action at this time regarding the use of U.S. air, ground and sea forces in the undeclared war in Southeast Asia.

Signature (optional): \_\_\_\_\_

City of residence: \_\_\_\_\_

IDAHO NEWSPAPERS CONTINUE TO PROTEST

Mr. CHURCH. Mr. President, newspaper editorials from Idaho continue to reach me in protest against the decision of President Nixon to send American troops into Cambodia.

The Blackfoot, Idaho News on May 2, concludes its critical editorial with one word—"Humbug." On May 7, the News utters "a prayer of thanks for the remaining influence of the United States Senate." And the News' editorial of May 9 states that "one can only come to the conclusion that U.S. troops must be removed from Indochina with all possible haste." Then on May 14, two News editorials support Senate efforts to curb unilateral presidential decisionmaking as to the involvement and deployment of American combat forces in Southeast Asia.

The Rexburg Standard on May 12 asks a question that has been bothering many of us here in the Senate:

What will the President do if operations by our own and South Vietnamese troops are not successful?

The Standard contrasts the action of President Nixon in respect to Cambodia with the position of President Kennedy who opted for "doing nothing" despite military advice that "limited" air and ground support be provided in Laos. The Standard points to the wisdom of the Kennedy decision:

He (Kennedy) refused to follow that line, and we have since avoided large-scale fighting in Laos.

A column by R. J. Bruning, on May 1, 1970, in the North Idaho Press expresses severe misgivings about our military commitments in Southeast Asia. Rollie Bruning wonders whether President Nixon may be "risking involving the United States in a war for Indochina, with virtually all the nations of the world arrayed against us, either actively, indirectly, or passively. He writes that ev-

S 7768

ery American would agree with President Nixon that the United States should not become a "second rate power. But nations as powerful as this one—in the context of their times—have fallen into second-rate status because of costly military adventures induced by pride."

Mr. Bruning sums up the case against our military commitments in this persuasive fashion:

Every American wants his nation to be a first rate power.

But what does 'first rate' imply?

Does it require a military victory, no matter how costly, in the jungles of Southeast Asia?

Or does it mean respect from other nations?

Does it mean villages destroyed in South Vietnam, or ghettos rebuilt in American cities?

Does it require the spending of billions of dollars on arms, or meeting the growing demands of people at home?

Can the pride of a military victory be matched by the pride in a peaceful domestic scene?

In our desire to defeat Communism in the jungles, we risk losing sight of the fact the greater need is to preserve free government at home.

I ask that these editorials be printed in the Record at this point.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Blackfoot (Idaho) News, May 2, 1970]

#### US NAUGHTY OFFSPRING

Say, for the sake of discussion, that President Nixon is for the moment the country's prime "father figure."

Then, still for the sake of discussion, say that Americans who have on moral, legal and Constitutional reasoning opposed U.S. involvement in Indo China are the son or daughter figures.

Thursday night, Father Nixon took son or daughter over his knee, and in preparation for the spanking, said "Now son, you know this is going to hurt me worse than it does you."

After the spanking, Father Nixon said, "Just remember, I did it for your own good."

It may be quite difficult for those of us who are, for the sake of discussion, playing the role of naughty son or daughter, to really believe Mr. Nixon's escalation of the war will hurt him more than it does us, or that it is really for our own good.

Humbug.

#### OLD COLD WARRIOR SURFACES

The grim visage of the old cold warrior, Richard M. Nixon, finally has emerged.

Many of us were hopeful that the old Richard Nixon, who built a political career by frightening people with the threat of an international communist conspiracy, had disappeared.

How could we have been so foolish! Red-baiting brought Richard M. Nixon from the obscurity of the small village of Yorba Linda in southern California to national prominence.

It was Vice President Richard M. Nixon who joined forces with Secretary of State John Foster Dulles to urge intervention on the part of the United States in the war France waged in Indochina in the fifties in an effort to regain the colonies that had been stripped from her during World War II. To his eternal credit, the good sense of President Eisenhower prevailed, and he vetoed the Nixon-Dulles recommendations.

It was Richard Nixon who from the side-

lines in 1965 cheered on President Lyndon Johnson when Johnson made the fatal move of sending American troops into the jungles of Vietnam.

It was Richard Nixon, who, when the American people revolted against a stupid, immoral and illegal war against a primitive people who posed no threat to us, who said he had a plan for ending the war in Vietnam if he only might be elected President.

It was Richard Nixon who invented the phrase of "Vietnamization" to induce the people to support an effort that can only result in leaving hundreds of thousands of American support troops in Vietnam for an indefinite number of years, despite supplying our shabby little puppets in Saigon with the most sophisticated of weapons so they may continue the wholesale killing of their countrymen.

It is Richard Nixon who has sent American troops into Cambodia, thereby increasing the chances that the war will spread all over Indochina.

In his column published May 6, James Reston points out that President Nixon is lashing out from a sense of weakness, not strength.

So we see him persuaded one day that peace is within our grasp—the next day convinced by his military advisers that his whole command will be lost unless he expands the war.

One day he proclaims the sanctity of every human life—even those of the enemy—and the next day he sends 100 bombers over into North Vietnam.

What, asks Reston, will Nixon do next?

As Richard Nixon appears to react more and more to his own basic instincts, I can only utter a prayer of thanks for the remaining influence of the United States Senate.

#### ON WHY WE SHOULD LEAVE

Political idealism as it is being used to rationalize wars in various portions of the world is no more than a giant canard.

For example, Russia realistically has precious little hope Egypt or any other Arab country will turn "communist" because of Russian support against Israel.

Israel is highly unlikely to adopt Anglo-American "democracy" because of any support from the U.S. Indochina will adopt whatever form of government it wants if and when U.S. forces leave.

This latter statement was backed up this week by Jerome K. Holloway, a State Department official and specialist in Southeast Asia, who said in Idaho Falls "We cannot export Anglo-American 'democracy' to another country," especially an Asian country.

Arab countries are typically nationalist or fascist, Israel uses a modified republican-nationalism mixed with church-and-state rule.

To say that U.S. soldiers are in Vietnam and Cambodia to protect democracy is a naive misconception. The soldiers are there to protect territory.

Russian soldiers are in and around Egypt to protect territory. Israeli soldiers fanned out from Israel in a six-day war to acquire territory.

In World War Two, the fight was over territory and idealism. It was democrats and communists against fascists and Nazis. Today, the fight has narrowed. It is world power against world power in a battle over territory.

The U.S. does not need the territory of Southeast Asia, Indochina. At least, the U.S. does not need it bad enough to justify the expenditure of 40,000 lives.

It is time for us to begin protecting only what is ours. The Monroe Doctrine and the Nixon Doctrine are out of date and useless.

Thus, one can only come to the conclusion that U.S. troops must be removed from Indochina with all possible haste.

#### THE BILL TO END THE WAR

It may appear a little far-fetched, but the Hatfield-McGovern bill to end the war in Southeast Asia is the first concrete anti-war move to come into the U.S. Senate.

There has been, up to this time, a lot of anti-war sentiment expressed by men including Lyndon Johnson and Richard Nixon. But sentiment was the extent of it.

Senate critics of President Nixon's course in Southeast Asia—notably including Idaho's Frank Church—banded together Tuesday in an expensive half hour television discussion of their goal.

The proposed amendment to the military procurement spending legislation would cut off spending for U.S. operations in Cambodia 30 days after passage—and would bar spending for military activities in Laos and for combat operations in South Vietnam effective Dec. 31.

All of this sounds a bit too good to be true—too good to ever be accepted by America's leaders in Congress. But it does have the wholehearted support of the Senate Foreign Relations Committee, which gives it considerable weight.

Mr. Nixon must take the blame—or possibly (some say) credit—for the Cambodian adventure. The House and Senate, however, must shoulder the blame for funding the military operation and favoring the eager advice of the generals all these years.

The Hatfield-McGovern proposal, if nothing else, will show America which senators really want peace badly enough to force the issue.

Every aspect of the war stinks. Sen. Church made possibly the most meaningful comment during the entire bi-partisan half hour. "It is not our power that is in question, it is the wisdom of our policy," he said.

Persons of similar opinion are asked to write opposing as well as favorable Senators and Representatives. Mail to congressmen who dislike the Hatfield-McGovern amendment will probably do more good than mail to those who already approve. But Church and Goodell and McGovern and Hughes could use some thanks, too.

Mail to any senator arrives simply addressed to him by name, Washington, D.C.

#### YES, THINGS HAVE CHANGED

Five United States Senators sponsored an unusual television program Tuesday in which they asked for public support to effect passage of an amendment termed "the amendment to end the war." It was an impressive presentation, but the amendment should be considered on its merits and all high-sounding rhetoric, on both sides, should be ignored.

Even for those of us who supported the war for years—and election results prove this group has always been a minority—things have changed, and it might be time to take a close, objective look at our involvement in Asia.

1—The war is illegal. Nobody can deny that, because the power to wage war was given to the Senate in our constitution. For this reason alone the amendment should be passed—the executive and the military should not be able to wage any war without the official consent of the Senate, but that is precisely what is going on in Vietnam.

2—We cannot "lose" this war, because we have never considered the possibility of winning it. It is a fact that U.S. troops have never lost a single battle in the conflict.

3—Our troops would not be endangered by the amendment. If the Pentagon isn't capable of pulling out the men safely over a period of 14 months, the Pentagon certainly should not be allowed to wage a war.

4—We would not be cruelly deserting the people of South Vietnam. For seven years we have done their fighting; for years prior to that we gave them massive doses of arms,

May 25, 1970

money and training. They outnumber their enemies. Nothing is more typical of the American Way than the concept that, given an equal chance, a man or a country should rise or fall on personal effort and ability. We spent over 40,000 American lives giving the South Vietnamese that equal chance. If they can't make it now, they never will.

5—Will we lose face as a nation? Certainly the Communist bloc will herald American withdrawal as a Communist triumph, but since when have we been buddies with the Communist bloc? Our allies—England, France, the Scandinavian nations—have been urging withdrawal for years. How can we lose face with them by doing what they want us to do? The fact that we are virtually alone in Vietnam demonstrates what other Western nations think of our policy there.

6—What, actually, are we fighting for? Communism does not succeed on a national scale, as has been proven time and time again. The only thing our presence does is give Communists a rallying point. How could China keep the minds of her people off their poverty, hunger and disease if there were no "Imperialist warmongers" to unite against?

7—What about Vietnamization? Nixon is sincere in his beliefs, but even Nixon side-steps the question of eventual total withdrawal, and even the hawks admit the process means an indefinite presence of up to 200,000 men in Vietnam. As Senator Hughes said Tuesday, even if Vietnamization works perfectly, those Americans who have a five-year-old son now will eventually see him in the jungles of Asia.

8—And finally, isn't America as important to Americans as South Vietnam? We are the most powerful and free nation on earth—especially if you are a moderately prosperous white man in Idaho. If our situation is so perfect at home that we can continue to ignore it; if all our problems are so small, then surely there would be no objection if that five-year-old son was to be brought up as an Indian on the reservation, or as a black in the ghetto. He might commit suicide or be killed in a riot, but what is the alternative?

Suppose he grows up "straight" and manages to avoid being killed in Vietnam, then enrolls in a university, joins ROTC, becomes the top man in his class, gets close to his goal of a career in the army, and walks to class some sunny spring day.

A boy did just that recently, and he is dead now. Not because of National Guardsmen, or violent students, or the administration of Kent State, but because of the war.

A patriotic American believes in justice and freedom. He believes in our constitution and all the things America stands for. He is always searching for ways to make the country greater, to move closer to a perfect nation. He does not burn a building; he does not sit on his hands and keep silent.

He writes his congressmen and says, simply, "I vote yes on the amendment to end the war."

[From the Rexburg (Idaho) Standard, May 12, 1970]

#### THE "DETERRENT" FALLACY

President Nixon's address to the nation on Cambodia left many unanswered questions. The most important one is this: What will the President do if operations by our own and South Vietnamese troops are not successful?

Basically these operations are deterrent actions: the President is telling the North Vietnamese that they must stop using the sanctuaries inside Cambodia to attack South Vietnam, and further, that they must cease their attacks on the Cambodian army. We know, however, that the North Vietnamese in the past have never responded to our deterrent threats as we would have wished.

The Vietnamese War is a history of these failures of deterrence. We first moved in troops, when this did not suffice, we followed with ever larger commitment of troops. When our troops did not have a satisfactory deterrent effect, we bombed supply trails. When this failed we began bombing extensively in North Vietnam itself. In the end we have reversed the process, abandoning all of these purportedly deterrent actions; we cut back on the bombing and finally stopped it, and now we are removing our troops.

Mr. Nixon talked in his speech about the credibility of our deterrent. The point is that the North Vietnamese, because of the failure of our deterrent actions in the past, feel that our threats are in fact not credible. There is no reason to believe that the present deterrent threat is going to be believed in Hanoi.

Contrary to what the President insinuated, there are precedents for the option of doing nothing. In 1962 President Kennedy faced a similar situation in Laos, where the Royal Laotian army was trapped by Pathet Lao troops in the Plain of Jars region. His military advisers counseled "limited" air and ground support. When Kennedy asked what the options would be if the operation failed, the reply was that another "limited" increase would be needed to ball out the troops. He refused to follow that line, and we have since avoided large-scale fighting in Laos.

President Nixon will no doubt face a similar question in the near future. If the North Vietnamese do not believe our threat and the evidence indicates that they will not—these "limited" actions by U.S. troops in Cambodia may be forced to continue. Once troops have been committed to the operations the only alternative that Nixon will have is to add more troops until the objective is gained. In doing this, he will take a grave risk of turning what was Johnson's Vietnamese War into Nixon's Indochinese War.

[From the North Idaho Press, May 1, 1970]

#### STREAM OF THOUGHT

(By R. J. B.)

Because President Nixon does not want this nation to "become a second rate power", he is risking involving the United States in a war for Indochina, with virtually all the nations of the world arrayed against us, either actively, indirectly or passively.

No American wants this country to be a "second rate power."

But nations as powerful as this one—in the context of their times—have fallen into second rate status because of costly military adventures induced by pride.

President Nixon said last night he promised to end the war and win a just peace. A "just" peace is always one imposed by the victor. Peace is rarely "just" in the eyes of the defeated.

President Eisenhower, many times the military man that President was, did not see the necessity for winning a "just peace" in South Korea.

He saw instead the necessity of extricating the United States from a costly war and accepted a truce—there has never been a peace agreement, just or otherwise—that put an end to the fighting.

That truce did not make the United States a "second rate power."

But a costly military adventure in Indochina could make the United States a second rate power, even if we do win a "just peace."

The war in South Vietnam so far has cost us the lives of 50,000 American boys, and a hundred billion dollars that could have been better spent correcting the ills we have at home, including ghettos, housing, education, medicine, transportation.

Previous administrations involved us in the war in South Vietnam because of the belief in the "domino theory," that the fall

of South Vietnam to the Communists would lead to the fall of all Southeast Asia to the Communists.

To the extent that our involvement in South Vietnam kept Indonesia from going Communist, that rationale was correct.

But now President Nixon has made the war a matter of pride, the pride of winning a military victory.

And if that victory cannot be won by fighting and dying in South Vietnam, then perhaps it can be won by expanding the war to Cambodia, and if that fails, then into Laos, for the Ho Chi Minh trail that supplies the Communist bases in Cambodia runs through Laos. If the attack on bases in Cambodia can be justified, then attacks on the Ho Chi Minh trail in Laos can be justified.

And such an attack in Laos will be carried out, if we insist on winning a "just peace" in South Vietnam.

The drive into Cambodia will be justified, if it is successful in accomplishing its objective in six weeks to two months, as the President hopes it will.

But our experience in South Vietnam to date gives little hope that it will be. Despite overwhelming air superiority, and superiority in fire power, logistics, supplies and equipment, we have not yet been able to "pacify" large areas of South Vietnam. We have won valleys and mountain tops at great cost of life, only to find the enemy reoccupying those areas as soon as we leave.

The guerrilla is a will-of-the-wisp fighter, and he is doubly effective when the native population has no spirit of nationalism or loyalty.

And so the promise that President Nixon made, that American troops will be withdrawn from Cambodia as soon as Communist forces are driven out of the area and military supplies are destroyed, must be viewed with skepticism.

The men who fought and died for Hamburger Hill in South Vietnam, or clearing the Au Shu valley several times, give basis for such skepticism.

Cambodia is now a battlefield, and the Cambodians are even less prepared and equipped to protect their country than were the South Vietnamese.

Every American wants his nation to be a first rate power.

But what does "first rate" imply?

Does it require a military victory, no matter how costly, in the jungles of Southeast Asia.

Or does it mean respect from other nations?

Does it mean villages destroyed in South Vietnam, or ghettos rebuilt in American cities?

Does it require the spending of billions of dollars on arms, or meeting the growing demands of people at home?

Can the pride of a military victory be matched by the pride in a peaceful domestic scene?

In our desire to defeat Communism in the jungles, we risk losing sight of the fact the greater need is to preserve free government at home.

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

Mr. CHURCH. I yield.

Mr. HOLLAND. Mr. President, I think we are all disturbed by the pending question and by the supplemental questions that are attached to it.

I have just taken this dispatch from the Associated Press ticker tape adjoining the Chamber which I will read into the Record simply because it brings up, at least to my mind, two new questions which have not heretofore been considered by me.

This Associated Press dispatch comes from Phnom Penh, Cambodia.



Mr. President, it reads:

While a portable phonograph played their national anthem, the Chinese Communists lowered the flag on their mammoth embassy in Phnom Penh today and the staff took a Swiss airliner for Peking.

"Goodbye, goodbye," called out Ambassador Kang Mao-Chao in English as he passed down a line of television cameramen at the airport.

Aboard the DC8 were 64 Chinese, 25 diplomats from North Korea, the Viet Cong and North Vietnam, and the Swiss Ambassador to Cambodia, Jean Revilliod, who went to arrange the return of 24 Cambodian diplomats in Peking. Two women and three children were among the passengers.

Mr. President, I comment first on that part of this dispatch. Evidently there has been considerable success in connection with the operations in Cambodia, because here we learn that the entire delegation from the Red Chinese Embassy, consisting of 64 persons, including the Ambassador as well as 25 diplomats from North Korea, the Viet Cong, and North Vietnam, were taking off to go to Peking. Apparently the Communists of all four descriptions, as mentioned here, find it very unhealthy to remain in Cambodia.

I call attention to that fact first.

Mr. President, I resume the reading of the dispatch:

It was an unusually busy day for Phnom Penh's International Airport. A few minutes before the Chinese delegation arrived, Cambodian Foreign Minister Yen Sambaur took off for Saigon.

He told reporters awaiting the Chinese group that he was going to ask that American and South Vietnamese troops remain in Cambodia beyond President Nixon's June 30 pullout date.

That, too, is a disturbing factor. Apparently the Cambodians feel that they are safe with the Americans and South Vietnamese there, but are not safe otherwise. That is not an entirely new comment. That has been mentioned heretofore in this debate.

The third part of this dispatch reads:

At almost the same moment, a Thai air force transport set down with the first contingent of a Thai military mission to Cambodia. A few minutes later a tiny red plane unloaded a plantation worker wounded in fighting near the South Vietnamese border.

The arrival of a Thai transport plane with what was described as the first contingent of a Thai military mission in Cambodia involves what is, to me at least, a new consideration in this whole debate.

We know, of course, that we have close military relations with the Thais. We know that we have a great many American troops there. We do not know whether there are American advisers with the Thais who went into Phnom Penh or not.

I think the complexity of this whole situation is made clearer by this dispatch than anything I have heard read into the Record in some time.

The departure of the Communist diplomats hook, line, and sinker from Cambodia, the departure of the Foreign Minister of Cambodia to Saigon—not going to meet with an enemy, but going to ask for more or continued help from the South Vietnamese and Americans—and the arrival of a Thai air force trans-

port setting down "with the first contingent of a Thai military mission to Cambodia" injects a different item into this whole picture.

We are dealing with a most complex transaction. And without commenting at all on the able speeches of the Senator from Maryland (Mr. TYDINGS), which I had the opportunity to hear almost in its entirety and the able remarks of the Senator from Idaho, which I heard with great interest, I just want the record to show that this dispatch, arriving but a few minutes ago by Associated Press, indicates the highly complex nature of this situation in Cambodia and illustrates rather clearly the success up to now of our American venture in that field.

I yield the floor.

Mr. CHURCH. Mr. President, I appreciate the remarks of the Senator from Florida. To me, these news reports fortify the reasons why the Senate should proceed with the enactment of this amendment. Every new development in Cambodia points in the direction of linking the United States with Cambodia in this war. It certainly is very clear from what the Senator read from the wire that strong forces are now at work out there to widen the war, not on a temporary basis, as the President envisioned, but, rather, as a permanent new field of battle.

The policy question we face is whether the United States should extend its present commitment to defend the Government of South Vietnam to a new commitment to defend the Government of Cambodia. This question falls directly within the province of Senate responsibility. At this time, we owe no obligation of any kind—no treaty, no covenant, nothing ever brought before the Senate, or ratified by the Senate, that would obligate the United States to the defense of Cambodia. That is why I think the time has come for us to draw the line right where the President has tried to draw it. If there is a case for us to enlarge the war further, to pledge the lives of American men and untold billions of dollars to the defense of another government in Southeast Asia, let the President come and make that case, and the Congress will pass on it as contemplated by the Constitution.

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

Mr. CHURCH. I yield.

Mr. HOLLAND. I should have said also that three or four dispatches later on the ticker tape is a statement by our Secretary of State and also the White House that the request of the Cambodians for an extension of time beyond June 30 for the stay of our troops will be denied and will not be granted. The point of my bringing into this discussion this particular dispatch, first, is to show that those who felt there could be little success from these raids have been shown that there has been very large success from the raids; otherwise why would all the Communist diplomatic delegations of Phnom Penh be taking off to Peking? Incidentally, this is quite interesting—it was to me—they were taking off in American-made DC-8s to get them out of trouble.

That was the first reason I wanted to put this dispatch in the record. The second reason was to raise the question of the intervention of the Thais because I know our own contacts with them are very close, and very intimate. It has been so stated on the floor of the Senate. I am not familiar with the exact nature of those contacts but I have heard members of the Committee on Foreign Relations comment repeatedly that the relations are very close and that we have a great many American troops and a great many American advisers there.

I do not know whether the wording of this resolution goes so far as to affect American advisers coming into Cambodia from the west, from Thailand or not; but I think that is a subject and consideration that might well be coming into this discussion, because they are there, we have a great many troops in Thailand, and as I understand, we have some very real obligations and commitments to them. So this is a most complex matter.

So far as the Senator from Florida is concerned, he is glad to report now that the White House has immediately reacted that it will not extend the stay of our troops there beyond the June 30 deadline. In other words, the Senator from Florida is not one of those who thinks the word of the President has to be questioned or confirmed by action of the Senate, which action originally did not seem to be action of confirmation but rather action of questioning. I am glad it is now being proposed to be amended so that instead of questioning the intentioning of the President, if this amendment is agreed to it will, in effect, say that the Senate is asked to act in concert with the President. I personally think there has been a decided change in front on the part of those who were offering this resolution. I wish to read the change in the wording that is suggested. It is as follows:

In concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1, 1970, and to expedite the withdrawal of American forces from Cambodia, it is hereby provided that unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this Act or any other law may be expended after July 1, 1970 for the purposes of—

The last three or four lines of that wording are identical with what was in the first resolution. The first three or four lines changed the approach from one of confrontation with the President to one of backing him up. I congratulate my friends who offered the resolution for having decided to go down the hill instead of up the hill.

The fact remains that we can rely on the President to do what he said, and the AP ticker tape indicates that is clearly what he proposes to do.

Mr. CHURCH. Mr. President, first I thank the Senator for his remarks. Our purpose in offering the amendment has never changed from the beginning. It remains one of legislatively backstopping the President in his declared intention of limiting the present Cambodian venture. We have changed the wording in the preamble to make it perfectly clear



that this is our intention and has been from the outset.

#### CAMBODIA AND LATIN AMERICA

Mr. President, according to James Nelson Goodsell of the Christian Science Monitor, our friends in Latin America have been appalled at the President's decision to send American troops into Cambodia.

Our incursion into Cambodia "has released a floodtide of press comment, public opinion, and official statement—most of it highly critical of Washington and of U.S. world policy in general." Indeed, the thrust of such strong reaction—in front page newspaper stories, on editorial pages, on popular radio "talk" shows, by various officials representing an assortment of Latin governments, and in peaceful demonstrations by both Latin and North American students—"seems negative," Mr. Goodsell reports.

Mr. President, it is my privilege to chair the Subcommittee on Western Hemisphere Affairs of the Committee on Foreign Relations. I know the close bonds that exist between our Nation and other countries in the Inter-American System. Since 1941, our Latin neighbors have almost always solidly supported our policies overseas. It grieves me, therefore, to see our mistaken policy in Cambodia compromise our position and standing in another part of the globe, especially an area such as Latin America which is far more vital to our national interest than any which we claim to have in Southeast Asia.

It is my earnest hope, then, that the political consequences of our military incursion into Cambodia, which has profoundly distressed our allies and friends in Latin America, will be minimal. It is also my hope that these same neighbors will help us to see our error and encourage us to reorder our foreign policy priorities.

I ask unanimous consent that this May 11 article from the Christian Science Monitor be inserted in the RECORD.

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

#### MOVE INTO CAMBODIA STIRS OPPOSITION IN LATIN AMERICA

(By James Nelson Goodsell)

BUENOS AIRES.—In an area of the world where President Nixon already is viewed with considerable suspicion, it is not surprising to encounter among Latin Americans a very negative reaction to his decision on Cambodia.

In fact, the movement of United States troops into Cambodia has released a floodtide of press comment, public opinion, and official statements—most of it highly critical of Washington and of United States world policy in general.

Cambodia remains far from Latin America physically and emotionally, just as Vietnam is.

But a major escalation in the war in Southeast Asia is enough to bring it closer.

#### SOME MILD SYMPATHY

Most of the early press comment criticizes President Nixon for fueling the war, rather than putting it out. "He is proving insensitive to the desires of mankind," Lima's La Prensa wrote. "What is needed is an end to warfare and to fighting, not an increase even though it is done under the guise of bringing

about the desired goal. For history has proven that such an avenue is doomed to failure."

Other reaction in newspapers was similar, although in some editorials there was a tone of mild sympathy for Mr. Nixon and the dilemma faced by Washington in Asia.

But on balance, the weight of editorial comment fell heavily against the United States action.

Moreover, the news of the Cambodian operation has remained a front-page story in the newspapers, many of which carry maps and special illustrative material to tell readers where Cambodia is and its historic role as part of the Indo-China peninsula.

El Mercurio, a leading morning newspaper in Santiago, the Chilean capital, has been particularly strong on this point.

Public opinion in Latin America is always hard to gauge—simply because the means for assessing public reaction are not as well developed as in the United States or Western Europe. But even here, in early evidence of public opinion, the reaction seems negative.

#### DISAGREEMENT VOICED

Radio "talk" shows, commonplace in the United States, are just now developing in Latin America. And the talk shows of the past week have in large measure been devoted to Cambodia and public reaction to the question of United States involvement.

The majority of the callers have expressed disagreement with the Nixon decision and the talkmasters, many of them trying to present an opposite position from the callers, have been hard put to refute callers' comments.

Official reaction has been slow. Chile's Foreign Minister Gabriel Valdes said that Chile would hope for an early end to the Southeast Asia conflict, but reserved judgment on the specific question of Cambodia. However, unofficial Chilean comment from sources close to the government expressed "shock, amazement, and concern" over Mr. Nixon's decision.

"It represents the gravest of situations we could imagine and makes us wonder about where the United States is heading," one of these sources said.

This view was echoed by officials in other countries, none of whom wanted to be quoted directly.

"What is this madness?" asked a Colombian Government official, who was quick to say he was not speaking for his government, but for himself. "This is all so tragic and so familiar sounding. Does Washington know it is painting itself into another trap like Mr. Kennedy did and Mr. Johnson did even more surely?"

While these have been the words spoken on the Cambodian involvement, there have also been a number of demonstrations taking place in various Latin American lands.

In Venezuela, two students were killed and four others wounded in a gunfight between police and Central University students demonstrating against the United States involvement in Cambodia.

#### PROTEST ESCALATED

More than 500 Venezuelan students were involved in the demonstration and the deaths of two of them reportedly triggered an even more massive student protest. Signs linking the Central University killings with those of four Kent State University students in Ohio last week have begun to appear in Caracas.

In downtown San José Costa Rica, about 100 United States youths, most of them teenagers demonstrated outside the United States Embassy, protesting the intervention. The protest was peaceful, but it was staged without official permission from San José municipal authorities.

The majority of the demonstrators were university students studying in Costa Rica and some were the children of North American officials stationed in San José.

Similar demonstrations by United States youths in other Latin American countries are anticipated.

Mr. CHURCH. Mr. President, as the Cambodian operation continues, the American economy shows more and more that it is in grave trouble. Inflation continues to rise unbridled, the unemployment rate continues to go up, while the stock market sinks out of sight, reaching now the lowest level in 8 years.

Financial observers agree that this serious situation is directly related to our deepening involvement in the Southeast Asian morass. Confidence might well be restored if the President of the United States were to be legislatively backstopped regarding Cambodia. Otherwise, the forces now at work—the bureaucracy, the military, and our foreign allies in Southeast Asian capitals such as Saigon, Bangkok, Vientiane, Taipei, and Seoul—are going to be pushing the President on to become ever more involved in Indochina. Indeed, there is hard evidence already from Saigon that the government there is relentlessly pushing the President to widen the war beyond the limits he set in his April 30th address to the Nation and his May 8th press conference.

It is now acknowledged that administration policy has shifted in the last 10 days regarding the administration's attitude toward South Vietnamese forces staying in Cambodia once we have left.

The American economy needs assistance. As Terry Robards of the New York Times reported last week, the amendment which Senator Cooper and I are offering to the Foreign Military Sales Act, if written into law, would help restore confidence in our economy. By setting, in concert with the President, the outer limits of the Cambodian operation, it would reinforce his hand. He could then tell the bureaucracy, which has come to possess such a large vested interest in our position in Southeast Asia and with which he must cope on a daily basis, he could then tell his military advisers who urge a larger war; he could then tell foreign governments which keep leaning on him to broaden our commitments, that the line has been drawn both by his own hand and by an Act of Congress. This not only would have a beneficial effect in stabilizing our policies in Southeast Asia, but it would also have the most buoying effect on public confidence in the market place here in the United States.

I want to read now an excerpt from Mr. Robards' column, which he captions "A Crisis of Confidence." The article, as I have said, is addressed to the plummeting stock market:

Analysts say that there has been no worthwhile rally because of a crisis of confidence in the ability of the Nixon Administration to reduce commitments in Indochina and withstand pressure for deeper involvement in the Middle East. They say it is not really the uncertain business outlook that is keeping the market down.

Reassuring comments by the Administration's economists have been repeatedly shrugged off, demonstrating that the state of the economy is not the problem.

To firm up the plunging stock market would be another fallout benefit accru-

ing from adoption of the pending Cooper-Church amendment.

I ask unanimous consent that the article from which I have read appear at this point in the RECORD.

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

[From the New York Times, May 15, 1970]

A CRISIS OF CONFIDENCE—DOUBT OVER HOW NIXON WILL HANDLE FOREIGN POLICY CITED IN MARKET DROP

(By Terry Robards)

The gloom that enshrouds Wall Street today is perhaps the heaviest since the early days of the Great Depression. The stock market keeps skidding day after day, with only feeble attempts at recovery, and the bond market is equally depressed.

#### ECONOMIC ANALYSIS

Analysts say there has been no worthwhile rally because of a crisis of confidence in the ability of the Nixon Administration to reduce American commitments in Indochina and withstand pressures for deeper involvement in the Middle East. They say it is not really the uncertain business outlook that is keeping the market down.

Reassuring comments by the Administration's economists have been repeatedly shrugged off, demonstrating that the state of the economy is not the problem.

The investment community is fearful that the Administration actually has no plan for final disengagement from Vietnam and that it will be lured into a confrontation with the Soviet Union over the Arab-Israeli conflict, which seems to be escalating.

#### MAKING OF A MALAISE

Campus dissension and the oncoming decline in corporate earnings only add to the malaise. Even the perilous state of Bernard Cornfield's overseas mutual fund empire is seized upon as yet another reason for pessimism, since forced liquidations of fund holdings might add to the general market retreat.

There is talk of a selling climax, a conclusive final disgorging of securities in chaotic trading, but it never seems to materialize. The decline is orderly, showing only rare signs of panic, and it is relentless.

"The gloom is at the darkest now and maybe there's something to that old proverb that everything is blackest at the bottom," says August Huber, president of Spencer Trask & Co. "It's been many, many years since we've had the depressed state of mind that we see now. Whereas a couple of months ago people could see the light at the end of the tunnel in Vietnam, now it's all reversed and people are thinking it'll go on for years more."

#### A THEORY EXPRESSED

Mr. Huber's theory is that the stock market currently is discounting the worst that can happen either in corporate profits or in the American involvements overseas. "We've squeezed a heck of a lot out of this market," he observes. "With the deterioration we've seen, we should be near the bottom. I would expect a fairly decent rally to develop from somewhere close to here."

But comments like this seem to be increasingly rare these days. Most analysts appear to feel that a bolstering of confidence in the Nixon Administration is what is needed. This can come about, they say, only when an end to the long and dreary Vietnam war becomes likely. The engagement in Cambodia has shaken their confidence that the day is near.

Any further deepening of the American involvement in overseas conflicts would be viewed with alarm by investors. It would come as a surprise and there is a widespread belief on Wall Street that the stock market can not withstand many more items of unexpected bad news.

On the other hand, technical analysts say the market is deeply oversold and ready to rally on good news. Wall Street is waiting for concrete evidence of improvement in the Vietnam situation and a clear indication that the United States will not be drawn into any other wars.

Mr. CHURCH. 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. HOLLAND. 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. HOLLAND. Mr. President, I have just one or two additional comments to make.

Of course, I accept at complete face value the statement of my distinguished friend from Idaho that the motives—and I never examine into motives of Senators—of those who presented this resolution have not been changed by the change in wording of the proposed amendment.

I call attention to the fact, however, that if that is the case, the choice of words that they have used would indicate very considerable change in point of view, because, in the original proposal, the heading of section 47 reads "Prohibition of Assistance to Cambodia," followed by words which I read awhile ago, whereas the proposed amendment reads "Limitations on United States involvement in Cambodia."

I noted from some of the discussion that I have heard on this floor, particularly that included in the address of the Senator from Maryland (Mr. TYDINGS), that apparently he thought—and I do not know how many other Senators think—that the warmaking power of Congress is in question. Apparently the use of the word "prohibition" in the original amendment may have been in line with that concept. As I understand now, everyone is in agreement with the fact that in the Gulf of Tonkin resolution, the President was given discretion to do what has been done in South Vietnam, whether that was fortunate or unfortunate, and some of those who argued most loudly for that Gulf of Tonkin resolution are among those who now proclaim it was unwise, and that we should not have adopted it.

But the fact remains that nobody now seems to question the fact that the waging of the war in South Vietnam—and now, from these new words in this proposed amendment, that the efforts to protect our men fighting there by the raids on the sanctuaries in Cambodia—was anything but a logical sequence of the general power given the President by the Tonkin resolution.

So I call attention, in the first instance, to the fact that the changed wording does indicate a very decided change in approach, because the first wording was "prohibition of assistance to Cambodia," whereas the second proposed wording simply reads "limitation on U.S. involvement in Cambodia." There is a good deal of difference between those two approaches.

The second thing I wish to say before

I yield the floor is this: I did not hear my distinguished friend from Idaho make any comment on the AP dispatch indicating the arrival of the first contingent of Thai forces coming into Cambodia to help the Cambodians, and of the further fact that we are known to have and to continue close military operations with the Thais, and we do not even know whether there are any American advisers with this first Thai contingent. It was spoken of only as "the first," indicating that considerable others were to follow.

I should like very much to know from someone on the Foreign Relations Committee whether this section of the resolution would be so broad as to affect those American advisers who may be with the Thai contingent who are arriving there—in fact happened to arrive there at the same time that the Communist diplomats were fleeing from the same airport—or whether this resolution does apply to our American advisers to the Thais.

Mr. CHURCH. Mr. President, I am happy to answer the distinguished Senator.

In the first place, as one of the original sponsors of the amendment, who has followed closely each of its different versions, I should again state that our purpose in offering the amendment has changed in no way. The language we have chosen now, we believe, better describes our purpose than the earlier language. That is why we suggested the change of language. But it does not imply, as the Senator seems to insist, a change from the original motivation or original purpose.

In fact, the substantive provisions of the amendment remain unchanged; it is only the preamble that has been changed. A careful examination of the RECORD will show that, from the beginning of the debate, our purpose has been consistent.

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

Mr. CHURCH. I yield.

Mr. HOLLAND. I just wonder if the Senator is of the opinion that the President violated the war-declaring powers of Congress by ordering the raids to eliminate the sanctuaries in Cambodia, or whether, to the contrary, he was fully justified under the general powers given him by the Gulf of Tonkin resolution to protect the men then fighting in South Vietnam from the effect of the continued existence of those sanctuaries within a few miles of where they were having to fight.

Mr. CHURCH. I am happy to answer the Senator. There is nothing in this amendment, not a word in it, that suggests in any way that the operation undertaken in Cambodia is invalid, or goes beyond the Presidential authority, whether based upon the Gulf of Tonkin resolution or based upon his right as Commander in Chief to protect American forces in the field.

All we are attempting to do here, rather than provoke a contentions constitutional argument, or provide any basis upon which anyone could honestly say that we are trying to undercut the President, is to assert authority that belongs

May 25, 1970

S 7773

to Congress. This is our authority involving the use of public money.

Mr. HOLLAND. Mr. President, if the Senator Will yield right there—

Mr. CHURCH. I would like to complete my point. We are using the purse power of Congress to define the limitation on this operation at the very place where the President himself has fixed it.

Other motives, other purposes, other objectives may be read in by those who oppose this amendment. However, I say respectfully to the Senator, that they cannot really be found in the wording of the amendment itself, nor in any argument we have given in behalf of the amendment from the very time it was first brought to the Senate floor, even in its original form.

Our purposes have been consistent throughout. We believe, however, that this language better explains those purposes than the earlier language did.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. CHURCH. I yield.

Mr. HOLLAND. As I understand it now, from the Senator's latest statement, there is no thought or intent of any charge that the President has gone beyond his powers or violated Congress power to declare war by the use of American troops in the field, to destroy these sanctuaries and to protect other American troops in the field.

Mr. CHURCH. We have never made that argument. We do not make it now, and I do not anticipate we will make it tomorrow.

Mr. HOLLAND. Mr. President, I am awfully happy that the Senator has made that statement, because the position which he has just taken is so variant from what many of the letters and many of the editorials, and even many of the news reports, have been claiming.

I think that now it should be clear, so that all can see it, that there is no charge even on the part of those offering this resolution—particularly since they have offered to soften it in this latest suggestion—no thought of charging the President with having done more than he has a clear authority to do under the Constitution in protecting American troops in the field.

Mr. CHURCH. Mr. President, if such an interpretation has been laid upon this amendment, it has not been because of the arguments made on the part of its sponsors. It has been the opponents of the amendment who have constantly reiterated that the proponents were attempting somehow to undercut the President of the United States. So, it is not at all surprising that so many newspaper accounts bear this particular coloration. I again point out that there is no basis for these arguments to be found in the text of the amendment itself.

Mr. HOLLAND. Mr. President, I thank the Senator for his candid statement. I simply remark that the source of the accounts I have mentioned, charging the President with violation of his constitutional rights and with overriding the constitutional rights, have not come, as I have seen them, in the main, from people who are opposing the amendment, but from people and columnists in par-

ticular who are supporting the amendment; and perhaps they would like to go a little further than those who are offering the amendment intend to go. But those comments have not come from opponents of the Senators' amendment. They have come, in the main—at least, as my observation has gone—from those who not only support the amendment but also are trying to urge that it go a little further each day.

Mr. CHURCH. As the Senator knows, neither he nor I can speak for others. But it is important that we understand one another. I hope this colloquy has helped to improve that understanding with respect to the purposes we seek to serve in offering this amendment to the Senate.

Mr. HOLLAND. I thank the Senator.

My second question is this: What is the Senator's opinion, his able opinion—because, as a member of the Committee on Foreign Relations and one who has studied this subject most conscientiously, I am sure he has a worthwhile opinion on it—as to whether this resolution goes so far as to touch the pay, the emoluments, the activities of American advisers to the Thai, who may go in there with Thai to help the Cambodians, and who, by the press dispatch I have just read into the Record, are arriving today, some of whom had actually arrived today when that dispatch went out from Phnom Penh?

Mr. CHURCH. The Senator has asked, if I understood him correctly, whether this amendment would foreclose U.S. advisers accompanying the Thai forces in Cambodia; and the answer to that question is, "Yes."

The second subsection of the amendment prohibits the compensation or allowances of or otherwise supporting, directly or indirectly, any U.S. personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat activity in support of Cambodian forces.

If the purpose of the Thai forces in Cambodia is to come to the support of Cambodian forces, and if they are accompanied by U.S. advisers, then the second subsection of the amendment would bar the U.S. personnel. However, the President, himself, has indicated in his public statements that it is not his intention to send U.S. personnel into Cambodia in an advisory role. This amendment is drawn to conform with the President's own intention. There is nothing in subsection 2 of the amendment which in any way conflicts with the declared policy of the President.

In view of that declaration, I assume that there are no U.S. advisers moving with the Thai troops into Cambodia. I must say that this is an assumption, but it is one that conforms with the Presidential statements.

Mr. HOLLAND. I thank the Senator. One more question would be this: Is the Senator able to state whether or not such a position on our part would be in conformity with our obligations to the Thai Government and to the Thai people?

Mr. CHURCH. Of course. What are those obligations? They are described in

the SEATO treaty, the only treaty the Senate has ratified. The obligation we assumed to the Thai Government, under the SEATO treaty, is first to take appropriate action in accord with our constitutional processes if Thailand itself were attacked; and, second, to consult with other members of the SEATO treaty in the event that the Thai Government were threatened by subversion.

No matter how broadly one would want to construe these obligations under the SEATO treaty, they could not possibly cover a promise to support Thai forces in Cambodia sent by the Thai Government to assist the Lon Nol regime in Phnom Penh.

We owe no obligation of any kind to the Cambodian regime, either directly or indirectly, through a Thai intervention. So far, I have heard no administration spokesman who maintains that there is any formal obligation of any kind on the United States.

Mr. HOLLAND. I thank the Senator for that assurance.

I should like to ask the Senator one more question. Why is it that in the writing up of the report on this resolution, which included the original prohibitory section 47, there was no discussion whatever in the report of section 47? It is simply copied into the report without the slightest discussion. Was there any reason for that?

Mr. CHURCH. I think the reason is purely technical. That language is necessary because it adds a new section to the Military Sales Act. That is the only reason.

Mr. HOLLAND. But the report was rather in detail on other sections which I think were much less important and which debate has shown are given much less importance, both by the offerers of the act and the offerers of the amendment. I am wondering why we obtained no information in the report as to the meaning of that section and as to what was intended to be accomplished by it.

Mr. CHURCH. I am not sure that I understand the question of the Senator; but if I do, the answer is that the present Military Sales Act ends at section 46. Therefore, in order to affix the amendment we are discussing, it was necessary to add a section 47 to the act.

Mr. HOLLAND. I understand that perfectly.

Mr. CHURCH. Then, perhaps I do not understand the Senator's question.

Mr. HOLLAND. I should like to know why there is no explanation of section 47 in the report. All the other features were described and explained.

Mr. CHURCH. If the Senator will look at page 9 of the report, the whole of the amendment is set out and explained there, beginning on page 9 and running over through page 10 and, as I recall, elsewhere in the report reference is made to the amendment. The committee report does not omit the discussion of the amendment.

Mr. HOLLAND. I note that in the wording to which the Senator has referred me, this language occurs:

This language would also prohibit the sending of U.S. personnel into Cambodia as advisers to South Vietnamese military units.

There is no reference there to Thai units. Was that specifically omitted or just not thought of as a possibility so far as its occurrence was concerned?

Mr. CHURCH. The language of the amendment speaks for itself in that regard. It covers U.S. personnel furnishing military instruction to Cambodian forces or engaging in military combat activities in support of Cambodian forces. Thus, if the action of the South Vietnamese was of a character that partook of supporting Cambodian forces, then the amendment would prohibit use of American advisers. The same would apply to Thai forces. The language of the amendment makes it clear that the prohibition relates to U.S. personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat activity in support of Cambodian forces.

Mr. HOLLAND. As a matter of fact, judging from the report and the discussions up to this time, the AP dispatch which was placed in the RECORD as to the intervention by Thailand, was not considered as a probability, was it, by the committee or by the authors of the amendment?

Mr. CHURCH. Yes, indeed. Rather than looking upon this latest news as something to applaud, I look at it with great foreboding. It is precisely the kind of thing the committee contemplated, the kind of action that will weld Cambodia inseparably into the links of a widening war. It is another step in forging the chain that eventually could draw us completely into this second front, as we have, in fact, been drawn into the first front in Vietnam itself.

The purpose of the amendment is to prevent the United States from getting entangled in the defense of the regime in Cambodia. Because we did anticipate these developments, because they were expected, we are hardly surprised now. We offer the amendment to help the President hold the line against an extended involvement on the part of the United States in Cambodia.

Every day, the ticker is full of news which underscores the need for Congress to assert itself and reinforce the President in his own declared intention to keep the present operation in Cambodia limited as to time and limited as to objective.

I surely hope that the Senate will see the urgency of that need.

Mr. HOLLAND. I congratulate the distinguished Senator from Idaho on several things, but one in particular: I am glad that he got away from the word "prohibition" and came to the word "limitation."

I think that is a much softer word and indicates a softening of the attitude of the authors of the amendment, if I may be allowed to say so. To that extent, I congratulate the Senator very warmly.

Mr. CHURCH. I thank the Senator.

Mr. ALLEN. Mr. President, will the Senator from Idaho yield?

The PRESIDING OFFICER (Mr. DOLE). Does the Senator from Idaho yield to the Senator from Alabama?

Mr. CHURCH. I yield.

Mr. ALLEN. The Senator from Idaho has emphasized the fact that the amendment does not question the warmaking

power of the President as Commander in Chief. I should like to ask the Senator from Idaho if it is not a fact that the amendment applies not only to the present Cambodian conflict but also it applies ad infinitum, that it does restrict the President in taking emergency action to protect the interests of this country if at some future time he deems that to be necessary; and, is it not a fact, that while no question is raised as to his power to have started the present military action in Cambodia, the effect of the amendment is to say to the President, "In the future, we will not support with our resources or with appropriations any future action on your part in Cambodia as Commander in Chief"; and, does it not, thereby, restrict the powers of the President of the United States as Commander in Chief of the Armed Forces to take emergency action in the best interests of the country in the future?

Mr. CHURCH. Mr. President, that question can be answered, I think, the way many questions in the law must be answered; namely, by applying the standard of the reasonable man.

It is next to impossible to draw a precise line between the powers of the President under the Constitution and the powers of Congress in the matter of war. A gray area exists between the two. So, the amendment was drafted in such form as to avoid that gray area as much as possible.

It is one thing to conjure up a situation in which the President might act reasonably, owing to the immediate needs of our troops in the field. Even if his action were not in strict accordance with the letter of the amendment, I am sure that if the circumstances showed the action was necessary for the protection of our troops, no one in Congress would raise a question—

Mr. ALLEN. Yes, but may I say—

Mr. CHURCH. Let me finish my thought—but if, on the other hand, the President were to say that the protection of the American troops we have sent to South Vietnam required us to invade North Vietnam—a far more important sanctuary of the enemy—or, to think of a more extreme case, if the President were to say, as Commander in Chief, "I have decided that the adequate protection of our troops in South Vietnam necessitates the bombing of China or an all-out attack on the Soviet Union," well then, I doubt anyone in the Senate would argue that the President has inherent power, in order to protect our troops in South Vietnam, to start a third world war or initiate a nuclear exchange that could bring an end to civilization.

No, it is a question of reasonable interpretation of power.

As matters now stand, the President does have broad discretion in determining the extent we will involve ourselves in Cambodia, which adjoins the present theater of operations. But, if the amendment is enacted, and the President signs it into law, then we have exercised congressional power to establish the outer limits in Cambodia. We establish those limits where the President himself has fixed them. As law, the matter would then take a different shape. If the Presi-

dent later decided we should go in and occupy Cambodia, or assume the obligations of defending the Lon Nol government, then he would have to come back and present his case to Congress and ask Congress to lift the limitations.

So I say to the Senator, as best I can, that although it is not possible to define the precise line between the power of the President and the power of Congress in a case of this kind, it is possible to proceed to assert the authority of Congress under this amendment. And the consequences that would flow from that are those I have attempted to describe.

Mr. ALLEN. Mr. President, to take any further action with respect to Cambodia after all troops have been withdrawn by July 1, it would be necessary for the President to do, not what he did on this occasion, but to come back to Congress and, in effect, ask for permission to take this action. Is that not correct?

Mr. CHURCH. Mr. President, if this becomes a part of the Military Sales Act which is signed by the President into law, the Senator is correct. That would be the requirement insofar as a future action in Cambodia is concerned.

Mr. ALLEN. Mr. President, in other words the action goes much further than having applicability to the present conflict in Cambodia. It covers, as well, any future action the President might wish to take with respect to Cambodia in an emergency, and that, as distinguished from the action he took in early May without congressional approval, he would have to come back and ask Congress for permission to use moneys for that purpose.

Mr. CHURCH. He would have to come back and ask Congress to change the law if he wanted to spend money for any of the purposes prohibited by the amendment, yes.

Mr. ALLEN. Does this not then curtail the power of the President, which the Senator says he is not criticizing or taking to task in the amendment?

Mr. CHURCH. Mr. President, I have never heard the power of the President defined as reaching so far as to commit the United States to defend a foreign government. Under the Constitution, our assuming an obligation to defend a foreign government is something the President proposes, subject to the advice and consent of the Senate.

Mr. ALLEN. Mr. President, the junior Senator from Alabama had no reference to defending Cambodia. He did have reference to the sanctuaries and the defense of our own armed forces.

Mr. CHURCH. Mr. President, I know, but this is what the amendment prohibits, and properly so, I think.

As I have said, it is impossible to define the exact line of Presidential authority as Commander in Chief, insofar as it relates to protecting our troops in the field.

I have no doubt that he will do that in the future, should a real and immediate threat to our troops arise. He will do as he has done in the past, and he will rest his case upon the inherent powers of the President as Commander in Chief. But I do not believe it is necessary to jump from that argument to the conclusion that the President therefore pos-



May 25, 1970

S 7775

esses the inherent power to do on his own what this amendment reaches—and that is committing the United States to the defense of a new regime in Southeast Asia.

Mr. ALLEN, Mr. President, the Senator from Idaho has pointed out on several occasions on the floor that the effect of the amendment is merely to take the President at his word and work in concert with him with respect to the withdrawal of our troops from Cambodia. But the junior Senator from Alabama seems to recall that the President in his address to the Nation mentioned the fact that it might be necessary in the future to go again, after the withdrawal from the sanctuaries, into Cambodia and recapture them.

Yet the amendment offered by the distinguished Senator from Idaho would require that before doing that, he must come back to Congress and get permission by way of an appropriation or some expression of congressional approval.

Mr. CHURCH, Mr. President, I do not know to what the distinguished Senator from Alabama alludes when he says that the President has indicated that it may be necessary to go back into Cambodia again after the sanctuaries.

That precise question was asked the President in his last press conference.

He said in answer to the question: "And what we have also accomplished is that by buying time, it means that if the enemy does come back to these sanctuaries, the next time the South Vietnamese will be strong enough and well enough trained to handle it alone."

So the President has not indicated any intention of going back. And he has based the justification for his present action on buying time to proceed with his withdrawal from South Vietnam.

I say to the Senator that the line we draw in this amendment conforms in every particular to the best evidence we can get as to the limits the President himself has set.

I think that if, at some later date, he decides the United States should expand the war and go back into Cambodia, or that we should go to the defense of the new Cambodian regime, or to the rescue of the South Vietnamese, who have now apparently decided to stay in Cambodia, he should come to Congress.

Mr. ALLEN, Mr. President, insofar as Cambodia is concerned, it would be necessary for the President to come back to Congress and, in effect, get permission to take any action in Cambodia, even though he thought it was necessary to protect the lives of American soldiers in South Vietnam.

Mr. CHURCH, Mr. President, I say to the Senator what I have said before, because I know he does not want to place words in my mouth.

I have said, and I restate it once again, that the precise limits of the President's authority under the Constitution to protect American troops in the field defies exact definition. The very nature of that authority is such that one cannot enclose it within a certain verbal framework.

This amendment does not challenge the President's right as Commander in Chief to take any action reasonably re-

quired to protect our troops in the field; he takes such action under authority that he derives from the Constitution.

We could not, even if we wanted to do it—and we do not. The last thing we want to do—as I am sure the Senator from Alabama will concede, is to place American troops in jeopardy in the field.

Mr. President, what we are trying to do in this amendment is not to define the President's authority, which we can neither diminish nor enlarge. Rather, we seek to assert the authority that Congress possesses over the expenditure of public money in such a way that if the President should later want to exceed limits he himself has defined, he would be required to come back to Congress and get approval.

Mr. ALLEN, Mr. President, it would be possible for him to send troops in. But, without the approval of Congress, those troops could not be supported.

Mr. CHURCH, No. That is not correct. It may be that I am failing to express myself clearly.

Mr. President, I can only restate once more what I have said before, and that is that whatever power the President has under the Constitution to protect American troops in the field, we do not attempt to reach, and we could not reach, even if that were intended. But Congress is the keeper of the public purse strings. And there is a reasonable line of demarcation between action that can be justified as necessary for the protection of American troops and action that involves a new national commitment to go to the defense of a foreign government.

Mr. ALLEN, Mr. President, the Senator says that he is not going to interfere with the President's action as Commander in Chief. Yet, at the same time, he says that he is not going to support that action by appropriations unless the President comes back to Congress and asks for it.

Mr. CHURCH, Mr. President, it is not properly within the President's power as Commander in Chief to commit the United States to the defense of the new regime in Cambodia.

If Congress has any power at all under the Constitution of the United States, it has the right to determine the necessity of such an action, and the Senate itself has the power to ratify or to reject treaties that go to this very question. And we have no treaty with Cambodia.

Mr. ALLEN, Mr. President, I am not talking about protecting the government of Cambodia. I am talking about protecting the lives of American servicemen.

Mr. CHURCH, But this amendment relates to support for Cambodian forces and support for the Cambodian Government.

Mr. ALLEN, That is not what it says. It says retaining American forces in Cambodia. It does not say for what purpose.

Mr. CHURCH, As I stated to the Senator, the retention of American forces in Cambodia is based on a date which the President himself declared to be the date by which he intends to withdraw them. We have merely set the time for their withdrawal on the very date the President himself set.

Mr. WILLIAMS of Delaware, Mr. President, will the Senator yield?

Mr. CHURCH, I yield.

Mr. WILLIAMS of Delaware, The Senator refers to having set the date which the President himself set. That is in the revised amendment, is it not?

Mr. CHURCH, Yes.

Mr. WILLIAMS of Delaware, Is it not true that the amendment as originally introduced would have been effective immediately, and upon its adoption servicemen in Cambodia now and not withdrawn prior to its enactment would not have been paid?

Mr. CHURCH, The Senator will recall, because he was present in committee when the earlier version was discussed, that it was not contemplated that the amendment could be approved in the Senate, retained in conference, adopted by the two bodies, sent to the President and signed into law, prior to the July 1 deadline; but in the course of debate, this possibility was raised and for that reason, because we wanted to eliminate any argument that this amendment could, under conceivable circumstances, undercut the President, we put the date in the revised version.

Mr. WILLIAMS of Delaware, Perhaps the Senator and his supporters had plans to keep this debate going for 30 days so that it could not become law. I had assumed they were in earnest and wanted it to pass.

The point is that the amendment was reported to be effective immediately, and we act on measures on that basis. While I did not support the amendment, I was trying to get a vote last week, and conceivably it could have passed and become law. Had it been enacted into law there would have been no pay for servicemen or their families until they had been withdrawn from Cambodia. That is the argument I make.

The Senator has now recognized that discrimination and has changed the effective date to July 1. But as the Senator from Alabama points out, if after July 1 there were one or two servicemen left in there their pay would stop until they were brought out.

Mr. MANSFIELD, Mr. President, will the Senator yield at that point?

Mr. WILLIAMS of Delaware, I yield.

Mr. MANSFIELD, That is not true. What the Senator from Delaware is doing is reviving an argument he made more than a week ago in which he stated that the Senate, the House, and the President could take action and put this into effect immediately. It is an impossibility.

So I hope, because the date which the Senator wanted and the administration wanted is now in the measure, that argument will be abolished. It held no water in the first place and holds none at the present time.

Mr. WILLIAMS of Delaware, I am trying to get the record straight and that is what the amendment would have done. The amendment states "paying the compensation or allowances" of these servicemen.

Mr. CHURCH, Let us read the amendment. May I read all of the amendment?

Mr. WILLIAMS of Delaware, Surely.

Mr. CHURCH, I think the Senator wants the Record complete.



S 7776

## CONGRESSIONAL RECORD—SENATE

May 25, 1970

It states, reading from the appropriate place in the preamble:

It is hereby provided that unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this Act or any other law may be expended after July 1, 1970 for the purposes of—

(1) retaining United States forces in Cambodia

This is after July 1.

Mr. WILLIAMS of Delaware. It is, under the new amendment.

Mr. CHURCH. It is after July 1 under the new language.

Mr. WILLIAMS of Delaware. Yes.

Mr. CHURCH. Mr. President, I ask unanimous consent that the new language may be inserted at this point in the Record.

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

In concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1, 1970, and to expedite the withdrawal of American forces from Cambodia, it is hereby provided that unless specifically authorized by law hereafter enacted no funds authorized or appropriated pursuant to this Act or any other law may be expended after July 1, 1970 for the purposes of—

Mr. WILLIAMS of Delaware. That is the language of the amendment.

Mr. CHURCH. Yes; it states "retaining United States forces in Cambodia."

Now, if on July 2 or July 3 American forces are still in Cambodia, but moving out, there is nothing in the amendment that means they cannot be paid for the time they are in there after the deadline. It states for "retaining" them there. There would be no argument about their pay.

The second provision is: "paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any United States personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat activity in support of Cambodian forces."

That is clear. We are talking about U.S. personnel who are either giving military instruction to Cambodian forces or engaging in any combat activity in support of Cambodian forces. That is all. No one is contending, least of all the President, that the present U.S. forces in Cambodia are there for the purpose of giving instruction to Cambodians or support to Cambodians.

I think the Senator's argument, if I may say so, stretches the facts.

Mr. WILLIAMS of Delaware. The Senator has admitted the defect of his amendment and corrected it, and if we have a clear understanding we can correct the other.

As I understand it, the Senator is endorsing that action which has been taken; as far as the President's action in Cambodia is concerned, it will not interfere with that or with payment to the men until they are withdrawn—that is, up to July 1.

Mr. CHURCH. The Senator from Idaho is not endorsing the action the President has taken. That is a separate question. But the amendment does not take issue with the action already taken.

Mr. WILLIAMS of Delaware. That is correct.

But these are servicemen we are dealing with. They were ordered into Cambodia under circumstances over which they had no control. They would have been court-martialed if they had not followed orders, and their pay and their family allowances must be paid in full until they are withdrawn.

Mr. CHURCH. That is right.

Mr. WILLIAMS of Delaware. That is true regardless of the July 1 date or whatever date they are withdrawn.

This should be understood, and if the amendment needs clarification I understand the Senator has no objection to clarifying and making it clear that they will be paid full pay and allowances while they are in Cambodia, Vietnam, or wherever they are. Is that correct?

Mr. CHURCH. The legislative history should make clear that there never has been, as the Senator knows, any intention on the part of the sponsors to impair the pay of American servicemen who under orders of the President to clear out these sanctuaries in Cambodia; no, none whatever. We tried to make this clear by setting the same date for withdrawal as the President, and using the term "retaining" so the prohibition applies only to retaining them there.

I take the President at his word. I think he is going to bring our troops out by July 1. But there is nothing in the amendment that could jeopardize paying the men who are acting under the President's orders.

Mr. WILLIAMS of Delaware. I am asking the question because I want that point very clear.

As I understand it, in the opinion of the Senator it can if necessary be further clarified legislatively or otherwise so that there will be no misunderstanding as to the effect on our servicemen. I feel there would be a dangerous precedent in this country to have a situation develop where under any circumstances when our troops are ordered to march in a certain area—whether I agree with their orders or disagree is beside the point, or whether Congress agrees or disagrees is beside the point—they were not entitled to full pay until they were brought home. There should be no question whatever as to their entitlement to full pay while serving our country. That is what I want to make clear.

Mr. CHURCH. I cannot imagine any Member of the Senate quarreling with the Senator on that point. I think the legislative history makes that clear.

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

Mr. CHURCH. I yield.

Mr. MANSFIELD. Mr. President, I want to commend the distinguished Senator from Idaho for his answers to these arguments and his defense of the amendment offered by the distinguished Senator from Kentucky and himself in which the distinguished Senator from Vermont (Mr. AIKEN) and I were permitted to join.

It appears to me that the thrust of the questions raised today go more towards the war-making—and I emphasize the word "making"—powers of the President

rather than the responsibility of the Congress under the Constitution.

Senators may recall that on Thursday last the South Vietnamese established the 13th front in Cambodia—the 13th front. They may remember that on Friday last Vice President Ky said that what we were endeavoring to do back here was "silly" and that he intended to stay in Cambodia just as long as he wanted to; he repeated it. And our State Department is having a difficult time refuting it.

We are being told, in effect, by our own people that we will continue air cover, air support, advisers, and logistical support for the South Vietnamese in Cambodia for as long as they are there.

Cambodia did not invite this country in. We invaded Cambodia. We have no treaty obligations with Cambodia, not even under SEATO. But just today, if I read the ticker correctly, the Cambodian foreign minister expressed the hope that American troops would stay in Cambodia until this war is ended. And just today—I only found this out on the floor—Thai troops have come into Cambodia.

I wonder what we are getting into. What kind of quagmire, what kind of morass, is this country getting involved in? It has been bad enough in Vietnam. It has been bad enough in that ancillary and auxiliary war in Laos. It has been so bad that, according to the latest casualty statistical summary under date of May 21, 1970, Americans—our men—since January 1, 1961, have suffered 278,006 casualties, have suffered 42,118 combat deaths, have suffered 7,949 dead in Southeast Asia not as the result of combat action.

So the grand total of American dead is 50,067. I repeat that number—50,067. And the grand total of casualties, dead and wounded, is 328,073.

And we are quibbling about the President's warmaking powers. What about our powers? What about our obligations to these young men? They are not boys. What are they doing over there? What is the relationship of South Vietnam and Southeast Asia to the security of this Nation?

We have got to ask ourselves a lot of questions. They are not political. The blame goes just as much to the previous administration for what has occurred in Vietnam and Laos as it does to this one for what is occurring at the present time in Cambodia; 328,000 American casualties, and the end is not in sight. Now we go into a new theater, and the Vietnamese war becomes an Indochina war. No end in sight.

What is happening in this country? What is its relationship to what is happening in Southeast Asia? We are in an economic recession, with high interest rates, increasing unemployment, increasing inflation, increasing crime, increasing drug addiction. The stock market has plummeted 33 percent in 16 months—and I do not own a share of stock. Pollution of our resources. Division among our people. Polarization in this Nation.

And we quibble about the President's warmaking powers, but we do not talk enough about the war-declaring powers and the other constitutional responsibilities

May 25, 1970

S 7777

ties of the House of Representatives and the Senate.

I think it is about time we think of the people of this Nation more than of the Cambodians, the Thais, the South Vietnamese, and others. I, for one, can stand no longer in silence this mounting and increasing casualty list, this war which has cost this Nation so much in manpower and cost it so much in treasure and which has contributed so much to what is happening internally in this Nation today.

Mr. CHURCH and Mr. HOLLAND addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho has the floor.

Mr. CHURCH. Mr. President, I promised to hold the floor until the distinguished Senator from Delaware returned. I will yield to him in a moment, but I rest my case with the very eloquent summation just made by the majority leader.

I have been one who for years has felt that our policy in Southeast Asia was utterly unrealistic. The notion that we can just go on and on defending Asians against Asians with Americans, with only one country, our own, paying the bills, is a prescription for disaster, and disaster is overtaking us.

American mothers just cannot produce enough sons to perpetuate this effort of ours to arrange the affairs of Asians for Asians in Asia.

If there ever was a blueprint to suck us dry of all our wealth and life and vitality, it is this one. It has led to disaster in Southeast Asia and within the United States, to this dissipation in our own land, which has a far greater bearing on the health of this Republic in the future than anything we have had at stake at any time in Indochina.

It is time for every Member of Congress to stand up and exercise the responsibility that the Constitution places on him, and draw the limits on our involvement. If we do it, then we may find that we have built a bridge between the Congress and the Presidency on which this country can extricate itself from the jungles of Southeast Asia.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I think the Senator from Idaho has taken steps in his modified amendment which are in the right direction as far as clearing up the understanding of this amendment is concerned. I certainly am not advocating an expansion of the war in Southeast Asia. As the Senator from Idaho knows—we are members of the same committee—I have consistently taken the position that we have no business in an Asian war at all. I regret very much that we ever got involved in Vietnam or a land war in that area. I think we all have the same objective, and that is to get out as soon as possible.

I was asking the questions here today only to clear up these points about the payment of our troops while they are in Cambodia. This was not an imaginary danger on my part. The Senator from Kentucky, one of the supporters of the

amendment, both in the conference and on the floor of the Senate confirmed that it was his understanding that part 2 of the Cooper-Church amendment would stop the pay, compensation, and family allowances of servicemen in Cambodia and as originally introduced would be effective immediately upon enactment. Certainly our presence there could be interpreted as affecting the Cambodian Government either directly or indirectly even though that was not the primary objective.

While the President says it is not his intention to support the Cambodian Government we cannot say that our recent actions in that area may not indirectly help the Cambodian Government. Therefore, in the opinion of at least one sponsor of the amendment that activity would fall in that category, and under the original Church-Cooper amendment the servicemen in that area would not be paid, nor would their families be entitled to any allowances until such time as they got out.

The President has said that he has every intention of getting these men out by July 1. The Senator from Idaho and his cosponsors are putting the July 1 date in, which it seems to me would take care of that, and I think this is a constructive step in the right direction.

I am not so sure about what happens after July 1 unless we spell it out, because while I want to get out of Cambodia just as badly as anyone and will join in any constructive steps the Senate can take to expedite our withdrawal, at the same time I do not want to take any steps which would establish a precedent here in Congress whereby in order to stop a war with which we may disagree we would stop the pay of the servicemen on the basis that we could, by so doing, put pressure on the administration.

I say there are better ways to do it. I suggested earlier—rather facetiously, yes, but nevertheless I meant it—that if we really want a hostage we should put our own salaries on the line to be canceled until we get our troops out of Cambodia, but never threaten to withdraw the pay of these servicemen who are ordered in and who would be court-martialed if they did not follow orders. Those men as far as I am concerned are going to have the full resources of the U.S. Government back of every one of them until we get them safely back home. And I want to get them home as badly as everyone else.

I want to discuss another situation briefly here, not so much in connection with the amendment, which has been thoroughly discussed, but in connection with the separation of powers. We hear much about the President's usurping the powers of Congress. I think the Senator from Idaho has made it very clear this afternoon that it is not the intention of the sponsors of the amendment to criticize the President or to take exception to his constitutional power to take the action he did. We can agree or disagree as to whether he should have done so; that is a different question. But there is no question but that he did have the power to do it.

I think a part of this misunderstanding

ing as to his powers arose from the erroneous report which unfortunately came out of the Committee on Foreign Relations a couple of weeks ago. As the Senator knows, that critical report was not approved by the committee but was released apparently by the staff, and it purported to take exception to the Cambodian decision, referring to it as an unconstitutional action on the part of the President.

Unfortunately that report was released over a weekend before the members of the committee found out about it, and the word got out all over the country that the Foreign Relations Committee unanimously had criticized the President of the United States; declaring his action unconstitutional and that this was an illegal war. In reality the Foreign Relations Committee never took any such action, nor did it ever authorize any such report. As evidence of that, the report was unanimously withdrawn by the committee for rewriting. The chairman of the committee and the Senator from Idaho were present in the Chamber at the time. They as well as other members of the committee all agreed that that report had never been approved by the committee. There can be no excuse for that false report, which had a most disastrous result for our country.

I think as a result of the action we took in the committee it will not happen again; but it was unfortunate, and I think its release might be partly responsible for the great misunderstanding which has carried over in the Senate action. While that report was to have dealt only with repeal of the Gulf of Tonkin resolution it unfortunately has been mixed in and become a part of this debate. This is most unfortunate because the committee had never taken any action to criticize the President's action. Individual members have expressed their views but not the committee. Now, as far as usurpation of power by the President and not conferring with Congress before taking this action in Cambodia are concerned, I do not know to what extent the leaders of the Senate were conferred with. As leaders they should have been, if they were not. But I do know, and the Senator from Idaho will bear me out, that the Secretary of State did confer with the Foreign Relations committee on a Monday preceding the Thursday when the President made his statement and announced his decision to march into Cambodia.

The whole purpose of the Secretary of State's meeting with the Senate Foreign Relations Committee—and as I recall, we had 12 members present at that meeting—was to confer, first, on the question that our country had received requests from the Cambodian Government for large-scale shipments of arms, and he was trying to get the opinion of the committee as to what response should be made to that request.

In that connection we also discussed to a lesser degree whatever other actions should be taken if we did not furnish the arms, although I must say it was not made as clear that there was a plan for invasion such as materialized later.

The committee was not unanimous,

but it was the position of the overwhelming majority of the committee at that time, as has properly been stated by the chairman, that we were concerned with the possible adverse effects of an invasion or large-scale support of Cambodia. While we recognized that advantages could develop if the venture were to succeed, some of us also recognized serious disadvantages which could develop if it were not a success.

I would not want to quote any member of the committee, but the chairman was correct when he said the overwhelming sentiment of the committee was to advise against any such action. At that time I took the strong position that I hoped we would not take this step. I make that statement so that the record will be clear as to our position. But the decision has been made; and now that it is taken, the question is, what do we do from here on in, what action should we take that would be in the best interest of our country?

On that point there may be disagreement, but I do not think there is any disagreement over the objectives sought by any Member of the Senate; and that is, peace and to get our men back home at the earliest possible date.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. MANSFIELD. Mr. President, what the Senator has said about the meeting with Secretary Rogers is correct. I would point out, though, that there was no discussion, as I recall, about a penetration into Cambodia. There was a question raised about the possibility of acceding to the Cambodian Government's request for aid and assistance, which, as I recall, far exceeded one-half billion dollars, I remember very well the distinguished Senator from Delaware, as well as every other member of that committee, with one exception, expressing their disapproval of such a proposal, and their objection to it.

The question of a penetration or an incursion or an invasion of Cambodia was not raised except in passing, and then only incidentally.

Mr. WILLIAMS of Delaware. That is in line with what I have just said, yes.

Mr. MANSFIELD. As I recall, the unanimous position of the committee was against any invasion of Cambodia at that time, and I think it is almost that today.

But the point I want to make, in addition to supporting what the distinguished Senator has just said, is this: When Secretary Rogers was before the committee, in my opinion, he was just as honest as the day is long, he gave us the benefit of what he knew at that time—not what he may have found out later—because he was in no position to know. So I hold no brief for those who criticize Secretary Rogers. He has always been fair and frank with the committee; he has always laid his cards on the table. I want to take this opportunity to stand up for and support him, and to express my approval of his honesty in the way he appeared before the committee at the meeting which the distinguished Senator has been discussing.

Mr. WILLIAMS of Delaware. I thank the distinguished Senator. I agree completely with his statement as to the frankness of the Secretary of State. I certainly think he was honest and frank with our committee, though it was primarily not a meeting in which he was telling us so much as asking us for our opinions. As I recall it, practically every member of the committee around the table, before he left, expressed his opinion, and the Secretary said that information would be relayed to the President. I do not question that it was. The fact that our advice was not followed does not mean we were not consulted or that it was not considered by the President.

I simply point that out because there has been a suggestion that there was no consultation of any description with any congressional committee prior to his decision. At least to that extent, there was consultation relating to plans for Cambodia.

Mr. MANSFIELD. Yes, but nothing about an invasion of Cambodia. Just about assistance for them.

Mr. WILLIAMS of Delaware. We should make it clear that the Secretary appeared before our committee and was very frank in the discussions of Cambodia's request for arms aid.

Now on another point. Much is said about the President's usurping the powers of Congress. As one who has served here for 23½ years I am just as jealous as any Member of Congress of the powers of the Senate. But let us face it: The criticism of the President's usurping the powers of Congress is not the President's fault. It is because we in Congress have delegated to the President many of these powers which we should have kept right here in the Congress and discharged ourselves. This matter of easy delegation of powers I shall discuss further in a moment. Congress has delegated these powers, oftentimes, and then acted as a Monday morning quarterback after the decision was made. If the President's decision through these powers works out well we take the credit. If it is bad we can then say it is all his fault.

I think Congress should stop this delegation of these broad powers to the President and then trying to second guess him after it is over with as to whether he should or should not have acted.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. MANSFIELD. Let me say that I am in accord with what the distinguished Senator has said. It is not the fault of the President that the executive branch has been able to retain these powers over the past 4 decades; it is because we gave those powers. We did not try to pull them back. If there is any blame, I would attach it to no President, but I would attach it to Congress as a whole, because we have been derelict in our duty and derelict in facing up to our responsibilities in that regard.

Mr. WILLIAMS of Delaware. The Senator from Montana has said it better than I could.

I mentioned particularly that the Sec-

retary was primarily before the committee on that Monday, before the President made the decision regarding Cambodia, to discuss with us and to get our opinion on the question of large-scale shipment of arms for the Cambodian Government which had been requested. There is no secret about this. It was in the press, so we can mention it. Yet under the powers which Congress in earlier years delegated to the President he did not have to come to Congress. He did not have to come to the Committee on Foreign Relations and get our opinion on this question of arms for Cambodia because in the passage of these bills in past months and years we delegated to the President the power to grant these arms to any nation in the world if he thought it was in the best interests of the U.S. Government.

Mr. MANSFIELD. That is inherent in the bill under discussion. I do not think that the Foreign Relations Committee was aware of just how all embracing, how far embracing the authority in this bill is until the bill was before us a week or two ago.

As the Senator has said, the President, on his own initiative, can empty the arsenal of the United States and give it to any country or any set of countries he wants to. Is that correct?

Mr. WILLIAMS of Delaware. That is correct both under prior laws and so far as this bill is concerned. The bill before the Senate carries appropriations of \$250 million in cash sales of military equipment and \$350 million in credit sales, which is approximately \$600 million. Under this pending bill the President will have the authority to use that \$600 million to furnish military equipment, either sales or guarantee credits, to any nation in the world where he thinks it is in the best interests of the United States Government. The only requirement in the existing law or the bill before the Senate is that the President reports to Congress at the end of the fiscal year and tells us what he has done with it. This pending bill is only one of three such laws.

There is also the military sales under the Foreign Aid Act, where we sell surplus military equipment. All told, the figures given to our committee indicate that there is about \$600 million in this bill. But there is approximately \$2½ billion a year in authority for military sales that is permitted under three acts. Under all those acts as well as under the pending bill we delegate to the President the authority to make these weapons of war available to any nation in the world, except those nations that we spell out such as under the Cooper-Church amendment, which says "except Cambodia." But Congress has delegated him this authority.

That is the reason I am discussing it here today, to point out that the criticism should be directed to us right here in Congress.

I made the point in the Foreign Relations Committee hearings—the chairman is in the Chamber, and he will recall—when a witness from the Defense Department testified. I said that I did not think we would ever regain control of

the sale of these military supplies until such time as we stopped delegating this authority to the President. This is no reflection on President Nixon. I trust him just as much as any other President. But I think this is our responsibility in Congress, and we should assume it. And if Congress dodges its responsibility and insists upon delegating these powers to the President then let us stop criticizing him for using it. This broad delegation of powers has been done during the administrations of the past several Presidents. We should stop it. We should let the President of the United States— whoever he may be and whatever his political affiliation—if he wants arms for X country come before Congress and ask us to approve the appropriations for so many planes for this country, so many tanks for that country. It should be done as a line item, country by country just as would be done with the construction of a public building in my State, or a dam in Colorado or Idaho, or the dredging of a river in Ohio. We specifically approve each as a special project; we appropriate the money, and the Executive cannot transfer it to other areas.

I do not think Congress will get control of this until we stop this delegation of authority. The irony of the present situation right here is that Congress under the Cooper-Church amendment would be questioning the word of the President. I cannot get away from the fact that approval of the amendment as proposed to be modified would write into law that the troops must be out by July 1, which is an indication that we are accepting the President at his word but are not quite sure he means it and that therefore Congress is going to write into law a penalty if he does not keep his word. Immediately thereafter, the next vote would be to delegate to the President broad powers to sell \$600 million in military equipment anywhere in the world—Thailand, Taiwan, Israel, or even Red China if he desired. Yes, any nation in the world? Does this make sense?

We have had the situation, as Senators know, in Pakistan and India where we were furnishing arms to both sides. When one got ahead of the other we would give arms to the other country. The result is that in any border dispute whoever got killed on either side had the satisfaction of being killed with an American bullet.

I think we must stop this practice. That is how we have been getting involved in all areas of the world. We as a nation just cannot afford to act as policeman for the world. This is not the way to make friends, nor is it a path to peace.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. CHURCH. I concur in much of what the Senator has said. I wanted to make the point that when this bill was up for hearing before the committee, we discovered, in the course of the questioning of witnesses, that the President had unlimited authority to distribute excess or surplus weapons. He would declare them surplus, and if he did declare them

surplus, he had unlimited power to transfer as many as he cared to any country that was otherwise eligible for military assistance. In the committee, we undertook to impose a ceiling on that authority which had not existed prior to the action of the committee in bringing the bill in its amended form to the floor.

Mr. WILLIAMS of Delaware. That is correct.

Mr. CHURCH. So this bill would, for the first time, impose a ceiling on the amount of equipment the President can simply declare as surplus and transfer at pleasure to foreign governments. I think this bill represents a stride in the right direction, one that we probably should have taken a long time ago, and that we are now getting around to taking in the light of recent developments.

Mr. WILLIAMS of Delaware. But even after that modification, which I supported, it still leaves over \$2 billion worth of equipment. This bill is for another \$600 million, again with complete delegation of all congressional powers to the President.

The point I am making is this: If we want to regain the power of Congress why do we not just say we are going to stop delegating this authority to the President? In the future let there be line items in the appropriation bills for each country by name. Then Congress can accept or reject the request.

The question is raised as to the disadvantage of Congress assuming its own responsibility. The disadvantage of it from the standpoint of various Members of the Senate is that we would have to stand up and be counted when country A wanted arms or country B wanted planes. Our constituents would know how each Senator had voted in approving or disapproving arms or weapons requested for X country, whereas under the delegation of powers we can go into those areas of the state where it is popular and say, "Yes, we gave authority to the President, and we are glad he approved country B's request for planes."

In an area where his decision was unpopular we can say, "The President is a so and so for having made that decision."

I do not think Congress can retain the opportunity to second-guess the President and ride both sides of the question. I think the Senate ought to be on record as to the weapons we are going to give or sell to the respective countries, wherever in the world it may be.

Should Congress reject this approach and insist upon a continued delegation of our powers and authority to the President then it should stop criticizing or second-guessing his decisions.

I cannot understand the reasoning or the logic behind an argument that we need to adopt an amendment to make sure that the President backs up the word he has given to Congress when he said he would get our troops out of Cambodia by July 1. How can we say: "We don't quite trust you, so we're going to write something in the law to make sure you do it. But we do trust you with the sale at your sole discretion of \$2 billion of equipment that you can send to any nation in the world except Cambodia." This delegation of powers would not even

bar sales to Red China. Surely this is no way to run a government.

It was agreed in the committee that, assuming that this Cooper-Church amendment is written into the bill in its tightest form it would still not achieve its objective if a President wished to circumvent its intent. For example: We will take country Y. Suppose we are furnishing 80 percent of the military equipment for that country, and they are paying 20 percent. They cannot transfer any of that 80 percent to Cambodia or to any other country because they are prohibited by this act, but they can transfer any part of the 20 percent which they themselves are paying for to Cambodia or to any other country that they wish. All the President would have to do to circumvent the intent of the Cooper-Church amendment would be to raise the amount we pay from 80 percent to 90 percent. They could then give half of the equipment they had been paying for to the country barred by this amendment. There is only one way to proceed, and that is to stop the delegation of power—period. Congress should say that in disposing of military weapons, either by sale or gifts, anywhere in the world, no matter what the nation is, the administration should come down to Congress and justify it as a special line item in an appropriation bill for that particular country.

In the bill before us Congress would delegate to the President authority to sell or guarantee payment of \$600 million in military equipment to any country anywhere in the world—to Red China if he wants—there is no prohibition except that the President cannot make the equipment available to Cambodia.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. GRIFFIN. I think the Senator has made his point very well, namely, that it would not be unfair, as a result of the explanation of the Senator from Delaware, to say that Congress, in this legislation, delegates to the President and trusts the President with respect to any country in the world except Cambodia, if the Church-Cooper amendment is adopted. Is that correct?

Mr. WILLIAMS of Delaware. That is correct. There is no question that it does not bar sales to Thailand, or to Red China, or even to Russia, if that is desired. Under the bill even with the Cooper-Church amendment \$600 million can be disposed of completely at the President's discretion if he certifies that it is in the best interests of the country. The time has come for Congress, especially the Senate, to stop criticizing the President for usurping the powers of Congress or else to stop delegating those powers. Let us assert our own responsibility by acting on these amounts as line items, as we would for any other project.

The administration could justify those items if it wanted to, whether they be for countries in South America, the Mid East, or in Southeast Asia.

Mr. FULBRIGHT. Will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. FULBRIGHT. First, I would cer-



tainly join the Senator in support of limiting the arms aid and sales program further. But I thought that we obtained about as many improvements as was feasible during the committee's work on the bill. I supported those changes and I believe the Senator did also. I would be perfectly willing to go further in limiting giveaway of excess arms, for example. There was a good deal of discussion in the committee on that problem. I thoroughly agree with the Senator that Congress has been improvident in giving extraordinary discretion to Presidents past as well as present. This practice of giving them vast authority did not start with President Nixon.

But there are two questions here. One is the sending in of troops, which, in effect, is waging war on an independent country without even a declaration of war or anything that approximates it. That is a different question from the giving or selling of arms which is the basic subject of this bill. I agree with practically everything the Senator said since I came into the Chamber with regard to the power of the present President and his predecessors. But I want to make it clear that this President did not originate the arms aid and sales program. He inherited programs which have grown up over the years. Congress did start, several years ago, to try to put some limitation on these programs. The first time we became really exercised, as the Senator will recall, was when we thought the preceding President was going to get us involved in the Congo. I remember that the distinguished chairman of the Armed Services Committee at that time, now the chairman of the Appropriations Committee, and several others, discussed the situation. That was the origin of the commitments resolution. It helped to initiate a serious effort to bring back to Congress greater control, in accordance with the Constitution, concerning the sending of troops to or the waging of war in a country without the participation of Congress. Approval of that resolution by the Senate was a very important step, I believe. This amendment is a follow-on, in a more specific way, in that effort to restore the powers of the Congress in these matters. As to arms sales and grants, there are a number of restrictions in the Foreign Assistance and other Acts that Congress hoped would be respected by Presidents. They have not always done so. As I say, I would join the Senator in trying to put on further restrictions because I think this is a dangerous lever for involving this country unnecessarily in the affairs of other countries. I am in sympathy with what he says. But I think that is a separate question from the immediate issue, which has to do, really, with war powers rather than arms sales. He has already sent up a retroactive finding as to arms being given to Cambodia. I am preparing a statement to be issued a little later concerning this matter. We only received the Presidential determination on Friday.

But, does not the Senator admit that there are two different questions involved in this bill, one with regard to the prosecution of the war, and the other with reference to the sales and grants of arms?

Mr. WILLIAMS of Delaware. They are separate, but they must be considered together. I will tell the Senator the reason I say they are aligned together.

The Secretary of State came down to the committee about 3 or 4 days before the announcement of the President to send troops into Cambodia. The question was whether the committee thought it should grant the request of the Cambodian government for arms.

Mr. FULBRIGHT. Yes.

Mr. WILLIAMS of Delaware. It was pointed out that these are sophisticated weapons and that when we sell these weapons to these countries we have to send some advisers to show them how to use them. Then we have to send men to protect the advisers. And then we have to send men to protect the men we sent to protect the advisers. That is how we got into Vietnam. Let us face it. I do not believe that President Kennedy, President Johnson, or any other President intended to get involved in the Vietnam war. But we got into it one step after the other. We are now sending arms all over the world. We then have to send them advisers to show them how to use them.

That is why I want Congress' approval of these requests from the different countries in the form of line items in appropriation bills. Then Congress can have some voice in these early decisions.

Unless we assume our responsibilities we cannot expect to criticize. Perhaps it was advisable to send military arms to country A, and maybe it was advisable to send arms into Vietnam. I did not think so. But if the President had had to come to Congress to ask for the specific authority for Vietnam, Congress could have acted as it wished. All I am suggesting is that in the past we have delegated this broad power to the President and thereby shirked our responsibility. While Secretary Rogers came to the committee on the Monday before the President announced his decision on Thursday to discuss this question of arms for Cambodia, it was gracious on the part of the President to do it, but he did not have to do it under a previous delegation of powers. We delegated these broad powers to the President last year under the Military Sales Act. Altogether Congress in the past year has delegated to him the power to dispose of \$2.5 billion in military equipment to any nation or nations he deems essential to the best interest of our country. He could have under these same powers approved arms for Cambodia this year without even consulting Congress. I do not think he should have done so, and I commend him for consulting with our Foreign Relations Committee even though he may not have accepted its advice.

I am one Member that does want to exercise our responsibility and stop this broad delegation of powers. Maybe country A or B should have arms. Maybe certain countries should have certain types of weapons or planes. That is not being debated here either way. But let the administration come to Congress and get approval on these specific line items for each country, and then Congress and the executive branch will each

be assuming its responsibility. I am thinking about the Cambodias of tomorrow, the Vietnams of tomorrow.

After all, Congress approves weapons, airplanes, or battleships for our own country by specific mention in an appropriation bill. Why not apply the same rule for weapons for any other country. Besides, the granting of these weapons and military advisers to a foreign country can lead to our involvement in a war.

The only way Congress will ever regain its authority will be by assuming that responsibility which is rightfully ours.

That is why in the committee I voted against the approval of this bill granting the President broad authority to sell another \$600 million in military equipment to any nation or nations in the world when he decides such action is in the best interests of our country.

If we want to approve \$600 million for military sales for next year let the request come in as a line item for each country, and we can approve or disapprove it. But if we delegate all of this power to the President then as Members of the Senate let us stop criticizing him as to how he uses this power and let us stop second-guessing him.

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

Mr. WILLIAMS of Delaware. Mr. President, I yield the floor.

Mr. FULBRIGHT. Mr. President, before the Senator yields the floor, I would like to say that if the Senator offers such an amendment to the bill, I will support it.

The only reason we did not go further than we did is that we did not think we had the votes to support more drastic changes.

I agree with much that the Senator has said. About 3 years ago the Senate put in strict controls on the number of countries that could receive aid without further congressional approval. But we could not hold that provision in conference.

Whenever we have made efforts to restrict military aid and sales activities, we have often found that we did not have the votes either here or in the House.

I do not think the Senator can deny that the Military Establishment, through its powerful and distinguished leaders in both Houses of Congress, have for all practical purposes dominated Congress on these matters. Whenever efforts have been made to do some of the things the Senator has suggested, we have failed for lack of votes.

Congress is certainly much at fault in not having imposed restrictions as the Senator has suggested.

I will support the Senator if he offers such an amendment. I hope that it will carry. I will do all that I can to help him in such an effort.

I would be very glad to eliminate much of the authority and discretion now allowed the executive branch in the giving and selling of arms.

Three years ago the Senator from Missouri conducted extensive hearings on these matters with his subcommittee. That is when we first became aware



really of the great need for tightening up the arms sales and grant programs. We made some progress in the Senate but ran into great opposition in the other body.

I would be very glad to support the Senator. What he has said is sound. It is very important that Congress regain control over these matters.

The efforts of the Foreign Relations Committee have been in this direction over the last several years. But last year, for example, the Foreign Relations Committee, of which the Senator is a distinguished member, tried to cut off aid to Greece. That was, in effect, a line-item approach. The committee approved an amendment to cut off aid and on the floor, the prohibition was stricken, by a fairly close margin.

On most efforts that have been made—and there have been a number of them—the Military Establishment has won practically every time in either the Senate or the House.

We are trying to impose additional restrictions through this bill. There were some substantial changes added in the committee. But they have nothing to do with the Cooper-Church amendment. Whether the Senate will agree to these new restrictions, I do not know. And an even greater question is whether the House of Representatives will agree to them.

The Senator is well aware of the extent of the influence of the Military Establishment on the other body. It is very powerful.

Mr. WILLIAMS of Delaware. Mr. President, I point out that the Military Establishment is not responsible for my vote in the Senate. The Senator is correct that Congress has tried on occasion to limit sales with respect to certain countries. Greece was one country, and we have tried to limit sales to other countries.

The point I make is, why approve a bill which provides \$600 million and delegate the President this broad authority, only by negative action then to say that the authority is good anywhere in the world, "except in Cambodia and maybe Greece"?

Why single out two or three countries? That is always embarrassing for diplomatic reasons. Why not take our action affirmatively? Why delegate this \$2 billion and this \$600 million of authority and then start limiting this authority by two or three countries? Why not act affirmatively? Let the administration come down and ask for the authority, mentioning each country by name and amounts, and then let congress vote on the specific request.

Mr. FULBRIGHT. Mr. President, I agree with the Senator.

Mr. WILLIAMS of Delaware. If the Senator will join with me we will defeat the bill where it is and at least stop the delegation of the power to use this \$600 million.

Mr. FULBRIGHT. Mr. President, I would like to stop it. But the Senator is confusing two very different things. One is the sale of military weapons. The second is the question of this President's right to go into Cambodia without coming to Congress.

We have not delegated, and the Congress would not allow us to delegate, wide open authority for the President to go to war with any country in the world. Going to war is supposed to be done only in accordance with constitutional procedures.

We have never been faced with a situation quite like the present one.

It is not the arms sales program in which we are particularly interested. The Cooper-Church amendment does not involve the arms sale program. We are concerned is this amendment with the Congress' powers in the field of foreign affairs. I do not think it contributes to public understanding to confuse those two issues.

I say again that I agree with the Senator on the matter of arms sales. I think that it has been a bad program and is not in the national interest.

Mr. WILLIAMS of Delaware. Mr. President, unfortunately the Senator came in when I was half or two-thirds through with my remarks. I discussed that earlier. I was not trying to say these two points were exactly related, but they are part of the same bill. And the Senator from Idaho and the Senator from Florida discussed the constitutionality of the action.

I am speaking of the long-range viewpoint. My own position is that if one has two neighbors and they are having difficulties, and if one of the neighbors is my friend and I give him a gun with which to shoot the other fellow, that man is just as apt to shoot me for furnishing the gun as the other neighbor. That is how our country got involved in the Vietnam war. We first sent them weapons and then we sent them advisers to tell them how to use them. Then we sent soldiers to protect the advisers.

We cannot separate the two points during a discussion of the pending bill because there is \$600 million in new authority provided in the pending bill.

If Congress gives this broad authority to the President we have no way to control it.

Congress has lost its authority in the past because we have been negligent in assuming our responsibilities.

Even here today there is a tendency to criticize the President for his alleged resumption of congressional powers and then to turn right around and vote him more extended broad powers. Such hypocrisy.

Mr. FULBRIGHT. Mr. President, I would be delighted to cut the amount to \$100 million if the Senator will support it.

Mr. WILLIAMS of Delaware. Mr. President, that would help, but I would cut it all out.

Mr. FULBRIGHT. Mr. President, I would support an amendment to cut it all out. That is not the part that bothers me. I was perfectly willing to cut it far more than the committee did. I can assure the Senator that it was not for lack of interest on the part of many Senators who have tried to cut back on this program. We did not have enough votes to cut it further.

Next year the entire military aid and sales authority will be up for review and, I hope, drastically rewritten.

The Senator's arguments will be very helpful at that time. He can influence a great many people.

There is, I believe, a gradual move in the Senate to try to regain its traditional constitutional authority. The Senator has aided in this effort.

The Senator referred to meeting the with Secretary Rogers. As I remember, the Senator along with other members, said that they did not wish this administration to give arms to Cambodia.

But they were already in the process of giving them. They really were not consulting us. They had already made up their minds to give them. They were in the process of giving several millions in arms. That was not real consultation in the Constitutional sense; that was no different from the many consultations under President Johnson. They went through the motions of consultation, but the decision had already been made and the delivery of weapons in process. There is nothing new about that kind of procedure. I want to emphasize that the Senator should not think these moves are partisan because of this; the same approach was used by the preceding administration.

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

Mr. FULLBRIGHT. I yield.

Mr. MANSFIELD. Again, I feel I must come to the defense of Secretary of State Rogers because I do not think he knew about these arms being shipped by this country to the government at Phnom Penh. That did not come out until Ambassador Bunker, I think, appeared before the committee several weeks later, and only then did the executive branch admit that instead of the South Vietnamese furnishing these arms we had done it; a shipment was sent direct by this country. So I think the record should be clear as far as Secretary of State Rogers is concerned in this particular matter.

Mr. WILLIAMS of Delaware. It was done under authority delegated to the President by Congress, and I say if the Senate disapproves, let us not delegate to him these powers. Why pass this bill providing a \$600-million authority to sell arms anywhere in the world and then just put in one limitation? Let us defeat the bill with its broad authority in its entirety, and we will have retained the power of Congress to pass upon these requests from the various countries.

Mr. MANSFIELD. That would not be a bad idea.

Mr. WILLIAMS of Delaware. Mr. President, I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, I certainly enjoyed this exchange between two very able Senators whom I respect very much. I do not think I ever heard so much wisdom coupled with so much unrealistic idealism in my life, and that goes back a number of years.

The fact is that everyone in the Senate knows the President has to have consent with reference to furnishing arms where they are badly needed. There is not a citizen in the United States who does not know how he has been pressed to furnish very much needed planes to

Israel. Most of the people in the United States feel the President is using proper restraint. I do not suppose you will find one person in ten who does not admit that there has to be somebody in power to act and act when the facts require it.

The same thing is true with reference to this whole question of supplying arms. We live in a world that moves fast.

A while ago I reported to the Senate that the ticker tape indicated that within an hour four different things had happened at an airport in Phnom Penh, halfway around the world. They were very interesting things, too, because they differed so greatly in importance. We live in a fast world, and somebody has to be empowered to act. We love the republican form of government and we like to live under what we call a democracy. But we know its greatest weakness is the inability to act fast unless we delegate some power for fast action in those areas that require it.

With all due respect to my distinguished friend from Delaware and my distinguished friend from Arkansas, I know that they know that Congress does not act fast. They know the Senate frequently exercises its prerogatives for long hearings, for exhaustive reports, and then long debates before it ever acts. At the other end of the Capitol, something of the same situation exists when one considers the long time taken by the Rules Committee to act. So we have to delegate authority.

In this important question of trying to supply arms where they are needed to keep weakness from being overthrown by force and innocence to be overthrown by violence, we have to give the power to somebody, and the President, chosen by all the people in the Nation, is the one who should receive such power. It is utter idealism to suggest he should not have that power.

So much for that point.

Mr. President, who, for a moment, would suggest the President should not be given the power to act in this important matter of aid to Israel, which might become critically needed just as quickly as it can be had? That is just one instance I thought should be mentioned.

The second thing is about the warmaking power. The Senator from Idaho said the warmaking power is not involved in this debate at all; but the Senator from Arkansas, when he came to the floor of the Senate, had not heard that argument, and his main point was that warmaking power was involved in this debate, and had become the principal point in it.

The fact remains that the mighty good and highly idealistic, but I think oftentimes unrealistic people are talking about something of critical importance and something which the Senate has a great deal to shoulder with respect to the responsibility of what is going on. I am sorry the Senator from Arkansas is not here. He led effectively, capably, and responsibly, as he saw it, the debate for the adoption of the Gulf of Tonkin resolution. Two Senators voted against that resolution. They have both been retired from membership in the Senate by the people they represented. They

are not here any more. The people in the Nation generally seem to feel it was one of the things which must be done. By way of delegating power to the executive head of this Government, the President of the United States, we passed that resolution.

Sometimes I think that we ourselves did not recognize what a peculiar situation we were placing ourselves in. My distinguished friend from Arkansas, the leader of that resolution, now, because of things which he thinks are sufficient to justify it, believes he was misled and he is leading in the other direction. He is well able to sustain that position. I do not even criticize him for it. All I am saying is that the Nation, looking at us, must wonder what a group of unrealistic idealists we are in the Senate to run in different directions at different times, sometimes up the hill and then before anybody knows it, to be turning and running in the other direction.

We authorized the then President of the United States to do whatever was necessary to meet that climactic danger over there in the Far East. He acted. We got more and more men involved there. The present President, whom I did not vote for but he is my President, inherited a situation in which over 500,000 Americans are there and under which, if the figures given by my distinguished friend, the majority leader, are correct, and I suspect they are as correct as we could get them, over 40,000 men have been killed in combat and over 50,000 American lives have been lost all told, as I understand the figures the Senator stated.

Mr. MANSFIELD. The Senator is correct.

Mr. HOLLAND. That is a terrible situation, almost equal to the number of people we lose in accidents on the streets and highways of this Nation in a year, as far as deaths are concerned; but nevertheless a terrible situation.

But it results, in part at least, from what the Senate did in the passage of the Tonkin resolution.

Mr. President, the President of the United States inherited that situation, and he also inherited the situation under which the principal danger to our men who are fighting there and the greatest frustration from which they suffered was the existence of those sanctuaries just across the border in Cambodia. For 5 years they had been building up. For 5 years they had been bringing down that long, long trail, originating in Russia and in China, all of the things they needed—the motor trucks, the guns, the ammunition, and the food from closer places.

I know, from having seen letters—I read one of them into the RECORD the other day—just how strongly the men fighting there support the action of the President in deciding that, at long last, he had a chance, without violating the neutrality of a nation which was claiming neutrality, but, instead, going in there in raids across the line of a nation that itself had just had a revolution and itself was under a new government which was fighting the Communists, just as we were. And he went, with these quick jabs, into Cambodia, along with the South

Vietnamese. My understanding is that at least 60 percent, and probably more, of the invading forces have been South Vietnamese.

I think it has been an enormous success. When I read from the ticker a while ago how the whole delegation from Red China was leaving hurriedly to go back to Peking to get away from Phnom Penh, accompanied by the entire delegation from North Korea, accompanied by those from the Vietcong and North Vietnam who could get in that great American-built plane, a DC-8, I realized somebody thought they were not safe any longer to stay in Cambodia.

Mr. President, when I read those other stories about the vast numbers of arms we captured, the immense amount of ammunition we captured, the immense number of trucks we captured—and those trucks were not made in North Vietnam or in Cambodia; those trucks came from China or Russia—I knew there had been an enormously helpful effect from this action.

Mr. President, why am I making this point now? I am making it now because if, before the invasion, before these raids into the sanctuaries, we had taken the action that we are asked to take now, those raids could not have been taken. Mr. President, there is not any doubt about it that what it amounts to is reclaiming the right to limit the degree the President can give to his own discretion and judgment, after he has all the facts developed, as to how best he can protect the lives of our men, how best he can protect the objectives of our armies in the field, under a distressing situation such as existed there.

Mr. President, I appreciate the fact that Senators who are offering this amendment have decided to soften it and that they have forgotten about prohibition entirely, but are now talking about limitation. They now say they are trying to support the President, and not reject what he has done. One of them, the Senator from Idaho, said the question of making war was not involved at all, although he was much contradicted by what was later said by the Senator from Arkansas.

I do not know which one of them is right, but I know both of them think they are right.

The fact of the matter is that what we are asked to do here is to impose a limitation upon the Commander in Chief in doing those things which he thinks are necessary to protect his men—our boys—fighting in the field. I will never agree to vote for such a limitation.

Mr. President, I have not had all the experience in combat that a great many Senators have had. I have had some of my own. I have lain awake agonizing during the night when I had a boy fighting on Saipan, again in Tinian, and again trying to land on Okinawa. I know something of what is happening in hundreds of thousands of homes in this country as a result of this terrible situation we are in in Vietnam. I do not gloss it over at all. It is a terrible thing. I want us to get out of there as quickly as we can, but to get out honorably and decently. Furthermore, I do not want us to

May 25, 1970

S 7783

impose a limitation on our Commander in Chief as he tries to do all he can do to best meet conditions arising in the field which he thinks requires action—action, not just words, not just debate on the floor of the Senate of the United States, but action, and that is what is the President's duty to perform.

I am glad he did it. I think it was a successful effort. I think if we vote this particular limitation—and now it is a limitation, and not a prohibition—we are inviting a land rush—I will call it just that, like the land rush in Oklahoma—on the part of the Communists to get back into those sanctuaries and begin to build them up again just as soon as July 1 comes around. They are going to be wondering how much the U.S. Congress meant it when it said we are going to limit the President. They will be thinking, "Just what did they mean? Did they mean they are not going to permit him to go back again and go through this? Let us find out. Let us find out."

Mr. President, human nature is something all of us have to know in some degree or other. My knowledge of human nature is that by passage of such a limitation we are inviting, and we can confidently expect, a rush back into those sanctuaries, or some of them, to discover very quickly just what the Congress of the United States meant if it did such a foolish thing. At least, my judgment is that it would be foolish, and my judgment may not be any better than or not as good as those who do not think it would be a foolish thing; but I think it would be a foolish thing, an impractical thing, if well-intentioned, and destined for great trouble for us in the future if we voted a limitation on the part of the President to act as he thinks he must in the protection of his men—our men—in the field.

So, Mr. President, I hope that, even if it is softened—and I congratulate my friends on their determination to talk about limitation instead of prohibition—and even if there was a division apparently, in the committee, under which some Members wanted to cut out the power entirely to make sales of military equipment—which itself, I think, is another foolish thing, though my wisdom may be lack of wisdom in this regard; I think our President should have the power and the right to determine how much we should help Israel and when we should help Israel and how we should help Israel, and I think this will determine the whole question of whether we are going to have peace or war in the Middle East—that power will be left to him by the Congress of the United States.

So I do not intend to vote for a bill dealing with this softening limitation, even though I want peace as ardently as anybody ever could.

I lost a nephew in Korea. I myself was shot down in action, in a plane. I have been through some of these experiences that make me know that war is the most terrible thing that human beings can face. I wish there were some way to efface it from the earth. Mr. President, we have not found any such way, and while we have not found any such way, I am

not going to weaken the hand of my Commander in Chief by limiting him, so that, whether he knows he is hurt badly in this degree, in this matter, or not, the Congress claims the power to limit him in the exercise of the operation—not the making, but the operation, of a war in the field. I can never vote for that kind of limitation.

Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, in a moment I wish to call up some unobjectioned bills, but first I must express my disagreement with the distinguished Senator from Florida.

In the first place, the amendment, as changed, is not "softer." It has just as much substance as before. It is just as strong as before, but it puts down in writing the intent of the sponsors to act "in concert" with the President, and also to put in a date, which was the President's date.

As far as limitations are concerned, the limitations were imposed by the President himself. He is the one who set a 21.5-mile limit. He is the one who set the date of July 1. What Congress has done, on the basis of its responsibility—and we have just as much responsibility, in our way, as does the President—has been to act in concert and to support what he said he intended to do.

I think it is about time that Congress, and especially the Senate, did face up to its constitutional responsibilities and did recall some of the powers which it, willy-nilly, has given to Presidents over the past four decades.

I intend to vote for the amendment tomorrow. I hope it will pass. It is up to the Senate collectively. I think it is a step in the right direction, and I think it is an accommodation of the President's powers and responsibilities within those which the Senate, in this instance, and Congress, finally, hold together.

Does the Senator from Florida wish to be heard further?

Mr. HOLLAND. Mr. President, I should like to make one further comment, if I may.

Mr. MANSFIELD. Surley.

Mr. HOLLAND. The President acted in setting limitations—a mileage limitation and a time limitation. Both of those things he has the authority to change. Both of those things he has the authority to impose in different form, if he is to go in there again. It is my view that that was a proper field for him to act in.

I think the Senate has its proper field to act in. I do not think we have the right to say, "because, Mr. President, you have set this limitation of mileage and this limitation of time for this operation, we are going to make it binding on you, and we will show you that we intend to limit your power in this regard."

That is my point, may I say with great respect to the majority leader.

Mr. MANSFIELD. Mr. President, may I say with equally great respect that the Senator is entitled to his opinion and his interpretation, as every Senator is, but he looks at it one way, and those of us who have sponsored this amendment look at it in another way.

We are not trying to undermine the

President's powers as Commander in Chief. We are, in effect—and some people find this hard to believe—supporting the President in his own announced determination.

As far as I am concerned, apart from what I have just said, I think it was a mistake to go into Cambodia. It did enlarge and extend the war. It did make it an Indochinese war. I do not know what is to stop the Vietcong and the North Vietnamese from coming back. Under any conceivable circumstances, and no matter how much they lose in the way of tons of supplies, small arms ammunition, mortars, and the like, I do not know of any conceivable situation which could prevent them from coming back, at their will and on their own time, under whatever conditions may exist at the time.

So I hope we will not go around the question. Frankly, I do not want to see the President go back into Cambodia even as he says that he has no intention of going back. I was opposed to it in the first place. I found out about it when it was a fait accompli. I think it was a mistake, and I think we will pay dearly for it.

I do not find fault with any other Senator's views. We each have the right and the responsibility to form our own views, and we each have to call them as we see them; and we each have to accept the consequences.

As far as I am concerned, 328,000 casualties, and no end in sight, is a great deal too much for me. All this is happening to this nation, with a million man South Vietnamese Army available, "Vietnamized," trained, and equipped by us, not over the past 2 or 3 years, but, to my knowledge, speaking personally, since 1954. They cannot protect their borders with Cambodia. We have to go in; this Nation has to suffer 328,000 casualties—for what? For what?

#### THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 893 and 894, in that order.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-891), explaining the purposes of the measure.

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

#### PURPOSE OF BILL

The purpose of this legislation is to designate the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri Basin program.

#### GENERAL STATEMENT

Major river system such as the Missouri have become an increasingly significant factor in the economy of a nation which is making vast demands upon water resources. The Missouri, longest single river in North America, is no exception. Long feared for periodic and destructive floods, and ignored as a potential water resource of incalculable value, the Big Muddy is today undergoing a transformation at the hands of man. It has already been harnessed at many points by great

S 7784

## CONGRESSIONAL RECORD — SENATE

May 25, 1970

manmade dams and reservoirs in a comprehensive river control program which the Congress of the United States approved in 1944. Now well advanced by cooperating Federal and State agencies, this broad program, probably the most far reaching ever undertaken in a major river basin, is changing the agricultural, industrial, and recreational life of the Missouri Basin.

In 1944, both the Department of the Army and the Department of the Interior submitted to the Congress comprehensive plans for the development of the Missouri River Basin. The plan submitted by the Department of the Army was prepared under the direction of the then Missouri River division engineer of the Corps of Engineers, Col. Lewis A. Pick, and became known as the Pick plan. Similarly, that of the Department of the Interior was prepared under the direction of W. G. Sloan, then assistant regional director of the Bureau of Reclamation, and became known as the Sloan plan. In order to resolve the differences between the two plans, a committee was appointed, composed of two representatives each from the Corps of Engineers and the Bureau of Reclamation. A coordinated plan was agreed upon and authorized by the Flood Control Act of 1944. It became generally known as the Pick-Sloan plan. This plan formed the basis for the subsequent development of the Missouri River Basin.

W. G. Sloan served the Bureau of Reclamation for some years after development of the plan which bore his name, and much of the construction work of the Bureau's phase of the comprehensive program was begun during his tenure in office. General Pick went on to become Chief of Engineers, and served in this capacity from March 1949 to January 1953, a period in which much of the initial construction of the comprehensive plan was begun. He died in December 1956.

ESTIMATED COST TO THE UNITED STATES IF LEGISLATION IS ENACTED

Enactment of this legislation will not result in any cost to the United States.

VIEW OF THE FEDERAL AGENCIES

The Department of the Army and the Department of Interior offer no objection to enactment of this bill.

COMMITTEE VIEWS

The committee believes it fitting and proper to designate the comprehensive Missouri River Basin development as the "Pick-Sloan Missouri River Basin program," in honor of two great men who contributed so much to the development of the water resources of the Nation and in particular to the development of the great Missouri River Basin. Accordingly, early enactment of this legislation is recommended.

PICK-SLOAN MISSOURI BASIN PROGRAM

The bill (S. 1100) to designate the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri River Basin program, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1100

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the comprehensive program of flood control, navigation improvement, and development for the Missouri River Basin, which arose out of the coordination of the multiple-purpose plans recommended in the report of the Corps of Engineers, United States Army, contained in House Document Numbered 476, Seventy-eighth Congress, and in the report of the Bureau of Reclamation, Department of the

Interior, contained in Senate Document Numbered 191, Seventy-eighth Congress, shall hereafter be known as the Pick-Sloan Missouri Basin program. Any law, regulation, document, or record of the United States in which such program is designated or referred to under the name of the Missouri River Basin development program, or under any other name, shall be held and considered to refer to such program under and by the name of the Pick-Sloan Missouri Basin program.

NEWT GRAHAM LOCK AND DAM

The bill (S. 1500) to name the authorized lock and dam No. 18 on the Verdigris River in Oklahoma and the lake created thereby for Newt Graham, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That lock and dam numbered 18 on the Verdigris River, Oklahoma, a feature of the Arkansas River and tributaries navigation project, authorized to be constructed by the River and Harbor Act of July 24, 1946 (60 Stat. 641, 647), as amended, shall be known and designated hereafter as the Newt Graham lock and dam, and the lake created thereby as the Newt Graham Lake. Any law, regulation, map, document, record, or other paper of the United States in which such lock and dam and lake are referred shall be held to refer to such lock and dam as the Newt Graham lock and dam, and the lake as the Newt Graham Lake.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-892), explaining the purposes of the measure.

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

PURPOSE OF BILL

The purpose of this legislation is to designate lock and dam No. 18 on the Verdigris River, Okla., as the Newt Graham lock and dam, and the lake created thereby as the Newt Graham Lake.

GENERAL STATEMENT

The current project for comprehensive development of the Arkansas River and tributaries was authorized by the River and Harbor Act of 1946. It provides for a navigation route from the Mississippi River through Arkansas to Catoosa, near Tulsa, Okla., the production of hydroelectric power, additional flood control through upstream reservoirs and the related benefits of recreation and fish and wildlife enhancement. The navigation route will begin at the confluence of the White River and the Mississippi, proceed about 10 miles via the White, through the manmade Arkansas Post Canal, the Arkansas River and the Verdigris River, a distance of some 450 miles. The navigation channel will have a minimum depth of 9 feet with a series of 17 locks and dams, 12 in Arkansas and five in Oklahoma.

Newton R. Graham played an important role in water resources development in the Arkansas River, serving as vice president of the Oklahoma Planning and Resources Board and as the Oklahoma representative on the Arkansas-White-Red River Basins Interagency Committee. He was instrumental in the development of the Arkansas River navigation project. It has been said that no single man in Oklahoma or Arkansas was more responsible for the successful promotion of the Arkansas River Basin development than Newt Graham. Mr. Graham died in 1957 at the age of 74.

ESTIMATED COST TO THE UNITED STATES IF LEGISLATION IS ENACTED

Enactment of this legislation will not result in any cost to the United States.

VIEW OF THE FEDERAL AGENCIES

The Department of the Army and the Bureau of the Budget indicate they have no objection to enactment of this legislation.

COMMITTEE VIEWS

In view of the contributions made by Newt Graham to the comprehensive development of the Arkansas River Basin, the committee considers it fitting to designate one of the projects in the system in his honor. The committee therefore recommends passage of S. 1500.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, when did the application of the rule of germaneness expire?

The PRESIDING OFFICER. At 3:24 p.m.

Mr. MANSFIELD. So I was within my rights under that rule?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. I thank the Chair.

S. 3876—INTRODUCTION OF A BILL TO ESTABLISH A NATIONAL ECONOMIC EQUITY BOARD

Mr. HARRIS. Mr. President, John Maynard Keynes, the father of the "new" economic theory, once said that:

There is no harm in being sometimes wrong—especially if one is promptly found out.

It is high time that we recognize that the economic and fiscal policies being pursued by our Government are not working and that the Nation's economy is in very serious trouble.

Inflation, as we know, had become a burdensome problem before the present administration took office, and many had hoped, as was promised, that the policies of this administration would bring economic stability.

Instead, we have now witnessed, during more than one-third of President Nixon's term in office, continuing and increasing inflation at an intolerable rate, higher unemployment, which threatens to increase still further, and the highest interest rates since the Civil War—all at the same time.

We have seen America's housing industry become more depressed and less able to meet the housing crisis of this country, depressed profits in most industries—with the exception of the big banks which are realizing the highest profits in history—increased failures of small businesses, the worst decline in the stock market since 1929-32—and I am informed that it dropped sharply again today—and an increasing lack of confidence in the economy generally and in the economic policies of the Government.

For a good while, various spokesmen regularly assured us that the "game plan" of the administration was working and that the effort to get the economy on the right track was near "schedule." These statements have now been proved by events to have been too optimistic. And optimistic statements have proved to be no substitute for effective policy.

# SENATE SUPPORTS NIXON ON PULLOUT

But Shows Division on Any  
Future Role in Cambodia

By JOHN W. FINNEY

WASHINGTON, May 26—In the first vote in a prolonged Cambodia debate, the Senate made clear today that it endorsed President Nixon's troop withdrawal plans, although it remained divided on curbing any future military involvement in Cambodia.

The somewhat inconclusive vote came on a revised preamble that was offered for an amendment to a foreign military sales bill sponsored by Senators John Sherman Cooper, Republican of Kentucky, and Frank Church, Democrat of Idaho.

The amendment would provide that the President could spend no funds to "retain" United States forces in Cambodia or to provide military advisers, mercenaries or combat air support to the Cambodian Government. However, the debate centered on the preamble.

Partly to meet the objections of the White House which is concerned about the President's powers, the sponsors revised the preamble to emphasize that the amendment was being offered in concert with the declared objective of the President of the United States to avoid the involvement of the United States in Cambodia after July 1.

The revision also made explicit that funds would not be cut off until July 1.

The revised preamble was adopted 82 to 11, the first vote since the Cambodian debate began nearly two weeks ago. The margin was misleading, however, for many voted for the revised preamble who were still opposed to the amendment.

## Bare Majority Possible

At this point the Cooper-Church amendment appears to command at least a bare majority. But when a vote will be reached on it is indefinite.

There were growing indications that some Republicans want to postpone a vote until

after the American troops are withdrawn from Cambodia. Their tactic would be to offer a series of amendments.

After a Senate Republican policy committee luncheon, Senator Hugh Scott of Pennsylvania, the Republican leader, insisted there was no desire to delay a vote. But he smilingly observed, "You cannot stop Senators from offering amendments."

For the moment, the Administration was reportedly taking a noncommittal position. As Senator Scott made clear, however, the amendment will not be acceptable to the Administration unless it includes reference to the authority of the President as Commander in Chief.

The sponsors of the amendment are reluctant to make that revision lest the authority be used by the President to circumvent the operative sections of the amendment.

## An Acerbic Exchange

What had been cast as a historic constitutional debate was alternately lackadaisical and emotional. At one point this morning the Senate had to recess for nearly two hours for lack of speakers. Then later an unusually acerbic exchange developed between Senator Mike Mansfield of Montana, the Senate majority leader and a co-sponsor of the Cooper-Church amendment, and Senator Robert P. Griffin, Republican of Michigan.

Dismissing the revised preamble as nothing more than "cosmetics," Senator Griffin said that the amendment was still "a slap in the face of the resident" that undercuts and undermines him at a very critical time.

It was the latest in the series of critical jabs that Senator Griffin has thrown at the bi-

partisan sponsors of the amendment, and Senator Cooper shed his reticence as he replied.

Turning on Senator Griffin two desks away, Senator Cooper told his Republican colleague that if the implication was that he was trying to "undermine" the President, "I challenge you from the very bottom of my soul."

"All we are saying," Senator Cooper said, "is that before the operation is extended and leads us into a war in Cambodia, under the Constitution the President must come to Congress and get its approval."

## Mansfield Backs Cooper

Blocked by Senator Cooper from replying immediately, in his absence, Senator Mansfield came to the defense of Senator Cooper.

Standing in the center aisle, Senator Mansfield observed that there is "a general air of malaise in this chamber that carries with it innuendoes and aspersions that are not a healthy sign" and that brought back "a very bad memory" of an earlier period in the Senate. He was apparently referring to the period of McCarthyism when debate was often punctuated by attacks on the personal motives of Senators.

Senator J. W. Fulbright, chairman of the Senate Foreign Relations Committee, meanwhile, charged that the Administration had "disregarded" and "subverted" the spirit of the foreign aid law. Under a provision in the foreign aid law, the President cannot send military aid unless he formally determines and informs Congress that such shipments are important to the security of the United States. Senator Fulbright's complaint was that the Administration had

made this determination retroactive, to cover a decision that had already been made.

"The shipment of arms to the Cambodian Government was begun on April 22," he told the Senate. "The President's decision to send those arms was announced eight days later in his speech of April 30. But the formal determinations required by law were not made until May 21, nearly a month after the arms were shipped."

Text of Both Versions

Following is the text of the revised preamble approved today: "Limitations on United States involvement in Cambodia:

"In concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1, 1970, and to expedite the withdrawal of American forces from Cambodia, it is hereby provided that unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to

this act or any other law may be expected after July 1, 1970, for the purposes of:" This is followed by the operative portions of the amendment.

The original preamble read: "Prohibition of assistance to Cambodia:

"In order to avoid the involvement of the United States in a wider war in Indochina and expedite the withdrawal of American forces from Vietnam, it is hereby provided that, unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this act or any other law may be expended for the purpose of:"

The rest of the amendment, on which there has not yet been a vote, reads as follows:

1. Retaining United States forces in Cambodia;
2. Paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any United States personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat

activity in support of Cambodian forces;

3. Entering into or carrying out any contract or agreement to provide military instruction in Cambodia or to provide persons to engage in any combat activity in support of Cambodian forces; or
4. Conducting any combat activity in support of Cambodia in support of Cambodian forces.



May 20, 1970

on this matter? If we are victorious in wiping out these sanctuaries that have caused us trouble because of the guerrilla activity the Senator says we have experienced there and the Senator said earlier that we would gain about 9 months' time, what would happen at the end of that 9 months' time? What would be the positive gain that we would have accomplished?

Mr. BENNETT. Mr. President, I do not have the kind of mind that can project exact events. But I think that there are these possibilities.

We have 9 months in which the Vietnamese Army can improve its capacity to protect itself.

We have 9 months in which Russia and China can take stock of their situation and evaluate the value to them of continuing this conflict.

We have captured or destroyed large volumes of supplies that will be costly in terms of lives, money, and time to replace.

We have 9 months in which representatives of the other free nations of Southeast Asia, who met in Jakarta last week, can consider whether or not they want to expand their relationship into one of military support for each other, and thus move in to help take the burden off of us. Many things can happen in 9 months.

Mr. GRAVEL. Suppose what happens will be what happened in the last 5 years; that is, all the other nations of Southeast Asia will not use their economic muscle in connection with South Vietnam, and the situation will remain the same and we will continue to withdraw troops. Then where is the net gain as far as the goal attained with respect to our taking people out of South Vietnam?

Mr. BENNETT. In the first place, I do not think the last 5 years can be compared with the present situation, because now the North Vietnamese have deliberately and openly involved the Cambodians. I think this has created greater pressure on the Thais, who have been involved in minor guerrilla warfare, but who see the North Vietnamese taking over South Vietnam.

History does not stand still and I think there is a very good chance that the events of the next 9 months might lead us closer to a resolution of this program. In the meantime, we have weakened the capacity of the enemy to make war because we have destroyed a substantial amount of his supplies and rendered useless, even if temporarily, this hideaway, this sanctuary, this safe haven to which he could run. He may be able to build it up again but 9 months is a long time to be without those supplies.

Mr. GRAVEL. The Senator makes mention of the existence of guerrilla activity in Thailand. Would it not seem logical, since we have gone into Cambodia to take away some of the sanctuaries, to move into Thailand, and to hit some of those sanctuaries which are becoming active?

Mr. BENNETT. Those sanctuaries cannot be used against us because there is no common border with South Vietnam.

Mr. GRAVEL. They can be used in connection with Cambodia.

Mr. BENNETT. The President said we will be out of Cambodia by the end of June, and I am willing to wait until the end of June to see if he lives up to that program.

Mr. GRAVEL. Suppose we begin to get unsuccessful in Cambodia. Do we cut and run, as the Senator has said, or do we expand our activities to protect the goals we created?

Mr. BENNETT. The Senator and I may be good Senators, but we cannot predict the military situation at any time between now and the end of June.

It may be that the President would have to tell the country his program has not worked and he has a new program to take its place. This has happened before with other Presidents. I do not think the end of the world is coming at the end of June; and I cannot guess what all the options of the President may be, or try to limit them.

Mr. GRAVEL. One has to examine the options as I have examined the options in order to support or not support. If support means entrapment and that I no longer have control at the next decision-making process, then I do not favor that option.

Mr. BENNETT. The Senator does not know it means entrapment and neither do I. I have been in the Senate ever since the Vietnam program developed. I supported and took on faith the decision of President Kennedy to go in. I supported President Johnson during the period when he was escalating the number of troops that went in. I did not sit down to try to second guess him and say, "If you do so-and-so, I will not support you or if it turns out this way." I think we in the Senate should give the same faith, confidence, and opportunity to the Republican President that all of us gave the Democratic Presidents, who from my point of view largely led us into the present situation.

Mr. GRAVEL. I have been in the Senate for only 16 months, and on every action of the President where I am involved, I will reexamine it and oppose it if I think it needs to be opposed and support it if I think it needs to be supported. I think his program in Cambodia needs opposition. It expands the war and leaves us in an untenable position. I hope we exercise our duty to see what can come about as a result of his program.

Mr. BENNETT. I feel the President's move is a logical move and a tactical step in his program to make it safe to remove that additional 150,000 people.

Mr. GRAVEL. Would it not be safer to wage an efficient war? I feel we have placed our military in an uncompromising position. I think there is no way they can adequately defend themselves.

The nature of the business is one of victory. If we truly want victory, we can purchase that victory; if we want to win it militarily, we can win it.

Mr. BENNETT. That option was taken from us diplomatically years before President Nixon came into the White House.

Mr. GRAVEL. If that is so, he erred in seeking a military solution when he

should have sought a diplomatic solution.

Mr. BENNETT. This is not a solution but a logical step in a series of military activities.

There is an old saying with which I am sure the Senator is familiar. There used to be talk about Communists having a program of two steps forward and one step backward. I think the President is reversing it and is taking one step in order that perhaps he can take two steps backward in moving toward ultimate withdrawal.

Mr. GRAVEL. I think certainly the goal is there but I agree with the Senator that time will determine the logic.

Mr. BENNETT. I thank the Senator.

Mr. FONG. Mr. President, will the Senator from Utah yield to me?

Mr. BENNETT. I yield.

Mr. FONG. Mr. President, although I was unable to be in the Chamber to hear the Senator's entire statement, I heard the last portion of his statement and I have read the first portion. I commend my colleague for the tremendous service he has rendered the American people by putting the Cambodian action and the Vietnam war into proper perspective.

The Senator has reminded all of us that in every war the American people have been guided by three principles and that these principles prevail today. The distinguished Senator from Utah has made a very courageous and timely address which I hope all of our colleagues will read and heed. I commend the Senator for his fine address.

Mr. BENNETT. I thank the Senator.

Mr. President, in summary, I again restate my support of President Nixon's action. I am pleased that there is growing support for his foreign policy decisions of the past 3 or 4 weeks and I, for one, think that in the end his action will be well justified and hailed as a success. I think that the present attempts by Congress to tie the President's hands are grossly unfair not only to him but also to our fighting men overseas. I, for one, do not want to go down in history as having voted to cut off arms and ammunition, supplies and materiel, funds, wages, and support for our fighting men in the rice paddies of Indochina.

If the Cooper-Church amendment comes before us without acceptable modification I shall vote against it. I hope it will be possible for those with both points of view who are sincerely concerned about this problem to develop an adjustment of these two points of view in the American tradition so that every Member of the Senate can vote for it.

I yield the floor. *Cambodia*

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H.R. 12878) to amend the act of August 9, 1955, to authorize longer term leases of Indian lands at the Yavapai-Prescott Community Reservation in Arizona.

The message also announced that the House had agreed to the amendments of

the Senate to the bill (H.R. 11372) to amend the act entitled "An act to authorize the partition or sale of inherited interests in allotted lands in the Tulalip Reservation, Washington, and for other purposes," approved June 18, 1956 (70 Stat. 290).

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 12941) to authorize the release of 4,080,000 pounds of cadmium from the national stockpile and the supplemental stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15021) to authorize the release of 40,200,000 pounds of cobalt from the national stockpile and the supplemental stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15831) to authorize the disposal of bismuth from the national stockpile and the supplemental stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15832) to authorize the disposal of castor oil from the national stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15833) to authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15835) to authorize the disposal of magnesium from the national stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15836) to authorize the disposal of type A, chemical grade manganese ore from the national stockpile and the supplemental stockpile; asked a conference with

the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15837) to authorize the disposal of type B, chemical grade manganese ore from the national stockpile and the supplemental stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15338) to authorize the disposal of shellac from the national stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15839) to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15998) to authorize the disposal of Surinam-type metallurgical grade bauxite from the national stockpile and the supplemental stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 16289) to authorize the disposal of natural Ceylon amorphous lump graphite from the national stockpile and the supplemental stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 16290) to authorize the disposal of refractory grade chromite from the national stockpile and the supplemental stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 16291) to authorize the disposal of chrysotile asbestos from the national stockpile and the supplemental stockpile;

asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 16292) to authorize the disposal of corundum from the national stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 16295) to authorize the disposal of natural battery grade manganese ore from the national stockpile and the supplemental stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 16297) to authorize the disposal of molybdenum from the national stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

#### ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. METCALF):

S. 19. An act to reimburse certain persons for amounts contributed to the Department of the Interior; and

S. 1934. An act for the relief of Michel M. Goutmann.

#### AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. FONG. Mr. President, I am opposed to the third committee amendment, which includes the so-called Cooper-Church amendment, primarily because if enacted the Cooper-Church language would endanger the more than 400,000 American troops ordered to duty and now serving our country in South Vietnam.

I am as concerned as any other Member of this body about the risk involved in the President's decision to clear out the enemy sanctuaries in Cambodia.

I am as concerned as any Member of this body about the constitutional prerogatives of the Congress and the constitutional prerogatives of the President.

But, today, we are not debating whether Congress should authorize our troops to be ordered into Cambodia. We are

May 20, 1970

faced with the fact that they have been ordered there and that thousands of Americans are presently in Cambodia as well as Vietnam.

At such a time and in such circumstances where the lives of more than 400,000 Americans as well as millions of South Vietnamese people are at stake, the Senate of the United States should take no action that would jeopardize our forces under fire.

It is my firm belief that the Cooper-Church amendment would indeed jeopardize American men now in Southeast Asia.

Let us examine what the Cooper-Church amendment would do.

The first provisions of the amendment provides that—unless specifically authorized by law hereafter enacted—no funds may be spent to retain U.S. forces in Cambodia.

The Senate Foreign Relations Committee report states that this provision "will prevent the indefinite presence in Cambodia of U.S. forces in Vietnam which are now there to engage in actions against Vietcong and North Vietnamese forces and bases—and would also prohibit the sending of U.S. personnel into Cambodia as advisers to South Vietnamese military units."

The President has assured us that all U.S. forces will be out of Cambodia by July 1.

I believe the President has every intention of fulfilling his scheduled withdrawal from Cambodia.

By adhering to his announced schedule the President will not only be keeping faith with the American people and the U.S. Congress, but he will also be establishing his credibility with the entire world, including the enemy.

As the President of the United States is our one and only Commander in Chief and as the President of the United States is the only officer who can conduct foreign relations, this credibility is crucial to expediting an end to the war, expediting an end to U.S. combat involvement, and expediting negotiations toward a just peace.

If the Senate adopts this amendment, the Senate of the United States will be saying not only to the President but to the entire world that it doubts the President's credibility.

Mr. President, I repeat. If the Senate adopts this amendment, the Senate of the United States will be saying not only to the President but to the entire world that it doubts the President's credibility.

In defiance of traditional American fair play, the Senate will be doubting the President's credibility on Cambodia long before the President has had the opportunity to establish his credibility.

I repeat. The Senate will be doubting the President's credibility on Cambodia long before the President has had the opportunity to establish his credibility.

It is traditional that U.S. Senators do not doubt the credibility of their colleagues. Yet some of them are apparently willing to go on record doubting the credibility of their President.

Mr. President, I shall not be a party to undermining the credibility of the President before the President has had an opportunity to fulfill his pledge to the American people.

Let us give him the opportunity to fulfill his pledge. This is the least we should do.

I simply cannot comprehend how those who support the Cooper-Church amendment can justify to the American people why they would be willing to undermine the credibility of the President—the only American who can negotiate peace—at this critical time.

Now let us look at the second provision of the Cooper-Church amendment. It provides that—unless specifically authorized by law hereafter enacted—no funds may be spent to pay the compensation or allowances of, or otherwise support directly or indirectly, any U.S. personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat activity in support of Cambodian forces.

The Senate Foreign Relations Committee report states that this language is designed "to prevent (A) involvement by U.S. personnel, military or civilian, in combat activities in support of Cambodian forces, and (B) any U.S. personnel from providing military instruction to Cambodian military forces."

I would be the last person to want to see American forces bogged down in any quicksand in Cambodia.

On the other hand, the Senate of the United States should at this time be extremely wary of enacting a provision which could conceivably hamper the President in his efforts to protect our American troops temporarily in Cambodia, our American troops scheduled to be withdrawn from Vietnam, and our American troops who would still remain in South Vietnam.

Suppose Cambodian forces were striking an enemy base in Cambodia from which the enemy was attacking U.S. forces in Vietnam. Does the Senate of the United States want to prohibit any American from helping Cambodian forces trying to prevent the enemy from killing American troops?

I simply cannot comprehend how those who support the Cooper-Church amendment can justify to the American people their proposal to deny assistance to Cambodia even if Cambodia is helping our troops.

The third provision of the Cooper-Church amendment also provides that—unless specifically authorized by law hereafter enacted—no funds may be spent to enter into or carry out any contract or agreement to provide military instruction in Cambodia or to provide persons to engage in any combat activity in support of Cambodian forces.

According to the Senate Foreign Relations Committee report, this language is "intended to prohibit any U.S. financed contracts or agreements which provide for persons, other than American personnel, to engage in combat in support of Cambodian forces or to provide military instruction in Cambodia. It would prohibit the United States from doing indirectly what cannot be done directly because of the restriction in subparagraph 2. It would, for example, prevent the United States from paying for the service of mercenaries or others who, without this provision, could be brought in to aid the Cambodian forces."

Suppose again, Cambodian forces were striking an enemy base in Cambodia from which the enemy was attacking U.S. forces in Vietnam. Does the Senate of the United States want to prohibit any American or any other person from helping Cambodian forces trying to prevent the enemy from killing American troops?

Mr. President, it is a good thing for the American people that France did not have a similar prohibitions against assistance to our American revolutionary forces under Gen. George Washington.

Now let us look at the remainder of the Cooper-Church amendment. I ask unanimous consent that the entire text of the amendment be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. FONG. The fourth and last subparagraph of the Cooper-Church amendment provides that—unless specifically authorized by law hereafter enacted—no funds may be spent to conduct any combat activity in the air above Cambodia in support of Cambodian forces.

The Senate Foreign Relations Committee report gives no explanation of this subparagraph. But we might well question what would happen in the event Cambodian forces were attacking the enemy's sanctuary from Cambodia and U.S. forces were attacking the same sanctuary from the border of South Vietnam. Under the terms of this language, would any combat activity in the air above Cambodia be prohibited because it might be partly in support of Cambodian forces although mainly in support of U.S. forces?

Shall the Senate deny our American forces air support in combat just because that might support Cambodian forces in the same battle?

Mr. President, to ask such a question reveals the hazards of the Senate of the United States trying to set forth battlefield rules and regulations while our American troops are on the battlefield.

The Senate of the United States is in no position to direct battlefield operations.

I repeat, Mr. President, the Senate of the United States is in no position to direct battlefield operations—even if the Senate were unanimous, which it obviously is not.

This being true, then it follows as night follows day that where the safety of American men in battle is concerned, the Senate of the United States, indeed the entire Congress, should leave to the Commander in Chief and to his field commanders every option to protect our men.

The Senate of the United States is in no position to anticipate every situation, every contingency, every confrontation in a war.

We do not know what the enemy will try to do. But we do know he has been very resourceful, very flexible, and very clever so far.

When he cannot win big battles, he reverts to guerrilla war, harassment, terrorism, and small engagements.

When he finds out he cannot protect his forces inside South Vietnam, he takes

S 7552

refuge in sanctuaries in Cambodia and Laos.

To tie the hands of our Commander in Chief and our troops in the field under his command by legislative enactment, which could be changed only by another legislative enactment, could leave our troops at the mercy of a clever and resourceful enemy who is backed by one of the world's super powers and also by one of the world's most belligerent regimes.

For too many years the enemy has had a tremendous advantage on his side.

He could hit our boys and he could hit the cities of South Vietnam, then run back across the border where he knew no fear of pursuit. Such immunity enabled the Vietcong and the North Vietnamese to build up enormous supply and equipment arsenals.

Great quantities of the weapons and ammunition for enemy forces fighting in nearly two-thirds of South Vietnam have been coming through Sihanoukville or one of the Cambodian beaches to these base sanctuaries along the Cambodian border.

These bases have not only been there to receive supplies from Hanoi, Peking, and Moscow, but they have also been very valuable areas from which the Vietcong and North Vietnamese could obtain Cambodian fish and rice to feed their troops.

Supplies are the lifelines for the enemy operating out of Cambodia.

If the enemy can insure the availability of these supply lines and the use of Cambodia as a sanctuary, he can continue the war almost indefinitely.

Mr. President, I repeat: Great quantities of the weapons and ammunition for enemy forces fighting in nearly two-thirds of South Vietnam have been coming through Sihanoukville or one of the Cambodian beaches to these base sanctuaries along the Cambodian border.

These bases have not only been there to receive supplies from Hanoi, Peking, and Moscow, but they have also been very valuable areas from which the Vietcong and North Vietnamese could obtain Cambodian fish and rice to feed their troops.

Supplies are the lifelines for the enemy operating out of Cambodia.

If the enemy can insure the availability of these supply lines and the use of Cambodia as a sanctuary, he can continue the war almost indefinitely.

The Cooper-Church amendment will assure the enemy he can use Cambodia as a sanctuary and continue to hit us again and again without fear of retaliation. It telegraphs to the enemy in the plainest possible language:

Come on in, hit our troops. We have prohibited our men from chasing you into Cambodia and we have prohibited our men from fighting you in your sanctuary.

If, however, the enemy cannot be sure he will be safe inside Cambodia near Vietnam—he will be forced to think twice about reestablishing his bases close to the border.

If, however, the enemy cannot be sure he will be safe inside Cambodia near Vietnam, he will be forced to think twice about concentrating his men and his supplies in a relatively small number of bases as he has done in the past.

If, however, the enemy cannot be sure he will be safe inside Cambodia near Vietnam, he will be forced to think twice about whether he can risk the loss—again—of large amounts of weapons and ammunition and food.

His resources are limited, and his losses so far in the Cambodia operation have been substantial.

Last Thursday, the distinguished Senator from Mississippi (Mr. STENNIS), who is chairman of the Senate Committee on Armed Services, reported on the supplies which South Vietnamese and American forces had captured according to the latest available figures at that time furnished by the Secretary of Defense.

The Secretary said in his statement to Senator Stennis that "more than 7,000 rifles and 1,000 crew served weapons; that is, mortars and machine guns have been captured, along with more than 8 million rounds of small arms ammunition, which would have supplied 20 battalions for upwards of a thousand battalion-size attacks."

In addition, the statement declared "food supplies located so far comprise almost 5 million pounds of rice, the basic food for Southeast Asia. This rice would have fed the entire enemy force in III and IV Corps in South Vietnam for 5 months."

In reporting that 22,000 mortar and rocket rounds had been found, the Secretary of Defense in his statement pointed out "this amount of munitions would have supplied about 3,000 fire attacks in South Vietnam of the same intensity that the enemy has been conducting in recent weeks—about seven rounds per attack."

In addition, as of last Wednesday, nearly 3,300 enemy bunkers had been destroyed. These are the enemy underground chambers, heavily constructed, permanent type which have been so well hidden from the air that they could have only been uncovered and destroyed by the current ground action of U.S. and South Vietnam forces.

More than 1,000 landmines were captured—the scourge of our troops. Mines are hidden in the bushes, in the jungle, in the swamps, triggered in all sorts of ways. These captured landmines will not now go off to kill, injure, and maim American men and South Vietnamese.

The latest figures as of 8 a.m. today show the following arms and supplies captured so far in the Cambodia operation:

Individual weapons.....	9,613
Crew-served weapons.....	1,608
Bunkers, structures destroyed.....	5,853
<hr/>	
Machine gun rounds.....	(7,812,464)
Rifle rounds.....	(3,802,256)
<hr/>	
Total small arms ammunition (rounds).....	11,614,720
<hr/>	
Grenades.....	7,065
Mines.....	1,884
Satchel charges.....	500
Miscellaneous explosives (in pounds).....	72,000
Antiaircraft rounds.....	159,047
Mortar rounds.....	20,363
Large rocket rounds.....	972
Smaller rocket rounds.....	16,697
Recoilless rifle rounds.....	13,627

Rice (in pounds)	(Man months—159,148)	7,234,000
Vehicles.....		215
Boats.....		40
Generators.....		36
Radios.....		169
Enemy killed in action.....		7,026
Enemy POW (includes detainees).....		1,731
U.S. killed in action.....		162
ARVN (South Vietnamese) killed in action.....		380

Mr. President, I ask this question: Why were these supplies in Cambodia?

There is only one answer. Whatever the misunderstanding about the Cambodian operation, there can be no misunderstanding whatsoever about the purpose of the weapons and ammunition stockpiled by the Vietcong and the North Vietnamese in Cambodia.

They were there for use against American men and South Vietnamese troops and civilians.

I repeat, Mr. President. Why were these supplies in Cambodia?

There is only one answer. Whatever the misunderstandings about the Cambodian operation, there can be no misunderstanding whatsoever about the purpose of the weapons and ammunition stockpiled by the Vietcong and the North Vietnamese in Cambodia.

They were there for use against American men and South Vietnamese troops and civilians.

Now that our troops and the South Vietnamese forces have captured these weapons of war and these food stocks, we at least know that these guns and these bullets cannot be used against American men or against ARVN troops or civilians in South Vietnam.

Who here can say that this action is wrong in safeguarding the lives of our American men?

We know that the devastating Tet offensive of February 1968 was launched from the enemy's sanctuaries in Cambodia.

Does the Senate of the United States want to invite a second Tet offensive?

I do not.

I know my colleagues do not.

But we will almost surely invite another Tet offensive if the Cooper-Church amendment is adopted as it is.

Yes, Mr. President, I am concerned about the constitutional prerogatives of the Congress and the constitutional prerogatives of the President. I am concerned about the erosion of congressional power, particularly over the past 40 years as our various Chief Executives have exercised vast and far-reaching powers.

Mr. President, I am also terribly concerned about the American men in Southeast Asia.

I am terribly concerned about our troops that are in Vietnam—more than 400,000 American men.

Mr. President, is the Senate of the United States going to say to those 400,000 American men, "Sorry, boys—mighty sorry—very sorry—as far as we U.S. Senators are concerned, the enemy can rebuild his sanctuaries as fast as he can. Then he can fire his mortars and machine guns, and he can come into South Vietnam and hit you and run back to his bases in Cambodia." After all that, is the Senate then going to tell our American boys, "Sorry, boys—mighty sorry—very



sorry—as far as we U.S. Senators are concerned, you can not go after him or destroy his war machines in Cambodia.”

Whatever else other Senators may decide to do, and I respect their right to their views, the Senator from Hawaii does not intend to jeopardize the lives of 400,000 American men by voting for the Cooper-Church amendment.

Mr. CHURCH. Mr. President, I have listened to the Senator's remarks as they have become increasingly expansive and, I must say, I take issue when he characterizes this amendment as—

The PRESIDING OFFICER (Mr. SCHWEIKER). Does the Senator from Hawaii yield to the Senator from Idaho?

Mr. FONG. Mr. President, I will not yield at this time. I should like to finish my prepared statement, and then I shall be happy to yield at that time, and I will answer any questions and enter into colloquy with the distinguished Senator from Idaho.

The PRESIDING OFFICER. The Senator from Hawaii will continue.

Mr. FONG. Mr. President, my eldest son served in South Vietnam with the U.S. Army from 1967 to mid-1968. He knows what it is to be hit by the enemy and not be able to hit him back because the enemy fled to his Cambodian bases, safe from U.S. attack.

For 5 years, the United States and South Vietnam honored Cambodia's official neutrality. And our boys and the South Vietnamese had to take terrible punishment because of it.

In the Hawaii House of Representatives, of which my son is an elected member, he recently said in a debate on the Cambodian issue, that nothing was more frustrating than to be in his bunker and have the enemy attacking. Yet our boys could not attack the enemy bases just over the line into Cambodia.

For years the enemy has been safe in these Cambodian bases, which we all know were huge arsenals from which they were able to prolong the war and keep killing more Americans and more South Vietnamese.

Now, if the Senate passes the Cooper-Church amendment, the Senate would be telling the enemy, “Go ahead. Rebuild those bases. You'll be safe once more. We in the Senate have made sure neither our ground troops nor South Vietnamese ground troops can attack you there, even in self-defense, even in time-honored hot pursuit.”

If the enemy can rebuild the Cambodian bases in 8 or 10 months, he would be sitting pretty under these terms, while our own American troops—some 300,000 to 440,000 in the coming year—would be sitting ducks, thank to the Senate of the United States.

Since some of our troops are in Cambodia at the present time, I believe we would be grossly negligent and irresponsible if we did not provide for the possibility that their survival may depend on hitting nearby enemy bases in Cambodia.

We would be grossly negligent and irresponsible if we did not allow for the possibility—however remote—that some of our men could still be in that country when this legislation became law.

As I read this amendment, it means that American soldiers delayed for what-

ever reason in Cambodia after the projected withdrawal would not even be paid or supplied with food or ammunition for fighting on Cambodian soil through no fault of their own. Their families would lose their monthly allotments. And, as I understand it, if they were killed, their widows and surviving children probably would not be entitled to any survivor benefits.

As I read this amendment, it means, “Mr. President, you may not use our Air Force to provide assistance to any American soldiers caught in Cambodia.”

I ask my colleagues, suppose your son were there, or your grandson, or your neighbor, or your friend. Would you be willing to leave them without air support to help protect them or to rescue them?

As I read this amendment, it means that our troops could not give “hot pursuit” to the enemy who attacks one of our bases, simply because he fled back into his Cambodian sanctuary.

As I read this amendment, it means that American troops cannot take all necessary defensive actions to protect themselves while our country is progressively reducing its military personnel in Vietnam.

Those who support this amendment should answer to our troops for their failure in this amendment to give American men the options for their self-defense.

Mr. President, neither President Nixon nor our brave fighting men in Indochina are to be blamed for the presence of over 400,000 Americans there.

Neither the President nor our brave fighting men in Indochina are responsible for the decision that eventually led to half a million American soldiers being present in Southeast Asia.

Mr. President, I repeat. Neither President Nixon nor our brave fighting men in Indochina are to be blamed for the presence of over 400,000 Americans there.

Neither the President nor our brave fighting men in Indochina are responsible for the decision that eventually led to half a million American soldiers being present in Southeast Asia.

But since we are there and since the President of the United States has taken action to disengage our forces from Vietnam at a reasonable and realistic rate, is it not incumbent upon Congress to give all the support the Commander in Chief and his men need while American troops are being removed from South Vietnam?

I repeat, since we are there and since the President of the United States has taken action to disengage our forces from Vietnam at a reasonable and realistic rate, is it not incumbent upon Congress to give all the support the Commander in Chief and his men need while American troops are being removed from South Vietnam?

I, for one, will not support an amendment that could possibly put our fighting men in great danger without allowing them all the assistance they may need to survive.

Mr. President, I do not deny that it may be proper sometime in the future for the Congress to consider imposing congressional restraints and control on the President in the matter of undeclared wars, police actions, or any other cir-

cumstances which may appear and in which we might find ourselves involved.

However, the present time seems to be the worst possible time to raise this question, especially when we are engaging in a most important—and so far very successful—military action designed to save American lives.

The Senate of the United States should not add to the risks of the present operation.

I repeat, Mr. President, I do not deny that it may be proper sometime in the future for the Congress to consider imposing congressional restraints and control on the President in the matter of undeclared wars, police actions, or any other circumstances which may appear and in which we might find ourselves involved.

However, the present time seems to be the worst possible time to raise this question, especially when we are engaging in a most important—and so far very successful—military action designed to save American lives.

The Senate of the United States should not add to the risks of the present operation.

The President authorized the actions against the North Vietnamese sanctuaries in Cambodia because he saw them as part of the South Vietnamese battlefield. As such, he has the great responsibility of making sure that the American troops who are left in Vietnam for the time being are not threatened by any major offensives from the Cambodian sanctuaries.

Critics of the President's action to defuse and minimize the threat from the North Vietnamese sanctuaries in Cambodia are using this latest defensive measure to accuse our Commander in Chief of expanding the war into another country.

Mr. President, we are not engaged in a war against the Cambodians.

We are not challenging the Government of Cambodia.

We are not contesting the armed forces of Cambodia.

As a matter of fact, Mr. President, the territory we are in has not been occupied or controlled by the Government of Cambodia during recent years.

In Cambodia, we are attacking the same enemy that we are fighting in South Vietnam.

We are fighting the enemy on ground that he, and not the Government of Cambodia, has occupied and controlled during recent years.

I repeat, Mr. President, we are not engaged in a war against the Cambodians.

We are not challenging the Government of Cambodia.

We are not contesting the armed forces of Cambodia.

As a matter of fact, Mr. President, the territory we are in has not been occupied or controlled by the Government of Cambodia during recent years.

In Cambodia, we are attacking the same enemy that we are fighting in South Vietnam.

We are fighting the enemy on ground that he, and not the Government of Cambodia, has occupied and controlled during recent years.

Under the Cooper-Church theory, al-



May 20, 1970

S 7554

lied forces should never have invaded occupied France to get at the German Nazis in World War II.

A look at the map of South Vietnam shows how our troops could be caught in a pincer squeeze by an enemy attack through the DMZ and an enemy attack along the Cambodian border, particularly in the Mekong Delta area of South Vietnam where the greatest enemy buildup was occurring.

The enemy has been setting up a flanking movement against our troops and the South Vietnamese, which if followed by encirclement and siege, could pound our troops and drive them to the sea. Such a tactic was used successfully against the French at Dien Bien Phu. It was used against American forces at Khe Sanh in early 1968. It failed then, but could be used successfully as more U.S. forces are withdrawn from South Vietnam.

Because our forces in Vietnam are being thinned out, it is all the more imperative that our remaining forces not be exposed to possible annihilation by the enemy operating from privileged sanctuaries in Cambodia.

President Nixon has stated—publicly and repeatedly—his firm determination to bring our soldiers and sailors home at the earliest possible date. When President Nixon took office in January of 1969, there were 525,000 Americans fighting in Vietnam. He has already withdrawn 115,500 men, and he has announced that another 150,000 men will be withdrawn during the coming year.

The President has kept his word on his earlier troop withdrawals. I believe he fully intends to keep his word to pull back from Cambodia by July 1 this year and to withdraw 150,000 more men from Vietnam in the coming year.

The Senate of the United States cannot run the war—only the President can. The Senate of the United States cannot negotiate peace—only the President can.

The Senate should not, therefore, place obstacles in the way of the President who is exploring many avenues toward peace, including the limited Cambodian action.

There can be only one Commander in Chief at a time. The Senate should not try to bind and straitjacket the one and only person who can give orders to our troops and the one and only Commander in Chief we have.

I repeat, the Senate of the United States cannot run the war—only the President can.

The Senate of the United States cannot negotiate peace—only the President can.

Mr. President, I hate war. Hawaii is the only State that was attacked in World War II. I served in that war. As I said earlier, my eldest son has already served in Vietnam. He could be called back again. I have two younger sons who could be called to duty to serve in Vietnam.

I have received many letters and many visits from students who are worried about the war and worried that they may have to go to the battlefield. High school students as well as college-age students are suffering much anxiety. I know many of these young people per-

sonally. I know their fathers and mothers and grandparents. I have been many of them grow up from infancy to manhood.

As a parent who suffered constant anguish when my own son was in Vietnam and as a parent who has two other young sons who may have to serve, I understand the anxiety these young people and their families endure.

I also know the anxieties of the families of those 400,000 men in Vietnam right now. And I know how those anxieties will increase if we limit their loved one's right to defend themselves.

I know the longing of the American people for peace.

I want peace.

President Nixon wants peace.

I want—and President Nixon wants—our American men—over 400,000 of them—who are serving under our flag in Vietnam to come home just as soon as humanly possible.

As long as they are under orders to serve in Vietnam, however, I do not propose to endanger their lives by any proposal such as the Cooper-Church amendment. There is no contingency provision in this amendment that would leave options for the protection of American troops ordered into Cambodia.

Therefore, as one Senator, I shall not be a party to a proposal that could endanger the 400,000 brave and loyal Americans who are under the enemy guns in Southeast Asia.

According to the most recent Gallup poll, 50 percent of the American people support the President's decision to wipe out the enemy sanctuaries in Cambodia. Opposing the President were 39 percent, with 11 percent undecided.

Mr. President, the people who support the President are not warmongers. They long for peace just as fervently, just as wholeheartedly, as do those who demonstrate against the war.

But the majority of the American people are not going to abandon their sons, fathers, brothers, sweethearts, neighbors, who are bearing the brunt of this war on the battlefield in Southeast Asia.

The majority of the American people recognize that our troops have been forced to defend themselves at a great disadvantage during all these years by the many restrictions placed upon the conduct of the war, including the previous ban on attacking enemy bases in Cambodia.

The American people know the risks involved in the Cambodia operation, but they also know that to allow the enemy protection in his sanctuary bases increases the danger for American troops in Vietnam.

At this crucial time the Senate of the United States should not panic, but should support the President so that we can speed the day when our men can be brought home and a just peace in Vietnam can be achieved.

Mr. President, I ask unanimous consent to print in the RECORD at this point an Associated Press dispatch today from Honolulu giving the following account of a couple who lost their son in Cambodia, and who sent a message to President Nixon supporting his policy of destroying the Cambodian sanctuaries.

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

Hours after learning their soldier son had been killed in Cambodia, Edmund and Wattle Mae Hedemann cabled President Nixon: "If we could help you make others realize that your decision is right, we stand ready to serve you."

The Hedemanns learned of their son Wayne's death the same day the local newspapers published a letter from him that said: "With this attack, Nixon is getting my vote in the next election."

Hedemann, 24, a helicopter copilot, was Hawaii's first casualty of the Cambodia campaign. He was killed May 13 while flying a combat mission.

His father, commenting Tuesday on his cable to the President, urged a reporter to "tell them—tell them all—his parents are not going to quit. Good citizens must get together and do something about how they feel."

"My son was a good American," he said. "He backed his President, it didn't make any difference if he was a Democrat or Republican."

In his last letter to his mother, Wayne wrote: "Mom, I hope everyone back home is for Nixon. Because this should have been done three years ago."

## EXHIBIT 1

## TEXT OF COOPER-CHURCH AMENDMENT

SEC. 47. Prohibition of assistance to Cambodia. In order to avoid the involvement of the United States in a wider war in Indochina and to expedite the withdrawal of American forces from Vietnam, it is hereby provided that, unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this Act or any other law may be expended for the purpose of—

- (1) retaining United States forces in Cambodia;
- (2) paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any United States personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat activity in support of Cambodian forces;
- (3) entering into or carrying out any contract or agreement to provide military instruction in Cambodia or to provide persons to engage in any combat activity in support of Cambodian forces; or
- (4) conducting any combat activity in the air above Cambodia in support of Cambodian forces.

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

Mr. FONG. Mr. President, I am very happy to yield to the distinguished Senator from Kansas.

Mr. DOLE. First I wish to say that I certainly appreciate being in the Chamber to hear every word uttered by the distinguished Senator from Hawaii. I think perhaps the Senator has covered two questions very well that have troubled me. I would hope that between now and the time we vote on this proposal there can be some accommodation that does not tie the hands of the President.

As the Senator stated on page 4 of his text, there is no doubt in my mind that if the Cooper-Church resolution should be adopted in its present form it would be interpreted across this land and in other lands as a direct attack on the President's credibility.

As the Senator has indicated, this is not President Nixon's war. When he took his oath of office on January 20, 1969, there were 540,000 troops in South Viet-

nam; and that level has been reduced by 115,500 troops.

I believe that the President's credibility is at stake in this action—perhaps not intentionally, and I do not question the motives of the sponsors of the amendment, and I have said so many times before—but there should be some accommodation where it is made very clear that there is no intent, direct or indirect, to attack the President of the United States at this very critical time.

Second, I think that on or about page 23 of the Senator's statement he has clarified another area that has been confused and clouded, again not intentionally, but that is the way it has been, about an attack on Cambodia or some invasion of Cambodia.

As the Senator has indicated very clearly, we are fighting the same enemy in Cambodia that we are fighting in South Vietnam. The enemy has occupied these areas 3, 4, and 5 years. It cannot be construed as an attack on Cambodia or as an invasion of Cambodia. We are not at war with Cambodia. As the Senator has said, we are not fighting the Cambodians.

So I share the views expressed by the distinguished Senator from Hawaii that, certainly in its present form, the Church-Cooper resolution should not be adopted by this body. It is a direct affront to the President of the United States. It is a direct affront to a President who has been deescalating the war.

As I have indicated before, I would hope that some accommodation could be reached, and if not, that this amendment could be discussed in full detail day after day.

Mr. FONG. I thank the distinguished Senator from Kansas for his remarks.

When President Nixon came into office in January of 1969, he inherited this war. When he came to office he found there were approximately 525,000 Americans in Vietnam. In a search for peace, President Nixon has stated that he will bring an end to the war; that he is dedicated to bringing the American boys home.

He has now been in office for approximately 16 months. In these 16 months, he has brought back 115,500 American fighting men, and he has stated that he will bring back another 150,000 men by April 1971.

I was most surprised that the President mentioned such a large figure, a figure of 150,000 men. Even his most avid critics were surprised that he would bring back another 150,000 men.

In other words, the President stated that, by April of 1971, he will have brought back to America 265,500 men—almost one-half the number of American men who were in Indochina when he came to office.

Probably the sponsors of the amendment did not want to question the credibility of the President. But here is a President who comes into office and tells us that he is going to deescalate the war. He brings back 115,500 troops, and he says he is going to bring back another 150,000 by April 1971. That will make more than 265,000 men that he will have brought back.

Here is a President who has sought all means to attain a negotiated peace, but he has been unsuccessful so far. He says that this action in Cambodia is a limited one. It is limited in scope because he is not proceeding more than about 20 miles beyond the Cambodian borders. It is limited in time because he said we will be out by July 1. He said it is a defensive action.

Any military man will tell you that the first thing you learn in military tactics is that you do not subject your troops to cross action or to crossfire. You do not subject your troops to a flanking action. This is what the President is trying to avoid. The Vietnamese have been coming over the border, attacking our troops, running back to their sanctuaries, and we have not followed them because of the "neutrality" policy of Prince Sihanouk, who was playing two sides against the middle.

The President says that he wants up to July 1 to prove his point that this is a defensive action, that it is a limited one in time and territory.

Mr. President, when you bring an amendment like this before the Senate of the United States, what do you tell the world? What do you tell the world? You tell the world that we believe that this President of the United States will not keep his word, that this President is not to be believed, that this President has no credibility.

If there is one person who must have credibility, it is the President of the United States. He is the only one who can stop the war from our side, unless we suffer an ignominious defeat. He is the only man who can negotiate a peace.

Then, why throw obstacles in his way? Why do we not give him the time, give him to July 1, to see whether he can do the things that he said he would do?

Mr. President, I propose that the least the Senate could do would be to give him the time to prove his credibility. We should not say to him, "I will not give you the time because I want to show that you are not credible."

The distinguished Senator from Kansas pointed to the fact that we are not fighting the Cambodians. We are going into territory which has been held by the North Vietnamese for 5 years. The Cambodians had no control over those sanctuaries. To say that we cannot go into Cambodia in hot pursuit in defense of our boys is like saying we could not go into Holland when the Germans, the Nazis, were occupying Holland, or we could not go into France when the Germans were occupying France, because we were going into another country. We were fighting the Germans. We went into France and we went into Holland to fight the Germans.

We are doing the same thing here. We are going into Cambodia to fight the North Vietnamese, who are threatening the South Vietnamese and our troops.

The President said he can only keep his word to the American people to withdraw 150,000 American troops by April 1971 by taking this defensive action.

If he withdrew 150,000 troops by April 1971, and did not take this defen-

sive action he would be leaving the remaining 260,000 American troops in great peril from North Vietnamese attacking from these sanctuaries in Cambodia.

What the President has said, Mr. President, is reasonable. I for one believe that the President is deescalating the war by this action. I believe that he will bring our boys home—the 150,000 troops that he promised. I believe him when he says this action will give the South Vietnamese at least 8 months to a year to strengthen themselves militarily, so that they can build themselves into a viable military force and withstand the onslaught of the North Vietnamese.

We all know that military victory at this juncture is not being considered by anyone. The President is not seeking a military victory. He came into office and found that this war could not be won militarily because of what had transpired before his term in office. He came into office and found that he had to do something to bring our boys home.

He looked at what had happened in Korea. In those years, many had said that the South Koreans could not build a viable economy. Many had said that South Korea could not withstand the onslaughts of Communists who wanted to come over the DMZ at the border between North and South Korea. But President Eisenhower correctly believed that South Korea could be built into a very viable, strong fortress—sufficiently strong to withstand the onslaught of the Communists.

Many people say Thieu is not the right man in South Vietnam. But where can one find a man who will have 100 percent support of his people? Look at what President Nixon is undergoing. Of course, a majority are supporting him, but he has a number of dissenters. Where can one find a man who is really pure, without sin, without deficiency, without defect?

They said the same thing of Syngman Rhee, who became the first President of Korea. They said, "Syngman Rhee is full of corruption, and South Korea will fall as soon as we leave there with our troops."

We withdrew most of our troops and now keep 60,000 troops in South Korea. Even though Syngman Rhee was overthrown, the Communists have not dared to cross the dividing line into South Korea. Although we do not have peace, Mr. President, we do have stability—stability such that we do not have to keep on sending increasing numbers of American boys to South Korea; stability that South Korea has built itself into, with such a strong economy that it could afford to send 50,000 of its own troops to be with us in South Vietnam.

The President has not stated it, but this is what I think he has in mind: Give the South Vietnamese another 8 months to a year. This action in Cambodia will give them that, because the monsoons are coming, and when the monsoon rains hit the area of South Cambodia, there will be very little movement of supplies and troops. By the time that the North Vietnamese could re-

S 7556

## CONGRESSIONAL RECORD — SENATE

May 20, 1970

plenish their stock of supplies, ammunition, and things with which to hit our American boys, the South Vietnamese Army will be strong enough to take care of the situation. And, although we may not have peace in Indochina, we will have something like stability. We will at least have sufficient stability so that we will never be called upon again to send our boys in increasing numbers to South Vietnam.

Mr. CHURCH. Mr. President, earlier I undertook to ask the distinguished Senator from Hawaii a question during the course of his address. At that time, he refrained from responding, and I now think it best, having waited for him to complete his address, to take the floor in my own right, because I should like to make some remarks in rebuttal. I wanted to inform him of that fact so that he would not leave the floor unadvised, although, of course, if he cares to remain, he is most welcome to do so.

Mr. President, I find it hard to understand how any Member of the Senate can characterize the pending amendment as an attempt to call the credibility of the President of the United States into question. Even less do I understand how the amendment can be characterized as an affront to the President. No one has gone so far as to suggest that the sponsors—who include many distinguished Republican Senators—intend to embarrass the President; but nevertheless, the argument persists that somehow the amendment itself is an assault upon his credibility.

Apart from everything else, it should first be understood that no one can undermine the credibility of the President of the United States except the President himself. That will happen if his words are not backed up by his deeds; the only way the credibility of the President can be protected is by the President himself, by making certain that his words conform to his deeds. All the rest is so much idle talk.

Far from being designed in any way to embarrass the President, this amendment was carefully drafted to take him at his word. It is a new definition of "affront," if taking a man at his word constitutes some slight upon either the man or his office.

I have listened to the inflated, exaggerated, and distorted charges made by the Senator from Hawaii (Mr. FONG). He has charged that this amendment will somehow endanger our troops in the field. He has charged that it will jeopardize their lives; that it will constitute an abandonment of the men we have sent to Vietnam to fight. How can that be? How can that possibly be, when all we have done is to fix the line where the President himself has set it? There is not a word in the amendment that undercuts the President, let alone puts our troops in jeopardy.

The President has limited his objectives in Cambodia. We accept his limits. We say we will share with the President the responsibility for fixing those limits. Yet the Senator from Hawaii protests that we seek to tie the President's hands; that we would place obstacles in his way; that we would pull the rug out from

under him; that we would bind and straitjacket the President. So amazed was I to hear such charges that I carefully reread the amendment. Again, I am at a loss to find where any limitation at any place conflicts with the stated purposes of the President, as they have been explained to Congress and the American people, concerning the current operation in Cambodia.

The Senator from Hawaii, in his remarks, posed the possibility that the Cambodian forces might themselves undertake an attack on these sanctuaries along the Cambodian border, and suggested, if I understood him correctly, that in such a case we would want to help. The Senator from Hawaii cited the provisions of the amendment restricting our support of Cambodian forces and raised questions concerning them.

I should like to read them into the RECORD once more.

The first subsection of the amendment prohibits the retention of U.S. forces in Cambodia.

The second subsection of the amendment prohibits the paying of compensation or allowances of, or otherwise supporting, directly or indirectly, any United States personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat activity in support of Cambodian forces.

The third subsection prohibits entering into or carrying out any contract or agreement to provide military instruction in Cambodia, or to provide persons to engage in any combat activity in support of Cambodian forces.

Subsection 4 prohibits the conducting of any combat activity in the air above Cambodia in support of Cambodian forces.

That is the substantive language of the amendment. Let us see how it conforms with the stated policy of the administration. We had better know now if there is some other policy that has not yet been revealed which involves assuming a whole new set of obligations to defend the Cambodian regime. We had better know now, because there is nothing on the public record to suggest that any one of these provisions conflicts in any way with the stated policy of the administration.

First, I quote from the May 14 Washington Post, in an article by Murray Marder, concerning a recent press conference that the Secretary of State held. Writes Mr. Marder:

Rogers, at an impromptu news conference, ruled out any future U.S. ground operations in Cambodia once American forces now there withdraw around the end of June.

He said:

We do not intend to become involved militarily in the support of the Lon Nol government or any other Cambodian government.

In a press backgrounder on May 14, the Secretary of Defense, Mr. Laird, was questioned concerning administration policy respecting Cambodia, and he is quoted as having said:

I do not believe our Government has a commitment to Cambodia. Our commitment is to our own forces, and our commitment is to see that the objective we have set out in

Vietnam is achieved, and that is where I put it.

On May 17, Mr. Laird appeared before the Committee on Foreign Relations, and in the course of the questioning, the distinguished committee chairman, Senator FULBRIGHT, put this question to Mr. Laird:

Do you have any plans for flying combat missions to support the Cambodian government forces?

Mr. Laird replied:

Not to support the Cambodian government forces, no.

Earlier in the same exchange, Senator FULBRIGHT asked the Secretary:

Do we have any mercenaries today that we are paying, helping the Cambodians?

Secretary LAIRD. That we are paying?

Senator FULBRIGHT. Yes, that we are paying.

Secretary LAIRD. Not to my knowledge.

Senator FULBRIGHT. That is what I meant. That is one of the elements involved in the Church resolution. You would know if we had any, would you not?

Secretary LAIRD. If they were paid by the Department of Defense, I certainly would know. But I know of no mercenaries paid by the U.S. Government.

Mr. President, I stress the testimony of one of the chief lieutenants of this administration, the Secretary of Defense, plus statements made by the Secretary of State as evidence that the Cooper-Church amendment does not conflict with administration policy.

I could go further and quote directly from the President, who made it clear just the other day that he has no plan to return American troops to Cambodia after the current operation is completed. In fact, he went further, telling the American people that if it ever became necessary to go back to strike at these sanctuaries, the South Vietnamese would be in a position to do it themselves.

Senator COOPER and I are accepting the President at his word. The limits we define in this amendment are the very limits set by the President. How, under these circumstances, can the facts be so distorted as to charge the sponsors of this amendment with an attempt to place obstacles in the President's way, or to pull the rug out from under him, or to bind and straitjacket him, is quite beyond my comprehension.

I repeat once more, in this discussion let us stick with the facts. I can understand that sensitivities run high. But I do not think that gives us a license to make unsupportable charges. We have done our best, in a bipartisan manner, to set these limits where the President himself has set them.

Senator COOPER and I, in concert with Senators MANSFIELD and AIKEN carefully drafted the amendment so as not to call into question any powers the President derives directly from the Constitution of the United States. All we seek to do is to assert powers which, under the Constitution, belong to Congress. The time has come, after many years of impotence, for Congress to begin to reassert its own authority and share with the President the burden of defining the outer limits of this war in Southeast Asia. Later on, if the President should want to extend the

limits still farther, or should he want to send American forces to occupy all of Cambodia, or should he wish to assume the responsibility for the defense of the new regime in Phnom Penh, he would then have to come back to Congress and make his case. Congress, on the strength of that case, would then decide whether or not to lift the limitations and extend the perimeters of our involvement in Southeast Asia.

What we ask is fully consistent with what the drafters of the Constitution contemplated as the proper role of Congress. It is no reflection upon the office of the presidency of the United States.

If there is any way, without altering the substance of the amendment, that we can make it clear that our purpose is not to contest the President, nor to intrude upon such power as he may have under the Constitution but, rather, to act in concert with him in establishing the outer limits of the American penetration of Cambodia, then I am amenable to language that will make our purpose clear beyond a peradventure of a doubt.

But, I think this debate would be better advanced if we attempted to confine our arguments to the reality of the pending amendment and keep the discussion relevant to the real issues involved.

The PRESIDING OFFICER (Mr. SCHWEIKER). The Senator from Arizona (Mr. GOLDWATER) is now recognized.

Mr. FONG. Mr. President, will the Senator from Arizona yield, so that I may reply to the Senator from Idaho?

Mr. GOLDWATER. I am happy to yield to the Senator from Hawaii for that purpose.

Mr. FONG. I thank the distinguished Senator from Arizona for yielding to me so that I may answer the distinguished Senator from Idaho.

Mr. President, the distinguished Senator from Idaho says that this amendment does not question the credibility of the President, that all the amendment seeks to do is to hold the President's feet to the fire so that he will do what he said he will do. He said that the President is the only one who can destroy his own credibility, that Congress cannot destroy the credibility of the President.

Mr. President, if Congress continues to tell the President and to tell the whole world that we do not believe in the credibility of a U.S. President and that Congress must pass legislation to make sure the President fulfills his promise, then, pretty soon, the people of the world will believe that and they will say that our American President is not credible.

Mr. President, when we make an agreement with an individual and he trusts us, he does not ask us for a signed document. He takes our word for it.

That is what I am asking Congress to do, to take the President's word until July 1 and see whether he lives up to it. I, as one Senator, am willing to give him until July 1 to prove his credibility.

I do not feel that we can, at this time, pass such an amendment because it would be telling the whole wide world that the Senate, by a majority vote, although not unanimous, questions the President because we fear that he prob-

ably will, in some way, stretch his words and go back into Cambodia.

The distinguished Senator from Idaho says that we are not abandoning our troops, so how can we hurt the 400,000 men there?

When we telegraph to the enemy, write him a letter, or, via the press, report what we are doing here, we are telling the enemy that after July 1, when the President has removed our men from Cambodia, that we are not going back into Cambodia.

Mr. CHURCH. Mr. President, will the Senator from Hawaii yield?

The PRESIDING OFFICER (Mr. DOLE). Does the Senator from Hawaii yield to the Senator from Idaho?

Mr. FONG. I yield.

Mr. CHURCH. Is that not what the President himself has already said to the American people and to the world?

Mr. FONG. Yes, he said that.

Mr. CHURCH. If there were any force to the Senator's argument, it was lost when the President telegraphed his intentions to the world.

Mr. FONG. But the President has constitutional powers to pursue the enemy in "hot pursuit," but in the pending amendment we will not give him the right to let our men pursue the enemy who may be coming across the border into Vietnam to hit at our troops from their sanctuaries.

Mr. CHURCH. I take issue with the Senator on that. We do not raise into questions here the power the President has as Commander in Chief. He derives that authority from the Constitution itself. We could not deny him his powers under the Constitution even if we tried.

Nothing in our amendment would interfere with his right to protect American troops in the field or provide for their immediate needs. I strongly disagree with the interpretation the Senator has placed upon the Cooper-Church amendment.

Mr. FONG. That is the trouble. Every time we pass something, there are a lot of interpretations. The mover of the amendment means one thing, those who oppose it mean another, and pretty soon, the Supreme Court says it means a third thing.

We are saying that the President has his constitutional powers. But in this amendment, if we read it literally, if we read it word for word, we are actually telling the President that certain constitutional powers he thinks he has, he does not have because the people here in Congress have told him in no uncertain words that he does not have those powers.

Now, how do we jeopardize our boys?

As I said in my prepared statement, we are telegraphing to the enemy, we are telling him in no uncertain terms, "When July 1 comes and our American boys come out of there, you can come back into the sanctuaries. You can build up your bunkers. You can bring in your supplies right across the line. Our boys cannot hit you until Members of Congress—by this kind of debate, where there will be probably 30 men on one side arguing and 30 men on the other side in the Senate, and then it will go

over to the House, where there will be 435 men getting into the fray, debating whether the President has the power under his constitutional rights to give American troops the right of 'hot pursuit'—have taken up so much time that our men will have received the infliction of wounds by you."

What also bothers me is what would happen to the needs of South Vietnam who may see fit to protect their peoples as well as their fighting men who are being hit on the flanks by the North Vietnamese. We will have been prevented from using our airpower to go into Cambodia to help them.

There must be a lot of jubilation in Hanoi, there must be a lot of jubilation in Moscow, and there must be a lot of jubilation in Peking about this amendment that is being so lengthily discussed on the floor of the Senate.

Why should we telegraph to the enemy what we will do and what we will not do? This is actually the crux of the situation—telegraphing to the enemy what we will do and what we will not do.

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

Mr. FONG. I yield.

Mr. CHURCH. Mr. President, I should like, in order that the record might be complete, to ask the Senator if he would have any objection to my including in the RECORD at this point the statement the President made at his press conference, which telegraphed his intentions to the world.

Mr. FONG. Mr. President, I have no objection. I think that the President said he expects also that the South Vietnamese will be able to take care of the enemy.

Mr. CHURCH. Mr. President, I will include both the questions and the answers.

Mr. FONG. Mr. President, I think the President said that he expects the South Vietnamese to take on the effort. But certainly the South Vietnamese expect us to give them some kind of air support and artillery support.

The President has been forced into a corner every time he has done something. He is questioned by Congress as to why he is doing it, what the limitation is, and where we go from here. And in order to have communication with Congress, he tells them what he will do.

And when the President tells them what he is going to do, he is also telling the enemy.

Perhaps that is the right thing to do in a democracy. But I say that we are at war. Our boys have been killed. Let us not give comfort and aid to those who would fight us.

Mr. CHURCH. Mr. President, I ask unanimous consent to have printed in the RECORD the questions and answers from President Nixon's press conference of May 8, 1970, to which I have referred.

There being no objection, the excerpts from the President's press conference of May 8, 1970, were ordered to be printed in the RECORD, as follows:

#### S. TROOP WITHDRAWALS

Q. Mr. President, on April 30 you announced that you, as Commander in Chief, were sending in U.S. units and South Viet-



namese units into Cambodia. Do the South Vietnamese abide by the same pullout deadlines as you have laid down for the American forces?

A. No, they do not. I would expect that the South Vietnamese would come out approximately at the same time that we do, because when we come out our logistical support and air support will also come out with them. I would like also to say that with response to that deadline that I can give the members of the press some news with regard to the developments that have occurred.

The action actually is going faster than we had anticipated. The middle of next week, the first units, American units, will come out. The end of next week, the second group of American units will come out. The great majority of all American units will be out by the second week of June, and all Americans of all kinds, including advisers, will be out of Vietnam [the President meant Cambodia] by the end of June.

#### 10. CAMBODIA SANCTUARIES

Q. Mr. President, you mentioned that you expected the Americans to be out of Cambodia by some time in June. President Thieu was quoted as saying in an interview that he felt the North Vietnamese could re-establish their sanctuaries in Cambodia within six months and possibly, he was quoted as saying, within two or three months. If that's the case, what have we accomplished in Cambodia, was it worth the risk, and what do we do when they re-establish those sanctuaries?

A. I'm planning to give a report to the nation when our own actions are completed toward the latter part of June. At that time I will answer that question in full. At the present time I will say that it is my belief, based on what we have accomplished to date, that we have bought at least six months and probably eight months of time for the training of the Army—that is the Army of Vietnam, South Vietnam.

We have also saved, I think, hundreds if not thousands of Americans—as Frank Reynolds reported tonight on A.B.C., rockets by the thousands and small arms by the millions have already been captured and those rockets and small arms will not be killing Americans in these next few months.

And what we've also accomplished is that by buying time it means that if the enemy does come back into those sanctuaries, the next time the South Vietnamese will be strong enough and well trained enough to handle it alone. I should point out, too, that they are handling a majority of the assignment now in terms of manpower.

Mr. GOLDWATER. Mr. President, before I begin my prepared remarks, I thank the distinguished Senator from Hawaii for his great contribution to the discussion which is going on. I hope that he will be on the floor also during the weeks ahead when we are discussing the matter.

Mr. President, I apologize for my voice. I have what we in Arizona call a California cold.

This will prove to be, in my opinion, one of the most interesting debates ever held on the floor.

Many of us might think that the Vietnamese war is the first unpopular war that the United States has ever been engaged in. Many of the letters that I receive indicate that the writers feel it is the first undeclared war we have ever been engaged in.

Mr. President, we have been engaged in approximately 137—give or take one of two—military engagements in the history of this Republic, and only five have

been declared—the War of 1812, the Spanish-American War, World War I, and World War II during which we made two declarations of war, one against Germany and one against Japan.

I bring that out at the outset because we are not in an unusual situation. And any reading of history will indicate that the Mexican War was most unpopular in this country. There is no such thing as a popular war.

Even what we call slogan wars—"Remember the Maine," "Make the World Safe for Democracy," and "Remember Pearl Harbor"—are not wars that have been liked by anyone.

Mr. President, one of the most fascinating stories about the first days of our Nation concerns an early meeting of the Constitutional Convention in the city of Philadelphia. One of the members attending that Convention was concerned over the possible warlike nature of our fledgling country and the possible cost of pursuing an aggressive course in the family of nations. This Convention member moved that—

The standing army of the Republic be restricted to 5,000 men at any one time.

George Washington was serving as Chairman of the Convention and, therefore, could not offer an amendment of his own. But according to an historical anecdote, the Revolutionary War general and the first Commander in Chief of the U.S. Armed Services turned to a Convention member sitting nearby and whispered,

Please amend the motion to provide that no foreign army shall invade the United States at any time with more than 3,000 troops.

General Washington's remark, of course, was a facetious allusion to the fact that no convention of the United States could possibly govern by any means the action of a foreign power who might oppose our strategic interest.

Mr. President, I am reminded of this story, whether it can be documented historically or whether it merely belongs to the historical lore of our early days, when I consider measures to place the Senate on record for ending the war in Vietnam or to prohibit Americans from fighting in Cambodia after a deadline arbitrarily fixed by Members of Congress who may or may not have experience in the exacting art of military science but who certainly do not possess the kind of information that is available to the President of the United States.

We had better face up, right here and now—and I have said this across this Nation for years—to one fact of real international life—the fact that, like it or not, we are in a war in Indochina and the lives of thousands of American fighting men as well as millions of South Vietnamese civilians are at stake along with our honor as a nation that has a history of living up to its commitments.

We have to start from that fact, that we are engaged in a military war. From there I believe we must, as intelligent, rational legislators, recognize the further fact that when a nation is at war, political considerations take a back seat to military realities.

No Senator, Representative, or anyone else has any monopoly on a deep-seated desire for peace in Asia. I yield to no man in this regard. However, I happen to be one of those who believe that the way we attain that peace is important. I also believe that no amount of legislative desire, as incorporated in measures such as the McGovern-Hatfield resolution to force an end to American fighting in Indochina or in the so-called Cooper-Church resolution to prohibit any Americans from fighting in Cambodia after June 30 of this year, will accomplish the job correctly.

I certainly understand how the Father of our Country must have felt at that meeting in Philadelphia. I am moved to suggest that the McGovern-Hatfield resolution be amended to state that no foreign power be permitted to engage Americans in military activity after July 1, 1971—the arbitrary deadline fixed in that legislative approach to military tactics. I am also moved to suggest—still following the tongue-in-cheek approach attributed to George Washington—that the Cooper-Church resolution be amended to provide that no Communist troops, either of the Vietcong or North Vietnam, be permitted to fight in Cambodia after June 30 of this year.

Now, before anyone jumps in to say that the U.S. Congress cannot legislate the action of an enemy, let him consider first how ridiculous it is to tie our own hands, to restrict our own Commander in Chief, and to prohibit activity on the part of our fighting men by an act of Congress which has no consideration for the military actualities of the war in which we are engaged.

Mr. President, I have to depart a bit from my prepared text because the distinguished Senator from Idaho raised some interesting points with the Senator from Hawaii in attempting to point out that nothing in the language the Senator from Idaho and the Senator from Kentucky (Mr. COOPER) have submitted deviates at all from the announced intention of the President. And I would have to agree to some extent on that. But the point that the Senator from Hawaii was trying to make, I think—and which I will support him on—was the fact that the mere introduction of an amendment or a resolution that purports to give Congress the power to regulate strategy, to regulate tactics, and to regulate the size and use of force is to me the stumbling block that the Senator from Hawaii was talking about, not the specific language.

For example, the Constitution gives Congress the power under section 8 of article I:

To declare war, grant letters of marque and reprisal and make rules concerning captures on land and water.

I see nothing in there that gives this body the right to supersede the President who is the Commander in Chief.

Section 8 goes on to state that Congress shall have the power:

To raise and support armies, but no appropriation of money to that use shall be for a longer term than 2 years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

May 20, 1970

for training forth the militia to laws of the Union, suppress insurrections and repel invasions; for organizing, arming, and disciplining the militia and for governing them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

Now, we go over to section 2 of article II which states:

The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States.

Of course, there is more to that section but it does not pertain here.

I suggest that the question raised by the Senator from Hawaii is not directed to any specific language or words in the Cooper-Church amendment or any other amendment that might be introduced, but rather to the whole idea of this body taking unto itself to determine strategy and tactics in a war in which we are engaged and to suggest that in any future engagements in which this country might be engaged we do the same.

Mr. President, I have to make this little remark, too. I spent a delightful 4 or 5 days in my State of Arizona last week. It was a joy to read Western newspapers. I came back to Washington late Sunday night. I read the morning newspaper and I told my wife that if I did not know I was still in the United States after reading the Washington Post I would have to say I left the country because I read nothing but sadness, nothing but disaster, and nothing but downgrading of our country.

I think each of us should get out of the city once in a while and go home and find out how the other part of the country lives.

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

Mr. GOLDWATER. I yield to the distinguished Senator from Kansas.

Mr. DOLE. Mr. President, since the Senator has mentioned the Washington Post it might be well to point out that the Cambodian operation has apparently upset the timetable of Hanoi, which should be front page news. We probably have upset their timetable not only for months but for years to come. There was a very brief reference to this in the Washington Post, but it did not appear on page 1, 2, 3, or 4, but it was on page 26.

I agree with the Senator that if one reads only the Eastern press he may be wondering what is happening in the world.

Mr. GOLDWATER. I was trying to present it as nicely as I could. I thank the Senator, I missed the article, by the way. If it is not on the comic page, usually I do not see it.

What is there in the air around Washington, D.C., that makes Senators and Representatives feel that they were formed after the pattern of von Clausewitz and are automatically military tacticians superior to any that might exist in the Joint Chiefs of Staff, in the National Security Council, or in the Office of the Commander in Chief?

What is there which leads prominent Senators as well as college professors and undergraduate students to believe that their judgment and their methods for ending the war in Vietnam are the only ones with any practical validity?

For make no mistake about it, we are not here debating the issue of peace versus war. I know of no Members of Congress, no one in this administration, or no one in this country who wants war. We all want an end to the conflict in Vietnam.

It has gone on far too long. I do not think anyone in the country has addressed himself to this unfortunate incident in our history more than I have. The debate here is over method.

Let me remind Senators that we have been engaged in this conflict to a greater or lesser degree, under three Presidents. There is disagreement over the actual starting point of our involvement, but I believe the strongest case can be made for the contention that President Kennedy put us into it with both feet when he sent military advisers to Southeast Asia armed both with weapons and orders to fire back if they were ever attacked. Any military man who has had experience with a jungle war can tell you that this was tantamount to sending armed forces to fight in Vietnam. This is true because any military man, with or without weapons, will become a target in a tense, strife-ridden area such as Vietnam.

So the hostilities and our big-scale involvement began under President Kennedy. I do not say that in a critical way or in a political way. I say it in a truthful way. The tempo throughout his administration, the tempo of our own involvement, certainly did not decrease during the limited tenure of the late President.

And it certainly did not diminish under President Kennedy's successor, Lyndon B. Johnson. Despite his campaign statements in 1964, President Johnson escalated the war in Vietnam during his entire term of office. Little by little, more men, additional equipment, and more supplies went to Vietnam during the Johnson regime.

Mr. President, again, not exactly in a political way but to keep the record straight, only one President has done anything about deescalating the fighting, and about withdrawing American fighting men.

That President is the one we have today, Richard M. Nixon. He is the only President in the last three who has come up with a viable and workable plan for the replacement of American fighting men with forces of the South Vietnamese.

I know it is popular today to charge that Mr. Nixon has widened the war by extending it to the territory of Cambodia. As a military reservist and as a person who has studied the war in Vietnam and discussed it at length with the President and his advisers, I absolutely and completely reject this oversimplification of the fact.

At this point I wish we had a large map in the Chamber. I always ask people at this point in my discussion to go home and get an atlas and open it up to that part of the world.

We find there a long strip known as Vietnam, which is now divided North and South. We did not agree with the formula which divided it at Geneva in 1954. At that time President Eisenhower said to the South Vietnamese, "If a government popularly chosen is threatened we will come to your aid." We did. Then, we look at this map and see that the country is divided at the 17th parallel.

Then we look over at the border, which is a high range of mountains going up to 8,600 feet, which is composed of very rough terrain. About November 1968, President Johnson stopped the bombing north of the DMZ. In effect, we said to the North Vietnamese, "Stockpile and build up your supplies. You probably will not have any trouble getting them down to the south."

There are four major passages through those mountains, all running north of the DMZ. Now, nightly their trucks pour through those passes, and we are not allowed to bomb those supplies. No, our tactical air support has to go out in the dark at night and try to destroy the passes they come through. But where are they by this time? They are in the eastern part of Laos where there are literally thousands of these trails.

Anyone who has lived in the West can recall that when we travel from one town to another town and we did not like the ruts in the road, we would move over. This is what one sees flying over Laos where the strategic air and tactical air are trying to stop the supplies.

What else is going on in Laos? The Committee on Foreign Relations discovered what many of us have known for a long time. We have not been getting tactical air support to them as they fight on the Plaines de Jarres, which is the only flat part of that country. Strange as it may seem, we have been allowed to bomb, with devastating effect, the land of Laos on the eastern border. Then we find Cambodia getting into the act.

But before I leave Laos, let me remind my colleagues that in 1962, when Mr. Harriman put together a recognition of the sovereignty of Laos and Cambodia as far as their neutrality was concerned, there were over 60,000 North Vietnamese troops in Laos.

The Red Chinese were building a road across northwest Laos to get at Thailand, not for the purpose of invasion, but for the purpose of infiltration. Then we find where these supplies are going. The supplies have been going into Cambodia, and Cambodia has been providing a haven for our enemy. So that at one point along the border, 32 miles from Saigon, the enemy could venture almost at will, attack our men and our allies, run back into Cambodia, and up until about 18 months ago, we were not allowed to pursue and search. Since that time we have had a very limited ability to go a few miles over the border.

So what are we talking about when we talk about the President's escalating the war? It is difficult to understand how anybody can read into the Cambodian action escalation. We are fighting the North Vietnamese, whether it be in South Vietnam, Cambodia, or, in an indirect way, Laos. This is our enemy. We have

May 20, 1970

not opened up another theater of war as we thought of theaters in World War II. We have merely reached an agreement with the Cambodian Government whereby we can search and pursue to a greater extent than we had been allowed in the country of Cambodia. We have not escalated the war. We have not enlarged the war. In fact, we have 115,000 fewer men over there fighting than we had a few short months ago.

The success of this action has already been discussed today. I am not going to reiterate it here, but I want to impress, if I can, the fact that the President has not escalated the war as far as the Cambodian action is concerned. In fact, to allege that President Nixon is widening and escalating the war while he is engaged in measures to wipe out enemy sanctuaries and thereby facilitate the rapid withdrawal of American troops is very simply an exercise in the propaganda technique which we once described as "the big lie."

The fact of the matter is, every move the President has taken in Southeast Asia has been designed to bring about a safe and intelligent withdrawal of American forces. It is, of course, very easy to charge the President with all kinds of evil designs and attach them to one word—Cambodia.

But it is an entirely different matter for the President's critics to come up with a sound alternative for wiping out enemy sanctuaries in Cambodia. Without such an alternative plan, we can only believe that these people want nobody to touch foot on Cambodian soil, regardless of how many American lives might be lost and regardless of how the war might be extended as a result of our permitting the enemy a safe harbor within rifle shot of our own troops.

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

Mr. GOLDWATER. I yield.

Mr. DOLE. I think the Senator has touched on what I consider to be the key issue in the entire debate, and that is the President's right to protect American troops, whether it be in Cambodia or anywhere in the world. It might be in the Mideast sometime in the future. I think that is the part of the Cooper-Church resolution that disturbs me most, because it does say very clearly to the President, if it is adopted, that, notwithstanding any danger to American troops, notwithstanding whether they may be in imminent danger, the President cannot take any action, under the resolution, because of the resolution. If they say the President has that power under the Constitution, I can see no objection to writing it into the resolution.

As far as I am concerned, the Senator from Arizona has just touched upon what I believe to be the very backbone and the most crucial question involved. What is the President's right, whether it be President Nixon, President Washington, President Polk, or the next President? What is his right to protect American troops, or Americans anywhere, for that matter, or American property?

He has some rights as Commander in Chief. He has some rights as the Chief Executive Officer of our country. He has

some inherent rights to conduct the foreign policy of this country.

I hope the cosponsors of the Cooper-Church resolution will express themselves on the Senate floor on this very important question. Do they believe, notwithstanding the adoption of this resolution, that the President of the United States, whoever he might be, would retain the right to protect American troops? Unless they can answer that in the affirmative, I share the view of the Senator from Arizona that we may want to discuss this for a very, very long time.

Mr. GOLDWATER. I agree with the Senator from Kansas. I think this is far too serious a question to hope to get it done by June or July. I think this is a matter that the American people have to understand without any emotion involved.

The distinguished Senator from Idaho pointed out that the language of the amendment is the language that the President, Secretary Rogers, and Secretary Laird have used. We cannot quarrel with that. What I quarrel with and fear is that the Congress of the United States will take over the powers that the Constitution gives to the President. He is the Commander in Chief; we are not the Commander in Chief. We have some responsibilities under the Constitution, and I think we ought to go about it in the right way. If we want to prevent the President from engaging in a war, I think the constitutional way for us to act on that is to deny expenditures under the authorization or appropriation bills that provide the armed forces with their materiel. I do not think anyone could quarrel with that but the fact is that we are trying to tell the President of the United States, as Commander in Chief, that he cannot do this and he can do that, but he cannot do this or he cannot do that.

I say with all charity to my friend from Idaho, who is one of the cosponsors of this piece of legislation, that if he is sincere—and I know he is sincere in what he is proposing—we decide not to have any vote or discussion of this amendment until after June 30. If that could be agreed to, I think the President could show to the country that he wants to get out of Cambodia. He has promised to get out of Cambodia, and, in my own mind, he will; but I do not think we can at the same time tie his hands.

I would suggest very seriously that, with the discussions going almost around the clock on this issue, the proponents of the amendment seriously consider saying to the Senate, "Let us wait. Let us give the President a chance." Let us not now, in effect, act to tie his hands.

Mr. DOLE. Mr. President, will the Senator yield further?

Mr. GOLDWATER. I am happy to yield.

Mr. DOLE. As I have indicated, the Senator has touched on a very crucial question. I am certain that the Senator from Arizona is of the belief that the President meant what he said when he said that the troops will be out of Cambodia by June 30, or before—probably before. But what happens in 5 or 6 months if there is imminent danger to the

American forces remaining in South Vietnam? Perhaps it will be only a matter of hours in which the President of the United States will have an opportunity to act. Will he be forced, under the Cooper-Church amendment, to come before Congress, to come before the Foreign Relations Committee, have the Senate act and the House act, before he can move as Commander in Chief to protect American lives?

I would guess, in any event, the President would move. Then he would be faced with another confrontation for violating the intent and purpose of the Church-Cooper resolution.

I believe this is a matter that must be resolved before we can vote on the Church-Cooper resolution. It must be resolved by amendment or by explicit statement by the cosponsors of the amendment.

Mr. GOLDWATER. Mr. President, I might say to my friend from Kansas that in reading the amendment, I see nothing in it, unless I have overlooked it, that calls for the President to come back to Congress for any advice. I would say also that the President could properly assume that if this amendment were passed, he could consider it unconstitutional and act, and then some court action would have to take place.

I speak as a layman, not as a lawyer, but without any specific language I have to think in those terms.

Mr. CHURCH. Mr. President, will the Senator yield for an observation?

Mr. GOLDWATER. Yes.

Mr. CHURCH. I do not mean to intrude on his argument at any length.

Today some of the most distinguished constitutional lawyers, deans of some of the eminent law schools of the country and leading attorneys, a very impressive panel, met in the Senate Office Building to discuss the very constitutional question to which the Senator has alluded. I was there, as one of several Senators asking questions.

I put this question to the panel: "Do any of you have any doubt at all to express with regard to the constitutionality of the Church-Cooper amendment?"

For the record, I wish to state that no member of the panel, none of these distinguished jurors, indicated any doubt whatever that the amendment lies entirely within the constitutional authority of Congress.

With respect to the argument that the President might somehow be inhibited in the exercise of his constitutional responsibility, again there is no real doubt on that matter. We cannot inhibit him. We could not if we wanted to, and we do not. I think these arguments are really strawman arguments, if I may say so; and I refer to the opinions of some acknowledged authorities on the Constitution of the United States, and their unanimity in the view that this amendment is fully constitutional.

Mr. GOLDWATER. Mr. President, I am glad the Senator from Idaho had such a happy experience with the lawyers he visited with, because the distinguished Senator from Delaware (Mr. WILLIAMS) earlier today related a rather sad tale, to the effect that none of the

lawyers who visited him had even read the Senator's amendment, and did not even know its effective date, but were being guided by the New York Times, which as usual was wrong.

Mr. CHURCH. I am sure the Senator must have reference to other lawyers, because the members of this panel were fully versed, and their reputation was beyond question.

Mr. GOLDWATER. I am referring to a group of lawyers among the thousand or so who came down this morning. I do not know who they were.

I can say we can find equally competent constitutional lawyers who will argue to the contrary. But I repeat my argument: It is not based so much on the constitutionality or lack of constitutionality, because I think this body can do virtually anything it wants to. I look upon the effect it will have. Not the language, but the idea that Congress can suddenly become the determiner of strategy, tactics, military strength, or the employment of force in this country. That is the surest way I know of to say to an enemy, "Here is what our plans are; you design your attack and your resistance accordingly, because after a certain number of days, we are not going to give you any trouble."

Again, I am not inferring that any Senator any ideas of aiding the enemy, but if I were a commander of troops, there is nothing I would like better than for my enemy to give me a time table and tell me they are not going to pay their troops after a certain day, and that there will be no more money involved.

I would just pitch my tent, cross my legs, get out a little bottle, and wait, because I would win that war. And I think that is probably what is going on in the minds of the enemy right now.

Mr. President, to continue with my prepared remarks, if Congress should adopt these legislative proposals, which would usurp the constitutional authority of the Commander in Chief, we will in effect announce to the world that we are renouncing our role of leadership, that we are turning back the clock to the days of comfortable isolationism when we were known as "Fortress America" and that we no longer care whether we become a third-rate power in the family of nations.

The adoption of either of these resolutions, to put it very bluntly, would be an announcement of American isolationism. It would serve notice on those people throughout the world who look to us to champion the cause of freedom that we are no longer interested. If we go in for this kind of meddling in the affairs of the Commander in Chief, we will also be telling the world that the Congress of the United States has no faith in the foreign policy of its President.

I, for one, do not want to be a party to any of this high-sounding but ill-conceived nonsense that is being pushed in this Chamber under the guise of peace or a design carrying the false label of a device to "end the war."

What we are talking about here—though I hate to say this—is a measure to force an American surrender. To some Senators it would seem like the

mainly thing to do to stand up and announce that we were wrong and that we are withdrawing from Vietnam. And I might say, Mr. President, that that could be done. It is not that simple, however. How would we describe in later weeks and months the bloodbath that would ensue in Southeast Asia if we were to withdraw either precipitately or in accordance with a legislatively fixed deadline? Would we not then shoulder a different kind of responsibility? Would we not then look to all the world as a Nation which went to war for the cause of freedom, grew tired of the effort, and found an excuse to turn tail and run while leaving millions of defenseless Asians at the mercy of Communist aggressors?

I do not intend to support either of these resolutions, regardless of how they are worded. I do not think they are needed. I intend to fight them—and not merely because an administration which I support also opposes them. I intend to vote against these resolutions because I feel that a vote in favor of them would be a vote for American isolation, a vote to make this country a selfish, ingrown, third-rate power, and a vote for dishonoring an American commitment.

I should like, Mr. President, at this time to request once again from the Committee on Foreign Relations—and I think they are probably able to furnish it—a paper which would describe what we would do if these amendments were passed, in the case that one of our 17 treaty nations calls upon us in the future for help, in view of our having renounced South Vietnam.

I do not say this facetiously. I have implored the chairman of that committee time and again to outline for us what the actions of the United States would be, once we have renounced one friend and are called upon by another for help.

But while we are engaged in this discussion, Mr. President, I should like to address myself to some of the charges which have been unfairly leveled at the President of the United States in his efforts to conduct the military operations in Indochina which he inherited from his Democratic predecessors. I take special exception to allegations such as that made by the Senate Foreign Relations Committee which accused the President of usurping the war and treaty powers of Congress and of conducting a "constitutionally unauthorized, Presidential war in Indochina."

It will be recalled that this charge was contained in a report urging repeal of the 1964 Gulf of Tonkin resolution. I am not a legal expert nor a constitutional authority; however, I pride myself in being able to understand plain English. And as I read the Gulf of Tonkin resolution I believe that it authorizes the President to take any action he considers necessary to repel Communist aggression and protect the interests of the United States in Southeast Asia.

Are we not indulging in a childish exercise in language when we talk about an illegal war in Indochina?

Mr. President, the Gulf of Tonkin resolution might not be a formal declaration of war, per se, but it certainly puts this

body on record as authorizing any military measures the President might deem necessary.

I say we are quibbling when we point out that there has been no formal declaration of war. The Congress was asked for and the Congress agreed to the granting of powers equivalent to those that might be contained in a formal declaration of war.

Let me point out that the Congress not only authorized the Chief Executive to take any action he considered necessary in Indochina but subsequently gave its approval to what the President was doing, including the dispatch of more than half a million fighting men, and by appropriating money year after year for prosecution of the war.

In other words, Congress has taken dozens of actions such as this since 1964 which had the effect of confirming the authorization which the Gulf of Tonkin resolution contained.

Mr. President, I am rather personally interested in the way the Gulf of Tonkin resolution was evolved at the executive level, scrutinized at the committee level and approved at the floor level of the Senate.

The incidents leading up to the request for that resolution occurred immediately following my nomination as the Republican candidate for President in 1964. For this reason, I was consulted by President Johnson, informed of the events in the Gulf of Tonkin, and apprised of the gravity with which these developments were viewed by the Johnson administration officials in the Pentagon and in the White House. Very frankly, the President asked my support in a bipartisan gesture of unity for the action he proposed to take at a juncture in the Asian war which he felt to be critical. Again, the Commander in Chief felt it to be critical.

Needless to say, I assured President Johnson of my unqualified support so that we could show the world the kind of political unity which can be achieved in this country when its fighting men are confronted by enemy forces.

Mr. President, I feel that in all fairness we must here discuss the authorship and the support which President Johnson's Gulf of Tonkin resolution received from the committee which today is demanding its repeal and charging another President with the conduct of an unauthorized war.

The author of the Tonkin Gulf resolution was none other than Chairman J. WILLIAM FULBRIGHT of the Senate Foreign Relations Committee. As such, Chairman FULBRIGHT managed to steer the Tonkin Gulf resolution through a course of questioning in his own committee and to approval on the Senate floor.

If that resolution was a measure of usurping the war and treaty powers of Congress, the man who should have recognized it as such would seem to be the chairman of the Senate Foreign Relations Committee. Why it required 5½ years and action by a new President to bring the complaint by Senator FULBRIGHT and his committee to its present point is difficult to understand. If the



May 20, 1970

contention which the Foreign Relations Committee is now making has any validity, then a large degree of legislative delinquency must be placed on the doorstep of Chairman Fulbright and his supporters on the Foreign Relations Committee.

Actually, I believe the complaint now being made by the chairman is ridiculous on its face. It is true that Constitution gives only Congress the power to declare war in the formal sense, but it certainly does not tell Congress how to exercise that power. A strong case can be made for the argument that Congress did in fact declare war when it adopted the 1964 Gulf of Tonkin resolution. Members of this body will remember that our former colleague Wayne Morse of Oregon opposed the Fulbright Resolution of 1964 on the specific grounds that it was a contingent declaration of war. That is precisely what it was, and that is precisely what President Johnson intended it to be. If Senator Fulbright and other Democrats who helped to enact this resolution were not aware of this inherent power, it is not because they were not told and it is not because they are unacquainted with the intricacies of diplomatic legislation. I can only believe that the present attitude of Senator Fulbright and the members of his committee who wrote this completely misleading report suffered a change of heart and, consequently, a change of position.

I must say that inconsistency is not a completely new experience for the chairman of the Senate Foreign Relations Committee. Back in 1961 he made a number of speeches which complained bitterly that the President of the United States did not have sufficient power in the field of foreign relations.

It should be remembered, too, that the Fulbright resolution on Indochina was no different in substance from one relating to the Middle East, under which President Eisenhower landed Marines in Lebanon, and one relating to the Formosa Straits, under which Mr. Eisenhower successfully challenged Red China, a far more formidable foe than North Vietnam.

Mr. President, to hear the critics of President Nixon rant about undeclared war and to read reports such as that put out by the Senate Foreign Relations Committee, one might be led to believe that a formal declaration of war was the accepted procedure followed by the United States when using military force in foreign areas. A little research on this point is highly edifying. My own shows that since the founding of our Republic, the United States has been involved in 137 separate military-type operations against foreign nations. But in our entire history there have been only five declarations of war. Formal declarations were voted by Congress in the War of 1812, in the Spanish-American War, in World War I, and in World War II. In the latter conflict, separate declarations were voted against Germany and the Axis Powers in Europe and against the Japanese in the Pacific area.

It is interesting to note, Mr. President, that some of our most memorable and historic military operations did not in-

volve formal declarations of war. For example, there were no declarations in the naval war with France—1798—1800—in the war with the Barbary pirates in Tripoli—1801—05—in the Marine action in Nicaragua, or against the Communists in Korea.

This is only to mention a few. There are many other precedents, such as the action of President Woodrow Wilson in 1914, when he ordered a force of sailors and marines to capture the Mexican city of Vera Cruz, following an affront to the American flag.

Mr. President, I wind up my discussion today, grateful that I have had an opportunity to begin what I think will be a rather long and thorough discussion of this subject, because I feel that in this Nation we are very emotionally disturbed, and understandably so.

The Nation has been put to the test in the last several weeks as it has not been put to the test, in my opinion, since the days of the Civil War. In fact, I think grave questions can be brought up as to whether or not we can survive. I happen to think we will. I happen to think that the problems that beset us today can be solved.

I think that if we start talking with young people instead of talking to them, we will be a lot better off. We older people will realize that life is much different today than it was 50 years ago, when we started school, or 40 years ago, when we started work. I think we can begin to understand that things have changed.

But I am happy to say that the basic values of the young people I know have not changed. They love their country. They love their families. They love their church. But they have a proper reason to ask, "Why have you older people messed things up?"

I do not want to be a part of messing up the constitutional intent of our Founding Fathers, who said that the President shall be the Commander in Chief, not Congress. I repeat: We have responsibility in the area of raising and providing armies. But we have absolutely no responsibility in the areas of suggesting or ordering strategy, tactics, force structure, and so forth. We can, with our powers, deny the Commander in Chief the weapons when he asks for them. We can, under our powers, deny the funds to pay our Armed Forces. I do not think we would ever be that stupid, but we could do it.

As I have said, Mr. President, there will be other remarks from me on this subject. I would hope that possibly we could come to some kind of agreement on not voting on this question until after the President has had a chance to show his honest intentions. But if that not be the will of the Senate, so be it.

I thank my colleagues for their kind attention.

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

Mr. GOLDWATER. I yield.

Mr. DOMINICK. I have been sitting here, listening to the Senator's remarks; and, unfortunately, I only had a chance to listen to part of them. I intend to speak somewhat late in this discussion.

I was extremely interested in the Senator's comments as to the number of times we have been engaged in some type of hostility in which no declaration of war has been made. I would suspect, however, that in most of those cases we will find, upon analysis, that there had been a considerable amount of consultation or that the country in general was aroused in favor of the action that was being taken.

The problem as I see it now is that I am not a bit sure most of the people complaining about our Vietnam involvement really understand why we are there and what we are trying to do, or even recognize what the Senator and I have been saying for a long period of time; namely, that we want to get our ground troops out of there, not in.

President Nixon has been the first one to start to bring them out. That phase of it seems to have escaped them.

I therefore intend, in the process of my talk, to go into some of the incidents which the distinguished Senator from Arizona has been talking about and then see if, for the future, when the country is not engaged in any hostilities, we can insure, by some resolution of Congress, that we will be consulted.

The Senator will recall when President Johnson sent American troops into the Middle Congo, and how upset I was and that I initiated a letter to him suggesting we should get out of there immediately, that it was not our affair.

Well, for 30 days I did not receive a reply. Finally, I had to call the White House to find out whether they had received it, and then I received later a copy of a letter of acknowledgement. That was 30 days after writing the letter, when eight Members of the Senate, I believe, had signed it, including the ranking member of the Committee on Foreign Relations, the minority leader, and a group of other Senators.

Thus, I believe that what the Senator has said here today will be of real interest not only to the Senate but also to people around the country. I commend his remarks to everyone for serious study. Surely it is a fine addition to this whole dialog.

Mr. GOLDWATER. I thank my friend from Colorado, who serves with me on the Committee on Armed Services.

I might relate that I addressed the National War College this morning, and that question was raised by some of the future generals of our Army and admirals of our Navy, as to whether it could not be possible for Congress to be kept more aware of developments that could lead to conflict. I agreed with them. I think that as a member of the Armed Services Committee, we should be kept more up to date as to what is going on.

I would say that the Committee on Foreign Relations has certainly the same desire, even a greater privilege to know. But we must be careful, at what point do we involve secrecy which cannot be broken?

I believe that the Senator from Colorado will explore that in the remarks he says he will soon make, as to how we might go about keeping more abreast

of developments, the kind of developments, for example, that led us into the Cambodian decision.

I do not mind saying that I was placed in somewhat of an embarrassing position by being asked about the announcement in Seattle as to whether we were going to use ground troops and I had said, "Certainly not, the President would never use our ground forces." Thank God, the show came off after I talked that night, so that I had a long way to go across the country and possibly gain some time for people to forget about that.

But, here in the Senate, we can suggest ways to the administration so that we could be kept more informed than we are as to world conditions which could lead to serious problems for our country.

Mr. President, I yield the floor.

Mr. CRANSTON. Mr. President, 29 years ago, President Roosevelt asked that:

Congress declare that . . . a state of war has existed between the United States and the Empire of Japan.

The territory of the United States had been attacked, American lives had been lost, and our military might in the Pacific had been severely affected by the Japanese surprise attack.

Time was of the essence as Roosevelt came to Congress to ask that he be authorized and directed by Congress to use the entire forces of the United States and resources of the Government to carry on war against Japan.

During the afternoon of December 8, 1941, the Senate passed by unanimous vote Senate Joint Resolution 116—the Declaration of War against Japan.

Even in an emergency, the Constitutional separation of powers which gives Congress the powers to declare war and raise and support armies had worked.

This classic case of Constitutional separation of power stands in sharp contrast to many events in the post-war period and especially since 1960 when American forces have been committed to combat by the President and supported by congressional appropriations without a declaration of war by the Congress.

Democratic and Republican Presidents have acted without prior congressional approval in this area.

Even before Pearl Harbor, President Roosevelt had committed American forces to defend Greenland and Iceland.

The undeclared naval war in the Atlantic was also undertaken by the President without congressional authority.

In comparison with Pearl Harbor and the extreme urgency with which Roosevelt sought and obtained the consent of Congress in order to send American men to war, one has only to cite Lebanon, the Jay of Figs, Santo Domingo, and our entire involvement in Southeast Asia to see that the failure to obtain congressional approval in these instances was a political decision rather than a decision based on urgent time requirements.

The decision taken by President Nixon on the evening of April 30, when large numbers of American troops entered Cambodia, is an alarming example of the loss by Congress of its constitutional

power to declare wars and to direct where war funds can be spent.

Cambodia is only the last in a series of Presidential military decisions taken in Southeast Asia which raises the fundamental issue of the scope of the Executive's power to commit American forces to combat and support them with tax dollars without the prior approval of Congress.

Now, as we have the Church-Cooper amendment before us, the Senate must make it clear to the American people that congressional reassertion of powers which it possesses by constitutional right is not motivated out of jealous preoccupation with power for its own sake.

Congress has a constitutional power to alter a policy with which it disagrees by using its power of limiting appropriations.

The effort to end American involvement in Cambodia and in Vietnam through the vehicle of funds for the war is a legitimate exercise of power based on the Constitution's grant to Congress "to raise and support armies and maintain a navy."

I believe that today people too quickly forget that it was the intent of the Founding Fathers to write a Constitution giving Congress the power of the purse in military matters, and the sole power to declare war.

Although 190 years separate us from the events that made such provisions necessary, it is clear that in 1970 we must look again at the reasoning of the framers of the Constitution and other great Americans who interpreted this document.

To those struggling to establish democracy in 18th century America, the King of England, George III, stood as the supreme symbol of the unlimited powers of a head of state.

Here was a man who possessed the power of raising armies in peacetime according to his pleasure.

Such a practice was hated by the American colonists who had been oppressed by standing armies and the tyranny which they symbolized.

This sentiment which led to congressional possession of warmaking power was best explained by Lincoln when he wrote:

The provision of the Constitution giving the war making power to Congress, was dictated, as I understand it, by the following reasons.

Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object.

This, our Convention undertook to be the most oppressive of all Kingly oppressions; and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us.

In a Nation of more than 200 million we find it difficult to conceive of Congress in the same way that the framers of the Constitution did in 1787.

A type of closeness and intimacy between the people and their representatives exists no longer because of size and distance.

Richard Henry Lee of Virginia wrote in 1787:

Power to lay and collect taxes and to raise armies are of the greatest moment . . . the yeomanry of the country ought substantially to have a check upon the passing of these laws; this check ought to be placed in the legislatures, or at least in the few men the common people of the country, will, probably, have in Congress, in the true sense of the word "from among themselves."

The principles of 1787 take on a new relevance to a nation with so many of its citizens outraged and frustrated by Presidential actions in Cambodia and Southeast Asia.

The concern of Jefferson with unlimited Executive warmaking and war-funding power assume a new importance in 1970.

In 1789 he wrote to Madison to say that:

We have already given in example one effectual check to the Dog of war by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay.

The Church-Cooper amendment comes at a time when the expediency of a Presidential military decision taken without the approval of Congress has run headon into a nation's desire that a war be ended.

I do not believe that those opposing the President's recent widening of the war in Indochina must construct elaborate constitutional arguments in order to support the Church-Cooper effort to restrict funds and prevent continued American involvement in Cambodia.

The constitutional and historical records speak clearly as to the explicit powers of Congress in this area.

As early as 1787, and as late as 1969 with the passage of a similar amendment which prevents the introduction of American combat troops in Laos and Thailand, Congress was granted and exercised its power of the purse in military matters.

The Church-Cooper amendment and the amendment to end the war which I joined in cosponsorship with Senators MCGOVERN, HATFIELD, GOODELL, and HUGHES and many others have been proposed at a time when recent Presidents have been asserting the Executive's sole power to commit the Nation to a war without the consent of the legislative branch.

Consent of Congress in such vital matters has become a political convenience not often granted by the Executive and only once formally during the 1960's.

Even in 1964 with the Gulf of Tonkin resolution, the circumstances presented to Congress which caused them to give a mandate to the President has proven to be highly questionable.

Lincoln's words of 1846 during the Mexican War, while he was in Congress, seem to me to be tragically significant when I review the Executive-congressional relationship in the foreign policy area during the 1960's:

Allow the President to invade a neighboring nation, whenever he shall deem it necessary to repel an invasion. And you allow him to do so whenever he may choose to say he deems it necessary for such purpose—And you allow him to make war at pleasure.

May 20, 1970

S 7564

The deterioration of congressional power—that is, the people's power—in the area of war has become so extensive in the postwar era that Congress' remedy seems radical to those not very familiar with our history and Constitution.

Cambodia marks the most recent example of this deterioration.

However, the modern historical record is strewn with examples of executive usurpation in an area that must be shared with Congress and the people.

Executive domination has reached such a point that members of the Cabinet have tried to dampen congressional discontent by promising "consultation" before any military operations are launched.

This was done in August 1969 when Secretary Rogers pledged for the Nixon administration that "utmost" consultation with Congress would occur about "any military venture" in Thailand.

A commitment to act only with advance congressional approval was not mentioned.

The Secretary stated in his testimony:

Now, we will to the full extent of our ability, get the advice of Congress, consult with them along the way, and in any appropriate circumstances we will get their consent.

The Church-Cooper amendment is essentially a conservative document based on a strict constructionist view of the Constitution of the United States.

I view the amendment as a second step in an effort to restore Congress to its proper role in controlling the funding of military operations and giving the people a greater voice in the issues of war and peace through their elected representatives.

The first step was last December's Laos-Thailand amendment, adopted by an 80-to-9 vote, with a bipartisan group composed of Senator MANSFIELD, Senator COOPER, Senator CHURCH, Senator ALLOTT, Senator McCLELLAN, and myself playing a particularly active part in the initial and final steps leading to its enactment.

I want to make it clear that the Church-Cooper amendment is a document of restraint—not isolation.

In no way are its supporters advocating a return to "fortress America."

Action taken by the Senate in no way

impairs American commitments to Israel or other allies throughout the world.

The war has gone on despite the wishes of a majority of the people that it be halted.

Our involvement in Southeast Asia endangers peace in the world.

The issue of the war in Vietnam has become so vital and significant to America in the last 10 days that references to the intent of the Founding Fathers in granting Congress the power to fund and declare war have become more than patriotic sloganeering.

At stake is the separation of powers upon which our experiment in democratic government is based.

The constitutional issue assumes great magnitude when we realize that at the heart of the problem are the lives of thousands of Americans.

The tragic death toll already stands at 41,733 killed and 322,750 casualties.

Violence in Southeast Asia has divided our country and bred violence in America. I find it difficult to separate the phenomenon of the application of massive violence to solve political problems in Vietnam and Cambodia and the presence of armed National Guardsmen on college campuses to deal with students.

It is difficult for anyone to deplore the tragedies at Kent and the violent deaths last week in Augusta and Jackson and isolate them for international violence conducted by our Government.

To the extent that the Church-Cooper amendment is a means for Congress to lessen American reliance on violence to deal with its difficult and complex problems, the amendment deserves the full support of the Senate.

#### ORDER FOR ADJOURNMENT UNTIL 11 O'CLOCK TOMORROW MORNING

Mr. CHURCH. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning.

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

#### ORDER FOR RECOGNITION OF SENATOR HARTKE TOMORROW

Mr. CHURCH. Mr. President, I ask unanimous consent that, following the

prayer and disposition of the Journal on tomorrow, the distinguished Senator from Indiana (Mr. HARTKE) be recognized for not exceeding one-half hour.

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

#### ORDER FOR RECOGNITION OF SENATOR FANNIN TOMORROW

Mr. CHURCH. Mr. President, I ask unanimous consent that, following the remarks of the Senator from Indiana on tomorrow, the distinguished Senator from Arizona (Mr. FANNIN) be recognized for not to exceed 20 minutes.

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

#### ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. CHURCH. Mr. President, I ask unanimous consent that on tomorrow, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

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

#### ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. CHURCH. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 5 minutes p.m.) the Senate adjourned until tomorrow, Thursday, May 21, 1970, at 11 o'clock a.m.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate May 20, 1970:

##### SECURITIES AND EXCHANGE COMMISSION

Hugh F. Owens, of Oklahoma, to be a member of the Securities and Exchange Commission for the term of 5 years expiring June 5, 1975.

##### U.S. TAX COURT

The following to be a judge of the U.S. Tax Court for a term expiring 15 years after he takes office:

Howard A. Dawson, Jr., of Arkansas.  
Bruce M. Forrester, of Missouri.  
Leo H. Irwin, of North Carolina.  
Samuel B. Sterrett, of Maryland.

# EXTENSIONS OF REMARKS

## LETTERS FROM CONSTITUENTS

### HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1970

Mr. QUIE. Mr. Speaker, every Member of Congress, of course, is being bombarded with mail from constituents in regard to the Vietnam war now complicated by the Cambodia offensive.

One of the letters I have received in opposition to the war came from Mrs. James H. Carroll, 785 Upper Colonial Drive, St. Paul, Minn. It is her first letter to a Member of Congress.

I believe her thoughtful letter bespeaks the concerns of millions of Americans toward this conflict. Mrs. Carroll offers no one-shot solution to our present dilemma in Vietnam, but her letter sets out some of the effects of this war on the American people and the concerns that beset all of us.

I should like to have her letter reprinted in the RECORD.

In addition I should like to have reprinted a letter to the President from Mrs. Oran S. Olson, of 619 Albert Lea Street, Albert Lea, Minn. Mrs. Olson writes as the mother of a questioning teenager and makes the point that, if we are to have meaningful dialog between youth and their elders, both sides must listen.

I commend both of these women on their excellent letters in support of their individual points of view.

The letters follow:

ST. PAUL, MINN.,  
May 10, 1970.

HON. ALBERT QUIE,  
House of Representatives,  
Congress of the United States,  
Washington, D.C.

DEAR MR. QUIE: Last night on the news you were reported as saying that you had some misgivings about the situation in Cambodia but that "we must support the President." I heard this with alarm. I can see supporting the President's program for taxation, or space, or school lunch or whatever as a matter of party politics even if in conflict with your own views, but when he embarks on something which is in direct contradiction to the line of action he proposed in his drive for the presidency and which is of questionable legality having been done without consent of Congress as well as being un-Christian I find it reprehensible not to work for a change of direction.

I will not waste time discussing the morality of the Vietnamese (and now Camodian) intervention which I consider totally indefensible but pass on at once to the pressing issue of national self interest, since in the materialistic society we have become his seems the only area in which pressure might have a chance of success.

For many years the north Vietnamese have pursued their objectives with foreign aid in money and materiel but apparently without manpower help. Despite enormous aid in every category South Vietnam has been unable to be secured which to me speaks in capital letters about the lack of concern among the average Vietnamese as

to the importance of which political idea will ultimately prevail. On television last week a young American soldier said something to the effect that he saw many Vietnamese who were not involved in fighting and found himself wondering why he was fighting for them. I ask myself the same question.

The only accomplishments I see coming from this engagement are totally negative.

1. We have brutalized a generation of young men who must one day take their turn as leaders.

2. In sending almost half a million to Asia we have widened and deepened exposure to drugs and increased our problems in that area.

3. We have left a legacy of countless fatherless children who by the nature of cultural patterns in Asia are alienated from the moment of their birth from their country by lack of paternal name.

4. We have proved by our lack of success how well guerrilla activity works even in an undeveloped country. Think of its potential here! Does this explain the increasing amount of bombing and arson activities in this country? What dangerous knowledge to place in the hands of heedless revolutionaries who desire to destroy, not reform this great nation.

5. We daily increase the alienation of our young people. This to me is incredible and unacceptable. I have young people in school and on college campuses and I will not have them called bums because they dare to protest this war. Too long have we left the young people express and bear witness to a dissent many of us share with them. We must join them at once.

In closing I wish to mention the silent majority which I contend Mr. Nixon completely misunderstands. They are not a silent majority, but an apathetic majority of people like me who have not wanted to get involved on either side of an issue. They do not protect you from a revolution, nor support you if you get in one. They were around in 1775 when an angry militant minority struck against an intolerable governmental system of exploitation and repression and succeeded in spite of the silent or apathetic majority who would not adequately feed, clothe or support them as anybody who has read about Valley Forge remembers. They were even around during the last war, getting black market tires and gas and wanting triple time in war industries if overtime fell on a holiday!

This is my first letter to a congressman and I write because I am unhappy and deeply frightened. I see an angry nucleus in the United States and I see it on a snowballing course as it races through the discontented unanswered areas of need in our country—race relations, poverty, requirements for educational reform. These are the questions for which we must find solutions—not the political problems of Asia which need Asian answers.

Sincerely yours,

Mrs. JAMES H. CARROLL.

ALBERT LEA, MINN.,  
May 12, 1970.

The PRESIDENT,  
The White House,  
Washington, D.C.

MY DEAR MR. PRESIDENT: This is a letter from one of the "silent majority." Last night my husband and I had an interesting but very disturbing conversation with our 17-year-old daughter. She seems to think that because we do not participate in peace rallies and marches that we do not care—that we

have no real concern for the welfare of our country. I told her that we do care and that on different occasions have written letters to our Congressmen. We believe that is what the young people should do instead of marching down city streets and causing disturbances.

A "peace rally" was held in a downtown park in our small city last Saturday afternoon. This would have been just fine except for a certain element that was not content with staying in the park. They paraded down main street and as a result of this march one person was knifed and is in the hospital with a punctured lung. We believe that *high school teachers* and *college professors* have a lot to do with inciting these young people to this sort of action and this is deplorable.

We told our daughter that perhaps if the young people would stop relating to the "hippies" in their appearance that people might listen to them and not "turn them off." The young people talk of "revolution" and they had better be listened to. However, at the same time, the young people had better listen to their elders and not "turn us off."

We tried to explain to our daughter that we too are opposed to the Viet Nam war. We hope and pray that the troops will be removed from Cambodia by the end of June as you say. Also, we told her that as long as the President of the United States made the decision to send troops into Cambodia, we should pray that something good will come out of this venture.

One other thing that upsets me just as much as the war in Viet Nam is the *drug* situation in the United States of America. Forget about going to the moon and clean up our part of the earth not only from air pollution but from drug pollution!

Very respectfully yours,

Mrs. ORAN S. OLSON.

"COME WITH ME INTO MACEDONIA"—THE PRESIDENT AND HIS CRITICS

### HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1970

Mr. BRAY. Mr. Speaker—

In every circle and at truly every table there are people who lead armies in Macedonia, who know where the camp ought to be placed; what ports ought to be occupied by the troops; and when and through what pass that territory should be entered; where magazines should be established; how provisions should be conveyed by land and by sea; when it is proper to engage the enemy; and when to lie quiet. And they not only determine what is best to be done, but if anything is done in any other manner than they have proposed, they arraign the consul as if he were on trial before them . . . If therefore, anyone thinks himself qualified to give advice respecting the war I am to conduct, let him come with me into Macedonia . . . but if he thinks this too much trouble, and prefers the repose of city life to the toils of war, let him not on the land, assume the office of pilot. (Lucius Aemilius Paulus, speech in Rome prior to departing to take command in Macedonia, 168 B.C.)



E 4480

## CONGRESSIONAL RECORD—Extensions of Remarks

May 20, 1970

On April 30, 1970, the President reported to the Nation that United States and South Vietnamese troops were attacking Communist sanctuaries in Cambodia in an effort to save lives of American troops and to end the Vietnam war. The immediate objective, as the President made clear, was to clean out and destroy a series of North Vietnamese military sanctuaries along the Cambodian border, from which hit-and-run raids were constantly being made into South Vietnam.

For 5 years, these sanctuaries were untouched. The United States had no wish to move into the territory of Cambodia, a neutral country. But within recent weeks, after the ouster of Prince Sihanouk, of Cambodia, North Vietnam dropped all pretense of Hanoi's respecting Cambodia's neutrality, and thousands of Communist soldiers fanned out all over Cambodia itself.

If this effort succeeds, all of Cambodia would turn into one mammoth staging area and give a 600-mile-long privileged sanctuary for Communist raiders into South Vietnam.

Cambodia asked for help. The United States had three options:

First. Do nothing. Meaning, allow North Vietnam to take, unhindered, a tremendous strategic and tactical advantage.

Second. Massive arms assistance to Cambodia. But its army is small; quick and effective utilization of arms aid would be next to impossible.

Third. Go in and clean out major North Vietnamese sanctuaries and supply bases which were being used for attacks on both Cambodia and South Vietnam.

President Nixon took the third option. As he put it in his April 30 address:

Our purpose is not to occupy the areas. Once enemy forces are driven out of these sanctuaries and their military supplies destroyed, we will withdraw.

This entire move put the President into an extremely difficult position here at home—as he knew it would. Again, from his speech:

A Republican Senator has said that this action means my party has lost all chance of winning the November elections. Others are saying today that this move against the enemy sanctuaries will make me a one-term President.

No one is more aware than I am of the political consequences of the action I have taken. . . . But I have rejected all political considerations in making this decision.

Whether my party gains in November is nothing compared to the lives of 400 thousand brave Americans fighting for our country and for the cause of peace and freedom in Vietnam. Whether I may be a one-term President is insignificant compared to whether by our failure to act in this crisis the United States proves itself to be unworthy to lead the forces of freedom in this critical period. I would rather be a one-term President than to be a two-term President at the cost of seeing America become a second rate power and see this nation accept the first defeat in its proud 190-year history.

And he concluded with this paragraph:

It is customary in a speech from the White House to ask support for the President of the United States. Tonight, what I ask for is more important. I ask for support of our brave men fighting tonight half-way around

the world—not for territory—not for glory—but so that their younger brothers and their sons and your sons will be able to live in peace and freedom.

So what does it all add up to; what is being attempted? Crosby S. Noyes, a leading columnist for the Washington, D.C., Star, wrote in that paper on Tuesday, May 12, 1970:

The nature and function of the bases in Cambodia are quite different from the Communist bases in Vietnam itself. Their value to the enemy has lain in the fact that they were genuine sanctuaries, immune from attack. They provided the end of a long supply line, leading up through Laos to North Vietnam. They were the staging area for all of the enemy's military activities in the vital and heavily populated third and fourth corps areas of South Vietnam.

The existence of the Cambodian sanctuaries—and their continued immunity from attack—has been the essential presumption in the Communist plans for a successful protracted war. Without them, there is virtually no prospect of sustained guerrilla activity in the southern two-thirds of the country.

What is being demonstrated, quite simply, is the extreme vulnerability of these bases, once the decision is made to attack them. The North Vietnamese can, with great effort, rebuild their bases and stockpiles over the next six months to a year. And if they do, the South Vietnamese, with or without American help, are now prepared to destroy them all over again in a matter of a few days. In short, whatever the leaders in Hanoi decide to do, the Cambodian sanctuaries are no longer an essential factor in their calculations.

To Americans weary of the war, this may seem to amount to a dubious victory. But to the North Vietnamese, also weary of the war, it is a disaster. And to their brethren in the South, it is the promise of ultimate salvation.

This, then, is what President Nixon has in mind. His action has come under most heavy and bitter attack—most of it ill-informed, hasty, and making up in shrillness and harshness of invective what it lacks in commonsense. It is now charged the President has further divided the country. Rot. If anyone has further divided the country, it is a clique of self-seeking politicians who are attempting to make what was President Nixon's rare act of raw, naked political courage into an outrageous affront to military judgment, strategic planning, and a careless, willful, deliberate, miscalculation of the Vietnam war. Not a bit of this has any truth in it; the falsity of the charges has not stopped the President's detractors from shrieking in ever-increasing crescendo of decibels. As so often happens, however, a foreign magazine has come up with the best and most incisive commentary on the President's domestic problems following the Cambodian move that I have yet read. The following is taken from the lead editorial in the London Economist of May 9, 1970, and was entitled "The Real War":

If Mr. Nixon did not have to worry about public opinion—if he had, say, Mr. Kossygin's power to manipulate it or ignore it—the attack on the Cambodian sanctuaries would have been a risky but rational stroke of war. He could have told himself that it would simplify the task he has set himself in Vietnam, which is to leave South Vietnam in a position to defend itself, even though it was probably not absolutely essential for that purpose. It is not in any genuine way a violation of Cambodia's neutrality or its sovereignty. It is an extension of the war

only in the limited sense that it has pushed the main arena of confrontation 20 miles to the west. These were all arguments for giving his men the order to march. Yet Mr. Nixon must know that his freedom of action in trying to bring the Vietnam War to a satisfactory conclusion is limited by the length of the tether that American public opinion sets upon him. The judgment must be that this week he has come very close to the rope's end.

It will be said that this is putting things the wrong way round: that public opinion is not just the tug on the end of the rope when things go too far; it is where any calculation of policy ought to start. The answer is that on most issues, and especially those of foreign policy, the President of the United States has to make up his mind—and act—before most other Americans know what they think. The formulation of policy comes first, and checking it against popular approval happens afterwards. It is hard to see how else a president can be expected to act when he is dealing with an adversary who has no effective public opinion of his own to bother about. If a democracy lets its internal debate drag on too long it will find it has lost the power to take any effective action. That is what Demosthenes told the Athenians when they were threatened by Philip of Macedon; and the Macedonian army proved him right.

How has it gone so far? As of Monday, May 18, 1970, with 2 weeks of the total 8-week gamble past, reports were good. At this time, it is estimated that after U.S. forces leave Cambodia by President Nixon's July 1 deadline, it will take the Communists at least 6 to 8 months to re-supply to previous levels. But the truth is Hanoi may have received a major military and psychological blow.

Many things point to this. First, this is the first time in the war that Hanoi has been hit where they did not expect a blow to come. Communist troops cleared out so quickly they did not even set booby traps or land mines; they just left.

Second, materiel already captured or destroyed exceeds total tonnage captured in all of 1969 in South Vietnam. Pacification gains in South Vietnam have made it impossible for the estimated 100,000 North Vietnamese regulars, and 200,000 Vietcong guerrillas, to live off the country. Removal or destruction of the Cambodian supply dumps mean short rations; this means lower morale—which has already showed up in the first week of the Cambodian operation, defections from Communist forces went up to 960 from 508 the previous week.

Secretary of Defense Laird has made it quite clear that it will be August or September before the "overall strategic success of the program can be judged." But it looks well on the way to giving South Vietnam a 6- to 12-month breathing space; and vastly increasing the chance for Vietnamization of the war, and further withdrawal of American troops.

## THE CONSTITUTIONAL ISSUE

I find it bitterly ironic that the very same voices that are the first to chorus praise for a "liberal" Supreme Court decision that admittedly does a very loopy job of reading the Constitution now insist on a hard-line, strictly constructionist reading of the same document when it comes to President Nixon's Cambodian move. This is a gray area; the most thoughtful of the President's critics have openly admitted this. There are now very active moves afoot in Congress to write

May 20, 1970

definite restrictions into pending legislation that will force a Southeast Asian timetable on the President, that would cut off funds for any further operations in either Cambodia or South Vietnam by a certain date. Doing this, it is argued, would reassert the constitutional right of Congress to take a hand in foreign policy.

On the surface, it all looks so very, very simple, but it is a deceptive, treacherous question, containing plenty of historical precedent to argue both sides. It is quite true that many of the Founding Fathers of this country in their own private remarks, writings, and actions, veered sharply away from having the Executive make any sort of unilateral move such as President Nixon has done. On the other hand, however, we have Thomas Jefferson himself writing in a letter to C. A. Rodney, in 1810, that—

In times of peace the people look most to their representatives; but in war, to the executive solely.

The history of our country's foreign involvement bears this out. There are, give or take a few, around 150 incidents since the birth of our Republic when the President has committed our Armed Forces to action abroad without prior consultation with or consent of the Congress. The two Roosevelts, Woodrow Wilson, Harry Truman, Dwight Eisenhower, John Kennedy, Lyndon Johnson, and Richard Nixon—to name those of this century alone—have all moved troops into action or across national frontiers without so much as a by-your-leave from Capitol Hill.

One of our country's most outstanding scholars and historians, Henry Steele Commager, in his book "Presidential Power," said:

The Issue Analyzed . . . It must be admitted at once that the constitutional document itself says very little about the matter of the conduct of foreign relations and the exercise of war powers, and what it does say is couched in general terms.

A group of distinguished lawyers, opposed to the Cambodian decision, did note in their own brief—which was reprinted in the CONGRESSIONAL RECORD—that President Nixon's move "is not without historical precedent and not without justification under a broad interpretation of the collective security theory."

Now, let us get one thing very straight: President Nixon had one thing and one thing only in mind—really two things, combined—when he made his decision. It was to protect American lives, and speed up the American withdrawal from Vietnam. Almost overlooked in his most recent press conference were three words he had never used before. He stated it flatly that he put his withdrawal program "above everything else." This has never put so bluntly nor firmly previously.

It was not the President's intention to create a confrontation with the Senate or the House; he has enough confrontations from other sources to keep him occupied. It was certainly not to create a constitutional crisis. Neither, certainly, was it to play domestic politics; his April 30 speech made it clear he knew what the risk was, as far as public opinion

was concerned, and he made quite plain his readiness to take the blame as blame should be laid on.

As far as the prerogatives of the House of Representatives are concerned, this charge was answered quite concisely by the gentleman from Tennessee (Mr. Brock) in the House on May 6, 1970. His remarks, in part:

I have heard a great deal of criticism here today from those who have opposed the war in the past, saying that the policies of the past administration were wrong. I agree. But were they rising up on the floor of the House and defending the prerogatives of the House when it became known that we had lost American lives because our men were fired at from sanctuaries in Cambodia and the permission to fire back was refused? Were they standing up for American youth at that time? Where were those who criticized this war when we found out that, under the previous regime in Cambodia, a major amount of war materiel coming into South Vietnam was not coming down the Ho Chi Minh Trail but coming through the seaport of Cambodia called Sihanoukville? Where were they then?

Indeed. Where were they; not only in the Congress, but in the universities? Where were they? For that matter, while I am speaking of universities, it might be well to take a look at this desire for involvement that is now being shrieked so loudly, by both students and faculty. Their self-imposed, self-anointed mantle of political maturity and perception gets somewhat ragged and stained if we take a brief look, not too many years back, to see how and on what topic they have performed in the past.

For the students themselves, Carl Henry, a leading Protestant theologian, former writer for the New York Times, and founding editor of Christianity Today, recently reminded the American Baptist Convention that 30 years ago the senior class at Princeton voted Adolf Hitler the man of the year—because he got things done. So much for student political perception.

The faculty, the administration? The following quotations appeared in the May 17, 1970, Washington Post:

I assume I have been invited here to present and explain the point of view of those many young citizens who oppose active official participation in the war abroad . . . Fundamentally, we believe that the peace of this hemisphere has more to offer the world of tomorrow than any possible outcome of a devastating transoceanic war. . . . If a transatlantic war is to be waged, we would rather make the enemy cross the water to try to land. . . . We resent the unwillingness of certain people to be honest and square with the public. We have resented the use of glib phrases just because they sound well even though they may be loaded with dynamite which may determine our future. We resent the effort to hide from the American people tomorrow's consequences of what we do today.

The time was February 1941; the place was before the Senate Foreign Relations Committee; the topic was lend-lease to Britain; the speaker was Kingman Brewster, then chairman of the Yale America First Committee. Brewster is today president of Yale; his recent intemperate remarks about the impossibility of the Black Panthers getting a fair trial were denounced by practically every major newspaper in the country regardless of political persuasion. As he would have

left Britain helpless before Nazi Germany; as he implied in his 1941 testimony, a U.S. accommodation with Hitler would have been possible; so he today counsels unilateral, immediate withdrawal from Vietnam. If this country had followed Brewster's counsel in 1941, the swastika would fly over the world today. What if we follow his counsel today?

Now, just what is it historians say about the Bourbons of France? "They forgot nothing, and they learned nothing." After being booted off the throne of France, they or their spiritual descendants must have wound up attending, teaching, or running, U.S. colleges.

I would venture to say that all the screams about the constitutionality of the President's decision from the liberal left is because they suddenly realized what they, themselves, and their predecessors in and out of Government, were so hasty to create when the Executive was a man more to their liking, has now been used in a way by a man whom they admittedly hate, and will do all they can to cut down.

Max Lerner, prominent columnist and a writer with impeccable liberal qualifications, smashed his verbal hammer down on some writhing fingers just last week when his May 14, 1970, Washington Star column contained this paragraph:

What do the new revolutionaries want to do with Nixon? Many talk of impeaching him, but that is the same sort of nonsense as the old far-right movement to impeach Earl Warren. The real question about Nixon's use of presidential power is not whether it is constitutional (the liberals themselves made it constitutional in their broad interpretation of it under Franklin Roosevelt) but whether Nixon can make it effective.

How very true. Now, in conclusion, let us get some facts straight about the short- and long-run implications of these pending amendments that, it is said, will "end the war," by limiting the President's freedom of action due to suspending funds for further operations in Southeast Asia.

There is absolutely no clear-cut definition of what involves American "participation" in a war, nor is there ever likely to be. One Senate amendment defines it as furnishing advisers to a friendly country—today, Cambodia—but if this is so, then we were certainly a belligerent in the Greek civil war, 1947-49. Loss of life? How about the Dominican Republic in 1965? And were we certainly not, under these premises, at war with North Korea and Communist China in the early 1950's? And with North Vietnam since 1964?

The truth of the matter is, simply, that these amendments to limit funds are attempts to reassert a congressional prerogative that has withered and fallen into disuse, not only and solely through lack of use, but through the inexorable movement of time and history. The Washington, D.C., Star on May 17, 1970, gave a very thoughtful and rational discussion of the problem in its lead editorial, and I wish to cite the concluding paragraphs of that editorial:

In effect, in an era of instant mass communications and push-button warfare, the senators are resting their constitutional case

E 4482

on a document forged to deal with contingencies in the age of sail. The founding fathers were wise men, but they were not prophets. Only a lunatic in the 18th Century could have predicted the world in which we live today. The problem, then, is to interpret the Constitution to deal with the world as it is, not as it was or as we might wish it to be. It happens to be an extremely dangerous world.

We cannot believe it is the intention of Congress—or the wish of the people—to restrict the President's ability to protect the lives of American troops in Vietnam. The point is not whether they *should* be there; the point is that they *are* there, (italics in original text) despite what we believe to be Mr. Nixon's sincere desire to bring them home as rapidly as possible. On this basis alone, the Cooper-Church amendment, which would outlaw any future operations by U.S. troops in Cambodia after June 30 and ban virtually all aid to that country, is wrong and ought to be defeated. We hope that no more American expeditions will be necessary, but we would support them if we felt they would save the lives of American soldiers who might otherwise die in Vietnam.

As to the larger question of future undeclared wars, we noted in these columns a few days ago that the alternative to an undeclared war often is not peace but a declared war. Given the temper of the times, President Johnson almost certainly could have obtained a declaration of war against North Vietnam at the time of the Tonkin Gulf incident.

It would be useful—most of all to presidents—to have constitutional provision for some exigency short of war. But such does not exist and there is little chance of creating one. Any president's practical need for popular political support for his policies, doubled with the infinite capacity of Congress to make life miserable for the Chief Executive, seems to us to provide an adequate curb on the presidential powers.

In the end, despite the Constitution, power belongs to him who is willing and able to exercise it. Presidents of both parties have sent troops into foreign countries primarily because Congress has been unwilling or unable to act. If congressional action were necessary before a solitary Marine could land, there would be much talk, few casualties and fewer freedoms, in this country and the world.

It seems to us that the Senate would do better to support the President in his efforts to extricate us quickly and honorably from a war which almost everyone agrees, probably including most of those who to their credit have had the courage to fight it, has lasted too long.

The truth behind it all—all of this present criticism—is harsh and terrible in its implications, but I believe the majority of the American people know it for what it is. It was summed up in the title of a column by Richard Wilson in the Monday, May 18, 1970, Washington, D.C., Star: "Emotional Critics Want No Indochina Success." I wish to conclude by quoting from Mr. Wilson's column:

Once these sanctuary areas have been made reasonably secure the kind of war the Communist side has conducted in the past could not continue and the South Vietnamese are fully justified in demanding that they remain there as long as they can, or until they can be as certain as possible that Cambodian forces can prevent Communist re-occupation.

This is in the American interest, also, so that the withdrawal can continue with the minimum of external threat.

Why the Senate and the raging, rioting college students cannot see this illustrates how

emotion is blinding reason. Why they cannot see that Nixon is facilitating the orderly American retreat from Vietnam shows, too, how cultivated fear and distrust can befuddle the minds of those who wish to believe Nixon is playing some kind of a trick to prolong the war.

But from that point of view nothing fails like success. With the Cambodian operation Nixon is further along toward a withdrawal that will leave behind an independent government in Vietnam that would not have been thought possible a few months ago.

The very success of the operation so far is cause for complaint. He shouldn't have done it, the argument goes, because the war would be widened.

But it is not being widened for the simple and valid reason that clearing out the Cambodian sanctuaries reduces the ability of the Communist side to conduct the war, at least for the next 6 to 12 months while 150,000 American troops are coming home.

Nixon is also being criticized because it now becomes apparent that he seized an opportunity to help create the conditions he thinks must prevail in Indochina when all combat troops are gone. Why not? What is so sacred about enemy troops operating out of Cambodia against the desires of the Cambodian government?

It has been pointed out that this would be like denouncing the British for invading German-held Holland in World War II operations at Arnhem. Cambodia's neutrality was violated no less by the North Vietnamese than was Holland's neutrality by the Germans.

The difference, of course, is that the critics of Nixon in the Senate and on the inflamed college campuses want no success at all in Indochina.

They want defeat and admission of wrong. They want atonement and apology—apology for justifiable exercise of power to bring political stability to Southeast Asia, apology for helping little countries avoid external domination, apology for as unselfish a national sacrifice as any nation ever made. . . .

Success on Nixon's part will be greeted with the reproach that he has not gotten all troops out of Vietnam and has let the Thieu-Ky government go down the drain. There is no winning that argument with his opponents. Nor will they, it appears, win their argument with him.

## THE ECONOMY OF OUR NATION

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Wednesday, May 20, 1970

Mr. MOSS. Mr. President, on Sunday, May 17, and again on Monday, May 18, Mr. Hobart Rowen published in the Washington Post two articles concerning the economy of our Nation. Mr. Rowen is the business and financial editor of the Washington Post and a most discerning and able reporter of financial trends and developments in the Nation. What he says in his two articles is sobering, indeed, and I believe should be considered thoroughly by Members of the Senate and, indeed, by all who have access to the CONGRESSIONAL RECORD.

I ask unanimous consent that the articles be printed in the Extensions of Remarks.

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

## BUSINESS IS SLOW TO PERCEIVE TREND

(By Hobart Rowen)

To many persons, young and old, U.S. business presents an image of insensitivity to the key issues of the day. Thus, at the meeting of the Business Council a week ago, former Commerce Secretary John T. Connor got a cold shoulder when he denounced the invasion of Cambodia, warning of "tragic consequences" at home and abroad.

"Within the populace at large," Mr. Connor told his executive suite peers, "it is already clear that the Cambodian move will result in more widespread dissension in this country, involving many other loyal citizens besides most of the young, the intellectuals and the blacks. This time, many of the silent majority will cease to be silent and will speak out against the continuation and expansion of this senseless warfare."

But when Mr. Connor was asked by newsmen what sort of reception he had gotten, Business Council Chairman Fred J. Borch (General Electric) brusquely cut in to say: "Polite."

The Business Council need not have agreed with Mr. Connor to have taken his warnings more seriously. Even supporters of President Nixon's move into Cambodia cannot shut their eyes to the deep division it has caused in our society.

Matching the economic and social consequences stressed by Mr. Connor, the foreign policy implications may be equally significant. As CBS White House Correspondent Dan Rather observed the other day, many of our European friends have concluded that the United States, not Russia, is the chief threat to world peace today.

So the issue, as raised by Mr. Connor, can hardly be ignored by leaders of the business community. Indeed, at another level, it is not being ignored by Wall Street, which no longer equates war and inflation with happiness on the stock market.

As a matter of fact, because of the invasion of Cambodia, the U.S. Treasury came within a hair, for the first time in modern financial history, of suffering a failure in a \$3.5 billion borrowing. This has almost completely eluded the attention of the general public.

When the Cambodian crisis erupted, financial markets—banks and other investors—decided that it was not a good time to lend money to Uncle Sam. If the Federal Reserve had not stepped in with a frantic rescue operation, the borrowing would have failed and undoubtedly caused a financial panic.

If one grim fact stands out from the episode, it is that the Treasury and the Federal Reserve had no clue—when the borrowing was announced—where White House foreign policy was taking the country. At least that unnerving realization of bad management in Washington should have shaken up the Business Council.

But aside from the Southeast Asia war itself, it would seem that the Business Council and other modern businessmen can ill afford to ignore the social issues pressing upon all of us in today's America: racism, poverty, pollution, urban congestion, to name a few. Yet some of the most perceptive students of American business think that corporate leaders give either lip service or public relations time to these problems, and little else.

The profit motive is still the main, and perhaps exclusive guide for business. For example, a man like George F. Bennett, president of Boston's State Street Investment Co. and treasurer of Harvard University, says flatly that Harvard's large stake in corporate enterprise should not be managed "for any purpose other than the growth of capital and income."

It is this sort of attitude that courts trouble. Harvard Business School of Administration professor John D. Glover believes that so many people are alienated by such

Under the previous order, the Senator from Missouri (Mr. SYMINGTON) is now recognized for 1 hour.

*Cambodia*

**CAMBODIA—WHERE IS THE PROFIT IN THE KILLING?**

Mr. SYMINGTON. Mr. President, in the debate on the Senate floor last week the distinguished Senator from Mississippi, the chairman of the Senate Armed Service Committee made the following observation:

I am not an expert on military matters and how to fight a war, but I have been close to the subject for some time.

Those words are applicable to my own experience, in that during most of the adult years of my life I have been working for a strong and secure America, so that we could maintain a free America; and it is from that background I present these few remarks.

As the Senate now considers the Cooper-Church amendment, we should ask ourselves, what is true security?

During the debate on this amendment, opponents of the legislation—specifically the chairman of the Armed Services Committee—stated that passage of this proposal would be “sending such glad tidings to our adversaries, not only those in Hanoi, but those who are allied with them—Peking, Moscow, and others—that we are going to tie a part of our other hand behind us.”

The distinguished chairman went even further when he said:

This is not a time to be stepping in here and stopping a procedure of battle that has every evidence of being highly profitable. There is no reason to promise now that we will never do it again unless we can get a law passed.

It was not the Members of the Senate, however, or even the authors of this amendment, who first set down the guidelines which have been described as “sending such glad tidings to our adversaries.”

On May 9, at his nationally televised press conference, President Nixon laid out the time schedule that now is being criticized as “stopping a procedure of battle that has every evidence of being highly profitable.”

The President declared, both to this Nation and to our enemies:

All Americans of all kinds, including advisors, will be out of Cambodia by the end of June.

It was the President who, in meetings with congressional leaders on May 5, assured that U.S. forces would not penetrate Cambodia beyond 21.7 miles without congressional approval.

It was the Secretary of State who, at his press conference on May 13, said U.S. troops would not become “militarily involved” with the Cambodian Government after completion of the present operation.

Do the opponents of the Cooper-Church amendment believe that Hanoi became joyful when these statements were made to the American people? Or does joy only begin when the Senate endorses the announced policies of the President and his top officials?

Rather than at this time getting into the constitutional problem posed by an American President I would comment on the words “highly profitable” with respect to various aspects of this tragic business.

We are told that many additional Americans have already been killed in Cambodia, each and every one of whom no doubt was looking to the future. I heard on the radio Saturday morning that 138 Americans were killed in Cambodia.

Where is the profit in these additional killings?

On May 4, during a protest against the expansion of the war, the killing spread to the United States. Four students were killed by National Guardsmen; and then six more were killed; and then two more.

Where was the profit in those killings? A responsible reporter writes from Cambodia that he saw disillusioned GI's going into action from their helicopters with such signs on their helmets as:

We are the unwilling, led by the unqualified, doing the unnecessary, for the ungrateful.

No doubt the GI's in question now realize that the announced plan of Vietnamization nails down the fact there will be no favorable military decision. They know that, and also that among them are the ones who will be killed tomorrow and in the long days to come.

They know also that for over 4 years the North Vietnamese and Vietcong have had full use of Cambodia as a sanctuary for their troops. This was true long before the policy of Vietnamization was decided upon by this administration; and therefore they know that the U.S. invasion of Cambodia was a military reaction to a political development—not a military development—the overthrow of Prince Sihanouk.

In any case, where is the profit in the fact that such thinking is spreading around among members of our Armed Forces?

Where is the profit in a statement made to me recently by one of the finest of all generals? “The better younger officers are completely disillusioned. Many have already resigned, and many more plan to resign.”

Again, what is a true definition of security?

The American people have been both shocked and saddened by the televised evidence of the unnecessary killing of South Vietnamese civilians. For many months some of our youth in the Army have been under indictment for murder in connection with civilian killings, and now we are told that four marines have also been indicted for similar alleged murders.

Where is the profit in charges of murder against American servicemen, or in the killings upon which these charges are based?

One of the great educators of our country, who has had unusual success in preventing unrest on his campus, told me recently that, whereas 3 years ago returning veterans were leaders in his efforts to preserve order, today they were the leaders in creating disorder.

And again, in any case, regardless of

any short term tactical military profit achieved through the capture of a quantity of supplies 10,000 miles away from our own land, as the world watches the United States start putting the torch to the hamlets of another little country, where is the long-term profit?

From the standpoint of our diplomatic relations with other countries, the invasion of Cambodia has been sheer disaster. Even a casual look at subsequent statements made by the heads of other nations shows the degree of that disaster.

Mr. CHURCH. Mr. President, would the Senator yield, or would he prefer to finish his speech? I would be happy to do it either way.

Mr. SYMINGTON. Mr. President, could I finish my remarks? I am on limited time.

Mr. CHURCH. Mr. President, I commend the Senator on the excellent speech he is making, and I shall wait for him to complete his prepared remarks.

Mr. SYMINGTON. Mr. President, where is the profit in this further erosion of our world prestige?

From an economic standpoint, the invasion of Cambodia has already resulted in heavy financial reverses for millions of Americans. To this should be added the fact that the war in Southeast Asia has been the primary cause for us having, simultaneously for the first time in our history, the three dangerous economic components of first, unprecedentedly high interest rates, second increasing inflation, and third, growing unemployment.

No one could say there is any profit in this series of developments, because it is all too clear there has been heavy loss.

Let us now look at the testimony before the Senate of one of the most respected and admired leaders of American business, Louis B. Lundborg, Chairman of the Board of the Bank of America, the largest bank in the world. Mr. Lundborg testified in part as follows:

In my judgment, the war in Vietnam is a tragic national mistake.

\* \* \* \* \*  
The fact is that collectively, as a nation, we have made a mistake, a colossal one. In any other context of life, when a mistake has been made—whether by a person, by a company, or by a nation—there is only one thing to do; face up to it. No amount of cover up—rationalizing, alibiing, or ducking the facts—will avoid the inevitable day of reckoning; it only compounds the cost.

\* \* \* \* \*  
In my judgment, it is time the shareholders of America—the people—begin to call for an end to the squandering of American blood, morale and resources on what is in essence an Asian war of nationalism.

I believe, Mr. President, that I have been to Vietnam as often as any other Member of Congress. And if there is one thing I am sure of, it is the accuracy of that remark with regard to nationalism.

Mr. Lundborg continues:

Certainly the disillusionment of the young over our whole Vietnam experience has weakened their willingness to follow adult leadership in anything.

I shudder to think of our being confronted by a real military threat—a direct and immediate one—to our own national security while our youth are in this mood.

The overriding question is this one—“Does



the United States from either a practical or moral viewpoint have either the right or the might to set itself up as the unilateral policeman for the world?" My answer to that question is that such a position is morally indefensible and practically unattainable.

This has been an issue that has left our people confused and bewildered, with no clear sense of direction, no clear sense of national purpose, no confidence in the morality of such national directions as are apparent.

We must remind ourselves that, big and powerful as we are, we are only one nation among many.

This in essence is our mistake in Vietnam. We have somehow lost the vision to see that economics—not ideologies and not military operations—is the key to favorable world development in the latter third of the 20th century. There is only one way out of our current dilemma and that is the elimination of war in Vietnam.

Should we not listen also to the words of John W. Gardner, one of the great public servants of our time, when he says:

While each of us pursues his selfish interest and comforts himself by blaming others, the nation disintegrates. I use the phrase soberly. The nation disintegrates.

Nothing we are doing to help or harm our friends in Southeast Asia can compare to what we are doing to ourselves as a nation. The erosion of spirit that we have experienced is beyond calculation. Weighed against that erosion, any geopolitical advantages in the war must seem as pitifully small. I hasten to add my own view that judged in the strictest national security terms, our involvement in Southeast Asia is hopelessly counter to our best interests.

Mr. Gardner later observed:

We are not going to solve our domestic problems until this war is over. It is just as simple as that.

One of the domestic problems which now confronts us, a direct result of the Vietnam war, is the need to care for those brave men who have returned to this country, but who will never be the same again. In this connection, I ask unanimous consent that an article by Charles Childs entitled, "It's Like You've Been Put in Jail or Been Punished for Something," in the issue of Life magazine of May 22, having to do with the experience in a veterans' hospital of a wounded marine, as well as another article from the same issue entitled "From Vietnam to a V.A. Hospital: Assignment to Neglect," be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.  
(See exhibit 1.)

Mr. SYMINGTON. Mr. President, I had planned to read a part of that short article this morning on the floor of the Senate but it is so sad, so terribly sad and tragic in all its actualities and implications that I have decided not to do so this morning. I would only ask, How can anything like this be going on in America, the richest country in history, the land of the free and the home of the brave?

Far from any profit, the tremendous losses resulting from this war in Indochina, both at home and abroad, are now becoming ever more clear; and the youth of the country continue to protest, be-

cause they are unwilling to die for a cause in which they, and so many other Americans, do not believe.

This latest Cambodian expansion of the war is defended on the grounds it supports our military; but I say, with great respect, that the best way to support them would be to bring them home, under a phased and orderly withdrawal plan.

This, in itself, would be the greatest single step toward stopping the killing of Americans, the killing of South Vietnamese, the killing of North Vietnamese, the killing of Laotians, the killing of Cambodians, the killing of all men, women, and children; and it would also help to restore much of the lost faith in Government which today characterizes the thinking of so many of our citizens.

These military, diplomatic, and economic sacrifices might be justified if the war we continue to fight week after week, month after month, and year after year in Southeast Asia was contributing anything to our national security. But I have been directly connected with the military planning incident to the security of the United States for some 30 years; and am sure in my own mind that Vietnam and all it entails is now reducing instead of increasing the true security of the United States.

#### EXHIBIT 1

IT'S LIKE YOU'VE BEEN PUT IN JAIL OR BEEN PUNISHED FOR SOMETHING

(By Charles Childs)

The siege at Khesanh had been lifted and Marine Marke Dumpert had gone back to Quangtri not feeling much other than the choking sensation of knowing he had been incredibly lucky. He had been in one of the toughest battles of the war and he had survived it. Hardened and immunized by the experience, Dumpert, then a private, volunteered to accompany a corporal and a lance corporal on a routine check of the front lines. He had been in Vietnam for three months. That was the day he was hit.

"As we headed out from the camp," Marke remembers, "I was seated up front by the door, the lance corporal beside me and the corporal driving. I heard a crack, a sound I'd heard a lot at Khesanh. You start to sweat when that happens because you get so you can tell how close a shell is. I could tell it was one of those six-foot Russian-made rockets because they sound like a freight train crashing. Just when I took a breath . . . it happened."

Blasted off the road, Dumpert was thrown into coiled barbed wire. After him came the truck, rolling over him and grinding him into the barbed wire. The pain was terrible. He felt a sensation of white heat, like a light bulb exploding in his eyes. His neck was already broken but in some miraculous way he remained conscious.

Luckily the truck was not far from the camp when it was hit, so help soon arrived. Dragged out and freed from the tangle of barbed wire, Dumpert was rushed to a nearby field hospital and immobilized with sandbags on each side of his head. A Medevac helicopter removed him to a hospital ship that was cruising in the South China Sea. The whole episode, from injury to hospital ship, had taken only 75 minutes. Four days later, Medevac surgeons operated to fuse Dumpert's broken neck back in place. Then they told him: he would survive but he would be paralyzed for the rest of his life from the neck downwards.

After surgery on the medical ship, Marke was flown to the Philadelphia Naval Hospital. There they helped him to learn how to

breathe all over again, and he began physical therapy. "They did a great job," Marke says. "The volunteers and the USO people were terrific. Even among the in-service corpsmen there's discipline. If you don't get attended to by one of these corpsmen, a complaint might just mean somebody's weekend pass."

In September of 1968, the time came for transfer to a Veterans Administration hospital. For Dumpert, as for other wounded, it meant that his condition had been improved and stabilized to the point where extended care could begin. But, as it turned out, the Bronx VA Hospital was nothing to look forward to.

"The day they moved me into that gloomy 3-C ward, I knew I was back at the battlefield," Dumpert says. "It was the misery of Khesanh all over again. I spent over a month and a half in an 8x21-foot bunker in Khesanh. I remember the smell of four other guys plus myself, when we had to use water to drink, not to wash with, when we lived with garbage rather than dump it and get hit by a sniper. But at least in Khesanh, you could joke and be lighthearted. Death was around you but there was still the possibility of getting out. Here in this ward, living with the misery of six neglected guys who can't wash themselves, can't even get a glass of water for themselves, who are left unattended for hours . . . it's sickening."

"Nobody should have to live in these conditions," Dumpert insists. "We're all hooked up to urine bags, and without enough attendants to empty them, they spill over the floor. It smells and cakes something awful. The aides don't commit themselves wholeheartedly, but with what they earn a year why should they? I've laid in bed on one side from 6 a.m. to 4 p.m., without getting moved or washed. When and if you do get a shower, you come back and you're put into a bed on the same sweaty sheets you started with. It's like you've been put in jail, or you've been punished for something."

The rats were worst. "I had been sleeping on my stomach," Dumpert recalls. "It wasn't 11 o'clock, but I had closed my eyes. I suddenly awoke to find a rat on my hand. I can't move my hand, so I tried to jerk my shoulders. I screamed and the rat jumped slowly off my bed. When the aide arrived, I told him. He said, 'Aw, you must be drunk.' Nobody has done anything to this day, so some of the amputees who are not totally disabled have taken to setting traps, to protect us. If you're a nervous-system injury you can't feel anything, and you could get bitten in the night and not know it."

Escape from his predicament seems altogether impossible. Dumpert hopes to finish high school and has a dream of becoming a lawyer, despite his disability. But his will to struggle has been seriously impaired by neglect and frustration.

"I feel that the way we Vietnam veterans are being treated," he says, "is abnormal. I regret having to say this, but now I have nothing but disgust for my country. I used to hate the guys who ran off to Canada to avoid the draft. Now I don't hate them. I don't like them, but I respect them for what they did. If I had known what I know now, I would never have enlisted. I don't mean just my injury, but the insensitivity and lack of care. They would have had to drag me into the service kicking. It makes me wonder about Vietnam—about whether the people I saw die, and people like me who are half dead, fought for nothing."

#### FROM VIETNAM TO A VA HOSPITAL ASSIGNMENT TO NEGLECT

Besides the dead, there are the wounded: 275,000 of them to date. A man hit in Vietnam has twice as good a chance of surviving as he did in Korea and World War II—helicopter teams evacuate the wounded faster, often within minutes, support hospitals per-

form miraculous repairs on injuries that tend to be more devastating than ever before. But having been saved by the best field medicine in history and given initial treatment in first-rate military facilities, one out of every seven U.S. servicemen wounded in Vietnam is fated to pass into the bleak backwaters of our Veterans Administration hospitals.

With 166 separate institutions, the VA hospital system is the biggest in the world. The 800,000 patients it treats in a year, mainly men wounded in earlier wars, range from cardiac to psychiatric cases. It is disgracefully understaffed, with standards far below those of an average community hospital. Many wards remain closed for want of personnel and the rest are strained with overcrowding. Facilities for long-term treatment and rehabilitation, indispensable for the kind of paralytic injuries especially common in this war of land mines and booby traps, are generally inferior. At Miami's VA hospital, while sophisticated new equipment sits idle for lack of trained personnel, patients may wait hours for needed blood transfusions. At the VA's showplace hospital in Washington, D.C. a single registered nurse may minister to as many as 80 patients at a time. At the Wadsworth VA Hospital in Los Angeles, doctors who work there describe ward conditions as "medieval" and "filthy."

Veterans Administration Director Donald E. Johnson insists publicly that veterans receive "care second to none." The evidence is overwhelmingly against him. A five-month inquiry by a Senate subcommittee chaired by California's Alan Cranston has documented gross inadequacies and laid the main blame directly on a series of cutbacks in the VA medical budget. This sum presently amounts to roughly \$1.6 billion a year, somewhat less than the cost of one month's fighting in Vietnam. Additional appropriations of \$122 million for next year await probable congressional approval and could help ease the immediate crisis. But within the next 12 months 16,000 more men from Vietnam are expected to come under the Veterans Administration's care.

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

Mr. SYMINGTON. I had said I would yield to the Senator from Idaho. Then, I would be happy to yield to the Senator from New York.

Mr. CHURCH. Mr. President, I commend the distinguished Senator from Missouri for the very thoughtful and hard-hitting address he has made this morning. I must say that he has taken all of the arguments and reduced them to a succinct statement of his position.

What it comes down to, as he has emphasized, is that it is this war that hurts the United States, hurts us abroad and hurts us at home; and the crisis that has come to this country is the result of our interminable involvement in this war which offers no conclusive results, and tears apart the fabric or our own society.

There are limits to what a democratic country can do when it comes to war; it cannot persist indefinitely in a war that can neither be stopped nor won; it cannot keep forcing young people to fight when so many of them believe the war to be wrongful, without sowing the seeds of sedition in our own land.

That is what is happening to us now and it has a far greater bearing on the future of the Republic than anything that is now or ever has been at stake for us in Indochina.

I think of all the arguments that have been voiced against the pending amendment, the most incredible was that taken to the press galleries a few days ago, when the two commanders of the largest veterans organizations of the country condemned the sponsors of this amendment in terms that impugned their patriotism and alleged that the amendment would be greeted with joy and jubilation in Moscow and Peking. The facts are just the opposite. It is the Cambodian operation itself, not this amendment, that has brought joy to Peking.

A distinguished commentator, Mr. Stanley Karnow, wrote in the Washington Post on Monday, May 11, 1970, that the Chinese Government greeted with enthusiasm the decision of the President to enter Cambodia. The political repercussions pose a far larger danger to the United States in the long run, a much greater potential threat to American security, than anything that is involved in the present war in Vietnam.

For example, there is evidence that China and Russia are laying their quarrel aside, a quarrel that had split the Communist world into two warring camps. What a price to pay. Next, there is evidence that the Chinese, for the first time in years, are reestablishing their leadership over the Communist movement in Asia. Of course, as the Senator knows, the Chinese leadership has been by far the more aggressive in the competition between Peking and Moscow.

I say to the Senator that he has brought back into balance the question which faces us. It would be in line with his remarks if the article by Mr. Karnow, to which I referred, entitled "Nixon's Expansion of the War Seems To Delight Chinese," might appear here in the RECORD.

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

NIXON'S EXPANSION OF THE WAR SEEMS TO DELIGHT CHINESE  
(By Stanley Karnow)

HONG KONG, CHINA.—Experts here have finally figured out Mao Tse-tung's whereabouts during his recent long absence from public view. He was secretly ensconced in the White House, advising President Nixon to send American troops into Cambodia.

The circumstantial evidence to support that intelligence is reflected in the fact that nobody has been displaying greater delight at the widening war in Indochina than the Chinese Communists.

Mao and his associates are not crazy. On the contrary, they are tough, shrewd and, despite their apparent adherence to rigid doctrines, extraordinarily flexible.

Most of all, they are patient enough to have played a cautious waiting game in the hope that Mr. Nixon would accommodate them by stumbling into Cambodia.

For the conflict now spreading throughout the Indochinese peninsula serves their cause in several ways. And, barring the unlikely prospect of its spilling over into China itself, this welcome development is costing them next to nothing.

In terms of their own strategic ambitions, the Chinese have three inter-related objectives in Southeast Asia.

First and foremost, they want to oust American military power, partly because they are concerned with their security and partly

because a U.S. presence thwarts their other aims in the area.

Second, they want to curb the influence in the region of the Soviet Union, which they also see as a potential military threat as well as an ideological rival.

Third, they want a future Southeast Asia composed of frail states that pose no challenge to Chinese hegemony but, as in centuries past, pay tribute to the rule of the "Middle Kingdom" in Peking.

The American involvement in Vietnam, they perceive with obvious pleasure, has bogged down the United States in a situation it cannot win and refuses to lose. Therefore, they calculate, an extension of the conflict will only drain U.S. resources further.

Besides stirring dissent in the United States and thus fulfilling their dogma that the "masses" inevitably rise against their "fascist masters" the Indochina mess also appears to the Chinese to be an opportunity to "isolate" America internationally.

By no coincidence, consequently, they have invited a French cabinet minister to visit China this summer for the first time since France recognized Peking in 1954. Moreover, they are improving their ties with Britain and Yugoslavia, and progressing toward diplomatic relations with Canada and Italy.

In the meantime, just as Mao wished, the specter of a bigger Indochina war is weakening the Soviet position in the area as the Russians waver between trying to promote the moderation they really prefer and backing Communist escalation in order to assert their revolutionary credentials.

One sign of Soviet confusion has been apparent in the Kremlin's delay in recognizing Prince Sihanouk's Peking sponsored government-in-exile. As a result, Moscow has clearly lost ground to the Chinese in Hanoi.

Meanwhile, with no indication from Washington that they can expect to gain anything from 25 years of struggle, the Vietnamese Communists are settling down to "protracted war."

Again, this suits Peking's long-range dreams, since it augurs an exhausted Vietnam that the Chinese are convinced they can eventually dominate.

In an unusually candid talk with an American some time ago, a Hanoi official stress this point. "You think you are blocking China by fighting us," he said, "but in fact, you are destroying a barrier to Chinese expansion in Southeast Asia if you destroy us."

Mao himself emphasized a similar point when, a few years back, a Japanese visitor to Peking apologized to him for Japan's aggression against China in the 1930s.

"The Japanese invasion inspired the Chinese people to rise and fight," Mao reportedly told his visitor. "Our army grew by a million men, and our support grew to include one hundred million people."

"So, instead of your apologizing to me, perhaps I should thank you."

It would be tragic if Mao repeated those same lines to an American visitor in Peking years hence. The way things are going, that possibility is not inconceivable.

Mr. SYMINGTON. I thank my colleague for his kind and generous remarks with respect to the thoughts I have expressed this morning. In effect, I am following his leadership in this matter, along with that of my distinguished colleague, the Senator from Kentucky (Mr. COOPER) and also, as coendorsers of the amendment, the able majority leader, and the ranking Republican of the Senate who also is the ranking minority member of the Committee on Foreign Relations.

I could go into more military detail

as a member of the Committee on Armed Services, or more diplomatic detail as a member of the Committee on Foreign Relations, or more economic detail as a member of the Joint Economic Committee with respect to just what this war is doing to the United States of America.

My talk this morning, however, was to present in the main what I believe this war is doing to the faith of America in itself, and to the moral fiber of its people.

I am glad to yield to the able Senator from New York, with whom I am privileged to serve on the Foreign Relations Committee.

Mr. JAVITS. Mr. President, like the Senator from Missouri, I am also a co-sponsor of the Church-Cooper amendment. I was especially taken by a particular phrase the Senator used in the speech, the phrase, "the best way to support them would be to bring them home, under a phased and orderly withdrawal plan."

I would like to ask the Senator whether this is not his feeling in response to the thought uttered by so many that all advocates of withdrawal mean that in some precipitate, disgraceful, and heedless manner, without any regard for security, about which the Senator knows a great deal. We send ships up to the piers, put the men aboard, and take them out. In the first place, this just could not be done.

Therefore, I ask the Senator whether he does not feel that by using that phrase, "a phased and orderly withdrawal," he is really asking the President to go back to the one stance he took which did give some small measure of reassurance to many in the country and resulted in a kind of uneasy truce between those who wanted to get out of Vietnam and those who did not. That truce has now, in a sense, been shattered, with a tremendous strain upon the social structure of our country by those whose suspicion has been aroused that there is not going to be any phased and orderly withdrawal, even on the President's timetable. And, one of the greatest things the President could do is decisively to terminate the Cambodia operation and to give the country, by deeds and words, reassurance that, at least, he was going back to his original plan of phased and orderly withdrawal. The President's earlier speeches in this vein had reduced the national tensions over Vietnam—before the latest Cambodia speech.

Mr. SYMINGTON. I thank the able Senator. Of course he is right.

I changed my position publicly on this war as the record will show, in the fall of 1967—October, to be exact—after one more trip to Vietnam. I became convinced that the price we were being asked to pay was not worth the candle. Therefore, I was glad when the President announced a policy of orderly deescalation and withdrawal.

I was glad that he felt, during the campaign, it would be possible to solve, within a reasonable time, this cancer on the world's future which could be summed up in the word "Vietnam."

What worries me today about this latest situation is the secrecy involved, also that it looked like, at least to the uninformed, of which I am one, a change in

direction. I have been a member of the Senate Armed Service Committee since the first day I came to the Congress, and for a decade have been a member of the Central Intelligence Agency Subcommittee, and for close to a decade of the Foreign Relations Committee. And I say to the Senate, without reservation, that I knew nothing about the attack on Cambodia until our troops were in that land.

Yesterday the able and distinguished Secretary of Defense testified before the Foreign Relations Committee, and he stated that details had been given him by the Central Intelligence Agency months ago as a reason for this adventure, invasion—whatever the word would be—with respect to Cambodia.

I have great respect for the Secretary as a public servant and a former Member of the Congress, but will say that none of that information ever came to the committees on which I sit, including the committee supposed to supervise the Central Intelligence Agency. I do believe the growing tendency toward secrecy in government—incidentally I am writing an article about that now—is perhaps the greatest danger of all to the survival of the Nation.

Mr. JAVITS. I am very grateful to the Senator for his statement.

Mr. SYMINGTON. I thank the Senator for his kind remarks.

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

Mr. SYMINGTON. I am glad to yield to the distinguished senior Senator from Wisconsin.

Mr. PROXMIRE. I join in the general commendation of the Senator from Missouri in this excellent, thoughtful, and convincing statement. I am particularly impressed because the Senator from Missouri (Mr. SYMINGTON), who is a former Secretary of the Air Force—the first Secretary of the Air Force—has been an 18-year member of the Armed Services Committee. I note on page 3 of his statement:

Where is the profit in a statement made to me recently by one of the finest of all Generals, "The better younger officers are completely disillusioned? Many have already resigned, and many more plan to resign."

That is the first time that kind of situation has been called so authoritatively and forcefully to my attention. This is impressive, and depressing. These young officers have been identified in the public mind as those who have been "gung ho" and all out in favor of military action in Southeast Asia and as those who have felt that the action was militarily sound. I think the Senator from Missouri raises a most interesting and significant question in that regard. It follows the statement that he makes that the Cambodian action was a political action, very largely or at least based upon a political development, and not based strictly on military considerations. So I want to thank the Senator from Missouri for that information.

I would like to ask him a question in connection with his observation on the economic effects. He points out that this is the first time in our history when we have had record high interest rates, growing unemployment, and rising inflation simultaneously, and he says this is

the result of the Vietnam war, the implication being that any prolongation or extension of the Vietnam war is going to aggravate our economic situation. Is that the Senator's conviction?

Mr. SYMINGTON. First, Mr. President, I would thank my able colleague from Wisconsin. As a member of the committee he has chaired, the Joint Economic Committee, I do not believe anybody in this country has done more to help the load of the American taxpayers, through his wise and courageous handling of that committee. Much of what I feel about the economic problems now facing this Nation is a result of having worked with him, and for him on that committee.

I quoted someone who knows probably as much as he does, and far more than I do, about the economic situation when I quoted Louis Lundborg, head of the world's largest bank. It was he who brought up the figures to show how serious this situation was getting from the standpoint of our economic survival, let alone our economic prosperity.

In this connection he made two broad presentations, the first as president of the bank, the second as an individual citizen. The basis of the first one presented showed among other things the fallacy in the Marxian prediction about capitalism needing war to maintain profits. Exactly the opposite has been going on with respect to the economy of the United States today.

In further development of his thinking, I remember one figure he gave which was quite startling. In the 4 years prior to the escalation of the war in 1965, the profits of the corporations of the United States increased 71 percent. In the 4 years since the escalation of the war, profits have increased but 9 percent. I might add that, while I do not know what the figure is going to be this year—the Senator from Wisconsin would know that better than I—based on earnings statements I have seen thus far, that figure may be considerably lower, if not eliminated.

I do thank my colleagues.

Mr. PROXMIRE. If the Senator will yield for just one further question, on page 4 the Senator asks the question about the United States having a practical or moral right to set itself up as the unilateral policeman for the world.

I think this is a question we ought to ask and consider in depth because, on so many of these issues, we find that on both sides of the issue everyone agrees. We all want to get out of Vietnam; we all want to get out as rapidly as we can; it is a matter of tactical judgment, and so forth.

It is true, however, that the President of the United States indicated that, if we got out of Vietnam too precipitously, we would be through as a peacekeeper in Asia.

The Senator from Missouri hits this point raised by the President directly and explicitly when he says:

My answer to that question is that such a position is morally indefensible and practically unsustainable.

In other words, we cannot be the policeman for the world. It is not our moral obligation, we will fail if we try

May 19, 1970

## CONGRESSIONAL RECORD — SENATE

S 7389

to do it, and it is an intolerably expensive project in terms of life and treasure. Is this the conclusion of the Senator from Missouri?

Mr. SYMINGTON. Mr. President, the able Senator from Wisconsin gives me credit for a statement that I would have made, and perhaps have made in almost comparable language; but it was actually made by the president of the Bank of America.

I do believe he is right. What worries me as much about Vietnam as anything else is not only the nature of our commitment there, but the degree, because I am not happy about the situation in the Middle East and perhaps most worried about possible future developments in Europe.

I know how much, in Europe as well as in Korea, American troops mean to the people of those countries; and the gigantic cost of these military efforts beyond the cost of Vietnam.

We are spending more than \$100 million a day in our various current foreign military operations. We have 384 major bases abroad, and over 3,000 minor installations. We have commitments that are almost incredible in size and scope. I heard the other day that, in a country in which I did not know we had more than 10 Americans, we actually have more than 3,000.

So I would say that the people of the world as well as this Nation are beginning to question just what the able Senator from Wisconsin points out was on the mind of the president of the Bank of America: Do we have, from either a practical or a normal viewpoint, the right to be the policeman for the world?

Mr. President, as the Senate knows, I am chairman of a subcommittee that, starting a year ago last February has been looking into these commitments; and would be the first to say that most, if not all, of the commitments were made prior to this administration. What amazes me, especially because of my other committee assignments, is the secrecy under which these arrangements, agreements, actually commitments were made.

I think it is only fair to point out that at the same time we were deescalating in the open a war in Vietnam, we were escalating secretly a war in Laos. Now we go into a third country, and we have also started, at least periodically, again to bomb North Vietnam.

What we are really doing today, in effect, is fighting not in one country, but in all the four countries which originally constituted the French colonial province of Indochina. Whether or not it is morally right is for each of us to decide for himself.

I worry when I see pictures like one on television, a fine looking young American GI with a child apparently dead, who said, "I have seen worse, but I don't like to see the kids get it."

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

Mr. SYMINGTON. I am glad to yield to my able friend from Iowa.

Mr. MILLER. Mr. President, the distinguished Senator from Missouri referred to some inscriptions that some TV

cameramen had picked up on the helmets of some of our troops going into Cambodia.

Does he know how many troops were involved in that?

Mr. SYMINGTON. How many were involved in what?

Mr. MILLER. How many troops were involved in the helmet incident.

Mr. SYMINGTON. First, it was not on television, rather reported under a byline by a reporter who stated there were many others like it and gave this one particular quotation, which I thought particularly unfortunate.

Mr. MILLER. Surely the Senator from Missouri had heard that same phrase before. That is not a new phrase. That is a phrase that was kicking around during World War II. The Senator from Iowa saw that phrase written in various places, both in the United States and outside of the United States, during World War II.

But the question I am really trying to get at is, how many—

Mr. SYMINGTON. It is an interesting phrase. No doubt, that is why the young man remembered it. I do not remember the phrase before.

Mr. MILLER. The point I am trying to make is that in a military establishment—and I am sure no one knows this better than the former Secretary of the Air Force—you are always going to find a certain number of people with certain viewpoints, and I think it would be doing a disservice to the several thousands of our own ground forces who went into the Cambodian sanctuary operation to suggest that, because a few men had these inscriptions on their helmets, they were representative, at all, of the attitude of the great majority of the thousands who went into the Cambodian operation. I would hope that the Senator would not suggest that this was a representative viewpoint, any more than the typical GI gripe that we all heard about in World War II was representative of the true feelings of most of the men who participated in those wars.

Mr. SYMINGTON. Well, Mr. President, I fully respect the position taken by the distinguished Senator from Iowa. I too have had some experience in several wars that involved this country; and was in Great Britain during the blitz and the Battle of Britain.

Based on trips to Vietnam—and I have been all over Vietnam, Mr. President, including an armed chopper to the Cambodian border, at such Green Beret special force camps as Duc Co and Plei Me, and I think I know the feeling of soldiers in these campaigns. I have had major generals in Saigon tell me that they would not continue in a war conducted in this way; and then prove it by resigning from the services and giving up their careers.

I have had people on carriers protest bitterly about the fact the rules of this war were being handled by the State Department and not by the military services.

Let me point out to my friend from Iowa that when I talked about a great general—and there never was a greater—that was not my quotation. What was

said about morale in the military services is what he said, and there is no man with a finer battle record in the history of the United States.

Mr. MILLER. Mr. President, the Senator recounted a number of places that he visited in South Vietnam, and he knows that I visited the same places, and possibly talked to many of the same people.

Mr. SYMINGTON. I am glad that the Senator did.

Mr. MILLER. Well, I did, and that goes back to January 1966. I think the Senator was over there earlier than that.

Nevertheless, I, too, have talked with those people. When the Senator talks about the morale of our fighting troops, I have picked up the same morale reaction in talking with some people that he probably talked with, including those on aircraft carriers.

Mr. SYMINGTON. Let me assure my able colleague that I think the morale and the fighting capacity and the quality of American troops in Vietnam is as fine as it has ever been in our history.

I was talking about what a general was saying in Washington. I have heard protests about the way the war is being conducted. I have heard a great many people say, "If we're going to fight this war, why don't we fight it to win?"

I do not want to get into a discussion with the Senator from Iowa about whether or not the Americans have high morale, because the American fighting man is the finest in the world today; and I think it is unfortunate he is being called upon by his superiors to do things which in his heart and mind he thinks wrong. That is what they have said to me. I can give illustration after illustration.

Mr. MILLER. The Senator from Iowa appreciates that, and he certainly was not intimating that the Senator from Missouri would have any other idea than that.

The one point I must emphasize is that I do think that while it is sensational from a press standpoint for somebody to get out there and see an inscription on the helmets of a few men who say something to the effect that they think that going into Cambodia to clean out the sanctuaries is not good and that they do not support it, and that the people leading them are misled, we ought to take into account that most of the thousands who do this do not go around with that attitude. That attitude can be found anywhere in the Armed Forces today. I am mainly interested in the viewpoint of the thousands doing their job, who are not going around slurring the leadership. That is the point I wanted to bring out.

The Senator spoke about younger officers and how some of them are leaving. The Senator from Iowa has talked with a great many younger officers who have that attitude, but I think it is important to tell the Senate why they feel this way. The Senator has already alluded to one reason—he knows, because he has talked with—which is the way the war was conducted for over 4 years, trying one hand behind the backs of our men.

I have said on the floor of the Senate

many times that if we were going to send men over there and because of certain factors we were going to tie one hand behind their backs, they should not have been sent over there in the first place. I think that this underlies one of the great reasons for the drop in morale among the junior officers. They see the military demeaned. They read about certain things relating to the military, some of which are said on the floor of the Senate, and they begin to think they are second-rate citizens. It is not a case of their not having a high regard for our country. It is not a case of their wanting to back out of Vietnam. But it is a case of their bearing a great amount of unfair attack because they are carrying out their orders to the best of their ability.

I should like to make one final point to my colleague the Senator from Missouri. Perhaps I ought to precede that by a question. The Senator referred to the escalation in Laos. I should like to ask him whether he could tell us why he referred to it as an escalation in Laos. What does he mean by that? The reason I ask this is that, like most of us here, I have followed the Laotian situation for a long time. I know that certain statements were made on the floor of the Senate about Laos. But I do not understand this use of the term "escalation of the war in Laos," because, to my knowledge, what we have been doing in Laos has been going on for a long, long time. I am wondering what basis the Senator has for referring to it as an escalation.

Mr. SYMINGTON. Mr. President, as the Senator knows, our subcommittee held extensive hearings on Laos for many weeks. We completed those hearings in October. Then we had a running discussion with the State Department as to what should or should not be made a part of the public record. Finally, in April, we reached an agreement as to what should be published. There was considerable discussion—it is fair to say "resistance"—as to what should be published, on the part of the State Department. But we finally arrived at agreement.

One example of escalation: In 1969, as against 1968, in some months in 1969 we increased the air strikes against northern Laos 100 percent. That had nothing to do with the Ho Chi Minh trails. This was northern Laos, closer to Red China than to said trails. In other months in 1969, as against 1968, we increased those strikes 200 percent.

That is why I felt justified in presenting there was an escalation of the secret war going on in Laos.

Mr. MILLER. I appreciate the Senator's response. Of course, I do not know what the 100 percent or 200 percent is, and I am not asking the Senator to reveal the numbers.

Mr. SYMINGTON. I wanted to reveal them, but the State Department would not agree to more than percentages. It was plenty.

Mr. MILLER. The Senator knows that when some people hear talk about escalation in Laos they are thinking of something else.

Mr. SYMINGTON. I was not thinking of anything else.

Mr. MILLER. I am happy that this has been brought out. We are talking about bombing attacks over Laos, which have been going on for a long time. The shift of some of these attacks into the northern part of Laos is the basis for his term "escalation in Laos."

Mr. SYMINGTON. I was in Laos in 1966 and in 1967. We were attacking, secretly, in northern Laos during those years. To the best of my knowledge, none of us here knew that. Nobody was told on the Armed Services Committee or on any other committee of which I am a member. I cannot pursue this further because of classification.

Mr. MILLER. The Senator means air attacks.

Mr. SYMINGTON. Not entirely.

Mr. MILLER. Well, may I say, to wind up this part of the discussion, that so far as I know, it has been pretty generally known that air attacks over Laos have been going on for years and years and years. They vary in intensity; they vary in area in Laos. I must say that some of the air attacks in northern Laos are not unrelated to the flow of supplies and men to the south.

Mr. SYMINGTON. Mr. President, let us get it straight. I went to Laos, stayed in Laos with friends operating an American operation out of Vientiane, went again later and stayed with the Ambassador. At no time was I ever told that American pilots, with their identifications, were attacking northern Laos. I only found that out as a result of the hearings we later held in this country.

I would rather not pursue this on the floor of the Senate, but would be glad to go over, in detail, testimony given us under oath in the subcommittee. I believe we may be getting on dangerous ground if we continue discussion as to just where it was, and under what conditions, the United States was operating in Laos.

Mr. MILLER. Mr. President, I agree.

I might say that I could repeat the story that the Senator just stated. I was not referring to that type of air attack. I was referring to the particular air attacks by our Vietnamese and aircraft carrier planes which, I think it is common knowledge, were being used to fly bombing sorties over all of Laos, northern and southern.

Mr. SYMINGTON. I felt the able Senator from Iowa was referring to the air attacks to which I was referring.

Mr. MILLER. I should like to make one final point. The Senator talked about the invasion of Cambodia. I must say, with all due respect to the Senator from Missouri, that I think the use of the term "invasion of Cambodia" is most unfortunate.

To me, the privileged sanctuaries which have been occupied by the North Vietnamese troops for 5 years were really no more part of a neutral country than the North Pole. They were taken over, controlled, dominated, and occupied lock stock and barrel by North Vietnamese troops.

The PRESIDING OFFICER (Mr. HOLLINGS). The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, even

though 2 hours have expired, I ask unanimous consent that the unfinished business still be laid aside temporarily, and that at the conclusion of the remarks of the distinguished Senator from Missouri (Mr. SYMINGTON), there be a period for the transaction of routine morning business, with statements limited to 3 minutes therein; and that at an appropriate time after that, the unfinished business be laid before the Senate.

The PRESIDING OFFICER (Mr. HOLLINGS). Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. GRIFFIN. Mr. President, before the Senator from Missouri responds to the Senator from Iowa, will he yield to me briefly?

Mr. SYMINGTON. I will be glad, as always, to yield to the able assistant minority leader.

Mr. GRIFFIN. Perhaps the Senator from Iowa has not finished.

Mr. MILLER. I had not quite finished my question, if my colleague would mind my continuing.

Mr. GRIFFIN. If possible, I would like to have the Senator from Missouri yield to me before he responds, because I have something I wish to add to the point being made by the Senator from Iowa.

Mr. MILLER. My point was that to equate that type of operation to what I would hope everyone would agree would be an invasion activity of North Vietnamese troops in going in and trying to take over all of Cambodia, would be unfortunate. I do not want to get into semantics about it, but it seems to me there is a great deal of difference between the two situations.

Mr. SYMINGTON. With great respect to the Senator from Iowa, let me say this: It was in 1961 when I first went to South Vietnam. The next time was in 1965. When I saw the buildup developing in Cambodia, I recommended we attack Cambodia at that time, because, at that time, based on limited information I felt we could get the war over at a cost that would be acceptable. But I was misled, frankly, as to—just what was the situation and what we were really doing. As you well know, the sanctuaries in Cambodia remained.

Later on, when I began to realize that the whole operation was diplomatically, militarily, and economically a disaster to the American people, I changed my thinking; and it was for that reason I fully supported President Nixon when he announced he was going to establish an orderly withdrawal. I felt, when he went into another country as part of that orderly withdrawal, along with escalating the war in Laos as part of that orderly withdrawal, it was an invasion. But, I do not want to get into semantics about it.

If the able Senator from Iowa believes that crossing the border of another country is not an invasion, perhaps, an intrusion, or a tactical military operation, that is his privilege. I certainly do not object.

Mr. GRIFFIN. Before the Senator leaves that subject, let me say that a phrase which the Senator from Missouri



May 19, 1970

Approved For Release 2001/11/01 : CIA-RDP72-00337R000200230003-9

S 7391

CONGRESSIONAL RECORD — SENATE

has used in his speech bothers me. Although he differs with the senior Senator from Missouri on this amendment, the junior Senator from Michigan has respect for the experience and views of the senior Senator from Missouri. What the Senator from Missouri says is oftentimes reported, so the words he uses are important.

Mr. SYMINGTON. May I say, Mr. President, that I have equal respect for my colleague from Michigan.

Mr. GRIFFIN. I thank the Senator from Missouri. I do not know whether he intended to use the phrase or not, but at one point in his speech the senior Senator from Missouri talked about the "attack on Cambodia." I wonder whether he really meant to say "attack on Cambodia," referring to the recent operation there. Surely, that is not the intention of the Senator from Missouri.

Mr. SYMINGTON. It is difficult for me to see how, if one crosses the border of another country, with a gun in his hands and shoots people on the other side of the border of that country, he is not attacking that country. However, I do not object to any semantic interpretations my able friend from Michigan may put on what we did. I did not come to the floor of the Senate today to talk about whether it was an invasion, or an intrusion, or what; rather to present considered opinion about the whole operation. The results of actually now fighting in all of Indochina; and what this is doing to the overall security and prosperity of this country.

Mr. GRIFFIN. I am willing to concede that there are legitimate and sincere differences of opinion and they should be expressed. But the country should not be misled or sidetracked by the use of words which carry the wrong meaning. I know the Senator from Missouri realizes and agrees that the United States is in no sense challenging the Government of Cambodia; we are not "attacking" the forces of Cambodia, and the operation underway is not an "attack" on Cambodia. Accordingly, I do not understand his use of those words.

The PRESIDING OFFICER (Mr. EAGLETON). The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator may have an additional 30 minutes, because I know there are some of us who have been waiting patiently here and would like to participate in this debate as well.

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

Mr. SYMINGTON. Before I yield to the Senator from West Virginia (Mr. RANDOLPH), let me make this point to my good friend from Michigan, again for whom I have the greatest respect—as he knows. To the best of my knowledge this is the first time I have taken the floor of the U.S. Senate to criticize in this way whatever is currently going on in Southeast Asia. I said I did not believe the policy of Vietnamization would work, and the reason for that thinking is simple. Actually, at the peak of the past administration's efforts, there were not 545,000 Americans working over there on Vietnam, but close to 800,000; if we count those in the fleet, those in Thailand,

those in Japan, in the Philippines, in Okinawa, and on Guam who were devoted exclusively to achieving whatever it was we were trying to achieve in that part of the world.

The only reason I am talking today is because we have an amendment now before the Senate which I honestly believe is an effort to limit what would appear to be a change in what I felt the administration planned to do.

Now I am glad to yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, the knowledgeable senior Senator from Missouri (Mr. SYMINGTON) has placed the incursion into Cambodia in its proper perspective, and I join in asking the penetrating question which he has asked: Where is the profit in the killing?

My colleague has strengthened the view I expressed in this forum on May 6, when I said that the sending of U.S. troops into Cambodia presents a real danger—one that could lead, in my opinion, to our active involvement in a conflict expanded beyond Vietnam and possibly into an Indochina war, with severe human and economic consequences.

I said, too, on May 6, that it is my fear the main result of the Cambodian action actually will cost more lost lives and will cause more casualties.

But, Mr. President, even as some measure of tactical and strategic advantages accrue from the sending of our forces into Cambodia along with troops of the South Vietnamese Government—and I do not doubt that there will be some such advantages—I share the views so capably and vigorously expressed by Senator SYMINGTON that the overall risks and the negative aspects will outweigh the short-range gains. This has been my view since the Cambodian action was announced initially. And the reactions at home and abroad have been such as to increase my doubts that the military values will prove in the long run to have been worth the divisiveness created between our own people and the disrespect of our country's foreign policy being manifested by more and more nations of the world.

I think we are, I say to my colleague, endangering the prospects of negotiating a peaceful settlement and increasing the likelihood that human death and property destruction will be extended over a broader front and over a longer period of time, even if we do withdraw more of our manpower on the schedule announced from the White House.

I have, of course, no right to quote directly the former negotiator at the Paris peace talks—Cyrus Vance. But he was in West Virginia on Sunday. And I was with him on the occasion of his commencement address at my alma mater, Salem College.

I was grateful not only to hear his address—which I shall have printed in the RECORD at a later time—but was also pleased to have had the opportunity to talk with this eminent negotiator who, with Averill Harriman, represented our Nation at the Paris peace talks.

I think it is of importance to point out that Mr. Vance believes this thrust into Cambodia will have the result, which the President certainly does not intend, of widening the war. He feels that it will do just that.

Mr. President, I think it is important that we recognize that the Senator from Missouri is the only Member of the Senate who is a member of both the Armed Services Committee and the Foreign Relations Committee. And as he has talked here today with the Senator from Iowa (Mr. MILLER) and the Senator from Michigan (Mr. GRIFFIN), it has been noted by him that he has experienced a change of views relating to events in Indochina. He points out that it is a result not only of his visits to South Vietnam but also the results of his analysis of the problem, indeed, his perceptive and penetrating analysis as we have heard him expressed it here today.

Mr. President, I had the privilege of reading the remarks of the Senator from Missouri before I came to the Senate floor. I have gone over them again and again. And I am strengthened in my thinking by his arguments and the inclusion, very frankly, of the testimony of Louis B. Lundborg, the chairman of the board of the Bank of America.

I found this to be very helpful.

I congratulate my colleague. It is important sometimes that the record show that we not only sit together but that we also stand together in the Senate. He has spoken intelligently, and he has made an important contribution to the discussion of the vital subject which is the pending business.

Mr. SYMINGTON. Mr. President, I thank my able colleague, the Senator from West Virginia. He and I have been friends for a number of years. I first knew him as an expert on air power, one of the great experts in this country.

As we all know, he is one of the more able Members of the Senate.

I am sure doubts have grown in the minds of all Americans, hearing week after week over the years such figures as 25 Americans had been killed, 75 South Vietnamese had been killed, and 2,481 North Vietnamese and Vietcong had been killed. For years, this was the way the score was reported you might say, inning by inning of this war. Without getting into the spiritual aspect at this time, I worry about all these people who have been killed, whether Americans or not, I want to be certain in my own mind that it was and is good for the United States, necessary to the security and well-being of our Nation.

I was glad when the policy of Vietnamization was announced, because I felt that under that policy there would be less killing. However, I find now to my regret that, although it is spoken of as an additional effort to get out of this country on the best basis possible, the killing of Americans has increased heavily and the number of wounded has also increased heavily.

Mr. President, there is a young man who was badly wounded at Khesanh and has been sent back to this country.

His record, which I first said today I would not read, concerns the way he has been treated over here. It is a pretty terrible business. He is still an American and a human being, even though he is paralyzed from the neck down.

Inasmuch as it is now a matter of public record, I would like to read briefly from this article as to how this young

Approved For Release 2001/11/01 : CIA-RDP72-00337R000200230003-9

Marine, wounded at Khesanh and sent back to this country, is now living.

The article states:

"Nobody should have to live in these conditions," Dumpert insists. "We're all hooked up to urine bags, and without enough attendants to empty them, they spill over the floor. It smells and cakes something awful. The aides don't commit themselves wholeheartedly, but with what they earn a year why should they? I've laid in bed on one side from 6 a.m. to 4 p.m., without getting moved or washed. When and if you do get a shower, you come back and you're put into bed on the same sweaty sheets you started with. It's like you've been put in jail, or you've been punished for something."

The rats were worst. "I had been sleeping on my stomach," Dumpert recalls. "It wasn't 11 o'clock, but I had closed my eyes. I suddenly awoke to find a rat on my hand. I can't move my hand, so I tried to jerk my shoulders. I screamed and the rat jumped slowly off my bed. When the aide arrived, I told him. He said, 'Aw, you must be drunk.' Nobody has done anything to this day, so some of the amputees who are not totally disabled have taken to setting traps, to protect us. If you're a nervous-system injury you can't feel anything, and you could get bitten in the night and not know it."

Escape from his predicament seems altogether impossible. Dumpert hopes to finish high school and has a dream of becoming a lawyer, despite his disability. But his will to struggle has been seriously impaired by neglect and frustration.

"I feel that the way we Vietnam veterans are being treated," he says, "is abnormal. I regret having to say this, but now I have nothing but disgust for my country. I used to hate the guys who ran off to Canada to avoid the draft. Now I don't hate them. I don't like them, but I respect them for what they did. If I had known what I know now, I would never have enlisted. I don't mean just my injury, but the insensitivity and lack of care. They would have had to drag me into the service kicking. It makes me wonder about Vietnam—about whether the people I saw die, and people like me who are half dead, fought for nothing."

There are, therefore other sadnesses incident to Vietnam that just do not have to do with the killing of people. I hope that this article, published this week in Life magazine, which will be investigated promptly by the proper committee of the Senate.

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

Mr. SYMINGTON. I yield.

Mr. CRANSTON. Mr. President, I commend the Senator from Missouri for the way in which in his prepared and extemporaneous remarks he summarized so succinctly the problems we face in connection with this war in Vietnam and in so many other aspects.

The neglect of our veterans who have been wounded in Vietnam is a matter that I have been investigating through the Veterans Affairs Subcommittee of the Committee on Labor and Public Welfare for the last 6 months.

It is indeed a shocking situation. We will shortly be seeking large amounts of additional funds to deal with the problem. I know that the Senator from Missouri and others will do all they can to support that effort.

Our failure to do what we should for those veterans who have been wounded in Vietnam matches, I think, our failure to support properly and guide those who

are fighting the war in Vietnam and in Southeast Asia itself.

This is the failure not of the military but of the failure of the civilian rulers of our democratic structure.

The Senator from Missouri spoke eloquently in a way that shocked many who are aware of his remarks in regard to the disenchantment of some of the better officers with whom the Senator spoke.

The war in Southeast Asia is the saddest and most tragic we have ever found ourselves engaged in.

There have been colossal blunders and errors committed by our fighting men, from those in the military who command them down to those who, although they do not wish to be there, go into battle and do whatever must be done. They have done their part.

Mr. SYMINGTON. They certainly have.

Mr. CRANSTON. The failure, I believe, has been a failure, not by the military. Their advice has not always been the soundest—no one can always give the soundest advice. But the failure has been the failure of military chiefs, ranging from Presidents to Secretaries of Defense, to Members of the Senate and Members of the House of Representatives, to handle the approach to this war in the sound way it should be handled.

I think there has been a failure to handle it in this body with Presidents, and that is the sum and substance of what we are now seeking to deal with, to reestablish responsibility and action in this body in accordance with our constitutional responsibilities. Is that not the view of the Senator from Missouri?

Mr. SYMINGTON. It is, I say to the able Senator from California that I am delighted he is looking into the problems incident to the way our veterans are being handled. I have deep feelings about this matter. These are wonderful young Americans, brave and courageous in their sacrifice. It worries me and is something that grows within me. I cannot help it. We live here in comfort. They go out in those jungles. I accept it only if it is sure to be right for my country.

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

Mr. SYMINGTON. I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I have been listening with great interest to practically all the debate, and I have read the speech of the Senator several times over.

I have been struck by his constant reference to the questions. What does it profit us to become involved in Cambodia? What does it profit us if the nation loses its being, its reason for existence, its right to live, and the chance to hold its head high?

I have been reading the newspapers, and I read in this morning's press that American advisers had advanced into Laos with South Vietnamese troops. I understand this is not the first time; I understand it may well happen again. To me, that seems to be a violation of the Cooper-Church amendment of last year which forbade the use of U.S. ground combat troops in Laos and Thailand. I

suppose one can get around it by the use of the word "advisers." Semanticism is becoming quite an art in this Government, and while the advisers probably carry rifles, sidearms, ammunition, bayonets, daggers, stilettoes, semantics can still prove that they are not really U.S. combat troops. I think that is something we should pay close attention to.

Then, I read in the newspapers this morning where, outside the CIA and, I believe, the State Department, this Government is spending \$2.9 billion in intelligence activities and that there are employed in these intelligence-gathering activities something on the order of 136,000 people. I wonder what the departments are coming up with to justify such enormous expenditures and such a tremendous number of personnel.

As the Senator indicated, he is on the CIA Subcommittee, and so am I. We are on the Committee on Foreign Relations, and we have access to certain CIA information. Incidentally, Mr. Helms is an able administrator. In addition, the Senator is on the Committee on Armed Services, which likewise has an interest in intelligence operations.

I cannot see what information we are getting which calls for the employment of 136,000 people and the expenditure of \$2.9 billion a year, exclusive of the CIA which spends in the hundreds of millions of dollars, and exclusive of similar activities in the State Department.

I cannot reconcile myself to the fact that an invasion of Cambodia is not an invasion of Cambodia. As the Senator pointed out, when you cross lines and send in arms and troops, and back them up with logistical air and all other kinds of support, and go into a country, into which we had not been asked, that is an invasion no matter how you spell it.

We have not reached an era of double think or double talk of 1984 and I think we can still understand the English language in simple form.

I was interested in what the Senator had to say. I was thinking along the same lines. Although not as eloquently as the Senator, I want to say for the record I am delighted that up to this time, and I hope it will continue, the debate on the Cooper-Church amendment has been nonpolitical. That is the way it should be because it is not a political question.

We Democrats have plenty to answer for, and we cannot avoid part of the blame. So let us look at it on an impartial basis. Let us look at it from the viewpoint of the Senate, regardless of party, of the Senate as an institution with certain rights under the Constitution, rights which all of us, regardless of party, ought to be the first to defend, because this is a Government of checks and balances. Once that is lost, once you give too much power downtown to the Executive, then it is time to begin thinking about the dissolution of the Senate as an established part of this Government.

May I say that all of us over the past five decades have been, in large part, involved in the transfer of power to the Executive. We have willingly allowed the Executive—under Democratic and Republican administrations—to assume

those powers. We cannot blame the President. What Mr. Nixon is doing is in the footsteps of his predecessors. What he is doing is based on the fact that we have allowed it to be done.

In Cooper-Church we have a really nonpartisan amendment to a very important bill. This is something which should bring about an accommodation between both sides of the aisle. Together we can recognize the President's power on the one hand, but on the other see that our constitutional obligations are met if we have transferred that power we must try to pull it back a little because while the executive branch is important, just as important is the legislative branch. In many respects, the legislative branch is fundamental because we are closest to the people. That is something which we should never forget.

I express the hope that this will not become a partisan issue. There is no basis for it to become a partisan issue; there is no justification. I wish that with the administration we can arrive at some sort of accommodation which will uphold our responsibilities and our authority, and at the same time recognize that the President's rights under the Constitution, rights which should not be impinged on, but rights to which he is entitled.

I beg this body to consider this matter as being not political but as one of high constitutional principle. Hopefully, we can work together and bring about some sort of understanding which will uphold the right of the President and uphold equally the right of the Senate and the Congress. Hopefully we can do so without becoming personal or political. If we operate in that manner, in my opinion the Republic will be the beneficiary.

I thank the Senator for letting me take so much of his time.

Mr. SYMINGTON. Mr. President, first I thank the majority leader, one of the great experts on the Far East, for his kind and gracious remarks; also for the wisdom of what he has said about this matter being nonpartisan.

In this connection, I would suggest to the Senate that I understand an amendment may be offered, which I would vote for so as to take partisanship out as much as possible, a date in the amendment which is the date by which the President said the troops would be out. There has been some discussion that this amendment might in some way dispute the credibility of the President. That would be the last thing I would want to do. I would hope, as we measure the words of the distinguished majority leader, that we would consider the possibility of accepting that amendment.

One of the thoughtful books written by former Secretary of State Dean Acheson stated that the greatest single development in the Government of the United States during the present century has been the further delegation of power by the legislative branch to the executive branch; and it seems to me regardless of party, that is what we are talking about this morning.

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

Mr. SYMINGTON. I yield to the distinguished Senator from Ohio.

Mr. SAXBE. I have listened with a great deal of interest to the remarks of the Senator from Missouri and also to those of the majority leader. As a newcomer, listening to those who have been here for some years, I am struck by the fact that the whole concept of our position in the world has changed—the concept of brinkmanship of Dulles, later of Rusk; the feeling that we have the burden of the world peacemaking on our back; really the rehabilitation after World War II, the billions of dollars we spent throughout the world, not only for the now prosperous nations of Europe, but also for the more remote nations, to the degree that that was achieved. Certainly there was great success in the Western countries, and a great deal lesser success for our friends to the South and to the East.

I wonder how much of what we have today is the residual effect of our not being able to respond to the change that has come about—the change in Europe, the change in the outlook of the distinguished Senator from Arkansas, the change in the outlook of the distinguished Senator from Montana.

These things I approve of, because there were many who were willing to follow, as I was, but had great admiration for the Senator's views, and the feeling that we had to take our position in this world and that we could turn around these trends that we felt led to brutality and led to loss of respect of the individual in Southeast Asia. But now we have, it seems to me, a bureaucracy in our defense system, in our State Department, that is a self-generating thing and continues long after the original movement.

What we are talking about today is reasserting our presence as a legislative body, and I am thoroughly in accord with that—reasserting this presence not so much with the President and the executive and the few people he brings into Government, but this vast body of people whom the Senator from Missouri has seen and the Senator from Montana has seen all over the world, and the great machinery that clanks along in the Pentagon, and all of this that we see operating almost under its own power, and we talk about this thing almost futilely here. In fact, there are people who say what we are doing today is an exercise in futility, because it goes to the House and disappears like last winter's snow.

This seems to me to be most important with respect to what the Senator from Missouri is saying here, because if we do not do this now, it is going to keep itself self-generating, going on in further deployment, further expansion, further jobs, further numbers of people in our far-flung diplomatic ventures and embassies—all of this without a real connection with what is being done or said by the representatives of the people.

We have had a great influx of people in our offices recently, most of them not of the shaggy, unwashed kind that we have deplored.

The PRESIDING OFFICER. The additional 30 minutes of the Senator have expired.

Mr. MANSFIELD. Mr. President, I ask

unanimous consent that the distinguished Senator may continue for 10 minutes, under the same circumstances.

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

Mr. SAXBE. Not the young people we have deplored, but people who have taken the trouble to make themselves presentable, not to themselves, but to us. I think we can recognize and appreciate that. They have been effective. They have been effective to me. I think they have been effective to everybody. But this group of young people cannot understand the sluggishness in response, and we are hard put to explain it to them. I know that I am, and I know that the Senator is, in trying to explain how we as Senators in a great deliberative body have so little power and effect on what we think and what we can do. I know that the House Members have very much the same reaction.

If we meet as we are today and say the things that have been said today, not just about Vietnam, but about our dabbling in affairs all over the world, and about our domestic problems, I think we can demonstrate at least to them our great concern and show them that there is reaction, that there is response, that there is interest, and each can and will respond and work to do something about it.

So I take this opportunity to commend the Senator from Missouri for his statement and his support of those who are willing to review and examine the commitments that we have all over the world.

Mr. SYMINGTON. I thank the able Senator from Ohio for his wise remarks, also for his kind words. I believe he has put his finger on the nub of this problem: Do we, the Congress, have an equal position with respect to the division of powers in our Government? And if we do, can we express it effectively, on a strictly bipartisan basis?

It has been my experience before to have listened to the Senator from Ohio, and I have been impressed by the position he has taken on important issues before us.

Mr. MANSFIELD. Mr. President, will the Senator from Missouri yield to me briefly, before he yields to the chairman of the Foreign Relations Committee, only because of what the Senator from Ohio has said?

Mr. SYMINGTON. I yield to the able majority leader.

Mr. MANSFIELD. I think the Senator from Ohio has put his finger on the most important factor in this Government. It is not the appointees of an administration, but it is the continuing bureaucracy in all these departments—not just Defense, not just State. Presidents come and go, as do Senators and Members of Congress. But the permanent bureaucracy is continuous. All too often it determines policy. They prevail upon a President, on a Secretary, or head of department. They influence us down here. They are there all the time. They get their oars in and get their ideas embedded and then a President or the Congress is faced with a flat accomplish.

I am glad the Senator emphasized the continuing, permanent bureaucracy, because that is where much damage can be

May 19, 1970

done, especially in the two Departments mentioned.

I thank the Senator.

Mr. SYMINGTON. The majority leader is so right, as is the Senator from Ohio. I am on Foreign Relations, Armed Services, and the subcommittee of the Committee on Appropriations that has to do with the military. The majority leader just told the Senate what also he told me earlier that we are spending \$2.9 billion for intelligence. That is a lot of money. But as I understand it, no member of this body can stand up and say he knew anything about this recent development, despite the fact we apparently passed on appropriations of almost \$3 billion to obtain intelligence in order to make proper judgment.

I yield now to the able chairman of the Foreign Relations Committee.

Mr. FULBRIGHT. Mr. President, first I want to commend the distinguished Senator from Missouri for his statement which reflects, I think, in a very succinct and lucid manner much of the testimony we received in the Foreign Relations Committee, and also, I am sure, what he has learned from his experience on the Armed Services Committee and the other committees on which he serves.

There is no other man in this body, I think, who has had quite the opportunity to get all points of view from various branches of the Government, and from witnesses, that he has had. So I think it is a very fine statement, and I agree with his conclusions.

I also wish to express my agreement with what the Senator from Ohio and the majority leader have just said, because this is ongoing Government, with these great bureaucracies, and it is quite interesting how many of the important members of the great bureaucracies continue on. Some of the most important ones in the State Department, as well as in Department of Defense, have become identified with policies that had their origin many years ago, under quite different circumstances; and I think are quite unable to adjust to the change in circumstances. Not being elected, and not having to associate with the people, I do not think they are well acquainted with the mood of the country, either. That, of course was not their particular responsibility.

The Senator from Missouri has done a great service in condensing his views for this body and for the public.

On this matter, of partisanship: Certainly the immediate problem is one for the Senate as an institution. It should not be, and I hope will not be, a partisan issue. In that connection, I think it is appropriate that the Senator allow me to read two paragraphs of a statement President Nixon made to this body. Many people have forgotten President Nixon's statement of last November 3 in the Senate. It bears directly on this question, and ought to disabuse anyone of the idea that a move of the greatest importance to establish the role of the Senate in policymaking is a partisan matter.

I repeat, this is a quotation for President Nixon. He says:

I find, looking back over this period of time, that this administration has been subjected to some sharp criticism by some Mem-

bers of this body, both from the Democratic side and from the Republican side. I want the Members of this body to know that I understand it. I recognize this as being one of the strengths of our system, rather than one of its weaknesses, and I know that, in the end, out of this kind of criticism and debate will come better policies and stronger policies than would have been the case had we simply had an abject Senate—or House of Representatives, for that matter—simply approving whatever ideas came from the executive branch of the Government.

This does not mean that we do not feel very strongly about our proposals when we send them here. It does mean that I, as a former Member of this body, one who served in it and who presided over it for 8 years, recognize this great tradition of independence, and recognize it as one of the great strengths of our Republic.

This administration wants to develop a relationship in which we will have that consultation, and in which we will have the advice, not just the consent.

I do not know how, in the face of that statement, anyone could say we are partisan in discussing the subject. Of course, Senators may have differing points of view as to the wisdom or merits of the proposal. If Senator really think it is in the interest of the country to pursue the war in Vietnam and to widen it into Cambodia, that is another matter, but it is not a partisan matter. Senators on either side can have legitimate differences as to that view.

We do not question motives. I recognize that those who believe the war is in the interest of the country are just as patriotic as those who do not so believe. This is a clear difference of view as to the role we should play and what we should do.

But as to the role of the Senate in our kind of government, I do not know how any Member of this body could quarrel with the idea that the Senate has a legitimate right, duty, and responsibility to express itself when we get into these extremely difficult matters.

May I conclude with one other thing that bears directly on what the Senator said in his main speech? We had two witnesses before the committee this morning, one representing the housing industry, the other the National Educational Association. I wish to say only that they confirm all the way what the Senator said about the impact of the war and the expenditures in war, the diversion of our resources into military activities, the impact of that upon the housing industry, which is in a very critical situation, and, of course, on the education of our young people, and the deplorable condition which the schools face now. School districts cannot sell bonds, they cannot build new schools, they cannot get equipment, because no one will buy the bonds, and the votes for the bond issues have fallen down to where they cannot pass bonding bills any more.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SYMINGTON. I ask unanimous consent to continue for 5 minutes.

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

Mr. FULBRIGHT. I shall conclude in a moment. I do not want to delay the Senator, but I think he has done a great

service, especially in view of his own experience, and I hope everyone will take it in good faith, and will agree that this should not in any respect be considered a partisan matter.

Mr. SYMINGTON. Mr. President, I thank the able and distinguished chairman of the Committee on Foreign Relations, the Senator from Arkansas. In my opinion, he is one of the great Members of this body. I do not always agree with him, but agree with him a lot more these days than I once did in the past. It is an inspiration to have the opportunity to work with him on the Committee on Foreign Relations; because, if it is proper and right for the Senate of the United States to have some authority in the big decisions that are made in this country, there is no one on this floor who will deny that the person who has done more toward achieving that end than any other Member of this body is the Senator from Arkansas.

I note that my colleague, the distinguished junior Senator from Missouri (Mr. EAGLETON) is in the chair. He gave me a figure hard to believe. I used it the other day, and repeat it now to confirm the thoughts—re construction—that were in the mind of the Senator from Arkansas, based on the testimony of the witness he heard this morning: namely, in the city of St. Louis, with 665,000 people, where, because of what is going on, the housing industry is dead, last year, in our city, there were built 14 single unit homes—14, for 665,000 people.

I mention that because at the same time I noticed on the ticker that there was a plan to build 10,000 homes for the families of the military in South Vietnam.

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

Mr. SYMINGTON. I am glad to yield to my friend from Alaska.

Mr. STEVENS. I have listened with interest to the comments of the Senator and those of the majority leader.

As a newcomer to the Senate, I, too, hope this does not become a partisan debate, but I have a few questions for my friend from Missouri.

I do not know that ever before in our history, in order to express the will of the U.S. Senate, there has been an amendment passed which would deny payment of compensation to those in the military who follow the orders of the Commander in Chief, in order to bring about a change in the policy of the United States.

As I interpret this section—and I am just a country lawyer, looking at some words that have been written by a committee here in the Senate on which I do not serve—it would deny the right of the executive branch to pay compensation to the dependents of those people who happen to be prisoners of war in Cambodia as a result of this action. It would also lead to the situation where, while the President of the United States has said that the forces will be out of Cambodia by June 30, in order to create a question of credibility we are going to be asked to vote upon this matter before June 30.

I wonder, if it is not really a political matter, if it is not a partisan matter, why



do we not put off this decision until the President has had a chance to live up to his commitment to the country, and to live up to the commitment he has made to the Senate, that the forces would be out of Cambodia by June 30?

The Senator has mentioned the willingness to put in the date of July 1. Why do we not agree we will vote on it on July 1? Why is it that there is such a propensity for voting on this measure in May this year? As I recall, we voted on a similar appropriations measure in December or January for the present fiscal year.

I keep hearing that it is not partisan. I keep hearing that this is not a partisan debate and that there is no intention here to embarrass President Nixon and that we believe President Nixon, yet we have to act before the time comes for his commitment to act. I wonder whether a matter such as this should not be used to reunite the Senate. We talk all the time about the country being divided; but since I have been in the Senate, I have found greater division in the Senate than I have found in the country.

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

Mr. STEVENS. I ask unanimous consent that the Senator from Missouri may be allowed 5 additional minutes.

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

Mr. STEVENS. Whether we say it is partisan or nonpartisan, it is a debate that really is going to divide us on a partisan basis, whether we like it or not. I happen to have helped elect President Nixon, and I would like to see the American people know that when he says the forces will be out by June 30, they will come out, because he says they are going to come out, and not because the U.S. Senate says he must live up to what he said he would do and bring them out by June 30.

I think there is a great deal of partisanship under the surface. Whether it is on the surface or not, it is there. While I would join the Senator to restrict the powers of a President—I think this is something that many of us have been talking about for years—I do not want to restrict the powers of the President at a time when it looks as though I am slapping Dick Nixon in the face because he has not had the time to do what he said he would do.

In view of the Senator's comment about July 1, I wonder whether he would join us in having a vote on this matter on July 1 and give the President the time to do what he said he would do.

Mr. SYMINGTON. Mr. President, in answer to the distinguished Senator from Alaska, in the amendment, the matter of the payment of people only refers to the military advisers in Cambodia. It does not refer to the troops.

I do not believe the Senator was in the Chamber when I suggested that we put a date of July 1 in the amendment so there would be no question of attacking the credibility of the President, something the Senator from Alaska referred to a few minutes ago.

I am sorry the Senator feels the discussion is partisan, especially after statements made on both sides of the aisle this

morning. Does the Senator believe that two cosponsors of this proposed amendment, the distinguished senior Senator from Kentucky and the distinguished senior Senator from Vermont, are interested in a partisan debate on this matter, or does he think they are doing it sincerely, in the best interests of the country?

Mr. STEVENS. I have been in this Chamber listening to this debate and I am certain that all Members who sponsor this amendment are doing it in their own conscience in the best interests of the country. But I think some of us fear that the impact of what they are doing is a discredit to the President of the United States at a time when he has given his word to the country that something will occur.

My basic question is this: Why should we create a credibility gap so far as the President of the United States is concerned? He has said what the forces will do. He has given his commitment to the country. Why do we not give him a chance to carry it out? Then I am sure that many of us would join with the Senator from Missouri in taking action to restrict the power of any President so far as any future actions are concerned.

I do not question personally the motives of people who sponsor this amendment. What I am saying is that many of us are backing the President because we want him to have a chance to prove his credibility. I think many Senators have witnessed many times in the past—and I am not being partisan about this; I am sure it goes back to President Eisenhower's administration as well as anyone else—when Presidents have said they are going to do something, and it was not done. I think part of that is reflected in this amendment.

I believe that we should not act in a manner which would appear to say to the President of the United States, "You have said you are going to get them out by June 30, but we do not believe you, and therefore we are going to tell you that you are going to have them out, because none of your troops can get paid if they are still there."

Incidentally, I am still inclined to disagree with the interpretation as to the payment of those who are still there who have dependents and who are there by action of the enemy and not by action of the President.

The PRESIDING OFFICER. The additional 5 minutes of the Senator have expired.

The Senator from Missouri has yielded the floor.

Mr. SYMINGTON. Mr. President, does the Senator from Alaska have any further questions?

The PRESIDING OFFICER. The previous 5 minutes have expired.

Mr. SYMINGTON. I ask unanimous consent to continue for 2 minutes.

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

Mr. SYMINGTON. Is there a further question the Senator from Alaska would like to ask? If there is, I would yield for from Missouri if he would join us in a question.

Mr. STEVENS. I asked the Senator

having a vote on this matter after the President has had an opportunity to carry out his commitment to the country.

Mr. SYMINGTON. Mr. President, with respect to this point, I think that what was advanced is that the adoption of this amendment might cripple the President's credibility. It is difficult to understand how an amendment which does only what the President says he intends to do will impair the President's credibility.

Congress has credibility problems, too. I have heard no complaints to the effect that the President, by waging an undeclared war, if he has—some say he has, and some say he has not—has destroyed the credibility of Congress. Congress has watched its powers erode and accrete to the President for such a long time, as I mentioned earlier in the debate, that a move to perform the functions intended by the Founding Fathers apparently brings an automatic charge that it is stepping into the President's territory.

The President's credibility can be no greater than he creates by performance, and that is exactly true of Congress. If he fulfills his promise to the American people about limiting our involvement in Cambodia, I will vote—as I said earlier—for an amendment to eliminate the problem of credibility, an amendment which provides that it will only apply after the first of July and after Congress has adopted the amendment, and the credibility of both the President and Congress will be enhanced.

That would be my answer to that question.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri has yielded the floor.

Mr. DOLE obtained the floor.

Mr. DOLE. Mr. President, I regret that the senior Senator from Missouri does not wish to respond to additional questions. But I note that on page 2 of his prepared statement he says that for the first time in history, an American President has ordered forces to invade a country on his own, without seeking congressional approval.

Mr. SYMINGTON. I did not say that.

Mr. DOLE. The Senator did not say that?

Mr. SYMINGTON. No.

Mr. DOLE. I would ask the Senator from Missouri whether he recalls the situation in 1948 that confronted President Truman with reference to South Korea. Did not President Truman order troops to South Korea without obtaining congressional approval or support?

Mr. SYMINGTON. President Truman obtained congressional approval and support immediately. At the time, I was a member of his administration. He also obtained the support of the United Nations.

But I eliminated that phrase from the speech as delivered, because I felt it might be objected to.

Mr. DOLE. I do not want to object but would hope the Senator from Missouri would be consistent.

Mr. SYMINGTON. May I say that the reason I have yielded the floor is I have kept the distinguished senior Senator



from Tennessee (Mr. GORE) waiting for an hour. He has a speech to deliver.

I do not want the Senator to think I was being discourteous.

Mr. DOLE. Let me read from a Harvard Law Review article, volume 81, No. 8, June 1968:

The most striking illustration of the shift in the power to commit forces to combat is the Korean episode. Faced with the invasion of South Korea, President Truman after brief consultation with advisors, committed the nation's troops to repel the invaders. At no time was congressional authorization sought for the full-scale conflict which resulted. Although there is considerable evidence that without immediate action Korea would have been overrun, there is also evidence that the sequence of events left time to seek congressional approval and that failure to do so reflected as deliberate assertion of presidential prerogative.

So, Mr. President, I would reply to the Senator from Missouri, as to what may have happened in Cambodia. He was a part of the Truman administration, he was a member of the Truman administration at that time, so as the Senator from Alaska has pointed out, we cannot dismiss what may appear to be partisan politics with respect to this—

Mr. SYMINGTON. Let me say, on a personal basis, that I am very, very proud to have been a member of the Truman administration. President Truman was a great President—

Mr. DOLE. Did the Senator object at that time to going into Korea?

Mr. SYMINGTON. Mr. President, I think that, to compare what he did, when we went into Korea, when he sent in troops of the United States to help that country defend itself against an attack, to compare that with this invasion of Cambodia is not an accurate comparison. I have stated my position today on this floor. I will say, with great respect, that it is past the time, it seems to me, to be partisan about this situation. My hope is we will look at the pending amendment on a strictly nonpartisan basis.

Mr. YOUNG of Ohio. Mr. President, will the Senator from Kansas yield?

Mr. DOLE. Mr. President, I ask unanimous consent to proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it so ordered.

Mr. DOLE. I will be happy to yield to the Senator from Ohio in one moment, but I first want now to express to the senior Senator from Missouri that it apparently is all right to be partisan on that side of the aisle but not on this side. I just want to keep the record straight—

Mr. YOUNG of Ohio. Mr. President, will the Senator from Kansas yield?

Mr. DOLE. I believe that when we talk about what happened in Cambodia, the Senator from Missouri talked about an attack the other day, and today it is an "invasion," it is well to remind those who may be looking for a precedent, who may be looking into history, on who may be looking at the record made by the Senate, that this has happened before.

Let me say that I supported President

Truman, as the Senator from Missouri did.

Mr. YOUNG of Ohio. Mr. President, will the Senator from Kansas yield?

Mr. DOLE. I am happy to yield to the Senator from Ohio.

Mr. YOUNG of Ohio. Mr. President, the senior Senator from Ohio was a Member of Congress at the time of the Korean conflict. I remember it distinctly. I associate myself with every statement that the distinguished senior Senator from Missouri has just made.

The facts are that on June 25, 1950, when the North Korean armed forces swept down into South Korea without warning and were about to take over and were crushing all efforts to stop them, President Harry S. Truman immediately consulted with Senate leaders and with the heads of states of the free nations of the world and forthwith sent into South Korea our soldiers. They were followed by soldiers of other nations and he and other heads of states joined to repeal the North Korean invasion under the auspices of the United Nations, carrying the flag of the United Nations. We had allies then. Those countries that were our allies then, as members of the United Nations, are our enemies now.

Mr. President (Mr. McCLELLAN), President Truman took action in Korea following consultation with Members of Congress. History will so record. But here, today, in this administration, President Nixon, without consulting Congress at all, invaded Cambodia, a neutral nation whose neutrality we had guaranteed. That was based, no doubt, upon the same horrible, inaccurate information of the military intelligence and of the CIA.

Late in 1950, General MacArthur followed the Army and CIA intelligence that the Chinese would not cross the Yalu River; thus, he disregarded orders from the President of the United States and led American troops up the Yalu River to the borders of China. They came over, 1 million strong, and we suffered a defeat and slaughter at that time.

Mr. President, Harry S. Truman will be remembered by future historians as having been one of the very greatest Presidents of the United States. It has been given to few men in history to serve his Nation and mankind as has Harry Truman throughout a lifetime. He was a great U.S. Senator and a very great President. Not only is he loved by his countrymen but he is greatly honored and respected by freedom-loving people throughout the world.

I recall a great speech that he made in 1948. He said:

Peace is the goal of my life. I'd rather have lasting peace in the world than be President. I wish for peace. I work for peace and I pray for peace continually.

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

Mr. DOLE. Mr. President, I ask unanimous consent to proceed for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered, and the Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I appreciate the comments of my good friend from

Ohio. Let me say that we intend to explore the Korean invasion rather fully. We will have adequate time to debate this resolution and it may take considerable time to review all the precedents, starting in George Washington's time up to the latest announcements, wherever that may take us, but let me remind my good friends from Ohio, and Missouri, that I share some of the reservations and fears they have.

As a Member of the House of Representatives for 8 years and about 2 years in the Senate, I recognize that Congress has some responsibilities. I do not want to deed those responsibilities to the Executive. But it does strike me as peculiar that some changed position on the Vietnam war on January 20, 1969, or thereafter.

I would remind Senators again that President Nixon has reduced the troop level by 115,500 men. He has kept his word as to troop withdrawals. He has announced another reduction of 150,000 men. So when we discuss the Cambodian operation, we should keep it in perspective. We should give the President some credit for deescalating the war in South Vietnam by reducing our troop levels.

I would say further to my friends on the other side of the aisle, and on this side, too, that I subscribe to most of the provisions of the Church-Cooper resolution. I am hopeful some accommodation can be had and some compromise can be reached; but if it takes some discussion to reach that compromise and to determine just what the sponsors of the resolution have in mind, we have that time. We have the right to know. The President also has the right to know.

I am not here blindly to follow any Chief Executive but sometimes wonder about those who suddenly find it so wrong, who suddenly question this President because he may be a Republican. I would say again that President Nixon is extricating us from South Vietnam. He is the first President to do so. History will judge whether the Cambodian operation was a success. I hope, as every Senator does, that history will demonstrate the Cambodian operation was a success, that it did shorten the war, and that it did permit us to speed up the Vietnamization program.

Mr. President, I will not however stand idly by in the Senate when people attack the credibility of President Nixon, or attack his judgment, or his motives, even if we must remain here at some length, to discuss this amendment.

#### TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

#### MESSAGE FROM THE PRESIDENT

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

JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Tuesday - 19 May 1970

25X1A  
25X1A

1. (Internal Use Only - JGO) In response to her call, met with Miss Joyce Palmer, Assistant to Senator Warren Magnuson (D., Wash.), concerning the case of [REDACTED] [REDACTED] See Memorandum for the Record.

2. (Confidential - JGO) Met with Mr. Arthur Kuhl, Chief Clerk, Senate Foreign Relations Committee, who told me that the pending Foreign Service nominations have been scheduled for a meeting of the full Committee on Friday, 22 May.

3. (Confidential - GLC) Following our budget hearing with the CIA Subcommittee of the Senate Appropriations Committee, Bill Woodruff commented that he thought it was an excellent session and hoped the Director had the same feeling.

Woodruff alluded to an earlier conversation in which he asked if I would be available to accompany him on a trip to Europe in September for a visit to our European stations. He has asked that I prepare a rough itinerary to cover a two-week period.

4. (Unclassified - GLC) Talked with Marihelen Horneman, Secretary to Senator Allen Ellender (D., La.), and asked her if she would review the Senator's calendar to see if he might be available on 12 June to brief the Mid-Career Course. (Senator Ellender has advised the Director that he would be willing to address an Agency group.) Miss Horneman said she would check the schedule and be back in touch with me.

5. (Unclassified - GLC) In a chance meeting on the Hill Col. James Brower, of OSD Legislative Affairs, said that Secretary Laird had suggested to Senator Gore's Disarmament Subcommittee that they consult the Agency concerning the Cambodian situation (see Senator Symington's remarks on the floor of the Senate today).

**CONFIDENTIAL**

Journal - Office of Legislative Counsel  
Monday - 18 May 1970

Page 3

10. (Confidential - JGO) Met with Mr. Edward Hugler, Subcommittee on Manpower and Civil Service, House Committee on Post Office and Civil Service staff, who told me that the Subcommittee has not yet received a copy of the Ervin Committee report on S. 782 relating to the constitutional rights of Federal employees. He would like to discuss the report after it has been received and he has had a chance to review it.

11. (Confidential - JGO) Met with Mr. James Shumate, Counsel, House Committee on Armed Services, who advised that DIA did not include authorization for a Headquarters building in this year's military construction proposals. It is Mr. Shumate's understanding that the prior building authorization expired at the close of the last session. Mr. Coffey has been advised.

25X1A

12. (Internal Use Only - JGO) In response to his earlier request to Mr. Maury and after checking with [REDACTED] DDP, I advised Jay Sourwine, Senate Subcommittee on Internal Security, that we are unable to identify [REDACTED]

25X1A  
25X1A

[REDACTED] Mr. Sourwine appreciated the difficulty in identification with such limited information and expressed his appreciation for our assistance.

13. (Confidential - JMM) Senator Ernest Hollings called to ask for a "ball park" figure on the number of North Vietnamese and Viet Cong combatants in South Vietnam. After checking with SAVA, I called back to say that the figures were roughly 105,000 to 125,000 North Vietnamese and 70,000 to 90,000 Viet Cong. I explained that they varied depending on movements into and out of Cambodia.

25X1A

[REDACTED]  
JOHN M. MAURY  
Legislative Counsel

cc:  
ER  
O/DDCI

25X1A

[REDACTED]  
Mr. Houston; Mr. Goodwin  
DDI DDS DDS&T  
EA/DDP OPPB  
Item 6 - D/Pers  
Item 7 - D/Pers

**CONFIDENTIAL**

THE WASHINGTON POST

Friday, May 15, 1970

D 17

**The Washington Merry-Go-Round****U.S. Won't Abandon Cambodia Rulers****By Jack Anderson**

Despite President Nixon's pledge to pull all U.S. troops and advisers out of Cambodia by July 1, he has no intention of abandoning the Lon Nol government.

There has been feverish activity behind the scenes to arrange emergency weapons, mercenary forces and, possibly, allied troops to prevent a Communist takeover of Cambodia.

The U.S. will furnish the weapons, finance the mercenaries and even pick up the bills for any South Vietnamese, South Koreans, Thais or Indonesians who may volunteer to go to the rescue of Lon Nol.

The only limitation, apparently, will be on U.S. personnel. Given the political climate at home, the President has strictly prohibited the use of Americans in the field in Cambodia after July 1.

Quiet preparations have begun, however, to expand the U.S. mission in Phnom Penh. The new arrivals will include intelligence specialists, communications experts, technological advisers and military men in mufti, who will be available, presumably, to give the Lon Nol government private guidance.

Meanwhile, U.S.-trained, U.S.-financed Cambodian mercenaries have already been rushed to Phnom Penh—minus their American advisers, of course—to help defend

the Cambodian capital. Asian allies, including Thailand and Indonesia, have also been sounded out secretly about sending troops to Cambodia if Lon Nol should need them.

The Cambodians have also presented the U.S. with a long shopping list of military needs. This is being handled with great delicacy by the White House because of the outspoken congressional opposition to Cambodian aid.

Apparently, the Lon Nol government won't be given any sophisticated weapons that would require American advisers. But the President is willing to supply small arms, automatic weapons, light artillery, mortars, jeeps, trucks and communications equipment.

It remains to be seen whether the old adage about a little pregnancy is applicable to military involvement.

**Notes on Agnew**

The nation's governors came out of the White House the other day disputing whether Vice President Spiro Agnew had sounded off behind closed doors against "radicals and rascals" on the campuses.

A governor, who took careful notes for this column, reported that it was California's Governor Ronald Reagan, not Agnew, who raved against the students.

All Agnew said, according to the notes, was that "radical elements" made it impossible for officials to keep the lines

of communication open between the government and the students.

"I am sure no college would allow me to appear, or if I did appear, they would never allow me to speak what was on my mind," said the Vice President.

Governor Reagan, in contrast, talked for 15 minutes about the "conspiracy" on the campus. He charged that the alleged conspiracy had its headquarters in a room on the University of California campus in Berkeley. Here, he said, the "revolutionaries" plotted together and kept in touch with other campuses.

Maine's Governor Kenneth Curtis criticized President Nixon implicitly at least, for describing some young people as "bums."

"We can't call them names and expect them to agree with us," said Curtis.

But Louisiana's Governor John McKeithen praised the President.

"You lost Louisiana, but if you ran there today, you would win," boomed McKeithen. "Our people are behind you."

**Report on Cambodia**

The President gave the governors, who sat around a huge table in the state dining room, a briefing on the Cambodian situation. He made these newsworthy points:

• A "majority" of American combat troops will be out of

Vietnam next spring, he said. He also stressed repeatedly that all Americans will be withdrawn from Cambodia by his July 1 deadline.

• He declared that the U.S. "had nothing to do" with the overthrow of Prince Sihanouk and the establishment of a pro-western government in Cambodia. "There were no CIA people in there at all," the President said.

• He insisted it was "never part of the plan" to capture COSVN, the Communist military headquarters, which he described as a mobile headquarters that "keeps moving around." This contradicts what the President said, however, in his televised report to the nation on the Cambodian invasion.

• He claimed there are 40,000 North Vietnamese troops in Cambodia. He gave the number of American troops now in Cambodia as 12,000 and South Vietnamese troops as 22,000.

Maryland's Governor Marvin Mandel asked why it was necessary to use any American troops at all, why another 12,000 South Vietnamese troops hadn't been sent in instead.

Lt. Gen. John Vogt, the briefing officer, answered this question. "It is good for the Americans to be identified with the operation," he said, "good for the morale of the Vietnamese people."

© 1970, Bell-McClure Syndicate, Inc.