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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 metropolitan. 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

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

questioned by the Minneapolis Star's Metro-Poll.

In support of this view, just as many of those in the survey say the American Indian was treated poorly by the white man in the past, and almost half feel Minnesota Indians today still are treated unfairly.

The 600 adults polled, a representative sample of the five-county population, were asked to take an historical and then a present-day view of the Indian:

"As you understand it, in the days when the United States was being settled, was the American Indian generally treated fairly or unfairly by the white man?"

"In general, do you think Indians in Minnesota today are treated fairly or unfairly by white people? (If unfairly) How?"

Eighty-three percent agree that the Indian was abused in the past, compared with 12 percent who disagree and 5 percent with no opinion. Men are more inclined than women are to think the Indian was treated unfairly, and younger respondents more frequently think so than older ones. Those in the highest income group, over \$15,000 a year, almost unanimously call historical treatment inequitable (96 percent).

By way of contrast, only 47 percent, but still a plurality, think the Indian in Minnesota today is treated unfairly. However, a strong minority (40 percent) disputes this. The remaining 13 percent have no opinion. Again, men more often than women call treatment unfair. The frequency of the "unfair" indictment increases directly with the amount of education the respondent has.

When the 47 percent were asked how Minnesota Indians are mistreated, more than a third (34 percent) cited job discrimination. "They are given inferior jobs and not as much help as other minority groups," said a 28-year-old Robbinsdale man.

Three of 10 persons (30 percent) pointed to unequal education. "They can't really take advantage of educational opportunities due to their poverty," commented a 49-year-old St. Paul woman.

Nearly as many (28 percent) criticized the reservations or official policy toward Indians. Said a 75-year-old Minneapolis man, "We've deprived them of the land that had any value and put them back in the rocks and swamps and haven't given them a chance." A 26-year-old Minneapolis resident added, "The whole U.S. Indian Affairs Bureau has been backward—reservations segregate."

About one in four (24 percent) noted prejudice, stereotypes or lack of opportunity in general. Twenty-one percent pointed to substandard housing or discrimination in renting, and 11 percent said Indians lag behind other minority groups because of lack of leadership and organization.

Of the remainder, 15 percent gave other answers, and 3 percent did not elaborate on their view that Minnesota Indians are treated unfairly.

Despite the 47-40 split in views on whether Indians are unfairly or fairly treated today, the people in the survey overwhelmingly approve of preferential treatment for Twin Cities-area Indians in job training and placement. They were told:

"One of the major problems of Indians living in the Twin Cities area is unemployment. Do you think special efforts should or should not be made to train Indians and find jobs for them?"

Of all people polled, 82 percent feel special efforts should be made. Fifteen percent say they should not, 2 percent are uncertain and 1 percent give other answers. Even of those who hold the view that Minnesota Indians are treated fairly these days, a large majority (71 percent) feel those in the Twin Cities area should be given extra help in getting jobs.

There are an estimated 8,000 to 12,000 Indians in the area, mostly in Minnesota.

WHITE TREATMENT OF THE INDIAN VIEWED

	[In percent]		
	Fair	Unfair	No opinion
<b>In the past:</b>			
All respondents.....	12	83	5
Men.....	9	86	5
Women.....	15	81	4
21 to 29 years.....	10	86	4
60 and over.....	17	72	11
<b>Today:</b>			
All respondents.....	40	47	13
Men.....	36	52	12
Women.....	45	42	13
Grade school education..	54	32	14
High school.....	47	40	13
College.....	26	63	11

SHOULD SPECIAL EFFORTS BE MADE TO TRAIN AND FIND JOBS FOR LOCAL INDIANS?

	[In percent]		
	Yes	No	No opinion, other
All respondents.....	82	15	3
Grade school.....	73	22	5
High school.....	80	17	3
College.....	88	11	1

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

VOTING RIGHTS ACT AMENDMENTS OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The Senate resumed the consideration of the bill.

Mr. HOLLINGS. Mr. President, presently the Senate is considering alternative proposals on the subject of voting rights which, in my judgment, are designed to eliminate an impartial application of the electoral process. Although these measures are designed to enforce the guarantees of the 15th amendment to the Constitution, the debate in this Chamber centers on the approach to be considered—not the objective to be achieved.

The Scott-Hart substitute would retain the section of the 1965 Voting Rights Act that requires those regions of the country that in 1964 had fewer than 50 percent of voting-age persons registered or voting to secure the approval of the Attorney General prior to instituting any revision in its voting qualifications or procedures. The obvious effect of this language is to restrict applications of these sections to six States and portions of three others. The further effect is that even though the statute may be written to apply to all people in the Nation, the

practical application of the statute is that the Attorney General will be called upon to enforce the statute only in those six or seven States. The civil rights statute, like any Federal statute, is enforced only against those who are committing the wrong which the statute is intended to prohibit.

When Congress writes a statute, it should apply to all people within the Nation and, obviously, it should be enforced only against those people in those States which are believed to be in violation of it. The scheme of including the section of a bill to give the appearance of a nationwide application insults the logic of this body.

For the past decade we have been witnessing a great national debate on the subject of discrimination. Under the provisions of statutes enacted by the Congress, there are a multitude of prohibitions for anyone to discriminate between individuals if there is a question of sex, national origin, religion, or race. The very thought that a State or local government might today legislatively adopt a provision which is deliberately, and by its own provisions discriminatory in nature, is obviously unthinkable. The courts and the Congress have led us to believe that this type of action is impossible. On the other hand, however, we are told to "ignore" exceptions to this rule which all three branches of the Federal Government exert from time to time upon the system. For example, there are the special guidelines from HEW, the court rulings which have been motivated more by sociological concepts than by a firm desire to uphold the Constitution, and only recently has one branch of the Federal Government taken the first courageous step in breaking this pattern. I refer to the vote on February 18, 1970, when the U.S. Senate adopted an amendment which I was proud to cosponsor with the distinguished Senator from Mississippi, Senator STENNIS, which required nationwide application of the various statutes which outlawed discrimination in the public school system.

I submit, Mr. President, that the issue before this body is whether the majority will again display the wisdom, courage, and dedication to equal protection by moving away from the concept of equal discrimination legislation. It is imperative that when we look at the question of voting rights we should not allow it to become an instrument of discrimination.

This body cannot afford to permit such a precedent to be established where laws become instruments of the Government for use against the people rather than instruments of all the people for protection against arbitrary actions of the Government. Unless we protect the principles and precepts to block the abuse of power in what appears to the majority to be a "good cause," we shall establish a government which operates by means of exceptions, by means of rule of law rather than by the rule of law itself.

I hold a basic belief that no American citizen should be prevented from exercising his right to vote by any method. I do not believe that the right to