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Nixon's declared intention to roll back Supreme Court decisions that he thinks have gone too far in a libertarian direction.

Criticism of the Court is not misplaced. Men with no political interest think its performance in recent years has too often been doctrinaire, infatuated with the joy of doing good, insufficiently conscious of the modesty due from appointed judges and to casual in the analysis whose persuasiveness alone can justify judicial power.

WHAT THE COURT NEEDS

But the tragedy is that the appointment of narrow men, men of limited capacity, will make things worse, not better. What that Court needs is not more war of doctrine, in which moderation is crushed.

The Supreme Court today needs more reason, more understanding, more wisdom. If it has strayed too far from the true vision of American life, as the President believes, those are the qualities that will bring it back. There is nothing wrong with the Supreme Court that G. Harrold Carswell can cure.

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 Peo'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 Peo'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.

DEPLORABLE CONDITIONS OF THE AMERICAN INDIAN

Mr. MONDALE. Mr. President, in recent months the Senate has clearly documented the deplorable conditions of the American Indian. First, the Special Subcommittee on Indian Education issued its report entitled, "Indian Education: A National Tragedy—A National Challenge." That monumental study of the manner in which we educate—noneducate may be a better word—Indian children made it very clear that Indians do not receive equal educational opportunities.

That report was followed in January by the release of the Joint Economic Committee's compendium, "Toward Economic Development for Native American Communities," which revealed some of the reasons why Indians are always first—in sickness, unemployment, suicides, and a host of other statistical categories.

Today, I offer for your attention another study. This was not performed by the Federal Government, but by the Minneapolis Star & Tribune Co.'s metro poll. In a 600-person sampling in the Minneapolis-St. Paul metropolitan area, the poll, published in the Minneapolis Star of January 27, 1970, showed almost half of those interviewed believe the Indian is treated unfairly today. They pointed out that inferior jobs, job discrimination, and unequal education are some of the ways in which Indians are treated unfairly.

An overwhelming percentage—82 percent—said that special efforts should be made to train Indians and find jobs for them. This percentage would seem to indicate a willingness of a number of people to assist Indians in seeking employment and to support Federal endeavors to train and employ Indians. I hope that the information from polls such as this, as well as the documented materials in the two committee reports mentioned earlier, will assist us in planning and implementing programs for Indians.

Mr. President, I ask unanimous consent that the results of this poll be printed in the RECORD.

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

BIG MAJORITY IN AREA SUPPORTS GIVING INDIANS JOB ADVANTAGES

Twin Cities-area Indians should be given preferential treatment in job training and placement, according to 8 of 10 area residents