

June 10, 1971

Just how dim, we can see only now.

The record is clear on where America stands in Indochina. Each day brings new violence. Each day escalates the human costs for all involved. There are more refugees. There are more casualties, both military and civilian. There are more prisoners of war and more missing in action. And with each additional loss, Americans are reminded that our Nation cannot allow the spectre of a highly dubious bloodbath of the future to blind us from the bloodbath that is going on today—every day—in Vietnam and our country is part of it. It will continue as long as the war continues, and so long as efforts to end that war are avoided and delayed for whatever excuse.

Few will disagree that the North Vietnamese and their allies are also contributing to this "bloodbath." But the question for most Americans today is, How much longer will we tolerate policies by our Government which make easy the killing and maiming and dislocation of millions? How much longer will we fuel and finance what our military planners call "saturation bombing," "protective reaction," "close air support," and other strategies and labels—devoid of much moral restraint and responsibility—devoid of much apparent concern for the plight of civilians who continue to bear the brunt of this endless war? And how much longer will we permit our national leadership to continue its policy of violence—of a no-holds-barred air war—of incursions and sanctuary operations which take the conflict, with its inevitable human toll, into new areas?

Since 1965, the impact of the Indochina war on the civilian population has been a primary concern of the Subcommittee on Refugees. We have conducted field studies and hearings. We have issued reports of findings and recommendations.

We have offered our help and suggestions to officials in the executive branch and others. Over and over again, we have tried to make the case that the people and war victims in Indochina must be a matter of vital concern to our government.

Regrettably, whatever priority our government has attached to this issue has too often been measured by the degree of congressional and public pressure than by an active moral and political concern at the highest levels of our national leadership.

Our national interest does not lie in the continuation of the Indochina war. It does not lie in the further destruction of the countryside in Vietnam or Laos or Cambodia. It does not lie in the generation of more war refugees and civilian casualties. It does not lie in the serious crisis of people spreading from one country to another.

Rather, our national interest lies in the very urgently needed effort by our Government to stop the violence and extricate ourselves from the war through appropriate decisions at the highest levels of our Government. It lies, as well, in a far greater effort to meet the vast human needs generated by the conflict.

The pending amendment reflects the overwhelming view of the American people.

The amendment deserves the active support of us all.

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

Mr. KENNEDY. I yield.

Mr. HATFIELD. Mr. President, I am grateful to the Senator from Massachusetts for his presentation today on this subject, particularly as it highlighted the problem of civilian deaths.

I should like to ask the Senator, since the subcommittee of which he is chairman has been the basic source of numbers and estimates on civilian casualties, why a Senate committee had to go out and dig up this kind of information itself. Was this information not available from other sources, without the committee having to go forth to develop these statistics and figures?

Mr. KENNEDY. The Senator is correct in this observation. We had an extremely difficult time collecting information, both in terms of numbers of refugees and of civilian casualties, as well as finding out what realistically needed to be done for the refugees.

This has been going on since the mid-1960's, when we started to investigate these problems. Still, as recently as a month ago, we had statements by Ambassador William H. Sullivan that there was not a refugee problem in Cambodia, that there had been no requests by the Cambodian Government for refugee aid, and that therefore we could not assist the Cambodians. Yet, when we want to drop bombs or provide artillery support there, I wonder how much attention has been paid to what the Cambodians ask for. When we asked Ambassador Sullivan whether we can exert some influence within their Government to provide some housing and medical attention to the people, they say that they do not want to interfere in the internal matters of the country.

Mr. HATFIELD. Did the Senator and his committee staff have to go out to develop these estimates and figures because he received the same response from the Pentagon that I received, when I asked the question as to what kind of civilian casualty records they had, and the Pentagon replied that they kept no record of estimates on the civilian casualties?

Mr. KENNEDY. We had the same response; and the figures that were made available to us, of course, are quite incomplete.

I will say that when we visited Vietnam in January of 1968, for example, we checked at various hospitals and found that official statistics on hospital admissions were understated by 10 to 30 percent and more.

This was in South Vietnam. So the Senator is correct about the fact that we have in a matter of hours collected information on the number of machineguns captured in Cambodia, and hand grenades, and so forth, about 24 hours after a military operation. But we cannot find out the number of civilians wounded in these countries.

Mr. HATFIELD. Does not the Senator agree, too, that this results in something more than just a problem of "people logistics," but highlights the moral insensitivity of the very policy we are asked to follow?

Mr. KENNEDY. I would agree with that. If the Senator will let me comment on that point and refer to a staff report of September 1970, pages 77 and 78. We were interested in the reports of bombing accidents in Laos. We were interested in what rules and regulations were being used, whether there were any violations, and whether there were any penalties against those involved in such violations. So we asked the Defense Department for a response on various accidental bombings. I shall make page 77 of this report available to the Senator, and he will see the number of communities and little villages which were accidentally bombed. Here is one, for example, which was given to us by the Defense Department:

14 January 1968. Accidental bombing of Ban Nalan Wapikhamthong Province, resulted in a reported 54 persons killed and 31 wounded. Compensation of 1,507,000 kip was paid, and other claims have not been processed by the Lao Ministry of Defense.

At 500 kips to the dollar that comes to less than \$60 and that is what we compensated for those who were killed, let alone the wounded. Those people were lucky because they were able to get some compensation—if we want to call that lucky. This is only a partial list of accidental bombings, which goes to January 1969. It is incomplete, as the subcommittee's report and Representative McCloskey have pointed out.

Mr. President, the American people do not realize that we are paying only 50-some dollars in terms of compensation for the loss of life there.

Of course, it is difficult, under any circumstances to place any dollar value on a human life. We all agree with that. Certainly these are really tragic situations.

Mr. HATFIELD. Does not the Senator agree, too, that the major number of civilian casualties are created or occur as a result of our bombing policies?

Mr. KENNEDY. The Senator mentioned that. In that connection, Mr. President, I ask unanimous consent to have printed in the RECORD a summary of the findings of an official U.S. Survey of Laos refugees, July 1970.

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

I. FINDINGS OF AN OFFICIAL U.S. SURVEY OF LAOS REFUGEES, JULY, 1970 (MUENG HIEM REFUGEES IN BAN XUAN AREA)

In the past week our three interviewers have talked with refugees, most of whom are now living in the Ban Xuan area in Site 272. The majority are from Mueng Hiem in Luang Prabang Province and Muang Son (Sam Neua). Some are Xieng Khouang, Lao from Muang Khem (around Ban Ban) who are now living at Ban That, near Phon Hong. And a few are Meo whose original homes were southwest of Mueng Sen in North Vietnam, the point that protrudes into Laos just off Route 7; after leaving North Vietnam they had moved to Muang Meh (site 46) and then to their current home at Ban Than Penp (TF 7693). The same factors that limited the report on the Plain of Jars refugees—lack of time, and weather conditions, the interviewers' lack of experience—hampered this operation too. Nevertheless, it gives some notion of what the people interviewed have experienced and are thinking about. Some findings:

1. Type of people interviewed:
The male-female ratio was 60% vs 40%.

June 10, 1971

70% of the people interviewed had never attended school.

73% were ordinary villagers, not holding any position in the village hierarchy.

18% were Mal Beng.

92 of the 97 were married, and 88 of the 92 had children.

79% of those with offspring said their children were still with them, and of the children who had left home, 15% are now with the Pathet Lao and 6% with the RLG.

2. The largest group, 22%, left their homes in 1967, 19% in 1969, 19% in 1966. Since leaving their homes, 41% have moved twice, 28% three times, and 13% only once.

3. 50% of the people said they left their homes because they did not like the Pathet Lao, 28% because they feared bombing, and 22% because they wanted to be away from the war and when the government troops came they went with them.

4. 79% said the areas in which their original homes are located were controlled by the Lao-Viet while they were there. The interviewees from Sam Neua had been with the communists since 1953, for they were caught up in the resistance movement against the French.

5. The interviewers could get only 22 people to respond favorably about their experiences with the Pathet Lao. Of the 81 who answered the question "What did you like best about living under the Pathet Lao?", 59 (73%) said they did not like anything. The lack of favorable comment on the Lao-Viet may be attributed in part to fear of reprisal. However, the fact that the same interviewers got many favorable reactions from the PDJ refugees about their experience with the Lao-Viet suggests that the 97 people interviewed this time do have some genuine feelings of dislike for the communists. A partial explanation may be found in the terrorism employed by the Vietnamese troops when first introduced into Laos in large numbers in 1963. Another factor, of course, is that most of the people spoken with are now settled and seem reasonably happy with their new homes. (54% said the land they are now on is as good as, or better than, the land at their original homes. A few of those from Sam Neua spoke wistfully about the profits from growing opium "back home". But they conceded that the land around site 272 is better than their holdings for high-land rice.)

Of the many undesirable aspects of life under the Pathet Lao mentioned, the highest number (48 of 133) items centered around forced portage. Following that was taxation (33). The other 52 negative responses fell into six categories.

6. 25% of the respondents said they first saw bombs dropped near their villages in 1964 and a higher percentage (37%) had heard of bombs being dropped on other villages in that year. 6% said they had seen bombs dropped frequently (48 out of 70). 60% said they hid in the woods during bombing attacks.

7. 25% (24 of 97) had seen people killed by bombing, although only one had witnessed the death of over seven people. The majority of those who had seen people killed (58%) had seen two or more deaths (29% had seen two and an equal number had seen three).

8. 69% said there were PL troops in the area being bombed, although only 18% had seen enemy troops killed by air attacks. A slightly higher percentage, (24%), had heard of enemy casualties being caused by bombing.

9. 82 people said the bombing made life very difficult for them—80% of this group saying they could not eke out more than a bare subsistence living after the attacks started. A point of some interest here is that only 7% said they feared death from the bombing.

10. 57% of the respondents said they had seen T-28's bombing and 40% mentioned having seen jets. 49 of 92 (53%) said they

thought the bombing was done by Americans; 30% listed the RLG as the responsible party; and 17% said they did not know who was doing it.

11. Although 25% of the respondents said they had left their home due to fear of bombing, 23% said they would return home if it were stopped. But 90% of all respondents said they would not return to their homes even if the planes stopped bombing, as long as the PL were still there. Reasons given were fear of continued war, dislike of the communists, and satisfaction with their present situation.

II. FINDINGS OF AN OFFICIAL U.S. SURVEY OF LAOS REFUGEES, JULY 1970 (REFUGEES FROM XIENG KHOUANG PROVINCE)

In the past two weeks our interviewers have talked with refugees from Xieng Khouang Province, located in twenty settlements, from the Phoung Hong area in Thadeua District. Most of them came to the Vientiane Plains with the group evacuated from the Plain of Jars in February of this year (1970). They came from 96 villages, located in 17 townships.

Bad weather and the usual travel impediments hampered the interviewers' movements and limited the scope of their findings. The lack of time and paucity of the interviewers' experience (only one of the four had ever been involved in such an experience) were also limiting factors. Nonetheless, the relatively large number of people queried should give some degree of validity to the findings, at least enough to indicate general trends of thinking.

This group of people is atypical when compared to other refugees in Laos—the length of time they spent with the Pathet Lao separates them from the mass of refugees here. A separate report is being prepared on the people who have sought refuge from their homes in Saravane, Sam Neua, and Luang Prabang. (People representing the latter two provinces now at Ban Na San—Site 272.) A cable will be prepared for the Ambassador on the 272 people.

Some findings:

1. Respondents' Background:

96 percent of the respondents admitted to having lived with a Pathet Lao administered government, 63 percent of them from 1964 until they sought refuge with the RLG in 1969.

77 percent said their children are living with them; 20 percent indicated that their offspring are now with the Pathet Lao; and the remaining 3 percent told the interviewers their children are away from home serving in the RLG.

Most of the people the interviewer talked with left their homes in 1969 (this was true

¹ For many of the questions, the number of responses is less than the total number of people interviewed, i.e. 150 may have answered one question, 180 another, etc. The primary reason for this is that I asked the interviewers not to carry the questionnaire with them while conducting the interview. They were instructed to wait until they could find a place away from the people interviewed to mark down the responses. This was done in an effort to keep the climate of the interview as relaxed and free form as possible. I also warned the interviewers about guessing when it came time to tabulate their findings, thinking it better to skip the question than have a partially recalled answer marked down. The length of the questionnaire, the driving rains under which many of the interviews took place and the generally inexact nature surrounding the whole process resulted in many blank answer sheets. Moreover, the ratio of responses to number of respondents tabulated for each question should give us a reasonable accurate picture of the respondents' opinions.

of 93 percent). Including the move which took them to their current location, 48 percent said they had moved a total of three times after leaving their home; 37 percent twice.

Nearly 50 percent said someone had arranged for their children to be taken to school—76 percent of this group said the PL had provided this service. There was an exact correlation between the location of the schooling and the parent's reaction to it—if in the village, all concerned said it was desirable; if away from the home, the people said they did not think it to be a good thing.

2. Aspects of Life under the PL:

Finding what they liked and disliked about their experiences with the communists proved to be difficult—the refugees were quite naturally reluctant to speak with strangers about their feelings toward the communists. However, the interviewers did manage to get 210 responses (more than one response was allowed) to the question, "What did you like best about the PL?" Of this number, 22 percent saw "unity" as a positive aspect of their life with the PL. ("Unity" in this sense means cooperative farming, communal arrangements for looking after children, etc.) 16 percent of the responses indicated "morality" (sintham) as a feature of life under the PL. (Note: No doubt one reason this was mentioned is the stealing of the refugees' cattle and water buffalo by the II troops prior to their evacuation from the Plains of Jars. Nine percent said they liked the PL system of education.

Forced portage was the least desirable aspect of life under the PL (41 percent of 363 response). Next was taxation (36 percent). (Ref: McKeithen report provides a detailed account of life under the PL in Xieng Khouang.)

3. Bombing:

97 percent of the people said they had seen a bombing attack—32 percent as early as 1964. 49 percent said they could not count the number of times they had seen bombs dropped, and 43 percent said they had seen planes bomb "frequently".

68 percent of 168 response tabulated indicated that the respondents had seen someone injured by bombing, and 61 percent had seen a person killed. Given the period involved for most of the respondents (1964–1969) the number of people seen killed by bombing was extremely low—32 percent had seen only one person's death caused by a bomb. The only exception to this was one refugee from Mouang Soui who reported having seen 112 people killed during a bombing raid. (Unfortunately, the interviewer who talked with this man is now sick and had to be taken to a hospital in Bangkok, so it is impossible to get any more details about this case.) The other responses indicate a generally low casualty rate.²

This appears to be true for the enemy as well. Only 18 percent of the respondents said they had actually seen Lao-Viet troops killed by bombing, and 25 percent indicated they had heard rumors of deaths caused by bombing. The one outstanding exception reported was a T-28 strike on a cave near Sieng Khouang.

² USAID refugee relief officer Edwin McKeithen reported one case involving refugees being killed by an air attack. In took place in June, 1969, as villagers from Khang Khay were being led through the Site 119 valley to Nong Pet by PL sympathizers. The group of approximately 4,000 was caught in the open by four T-28's and fired upon repeatedly. The casualties, according to McKeithen, numbered over forty. After the attack, SGU troops intercepted roughly 300 of the people and USAID moved them to site 240, in transit to Lat Saen. But before they could be moved, LS 240 fell and nearly half the people were recaptured by the enemy, presumably to resume their march to Nong Het.

angville used by the PL as a communications center. The air attack was reported as having done away with the comms installation as well as some eighty PL troops who were in the cave at the time. Other cases reported in which relatively large numbers of enemy were killed by bombing, included 20 PL meeting their end at Phou Com Phet, 30 at Phou Kha Boh, and 20 at Phou Tuong.

That the bombing raised havoc with the lives of the people while they were in the Plain of Jars area is not to be denied. 75 percent of 190 respondents said their homes had been damaged by bombing. 76 percent said the attacks took place in 1969. 99 percent of 212 respondents said the bombing made life difficult for them. 63 percent of this group told our interviewers that they were prevented from earning more than a bare subsistence living during the most intense periods of bombing. 37 percent reported building a shelter in the woods after they first saw a bombing raid.

Even after being exposed to such trials, 74 percent of the respondents said they understood the air attacks were caused by the PL waging war. But, 23 percent told the interviewers that the bombing is directed not only at the PL but also the people—13 percent said it was aimed at the people only. 71 percent of 238 responses indicated the U.S. is responsible for the bombing; only 17 percent laid the onus on the RLG. The 38 percent who had seen T-28s dropping bombs said they had seen jets doing the same thing. Their familiarity with planes was considerable; F-105s were noted in some conversations, as were "sky raiders" and P-4s (??). The PL propaganda machine has been reasonably effective, although it would seem to be aimed at a highly receptive audience.

4. Refugees' Future Aspirations:

With regard to their aspirations for the future, the responses gathered by our interviewers did not yield a very clear picture. 49 percent of the people whose answers were tabulated on this point (111 of 226) said that fear of bombing was the reason for their seeking refuge away from their homes. 29 percent listed dislike of the Pathet Lao, as the reason for leaving. 15 percent said the RLG coming in and either allowing or encouraging them to move was a primary factor in making them refugees.

The bombing is clearly the most compelling reason for moving. 57 percent of all 213 respondents said they would return to their villages if the air attacks were stopped. However, nearly 96 percent said they would not go back if the PL were still in control of their homes.

There are several possible reasons for this latter response. One might be that the people really cannot imagine having PL in the vicinity of their homes without resultant bombing. Another might be a fear of having alienated the PL by coming to RLG side, thus leaving themselves open to retribution. But probably the most intense is a simple desire to be away from the war and from all the suffering and hardships it brings.

My personal impression is that it was a combination of three factors that moved most of the refugees. The destruction of their home villages by bombing certainly instilled the type of fear that would make a person want to move. However, 31 percent of the people had lived with bombing since 1964. Though it was not as intense as in 1969, it still represented a threat to their homes and lives. Being forced to serve as a porter irritated a high percentage of the people. On the other hand, while living under the RLG brings with it some mistreatment, it is nevertheless a way of life which generally does not impose many restrictions. In my opinion, it was all these factors, coupled with the opportunity offered by the RLG's sweep over the Plain of Jars in late 1969, that brought

the people to the Vientiane government's side.

Mr. KENNEDY. Mr. President, we had great difficulty in obtaining this survey. We heard it had been made. We made a request for it. It was not made available to us for 8 months. Finally, Representative McCloskey was given a summation of it, which was put into his briefing book, and then he was able to get the complete document in Vientiane. He told us about it and then, on that very day, the Department of State made it available to us.

Mr. President, the survey shows that in 96 villages in Laos, 97 percent of the people said they had seen a bombing attack; 61 percent said that they had seen a person killed; 67 percent said that their homes had been damaged; and 23 percent said that they thought the bombing was directed at civilians.

Now, Mr. President, you and I know that the Vietcong, and certainly the Pathet Lao, do not come with clean hands when it comes to the destruction of human life—terrorist activities, assassinations, and other kinds of violence. But when we start to talk about the creation of refugees, particularly in Laos, as shown in the Government's report, the number of refugees increases by the same geometric progression as the bombing does, as it did in 1969. It is virtually identical.

After the escalation of the bombing in 1969, the one study that was made by the Government, shows that the refugees are created—and it states this clearly—as a result of our air activity. I think that is something which has been much disputed, but the facts are clear.

Mr. HATFIELD. I thank the Senator for his comments because I believe he would agree with me that when we consider we have a ratio of firepower to our adversary of about 500-to-1, and when we consider the number of troops and bombs we have dropped on various parts of Indochina, it works out to be about 160 pounds for every man, woman, and child there. When we also consider the fact that we have in one operation at Lam Son 719—the invasion into Laos—151,837 air sorties, just in that one operation, it is apparent that the refugees and the casualties that result from bombings have a distinct relationship to the overall military policy that we follow.

I am sure the Senator would also agree that when we consider we had only about 40,000 troops in Vietnam in February 1965, when we started the bombing of North Vietnam; even when we are told that the troops will be withdrawn by a certain date, whatever that might be, that does not say that we will stop the bombing or that civilian casualties will cease, because as the Senator from Massachusetts knows, we have very important air power in Thailand—as well as the 7th Fleet—that is used in action over Vietnam or Laos or Cambodia. So it does not take thousands and thousands of ground troops to maintain a bombing policy.

The Senator has commented today on the matter of refugees and casualties and the other comments he has made. They

certainly focus attention upon the moral implications of this war.

I cannot conceive why the Pentagon would say it is so unimportant that they have no record of civilian casualties. Yet they expect us to accept without question the policy that has had this kind of result, and especially since we have signed international treaties and made commitments to other nations in joint action with them not to bomb villages that are defenseless and not to bomb medical supplies or medical centers or medical facilities.

Yet I am sure the Senator is aware not only of those treaties that we have signed indicating we would not do those things, but he is also aware that we have even talked about having done so. As part of a progress report to the American people on May 3, 1970, the Vice President on the Program "Face The Nation," speaking of the Cambodian operation said,

The purpose of the strikes is to the sanctuaries is not to go into Cambodia, but to take and reduce these supply depots, the hospital complexes,

I want to underline that—"the hospital complexes"—the command network, the communication, etc. . . .

I want to carefully and explicitly quote from article XIX of the Geneva Convention that we signed as a treaty, which reads as follows:

Geneva Convention for the Amelioration of the Conditions of the Wounded and Sick in the Armed Forces (Article 19) states: "Fixed establishments and mobile medical units of the Medical Service may on no circumstances be attacked, but shall at all times be respected and protected by the Parties to the Conflict."

I think here again it shows a moral impoverishment on this whole policy.

Again I express my appreciation to the Senator from Massachusetts for focusing upon this facet of the war today.

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

Mr. HATFIELD. Mr. President, I yield myself 5 additional minutes.

Mr. KENNEDY. Mr. President, I commend the Senator from Oregon and the Senator from Dakota for introducing this amendment.

I would hope that this colloquy and the statements made in my prepared remarks today would remind the Senate that just withdrawing the last American is not going to fulfill our responsibility to the people of Indochina. We have a very basic and fundamental responsibility in seeing that the violence ends and that it ends on the ground and from the air, and that we do not leave a situation where Asians are killing Asians, and that the United States is part of that operation.

I would certainly hope that this dialog would help remind us all of the impact this war is having on the people of Indochina. We have a very serious responsibility to them that can only be achieved through a political settlement of the conflict.

But the level of fighting continues. The flow of refugees continues. The civilian war casualties mount each day. More

people are made homeless. Children are losing their arms and their legs, as well as their parents. It is our responsibility to end the war and to help in the reconstruction of that region.

A South Vietnamese child now has to wait about a year for a prosthetic device if he loses an arm or a leg. Yet, we can get the military gear and equipment that is necessary over there in little time. I am all for getting the military equipment there to insure that the lives of American servicemen will not be endangered.

But it seems to me that we have been talking about this for years and years, that this whole aspect of the impact of the war on the civilians has not received anywhere near the priority it should receive.

Mr. President, on another aspect of this matter, I wrote a letter to the Secretary of Defense on May 10, asking him questions about various military terms and asking him to describe the definitions for the various military terms and what impact the Defense Department thought they would have on the civilian population.

I asked him for the intensity of the impact on the civilian population of the American air war in Laos. I asked him to make some kind of study of this question and for photos of various villages we listed, from which we had heard from refugees and volunteer service people about how they had been destroyed. So far, we cannot find out about this.

I also asked about the rules of air war and what kind of protection is given by the various services to the civilians. I have not received a response from the Secretary of Defense.

There were a number of questions. However, the time is getting late, and we still have not heard from him.

I thank the Senator from Oregon for yielding the time. I appreciate the comments he has made. He has provided great leadership on this whole question of our policy in Southeast Asia.

It is a pleasure to be able to join with him today in support of the amendment. He has cosponsored with the Senator from South Dakota.

Mr. HATFIELD. Mr. President, I am grateful for the contribution of the Senator from Massachusetts and for engaging in this colloquy today.

Mr. President, I yield the floor. Mr. STENNIS. Mr. President, as the floor manager of the bill that has been under debate all these weeks, I assure my friend, the Senator from Oregon, and others that I have no objection whatsoever to this amendment being offered to the bill. In fact, I welcome discussion of it and continuing our discussion of last year.

I do point out that at the moment while we are handling this subject matter today, we should be entitled to the recommendation, one way or another, of the Foreign Relations Committee on a subject matter of this kind.

It is a matter of great interest. It is of interest on the part of the people and is of interest on the part of the membership in the Senate.

We will have a good debate on it. Many Senators are well informed on it.

At the same time, in a way it is coming in the side door, because it does not have the detailed analysis, the hearings, the recommendations, or a report of some kind.

If there were dissenting opinions, we do not have the dissenting opinions. We do not have the facts to back it up.

These are not casual matters. They are highly important. They are part of our system.

So we have to do the best we can.

This does have something to do with manpower. This is a manpower problem and it is related by subject matter in that way. However, the policy question involved is foreign policy. It is not an attack so much on the conduct of the war, which might under some circumstances be a military matter. This is a question about the policy of the war in Indochina.

Mr. President, I am opposed to this amendment, primarily, not because I am the chairman of this committee or handling this bill on the floor as what we call the floor manager. I was opposed to ever going to Vietnam with military power as early as 1954.

I mention that to show my background of thought on it. I was opposed to ever going in there. However, once we did go in, I have backed it and I do that as a matter of principle.

I have never been able to swing myself around to the proposition of opposing it without believing that opposition helped the other side. I am opposed to this amendment because I believe that in the long run our Nation will be better off in the decades ahead, far better off, and especially so in that part of the world, the Asian part of the world, Pacific Asia, if we hang on, hard as it may be now, and bring this war to an end, an end that is something less than an abject surrender.

I do not believe it has been a failure. I believe that much good has been gained and much value for America's future has been realized because of the loss of these men's lives.

I opposed going in there. However, I do not subscribe to the idea that it has been altogether a failure or that there was nothing gained for our Nation and the free world because of the sacrifice of these boys.

I do not want a single additional one of them to lose his life. At the same time I do not want to throw away whatever value might be gained by those who have already made the supreme sacrifice. I believe this would be a mandate for legislative withdrawal. That is what this would be if this amendment should pass and become law. If it should be agreed to, the influence of it would almost amount to a mandate, and that would be a legislative withdrawal.

I believe there should be legislative action before we commit ourselves to a war. I have said so many times, and I have said so recently in this Chamber, I believe the Commander in Chief does not have unlimited authority and power, but after we are in there and after we said to other nations that we are going to take a position and we got in and we are there, I do not believe in an abject sur-

render and I do not believe in a legislative withdrawal. We have to hang our policy and power on a different peg if we are going to be successful in the years ahead.

We are all concerned about the prisoners of war. We are vitally concerned. That is a great "ace in the hole," so to speak, for Hanoi. I have been concerned about it, and I know the President is concerned about it. This is one of the worst features about the whole war.

But I notice in this amendment, and I have the greatest respect for and subscribe to all that has been said about the motives of the authors, it is stated:

Sec. 302. (a) Subject to the provisions of subsection (c) of this section, no funds authorized or appropriated under this or any other law may be expended after December 31, 1971, to support the deployment of United States Armed Forces in or the conduct of United States military operations in or over Indochina.

As I see it that is a complete withdrawal. Money could not be spent to deploy U.S. Armed Forces in Indochina or to conduct U.S. military operations in Indochina or over Indochina. So here with one stroke of the pen we take away all military assistance we might have and everyone agrees, as I have said, that with an abject withdrawal of that kind, not even giving those local armies or military units air support, the odds against them would be greater.

Personally I believe they could not stand the military pressure without air support, at least. I hope they could, but I do not believe it and I believe that point is a major part of the debate. That is why I am making it, and that it why I am making it early, and let it be answered by anyone who thinks he can.

Let us get back to the amendment. In section (3) it is stated:

If, after sixty days after the date of enactment of this Act, North Vietnam and other adversary forces in Indochina holding American prisoners of war have not made arrangements—

What are "arrangements"? I will skip beyond that and continue to read:

For the release and repatriation, by December 31, 1971, of all such prisoners:

(1) The date in subsection (a) shall be extended for sixty days,

What good would 60 days do? If they are going to have 6 months, approximately, what good would 60 days more do here? I do not see anything to it except that it extends the first 60 days after the date of enactment. So I do not believe that adds anything.

Subsection (2) states if this has not been done the way we want it done with respect to the prisoners of war we have an alternative:

The Congress may by joint resolution authorize such further action as is recommended by the President to secure the release and repatriation of American prisoners of war.

Of course, Congress has that authority. The key point is, "such further action as is recommended by the President," which means we throw it right back in the President's lap.

The first part of the amendment takes it away from the President, then we give

dollars, do we have to expend in order to have a reasonable time for the South Vietnamese to stand on their own feet?

Until we set a date certain, in my opinion, that South Vietnamese regime, headed by Thieu and Ky, is not going to do other than depend upon military presence for its political base. I have seen nothing, including the latest electoral law that was passed by the Vietnamese Parliament, that indicates to me that this regime has gone out to establish any sort of legitimate popular political base. They are so concerned about opposition and competition that they have to restrict it so that only one candidate can easily run for President. That is how unpopular and how unstable that regime is. Yet, we are asked to continue to pour out lives and money. For a few more months, a few more years? How long?

I should like to point out, too, that I think this is a very interesting question that should be answered: Why is it that the North Vietnamese, without an air force, having been subjected to the most intensive bombing in the history of warfare, have been able to maintain this kind of offensive, militarily speaking, politically speaking, when we consider the fact that the South Vietnamese are about equal in size and strength, in population, but the North Vietnamese are so much inferior in military manpower? The North Vietnamese have approximately 200,000 of their soldiers, according to the Pentagon, in South Vietnam, another 400,000 under arms in North Vietnam. The South Vietnamese have more than a million men under arms, trained and equipped by this country.

Why is it, with respect to the so-called cost for freedom that we like to oversimplify, that the side that supposedly stands for freedom, South Vietnam, is so weak that it cannot even sustain its own political base? Why?

Then we look at the Communist North. Are we being told today that there is something more inspirational about the Communist North than we have seen in the South? I hope not. I know that my colleagues do not intend to say or imply that. But that, in a sense, is exactly the point.

All these years of pouring all this wealth and manpower into South Vietnam somehow has not been able to create enough of a political base or a political cause for the South Vietnamese to stand on their own feet now; whereas, throughout this whole period of time the North Vietnamese and their cause, expressed by the Vietcong, the National Liberation Front, have been able to sustain this kind of war, where their supply lines are long and complicated, through the Ho Chi Minh Trail. It is said that the Russians supply them and the Chinese supply them. But it should be remembered that the supplies that the Russians and the Chinese give them must be brought into the action. And where is the major action? In South Vietnam. I am constantly surprised by the many people before whom I have spoken who have shared these views. They said, "Do you mean the major part of the war is still being waged in South Vietnam?" That is where it is. That is

the area of our so-called base and our strength and our stronghold.

I think we ought to ask ourselves this question: Why is the North so powerful and why is the South so weak, after all these expenditures and investments?

Then we are told: Just a few more months, maybe; just a few more years. Maybe a hundred thousand more civilian deaths and another ten thousand American deaths. What is the criterion? How many do we have to slaughter, what do we have to sacrifice, in order to provide the South Vietnamese government with a reasonable chance of being able to defend itself?

The President of the United States has made this very clear. Many Americans have to listen to him. I certainly do not criticize the President of the United States. He has been very consistent. But the point is that the American people have not listened carefully, on the basis that they want to get out, on the basis that they expect to get out, and believe they are. But the President has always put a very interesting addition to the matter of Vietnamization. That is why this administration fights this amendment—because they see that it separates the constitutional questions: This administration has said that:

We are not going to have our prisoners of war home or we are not going to be completely out of Vietnam until we have had a reasonable period of time for the South Vietnamese to stand on their own feet as a government.

So here is the political commitment. That is the political base upon which this administration is evidently waging this war—maintaining our presence in South Vietnam at any level.

So I feel now that this amendment is not so much a challenge to the President as it is to this body to look at its constitutional responsibilities and to act thereupon.

Again let me emphasize that I believe these have been probably the best compilation and the finest stated facts and arguments, that the Senator from Mississippi has used today, that we face all over this country. He has compiled them beautifully, in putting them together in succinct form, and raising them as arguments against the amendment. I commend him for this, because only through discussion and debate can we really get these points and understand them more clearly. I am grateful to him for that contribution.

Mr. President, I ask unanimous consent that a statement by the Senator from South Dakota (Mr. McGovern), who is recovering from an operation and could not be with us today, be placed in the RECORD at this point.

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

STATEMENT BY SENATOR GEORGE MCGOVERN

The Senate today undertakes debate on a proposal which represents the one means of assuring an end to our involvement in the Indochina war.

Last September first a similar proposal was defeated by a vote of 55 to 39. Next Wednesday we will have an opportunity to correct the clear error of that decision.

Last September opponents of this Amend-

ment expressed concern over the safety of withdrawing forces. Since then over 2800 more Americans have died in Indochina, and another 11,250 have been wounded. Today we have reason to believe that the terrible sacrifice could end within hours after the date has been set. And we have another nine months of experience to prove that the tragic toll will continue mounting until we take that step.

Since last year we have discovered a new menace to the young Americans we have sent to Indochina. As many as four a week are dying now from addictive drugs, supplied not by enemy forces but by the very people we are trying to save. An estimated 15 percent have fallen victim to the drug peddlers, to a threat no less deadly than that posed by enemy soldiers.

Since last year we have seen further clear evidence that "Vietnamization" cannot and does not contemplate an end to the war. The continuation of bloody combat in Cambodia and the invasion of Laos illustrate that Vietnamization is instead a formula for endless and expanded conflict and for a permanent American involvement.

Since last year we have seen, through the raid on a vacant prisoner of war camp in North Vietnam and through Administration statements, that there is a desperate lack of hope in Vietnamization for the release of our prisoners of war. The Administration has, in effect, turned the keys to their prisons over to the Thieu-Ky government. The Administration is willing to continue the war so that the Saigon regime can survive until some unknown date instead of setting a withdrawal date which has every chance of bringing our prisoners home. Saigon's demands for further U.S. sacrifice are given a greater priority than the yearning of our prisoners to be returned to their families.

Since last year the Gulf of Tonkin resolution has been repealed, eliminating the only vestige of Congressional authority for the prosecution of this war. Having the clear power to end it, we mock the very foundations of our Republic each day we let it go on.

Since last year the most reputable public opinion polls have told us that nearly three-fourths of the American people believe our armed forces should be withdrawn from Indochina by the end of this year. Can we refuse again their plea, and still point with pride to a form of government which is responsive to the people?

It is impossible to believe that further bloodshed will affect the future of Indochina. Ultimately the people of those ravaged countries must choose their own course. Ultimately they will.

By postponing that event, we can only assure that there will be no future at all for many more young Americans; that others must live out their lives with gravely injured bodies and minds; that still others will languish indefinitely in Indochinese prisons.

Our amendment offers the best chance of achieving realistic goals in Indochina.

It will provide a clear test of the adversary's pledge to free American prisoners. I believe they would all be returned before the end of the year.

It could bring an immediate end to the killing and crippling of young Americans. I believe we could expect a ceasefire almost at once.

And it will serve notice on the governments of Indochina that they must move now to determine their own futures.

The PRESIDING OFFICER. Who yields time?

Mr. HUMPHREY. Mr. President, will the Senator from Mississippi yield to me?

Mr. STENNIS. How much time does the Senator desire?

Mr. HUMPHREY. Seven or 8 minutes.
Mr. STENNIS. I yield 10 minutes to the distinguished Senator from Minnesota.

THE LYNDON BAINES JOHNSON LIBRARY AND SCHOOL OF PUBLIC AFFAIRS

Mr. HUMPHREY. Mr. President, the Senator from Arizona (Mr. GOLDWATER) and I join together today in placing in the CONGRESSIONAL RECORD the dedication program of the Lyndon B. Johnson Library and other pertinent information on this impressive collection of Presidential papers.

Having been nominated by our political parties for the high office of President, we bring this information to the Senate with a keen appreciation of the Presidency in our country's political life and a personal understanding of the tremendous demands that are made upon the person who fulfills this responsibility.

Just prior to his election as President, John Kennedy summed up the duties in this way:

There, on that one desk, on his shoulders, will converge all the hopes and fears of every American, and indeed all the hopes and fears of all who believe in peace and freedom anywhere in the world. Whatever the issues, however critical the problem may be, the President will sit alone at the apex. He will have his advisers, his Cabinet, his own sources of information and ideas. But the responsibility, the burden, the final decision must be his and his alone.

For four years, the reins of the Nation will be in his hands and the burdens of the world will be on his back. For four years, no other decision . . . will be so fateful . . . (for our) country. No other act . . . will entrust so much of (our) future to one man, his party and his honor.

Americans need to know far better than they do what is involved in being President of the United States—the tremendous range of power, the vision, the talent, the skills that are required.

Americans need greater knowledge of the expansion of duties that has taken place in this complex office as our Nation has grown and become a global leader.

They need to understand more fully what Aristotle called the "master art"—politics, the wisdom of Solomon that is required by a Chief Executive in balancing the national interest and welfare against sectional, State, and local interest.

In making available the voluminous papers and documents of his long political career, President Johnson provides scholars and others interested in the study of Government with a unique opportunity for in-depth study.

There are few men who have occupied the office of President that have had as long and as varied a public career as President Johnson: Congressman, Senator, majority leader, Vice President, and President. His public life spans some 34 years of our country's most interesting history.

As his legacy to the Nation is assessed, I believe that President Johnson will be regarded as one of our great leaders—an extraordinary President, with extraordinary accomplishment.

In the domestic area alone he must be regarded as a legislative giant. It is unlikely that any President in the near future will find it possible to match his monumental successes with the Congress.

Legislation that had been pushed for years in the social welfare area finally became a reality during the Johnson years: medicare, aid to elementary and secondary education, model cities, Appalachian regional development, new protection for consumers, housing, manpower training, the antipoverty program with such efforts as community action, Job Corps, Neighborhood Youth Corps, VISTA.

And then there was the landmark progress in civil rights—the greatest step forward this Nation had made since Reconstruction, the passage of the Civil Rights Act of 1964 and voting rights legislation.

To this list must be added immigration reform, air and water pollution control, new Cabinet level Departments of Housing and Urban Development and Transportation, mass transit, the creation of an Administration on Aging, space exploration, library services, land and water conservation, highway beautification.

The Johnson successes were so numerous that it prompted the leader of the Republican Party in the Senate, Everett Dirksen, to exclaim:

This isn't the Great Society—it's heaven.

In the international field there were such landmarks as the United States-Soviet Civil Air Agreement; the Glassboro summit talks; the United States-Soviet Consular Convention; the agreement with the Soviet Union to discuss limitation of all offensive and defensive weapon systems; the agreements with the Soviet Union and other major nations to the treaty banning proliferation of nuclear weapons and to the banning of these weapons in outer space and prohibiting bases and fortifications on the moon.

The United States joining with Asian nations in establishing the Asian Development Bank and in fostering regional development in Asia; the agreement to prohibit weapons of mass destruction from the seabeds; the food for freedom program; the Kennedy rounds on trade; the International Monetary Conference; his efforts toward peace in Cyprus, the Middle East, and parts of Africa; the aid to India during the famine crisis; the opening of initiatives with China; and the President's dramatic efforts to get peace negotiations underway to end the war in Vietnam.

However, I am inclined to agree with political scientist James MacGregor Burns that students of government will remember Lyndon Johnson for the following reason:

He was the first President to recognize fully that our basic social ills are so rooted in encrusted attitudes and stubborn social structure that no single solution or dramatic crusade will solve them; the first President to see clearly that only a total attack across the widest front, with every possible weapon, would bring a breakthrough; and the first President to propose basic institutional changes to make a total attack possible.

And as he further observed:

History has a way of siphoning into oblivion the petty and the irrelevant and of measuring up the real stature of the man.

I have no doubt that history's judgment will deal kindly with the man with whom I served as Vice President.

That judgment will be aided by the vast record of the period that has been assembled on the campus of the University of Texas.

How appropriate, in view of the President's deep interest in education—it was perhaps the cause closest to his heart—that his library should be affiliated with a university and include a school of public affairs. This will insure that the library will not become merely a museum of unused collections of papers, but it will remain a living, active source of study for years to come.

This is a great and a big country and national treasures of this type should be dispersed throughout our land. Therefore, I am also pleased that the library and school of public affairs are located in Texas, rather than Washington, D.C.

I know that the location of President Eisenhower's library in Kansas, President Truman's library in Missouri, President Hoover's library in Iowa, and President Franklin Roosevelt's library in New York has made rich and lasting contributions to those areas.

Now I am pleased to join with Senator GOLDWATER in asking unanimous consent to have printed in the RECORD certain pertinent material on the dedication ceremonies, the library, and the Lyndon B. Johnson School of Public Affairs.

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

PROGRAM FOR DEDICATION OF LBJ LIBRARY AND SCHOOL OF PUBLIC AFFAIRS, SATURDAY, MAY 22, 1971, 11:30 A.M.

Presiding: The Honorable Frank C. Erwin, Jr., Member and Former Chairman, Board of Regents of The University of Texas System.

Mr. ERWIN. The Invocation will be pronounced by the Reverend Billy Graham. Please rise.

Dr. GRAHAM. God of our fathers, by whose grace this nation was founded, and by whose providence we have survived, we ask You to bless all of us who have gathered here today to dedicate this Library and School honoring Lyndon Baines Johnson. We are grateful that he and his wife chose to give the best years of their lives in public service. We thank Thee that we live in a nation where it is possible for a boy to go from a Texas farm to the highest office that his country could bestow. Grant that from the studies made in this building, we may learn the lessons that only history can teach us, and that future leaders of America may profit from them as they guide our nation in its search for justice and peace. Help us to recognize that the fear of the Lord is the beginning of wisdom. Help us as a people to understand once again our spiritual heritage and the necessity for full dependence on God, as we face the crisis of today and tomorrow, for we ask it in the name of Jesus Christ, our Lord. Amen.

Mr. ERWIN. Thank you, Dr. Graham. Mr. President, Mrs. Nixon, President Johnson, Mrs. Johnson, Distinguished Guests—

On behalf of the Board of Regents, the Administration, the faculty, and the students of The University of Texas, I am pleased to welcome you most cordially to this significant and historic event.