

happy that Mr. Hoover is aware of their activities.

Much of the FBI's work is unheralded. Much of its work is of a type not amenable to publicity. In any investigation, there is much routine, matter-of-fact work that is neither glamorous nor unduly exciting. Yet it is important.

It is important why? Because this is the way the FBI is protecting you and me.

As Americans we should be appreciative and I am happy to salute Mr. Hoover, a courageous American, as he enters his 48th year as Director of the FBI.

Ask citizens in all areas of America. Ask citizens in my district in Florida. Almost to a man they will say, "I'm glad there is an FBI."

This indeed is testimony of the debt which the Nation owes to the men and women of the FBI.

[Mr. McCLOSKEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THE BOMBING IN SOUTHEAST ASIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. WALDIE) is recognized for 60 minutes.

Mr. GUBSER. Mr. Speaker, will the gentleman yield so that I may conclude my statement?

Mr. WALDIE. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. GUBSER).

Mr. GUBSER. Mr. Speaker, I thank the gentleman for yielding.

I think it is about time that we read into the Record something which is different than the allegation that this is a U.S. war against the Pathet Lao.

One of the authorities quoted by the gentleman from California (Mr. McCloskey) is Ronald J. Rickenbach, former refugee and relief officer for the Agency for International Development. I shall read parts of his testimony, but I am not going to take them out of context—I can assure you of that.

This appears at page 23 of the report entitled "Refugee and Civilian War Casualty Problems in Laos and Cambodia." In speaking of the Meo tribesmen, he says:

From conception, the Meo "cause" has simply been an effort on their part to protect their homeland from outside incursion. Their intended purpose: merely self-preservation.

The Communist North Vietnamese moved into Laos, and in force.

The armed presence of the North Vietnamese Army was enough to put the Meo on the defensive, in line with tradition.

However, their options were limited; accommodate themselves, fight or flee. They could not very well fight without arms, and assistance; they could flee, but to nowhere as suitable to their way of life than where they already were; or they could accommodate themselves in some peaceful, subversive way to the Vietnamese presence. . . .

It is at this crucial juncture that the American Government's involvement can be traced.

That was in the late 1950's.

Then the gentleman concludes his testimony, and this is Mr. Rickenbach:

But I feel, at the same time, that it is of paramount importance that we do not compound our mistakes—

And he meant in Southeast Asia—by not, in some form, showing a continuing commitment to those people who over the years have shown the greatest loyalty to our presence, whether history eventually justifies that presence or not.

No single group, I am sure, has been as true an ally to America during this conflict as the hill tribesmen of north Laos. I firmly believe that it is the responsibility and obligation of this committee to insure that, in one way or another, they are given a more just repayment than pure abandonment, in this, their hour of truth.

Let us not forget that this war is going on in Laos for one reason—the North Vietnamese are invading it. The North Vietnamese are invading it and the Meo tribesmen are resisting that invasion.

Mr. WALDIE. Can the gentleman tell me from his vantage point of superior knowledge and information, and I say that seriously as a member of the Committee on Armed Services, if the Meos are being employed by the Central Intelligence Agency?

Mr. GUBSER. First of all, let us talk about this question of superior knowledge I do not have a thing in the world that is not available to the gentleman from California—not a thing. Ask Congressman Hébert and he will show you anything that I am privileged to see. So I am not in a superior position of having any superior knowledge.

The Meo tribesmen are supported by the U.S. Army and the U.S. advisers and they have been for many, many years.

Mr. WALDIE. Are they not employed by the Central Intelligence Agency?

Mr. GUBSER. As to whom they are directed by or financed by, I am not prepared to say, but at this time they have the support of the United States and they have fought valiantly.

Mr. WALDIE. Let me ask this question. Do you know whether they are in the employ of Central Intelligence Agency or whether you are at liberty to say so—you do not know that?

Mr. GUBSER. No, I do not know that.

Mr. WALDIE. Were I to ask that question of Mr. Hébert, would that knowledge be within his purview? Do you know?

Mr. GUBSER. I cannot answer for the gentleman from Louisiana.

Mr. WALDIE. Certainly, this may be a peripheral issue, but I understand members of the Committee on Armed Services are very privy to the appropriations for the Central Intelligence Agency.

Mr. GUBSER. Not on the Committee on Armed Services—we do not have a thing in the world to do with appropriations for the Central Intelligence Agency.

Mr. WALDIE. Do you have anything to do with the authorization for the Central Intelligence Agency?

Mr. GUBSER. I would presume—yes. However, I do not know about the authorizations for the Central Intelligence Agency. There are facets of the bill that could be that—I do not know.

Mr. WALDIE. Let me ask you a question or two before I yield to my good friend, the gentleman from California (Mr. DELLUMS). I ask this question as a

Member who is not frankly committed to the view that our colleague and my friend, the gentleman from California (Mr. McCloskey) has advanced. But I ask this question based upon my own personal knowledge of some of the facts you have alluded to, having accompanied Mr. McCloskey to Indochina and having been present on several occasions as described by other parties who were present. I do not suggest to you that you have misrepresented what was told to either Mr. McCloskey or me because you were not there and you were of necessity required to rely on third persons. But I can say to you that in several instances those third persons have misled you.

The first instance is as to Reverend Roffe and it pains me as I know it pains you to hear suggested that a man of the cloth would mislead you, but that is precisely what he has done, if you have reported his conversation with you on page H6656, where you recite in your statement, and I am not quoting this but it is in the second column about one-third the length down, where it says that Reverend Roffe has told Mr. Hecht that he detected no discrepancy between the answers given by Father Menger and those which he heard from the refugees themselves.

Is that your understanding?

Mr. GUBSER. That is what Mr. Hecht told me; yes.

Mr. WALDIE. The fact of the matter is that I think these statements by Reverend Menger ought to be clearly brought out for your information.

I guess you have apparently relied heavily on their version of the refugee situation in Laos.

I only add this information to your well of intelligence, of their background, and of their credibility as I personally experienced it.

In the first place, the 16 refugees involved in about a 4-hour period of interviewing, eight of whom were interviewed by me and eight of whom were interviewed by Mr. McCloskey are an interesting parallel to the refugee conclusions that you stated—a church group did interview 350 people.

Mr. GUBSER. No, 150.

Mr. WALDIE. It was 150 in 1 day and we were only able to interview 16 between the two of us in 4 hours.

Now I want to go into their interviews later to see whether they have showed you their interviews. You have seen the statement. Did they have statements of those interviews?

Mr. GUBSER. I was not furnished with that.

Mr. WALDIE. They only gave you an assessment of the interviews.

Mr. GUBSER. Exactly, as quoted; yes.

Mr. WALDIE. Let me tell you a little bit about Reverend Roffe. They flew down into the village, that sleepy refugee village. You are absolutely right. You have been on enough trips overseas, as I have, to know that if you do not select where you want to go, you will go where they want to go. They wanted us to go to a large party. They wanted us to fly up north to the capital where we could go to a party and have some dancing done by Laotian dancers.

That was not the purpose for which we were there. It was not the purpose we should have been there. We said, "Thank you, but we will select the places we want to go." It was rude, perhaps, but it was our own consensus—and I shared Mr. McCloskey's view that the information that would be derived from our selected itinerary would in all probability establish more accurate or informative information than we would have gleaned from sources that they delivered to us.

We flew to this refugee site in two helicopters. Both interpreters, Rev. Ed Roffe and Father Menger, provided us by Ambassador Godley, were warranted to us as independent, excellent interpreters that had been used by the embassy on similar occasions in the past. Father Menger was in my helicopter and next to me. Reverend Roffe was in Mr. McCloskey's helicopter. My first exposure to Father Menger, I confess to you, was not a very palatable or a very warm exposure.

On the way down the Father was discussing the problems in Indochina. His statement to me was precisely these words:

The trouble with the American youth of today is they are yellow. They are not willing to shed their blood for other peoples.

My reaction to that was, as your reaction would have been, one of being aghast at such an accusation. My comment to the Father was this:

Father, you may be familiar with the Laotian situation, having been here 20 years, but you have been away from America for a long time and are not familiar with the American situation now. You do not have to go that far, however. Go to Vietnam, from where Mr. McCloskey and I have just come. Go to the hospital we visited and take a look at the Americans who have shed their blood for causes in which I do not believe and probably they do not believe.

That was the basis on which I was introduced to Father Menger.

During the interview of the eight refugees, four of them in the first round I was interviewing with Father Menger's assistance and one other reporter, who unfortunately did not speak Laotian and neither did I. With Mr. McCloskey was Reverend Roffe and several others who spoke Laotian to check his translation. We met after 2 hours and he commented to me, he said, "It is remarkable."

I said, "What is remarkable?"

He said:

The fact that there was not in one instance of one interview that I conducted an enemy soldier either within the village or closer than 2 to 10 miles from the village at the time of the bombing attack on the village that produced the wounded refugees or the evacuated refugee.

I said, "That is remarkable."

Among my four interviews there was not one who did not say in his village that in fact there were either both Laotian or North Vietnamese soldiers.

We decided that coincidence was remarkable, so remarkable that it should be tested.

He then took Father Menger on the next round of interviews. I took Reverend Roffe along with two men who also spoke Laotian. I tried to find all four of the

refugees whom I had first interviewed to check Father Menger's translation. This was a massive village of refugees, and they had faded into that population with the exception of one. I found that one refugee.

I asked the identical questions I had asked in the presence and with the assistance of Father Menger. The responses as to the presence of enemy soldiers in the village were entirely contrary to what Father Menger had testified.

The next three groups of refugees that I interviewed, not one said that there were enemy soldiers in the village. So Reverend Roffe to you was telling the truth when he said there was no distinction between the translations of the refugees given to me and those given to Father Menger.

What he was saying is that there was no difference between the translation of refugees given to him than given Father Menger when he accompanied "PETE" McCloskey with a backup interpreter, because in the second round of interpretations with Father Menger interpreting for "PETE" with a backup interpreter, in fact, there were no enemy soldiers in the village.

So let me suggest to you from personal experience, as a fairly neutral observer, not total, and becoming less so as the days progress on this issue. Father Menger in my view is not a credible translator. He either does not understand Laotian or is not willing to translate it as it was given.

He either does not understand Laotian or was not willing to translate it as it was given. Reverend Roth translated it as accurately as it was delivered, according to the interpreter along with us.

The question that I asked of the Embassy people all along involved the question the gentleman has constantly posed about this survey on which the gentleman from California (Mr. McCloskey) has relied, that it was a very limited survey of a very limited group of people in a very limited period of time in a very limited space. They claim that to base the conjectures and the extraction of the hypothesis on that, which the gentleman from California (Mr. McCloskey) has—that is a matter that concerned me. I asked the Embassy officials about it when this report finally came to light—and it seems a question that should concern us all, but I am not going to dwell on the details as to how it came to light or whether it was probably concealed or not. That is not of interest to me.

The fact is that once it came to my attention it was immediately disclaimed as not being a valid refugee report, as the gentleman suggested was claimed by the Embassy people. They said that it was done in an inadequate manner, there were an insufficient number of samples, and conclusions therefore should be distrusted. I suggested that could very well be so, but I asked why they did not attempt to take additional polls to confirm or deny the results of that poll.

They have it within their power. They own that country, and they really own that, I will say to the gentleman from California (Mr. GUBSER). The Ambas-

sador runs that country as if it were a fiefdom, and the Central Intelligence Agency runs it as if it is a fiefdom also.

But the fact of the matter is all the resources are under their control to take the polls and to say whether that poll is inaccurate.

It may very well be a fact that it is, but it is the only poll they have.

I have one more response—and I am sorry I have not yet yielded to the gentleman from California (Mr. DELLUMS) as he requested, but I have one more comment.

I was pleased to hear the response to the gentleman from Michigan (Mr. RIEGLE) that the gentleman would join requests for photographs. As I read this testimony quite closely, it is not the gentleman's belief, I gather, that the photographs that have been sought to confirm or deny the existence in the first instance of villages in the area in question are not in existence—those photographs are not.

It is the gentleman's argument, as I understand this, that although they may be in existence, they are so difficult to interpret, that there is a danger in releasing those photographs, because they may be misinterpreted.

In response to that, I think that is a valid argument, the conclusion at least, that any photograph might very well be susceptible of a variety of interpretations as to what happened to the villages; if, in fact, the villages have been destroyed. But it does seem to me as a lawyer that the determination is within the hands of the jury as to whether the evidence is credible or not. If it is in the possession of the lawyer, he should present it to the jury, unless he desires that jury not to see it. As a defense lawyer, one might not want the jury to see the evidence. But we are not defense lawyers or prosecutors here. We want the people to know the facts.

What is wrong with procuring the photographs as they exist and letting judgments be made as to what happened to the area in question? The gentleman's judgment may differ from mine, or we may agree. But in respect to that, may I ask the gentleman simply this question. He has referred to two photographs that he displayed to the House of Representatives, and he discussed a survey of 26 square kilometers as to the density of structures. I presume in the survey of the 26 square kilometers, a description or conclusion as to the density of structures would have required some visible evidence of the existence of structures in that 26 square kilometers?

Mr. GUBSER. Mr. Speaker, if the gentleman will yield, I presume—and I am quite sure it is correct—that was calculated from bomb damage assessment reports.

Mr. WALDIE. Would that include photographs?

Mr. GUBSER. I would think so, yes.

Mr. WALDIE. Do you know whether in that 26 square kilometers there are photographs of structures?

Mr. GUBSER. I do not.

Mr. WALDIE. Of the two photographs the gentleman presented to the House of Representatives, it was artillery damage? I presume it was the gentleman's con-

clusion of the damage, that it was caused by artillery.

Mr. GUBSER. Artillery and mortars.

Mr. WALDIE. Who provided the gentleman with those photographs?

Mr. GUBSER. They were from the Office of the Secretary of Defense.

Mr. WALDIE. Were they taken by American reconnaissance planes?

Mr. GUBSER. I cannot answer the question, but I presume they were.

Mr. WALDIE. The American forces were not, in fact, bombing those?

Mr. GUBSER. No, nor were the Laotians. The purpose of those two photographs was only to show the extent of damage that can be caused from ground action.

Incidentally, those two photographs were not even up in the PDJ area but were in the panhandle.

Mr. WALDIE. My curiosity is as to how you obtained them. No American forces were involved in that action. No American air power was involved in that action. Yet there is, within the possession of the Secretary of War, two photographs of villages, which relate to a totally Laotian action, I presume.

Mr. GUBSER. Of course, we fly reconnaissance many times a day over that area because that is where the Ho Chi Minh Trail is.

Mr. WALDIE. I presume so. And I presume equally there would be photographs covering the area in question, as to whether structures exist in that area.

Mr. GUBSER. I would say to the gentleman, it is my belief there would be ample photography along the LOC, lines of communication.

Mr. WALDIE. Yes.

Mr. GUBSER. But I seriously doubt that there is reliable, up-to-date photography of the areas away from the LOC's. I think Captain Michel told Representative McCloskey he had just flown a mission the day before along LOC route 7.

Mr. WALDIE. You mentioned in your testimony yesterday that the bomb craters would not necessarily be evidence or that the crater would not necessarily be evidence of a bomb. I suspect that is correct. There might be a question as to a bomb crater, an artillery crater or a mortar crater.

Mr. GUBSER. Or, if I might add, a question as to whether the bomb crater was caused by a Laotian pilot.

Mr. WALDIE. There is no question of that.

Mr. GUBSER. Or whether when a village happened to be evacuated, it was at the time a military target.

Mr. WALDIE. There is also the question that no photograph can honestly answer at its inception. The area as to which I was confused was Mr. McCloskey's question to you which was not able to be developed because time expired. I am not sure, militarily, but I gather from the question Mr. McCloskey was asking, and information provided to me, that a cluster bomb does not leave a crater. I am talking about CBU, not phosphorous.

Mr. GUBSER. The gentleman is correct. Incendiary, on occasion, and anti-personnel.

Mr. WALDIE. Antipersonnel bombs do not.

Mr. GUBSER. Some do, but these I understand do not.

Mr. WALDIE. Then to add further to the gentleman's understanding of our dilemma in interpreting what is happening in Laos, almost every one of the refugees I interviewed who possessed wounds on their bodies or who had lost members of their families from the bombing lost them from cluster bomb wounds, from antipersonnel bombs. The one exception was the white phosphate wound that had scarred a Meo, now a 9-year-old boy, from his toe up through his back, that killed his sister and burned him.

Mr. GUBSER. Is the gentleman referring to a boy whose name I previously misspelled? I called him Ba Son Di, but I understand his correct name is Thao Som Dil.

Mr. WALDIE. I do not know. I have that in my notes.

Mr. GUBSER. A 10-year-old boy who had a burn on his right leg, whom you saw?

Mr. WALDIE. Yes.

Mr. GUBSER. I am sure we are talking about the same person. I believe it is rather interesting, if the gentleman will permit me no more than 2 minutes of his time, to go into this.

Mr. WALDIE. Surely.

Mr. GUBSER. I asked about that young person. On the morning of July 6 a USAID officer interviewed the father of this boy.

Mr. WALDIE. That is the man I interviewed, the father, not the boy. I did not interview the boy.

Mr. GUBSER. From the description I have heard of the boy's injury, I think it probably was a phosphorous bomb, because I understand it was rather localized. But the father of Thao Som Dil told the USAF officer this morning on July 6 that his son was burned by napalm dropped by jets while the family was walking along the road near the rice fields at some distance from their village.

As I understand it from the documents—I have never seen the boy—the burns could not have been napalm, because it would have enveloped him and would have been much more widespread and not localized. The point that I make here is an example of how unreliable information is when you get it from nomadic and primitive peoples like even the father who says that it was napalm when we know it was not.

Mr. WALDIE. Let me suggest to you it is unreliable if you are not careful in the interviews. The father said that it was napalm. We suspected that he was incorrect because of the nature of the wound. We went into it in much greater detail and ultimately found out that he was talking about a white phosphorous bomb.

Mr. GUBSER. Here is another part of the same information that I requested.

Mr. WALDIE. Although I suspect that if you are burned by napalm or by white phosphorous—

Mr. GUBSER. Neither are very nice.

Mr. WALDIE. That is right.

Mr. GUBSER. This wire says "It is also possible that the child in question was in fact playing with undetonated phosphorous parachute flares or smoke markers, which sometimes occurs."

We know that phosphorous is only used for marking and screening. There are two other weapons, which are cluster bombs and which are never used except against supply dumps and military targets and are not used against personnel.

Mr. WALDIE. Wait a minute. I do not yield further. I want to comment on that. They should never have been used, and our policy would never permit them to be used. If in fact they were used it was a violation of our policy, was it not?

Mr. GUBSER. May I read in response another portion of this telegram which I have and which came from Mr. Sterns, the Deputy Chief of Mission. It says:

Phosphorous ordnance is never—repeat—never used as antipersonnel weapon in Laos. It has been used on one occasion we know of in 1969 in an attempt to burn Pathet Lao North Vietnamese army rice storage area.

Mr. WALDIE. The point of the matter is I know what the policy is and I know the policy is extremely humane. The regulations of engagement are as magnificent documents of humanitarianism as you could possibly find in warfare. It is not the policy I am concerned with but the practice. I suppose every interview I received and which was contained in that refugee report could be discounted as maybe somebody who was motivated in the refugee stations, by other reasons, but there is sufficient basis in my mind—and I left Indochina, as I mentioned to you yesterday and as Mr. McCloskey knows, genuinely concerned that the conclusions he had drawn from what I considered to be limited evidence were not warranted.

However, the failure to provide the Congress with evidence that is within their prerogative—not only the failure to provide that evidence but the actual policy to keep this House of Representatives from knowing about Laos—causes me to be highly incredible as to their actual representations. I do not even understand my good friend from California (Mr. GUBSER). I do not understand the majority of my own colleagues in their refusal the other day to ask questions about what we are doing in Laos.

The administration will not provide us with these answers. I do not cast all of the blame on this administration, because the prior administration and the two prior administrations, both leaders of whom were in my own party, were equally adamant in their refusal to let the American people and their representatives know what is happening there in Laos. It is for that reason that I am becoming increasingly of the belief that Mr. McCloskey's charges have been far more credible than the effort today to destroy him suggests is the case.

The evidence you have used to attempt to refute Mr. McCloskey's charges has been reports on the evidence being insufficient. I grant you that the evidence was insufficient. I granted that from the start, and it did not have to be diminished further to be insufficient. But you have not answered why the administration did

not produce the concrete evidence of photographs and additional refugee surveys showing how erroneous the conclusions of this survey were. There must be evidence other than that which has been presented, other than a mere attack on the limited evidence Mr. McCloskey has presented, that would refute the charges.

Mr. GUBSER. Mr. Speaker, will the gentleman yield further?

Mr. WALDIE. I would be happy to.

Mr. GUBSER. Before I respond to the concluding part of your statement, let me say to the gentleman that I admire the manner in which he has approached this problem and I admired the statements he made upon returning. In fact, the gentleman really makes my case which provoked this entire interchange.

I have always said that Mr. McCloskey has not proven his point and that he had an obligation to prove the serious charge he made before injuring the image of his country. That is what this argument is all about. But, nevertheless, it has evolved into something else.

Mr. WALDIE. Let me interrupt the gentleman at that point because I surely do not want my silence to indicate or to suggest that Mr. McCloskey has injured this country by his statements. I do not believe that at all, and make no mistake about it. It is my opinion that Members of Congress can debate passionately and with conviction policies of this country and when he expresses that disagreement with passion and conviction, all of which I happen to believe fit your colleague and mine admirably and completely, then I feel he is entitled to do so.

Mr. GUBSER. But, again, getting down to the conclusion which the gentleman made, I would like to go back to one other point. I, certainly, was not a party to the interviews. I cannot comment upon the honesty of Father Menger or Reverend Roffe because I was not there.

Mr. WALDIE. But I was.

Mr. GUBSER. I accepted the gentleman's statement as being an accurate reflection of what he sincerely believes to be true. But it seems to me that the main issue which was wrapped around the credibility of Father Menger and Reverend Roffe is whether or not there were Pathet Lao in the villages. Now, the survey—the famous USIS survey upon which Mr. McCloskey places so much emphasis and relies upon so heavily says that 95 percent of those who lived there and were refugees did not go back when the war ended if it were occupied by the Communists. More than 50 percent gave a variety of reasons for their becoming refugees which included the protest against the 15-percent rice tax imposed by the North Vietnamese and the Pathet Lao and the fact that they were forced to become military porters and were treated as slaves and cattle.

The other thing—I think it is clearly established, regardless of what the testimony may have been when Father Menger and Reverend Roffe were translating for you is that the Pathet Lao had occupied those villages. Perhaps, at the moment they were not there, but we all know that every dry season the Pathet

Lao and the North Vietnamese alternately occupy this region and that during every wet season the Meo tribesmen come back. In other words, it changes hands every year. These people have been used as slaves and their rice has been taxed and at the time this is what they were protesting against.

Mr. WALDIE. There is no question, however, that almost every refugee with which I had contact expressed his thorough distaste of the practices you have described.

Mr. GUBSER. Is it not a fair statement to say that almost every refugee had at some time known that the Pathet Lao or the North Vietnamese were occupying these villages?

Mr. WALDIE. Oh, surely, but that does not mean if they were there last month the villages should be destroyed this month.

Mr. GUBSER. Certainly, but I want to clear up the point and the implication that Reverend Raffe and Father Menger were deliberately concealing the fact that the Pathet Lao had been there. The facts are that they were there.

Mr. WALDIE. It is certainly my own personal opinion that Reverend Menger was deliberately misinterpreting. He said at the time of the bombing there were no North Vietnamese or Pathet Lao in the village. Reverend Raffe said subsequently that in fact they were there.

So I appreciate the generosity and courtesy of the gentleman in yielding to me.

At this time, Mr. Speaker, I plan to yield to the gentleman from California (Mr. DELLUMS) for 10 minutes, but before I do so may I inquire how much time I have remaining?

The SPEAKER pro tempore. The gentleman from California (Mr. WALDIE) has consumed 33 minutes.

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

The SPEAKER pro tempore. Does the gentleman from California (Mr. WALDIE) yield to the gentleman from California (Mr. McCLOSKEY)?

Mr. WALDIE. Mr. Speaker, I would ask the gentleman from California (Mr. McCLOSKEY) whether he would permit me to yield first to the gentleman from California (Mr. DELLUMS) who has a very important mission to perform on behalf of the Democrats in that he has to go out and practice his pitching talents.

Mr. McCLOSKEY. Certainly.

Mr. WALDIE. I yield 10 minutes to the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Speaker, I thank the gentleman from California (Mr. WALDIE) for yielding to me.

Mr. Speaker, I commend the gentleman from California (Mr. McCLOSKEY) on his actions, his courage and his convictions with respect to what I consider are some very critical issues, and problems.

I for one do not question your integrity nor your motives. I think your activity typifies the highest and the best in a public official who diligently attempts to inform the American people and challenges his colleagues in the House of Representatives to discuss some very serious problems, and that is the serious

allegation of war crimes and war atrocities in Indochina.

I commend the gentleman for specifically raising the issue of bombing in Laos, but I would like to deal with the broader question of war atrocities because I personally believe that to attack your credibility in exercising your right to know as a public official is tragic, ludicrous, expedient, and sometimes even theatrical.

It would seem to me that if we are concerned about the critical issues that one of our colleagues raises here on the floor of the House of Representatives, such as in this matter, then I, for one, seriously question the value of personal debate with seven or eight Congressmen on the floor, and perhaps 30 people in the galleries. If we are serious about the allegations then why have not the Members of the Congress joined in calling for a full-scale open inquiry into the war crimes and other atrocity allegations in Indochina? If we would, then we could solve the matter. But standing here on the floor with nine people discussing the technicalities of bombing in my estimation is rather absurd, it is playing games as courtroom lawyers, grandstanding for the record, and does not seem to me to solve the critical problem of whether or not we actually committed war crimes in Southeast Asia.

Before I go to the general issue of war crimes in Indochina I would just like to make one set of comments as the chairman of 4 days of ad hoc hearings on war crimes in Southeast Asia.

One of the Marine captains who flew many missions in Indochina mentioned that one of the most precise bombing missions is ostensibly the computer bombing runs, generally flown at night. He indicated that, given variations in wind velocity, variations in speed and the human time lapse response, that it is possible that bombs could have been dropped as far as 6 miles away from strategic military targets.

The point is that if you understand computer bombing runs, someone is on the phone who tells the pilot to push the button. If they push it late, either one of them, if there are variations in the speed or in the wind velocity, that bomb does not have to drop as depicted on a piece of paper in a computer, it could drop 6 miles down the road.

Second, the testimony further reveals that the unwritten policy is never to return to base with any bombs still attached to the plane. And on questions from the Chair—

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

Mr. DELLUMS. The gentleman has spoken for 3 hours. Please give me 10 minutes.

Mr. GUBSER. I have seen a lot of them come back to base with their bombs.

Mr. DELLUMS. On questions from the Chair and other members of the ad hoc committee as to "what do you do with the bombs?" The response was, "We drop them."

The Constitution grants Congress virtually unlimited control with respect to the military and military policy. War policies and war crimes responsibility fall

well within congressional purview over the military. Thus far, though, that authority has meant very little.

There are many reasons.

First, as with just about all congressional functions, Congress has evolved into a client, not a regulator. The military dangles both carrots and sticks before Congress—usually locating of or closing down of installations, defense contracts, and so forth. After a while the message gets across. Even when the Executive has dared to slice funds from questionable defense projects, Congress not only reinstates money, but projects as well. Throughout the early 1960s, Congress continually budgeted the B-70 bomber even though the administration had decided to let the project die, and in 1970, Chairman Rivers successfully led a drive to fund a carrier that the Navy had not requested.

This philosophy carries through to war atrocities. The military committees mirror the sentiments of the Defense Establishment. But, only so far. For example, the House Armed Services Committee report on My Lai:

From its inception, the . . . investigation has been hampered by a generally uncooperative attitude of the Department of the Army.

Usually, though, the military committees agree with the Military Establishment's perspective that it is individuals, not policies, that commit war atrocities. The Establishment and committees fight every effort to investigate ultimate responsibility for war crimes.

Second is the ethics of Congress itself. Survival—reelection—not the public interest, is the motivating force in Congress. Posturing aims to avoid stands, avoid involvement. Closed-door negotiating, "the art of compromise," these are rewarded.

War crimes were—and are—an extremely sensitive topic. Remember that Ronald Ridenhour sent a number of Representatives letters detailing My Lai before any action was taken. Standard operating procedure dictates that so-called crank mail will be brushed aside, thrown out, or referred to the Congressman who represents the writer's home town.

It took almost 8 months from Ridenhour's letter reaching Congress until before mention was made of My Lai on the House floor. And that notice came about only because the Cleveland Plain Dealer broke the story. The House Armed Services Committee had received Ridenhour's letter in early April 1969; on November 24, the then chairman of the House Armed Services Committee, Chairman Rivers, made a brief speech:

We do not know what there is to this or what the Army has in their files in Washington. If, the investigating committee, and we will be setting as a kind of quasi-grand jury—if we see that this warrants further inquiry and should be brought out into a larger investigation, the subcommittee will do this.

But, for the moment, exercising our jurisdiction over the Army and as a subcommittee created for this purpose, we are making the first move. I think the House ought to know it, because I am sure you are getting a lot of inquiries on just exactly what we are going to do in the House of Representatives on this matter which seems to be catching the headlines at this time.

In blunter terms, had it not been for press reports of My Lai, Congress would have probably shunted aside the whole incident.

Once out in the open though, congressional rhetoric gushed forth. Within 2 weeks of the first public arousal over My Lai, approximately 40 Representatives and Senators made floor statements on the slaughter.

In general, Congress reacts rather than leads. When I joined with a group of other concerned Congressmen to propose and conduct open ad hoc hearings on command responsibility for war atrocities, there was expected criticism and opposition from the right and a general silence and avoidance from many Members termed "liberal."

A third reason comes from the procedural nature of Congress. Of our essentially conservative governmental structure, I view Congress as the most traditional and slow-acting branch. Eventually, Congress does act on most pressing national problems. But so much time has passed between the initial causes of a problem, the development of an issue as an issue, the recognition by Congress that some problem exists, real action by Congress, and, finally, administration of whatever new policies or remedies are established to meet the problem, that by the time this lengthy process is completed, the original problem is considerably changed or enlarged but the remedy is only tuned to its earliest stages.

I am reasonably sure that Congress will eventually openly deal with the question of ultimate command responsibility for war atrocities. Yet, I am almost just as sure that whenever Congress would undertake such an analysis, it would be too late to have an impact on the shape of U.S. policy in Southeast Asia. Instead, the whole effort would wind up as a mere academic exercise—but with great fanfare from the Congress.

Finally, I see much of Congress' reticence resulting from the basic philosophies of the men who hold the key positions in the House and Senate. Most of them received their basic and deepest political education in the 1930's and 1940's. Simply put, their general philosophy is that they "know" what is right for America—and because, for them, America is the richest, strongest, most influential nation, therefore, also, what is "right" for the world.

For them, it is implausible that American soldiers could have been involved in large-scale war atrocities. They accept My Lai as an isolated aberration, but they also believe that the war in Southeast Asia is the same type of war they knew and fought in, and that war crimes therefore are invariably punished.

War atrocities in Southeast Asia are not aberrations. They are an integral part of the basic type of conflict in which America became so foolishly entangled. Strict military judicial enforcement may reduce a marginal percentage of atrocities, but I do not foresee any significant reduction in war crimes as long as U.S. forces continue an active role in Southeast Asia.

From testimony presented at the ad

hoc hearings, and from my other studies, I single out five important factors which are causing the continuation of atrocities.

First. A key part of the psychology of our involvement is one of treating all Vietnamese people—whether South Vietnamese, Vietcong, or North Vietnamese—as subhuman beings. Everyone who is Vietnamese is perceived as a "gook," "slant-eye," or "slope," as less than human. Therefore, no real effort is made to distinguish between civilians and combatants, between friends and enemies. In blunter terms, the racism pervasive in this country is obviously pervasive in Indochina.

Second. Therefore, I find it a blatant falsehood on the part of those persons who tell the American public that we are "helping" the Vietnamese.

Third. On the operations level, conventional warfare in a people's guerrilla struggle results in multiple and continuing atrocities. People, old women and children are shot down in a village: For what military purpose. Bombs are indiscriminately dropped on innocent human beings: For what military purpose? The conventional warfare concept means that GI's perceive all human being as their enemy; otherwise, the concept is flawed.

Fourth. If we are to assume any responsibility for war atrocities, then it must be laid at the highest military and civilian policymaking levels. I think that any time this country does not see fit to deal with fundamental problems that it will create at that moment a scapegoat. Black people, brown, red, yellow, students, poor people all have been convenient scapegoats. Lieutenant Calley is a scapegoat for the military command.

Fifth. Fixing responsibility is not enough. I think it falls critically short of the most necessary close examination of institutional factors that give rise to American involvement and adventurism. We have to deal with racism, militarism, and sexism in this country which is extended into the conduct of our foreign affairs. Too many people wring their hands in guilt, but do not see the need to go beyond dealing with symptoms and effects.

My hope is that no other young person will have to go through the same kind of evil, the same kind of insanity, the same kind of wanton death as we have suffered in Indochina. The proper role of Congress is to deal with basic causes, and the inability of Congress to confront the issue of ultimate responsibility for war atrocities must be seen as a serious flaw in our ideals of a democratic state.

Mr. McCLOSKEY. Mr. Speaker, I thank the gentleman for yielding.

I have been perplexed as the debate proceeded to try to come to grips with the real issue involved—as to whether these villages had been bombed or not. I think the gentleman from California (Mr. GUBSER) who contests my view would concede the bulk of his concern is that I have made too extensive conclusions from the evidence before me. I, in turn, have not been able to get the gentleman to address the evidence itself, the evi-

dence of hundreds of people who have said their villages have been destroyed.

I noted in the argument yesterday the gentleman quoted William Hecht, special assistant to a U.S. delegation of churchmen, who had been in Vientiane interviewing refugees at the same time we were. I quote his statement:

Our assessment was that refugees considered the bombing a blessing.

That was remarkably parallel to what Father Menger, who had been there 15 years and who had interviewed a number of these refugees with us and translated some for me, had stated, and I would like to state his precise statement off a tape we had with the concluding interviews of the refugees there. This was the final refugee interview, and I would like to read it into the record, if I may at this point. These are my comments and I am stating them from a tape that was made by one of the members of my staff:

Congressman McCloskey. "Finally, we got from them the fact that a study had been made of refugee attitudes and when I saw that study of refugee attitudes and it summarizes the information we are verifying today, I said I would like to take this list of names and places and go up to these refugee villages. We were set to leave at 1:00 in the afternoon to come up to 272, to go up to Luang Prabang which would have given us a chance to see the northern refugee camps.

At 1300 it turned out that the papers were not ready and we didn't get them actually until 3:00 in the afternoon. Because of that, we are limited to getting one camp rather than site 272 and Luang Prabang. There is nothing I would have liked to do better.

One question I'd like to ask you—why would the Embassy deliberately prevent us from getting this information when I first came here? If I had followed their schedule that they laid out for me, I wouldn't have learned a single thing I learned today. Why would they do that? Why would a visiting Congressman—why wouldn't they be the first to tell me what these facts are?"

A: (Father Menger) "You work for the government, I don't, I don't know how they operate."

Q: "Why do they do this? You know? You know the Ambassador. You know Ambassador Godley. Why in the Lord's name wouldn't he want me to know this information?"

A: I don't know.

Q: Could I ask you a question? As I recall, Father, your testimony to the Kennedy Committee, you said that the bombing was not responsible for the refugee movement but that Communist terrorism was. How do you feel about it now that you've talked to these people?

A: Same as before.

Q: Which means you don't believe what these people have said?

A: Let me tell you. I have lived with these people. They will tell you one thing. You go back to the same people. You sit down with them, you have lunch with them, you live with them for a couple of days, you will find the real story. You're not getting the real story.

Q2: You don't think they were really bombed?

A: Look. Wait. You want the real story. The immediate cause of their leaving was probably the bombing. But that is the immediate cause. But the ultimate cause—the real reason is because they do not want to lose their freedom . . .

Q2: Why didn't anybody tell us that?

Q: Nobody has said that. These people—every single one of these villages has been destroyed. There hasn't been a village we've . . .

A: This is very Communist area.

Q: The villages themselves are Communist villages?

Q2: Why did they leave then to get away from Communists? You said they left to get away from Communists, because they are Communist villages. I don't get it.

A: You never lived under Communists? Well, I have.

Q: I couldn't live if my house disappeared—was blown up.

A: Like Laktuan. I lived up there. 57, 58, 59. Bon Bon, Kai Kai, I know this area.

Q: That's irrelevant. It's irrelevant whether you lived there. The question is whether those villages were bombed without Communist troops being there.

A: I say you cannot understand. I will be very honest—I might hurt your feelings. You will not get a true picture—unless they know who you are—you will not get a true picture of this country in three days.

Q: Wait just a minute. These things which you just interpreted—when we asked these questions and these answers were given. In your judgment, were those answers truthful?

A: Some of them yes. Many of them no.

Q: All right. Let's take them. I asked them their name and I asked the village from them. Were they truthful on that?

A: Yes.

Q: What about their age?

A: No.

Q: That's not truthful. It could be anything.

A:

Q: I've got to get some specific things. When they said they were bombed many, many times. Were they being truthful?

A: I don't know.

Q: When they said they saw T-28's and jets, were they truthful?

A: Yes. Oh, sure.

Q: When they said they saw big bombs and bombers, were they truthful?

A: Yes.

Q: When they say all their villages were destroyed, were they truthful?

A: I don't know.

Q: You don't know whether all their houses were destroyed?

A: I would . . .

Q2: You haven't been out there since the bombing, have you? You'd be out . . . between August 1969 and 1970?

A: I know the church was destroyed.

Q: When they told him the number of people killed and the number of water buffalo killed, do you believe those answers?

A: The exact number—no.

Q: What about this woman saying her husband was killed?

A: Probably true.

Q: How about the people who showed us their wounds?

A: Possibly true.

Q: Possibly true. Possible they got their wounds some other way?

This is the answer I want you to note:

A: No. What I will say, and you should put it out—even though it is true—even though our American bombing has, in some instances, killed people—I don't care if it is 100's or thousands—all I can say—I wish you would print this—quote me—thank God for that bombing. Otherwise, this country would not be free today.

This concludes Father Menger's testimony.

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

Mr. WALDIE. I yield to the gentleman from California, Mr. GUBSER.

Mr. GUBSER. Is the gentleman introducing that quotation from Father Menger as proof of his allegation that we have engaged in indiscriminate bombing in Laos?

Mr. McCLOSKEY. I cite that citation because it puts both Father Menger and Mr. Hecht, whom the gentleman quoted yesterday, in context when they indicate in their judgment, regardless of the bombing or how many people are killed, that the bombing is justified.

Mr. GUBSER. That is not the point at issue.

Mr. McCLOSKEY. Much of the argument the gentleman made is to the effect that the North Vietnamese are invading the country, that the people do not like living under the North Vietnamese, and even if we are bombing it might be justified.

Mr. GUBSER. No. The gentleman is reading conclusions into my statement which I never uttered. I wish the gentleman would cease and desist this constant practice of reading interpretations into what somebody else says.

Mr. McCLOSKEY. Let me conclude with a piece of evidence I did not present yesterday. This is a report by a United Nations expert, which seems to me to sum up everything we tried to produce yesterday to indicate that villages of seven provinces had been destroyed by bombing.

This is by U.N. expert Georges Chapelier, who conducted during 1970 interviews in depth with some 50 refugees from the Plain of Jars. The results of his findings were published in the fall of 1970 in a study entitled: "Plain of Jars: Social Changes Under Five Years of Pathet Lao Administration." Excerpts from this report follow:

All these efforts tended to enhance national consciousness, but perhaps what contributed more than anything else to forge an in-group feeling were the heavy and recurrent bombings. A brief account of what we consider as the major event in the five years under the Pathet Lao will make it easier to understand the reaction of the people and the further Pathet Lao politics of portage responsibilities and restriction of consumer goods.

Prior to 1967, bombings were light and far from populated centers. By 1968 the intensity of the bombings was such that no organized life was possible in the villages. The villagers moved to the outskirts and then deeper and deeper into the forest as the bombing climax reached its peak in 1969 when jet planes came daily and destroyed all stationary structures. Nothing was left standing. The villagers lived in trenches and holes or in caves. They only farmed at night. All of the interlocutors, without any exception, had his village completely destroyed. In the last phase, bombings were aimed at the systematic destruction of the material basis of the civilian society. Harvests burned down and rice became scarce, portage became more and more frequent. (pp. 18-19).

These people seem to be fed up with bombing and unable to foresee the end of this tragic epoch. It must be noted that these observations are valuable at a behavior level and do not engage the author about the inner feelings of the refugees. A genuine assimilation between communism and bombing is frequent in Vientiane, even amongst Western-educated people. A meaningful example is given by the answer of a Deputy whom we were asking, "Do you think that Lao personality fits well in the communist system or, more simply, that Lao peasants are pathy in PL territories?" He replied with a large smile: "But don't you know that they are bombed day after day, live in holes like animals and work in their paddy field at

night? Is that a good life? Obviously, he assimilated communism and bombing and his reaction is typical of the Lao social climate in Vientiane. (p. 36).

That is a quote from pages 18 and 19 of the Plain of Jars paper by Mr. Georges Chapelier of the United Nations.

Mr. Speaker, I think that sums up the nature of the testimony given by hundreds of refugees. Nowhere in this debate has the gentleman from California, from Santa Clara County, challenged the fact that these refugees from seven different provinces accurately described the devastating bombing by U.S. Air Force jets of their villages climaxing in 1969, the same year when this country dropped over half a million tons of bombs in the country of Laos, doubling the bombing in the previous year of 1968. This circumstance I cannot say establishes with clarity or establishes beyond any reasonable doubt that we pursued a deliberate policy of destroying the villages, but it does show from the testimony of the witnesses who were there and saw it that the bombing was deliberate and was intended to destroy the structure of that society and confirms the testimony of the United Nations experts who said that the bombing was systematically attempting to destroy that society. I seem to me it establishes a prima facie case that the program and the activities of the United States over Laos in 1968 and 1969 were attended by the destruction of hundreds if not thousands of villages in northern Laos.

Mr. Speaker, I state there is no evidence in the record that shows anything to the contrary.

GUARANTEE OF A FREE PRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BELL) is recognized for 30 minutes.

Mr. BELL. Mr. Speaker, I rise in opposition to another misguided and dangerous attempt to trample on the first amendment guarantee of a free press.

It is unfortunate, though perhaps to be expected, that attempts by Government officials to infringe upon freedom of the press occur more often at times when the press is most vigorously fulfilling its role of informing the public vigorously and critically of the activities of the Government and its officials.

It is highly significant that the principal rationale argued by both the committee majority and the CBS network is the concern for the "people's right to know." This is as it should be, for a major function of a free press in a free society must, of course, be to enable the people to discover the truth about their Nation and their government and its policies.

Although the case before us today does not directly involve the need to protect confidential sources, the issue is much the same. The need for protection of a reporter's personal notes—his private scribbles, words and phrases not used in a final draft, and the names of his sources—is essential if we are to uphold the value of vigorous investigative reporting. This kind of reporting in both the print media and the broadcast media

is one of the greatest strengths in a free society with a free press. We need more of it.

For this reason, earlier this year I joined a number of my colleagues in cosponsoring the "Newsmen's Privilege Act" which would protect reporters in their investigative reporting efforts. This is one way we utilize a free press to expose mistake, mismanagement, and corruption inside and outside our Government. Thus, reporters should not become the investigative arm of the Government.

At the same time, neither the print nor the electronic media should become the propaganda arm of the Government. A free nation loses a valuable resource if the media become mere endorsers of Government policy or conveyors of statements by Government officials.

This is the issue in the delicate case before us today. We are living in a time of lively public debate over major and minor issues of public importance. There have been repeated calls for "truth in government" and for expanded "freedom of information" so that the public can make participatory democracy a reality on the basis of complete information. One of the major issues which has come fully to the fore recently in the debate over the Indochina war has been the public right to know the events, policies, and rationale behind our involvement in that war.

The ironic fact in this whole controversy is that many of us have hoped that we could encourage documentaries and other forms of investigative reporting in the broadcast medium as well as the press. The electronic media are particularly suited to informing the public along these lines because of the visual impact of their medium. For 30 or 60 minutes the television can knock down the walls and the distances in our society and bring the ghetto, the war, the refugee camp, hungry people, and similar isolated people and events in our society into every living room.

Following the recommendation of the committee today would discourage such informative presentations and encourage the broadcasting media to present nothing but dull "pabulum" to the public. For the dubious purpose of protecting the sensitivities of some Government officials, some would have the Government assume the role of arbiter of truth in the presentation of news, documentaries, and investigative reports concerning Government policies and the conditions of our people at war and at home.

As both the committee majority and the CBS network have correctly stated, the "people's right to know" is of paramount importance in the issue of a free press. But the committee would have us take misguided and unconstitutional means to attempt to protect and expand the freedom of information for the public.

As I understand it, the committee's majority opinion relies on the rationale that first amendment protection for the electronic media is something less than the protection afforded the print medium. The point has been made that Congress regulates the broadcast media, unlike the print media, through the Federal Com-

munications Commission and its licensing procedure.

I would hasten to point out, however, that the means for regulating the current controversy have been adequately provided by existing legislation. The "fairness doctrine" in the Federal Communications Act provides for the presentation of all sides of a public controversy rather than limiting debate and limiting the "people's right to know" all sides of the controversy. Accordingly, the Federal Communications Commission has ruled on this very case that CBS complied with the provisions of the "fairness doctrine." A month after presenting its news documentary, the program was rebroadcast on March 23 with a 22-minute postscript containing critical comments by Vice President AGNEW, Secretary of Defense LAIRD, and Chairman HEBERT of the House Armed Services Committee, and a response by the president of CBS News.

Then on April 18 CBS broadcast an hour-long panel discussion presenting opposing views on the Defense Department's public information program, which was the subject of the documentary. In this way, the public was not shielded from controversy and was enabled to hear many sides of a controversial public issue and make judgments based upon a variety of opinions.

The disturbing thing about the committee's recommendation is that the subpoena would require the network to divulge not only the materials presented on the program but also unused films and tapes which constitute electronic journalism's "newsmen's notebooks." To subpoena these materials would be comparable to demanding the interviews, notes, and correspondence which constitute the rough drafts of an author's book.

To permit Congress to so invade the newsmen's privilege in this fashion is to invite the chilling effects on a free press, to encourage Government surveillance of the news, and to inhibit the press from advancing the cause of the "people's right to know."

I would agree enthusiastically with those who contend that a limited access medium such as the broadcast medium has a very high responsibility to the public. There is always the danger that the highly concentrated media will misuse their responsibility and powers as they may have on some occasions. If this is done, the result would be an unfortunate impairment of the "people's right to know," and good government would suffer.

But the way to increase the flow of information to the public is not to follow the committee's recommendation which is before us today. The committee would have Congress harass broadcast journalism, submit broadcast journalists to interrogation, and induce self-censorship in broadcast journalism. The committee would have the Congress institute inquiries into the news judgments of broadcasters and encourage the establishment of a Government standard of "truth" in evaluating editorial decisions. This would cripple the right of the electronic press to report freely on the con-