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Senate

SENATE RESOLUTION 351—SUBMISSION OF A RESOLUTION CALLING FOR MUTUAL CEASE-FIRE AND POLITICAL SETTLEMENT IN VIETNAM

Mr. MONDALE. Mr. President, in April 1967, nearly 2 years ago, the United States and the North Vietnamese began formal talks at Paris. At that time, most of us allowed ourselves the luxury of a ray of hope that the end might at least have begun.

Since that time, other steps have been taken which should have built upon this hope. The President a year ago publicly and explicitly disavowed a "military solution." A process of American withdrawal was begun, and there seemed, at long last, to be general agreement that no real permanent objectives could be gained through the American military presence.

Yet, the hope for an end to the killing and the ravage of Vietnam remains almost as faint as ever.

The peace talks are at a total impasse. The other side has not given any indication of seriously seeking an accord, and the United States has downgraded the talks by failing to provide, for the last 3 months, a permanent head of the American negotiating team.

The killing continues, with over 17,000 Americans and countless Vietnamese killed since the start of the talks.

There is absolutely no military victory in sight, even if the other side has shown signs of moving away from direct confrontation toward a more standard guerrilla strategy.

The essentially internal political problems which have torn this land since the end of World War II are as great as ever and will continue, regardless of the military strength of the Saigon government.

It is perfectly evident that nothing will come of the peace talks until something—not a "concession," but a new idea—is put forth to break the stalemate and upgrade the talks.

Mr. President, in light of these facts, which I have only briefly summarized, I submit a resolution urging the U.S. Government to offer formally for negotiation at Paris a comprehensive proposal for an internationally supervised standstill cease-fire by all sides, and urging designation of a permanent head of the U.S. delegation to the Paris peace talks to effect such a proposal.

Within the comprehensive proposal for the mutual cease-fire would be provisions regarding: International peace-keeping machinery, protection of all people and groups against terrorism and oppression, prompt free elections, the withdrawal of all outside military forces, the return of all military and political prisoners, and relief and aid to help begin the economic and social reconstruction of Vietnam.

I am sure that many will first hear of this resolution and ask why a proposal so reasonable and supposedly non-controversial would need the force of a Senate resolution. Have we not already offered such proposals to the North Vietnamese only to have them all rejected?

The answer is emphatically and unequivocally "No." In nearly 2 years of negotiations at the Paris talks, no such proposal for a cease-fire has ever been put on the table.

The other side will probably maintain for some time its negative facade. But they will at least know where to begin. They will have, not a speech or a press conference from which to start, but a serious, formal, bona fide offer. Only when we move our offers from the realm of publicity to the realm of true diplomacy can we expect an equally serious response. The other side may continue to reject any such proposal. But until they have received one—in concrete terms and offered formally by a permanent ambassador to the peace talks—we cannot say with any certainty what their response will be.

Regardless of their negative public statements, there may be reasons why they would consider and eventually agree to negotiate such a proposal, even if they rejected it immediately.

Even now there may be more agreement than is apparent between the two sides. All the parties—Hanoi, the NLF, and Saigon, as well as neutralist political leaders in South Vietnam—have advocated elections as the basis of deciding who shall run the country.

The continuing presence of this proposal to end all the killing and give all parties fair access to the political process could create political pressures on the Communists in Vietnam and around the world which our current policy of "military Vietnamization," alone, does not. In the United States and around the world, all who are concerned for peace would

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rally in support. Widely publicized in Vietnam, such a plan would gain widespread support among the populace on both sides.

There have been recent reports of serious speculation that the other side may be contemplating a cease-fire offer to put further pressures on the administration as the 1970 elections draw near. If they are considering such an offer—for whatever reasons—it certainly encourages speculation that they might accept the kind offer we are now proposing.

But the difference between what is contained in our resolution and what is currently happening at Paris goes far beyond diplomatic protocol or modes of presentation. What we are urging is the adoption of a policy which, regardless of whatever arrangements we made for the substitution of the South Vietnamese Army for the American Army, is aimed first and foremost at ending the killing.

There must be no mistaking our current policies with respect to Vietnam. The "military Vietnamization" made official policy this fall is not directed toward an end to the killing. Although there have been claims that we no longer seek a military solution, the fact remains that this "military Vietnamization" has in no way abandoned the objective of securing a military solution to the grave internal problems in Vietnam. Instead of seeking an end to the hostilities and the killing, "military Vietnamization" is explicitly designed to perpetuate the killing—while substituting South Vietnamese boys and South Vietnamese deaths for American boys and American deaths.

I wholeheartedly support our policy of turning the war back to the South Vietnamese, who, as President Kennedy said over 6 years ago, "must ultimately win it or lose it." I support withdrawal. Indeed, I believe we should be withdrawing much faster.

But, the war goes on while we withdraw, and it will go on after we withdraw.

Our current policy of "military Vietnamization" is open ended and ambiguous. On the one hand, we admit that our military presence cannot, by itself, insure freedom and self-determination for the people of South Vietnam. We say that our withdrawal, however slow, is not to be reversed, and we maintain that our ultimate goal is simply to let the people of South Vietnam choose freely and without outside interference their own form of social, economic, and political society.

On the other hand, we know that the South Vietnamese cannot accomplish by themselves what they plus up to one-half million American troops failed to accomplish for over 10 years. We know that the other side will never be subjected to a strictly military defeat, nor will it ever be brought to a military surrender.

So, where is the end to the war, and where is that point at which the promise of withdrawal becomes a reality? Is a war which, by all admission, could not be "won" now simply to fade away?

Is the other side which would not surrender to the Americans and the South Vietnamese now to surrender to the South Vietnamese alone?

Again, I support withdrawal. I support the policy of turning the war back to the Vietnamese. But military Vietnamization, by itself, cannot win a war—it will not stop the killings—and, for these very reasons, cannot in the long run truly get our American troops completely out of that nation.

If American troops are to be brought home, there must be a halt to the hostilities and an end to the killing. For an end to the killing, there must be negotiated cease-fire. For a cease-fire, there must be a process of "political Vietnamization." The hope that the war will just "fade away" without any kind of negotiated settlement is at best remote and at worse pure delusion.

Political Vietnamization seeks not only to lower United States casualty figures, but to end the war and end the killing. It seeks directly what all of our policies have purported to seek—"ultimately"—the free self-determination of the South Vietnamese people.

Political Vietnamization means broadening the base of the government. It means seeking the basis for a compromise solution that gives all parties in the south a fair chance to advance their social goals by political rather than military means. It means giving access to the political process to all groups and factions in South Vietnam. It means guaranteeing freedom to all individuals and all groups—including freedom from terror and assassination as well as freedom of speech, press, assembly, and political activity.

And political Vietnamization may be the long-awaited key to securing the prompted return of all U.S. prisoners—held now by the North Vietnamese in complete violation of all Geneva Conventions with respect to human treatment and the release of names.

What we are proposing, Mr. President, is that the United States begin a new peace offensive. There are no concessions involved, no threats to our "honor" or to our "commitments." There is only the offer of peace and an end to the killing through the only possible route to this objective.

Neither should this resolution become confused with those dealing with withdrawal or the timing of withdrawal. As I said, I fully support the withdrawal of American troops as fast as possible.

But so does everyone else—within the limits of his or her idea of what constitutes "as possible." The crucial question of timing gets immersed in complex questions of logistics, of what we "owe" those who have supported us, and "will there or will there not be a blood-bath if we withdraw and the Saigon government topples?"

But such questions would become simple—almost secondary—if there should be an end to all hostilities. While we debate the speed of withdrawal, let us not forget that the killing goes on, that no withdrawal will, by itself, get at the

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"causes" of the conflict, and that this debate could just as well be conducted within the environment of a general cease-fire as within the environment of military Vietnamization. The cease-fire does not conflict with the present policy of military Vietnamization. Rather than closing off options, it enhances the value and credibility of any deescalatory measures that might be taken toward peace.

I do not claim to know at this time all the details of what could constitute an acceptable proposal. But we do know a great deal about the necessary ingredients for such a proposal. We know that the principles of free elections under some kind of fair and impartial supervision are absolutely essential to any agreement which might be acceptable to both sides. In their own proposals at Paris both sides have cited elections as the way to decide the future of South Vietnam. Finally, the principles set forth in this resolution—the standstill ceasefire, the prompt, free elections, and the various provisions designed to guarantee security and freedom to the Vietnamese people—have been urged by Cyrus Vance, our former negotiator at the peace talks.

The major barrier has been and will continue to be the question, Who controls the country while elections are being carried out? Saigon has rejected a coalition government with representation from the other side, when there is no proof of the degree to which the National Liberation Front does, indeed, represent the uncoerced will of a significant number of South Vietnamese.

The other side—with ample historical justification—has no intention of turning the entire country over to Saigon and the Americans—something we have been unable to force them to do militarily—protected only by a vague promise by Thieu to honor "self-determination," who, at the same time threatens that he "will never yield so much as a hamlet to the enemy."

With a standstill ceasefire which stops the killing and takes into account existing realities of power and control, such an impasse could be broken. The two sides might accept an internationally controlled election, administered by an independent electoral commission. Such a commission, in rather vague terms, has already been suggested by Presidents Nixon and Thieu. A more specific proposal, coupled with the standstill ceasefire, could then open the way toward a compromise and let the people of South Vietnam, themselves, decide freely what coalition of interests should govern that country.

Mr. President, the American and Viet-

namese people have entrusted their governments and their negotiators with the responsibility to do everything possible to find a way to a just and durable peace. We must fulfill that trust. It is to this end that I offer this resolution.

I ask unanimous consent that the resolution appear in the RECORD at this point.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the RECORD.

The resolution (S. Res. 351) calling for mutual cease-fire and political settlement in Vietnam, was referred to the Committee on Foreign Relations, and is printed in the RECORD, as follows:

S. RES. 351

Whereas, the United States has not formally proposed for negotiation at the Paris peace talks a mutual cease-fire as part of a comprehensive package to achieve a political and military settlement in Vietnam; and

Whereas, Americans and Vietnamese continue to die every day as the Paris talks remain at an impasse; and

Whereas, such proposal could help break through the stalemate by offering a means of ending all the killing and moving the struggle for leadership from the military to the political level, thus enabling all the South Vietnamese people to choose freely and without interference their own future government; and

Whereas, a cease-fire and political settlement is the best way to assure the earliest possible return of all U.S. forces, and release for constructive purposes the enormous resources now being expended on the war; now, therefore, be it

Resolved, That the Senate urges the U.S. government to offer formally for negotiation at Paris a comprehensive proposal for an internationally supervised standstill cease-fire by all sides, containing detailed provisions regarding:

(a) international peacekeeping machinery to oversee the cease-fire, the withdrawal of outside military forces and the protection of minorities, with safeguards to guarantee all South Vietnamese freedom of speech, assembly and the press, and protection against terrorism and political assassination;

(b) prompt free elections supervised by a joint electoral commission in which the several political tendencies are fully represented, with all parties agreeing to accept the result of the elections;

(c) release of all prisoners of war and political prisoners by both sides;

(d) relief and aid to bind the wounds of the war and to provide for social reconstruction and economic assistance to land reform and other programs leading to full economic and political freedom for all the people of South Vietnam; and be it further

Resolved, That there should be designated a permanent head of the United States delegation to the Paris Peace talks in order to carry forward this proposal.

investigative reporting for her work. This award is sponsored by the Theta Sigma Phi professional journalism society for women.

I have read and studied "Hunger in Chicago." The description of the effect of hunger on schoolchildren and our elderly and of the bureaucratic obstacles involved in implementing food programs have contributed to my understanding of the problem of hunger. They have been valuable resources in my work on the Select Committee on Nutrition and Human Needs.

I commend Mrs. Rockey for her fine reporting. She has made a great contribution to delineating the complexities of hunger and malnutrition in this Nation.

Through her efforts, an American public is better informed and public officials, including legislatures at the Federal, State and local level, must now be compelled to act.

A MUTUAL CEASE-FIRE

Mr. MOSS. Mr. President, so much has been said in this place about Vietnam that when something valuable is said, most of us are not listening. The ever vigilant Deseret News, however, in a thoughtful editorial, performed a "rescue operation" on a resolution by Senator MONDALE that most of us missed when it was first offered. I ask unanimous consent that this editorial be printed at this point in the RECORD.

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

[From the Deseret News, Saturday,
Feb. 7, 1970]

FOR PEACE, HOW ABOUT A VIET CEASE-FIRE?

One test of a good idea is that it seems so simple and obvious it's surprising that something wasn't done about it long ago.

By that test, the resolution that Sen. Walter F. Mondale of Minnesota presented to the Senate Foreign Relations Committee the other day on bringing peace to Vietnam looks like an eminently fine idea.

But the best ideas don't necessarily command the most attention, and the Mondale resolution seems to be in need of a rescue operation if it is to win the support necessary for its success.

Briefly, the Mondale resolution goes like this:

"Whereas, the United States has not formally proposed for negotiation at the Paris Peace talks a mutual cease-fire as part of a comprehensive package to achieve a political and military settlement in Vietnam; and . . .

"Whereas, such a proposal could help break through the stalemate by offering a means of ending all the killing and moving the struggle for leadership from the military to the political level, thus enabling all the South Vietnamese people to choose freely and without interference their own future government; and

"Whereas, a cease-fire and political settlement is the best way to assure the earliest possible return of all U.S. forces, and release for constructive purposes the enormous resources now being expended on the war;

"Now, therefore, be it resolved that the Senate urges the U.S. government to offer immediately for negotiation at Paris a comprehensive proposal for an internationally supervised standstill cease-fire by all sides . . ."

Simple? Well, not entirely. Setting up the

supervisory machinery seems bound to generate a lot of haggling, since whoever controls that machinery controls the future of Vietnam. Accepting the status quo would amount to North Vietnam's admitting defeat. Moreover, assuring self-determination is still no easy matter in a land that has known only martial law for years and autocracy before that.

But certainly the Mondale resolution seems more realistic than the remote hope that the war will just fade away without a negotiated settlement.

Certainly a cease-fire could bring all U.S. forces—not just combat troops—home much faster than "Vietnamization" of the conflict alone.

Indeed, Vietnamization alone may simply perpetuate the slaughter, with South Vietnamese deaths being substituted for American deaths.

Will North Vietnam accept a cease-fire? If not, surely the enemy's refusal can be used against him in the battle for free men's minds. But let's not take a rejection for granted. As Sen. Mondale observes:

"Only when we move our offers from the realm of publicity to the realm of true diplomacy can we say with any certainty what the other side's response will be."

Mr. MOSS. As the Deseret News observes, it is long past time to get the Paris peace talks moving.

The United States should make a genuine proposal for a mutual cease-fire. Such a proposal should contain detailed provisions for international peacekeeping machinery to oversee the cease-fire, the withdrawal of outside military forces, and prompt free elections.

Most Americans will be surprised to learn that the United States has never made such a common-sense proposal for a mutual cease-fire. The North Vietnamese may reject it, but at least we should make the sincere offer.

Surely a negotiated settlement is much preferable to the endless agony of Vietnamization. As the Deseret News says:

Vietnamization alone may simply perpetuate the slaughter with South Vietnamese deaths being substituted for American deaths.

Vietnamization is really no more than a military solution by proxy.

To encourage our Paris delegation to propose a mutual cease-fire, I am joining Senator MONDALE in cosponsoring Senate Resolution 351.

THE DANGER OF ISOLATION

Mr. MCGEE. Mr. President, is there a danger that history might repeat itself and that this world might yet be plunged one day into another massive war—maybe even a conventional war which eschews the horrors of nuclear power but utilizes great land armies and navies? Could the new wave of isolationism so rampant in American today lead to a withdrawal of the United States from Europe and Asia, leaving those crucial continents naked to aggression, and with the balance of powers upset so that a potential aggressor might be tempted to march?

These questions, Mr. President, cannot, of course, be answered with any certainty. But they are questions posed honestly by some who are upset with the international picture in both Europe and Asia today. Yesterday, columnist David

Lawrence explored these questions in a column entitled, "Isolationism May Be Danger Again," which appeared in the Evening Star of Washington. I ask unanimous consent that the column be printed in the RECORD.

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

ISOLATIONISM MAY BE DANGER AGAIN

(By David Lawrence)

What should the policy of the United States be toward defending the peoples of Asia and Europe against aggression?

President Nixon would naturally not wish to discuss such delicate subjects in detail and deal in advance with the numerous contingencies that might arise. For U.S. policy will be made not by presidential speeches or by pronouncements by a committee of Congress. Everything will depend upon the nature of the emergency and the extent to which the defense of this country is actually involved.

Most people—even many in government here—don't like to look at the realistic picture in either Europe or Asia today. The truth is there now is no standing army which can match that of the Soviet Union. Reliance on the nuclear bomb has become a fact of international life.

For this reason the European countries have practically given up the idea of spending large sums for defense. They have been assuming that the United States would take care of the principal obligations of the North Atlantic Treaty Organization in the future and that it would immediately come to the aid of the smaller countries of Asia.

The American people, on the other hand, as a result of their experience in Vietnam, are not enthusiastic about sending an army of 500,000 or more troops into a foreign land to defend a country which is the victim of aggression. Inevitably the question then is asked: "What about collective defense under the U.N. Charter?"

There is at present no sign that the European or Asian peoples are willing to get together themselves to set up defense forces that would lighten the load for the United States.

So utterances by U.S. officials indicating a lack of interest in further missions like the one in Vietnam are bound to have an impact on the world situation. European governments are already aware that the United States will not maintain a large force to support NATO, and the Asians know that a big U.S. military establishment can hardly be stationed in their lands to guard their area.

For many years now the countries of Western Europe have assumed that nuclear weapons possessed by the United States would act as a deterrent against any threat by the Soviet Union. In recent months, the Communists in Moscow have indicated a readiness to talk about the limitation of strategic arms. Thus far, this seems to mean only a desire to prevent other nations from obtaining nuclear armaments. There is no evidence of a desire to prohibit the use of nuclear weapons.

But suppose the Kremlin decides to avoid the nuclear problem and depend solely on conventional forces? The opportunity for conquest would probably present itself to the Communists in the next decade if the United States has really retreated from Europe and Asia.

The Russians have been steadily increasing their naval strength in the Mediterranean, and have shown themselves ready to support Egypt and the Arab countries in their fight against Israel. There are as yet no signs that the Russians wish to let the Middle East conflict grow into a world crisis, but the situation could change at any time.

The big question for the 1970s is what the effect is going to be of a U.S. withdrawal of its military power from both Europe and Asia. What will be the consequences to the peoples there when they find themselves at the mercy of a Communist empire which need not use nuclear weapons but can send a large land army to almost any country to achieve a military objective?

The time may come when the "isolationism" which is so popular today—and which was espoused prior to World War I and prior to World War II—will turn out to be dangerous again. For the Communists are not likely to be content to confine their imperialism to Europe and Asia, but will extend it intensively to Mexico and other countries in Latin America.

Ever since the Monroe Doctrine was proclaimed, it has been recognized that the United States had a duty to protect the nations of this hemisphere, and since World War II the principle of collective defense of Europe and Asia has been widely accepted. Now these concepts have deteriorated, and this constitutes the real danger in international relations in the 1970s.

EXTENSION OF THE BAN ON BIOLOGICAL WEAPONS

Mr. FULBRIGHT. Mr. President, last November the President issued his widely acclaimed renunciation of biological warfare and declared that the United States would never be the first nation to employ lethal or incapacitating chemical weapons. At the same time the President stated his intention to submit the 1925 Geneva Protocol to the Senate. Together with many of my colleagues I congratulated the President on those historic actions.

This past Friday the President took yet another significant step to reduce further the peril posed by the production of chemical and biological weapons. I refer to his extension of the ban on biological weapons to include all toxins regardless of their method of production. To me this represented a reaffirmation of the basic spirit and purposes of the President's earlier decision—to strengthen existing barriers and restraints which reduce the risk of chemical and biological warfare, and to take advantage of these opportunities available to us to contribute to the eventual total elimination of such weapons.

As I reiterate my admiration for those actions already taken by the President, I also wish to express my firm belief that as he faces other decisions involving chemical warfare the President can count on strong support in the Senate and in the Nation for his continued leadership in broadening and strengthening the Geneva Protocol.

EXTENSION OF THE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

Mr. PERCY. Mr. President, on Monday the Senate adopted the resolution to extend and to fund the Select Committee on Nutrition and Human Needs. As a member of that committee gravely concerned about the problem of hunger and malnutrition in our affluent Nation, I am gratified by the support demonstrated for its continuation.

As the distinguished Senator from Louisiana (Mr. ELLENDER) indicated, I stated last year that the Select Committee on Nutrition should not continue indefinitely. Its functions should be absorbed by the proper existing committees and agencies.

I still adhere to this position. Investigations, hearings, talk must be superseded by concrete action to eliminate hunger and malnutrition—action which the select committee cannot undertake itself. But it became increasingly evident to me that the committee's activities should not be curtailed this year.

Dr. John Mayer, the special assistant to the President who directed the White House Conference on Food, Nutrition, and Health, boldly stated that it would be a shame if the hunger committee were dissolved this year. He felt that the committee could continue to contribute to finding and combating the causes of poverty and hunger.

A review of what the Nutrition Committee has accomplished and what it has not had an opportunity to explore substantiates Dr. Mayer's view.

Over the past year, the select committee has delved into such subjects as the extent of malnutrition in the United States, poverty related hunger, the operation of existing food programs, and the role of private industry in the area of nutrition. We did not, however, have time to consider income maintenance programs as a solution to hunger, health problems generated by malnutrition, and the many recommendations of the White House Conference.

I am pleased that we will now have the opportunity to continue our investigations in the hope that our bipartisan efforts will help eliminate poverty and hunger from our society.

SENATE RESOLUTION 359—TO CREATE A SELECT COMMITTEE ON EQUAL EDUCATION OPPORTUNITY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Mondale resolution now at the desk be called up and be given immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk proceeded to read the resolution.

Mr. MONDALE. Mr. President, I ask unanimous consent that further reading of the resolution be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the Senate will proceed to its consideration.

Mr. MONDALE. Mr. President, I send to the desk the resolution just reported, with certain modifications.

One modification states that the at-large members of the committee will be selected in the same manner as the members of other committees—through the steering committee process. The second modification strikes subsection (c) which provides funding.

The first is a technical amendment which simply clarifies what I thought the resolution provided. The second modification or amendment relates to a proposed budget to be presented to the Committee

on Rules and Administration in the normal process.

I am glad to see that the chairman of the Committee on Rules and Administration is present.

The PRESIDING OFFICER. Will the Senator send the amendments to the desk?

Mr. MONDALE. Mr. President, I send the amendments to the desk.

The PRESIDING OFFICER. The amendments will be stated.

Mr. MONDALE. I ask unanimous consent that their reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. And, without objection, the amendments will be agreed to en bloc.

The amendments agreed to en bloc are:

On page 2, line 1, after the word "committees", to insert: "to be appointed in the same manner as the chairman and members of the standing committees."

On page 3, to strike out lines 11 through 14, as follows:

"(c) Expenses of the committee in carrying out its functions shall not exceed \$200,000 through January 31, 1971, and shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee."

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. JORDAN of North Carolina. As the Senator knows, it is customary for a resolution to be sent directly to the Committee on Rules and Administration. We do not like to have a resolution presented and agreed to on the floor without the committee having had a chance to look it over.

I appreciate the cooperation of the Senator in striking out section (c). It meets my objection.

Mr. MONDALE. Mr. President, I thank the Senator from North Carolina. I called the Senator personally this morning to express my embarrassment about the way this matter arose.

Last night we hoped to act on this essential proposal in the form of a statutory enactment. Objection was heard on the ground that this would be an unusual procedure. I think that it does have some precedent. In any event, it is an unusual way to establish a committee.

So on the spur of the moment we withdrew the statutory proposal. We had not had a chance to discuss the matter with the distinguished chairman.

I am glad that, with this modification, the resolution is acceptable to the chairman.

I gather that once the committee is established, it would draw up a proposed budget which would then go before the Rules and Administration Committee.

Mr. JORDAN of North Carolina. The Senator is correct. Would the Senator care to make one additional commitment to the effect that this committee would, in fact, end at the time stated in the resolution.

Mr. MONDALE. Well, as we mentioned earlier in private discussion, the committee would expire at the time stated in the resolution.



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Senate

THE SITUATION IN LAOS

Mr. MONDALE. Mr. President, from the recent pages of the CONGRESSIONAL RECORD, from literally hundreds of articles, and from a flood of mail in probably every Senate office, I hear a strong and virtually unanimous declaration.

The American people are frightened by recent revelations of our increasing involvement in Laos. They are determined to know the full truth behind this involvement. And they will not tolerate another horrible Asian war "in spite of ourselves."

What has been happening in Laos has been happening for a long time. But thankfully, recent events seem to have stirred the American people to a point where a decision may still be made in time to halt another Vietnam.

The President has made a small step toward affirmation of his November 3 pledge that:

The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about this policy.

He has told us that we are "involved" and that we have some 650 men engaged in military activities of some sort.

He has admitted that we are flying combat air operations at the request of the Laotian Government.

And he has admitted that such assistance has recently "risen in response to the growth of North Vietnamese combat activities."

These official admissions, however, tell us nothing new. We already know that and much more:

We know that these "noncombat troops" in Laos are largely CIA, who are, in turn, comprised to some degree of ex-Green Berets from Vietnam.

We know that we are flying F-4 Phantoms, F-105 Thunderchiefs, and B-52's in actual combat support deep in the interior of Laos. The level of air support has been estimated at from 200 to 400 sorties a day.

We know there is one of the least secret "secret bases" at Long Chien, generally run and equipped by Americans, from which Gen. Van Pao's irregular forces operate.

We know we are spending at least \$250

to \$300 million a year in these operations.

And we know that we are deeply immersed in a war involving some 70,000 Laotians, about 15,000 to 20,000 Pathet Lao Communist guerrillas, and about 60,000 North Vietnamese.

I readily acknowledge that this situation was inherited by the current administration. I also acknowledge that the North Vietnamese are clear aggressors in this nation. But the administration's recent message, in dwelling almost entirely on these two points, completely misses the central issue.

That issue is this: Does the executive branch have the right to involve U.S. forces—whether Army, CIA, or in any other guise—in a war with neither the knowledge nor the consent of either Congress or the American people? I say very clearly that the administration has no such right.

I am not speaking of "aid," or "advisers," or of the bombing of the Ho Chi Minh Trail in Laos. I am referring to Americans directly involved in combat—whether air or ground—in the Laotian war.

The Geneva Accords forbid this involvement.

We have no defense treaties with Laos, such as the SEATO pact we have with South Vietnam, and Laos is not within any established defense perimeter.

There has been no executive directive or resolution, such as the controversial Tonkin Gulf Resolution, and nothing about the current situation in Laos could

be construed as the type of international emergency which could justify unilateral executive action.

Congress made its views on ground action in Laos absolutely clear last session by passing a law prohibiting the use of any funds for the support of combat troops there or in Thailand. Now it appears that this law is being violated simply by a change of uniforms—from Green Beret to CIA.

But most important, the right to declare war belongs, by the Constitution of the United States, to Congress, and Congress alone. I had hoped that the National Commitments Resolution passed last spring reinforced that fact. But clearly, we are once again getting drawn into a war in spite of our best intentions, in spite of our disastrous experience in Vietnam, and in spite of the Constitution of this country.

I do not think that our national interest can possibly justify the introduction of ground troops in Laos. But if there are national interests which are somehow at stake, I have every confidence in the ability of Congress and the American people to decide upon the proper course of action.

And I have no confidence in the CIA, the Pentagon, or any other branch of Government which is not directly answerable to the American people to make that decision.

The Congress must regain control over this situation. We need to know what the CIA is doing in support of Gen. Van Pao's secret army and how this involvement can be justified in the light of clear prohibitions against ground involvement in Laos.

We need to know about the bombing sorties being flown in support of the Laotian Army.

We need to know what the administration plans to do if the North Vietnamese and the Pathet Lao move southward. Will "honor" and "commitments" again escalate our involvement from a handful of advisers to a half million men?

And we need to know, above all, how long we must wait until we can recall our secret army and restore to Congress its constitutional responsibility for making such vital decisions.



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Senate

NEED FOR CONSTRUCTIVE DEBATE ON FOREIGN POLICY CONTINUES

Mr. MONDALE. Mr. President, in light of growing problems and tensions around the globe, the need for responsible and constructive debate on our foreign policy continues.

Vietnam remains as frightening and as far from solution as ever. Laos and Cambodia threaten to widen the war throughout all of what used to be Indochina.

New directions are needed with respect to aid, trade, foreign troops levels, and a score of other foreign-policy matters.

The Democratic Policy Council has contributed to this discussion through a report prepared by Hon. Averell Harriman.

I ask unanimous consent that the text of the statement be printed in the RECORD.

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

STATEMENT BY INTERNATIONAL AFFAIRS COMMITTEE, DEMOCRATIC POLICY COUNCIL

WASHINGTON, March 14.—On February 18, President Nixon submitted to the Congress "a first annual report on U.S. foreign policy"—a "State of the World" message. It is difficult to find in its 43,000 words much that adds to congressional or public understanding of the complex international issues we face. As a document that purports to be "a new approach to foreign policy," it lacks substance and candor in laying out the many serious issues the country faces, and it fails to offer a creative program of action to deal with them.

During his campaign, President Nixon declared he had a "plan for peace." Today American boys are still fighting and dying in Vietnam, and now after a year of heavy staff work the Nixon Administration has revealed its "New Strategy for Peace": "Peace requires partnership . . . ; peace requires strength . . . ; peace requires a willingness to negotiate . . . ; peace, we have learned, cannot be gained by good will alone . . . ; peace does not come simply with statements of smiles." These are singularly empty phrases when compared to other statements such as President Kennedy's analysis of peace at American University in June of 1963.

The report is filled with unimpressive self-praise for all kinds of "firsts," "new" departures and "innovations":

The Nixon Administration proclaims an "era of negotiations," disregarding the fact that there has been no shortage of negotiations in recent years and that there have been significant agreements achieved, including the limited test ban treaty, the outlawing of atomic weapons in outer space and nuclear non-proliferation.

Two decades after the Marshall Plan made "self-help and mutual assistance" the guiding principle, the Nixon Administration discovers "self-help" to be an essential ingredient in economic development.

A decade after President Kennedy initiated the "Alliance for Progress" we are told that the Nixon Administration is the first to decide that "partnership" should be the basis of our relations with Latin America.

More importantly, this simplistic sermonizing is accompanied by bureaucratic congestion. What is missing is an understanding

that far more important than the procedures of decision-making are the decisions themselves and people who make them. A few good appointments are worth a score of committees. One wise decision is worth more than a stack of studies.

For page after page the report describes the "new" machinery which the Nixon Administration has created to handle foreign affairs: layer upon layer of "planning," "systematic review," "analysis," and "study of options"; committees within committees; panels within panels; groups within groups. What emerges in this picture: an Administration that has confused system with substance, that has substituted institutionalized mechanics for creative action.

After dismantling the Alliance for Progress, President Nixon's phrase-makers offer "action for progress." It is clear, however, that the pious preachments of "partnership" mask a "benign neglect" for the growing crisis of democracy and development in our Hemisphere.

As to Europe and NATO the report adds rhetoric in describing a "mature partnership" but no new substance to policies long established.

To Africa the Administration offers more generalities: "Our assistance throughout the continent will be flexible and imaginative,"—without describing the actions to be taken. The message states "the hard facts must be faced." Yet, the commendable step of closing our consulate in Southern Rhodesia, the Administration delayed for more than eight months after the British urged this action be taken.

Regarding Asia, the report implies that the region's peoples shall henceforth make do with their own "wide range of energy and genius." But the claims of new constraints on our involvement in Asia are hard to square with the Vice President's scatter-shot of promises to Asian leaders he met on his trip. However, we commend the initial steps taken toward improved relations with Communist China.

We agree with the President that, "Good U.S. economic policy is good U.S. foreign policy." Unfortunately, stumbling domestic economic mismanagement and our unfolding recession will have harmful repercussions abroad, especially among the developing nations.

Foreign aid was originally launched with wide bi-partisan cooperation, and we feel strongly that it should be continued on that basis. The recent recommendations of the President's Task Force for a new approach on international development give an opportunity for renewed bi-partisan cooperation for an effective program. The emphasis on increased support for the World Bank and the regional development institutions should be particularly welcomed. The proposals for multi-year funding are also sensible. However, careful examination should be given to those administrative proposals which divide responsibility for development among several high-level bodies for what is, in fact, one overall problem.

With regard to East-West relations, the message is one of hobbled gradualism on all fronts:

The S.A.L.T. negotiations.—Despite the report's acknowledgement that these are the "most important arms control negotiations this country has ever entered," the Nixon Administration shows none of the urgency demanded by the rapid and deadly developments in the continuing arms race. A tell-surely "building block" approach, which seeks to preserve all options while we move in

measured steps toward "comprehensive assessments," ignores the mounting pressures on both sides for the deployment of weapons whose complexity gravely complicates the prospects for rational verifiable control.

In this connection the Administration's recent announcement of the decision to deploy MIRVs in June is deeply disturbing. This decision invites reciprocal escalation instead of mutual restraint in the nuclear arms race. It will make it far more difficult to reach a meaningful agreement on S.A.L.T.

A.B.M. System.—The report tells us that the National Security apparatus "analyzed" our options for proceeding with ballistic defenses on four separate occasions. But this fact of repeated consideration does not excuse the conclusion that we should build a costly system which neither offers security against a Soviet attack nor is needed to deter other nuclear threats.

Chemical and Biological Warfare.—We support the President's initiatives in these fields, including the elimination of biological-toxin weapons and his submission to the Senate for action on the ratification of the 1925 Geneva Protocol prohibiting the use of chemical and biological weapons.

Improved relations between East and West in Europe.—The matter is shunted aside, with some cautionary phrases about the complexities and dangers of negotiations.

East-West Trade.—The Administration does not seem to regard expanded trade in non-strategic goods as a commercially profitable step toward better relations. Rather the report suggests that the Soviets must pay with political concessions for the right to buy from us such products already obtainable in large quantities from Western Europe and Japan. This is not merely fruitless but counter-productive.

Laos.—It is a measure of the message's comprehensiveness and candor that Laos was not mentioned and that less than three weeks later the Administration has had to make detailed statements on this critical problem.

The Vietnam War.—What might have been the vehicle for constructive initiative for negotiated settlement reveals nothing new. The report refers to the Administration's desire for a "just peace"—without attempting to define that term in any meaningful fashion. It tells us again that the Nixon Administration is placing its reliance on Vietnamization of the war as a "plan for peace" whereas this program at best can only perpetuate the fighting with continued U.S. involvement. It fails to provide either a program or a final date for the withdrawal of all American troops in Vietnam.

It continues to give a veto over U.S. efforts for a negotiated settlement to the repressive minority government of President Thieu. That Government shares neither our objective of a negotiated compromise settlement nor the deepest desires of its own people for peace. In fact, the recent arrest and conviction of Deputy Tran Ngoc Chau—in flagrant disregard of constitutional safeguards and judicial procedures—is another shocking instance of the pressure to silence all South Vietnamese who want peace through a negotiated settlement.

These views on Vietnam are not partisan ones. They are shared in major respects by many responsible people of both parties.

The "State of the World" paper is more notable for what it fails to say than what it says. Apparently, the Administration is content to substitute rhetoric and bureaucracy for effective and enlightened initiative in foreign affairs.

[From the Washington (D.C.) Sunday Star, March 22, 1970]

WE NEED A WAY TO DETERMINE PRIORITIES

(By Carl T. Rowan)

The FBI purports to tell us precisely how many people were raped, robbed or murdered in the U.S. last year. But no one has the faintest idea how many Americans are so angry and alienated that they would participate in or support the bombings and guerrilla activities that are on the rise in this society.

The Agriculture Department can tell us exactly how many pounds of beef, bushels of corn or gallons of milk were produced in America last year. But no one knows precisely how many Americans go to bed hungry at night, or how many of our school children suffer from malnutrition.

We have become remarkably skillful at transplanting hearts or kidneys or performing other medical miracles. But no one seems to have the remotest idea how to provide adequate, reasonably priced medical care for all Americans, or to rectify a situation where 13 countries have lower infant mortality rates than ours, the richest society in the world.

We have proved that we can put men on the moon, and we claim the ability to hurl one missile thousands of miles bearing deadly warheads aimed at three or four separate targets. But President Nixon tells us that we haven't the faintest notion of the most efficient way to teach the nation's disadvantaged children—and might want to stop spending more money until we find out.

We are highly sophisticated at bugging telephones and electronic eavesdropping, but we are woeful failures at rehabilitating the criminals who are caught that way.

These are some of the grim contradictions of a society that is beset by some frightening human problems because it is so technically advanced and socially backward.

Now, when so many people are talking about what our national priorities ought to be once the Vietnam war is over, is the time for us to take an honest look at the makings of that dilemma.

This is not to say that we are certain to get a huge monetary windfall from Vietnam. The Defense establishment and other traditional money-grabbers have already staked out claims to most of the funds now being poured into that war.

But what worries some congressmen and other Americans is that, even if we got a windfall of billions of dollars we would lack an adequate system for allocating it wisely to social needs.

Joseph A. Califano Jr., a Washington attorney who used to be President Johnson's special assistant dealing largely with social problems, put it bluntly:

"The basis of recommendations by an American cabinet officer on whether to begin, eliminate or expand vast social programs more clearly resembles the intuitive judgment of a benevolent tribal chief in remote Africa than the elaborate, sophisticated data with which the Secretary of Defense supports a major new weapons system."

An illustration of this occurred when Johnson asked Califano how many able-bodied Americans were living off the welfare dole. It took the Department of Health, Education and Welfare days to provide an answer although it had been battered for years with allegations that the welfare rolls were a haven for millions of lazy no-goodniks.

HEW produced a surprising report that fewer than 500,000 of the almost 10 million people on welfare could be classed as "able-bodied."

It is this kind of data that is vital as Congress decides whether to approve a guaranteed annual wage and other vast reforms in the welfare system.

Senator Walter F. Mondale, D., Minn., has been arguing for three years that this country cannot afford to make social, economic and educational policies on the basis of old myths and shibboleths, or the prejudices and predilections of whatever White House aide manages to get the most memos to the President.

Mondale is sponsoring a bill that would create a Council of Social Advisors to the President. It would be generally akin to the Council of Economic Advisors or the National Security Council, except that its realm would be social priorities. It would prepare an annual report on the social state of the nation, ensuring that the essential statistics, studies, social indicators are available for the establishment of sane national priorities.

Some witnesses maintain that these social indicators would be the catalysts that prompt and provoke the programs needed to deal with problems like divorce, racial tension, population growth, drug abuse.

The cynics and defeatists may say that it is not really possible to develop reliable, effective social indicators. But wisdom seems to lie with the Senate subcommittee witness who said: "How stupid it would be not to make the effort."

RESOLUTION IN SUPPORT OF U.S. ATTORNEY FOR THE DISTRICT OF NEW JERSEY

Mr. CASE. Mr. President, I am happy to ask unanimous consent to have printed in the RECORD a resolution adopted by the trustees of the Essex County Bar Association in support of the U.S. attorney for the District of New Jersey.

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

ESSEX COUNTY BAR ASSOCIATION,
Newark, N.J., March 23, 1970.

HON. CLIFFORD P. CASE,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR CASE: The Trustees of the Essex County Bar Association have asked me to forward to you a copy of the following Resolution adopted at their meeting of March 10, 1970:

Whereas certain statements have been made in the Congress of the United States reflecting on the integrity and ability of the United States Attorney for the District of New Jersey to fulfill the requirements of his office; and

Whereas the basis for said statement has been reviewed by the Trustees of the Essex County Bar Association:

Now, therefore, be it resolved that the Trustees of the Essex County Bar Association reject any attack on the integrity and loyalty of the United States Attorney for the District of New Jersey and affirm their belief in his ability to carry out properly the functions of his office.

It is further resolved that a copy of this resolution be sent to a Congressman and a United States Senator for the purpose that it be spread upon the records of the House of Congress and the Senate.

Sincerely,

BILL KIRCHNER,
Secretary.

VIETNAM AND DOMESTIC NEEDS

Mr. MONDALE. Mr. President, an early end to the war in Vietnam is and will remain a top priority national goal.

If and when it is attained, we hope that the resources that are freed can be turned to the urgent domestic needs which have accumulated to crisis proportions while the fighting has gone on.

In addition, we are exploring other areas in which military spending can be reduced, at least to avoid preemption of the "peace dividend" by the Defense Department, and possibly to find more funds for pressing nonmilitary needs.

Surely a reordering of priorities along these lines is in the national interest. We must, however, also recognize the problems of transition it will entail, particularly for those States and communities which have a heavy economic dependence on defense and aerospace business. In the interest of overcoming those problems, and also to facilitate the most rapid possible transfer of resources, we should be moving now on a national program of planning for economic conversion.

The junior Senator from South Dakota (Mr. McGovern) has long been a leading advocate of action in this field. He is the author of S. 1285, the Economic Conversion Act, which aims to develop practical alternatives for communities, resources, and manpower affected by Defense cutbacks.

Last Sunday, the Washington Post, along with a number of other newspapers, published an article written by Senator McGovern in which he describes the depth and breadth of the conversion issue and outlines the steps needed to deal with it. I ask unanimous consent that the article, entitled "After Vietnam, Economic Pains of Peace," be printed in the RECORD.

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

[From the Washington Post, Mar. 15, 1970]

AFTER VIETNAM, ECONOMIC PAINS OF PEACE

(By Senator GEORGE MCGOVERN)

For all of our deep national longing, the end of the Vietnam war will not be an un-mixed blessing.

For many Americans it can mean economic disaster. For all of us it may be at best the termination of a national tragedy, coupled with the waste of an opportunity to find new, more hopeful national directions.

The dominant expectation about the war's end is probably twofold. The killing and mutilation of American youth will be stopped, and some \$20 to \$30 billion annually will be freed to meet accumulated needs at home. At last we will have the wherewithal to improve our schools, to tackle such enormously complex problems as transportation and housing and such costly ones as hunger and poverty, to cope with the crime and violence which have become characteristic of life in America, and to end the despoliation—and perhaps begin the reclamation—of our environment.

But there is another side.

An early consequence of peace will be a reduction of some 800,000, and possibly more, in military manpower, bringing the total down at least to prewar levels. These persons, along with thousands of civilians working for defense agencies on assignments related to Vietnam, will have to be absorbed by the rest of the economy. The elimination of jobs is expected to occur on a scale approaching two million, including shrinkage in the private job market as a result of reductions in Vietnam orders.

CONCENTRATED CUTS

The least skilled and the most recently hired, probably many among racial minorities, will be the first to go and the last to find new jobs. The gloomiest outlook is suggested by a poverty program official in Con-

necticut who says that "if the layoff is not properly handled by federal and state agencies—and right now nothing is being done, at any level—then you are going to see blood flowing in the streets."

But there will be trauma among highly skilled technicians and scientists as well. The cancellation of the \$3 billion Manned Orbiting Laboratory last June found top-flight technicians leaving McDonnell-Douglas' plant in Huntington Beach, Calif., with no place to go and with little prospect for comparable work in their areas of specialty. Vietnam employs thousands like them.

Because defense firms tend to be concentrated in a few states and localities, the economic impact will be concentrated as well. Some 37.4 per cent of California's manufacturing workers are employed in defense-related industries. That state can expect to lose about 130,000 jobs when the war is over, and it can expect about 80,000 returning servicemen to be added to its job market at the same time.

Moreover, there is unevenness of military work by occupation. More than half of the nation's research-and-development engineers are working on behalf of the Pentagon, directly or indirectly. Some of the largest universities—including the Massachusetts Institute of Technology, Johns Hopkins University, Stanford University, the California Institute of Technology and the University of Michigan—are concentration points of Pentagon work in the universities. Indeed, two of these, M.I.T. and Johns Hopkins, are listed among the 100 largest military-industrial contractors by the Department of Defense.

RIPPLE EFFECT

The Arms Control and Disarmament Agency has documented the ripple effects these cutbacks are likely to have. Its study of a layoff of 6,800 Martin Co. workers in Denver in 1963 disclosed that the economic expansion of the entire state was slowed and the expansion in Denver virtually came to a halt. The recovery took two full years.

We can be quite sure, then, that there will be a painful adjustment for many Americans. Its breadth and depth depend upon a variable which continues to elude a consensus among forecasters—the state of the total economy and the dynamism of non-military sectors. In a level economy, the drop in military demands could easily stimulate a recession. If it were to coincide with a general slowdown, which many economists are predicting for 1970, the results could be serious indeed.

Apart from these less welcome concomitants of peace, we must recognize that the manpower, the technology and even the money involved in the war effort will not be turned quickly to peaceful priorities. The unemployed strategists from the Pentagon will certainly require some redirection before they can make meaningful contributions in other capacities. Unless some serious effort is made to locate appropriate uses, facilities which have been built up as needed by the war may be idle when they could be made useful in important domestic tasks. The Congress could doubtless find ways to dispose of \$30 billion, but without careful preparation and assessment of alternative uses, much of it would doubtless be wasted or used less effectively than it should. Hence, peace can mean lost opportunities as well as economic difficulty.

In the face of these prospects, defense contractors appear to be little concerned. Their assumption seems to be that an end to the war will bring a successful rush by the Pentagon to claim the great bulk of the "peace dividend" to flesh out military wish lists developed during the Vietnam years. Their prognosis is that new cold war orders will come quickly to replace declining hot war demands.

REASONS TO RESIST

The events of 1969 may have given them pause, depending upon their judgments as to the probable longevity of Congressional demands for more careful scrutiny of military spending and for more persuasive justifications for new weapons systems. Certainly they must take into account the fact that after reducing military money requests an average of only 0.4 per cent a year in the previous 10 years, Congress squeezed 7.5 per cent, or \$5.6 billion, out of the Pentagon budget for fiscal 1970, much of it through the effort of traditional allies of the armed services.

But the contractors have other reasons to resist conversion. Those whose sole or major customer is the Pentagon would, in terms of their sales capabilities, be most attuned to seeking new government business in the civilian sector rather than in private markets. But they know, particularly after recent closings of privately run Job Corps camps, that contracts in the social area carry greater risk and that budgets are more closely scrutinized. Firms specializing in problem-solving know that civilian problems tend to be infinitely more complex than such questions as whether it will take four or five bombs to achieve a desired target kill probability.

At this point the public is faced with a choice. If the reliance of the armament industry on expanded defense orders is well placed, the war is unlikely to free vast sums for domestic problems after all. We will simply shift from one kind of defense spending to another. If the industry's reliance is misplaced, the damage done by an end to the Vietnam war will be compounded by slackened overall defense outlays.

It is against this background that 35 of us in the Senate and some 50 members of the House have offered the Economic Conversion Act. In the conviction that no government agency can or should accumulate enough knowledge about each of the thousands of military contractors to formulate specific conversion plans, we have proposed that the contractors themselves develop alternative uses for the facilities and manpower. The bill would require conversion planning as a condition of contract fulfillment.

In addition, it would establish a National Economic Conversion Commission, made up of agency heads and of public members, to define further federal contributions to the conversion effort and to make specific recommendations to the President and the Congress. The commission should work extensively with arms manufacturers and defense personnel to help determine, under its estimates of future public spending patterns, the nonmilitary areas to which specific resources might be most readily transferable.

Our proposal aims to ease the transition from war to peace. I readily confess to another motive. I think we should go as far as we can toward freeing the vast constituency of the Pentagon from its economic dependence upon arms spending, because in the process we can diminish pork barrel pressures and elevate rational assessments of need in the debate over defense spending.

The importance of the plan extends, therefore, to both practical operation and national priorities. It can minimize the harm and maximize the advantages of military cutbacks. At the same time, it can help make possible the cuts that should be made, and it can serve as convincing evidence that wise business planners are those who exert their enterprise toward making our society a better place to live.

THE CARSWELL NOMINATION

Mr. GURNEY. Mr. President, about 2 months ago, the Georgetown University

Law School invited me to state for the record my views on the nomination of Judge G. Harrold Carswell to be an Associate Justice of the U.S. Supreme Court. My article appeared in the February 18, 1970, edition of the Georgetown Law Weekly. I ask unanimous consent that it be printed in the RECORD.

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

REMARKS OF SENATOR EDWARD J. GURNEY

In commenting on his judicial record the New York Times had this to say about Judge G. Harrold Carswell:

"These opinions reveal a jurist who hesitates to use judicial power unless the need is clear and demanding; who finds few controversies that cannot be settled by invoking some settled precedent, and who rarely finds the need for reference to the social conflict outside the courtroom that brought his cases before him."

The Times writer no doubt thought of this characterization as a rebuke of Harrold Carswell and as a damning criticism of his judicial attitudes. I think the criticism is not only fair and accurate, but I also think it is a highly laudatory statement!

For too many years, our Supreme Court justices, almost to a man, have acted without the judicial restraint which in years past was the universally accepted hallmark of a great jurist. Similarly, our high court has too often sought to interpret the law, not with reference to the constitution, congressional intent or precedent, but by measuring the enactment against the individual justices' own private notions of wisdom or virtue. In support of this proposition, and as a clear statement of the dangers inherent in such a course, I refer to Mr. Justice Frankfurter (AFL v. American Sash Co. 335 U.S. at 555).

"But there is reason for judicial restraint in matters of policy deeper than the value of experiment: it is founded on a recognition of the gulf of difference between sustaining and nullifying legislation. This difference is theoretical in that the function of legislating is for legislatures who have also taken oaths to support the Constitution, while the function of courts, when legislation is challenged, is merely to make sure that the legislature has exercised an allowable judgment, and not to exercise their own judgment, whether a policy is within or without 'the vague contours' of due process. Theory is reinforced by the notorious fact that lawyers predominate in American legislatures. In practice also the difference is wide. In the day-to-day working of our democracy it is vital that the power of the non-democratic organ of our Government be exercised with rigorous self-restraint. Because the powers exercised by this Court are inherently oligarchic, Jefferson all of his life thought of the Court as 'an irresponsible body' and 'independent of the nation itself.'"

CRITICISM OF THE COURT—BY THE COURT

One of the popular myths of the American liberal is that all criticism of the Warren Court necessarily originates with rustic bumpkins, racists or fascists. If one raises his voice against the Warren Court, so the myth goes, the speaker is automatically suspect of lacking compassion, intelligence or decency. The most effective means I know of dispelling this myth is to turn to United States reports and listen to the language of dissent.

Mr. Justice Whitaker in *Mapp v. Ohio*, 367 U.S. 643 (1961):

"... The Court, in my opinion has forgotten the sense of judicial restraint which, with due regard for stare decisis, is one element that should enter into deciding whether a past decision of this Court should be overruled. ... The action of the Court finds no

The effluent charge approach has the virtue of simplicity—the less you pollute the less you pay. It has the virtue of fairness—all industrial polluters will be covered, and the cost of waste disposal will be regarded simply as a legitimate cost of production. Perhaps most important, effluent charges have the virtue of effectiveness—they work. In cities where they have been tried, both here and abroad, the decline in pollution and the improvement in water quality has been remarkable. From Otsego, Mich., to Springfield, Mo., to the Rhur Valley, Germany, the results have been the same: Effluent charges work, often beyond all expectations.

This January, President Nixon's state of the Union message supported the concept underlying effluent charges. Although the term "effluent charge" did not appear, the President said:

The price of goods should be made to include the costs of producing and disposing of them without damage to the environment.

This is the gist of the effluent charge approach. By tacking on to all other costs of production a charge for the waste byproducts discharged into the environment, industry—striving to keep its costs to a minimum—would have an incentive to reduce its waste discharges to the lowest possible level.

Unfortunately, the regulations proposed by Secretary Hickel fall considerably short of the lofty goals of the state of the Union message. Charging for waste which is routed into waste treatment plants, built with Federal money, in the future, is a far cry from making the price of goods "include the cost of producing and disposing of them without damage to the environment." First, only treatment plants built with Federal money would be covered. Second, the rule applies only to new plants—those industries discharging wastes into existing plants would be exempt. And third, the rule will have an impact only upon those industries that make use of these facilities—industries that divert their waste byproducts elsewhere would presumably not be subject to the rule.

Mr. President, our lakes, rivers, and streams are a public resource of tremendous value. We now realize that we cannot continue to allow the unfettered use of these resources. Like any other scarce resource, we must allocate the privilege to use these waters with great care, and those who do make use of them should expect to pay for the privilege. There is nothing unique about this; government has always allocated scarce public resources among worthy applicants. The Federal Communications Commission decides between competing applicants for use of the airwaves. The Civil Aeronautics Board allocates air routes among commercial airlines. The Department of Agriculture regulates the rate at which timber may be cut, and charges for each tree felled. Water is one of the few resources which have not, until now, been so protected. We can no longer afford such a luxury.

Mr. President, is it not a bit incongruous that the administration is willing to charge for the use of its waste treatment facilities, but hesitates to impose a charge

for the use of our public waterways? Surely our waters are a far more valuable commodity.

The new Interior Department regulations are a step in the right direction, and I applaud the administration for making a start. But it still has a long way to go.

I ask unanimous consent that a Department of the Interior news release on this subject be printed in the RECORD.

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

SECRETARY HICKEL PROPOSES NEW POLLUTION CONTROL RULES IMPLEMENTING PRESIDENT NIXON'S ENVIRONMENT MESSAGE

Secretary of the Interior Walter J. Hickel announced today he is implementing President Nixon's Environmental Message with proposed new water pollution controls—including cost recovery for cleanup of industrial wastes, and comprehensive river basin plans to assure efficient use of Federal funds.

"As the President pointed out, abating some of the pollution in a waterway is a waste of money if new pollution comes in to take its place and old pollution continues," Secretary Hickel said. "We have not done enough to see that the cleanup is coordinated. Design and operation of local plants often are inefficient. In some areas, industries are getting a free ride, and the wastes they pour into a municipal system are not treated adequately."

The proposed new rules would apply to new construction grants to help communities build new treatment plants.

In the President's message to Congress for a four-year, \$10 billion program to provide modern municipal waste treatment plants in the nation, he proposed to "institute major reforms . . . by administrative action" to ensure that new Federal-aid money would be wisely invested.

Secretary Hickel is proposing new amendments to Title 18 of the Code of Federal Regulations to carry out this mandate for administrative action. Interested persons are being invited to submit comments within 45 days after the proposed new rules are published in the Federal Register.

The proposed new rules would require that:

Comprehensive river basin-wide programs for pollution abatement must be developed, and new treatment works would have to fit in with such programs, as well as with metropolitan and regional plans, to be eligible for Federal aid.

In evaluating new applications, the Commissioner of Interior's Federal Water Pollution Control Administration may demand detailed data on the entire river basin's sources of pollution, volume of discharge from each source, character of effluent, present treatment, water quality effect and other items.

No new Federal grant would be made to any system designed to treat industrial wastes only. If some industrial wastes are to be treated as part of the system's operations, industry would have to pretreat those wastes to ensure they would not interfere with efficient operation of the community system.

A system of "cost recovery" would be required if some industrial wastes are to be treated in a new plant built with federal aid. Such cost recovery by the municipality would assess the industries a share of the operating costs, and costs of amortizing the debt, in proportion to their contributions to the total cost of waste treatment.

State water pollution control agencies must inspect new federally-aided facilities for efficiency and economy at least once each year for the first three years of operation, and periodically thereafter, under standards set by FWPCA.

Design of any new federal-aid treatment plant would have to be approved in advance as economical, efficient, and effective under FWPCA requirements.

Design of any new federal-aid treatment plant would have to be approved in advance as economical, efficient, and effective under FWPCA requirements.

"President Nixon's message stressed that both new legislation and new administrative action would be needed to improve the quality of our waters," Secretary Hickel said. "These proposed new rules are aimed at meeting the specific goals he outlined for administrative action."

"The job ahead will be costly. We want to ensure that the Federal funds invested in the cleanup will be spent effectively and fairly," the Secretary said.

Since the construction grant aid program began in 1956, some \$1.5 billion has been awarded to some 9,600 municipalities and sanitary districts to support construction of \$6.6 billion in new and expanded facilities to treat wastes.

ENVIRONMENT: RHETORIC OR COMMITMENT

Mr. MONDALE. Mr. President, the present methods of production of electric power contributes to our environmental crisis.

There seem to be detrimental factors in every major method of producing electricity. Nuclear powerplants discharge radioactive materials and cause thermal pollution. Fossil fuel plants foul the air with their smoke. Hydroelectric powerplants alter the natural courses of rivers.

But we must have electricity, and have it in increasingly larger amounts. So we must constantly look for new and better ways to produce it.

One technique being explored is called "magnetohydrodynamics," or MHD. Experiments show that this process may be capable of creating electricity in such a manner that it will not be accompanied by pollution.

Russia and Japan have moved ahead with major investments to develop MHD projects. One Russian pilot plant was estimated to have cost as much as \$100 million.

A presidential panel of academic and industrial specialists recommended to the President last summer that we spend at least \$2 million annually for MHD research. The new budget, however, proposed only \$400,000 for MHD research.

While I am glad that the President was willing to request funds for the project, it is disappointing that a more sizable appropriation was not sought.

We have heard much about the administration's campaign to improve our environment, but we have not seen a willingness to commit any significant resources to combat pollution.

Conversely, the administration was willing to request \$314 million for fiscal year 1971 toward the development of the SST—or nearly 800 times as much as MHD research will receive. This appears to be yet another example of our misplaced priorities.

Two articles concerning MHD published recently in the National Observer and the New Republic discussed the possibilities of this method and the shortage of funding to develop it.

Mr. President, I ask unanimous con-

like this, UMREL has designed a unique data collecting system called the Personal Progress Data Form—PPDF—which can be interpreted by a computer, but which the teacher can also use. Detailed data on curriculum, reinforcing events, performance time, and subject matter can be analyzed and compared in many ways, both for individuals and for groups.

In all laboratory efforts they follow a careful process of functional analysis, deficiency analysis, analysis of alternate systems, and, finally, selection of design and implementation of a prototype system.

The Upper Midwest Laboratory, along with the other laboratories, is developing some real improvements in education, doing the kinds of work we desperately need. Unfortunately, we have not been giving these laboratories the support they need to carry out the complicated and important job we expect of them. They are funded strictly on a year-to-year basis, and are forced to recruit highly trained and experienced professional staff from a variety of scientific disciplines—men who are in great demand—without even the minimal guarantee that their organizations will be in business 1 year later.

The work we need from these laboratories requires concentrated and dedicated efforts which cannot be planned and carried out 1 year at a time, especially while keeping watch for changes in the Federal wind which may gravely affect funding status. How far toward the moon would we have gone if we had required NASA to negotiate a new contract every year?

In an independent appraisal of the educational laboratories, the noted scholar, Dr. Francis S. Chase of the University of Chicago, came to similar conclusions: The educational laboratories are giving us what we need, but they must have better and more long-term support to live up to their promise.

I feel we can no longer afford to give only one-tenth of 1 percent of our total educational funds to research and development, as we did in 1969, while we allocate 15 percent of our defense expenditures to research and development activities. As Commissioner Allen has said, research must be brought out of the periphery of educational endeavor and into the mainstream where it belongs. We can start by giving these laboratories more money, and longer contracts to work on these difficult problems. They have demonstrated they can do the job, and they are giving us the scientifically provable results we demand. Concrete action to back up our commitment to education is long overdue.

DEATH OF FORMER REPRESENTATIVE STEPHEN PACE, SR., OF GEORGIA

Mr. TALMADGE, Mr. President, Georgians were saddened by the passing on Sunday of former Representative Stephen Pace, Sr., of Americus, Ga. Steve Pace served in the U.S. House of Representatives from 1937 to 1951, representing the Third Congressional District of Georgia for 14 years.

Steve Pace came to Congress with extensive experience in State government, having served in the Georgia House of Representatives from 1917 to 1920 and in the State senate in 1923-24. He was a lawyer by profession and also over the years active in promoting agricultural progress in Georgia. In his later years, he was especially concerned with the growing and vitally important peanut industry.

Steve Pace was a fine gentleman and an outstanding Georgian. His service was marked by distinction and dedication to the best interests of the people of Georgia and the Nation. A devoted and hard-working representative, he was respected by his colleagues. I counted Steve Pace as one of my best friends, and I am thankful for the warm association I had with him and his family over many years. His presence will be sorely missed, and my wife Betty joins me in mourning his passing. We extend our deepest sympathies to his wife and the family.

RELOCATION ASSISTANCE SHOULD INCLUDE COST RESULTING FROM HIGH INTEREST RATES

Mr. MURPHY, Mr. President, the Department of Public Works of the State of California has testimony presented to the House Committee on Public Works on S. 1, H.R. 14898, and related bills on relocation assistance. I particularly want to call to the attention of Members of Congress to the concluding remarks which are addressed to an important problem. The State of California urges the reimbursement to property owners for losses due to the present high interest rates on homes. As a former member of the Public Works Committee, I strongly supported the relocation assistance provision of the Federal-Aid Highway Act of 1969. In addition, I supported S. 1, the Uniformed Relations Assistance and Land Acquisition Policies Act, which passed the Senate on October 27, 1969.

I, too, hope that the House bill will include provisions to take care of the situation resulting from the high interest rates. I ask unanimous consent that excerpts from the statement of the State of California, which I endorse, be printed in the Record.

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

We should like to conclude our statement with a very important and crucial problem and a proposal to remedy it. It is a situation which has been brought about by the present-day nationwide economic situation and is predominately a problem in the highway program. As you know, the construction of a highway requires the acquisition of many parcels of properties from one distant point to another. All of the parcels must be acquired before the project can be commenced. California has experienced resistance from some home owners and other property owners in the acquisition of these parcels because of the loss of favorable financing. Property owners who are being displaced are being faced with the economic situation that requires them to obtain fi-

nancing for a replacement dwelling at interest rates much higher than that being paid on the acquired dwelling. California believes that this is unfair and that the property owner should not have to bear the burden of this loss because of the economic circumstances prevailing when his property is acquired.

We believe that in the highway acquisition field an additional payment should be made to such property owners computed on the basis of a schedule which relates to (1) the increase in the interest rate, (2) the remaining term of the original mortgage, and (3) the amount of the unpaid balance of the old mortgage. Such payment should also take into account the average length of time that property owners own their property and should be paid only when the owner has acquired his new residence. Such a payment should be administered at the discretion of the acquiring agency when financing conditions are such that the prevailing interest rate is substantially higher than the mortgage interest rates on the existing loans.

Governor Reagan intends to request the California Legislature to pioneer legislation to resolve this pressing hardship and inequity, and legislation will probably be introduced at the State level next week on this subject. We strongly urge that this Committee and the Congress make this problem a part of its consideration of the relocation assistance law and provide for federal participation in reimbursement for this badly needed type of payment.

SECRETARY HICKEL'S NEW POLLUTION CONTROL RULES SHOULD GO MUCH FURTHER

Mr. PROXMIRE, Mr. President, last week, Secretary of the Interior Walter J. Hickel announced new regulations designed to implement President Nixon's message on the environment. Among other things, the new regulations will impose a system of "cost recovery," which will require those industries that feed their wastes into waste treatment facilities built by the Federal Government to share part of the operating costs. The industrial share will be in proportion to the amount of waste discharged into the system.

Mr. President, I congratulate President Nixon for proposing this approach and Secretary Hickel for implementing it. Such an approach is essential if we are to make significant strides toward cleaning up our environment. However, the Nixon-Hickel plan does not go nearly far enough. It adopts the pay-as-you-pollute idea, which I originally proposed last fall, but on a very limited scale.

The bill which I introduced last November would establish effluent charges on a nationwide scale, for all industrial wastes discharged into our lakes, rivers, and streams. My bill, S. 3181, is entitled the Regional Water Quality Act of 1970. It would set up a system of effluent charges for all industry, and establish a series of regional water management associations to administer the program. The plan would provide industry—all industry—with an incentive to cut down on its waste, thereby to reduce the cost of doing business. At the same time, my proposal would bring in the \$10 billion over the next 5 years that President Nixon has said will be needed to fight water pollution.



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