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Somewhat related to these problems is that of decision making. I believe it my duty to encourage a full expression of employee views on FBI problems, and I do so encourage, quite contrary to statements made by some of the critics. I believe it my duty, as the appointed head of the FBI, to review all views and make the final decision, except where it should be referred to higher authority. I believe it the duty of the employee, once the final decision is made, to either faithfully carry out the directive or marshal convincing proof that it is in error. I submit for judgment the belief that there is no other way to operate and efficient law enforcement organization.

Perhaps the earlier reference to enforcement of the law within the strictures of the law brings up the subject of wiretapping. Being sure that it will come up at your conference, I would like to ask a favor of your group in the interest of fairness. I would think they would wish to show in their report, if such be issued, that Federal law permits wiretapping under controlled circumstances. Further, that in each and every wiretapping, regardless of circumstances, the FBI first obtains the written approval of the Attorney General. Also, that with respect to the wiretapping which occurred before passage of the present Federal statute, the FBI followed the opinions of a long line of Attorneys General that wiretapping was legal. Your attention is called to 63 Yale Law Journal 792, where the then Deputy Attorney General of the United States said, in part, that "It has long been the position of the Department of Justice that the mere interception of telephone communications is not prohibited by Federal law . . . every Attorney General, commencing with William D. Mitchell in 1931, has endorsed the desirability and need for the use of wiretapping as an investigative technique in certain types of cases." All these facts may be well known to your group, but for some reason they often are omitted in public charges that wiretapping by the FBI is without lawful basis. Some critics would have the public believe that the FBI has acted totally outside the law, when the fact is that we simply followed the legal advice given to us by the Attorney General. Your group can set the record straight for all to see, and I hope that you will do so.

These remarks cover the salient points of our "defense" and perhaps not so briefly as either of us might have wished. Obviously they do not cover everything. The ingenuity and the tenacity of our critics preclude a total answer. Were I to attempt to answer all charges I would be debating in this forum or that every day of the year, to the neglect of my duties. If I were to attempt to so answer, any critic could make any charge, even one totally fabricated, and force me into a forum of his own choosing. The result is that many charges must go unanswered. Some are false on their face, some are false by twisted innuendo, and some could be proved false only by the use of information which must be kept in confidence for legal or investigative reasons. This is not to deny that we, and I, have made mistakes. The judges and others sometimes have so advised us. We are only human.

One final thought. No remarks in our "defense" will still the voices of the critics, and these are not intended to do so. The critics have their rights of free speech under the First Amendment and I am sure they will continue to use those rights to the hilt. In at least many cases, we are denied an effective answer. As the Supreme Court has said so perceptively, ". . . it is the rare case where the denial overtakes the original charge. Denials, retractions, and corrections are not 'hot' news, and rarely receive the prominence of the original story." *Rosenblood v. Metromedia*, 39 L. Ed 2d 296, 313 (1971). I hope that in bringing charges against us, if such be the case, you will bear in mind this handicap under which we must labor and bring it to public attention. Elementary fairness seems to so

require. Moreover, a public official such as myself cannot successfully sue for libel or slander, even when the charges made against him are totally false, unless he can prove that those charges were made with actual malice. This is extremely difficult to prove, as anyone familiar with the recent court decisions on libel and slander well knows. The result is that in so many cases of criticism my only recourse is that of taking some personal pleasure in knowing that the critics have abundantly proven, in the reams and volumes that they have published, that one of their principal charges—that I am beyond criticism—is totally false.

I suggest that if evidence like that which I have briefly described here is fully developed and exposed to public view, the ultimate "verdict" must be that the FBI is a lawfully composed and operated public agency, staffed by honest and reasonably intelligent citizens doing a difficult job in the best way they know how and, moreover, doing it quite as well as it could be done by anyone else. While it may be quite true that we deserve some criticism, I think we also deserve an "acquittal." I think any deep and fair inquiry will command this result, and I remain hopeful of it despite the obviously partisan statements made by some of your group in announcing that the inquiry would be held.

Very truly yours,

JOHN EDGAR HOOVER,
Director.

THE REJECTION OF THE FOREIGN AID BILL

Mr. MONDALE. Mr. President, I recommend to the Senate a report yesterday by Charles Bailey, head of the Washington Bureau of the Minneapolis Tribune. His story quotes the President's counselor, Clark MacGregor, as describing the administration's legislative objective on the issue of foreign aid as being to "paint the Senate into a corner" by obtaining quick passage of a continuing resolution in the House.

Mr. MacGregor is further quoted as ascribing the defeat of the foreign aid bill to a temporary "mood" of anger and irritation.

Assuming that this accurately describes the administration's view of the Senate vote on the foreign aid bill, I am afraid that they have profoundly misunderstood the significance of that action.

Though I for one believe that the rejection of the entire aid bill was illadvised, I think we all have to recognize that this vote was the product of legitimate concerns over very real problems of both policy and administration in the conduct of our foreign aid program.

It will simply not do to dismiss so easily the many Senators who were long-time supporters of foreign aid, whose vote against the aid bill last Friday was cast after thoughtful consideration. We have only to read again the remarkable speech of the Senator from Idaho (Mr. CHURCH) as an example of the depth of feeling and analysis on this subject.

These problems with aid will not go away with some parliamentary tactic to embarrass or isolate the Senate. And they are certainly more than a passing irritation.

I believe we must revive the aid program. But there is no question that we must also reform it.

We can do neither if the administration fails to credit—as Mr. Bailey's story

indicates—the seriousness and integrity of the Senate in dealing with the issue.

I ask unanimous consent that Charles Bailey's dispatch published in the Minneapolis Tribune be printed in the RECORD.

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

NIXON FEELS AID BILL CAN BE REVIVED
(By Charles W. Bailey)

WASHINGTON D.C.—Nixon administration strategists are confident they can revive the foreign-aid program—killed by the Senate in a surprise vote last week—with the help of Democratic leaders in the House of Representatives.

Clark MacGregor, the former Minnesota congressman who is Mr. Nixon's top legislative counselor, told the Minneapolis Tribune Monday that he has "no doubt" that the Senate will reverse its action when it gets another chance to vote on the aid program.

MacGregor said he expects the House, with the backing of both Democratic and Republican leaders, will quickly approve a temporary extension of the aid program and send it to the Senate for another vote next week.

The objective, he said, is to "put pressure on the Senate to reverse itself—to paint the Senate into a corner by showing that a bipartisan foreign policy is still alive in the House though it may appear to be dead in the Senate . . . to show that the Senate is out of step with the House and with the President."

In an interview, MacGregor conceded that the administration might itself have contributed to the Senate rejection of the aid bill—by thinly veiled threats to veto the measure unless some restrictive clauses were removed, and Mr. Nixon's harsh words condemning the "glee" of some United Nations delegates after the world body rejected the U.S. proposal on Chinese representation.

But he said the main causes of the 41-27 vote to kill the program were the "unfortunate" timing of the vote, "a series of nagging irritating incidents" that angered key senators, and the disillusion of Democratic members of the Foreign Relations Committee after the Senate "rebuilt" the bill by striking out a number of committee provisions.

MacGregor, who left Washington before the Senate vote for a college football weekend and family reunion in Vermont, said the administration did not expect a vote Friday night—and did not anticipate that 27 senators would be absent when it came.

MacGregor said he checked with his aides at the Senate on Friday afternoon and then left town under the impression that there would be no problem over final passage of the bill. He said the fact that the administration had to concentrate on dealing with many amendments to the measure kept it from foreseeing the threat to the bill itself.

Mostly, however, MacGregor ascribed the Senate result to a "mood" in which "people got angry." He said that "if you could take the same bill, and bring it up, say, at 2 p.m. next Wednesday, it would pass."

He said House leaders and ranking committee members in both parties are being counted on to push a "continuing resolution"—a temporary expedient to keep the program going beyond its current Nov. 15 cutoff date while new permanent authorization is written—and also to move a formal appropriation bill through the House.

For the time being, MacGregor said, the administration is "asking some of our friends on the Senate Foreign Relations Committee to sit back and look the situation over" pending House action.

The six active Republican members of that committee either voted for the bill or were announced in favor of it on the Senate roll-

call. None of the committee's nine Democrats, who in the past have favored the program, voted for it.

MISSING IN ACTION OR PRISONERS OF WAR?

Mr. BAYH. Mr. President, I invite the attention of the Senate to an article entitled "Missing or Dead? Some POW Relatives Say They Are Misled by American Officials," published in the Wall Street Journal. This well-researched article tells the story of countless families who are still trying to guess whether their loved ones who have been classified as missing in action could possibly be prisoners of war or whether they are simply missing in action, because they are dead.

I am particularly aware of the pain involved in this guessing game, because Quentin R. Beecher is the son of close family friends of Marvella's and mine in Terre Haute, Ind. In 1967 Quentin crashed his helicopter 18 to 25 miles out in the South China Sea. There was no water-survival gear aboard, and an extensive 2-day rescue effort turned up nothing. Quentin's parents have long since come to the difficult conclusion that Quentin is dead. And yet, the Army will not remove their son from the list of those "Missing in Action." The resulting ambiguity is unsettling at best and suspect at worst.

Frankly, I have wondered if the reason for combining the prisoner-of-war numbers with the missing-in-action statistics is to boost the number of "war hostages" from 463 to around 1,600. Of course, this blurring of distinctions is necessary in some cases where true uncertainty exists as to the status of an individual. However, the bulk statistic of 1,600 prisoners has become more than a neutral figure; it has been used repeatedly by administrative sources as one important justification for staying in South Vietnam, despite the sincere protests of many—including myself—who believe that fruitful negotiations over prisoners can take place only after each side has made a forthright commitment to ending the war.

President Nixon has not yet shown the way to end the war; he has only taken steps to remove the war as an issue in 1972. But winding down the war will not secure the release of our prisoners; perhaps the administration understands the dilemma since we no longer hear the argument in favor of staying in Vietnam to secure the release of our prisoners. Just this summer, Republican National Chairman ROBERT DOLE said:

We have to be very candid about it. We don't want to stay there just for the prisoners, we don't want to get out just for the prisoners. They're very important, but they represent less than one half of one percent of the Americans who've died in Vietnam.

Meanwhile, countless families of the 1,600 young men must live with painful doubts—doubts over whether the term "missing in action" means their sons are prisoners of war or simply dead, and doubts as to whether the Government is really dedicated to securing the release of prisoners.

I ask unanimous consent that the article be printed in the RECORD.

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

MISSING—OR DEAD? SOME "POW" RELATIVES SAY THEY ARE MISLED BY AMERICAN OFFICIALS

Four years ago, Mr. and Mrs. Samuel Beecher Jr. of Terre Haute, Ind., received a telegram from the Army:

"Your son Warrant Officer Quentin R. Beecher has been missing in Vietnam since 11 June 1967. . . ."

Two months later, the Beechers learned from the Army that their son's helicopter had run afoul of violent thunderstorms, become hopelessly lost, run out of fuel and gone down, not over a battlefield or an enemy sanctuary, but 18 to 25 miles out in the South China Sea. There wasn't any water-survival gear aboard. An extensive two-day rescue effort turned up nothing.

"It took us two torturous years, but we finally confronted reality," Mrs. Beecher says. Her husband, an attorney and a licensed pilot, adds, "I've crashed that helicopter a thousand times in my mind, and under those conditions there isn't any way Quentin could have made it."

CLASSIFYING THE MISSING

But the Army won't drop Quentin Beecher from the list of 1,610 servicemen missing in the Indochina conflict—a list that U.S. government officials prefer to call the Vietnam "prisoners of war/missing in action" (POW/MIA). Pointing to men who were declared dead in World War II and Korea but who later turned up alive, the Army, as well as the other military services, rules a Vietnam combatant missing and keeps him that way unless his body is discovered or an eyewitness is found. Because the laws of various states won't allow the wife of a missing man to remarry, Mr. Beecher had to arrange a Mexican divorce for his daughter-in-law.

The case of Quentin Beecher and his anguished parents typifies a development unheard of in previous U.S. wars. For as interviews with 70 other parents and wives in places like Virginia Beach, Va., Colorado Springs, Colo., and suburban Portland, Ore., show, a growing number of families of the missing contend that the military should have mercifully declared their loved ones dead long ago. And some also accuse the federal government of coldly stringing them along for selfish political reasons.

"I think they're misleading us for their own purposes," Mrs. Beecher says.

These parents and wives are aware of the problems of ever finding out what happened to crews of aircraft that explode in midair, to pilots of jets that never pull out of power dives and to infantrymen who just disappear in ominous jungles. Thus, these relatives concede that no man should be written off as dead when there is reasonable hope of finding him. But these families shake their heads in disbelief at U.S. policy, which was laid down in a June 1970 statement from the Defense Department. It said in part that "what we want from the enemy is . . . full accounting of all who are missing."

A PLOY FOR NEGOTIATIONS?

Some wives and parents go further. They believe that top-level U.S. policy makers are being deliberately misleading when they denounce the North Vietnamese as liars because the Hanoi officials say they can't produce an accounting of anything like 1,600 men. (North Vietnam has produced a list of 339 men it says have been captured. These wives and parents suspect that Washington's demand for the accounting is just a throw-away bargaining ploy for the Vietnam negotiations in Paris.

Many of these feelings surfaced earlier this

week during a Washington meeting of the National League of Families of American Prisoners and Missing in Southeast Asia, the largest organization of its kind. Dissidents within the league picketed the White House and groaned over the remarks of at least one administration spokesman. They aimed a resolution at President Nixon that said the league "conveys to you . . . its extreme distress at the continuing failure to resolve the prisoner-of-war-missing-in-action tragedy."

Many families, however, do believe the government is doing the best job possible under difficult circumstances. Mrs. John K. Hardy Jr., wife of an Air Force officer shot down over North Vietnam, says she has had several meetings with presidential adviser Henry Kissinger and feels that "President Nixon can do something about the situation, he's the only one who can."

CLINGING TO HOPE

And as might be expected, many families cling to the hope, however faint, that Hanoi can account for their missing relative, that most of the 1,610 might in fact be alive. Mrs. Edward Beck, for instance, says she feels that her son, a Marine PFC who disappeared in South Vietnam, is a prisoner of the North. Producing a photo of prisoners in the North, she points to a man with his back to the camera and says she is convinced that he is her son. Other families, however, reportedly have identified this same man as their husband or son.

Such feelings often stem in part from the natural refusal to accept the death of a loved one, and in part from the vagueness of circumstances surrounding a man's disappearance. Whatever their basis, these intensely personal feelings have captured the imagination of official Washington.

The Pentagon concedes that as far as hard evidence goes, only 463 of the men on the list are thought to have been captured—378 of them in North Vietnam, 82 in South Vietnam and three in Laos. Nonetheless, a figure of about 1,600 has been used by administration officials and members of Congress.

At a March 4 news conference, President Nixon said that "There are 1,600 Americans in North Vietnamese jails under very difficult circumstances at the present time." (The White House subsequently said the figure used by Mr. Nixon referred to both those who are prisoners and those who are missing in action.)

The next month Defense Secretary Melvin Laird told crowds at the opening game of the major-league baseball season that "there are a great many men in uniform, some 1,600 of them who have not seen a ball game in a long time."

Last year, while telling a House subcommittee of his plans for a POW rally, Sen. Robert Dole of Kansas, chairman of the Republican National Committee, assured Congressmen that "we have not forgotten that there are almost 1,500 Americans who have been prisoners and who have been in danger not for two days, not for three days or four days."

The Senator's guess on the number of American GI prisoners was remarkably close to that contained in a concurrent Congressional resolution passed about the same time; it urged that "every possible effort" be made to obtain the release of prisoners. Part of its preamble stated that "1,500 American servicemen are imprisoned by Communist forces in Southeast Asia."

Asked for comment yesterday, White House Press Secretary Ronald L. Ziegler said: "In all of our fact sheets and virtually all of our statements, we break down the numbers between captured and missing." He added that "only on several occasions has the figure 1,600 been used, and then it was clearly stated that this referred to missing and captured." It is important, the press secretary said, "to apply the pressure to the other side—not here—to give the facts about the prisoners."