

UNITED STATES



OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 92^d CONGRESS
FIRST SESSION

VOLUME 117—PART 3

FEBRUARY 17, 1971, TO FEBRUARY 25, 1971
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Then, on January 22 the President delivered his state of the Union message. To my surprise and dismay, he failed to deal with the critical problem of unemployment.

Having devoted myself increasingly to this problem recently and after having consulted with a number of prominent economists, I am today introducing a bill proposing a plan for improving the unemployment insurance system as a countercyclical economic tool.

I propose not only a speeding up of the effective date of the so-called extended benefits program adopted as part of the Employment Security Act of 1970, but a more realistic formula for triggering extended benefit payments and full Federal financing of the additional payments.

Last year, Congress passed an improved unemployment compensation package. Among other things, the Employment Security Act of 1970 provided, for the first time, for a permanent program of extended benefits during economic downturns. The 1970 act established an extended benefit period of 13 weeks, to be automatically triggered when the national rate of insured unemployment reached 4.5 percent for 3 consecutive months.

In the light of recent events, it is now clear the 1970 act included three very serious shortcomings. First, it delayed the effective date of the new program until January 1972—and in some States until July 1972. Second, it provided for the financing of extended benefits on the basis of the traditional 50-50 Federal-State matching formula. Third, it was based on a trigger mechanism that was set too high to be of practical use in anything but a prolonged and severe recession.

The Employment Security Act of 1970, while it recognized the need to provide extended benefits during a recession, mistakenly delayed the implementation of a national program until January 1972 (and for some States until July 1972). It was argued that because of the 50-50 Federal-State matching formula for financing extended benefits, the States required time to act. The bill I am proposing, since it is based on Federal financing, requires no State legislation. It could be triggered into operation, nationwide, upon enactment.

In 1969, while testifying before the Senate Finance Committee in behalf of the administration's federally financed extended benefits program, then Secretary of Labor Shultz acknowledged that "an interim Federal program to fill the gap in time" would be appropriate. Delayed as it is, I believe that we should still act now to fill that gap, particularly in view of the current unemployment situation.

If extended benefits are a necessary stabilization device—and I believe they are—then we should not have to wait until January 1972. Nor should we have to wait to begin alleviating the personal hardships caused by the President's policy, a policy that has added more than 2.5 million Americans to the jobless rolls. There simply is no good reason to delay the effective date of extended benefits.

Historically, the rate of insured unemployment has been about two-thirds of the national unemployment rate. As a result, in order to trigger the extended benefits program in the present law, the national unemployment rate would have to climb to an intolerable 6.7 percent. First, public policy should never permit unemployment to reach that level. Second, it certainly should not wait that long before taking the necessary stabilization actions. At that point in the downturn, moreover, it is doubtful that extended benefits would have much of a stabilizing effect. In my judgment, therefore, the present trigger formula is simply not responsive enough to today's needs.

I propose, instead of a 4.5-percent trigger, that extended benefits be made available when the insured unemployment rate reaches 4 percent—which corresponds to a national unemployment rate of 6 percent. The rate of insured unemployment has been above the 4-percent trigger since September 1970.

The most recent data published by the Bureau of Labor Statistics reveals that the number of persons jobless for 27 weeks or more as of December 1970 was 325,000—more than 200,000 greater than 1 year ago. More disturbing is the fact that the number of persons jobless for 15 weeks or more has now passed the 1 million mark, the highest level since 1964. In the next 2 or 3 months, most of these workers will be exhausting their standard benefits. The expected steady increase in exhaustions, in fact, already may have begun. In August 1970, it was 96,000. In October, the monthly figure was 114,300. In November, it jumped to 127,300. Clearly, now is the time to act.

As for full Federal financing, it seems to me that any time we have substantial numbers of workers exhausting their 26 weeks the source of our economic ills is national and reflects a failure in national economic policy. That is the situation that exists today. The Federal Government should move immediately to remedy it. My proposal seeks to do just that.

By Mr. MONDALE (for himself, Mr. SAXBE, Mr. BAYH, Mr. CRANSTON, Mr. EAGLETON, Mr. GRAVEL, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HUGHES, Mr. HUMPHREY, Mr. McGOVERN, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. PROXMIER, Mr. STEVENSON, Mr. TUNNEY, and Mr. WILLIAMS.

S. 974. A bill to amend the Foreign Assistance Act of 1961, as amended, to prohibit any involvement of participation of U.S. Armed Forces in an invasion of North Vietnam without prior and explicit congressional authorization. Referred to the Committee on Foreign Relations.

Mr. MONDALE. Mr. President, the Congress faces a crisis of responsibility. The American people clearly want to get out of the war in Indochina.

They want an end to the killing and devastation.

But regardless of the people, regardless of an act of Congress to limit our involvement, our men are today bleeding and dying at a mounting toll in a wider war.

By one of the most grotesque technicalities ever seized by a government, they have been saved from fighting on the ground in Laos and Cambodia only to be sent out to die in helicopters 30 feet off the ground.

And this could be just the beginning.

The President has put us on notice that he intends to keep our men in the war indefinitely, and that they will fly—and die—all over Indochina, including North Vietnam.

With South Vietnamese forces now risking disaster in Laos, we may well be poised to mount an invasion of North Vietnam.

And this would not be simply another step in the progression that has taken us into Cambodia and Laos. An invasion of North Vietnam by either U.S. forces or South Vietnamese forces with U.S. support, would be tantamount to a declaration of war against North Vietnam.

The President has recently told us he does not intend to order a U.S. ground invasion of North Vietnam. But, the President has changed his policy before. With events pressing in Laos, he may feel he will have to do so again.

In any event, he has left open the option of U.S. air combat support for a South Vietnamese invasion.

Only this morning we have a clear warning from President Thieu that the South Vietnamese could invade North Vietnam. And we know all too well from Cambodia and Laos that the South Vietnamese do not make these attacks by themselves.

If the United States is to be involved in any way in an invasion of North Vietnam—a totally new and most ominous dimension to our nightmare in Indochina—then it can only be done with explicit congressional authorization.

This is no mere question of consultation between the Executive and Congress—it is a question of constitutional legitimacy.

A step of that gravity cannot be taken in our democracy without the authentic support of the American people and their elected representatives.

It is now clear that the President is widening this war rather than ending it.

If it is to be ended, if limits are to be firmly set, Congress must do so.

That is the crisis of responsibility which confronts us.

We cannot wait the weeks or months it could take for a vote on the Vietnam disengagement amendment.

There is no question that we must pass that amendment to end the war. We must bring our men home by Christmas.

That—and that alone—is the ultimate way out.

But we cannot fail the men who could die in a wider war before a total withdrawal.

I am introducing today a bill to require explicit and prior congressional authority for any U.S. combat forces invading North Vietnam, including U.S. combat air support for South Vietnamese ground forces invading North Vietnam.

If this bill is passed, the Congress will have added its authority to the President's express disavowal of a U.S. invasion of North Vietnam.

If it fails, we will be no worse off than

we are now. The President now acts as if he has the sanction of Congress—or as if he does not need it.

At least the country will know where we stand.

Those who would approve an invasion of North Vietnam should have a chance now to record their position for history—and for their constituents.

As for those of us who oppose the war, there has been enough hand-wringing frustration and inertia. The stakes are too horrendous. We must do all we can to draw the line before—as so often in the past—we are too late. Congress did not prevent U.S. forces from invading Cambodia. But I believe that without the Church-Cooper amendment, we might well have American ground troops in Laos and Cambodia today.

There are many who say Congress has failed the Nation and itself by surrendering its constitutional power over the fateful questions of war and peace.

Perhaps we have before.

Perhaps we will again.

But we must face that choice now with regard to a potential invasion of North Vietnam just as squarely and starkly as our men are now facing death all over Indochina.

Mr. President, I ask unanimous consent that the bill and article be printed at this point in the Record.

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

S. 974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter I of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"Sec. 620 A. (a) Congress finds and declares that under the Constitution of the United States the President and the Congress share responsibility for establishing, defining the authority for and concluding foreign military commitments; that the United States can in no way participate in or support an invasion of North Vietnam without prior and explicit Congressional authorization.

"(b) On and after the date of enactment of this section, in accordance with public statements of policy by the President, no funds authorized or appropriated under this or any other Act shall be used to carry out an invasion of North Vietnam by United States Armed Forces without prior and explicit authorization of the Congress.

"(c) On and after the date of enactment of this section, no funds authorized or appropriated under this or any other Act shall be used to carry out combat air support activities within the borders of North Vietnam in support of a ground invasion of North Vietnam without prior and explicit authorization of the Congress."

[From the Washington Post, Feb. 25, 1971]

THIEU ASKS WHY NOT ATTACK THE NORTH

(By Lee Lescaze)

SAIGON, February 2.—President Thieu has raised the possibility that South Vietnamese troops will invade North Vietnam.

Thieu declared Monday that a major benefit of the current invasion of Laos is that it surprised the North Vietnamese and kept them off balance. "If we dare to launch operations into neutral Cambodia and Laos," Thieu added, "Why shouldn't we dare to attack the very origin of aggression?"

The president called the current Laos in-

vasion the most important campaign of the war and also indicated that there will be additional invasions of Laos. "Why should we cease entering Laos," he asked rhetorically.

"When we have entered once, we can go back repeatedly and not let (the North Vietnamese) be undisturbed."

Thieu raised the possibility of an invasion during a speech to a graduation class of policemen and teachers at the coastal resort of Vungtau. Although he spoke Monday, news of his remarks did not circulate in Saigon until today when the government radio station and a leading newspaper reported on the speech.

His comments were the most recent in a series of sometimes conflicting statements from South Vietnamese and American officials on the possibility of a South Vietnamese drive across the Demilitarized Zone.

Vice President Ky advocated such a move early this month as the invasion of Laos was being mounted. U.S. officials threw cold water on speculation about an invasion and the general impression created in Washington and Saigon was that the often glibly hawkish vice president had once again spoken off the top of his head.

However, President Nixon attracted attention to a possible invasion of North Vietnam when he sidestepped a question on the subject at his press conference Feb. 17.

"I would not speculate on what South Vietnam may do in defense of its national security," Mr. Nixon said. "South Vietnam will have to make decisions with regard to its ability to defend itself."

An invasion of North Vietnam, as much if not more than the current invasion of Laos, would need American air support. President Nixon has said that his guideline is to use American air power where North Vietnamese forces threaten American troops.

Throughout recent days, top American officials here have dismissed the possibility of a South Vietnamese thrust into North Vietnam, often pointing out that South Vietnam is already supporting large forces in Laos and Cambodia and has limited combat and supply capabilities.

In addition to keeping North Vietnam uneasy about Saigon's intentions, Thieu said that the current Laos operation is valuable because:

"When we fight pirates outside our house only our mango and guava trees are damaged. But when we fight them inside the house, how can we keep the furniture from being destroyed?"

Thieu said that South Vietnam is ready "to accept a high cost" in the Laos operation in order to destroy the enemy's potential to attack the northern I Corps region of South Vietnam.

The Communists, he predicted, will be "suffocated" within South Vietnam because of operations disrupting their supply lines. To avoid suffocation they will fight and the battles will be fierce, Thieu said.

However, he reassured his audience that the South Vietnamese would win the battles. "If we lose 500 men (in Laos) they will lose two or three thousand men," he said. "If we lose 1,000 soldiers, they will lose nine or ten thousand."

Thieu also spoke about the presidential election next fall and asserted that all South Vietnam's progress of recent years would go down the drain if a president too conciliatory to the Communists were elected.

He denied charges by his political opponents that his trips to the provinces amount to campaign trips. The campaign does not officially begin until August, a month before the election, but it is generally conceded that all candidates will have to be active before that date to stand a chance.

By Mr. BAYH:

S. 975. A bill to protect the constitu-

tional right of privacy of those individuals concerning whom records are maintained by Government agencies. Referred to the Committee on the Judiciary.

Mr. BAYH. Mr. President, the Subcommittee on Constitutional Rights is engaged in new and vitally important hearings concerning privacy, data banks, computers, and the Bill of Rights.

These hearings concern the basic right of every citizen to a sphere of privacy, of freedom from unwarranted intrusion. With the development of sophisticated technology, this issue has increasingly come to the attention of all of us in recent years, especially with Senator ERVIN's alarming disclosures about the dossiers the Army has been keeping on civilians.

We can all agree on some points. Few would approve of the collection of data—whether by the Government or by private interests—merely to harass, or to keep tabs on those who would dissent peacefully. But such surface accord must not lead us to believe that this is a subject characterized by simple solutions. There are not easy answers to these problems. We know, on the one hand, that as Government and industry grow larger and try to offer more services, it is essential that they be able to collect and use immense amounts of information, just to do their jobs effectively. But on the other hand we all know that guidelines must be created to prevent the misuse of this new technology, technology which endangers our constitutional rights of privacy, freedom of speech, and freedom of assembly.

I am not discouraged by the difficulty of this task. Formulating legislation is never easy when the aim is to protect our most fundamental rights. And no one knows this better than the esteemed chairman of the Subcommittee on Constitutional Rights, Senator ERVIN. He has been in the forefront of this body's efforts to prevent the erosion of our basic liberties. When the administration suggested a program of preventive detention to deal with our rising crime rate, he did not just voice his opposition to this illusory solution. He used the Justice Department's own statistics to show that preventive detention would not affect the crime rate. And he followed his solid demonstration of the unconstitutional aspects of this legislation with a constructive, workable, and thoroughly constitutional alternative—a bill to guarantee to every person who might be arrested the basic constitutional right to a speedy trial. I was pleased to join the Senator from North Carolina in this effort, to join in sponsoring his speedy trial bill last year, and I joined with him again this year.

I believe that we must make the same kind of effort when faced with the threat of invasions of privacy. Of course we must raise our voices in complaint when we see serious dangers to our democratic process. But we must do more. We must meet the problem head on, with prompt, realistic, constructive legislative alternatives.

In the field of privacy, reasonable expectations play a very important role. For no matter how carefully and completely we try to analyze the problem, it