

CONGRESSIONAL RECORD—SENATE

June 10, 1970 JB-CAT.

Eleven top officers and leaders of A.F.L.-C.I.O., A.L.A., and independent unions, with a total membership of 3½ million, met in Washington Tuesday (June 9) to plan labor activities in support of the Amendment to End the War.

We requested a meeting with the five original sponsors of the Amendment, and Senators Cranston, McGovern and Hatfield joined us during our deliberations, along with a representative of Senator Hughes. The group formed an *ad hoc* national labor committee to end the war and scheduled a second session on June 17, when a permanent committee and the names of the participating union leaders will be announced.

We want to demonstrate to the American people and to our government that millions of patriotic American workers want the War brought to an early end according to the rules of the Constitution. Those of us who join in supporting the Amendment declare that no group of workers in any one city can or should speak for the entire American labor movement.

Many of our members are veterans. We share the pride of all Americans in our flag. We shall carry and show it to demonstrate that pride.

We love our country. We feel that it has assumed an unnecessary burden by becoming shackled by the War. Inflation has been one of the results of that War. Our workers pay the price of inflation every day and our members who are on pension suffer. Unemployment, resulting from inflation, threatens the entire labor movement. Only by ending the War can inflation be ended.

Therefore we support the Amendment to End the War. In addition, we support a sound program of economic conversion designed to provide jobs as our economy shifts from war to peace. We also support the Church-Cooper Amendment and oppose any modification of it.

The PRESIDING OFFICER (Mr. TALMADGE). What is the pleasure of the Senate?

The Senator from Kentucky is recognized.

Mr. COOPER. Mr. President, I have no prepared remarks. However, I do want to make a few comments on this matter.

I would like to say that the Senator from Kansas has been very assiduous and faithful in his duty as a Member of this body, and in his participation in this debate. I have enjoyed listening to him and I have paid attention to the issues that he has raised.

I agree with his statement that President Nixon has reversed the policy of the preceding administrations. The President has said that he seeks to secure an end to the war in Vietnam either by negotiation or by the policy of Vietnamization. I support that purpose.

The Secretary of State has said on numerous occasions that the President's policy is irreversible. I believe that it is irreversible unless by some chance, or because of unforeseen events, our country may be led into a widening of the war.

This is the real issue and that is the reason we are advocating the adoption of the amendment offered on behalf of the Senator from Idaho (Mr. CHURCH), the Senator from Montana (Mr. MANSFIELD), the Senator from Vermont (Mr. AIKEN), and myself.

I would agree also that the men who fight in Vietnam deserve the support of the Congress and of the people. Some of those who fight are regulars. Many of them are volunteers, and many have

been drafted. They have obeyed the orders of their Government.

I believe that nearly every Senator has served in the military service and has served in wartime. I suppose that none of us looked forward with the greatest pleasure at the prospect of entering the military service in wartime. Nevertheless, we did so. We went. And that is true of those who have gone to Vietnam. They have not burned their draft cards. They have not evaded the draft. They have gone to Vietnam and they serve.

Many of these men—and I know it is true of a number from my State—have volunteered for a second tour of duty in Vietnam.

Our amendment will not in any way compromise the safety of these men, who serve in Cambodia, in Vietnam, and any place in Southeast Asia. Our view is that it will offer them the opportunity of a larger safety through the confinement of the war to Vietnam, and hope for an earlier end of the war.

The issue before the Senate is really not a difficult one to understand, although it has been misinterpreted.

Cambodia was invaded by the North Vietnamese and the Vietcong. Laos was invaded. South Vietnam was invaded.

I agree with the Senator from Kansas that many seem to forget that it was the North Vietnamese and the Vietcong who invaded these countries. The United States is not the aggressor. In Vietnam, whether or not it has been declared by the Congress or recognized by a resolution to be a state of war, it has been declared that our course is withdrawal from the war.

The United States owes no obligation to Cambodia. It owes no obligation by treaty. It owes no obligation because of any resolution of the Congress to authorize the use of our forces in Cambodia for Cambodia.

And I certainly assume that there is no executive agreement which would promise the use of our forces in Cambodia.

We have come to a point where our forces are engaged in Cambodia. The President has said that they will be withdrawn by June 30. I believe that statement to be correct. Our amendment if it is agreed to, would then become effective. It would regulate the activities of our Armed Forces in Vietnam after that date, in the sense that I shall define. We have no obligation to Cambodia.

The amendment provides that from July 1, we shall not become engaged in a war for Cambodia or in a war in Cambodia, without the consent of Congress.

I believe our amendment has sound constitutional authority.

It has been argued that the constitutional authority of the President to protect our forces would override the constitutional authority of the Congress to provide that we shall not become engaged in a war without the authority of Congress.

There is an area in which it is difficult to delineate the line between the power of the President and the Congress. But there is a line.

I have read the debate of the Founding Fathers and recent briefs prepared upon the authority and war powers

LABOR LEADERS SUPPORT THE AMENDMENT TO END THE WAR

Mr. CRANSTON. Mr. President, yesterday a group of labor leaders representing unions with a total membership of 3.5 million in the United States met in Washington with the Senator from South Dakota (Mr. MCGOVERN), the Senator from Oregon (Mr. HATFIELD), and me, to discuss the efforts in Congress to find a way to end our participation in the war in Southeast Asia. Following that gathering, an announcement was made of the formation of a National Labor Committee To End the War.

I ask unanimous consent to have printed in the Record at this point the statement accompanying that announcement, which covers the position of these leaders of labor regarding the war in Southeast Asia generally, regarding the amendment to end the war, and regarding the Cooper-Church amendment.

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

STATEMENT BY THOMAS E. BOYLE

(NOTE.—Mr. Boyle is president of the International Chemical Workers Union and temporary chairman of the National Labor Committee to End the War.)

HISTORY OF THE VIETNAM WAR ON MICROFILM

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the Commander in Chief, including his authority to protect the troops from the beginning, and most of the authorities spoke of the President's authority as one to repel sudden attack and to defend the troops against attack.

Gradually throughout the years, Presidents have extended this power beyond that concept. Throughout the years Presidents have sent troops into other countries to protect American lives and American property. But as the writers have said, the fact that such action has been taken beyond its proper scope does not make such action of continuing propriety either by law or by the Constitution. By legislative enactment, Congress can assert its authority.

I have read the questions asked yesterday by the distinguished Senator from Virginia (Mr. Spang), who is present on the floor, regarding the constitutional power of the President.

It has been interpreted as the power to repel sudden attack. I believe it would include the authority of "hot pursuit." If an emergency should arise near or upon the border between Cambodia and South Vietnam which should cause the President, as Commander in Chief, to think it necessary to take limited action to protect troops, I would agree that he could and should protect our men.

Our amendment provides in subsection 4, in effect, that the Air Force of the United States can be used to interdict the enemy and supplies from North Vietnam, or South Vietnam, or Cambodia, attempting to attack our forces in South Vietnam. Similarly, artillery and rockets could be used to protect our men and destroy sanctuaries.

Commonsense and judgment determine these situations where the Commander in Chief is using his authority to protect his men. Commonsense and judgment also lead us, I think, to believe if that authority is used beyond the necessity for the immediate protection of the Armed Forces, to engage our forces in situations in support of Cambodia, or for the retention of our forces in Cambodia on a more or less permanent basis I believe commonsense between Congress and the Executive, and agreement between them, would indicate that the Executive had moved beyond the concept of protection of the troops, and has entered the military-political field which is within the authority of the President and also of Congress.

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

Mr. COOPER. I shall yield in just a moment.

What we are really saying—and I think it should be simply stated—is that we are not condemning the action in Cambodia. We say nothing about it in the amendment. People have different judgments about it. It created uncertainty in this country but in a military way it has been helpful.

We are not attempting to encroach upon the President's constitutional powers.

The amendment intends that, if it should become necessary to protect Cambodia or become permanently involved in

Cambodia as a part of the war in Vietnam, you are entering a field in which Congress has a right to enter into that judgment.

Mr. President, I yield to the Senator from Virginia.

Mr. SPONG. Earlier the Senator from Kentucky made reference to the questions I propounded yesterday to the Senator from West Virginia (Mr. Byrd), the sponsor of the pending amendment.

Mr. COOPER. The Senator is correct.

Mr. SPONG. I wonder if the Senator from Kentucky would comment on these questions in addition to what he has already said with regard to his understanding of the independent powers already possessed by the President as Commander in Chief. The questions appear on pages 8687-88 of the Record of yesterday, June 9, 1970.

Would the Senator care to comment or give an opinion as to the independent powers presently held by the President as Commander in Chief with regard to the situations outlined in the questions?

Mr. COOPER. I will start with the question the Senator asked first.

Mr. SPONG. Yes.

Mr. COOPER. Without trying to define an area in terms of 2 or 3 miles, I would say the President has that authority.

Second, concerning his question "To destroy enemy supplies, staging areas, headquarters, and so forth, in a relatively narrow zone along the Cambodian-South Vietnamese border," "approximately 20 miles in width," I have already pointed out under subsection 4 of our amendment, the Air Force of the United States could attack such areas and artillery could be used and rockets could be used. As to the question whether there is continuing authority to enter Cambodia in a zone 20 miles in width, I would say our amendment does not recognize such authority. That is my judgment. But if an emergency situation should arise where our troops were in danger, I think the President, in his good judgment, would have the power to defend our troops against attack.

I cannot set out a line in terms of miles. I am trying to base the authority on steps against a sudden attack, repelling sudden attack, or in case of an emergency, such action as is necessary to protect the troops. I am trying to distinguish between such direct authority and the authority the Byrd-Griffin amendment would give to take any action that may be determined it is unlimited.

(At this point the Acting President pro tempore assumed the chair.)

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

Mr. COOPER. I yield to the Senator from Idaho, who is cosponsor of the amendment.

Mr. CHURCH. Mr. President, I wish to add an afterthought along the lines of the Senator's comment.

The key word in the Cooper-Church amendment is "retaining." Subsection 1 of the amendment prohibits the retention of American forces in Cambodia after June 30. I agree with the Senator from Kentucky that our amendment is

intended to prohibit a permanent or quasi-permanent occupation of a buffer zone within Cambodia for an extended period of time.

However, if it were to happen that the enemy suddenly utilized a staging area, and there was a concentration of enemy troops and equipment obviously intended to be used against South Vietnam beyond the border, we would agree that the President, as Commander in Chief, has the constitutional authority to order his field officers to strike at and destroy such a base to protect American troops in South Vietnam. This would, however, be in the nature of a sudden strike and withdrawal operation.

I further agree with the Senator from Kentucky when he says that the adoption of the Byrd amendment would open up an exception so large that it honestly renders the Cooper-Church amendment meaningless.

The President could invoke the justification of acting for the purpose of defending American troops to cover almost any future operation that he himself might decide upon. That would be extremely unfortunate. That would permit our amendment to become another Tonkin Gulf resolution—if not even broader in conception—if the President were to decide later to use it for that purpose.

Mr. SPONG. Mr. President, will the Senator from Kentucky further yield?

Mr. COOPER. I yield.

Mr. SPONG. I address this question either to the Senator from Kentucky or the Senator from Idaho. They are both in the same boat.

Mr. COOPER. It is a good boat.

Mr. SPONG. I, of course, am interested in what Senator Byrd's reply will be to the questions I have propounded; but I should like the opinion of either of the sponsors of the Cooper-Church amendment whether they believe that under the language of the Byrd amendment the President would be granted tacit authority to order his military commanders in the field to do all these things.

Mr. CHURCH. My answer would be "Yes."

Mr. COOPER. The Senator from Virginia asked about the Byrd amendment. Let me read it. I should like to place it in the Record. It reads as follows:

On page 5, line 7, before the semicolon insert a comma and the following: except that the foregoing provision of this clause shall not preclude the President from taking such action as may be necessary to protect the lives of United States forces in South Vietnam or to facilitate the withdrawal of United States forces from South Vietnam."

The amendment has great appeal, because it speaks of protecting the lives of U.S. forces in South Vietnam. It will be argued and has been argued that Senators who vote against the amendment are not taking care to protect the U.S. forces in South Vietnam.

The Byrd-Griffin amendment cannot give the President any larger powers than the constitutional authority that he enjoys. What it would do, if it should be adopted by Congress, would be to approve in advance any action the President may want to take. His determination alone would justify it.

I want to make it clear that I am not talking in personal terms of the Executive who is President Nixon. He is my President. I am a member of his party. I have supported him in his program for ending the war in Vietnam. But we have been through this procedure before, the procedure of giving authority to the President, who did not intend, I am sure, to extend the authority which is given him beyond that as expressed at the time, but which was extended.

This amendment is broader in its scope than the Tonkin Gulf resolution, so far as the protection of troops is concerned.

The Tonkin Gulf resolution has two parts, one dealing with protection of the troops, and the other dealing with protection of the freedom of the protocol states. The Tonkin Gulf resolution gave the President authority—I recall it because I read it just a short time ago—to protect troops, to repel an attack upon the troops, and to defend them. It was defensive—to repel an attack on our troops and defend them. This amendment is like the old, familiar barn door—wide open.

If some situation should occur, if the Thais go into Cambodia—and the South Vietnamese evidently like Cambodia—and we find ourselves under some obligation to go into Cambodia and protect Cambodians or the Thais, I believe the commonsense and judgment of the Members of this body would be that the authority to do so would be the joint authority of the President and the Congress.

We do not take away from the President the opportunity to employ any course of action he wants to employ, but if the situation is beyond the defense of the Armed Forces let us say, "It is a joint responsibility and let us reason together and let us determine whether action should be taken." I do not see anything wrong with that.

Mr. SPONG. I thank the Senator from Kentucky.

Does the Senator from Kentucky believe that the Cooper-Church amendment would be harmed if in that amendment the independent powers of the President, as Commander in Chief, which the Senator believes to be already held by the President of the United States, were spelled out?

Mr. COOPER. I doubt if we could spell out precisely what they are. I have indicated some, through reading the authorities that I have found, that have been characterized as being his powers.

Mr. SPONG. What we have before us, as the Senator from Kentucky has ably pointed out, is appealing language, in which we are speaking in terms of the protection of the troops and aiding our disengagement from South Vietnam. Within that framework, which is the common objective of all of us, it is my judgment that if the Senate in some way should work its will to express clearly those independent powers which the President possesses as Commander in Chief, the amendment would be strengthened.

Mr. COOPER. I am not foreclosing the possibility that it may be done, but we

are now talking about the Byrd amendment.

I would like to read from the Tonkin Gulf resolution relating to the subject we are now discussing:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

It is more limited in its terms than the Byrd amendment.

Mr. CHURCH. Mr. President, would the Senator permit me to make an observation at this point? The Senator from Virginia placed in the Record yesterday five very specific hypotheses. I think the difficulty of trying legislatively to define the President's constitutional authority is in a way underscored by reference to the hypotheses that the Senator has offered. Let us take them one by one.

The first reads as follows:

To prevent enemy forces from crossing the border into South Vietnam and to pursue and destroy such forces as they attempt to leave South Vietnam for Cambodia? This contemplates a distance into Cambodia of no more than two or three miles.

Here is an example that falls within the area where the President's constitutional powers as Commander in Chief are being exercised. This is frequently referred to as a case of hot pursuit. I think without doubt the President has the power of hot pursuit in the protection of American forces, even though the hot pursuit carries our troops over the Cambodian border.

The second hypothesis reads as follows:

To destroy enemy supplies, staging area, headquarters, and so forth, in a relatively narrow zone along the Cambodian-South Vietnamese border? This contemplates a zone into Cambodia of approximately 20 miles in width.

The answer to this question depends upon the method used and upon the time frame. Without doubt, the President could invoke his powers as Commander in Chief to order aerial or artillery strikes against bases of this kind. In fact, the precedents would carry still further: That he could launch a ground strike of limited duration for the purpose of destroying an enemy staging area that constituted an immediate threat to American troops.

Mr. SPONG. If I may interrupt, the Senator from Idaho is, of course, speaking of the powers the President has now?

Mr. CHURCH. Right.

Mr. SPONG. Exclusive of the Byrd amendment?

Mr. CHURCH. This is exactly so; he now has those powers under the Constitution.

Now, moving on to the third hypothesis:

To attempt to find and engage any enemy troops within the zone just described, irrespective of whether they are on the verge of entering South Vietnam or whether they are just returning from it?

If the Senator means by that the power to go into Cambodia and to seek out the enemy, even though enemy activity there is not posing an immediate threat to our troops on the other side of the border, then we have probably crossed that line.

Mr. SPONG. Would the Senator from Idaho call this a gray area?

Mr. CHURCH. It is an exceedingly gray area; the precedents are not clear. If the Senate adopts the Byrd amendment, however, there is no doubt in my mind that the amendment can be construed as giving advance congressional consent to the President to undertake that kind of activity, if it is done in the name of protecting American forces in South Vietnam.

Now, the fourth illustration:

To attempt to occupy and hold the zone in question, thus denying it to the enemy?

Here the Senator from Virginia contemplates a quasi-permanent occupation of a buffer zone within Cambodia. That goes beyond the precedents defining the President's inherent constitutional authority. But again I say to the Senator that if the Byrd amendment is adopted, it could readily be interpreted as conferring advance consent to a permanent occupation of a buffer zone by American forces. The next hypothesis:

Fifth. To engage in any or all of the types of activity described in questions 2, 3, and 4, but to do so throughout all of Cambodia, or at least in parts of it beyond the 20-mile zone near the border?

This, of course, takes the wraps off entirely. Although none of us expects that the President would make such a decision in the future, I remind the Senator that we have been surprised before; presidential policy has been changed before. If President Nixon were to change his policy, he could refer to the Byrd language in much the same manner as President Johnson came to refer to the Gulf of Tonkin language, thus justifying any military activity in Cambodia, no matter how far it extends or how permanent it becomes, as long as he undertakes it in the name of protecting American forces in South Vietnam.

These are the best answers I can give to the distinguished Senator from Virginia.

Mr. COOPER. Mr. President, I agree with the interpretation of the Senator from Idaho.

Mr. SPONG. I appreciate the answers of both the Senator from Idaho and the Senator from Kentucky. I agree with the Senator from Kentucky that it would be extremely difficult to define language that spelled out the President's independent powers as Commander in Chief. Nevertheless, if such terms as "repel an attack" could be employed, I suggest it would be helpful—

Mr. DOLE. Mr. President, will the Senator yield at that point?

Mr. SPONG. After I finish my sentence—helpful within the framework that the Senate presently finds itself working.

The Senator from Kentucky has the floor.

Mr. COOPER. I would just say on thing: The Senator is absolutely correct.

when he says it is very difficult to define these powers.

Let us see if we can find out why it is difficult.

It is difficult, in my view, because it is of an emergency nature, dependent upon the circumstances. Who can say what the circumstances will be in the case of a sudden attack or an emergency situation? The situations would differ in every case. This, it seems to me, is the reason it is difficult to spell out the powers of the President.

But it is not difficult to think of situations where the Executive should not act alone, without consent of the Congress—those which are unrelated to the immediate defense of the troops. There must be situations in which Congress also has joint constitutional authority.

Mr. DOLE. Will the Senator from Kentucky yield?

Mr. COOPER. I yield.

Mr. DOLE. I might suggest to the Senator from Virginia that a section might be added as No. 5, to the Church-Cooper amendment, which would say, in effect, that "nothing herein contained shall impair the President's constitutional powers as Commander in Chief." That is a recognition of the President's powers, but not an effort to spell out every power the President might have and every right he might have. This is somewhat different from the suggested Byrd amendment.

Second, in reviewing the questions raised by the distinguished Senator from Virginia, it appears that the first, second, third, and fifth questions could be achieved with the Church-Cooper amendment, without adoption of the Byrd amendment, as long as the action was not in support of Cambodian forces. The only one I see that might be precluded by the adoption of the Church-Cooper resolution would be No. 4, "To attempt to occupy and hold the zone in question, thus denying it to the enemy."

That would violate clause 1, with respect to retaining U.S. forces in Cambodia. But the other three sections of the Church-Cooper resolution are directed at support of the Cambodian forces; so I fail to see that the Church-Cooper resolution is a prohibition against consideration of points one, two, three, or five raised by the Senator from Virginia, whether or not the amendment offered by the Senator from West Virginia (Mr. BYRD), is adopted.

Mr. SPONG. The Senator from Kansas has demonstrated the varying interpretations this language is subject to.

In a preface to posing the questions, I expressed the opinion that the Senate has a responsibility to try to work its will with the most specific language possible, if it wishes to participate in the formulation of policy with regard to Cambodia in the future.

What I conceive the Cooper-Church amendment to be attempting, in part, to do is to redefine the military theater.

I do not believe, as long as the Senators acknowledge what the Commander in Chief's powers are, that the Senate would be trying to tell the Commander in Chief to operate the war, although I am not certain that at the present time that the amendment is not open to that interpretation.

I believe what is sought to be accomplished is a redefining of the theater of war—saying, in part, that the Senate does not want a new war beyond a certain point without consultation with Congress.

Mr. COOPER. We say that in subsections 2 and 3. I might say that the Senator has obviously given this matter a great deal of thought, because the questions are searching, and go to nearly all the points that we have thought about.

We consider that subsections 2 and 3 concern themselves with the issue of a new war for Cambodia, in which we are under no obligation, and subsection 1 would be designed to prevent the extension of the war into Cambodia beyond the actual powers of the Commander in Chief.

Mr. SPONG. I thank the Senator from Kentucky.

Mr. BAYH. Mr. President, as might have been expected, the fall of the neutralist Sihanouk government in Cambodia in early March of this year immediately raised the question of American assistance to the anti-Communist Lon Nol regime. Administration officials stated publicly that a request for military aid was being reviewed, but went further in saying that no American troops would be involved in Cambodia in accord with the President's Guam doctrine, which, as we know, was designed to try to shift security responsibility onto the nations of a given region.

Testifying before a House Appropriations Subcommittee on April 23, Secretary of State Rogers was asked about the extent to which the United States might be drawn into Cambodia. I think it is significant, in light of this discussion, to review his remarks. He said directly:

We have no incentive to escalate. Our whole incentive is to de-escalate. We recognize that if we escalate and get involved in Cambodia with our ground troops, that our whole program (Vietnamization) is defeated.

The Secretary later restated the case against our involvement in Cambodia in much the same language before the Senate Foreign Relations Committee.

At the very same time the Secretary of State was cautioning against a wider war in Asia, we know now that contingency plans for U.S. military operations in Cambodia were being studied by the Secretary of Defense, the National Security Council, General Abrams, and the President himself. In fact, it appears that at the time President Nixon made his April 20 statement announcing the possible withdrawal of 150,000 troops during the next year, he had reviewed the Cambodian plans but tentatively deferred a decision.

The President's April 30 decision to invade Cambodia—taken after consultation within the executive but without so much as a passing nod to any congressional leaders—was a dangerous and irresponsible course of action. I must say, at the risk of sounding as if I am personally piqued at not being consulted, that this is not what I mean by a passing nod to anyone in the legislative branch. I would not expect the President of the United States to consult on this matter with the junior Senator from Indiana, nor—at the risk of being disrespectful—with our distinguished Presiding Officer,

the senior Senator from Ohio (Mr. Young). It seems to me that he could have consulted with the leadership of his own party and with the leadership of the relevant committees. But, as the record now shows, this did not happen.

Recent accounts of the decisionmaking process that led the President to authorize the Cambodian adventure serve only to confirm this view. It seems that President Nixon gambled that by suddenly widening the war into Cambodia, his toughness would impress the North Vietnamese and the rest of the Communist world that the United States can act vigorously, swiftly, and unpredictably.

If this was the message the President hoped to convey, it obviously was lost on the North Vietnamese, who indicated no greater willingness to discuss a negotiated settlement in the absence of a Presidential envoy at the Paris talks, and on the Russians, who continue to expand their military and political influence in the strategic Middle East.

In an aside, let me suggest that I hope the administration is giving increasing attention to the need to find a prestigious envoy to represent us at the peace talks. The Senator from Indiana is not so naive as to believe that this is automatically going to bring a successful culmination of the negotiation session, that peace will automatically descend with the appointment of a prestigious Presidential envoy. But it is fair to say that at least our chances of success are greater if, indeed, we do have someone of significant prestige representing the President there personally. In addition, I think it is fair to say that from the standpoint of the world forum, the view that others have of the United States will be significantly different if they see that we are making a maximum effort at the peace table to negotiate a settlement. Apparently, that is not the case now.

It appears to me that by committing the United States even further into this Asian quagmire the President, contrary to his own plan, has inadvertently restricted our options in other, more important areas of the world.

President Nixon's claim that the Cambodian operation was necessary because Vietnamization was threatened by a recent buildup in the border area sanctuaries sounds plausible, but when one examines the facts and the history of the situation as it actually unfolded, the President's explanation is not acceptable. Did these sanctuaries suddenly present an increased military threat to our men in Vietnam between April 20, when the President told the Nation that all was going well, and April 30, when the Cambodian attack was announced?

The reverse appears to be closer to the fact. Around mid-April, following the consolidation of the Lon Nol regime, the military situation in Cambodia forced the Communists to turn westward, away from Saigon and toward Phnompenh in order to protect their vital supply lines. In a little noticed statement of May 14, Secretary of Defense Laird seemed to substantiate this when he pointed out, for example, that nearly one-third of all Communist forces in Cambodia were now "facing the other direction and moving away from the sanctuary areas."

By the end of April, the size of the Communist force in the Cambodian sanctuary areas was greatly reduced and the risks involved in a search-and-destroy move across the border were thus greatly diminished. Our military urged that we take advantage of the situation. As Secretary Laird explained, "this was the time to hit them."

That the military had made a similar pleas during the Johnson administration for cleaning out the Cambodian sanctuaries—and had been rebuffed—is now clear. As Paul Warnke, former Assistant Secretary of Defense for International Security Affairs, said, these proposals were always rejected because "the political price was too high for the relatively minor military gain." That the military gains from search-and-destroy missions have been temporary at best—and expensive—is a lesson we should have learned by now.

Too often in the past we have asked our troops to take a so-called strategic emplacement, at great cost to us in lives, and military materiel, only to abandon it and to have to take the same place later. Are the Cambodian sanctuaries to become a new Hamburger Hill? I think it is a fair question for us to ask and for the people to ask.

Despite the success claimed for it, I doubt that the Cambodian operation will have any really lasting significance from a long term military standpoint. "Any military gains," as former Secretary of Defense Clark Clifford has said, "will be temporary and inconsequential." The former Secretary of Defense went on to say:

This is not an idle prognostication upon my part but is an opinion derived from past experience. Time and again in South Vietnam the recommendation was made that a sweep be conducted through the Ashau Valley on the grounds that a vital blow could be struck against enemy forces. Time and again, thousands of American troops would sweep through the valley and find practically no enemy soldiers. The same will happen in Cambodia.

After the adventure is concluded and our troops have been pulled back to South Vietnam, I predict the enemy will quickly reoccupy the areas that we have cleared. Even if the decision were made to remain in Cambodia, then I predict the enemy will develop new bases and staging areas just outside the perimeter of the area we occupy in Cambodia. In either event, the military effect is negligible and not worth the effort.

Our temporary military advantage in Cambodia notwithstanding, I believe that the political price—both at home and abroad—is still too high to justify such a reckless adventure.

Mr. President early in 1968, I spent 3 weeks in that part of the world. In fact, I landed back in the United States the first day the Tet offensive exploded in South Vietnam. We were in all corners of Vietnam and tried to explore as thoroughly as we could, on a non-VIP basis, without the red carpet treatment, what was going on. It gave me a better understanding of some of the complexities of Vietnam, although I hasten to add that it certainly did not make me an expert. I must admit, though, that of all the questions asked me by American military personnel, the most difficult one to

answer—and I pose it only because I think it bears some significance on the discussion of whether the adventure in Cambodia was wise or unwise—the question which was asked me repeatedly by GI's was:

"Senator, tell me, did it make sense to have my outfit take that hill, that hamlet, or that village 3 months ago, where I saw two of my buddies fall, only to have to go back next week and retake the same territory once again?"

That is the operational effect of search and destroy missions—and that is we are involved in Cambodia, and have been involved in unsuccessfully in South Vietnam over a period of years. This type of operation has not been successful earlier and I personally see little reason to expect any greater success in the future.

That the President's action has escalated and widened the ill-fated Vietnam war already is apparent. The stepped-up Communist activity around Phnom Penh, the heavy fighting in Laos, and the widespread and coordinated attacks within Vietnam itself are early but clear signs of an impending confrontation throughout Indochina. The Vietnam war is fast becoming an Indochina war.

I noticed yesterday, in one of the Washington newspapers, a reevaluation of earlier intelligence data relative to North Vietnam and Vietcong forces, particularly North Vietnam forces. The first estimates of enemy troop strength were in the neighborhood of about 50,000 to 52,000 troops. Because of the increased activity following Cambodia, however, a recent reappraisal has been made which leads one to believe that their forces are now almost twice that number—that more than 90,000 North Vietnamese forces are presently in South Vietnam.

Thus, I think it would be a serious error for us to underestimate the forces of the enemy remaining in Vietnam, at the same time the scope of battle seems to be widening throughout all of Indochina.

And now a more disturbing note. Writing in the New York Times of May 26, Harrison Salisbury reported that:

Information . . . from sources close to Communist leaders in Asia suggests that the United States move into Cambodia has transformed the Indochina situation more radically than originally estimated.

An all-for-one and one-for-all agreement, apparently has been reached, according to this report, between the North Vietnamese, the Vietcong, Prince Sihanouk, and the Pathet Lao—with the full backing of Communist China.

What this means, in effect, is that there is almost no prospect for a political settlement of Vietnam alone. A negotiated settlement would now have to cover Cambodia and Laos as well. On the basis of the snail-like pace of the Paris talks, such a settlement is not likely to emerge in the near future, and seems less likely now than prior to the Cambodian invasion.

I am deeply concerned then that this Cambodian adventure will prolong the war and our unfortunate involvement in it. That it undermines the President's already fragile Vietnamization policy—

as Secretary of State Rogers suggested—is clear. The withdrawal of American combat troops from South Vietnam, even under the most favorable military and political conditions, will place a heavy burden on the Saigon government and its troops.

That the repressive Thieu-Ky regime is not going to be blessed with a favorable political climate is predictable on the basis of widespread antigovernment sentiment, sentiment that is likely to increase as Thieu continues to stifle legitimate dissent. That the North Vietnamese and the Vietcong will not slacken their activity to accommodate U.S. withdrawals is also predictable. The recent attack on Dalat, for example, was simply a sign to Saigon that the enemy can—and will—attack when it so chooses.

What can we reasonably expect, if as Vice President Ky and Ambassador Bunker have indicated, the South Vietnamese continue to involve themselves militarily in the Cambodian civil war after the United States has pulled out? The prospects for Vietnamization, with 40,000 South Vietnamese fighting in Cambodia, are not encouraging. The critical need, if the President's withdrawal schedule is to be met, will be in South Vietnam—not in Cambodia. Indeed, if South Vietnamese forces are to broaden the scope of their involvement, it seems to me likely to lessen their effectiveness in pacifying the countryside in South Vietnam.

The President has failed to recognize the contradiction in a policy that seeks to Vietnamize the war in South Vietnam while it Americanizes the war in Cambodia.

The implications of the President's rash action for the whole of Southeast Asia are, however, only a part of my concern. The most important consequences of this reckless gamble are being felt here at home.

I think it is imperative that all of us assess the Vietnam war or, the Indochinese confrontation, on the basis of the facts as they exist today. It would be a tragedy, indeed, if today's decisions or tomorrow's decisions were based on yesterday's actions or yesterday's mistakes. The future of such policies would not only be disastrous but would, indeed, compound yesterday's errors.

Thus, I find myself looking differently at the Vietnam situation today than I did 5 years ago or as I did 12 months ago. During the early months of this administration, the Senator from Indiana, although not agreeing fully with administration policy, nevertheless felt obliged to give the President sufficient time to implement the plan he had for disengaging this country from the quagmire of South Vietnam.

I can no longer stand mute, Mr. President (Mr. Moss), not only because of a change in direction in our policy in South Vietnam but also because of the dangerous consequences of this new course on the domestic front.

The tragic deaths at Kent State—an outgrowth of protest against the President's sudden widening of the conflict—are a grim reminder of what this war is doing to America. Even before Cam-

bodia, it was no exaggeration to say that the war in Vietnam was tearing at the very fabric of our society, a war that has cost 43,000 American lives; 275,000 American wounded; 100 billion American dollars.

And for what—to prop up the Thieu-Ky regime? All of this while American cities decay, while unemployment and inflation worsen, while social tensions are heightened and the unfinished business of America remains unfinished.

The war, in addition to the tragic human toll it takes, is the major source of our present economic ills—an unhealthy mixture of inflation and recession.

Just how we achieved this worst of both worlds economy is certainly no mystery. Around the middle of 1965, as was pointed out in the 1968 annual report of the Council of Economic Advisers:

The growth of demand for industrial products suddenly accelerated as the direct and indirect consequences of the enlarged commitment of U.S. forces in Vietnam.

Prices of consumer services began to accelerate, as service firms found it more difficult to obtain workers. With rising food and service prices and stronger demands for labor, upward pressures on wages intensified in both the organized and unorganized sectors. In the industrial area, the impact of demand on prices was strongest in the defense-related and capital goods sectors, where shortages of both capacity and skilled manpower were most pronounced. But prices also advanced in many other areas.

The upward pressures on prices and wages in this period reflected both the speed of the advance and the high level of resource utilization which the economy achieved. These pressures tripped off a price-wage spiral.

Largely as the result of our deepening involvement in Vietnam, in the 2-year period from mid-1965 to mid-1967, the value of resources devoted to national defense rose 50 percent. In an economy operating at near capacity, this buildup generated tremendous inflationary pressures. In January, 1969, when President Nixon took office, these pressures were still very much alive—as was our involvement in Southeast Asia. A year and a half later and little has changed, except that the President is now set upon a course that deliberately seeks to increase unemployment in order to combat this Vietnam-generated inflation. The American people have already paid a very dear price for our Vietnamese adventure. To ask this Nation to bear an intolerable rate of unemployment—now at 5 percent and rising—to further pay for this seemingly endless and senseless war is to ask too much in my judgment.

And now Cambodia. A nation that had been promised an early end to the war by a presidential candidate with a foolproof plan, now finds itself faced with a great difference between what was said and what was delivered, and is once again treated to double-talk. The President has told us that in order to shorten the war in Vietnam we must widen it into Cambodia. The logic of this Cambodian adventure, I must admit, escapes me.

What America needs—and needs desperately—is not a wider war or a shorter war, but a conclusive end to the war.

Still the war goes on. It appears that not only is there no effective means for fulfilling the campaign promises of peace, but that there is no way of preventing an even wider war. The war seems to have taken on a life and logic all of its own. It has captured President Nixon in much the same way it imprisoned President Johnson.

The history of our involvement in Vietnam reveals that too often Government officials have become the victims of their own rhetoric. Only now it is captured arms and rice tonnage instead of body counts that may lead us into self-delusion.

The bizarre logic of recent events, as one might reasonably have predicted, is producing a growing sense of frustration and impotence both publicly and within the Congress itself. The President's reckless gamble has precipitated a crisis of confidence. And well it might have, with the Cambodian invasion coming only 10 days after the President's report to the Nation on Vietnam with its rosy predictions for cutting back on American involvement.

Mr. President, I think it is important that we not delude ourselves into the false hopes of some that these feelings are confined to the young and the campus. They are not. This sense of frustration is shared by millions of Americans of all ages. I think that most Members of the Senate feel it. Certainly, I feel it.

For 16 months I have said little about the war. To be sure, I was deeply concerned about its continuation. I did not agree totally with the Nixon policy for ending the conflict. However, as long as we were disengaging from the conflict I was determined to cooperate with the President. But now I must admit that the President's action has led me to despair about the prospects for liquidating our involvement in Vietnam. I am not ready to concede, however, that our system of government cannot respond. It can—but only if the Senate of the United States is prepared to exercise its constitutional authority and accept responsibility for limiting American participation in the Vietnamese quagmire.

This responsibility should not be taken lightly. Certainly, I do not look on it as a small responsibility. And I am sure that no other Senator does either. But today the Senate stands as the last hope against any further escalation of the war. Passage of the Cooper-Church amendment would not only restore the faith of millions of Americans in our system of government, but it would also restore the Congress to its rightful place within our constitutional framework—as the only body empowered to declare war, to raise and support armies, and to make rules for the governing and regulations of these forces.

I have weighed these salutary effects against the argument, advanced by opponents of the amendment, that it would be a "slap in the face" for the President and undermine his credibility abroad. The "slap in the face" theory, it seems to me, is both specious and irrelevant. It is specious because there is little the Senate could do to undermine the President's credibility abroad any more than he himself has done by expanding

our misadventure or damage that could be done if the President failed to live up to his own timetable in Cambodia. It is irrelevant because it avoids the issue of whether American troops should become involved in Cambodia without congressional sanction and authorization.

This brings me to the two most basic questions of all in this debate. First, does Congress have the power to deny funds for the use of future military operations in Cambodia? Second, should Congress exercise that power if they have it?

On the first point, the Constitution is clear. Congress does have the power to act. The framers of the Constitution wisely anticipated the difficulty of maintaining effective civilian control over military policy, and thus they provided the specific means for exercising such control.

In order to avoid concentrating authority in any one body, the war power was divided between the President and the Congress. The Congress—not the President—was empowered to declare war, to raise and support an army and a navy, and to make rules for the Government and regulation of these forces. The President, who was also viewed as a symbol of civilian authority—but one more susceptible to the blandishments of the military—was made Commander in Chief.

The President, as Commander in Chief, is responsible for the conduct of military activities once war has been declared, and clearly he also has the power to repel any attacks on the United States. As Commander in Chief, the President alone is responsible for implementing military policy. In much the same way, the President alone is responsible for seeing that "the laws be faithfully executed."

But the President's power as Commander in Chief no more warrants the conclusion that he alone has the power to formulate military policy than does his obligation to enforce the law imply that he alone can make laws. As Justice Black pointed out in the steel seizure case:

The Constitution is neither silent nor equivocal about who shall make laws which the President is to execute . . . The Constitution does not subject this lawmaking power of Congress to presidential or military supervision or control . . . The Founders of this Nation entrusted the lawmaking power to the Congress alone in both good times and bad. *Youngstown Sheet and Tube Co. v. Sawyer*, 343 US 587 (1952)

I believe the lawmaking powers of Congress extend to the formulation of military policy as well, as is so clearly spelled out in article I, section 8. And it was upon that grant of authority, I want to remind my colleagues, that Congress acted so wisely last year to prohibit the use of funds for the introduction of American forces into Laos.

The introduction of American forces into a country where they have previously been restricted from venturing for fear of widening the war, despite the pleas of the military, is clearly a major policy decision. At the very least, it seems to me, the Constitution requires that such a decision should have been shared by the people's representatives in Congress.

The concern of the framers of the Constitution, moreover, was not simply

limited to dividing the war power between the Congress and the President. They specifically provided that congressional authority was to be insulated from Presidential encroachment by a constitutional requirement that military appropriations could not be for longer than 2 years. Alexander Hamilton, himself an ardent advocate of a strong executive, explained the importance of the 2-year limitation in Federalist Paper No. 26:

The legislature of the United States will be obliged by this provision, once at least in every two years, to deliberate upon the propriety of keeping a military force on foot; to come to a new resolution on the point; and to declare their sense of the matter by a formal vote in the face of their constituents. They are not at liberty to vest in the executive department permanent funds for the support of an army, if they were even incautious enough to be willing to repose in it so improper a confidence.

The specific purpose of the 2-year limitation was to act as a brake on the growth of a standing army, which at that time was considered the major threat to constitutional processes. The larger import of the appropriations limitation, however, is that Congress is required to fully review and pass, on our military posture before the expenditure of additional money. The congressional appropriations power as it relates to military policy, therefore, was clearly intended as an important constitutional check on both the President and the Armed Forces.

That Congress, after many years of simply acquiescing to executive leadership in military and foreign affairs, has recently chosen to exercise its constitutional powers, seems to have startled some people. That Congress has not acted so forcefully for so long, of course, in no way affected its authority to act last year in regard to Laos and similarly does not affect its authority for acting now to prohibit American combat troops from fighting in Cambodia after July 1, 1970. As Justice Black said in the Youngstown case, "The Founders of this Nation entrusted the lawmaking power to the Congress alone in both good times and bad." That Congress retains this power today is obvious.

That Congress should exercise this power to limit future American military operations in Cambodia, of course, is a different and more delicate question. And I want to re-emphasize the term "to limit future American military operations in Cambodia." I did not say "to limit the President." For, contrary to the message opponents of the amendment are intent upon conveying, it is not designed to—nor could it—limit the President's powers as Commander in Chief. These powers are constitutional and Congress cannot legislate away or infringe upon the President's constitutional authority.

But Congress can—and should—exercise its own constitutional authority to legislate the limits of American military policy in Southeast Asia. Rejecting the view that the Commander in Chief clause supports "any Presidential action, internal or external, involving the use of force," Justice Robert Jackson wrote:

Congress alone controls the raising of revenues and their appropriations and may determine in what manner and by what means

they shall be spent for military and naval procurement.

And in further attempting to define the precarious constitutional balance between the President as Commander in Chief and the Congress' lawmaking power, Justice Jackson pointed out:

Presidential powers are not fixed but fluctuate, depending upon their disjunction or conjunction with those of Congress. . . . When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb. . . . Courts can sustain exclusive presidential control in such a case only by disabling the Congress from acting on the subject. Presidential claim to a power at once so conclusive and preclusive must be scrutinized with caution, for, what is at stake, is the equilibrium established by our constitutional system.

Precisely, what is at stake is the integrity of our constitutional process. And because the stakes are so high, it is necessary for Congress to act. As the New Yorker magazine has said, in explaining the larger implications of this breakdown in our governmental system:

If the United States government fails to honor the freedom of its own people, who are protected by the American Constitution, it will not honor the freedom of any people. This is the true relationship between the invasion of Cambodia and the survival of the free institutions that President Nixon mentioned in his speech, and for this reason the invasion of Cambodia and its consequences within America are the urgent concern not only of Americans but of all mankind.

Mr. President, passage of the Cooper-Church amendment would mark the beginning step in Congress' long journey back to a position of responsibility and leadership. I am confident Congress will take this step because it is both necessary and right that it do so.

Mr. President, I must confess that I had begun work on this statement long before President Nixon's June 3 interim report. After carefully studying the President's statement I saw no need, however, to alter the text of my remarks in support of the Cooper-Church amendment. After hearing the President recite those statistics on captured arms and rice and announce a troop withdrawal of 50,000 men within the next 6 months, I am even more certain today that expanding the war into Cambodia was ill-advised and shortsighted than I was on April 30 when the decision was announced.

Before Cambodia, Mr. President, the Nixon policy of Vietnamization was pulling Americans out of Vietnam at the rate of about 11,000 per month. Now, after an operation in which the President has told us that "all of our major military objectives have been achieved," and an operation he has described as the greatest victory in the long history of the war—the withdrawal rate for the next 6 months is down about 2,000 per month. To be sure, it is conceivable that we could double this amount in the following 6 months. It seems rather strange to the Senator from Indiana, however, that if this mission had been such an overall success why his withdrawal rate for the next 6 months is significantly less than the last 6 months.

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

Mr. BAYH. Mr. President, I shall be no more than another minute and then I will be happy to yield to the Senator from Florida for questions or yield the floor. I appreciate his tolerance, and I will be glad to discuss this matter with him.

As for the seemingly vast inventory of captured weapons and food, its significance can only be measured in terms of North Vietnam's total resources and its ability to replenish the losses. While the Cambodian booty may be greater than caches uncovered as the result of operations Junction City and Cedar Falls, for example, it appears that in the past these missions have had little long-term significance.

No one knows for sure what the true, long-range impact of the capturing of these supplies will be. Certainly I would rather have them in our hands than in the hands of the enemy. But if anyone is looking at this adventure as a panacea for ending the war, history, I believe, will show he is relying on a false hope. In the past the enemy has shown an amazing ability to replenish his lines of communication and supplies, and, unfortunately, to continue the war at a steady pace.

It struck me, Mr. President, that what was noticeably absent from President Nixon's June 3 report was any reference to COSVN, the Communist control center located in Cambodia. In his April 30 statement announcing his decision to expand the war into Cambodia, President Nixon seemed to indicate that we would be striking a telling, perhaps even fatal, blow to the command center for all Communist operations in South Vietnam. The President's failure to even mention this aspect of the operation could only mean there is no COSVN—or we failed to uncover it. One wonders.

In the past, we have found that even though we had been able to capture Communist control centers, it was only a short time until new control centers sprung up. The amazing absence of enemy troops and casualties in that area leads us to believe that the major Communist forces had escaped.

Mr. President, one final thought on the amendment offered by the Senator from West Virginia (Mr. BYRD). The Byrd exception to the Cooper-Church amendment provides that the amendment shall not preclude the President from taking such action as may be necessary to protect the lives of United States forces in South Vietnam or to facilitate the withdrawal of U.S. forces from South Vietnam.

If this is simply a restatement of the President's constitutional powers as Commander in Chief, then it is unnecessary. As I pointed out earlier in my statement, just as Congress cannot legislate restrictions on the President's constitutional authority as Commander in Chief, it cannot expand those powers by statute. I recognize the President's responsibility to protect our forces in the field, but I do not believe he needs Congressional approval for this.

I believe he has the constitutional authority, in the first place. It is interest-

ing to note, Mr. President, that the amendment adopted last year restricting our operations in Laos and Thailand carried no such exception. And yet for years, we have known that the Ho Chi Minh Trail, running down through one corner of Laos, has been a major supply route and sanctuary.

On the other hand, if the Byrd exception is another Gulf of Tonkin resolution—a blank check from Congress approving in advance any actions the President may take—then it is dangerous.

Such a gesture by the Congress can only serve to widen the war and continue our unfortunate involvement.

All of us are concerned about protecting American fighting men. It just seems to the Senator from Indiana, after a long period of patience, that the best way to protect our American fighting men is to end the war.

I yield to the Senator from Florida.

Mr. GURNEY. There were some aspects of the Senator's presentation that I wanted to question him on. Going back to the first question, about troop withdrawal, it was my impression that the President announced, about a year ago, his Vietnamization process, his planned troop withdrawal, and the approximate figures during the first year were about 100,000. It is now about 115,000, but during the first year the goal was about 100,000.

Then, of course, in April—I think April 20, to be exact—the President announced a further planned withdrawal of 150,000. The Senator from Indiana made the point that troop withdrawal was slowing up. I did not understand that. Would he further explain?

Mr. BAYH. If the Senator from Florida would reexamine the figures on the rate of withdrawal and compare those, not with the 150,000 figure over the next year as announced on April 20, but with the 50,000 figure that is to take place between October 15 and the present date, I think his arithmetic would lead the Senator from Florida to the same conclusion reached by the Senator from Indiana.

Mr. GURNEY. Well, how many troops have been withdrawn to date?

Mr. BAYH. About 110,000. I am sure the Senator from Florida has ready access to those figures.

Mr. GURNEY. That was about the same figure I had, or about 100,000, as the President planned during the first year. But is it not also a fact that he has scheduled 150,000 to be withdrawn during the next year, and is not that a greater figure than 100,000?

Mr. BAYH. I am well aware of the announcement. I am also well aware of the fact that I watched on television the Commander in Chief of the U.S. Armed Forces characterize the Cambodian operation as the greatest military victory in the Vietnam war. Then he suggested that for 6 months following that great victory our troop withdrawal is going to be less than the previous 6 months. That does not make sense to me. Perhaps the Senator from Florida can explain its inconsistency.

Mr. GURNEY. Let me ask the Senator if he can recall any announcement or pronouncement the Commander in Chief, the President of the United States, has

made, on the war in Vietnam which he has not fulfilled so far.

Mr. BAYH. Yes. I can remember hearing certain of our colleagues on the floor of the Senate bring to the attention of the Senate the fact that after the initial announcement of withdrawals, in fact, there was a significant period of time when, instead of fewer troops in Vietnam, there were more troops in Vietnam. I am pleased to answer the questions of the Senator from Florida, but can he, in turn, explain the inconsistency pointed out by the Senator from Indiana?

Mr. GURNEY. Why does not the Senator answer my question?

Mr. BAYH. I did.

Mr. GURNEY. The question was, on any pronouncement or announcement by the President of what he intends to do in Vietnam, where has he failed the people of the United States? I think the Senator has not answered it.

Mr. BAYH. I think the Senator from Indiana looks at the problem from a little different perspective than the Senator from Florida, because we believe the course of action in Cambodia will accomplish different things. Frankly, I say, not as a Democrat or as a Senator, but as a citizen of this country, I hope the judgment of the Senator from Florida is right. But I think history will show, if we can judge the future by the past, that it is not going to prove consequential in the long history of the war, and that it has increased tensions within this country.

Mr. GURNEY. Since the Senator from Indiana has not answered the question—

Mr. BAYH. I have answered the question. The Record will show that I have answered the question.

Mr. CHURCH. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Indiana has the floor.

Mr. BAYH. Mr. President, if the Senator from Florida wants me to mouth and repeat his assessments, he is not going to get me to do that. If he wants me to give good faith replies to his questions, I will stand here until the sun falls.

Mr. GURNEY. Mr. President, will the Senator yield further?

Mr. BAYH. I yield.

Mr. GURNEY. During his presentation, the Senator from Indiana made the statement that the incursion into Cambodia would prolong the war. Would he explain that further? In what way is it going to prolong the war?

Mr. BAYH. Mr. President, I know there are other Senators who want to speak. I would be glad to give the Senator a copy of my speech. Perhaps if he had read it or listened to it in total, he would know that I had answered that in a significant way.

Mr. GURNEY. I listened to it at length, but I did not hear anything beyond the statement itself.

Mr. BAYH. Well, here again I respect the good faith and the sincerity of my friend from Florida; but I fear that after I have answered the question, it is not going to be answered the way he wants it to be answered, and so he may feel that I have not answered it. But, having

given this advance warning, I shall try.

It is difficult for the Senator from Indiana to see how we can be consistent in a policy that Vietnamizes the war in Vietnam and Americanizes it in Cambodia, without suggesting we are broadening the scope of the war. If we are taking South Vietnamese troops from the main scene of battle in South Vietnam, and dissipating their impact by spreading them into Cambodia, the Senator from Indiana cannot see how Vietnamization will proceed apace. In fact, it is rather interesting to me to note—and I am sure the Senator from Florida heard the remarks that I read of the Secretary of State relative to Vietnamization—seems that we have a considerable amount of inconsistency. The Senator from Indiana does not believe that the Cambodian adventure is not going to do anything to shorten the war. I hope I am wrong. But if we look at what happened in the Ashau Valley and what happened in the Iron Triangle, and we were shown pictures in our newspapers and on our television screens of captured supplies and weapons, we know that these missions accomplished little. I would much rather we had these weapons than they did; but the cold, cruel facts have shown that despite such captures in the past the enemy has been resupplied and the war has not stopped.

Several Senators addressed the Chair.

Mr. BAYH. I yield to the Senator from Idaho. If the Senator will permit me, I do not want to cut off this colloquy. I will be happy to continue it, but I thought it appropriate to yield to the floor manager of the bill.

Mr. CHURCH. Mr. President, I commend the Senator on his very able address.

In regard to the war's extension, is it not true that since the borders of Cambodia were breached, a number of events have occurred, suggesting that the war is being broadened, and, indeed, could be lengthened?

Mr. BAYH. Mr. President, I think this would be a good time to place in the Record a statement from the Washington Post on June 7, 1970, entitled "Broad Red Offensive," written by Robert G. Kaiser. I am sure the Senator from Florida, as well as other Senators, will be interested in it. I ask unanimous consent that it be printed in the Record at this point.

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

BROAD RED OFFENSIVE
(By Robert G. Kaiser)

PHNOM PENH, June 6.—This morning's Vietcong attack on Siem Reap, near the historic temples of Angkor, is the most striking symbol of a worsening military situation in Cambodia.

Siem Reap in northwestern Cambodia is more than 200 miles from the Vietcong's old sanctuaries along the Vietnamese border. It is a strange target for the Communists unless they have serious plans to open a broad Cambodian offensive.

According to a number of observers here, such an offensive may be just what the Communists are planning. Several of Phnom Penh's most experienced diplomats and military attaches now share the opinion that Hanoi may have shifted its strategy in the

last three months, making Cambodia its primary target in Indochina.

Even the Americans, who speak more optimistically about the military situation and the strength of the Lon Nol government than any other Western diplomats here, are concerned by the possibility of a new Communist strategy.

[Gunfire broke out here for nearly an hour tonight, UPI reported. Flares illuminated the sky as bursts of shots were heard in the vicinity of the rail yards. No explanation was given.]

"The big mystery," an American diplomat said, "is why they (the Vietcong) are going so far west."

These diplomats and observers here do not expect Cambodia to disappear suddenly down the Indochinese drain. The consensus is that whatever happens will happen at a deliberate, Southeast Asian pace.

There is also general agreement that the Communists have big problems to solve before they can effectively conduct a political and military offensive in Cambodia.

But almost the only optimists in Phnom Penh are the Cambodians themselves, who seem to live in a very private world. "They're a self-confident people, alas," sighed one Westerner who makes his living trying to follow their affairs.

A popular theory here is that the Vietcong may launch some military action just before or just after June 30, to try to force President Nixon either to keep American forces in this country beyond his deadline, or to bring them back in right after it passes.

From Phnom Penh, Mr. Nixon's current position looks very difficult. "Why was President Nixon's speech (on June 3) so optimistic?" one diplomat asked. This experienced official doubted whether Hanoi would let the United States walk out of Indochina.

The "salvation government" of Lon Nol reveals only self-confidence to the outside world. It claims to be following a foreign policy of neutrality. This must be the only neutral country in the world whose government-run newspaper can print a front-page cartoon in which Richard Nixon is depicted as an angel, as he was in Friday's "Courrier Phnompenhols."

In fact, the Cambodians find themselves utterly dependent on the United States, South Vietnam and probably Thailand. They are talking of recognizing Chiang Kai-Shek, and have sent a delegation to Seoul. They are counting heavily on President Nixon, whose political problems they apparently don't understand.

"They think Nixon is another Sihanouk," one diplomat said. "If he says yes, then everything is yes."

A Frenchman long in Phnom Penh said Sihanouk himself encouraged people here to count on large American aid. This source said the Cambodians looked to Laos—a country of only two million that has received millions of American dollars—as a model for what they would expect from Washington.

By almost all accounts, the government is woefully weak and not getting any stronger.

An American diplomat said of Lon Nol and his colleagues, "I think they're doing pretty well." But others who have been in Phnom Penh much longer take a different view. "They will exist as long as someone from outside will support them," said one. The government has developed no civil or military plans since taking office, another old hand said.

And yet there has been no challenge to Lon Nol that observers here think is significant. "There is no other group capable of mounting a government," said one diplomat—except Sihanouk. And there is no

evidence here that Sihanouk's unpopularity has lessened since the coup, at least in Phnom Penh.

In fact, those who seem most pessimistic about this current government are often the most insistent that Sihanouk has lost whatever claim he ever had on Cambodian allegiance and affection.

But the government's strength is apparently not an indicator of wide popularity. Lon Nol is not a charismatic figure—that comment is made so often here it is now a stock joke.

The consequences of the government's policies—a war on Cambodian soil, the presence of thousands of unpopular South Vietnamese, etc.—are certainly unpopular.

While the Cambodian government moves gingerly, if at all, the Vietcong are moving boldly (or desparately) virtually all over the country.

They have attacked 10 of Cambodia's 19 province capitals since the coup. Two and perhaps three of them were reportedly the scenes of active fighting today. Most of these 10 were in eastern Cambodia, but the Communists have fought major engagements on all four sides of Phnom Penh.

They control most of northeastern Cambodia, and appear now to be seeking control of a kind over the whole northern half of the country. They have also been active in the south, along the Gulf of Siam, but apparent decision to disperse South Vietnamese troops in that area have either forced them out or compelled them to lie low.

As one diplomat here noted, the Communists' apparent decision to disperse all over the country can be interpreted either as a defensive or an offensive maneuver. Either way it can be effective, if the Vietcong and North Vietnamese troops can get the supplies and food they need.

Whether they can is one of the two most puzzling questions in Cambodia at the moment. There are credible reports here that the Communists began moving supplies out of their old sanctuaries in March or April at the latest, long before U.S. and South Vietnamese forces attacked the sanctuaries.

There are also unconfirmed reports that the new Communist supply line down the Sekong and Mekong Rivers is already in use. Whether these means or some other will provide what the Communist need is, simply, a mystery.

The fact that pessimism is the dominant mood here reveals the common assumption that the Vietcong will get supplies. They have already had some success capturing Cambodian supplies from provincial depots and warehouses.

The second great mystery is how the Communist will proceed through this next stage of the Indochina war. If they have not made Cambodia their number one target, what are they up to in Cambodia now? Vice President Ky said today he thought they were merely beating a disorderly retreat.

If the Communists have more deliberate intentions here, how will they pursue them? It is widely assumed in Phnom Penh that the Vietcong missed their best opportunity to seize this capital in April.

But perhaps, one diplomat suggested, they will ignore Phnom Penh, and try for domination of the entire countryside, following the dicta of guerrilla doctrine.

There is very little evidence to help solve this mystery. One source who knows Cambodia well says that in almost all areas of the country, the Vietcong have stopped pretending to be agents of Sihanouk, whom they have found to be unpopular.

The Vietcong have written off the local Cambodian Communists, the Khmer Rouge, who are trying to build their organization around little-known local leaders. There is no reason to think it will be easy to build an indigenous revolutionary movement among the apologetic, easy-going Cambodians.

But some observers here think the Communists will have certain advantages in the future, including popular hostility for South Vietnamese troops—who have apparently misbehaved in Cambodia—and anger toward the government that brought the country war, uncertainty, and what is likely soon to be a bad economic situation.

Meanwhile, if they can get the supplies they need, the Communists can maintain a large, dispersed military force in Cambodia. "They can take any city in the country any time they like," one old resident of Phnom Penh said. Military men here generally accept that judgement.

In recent weeks, the Lon Nol government's biggest short-term asset has been the South Vietnamese army—which many here believe will turn out to be a long-term liability. There is no question that South Vietnamese forces in Cambodia have seriously disrupted the Communists, thus relieving much of the pressure on Cambodian forces.

But in the process, the South Vietnamese soldiers have apparently ravaged parts of the countryside, looting, shooting indiscriminately and sometimes raping women. Their wayward ways are common gossip in Phnom Penh—as they are in Saigon. Public feeling against the South Vietnamese is strong here and, it is presumed, in the countryside too.

The South Vietnamese and Cambodian leaders seem to be natural allies—they need each other. The question asked often here is whether ordinary people of both countries can overcome natural hostility for the sake of a cause many of them know nothing about.

In the meantime, the Americans in Phnom Penh are the most up-beat Westerners in town. In three days of hearing people describe the Lon Nol government as utterly dependent on foreign help, one U.S. Army man said, "These people have the capability of pulling themselves out of this danger without any help from anybody else."

He described one of the leading Cambodian generals as an "exceptionally well-educated officer," and a good fighter. Another source who has lived here for more than a dozen years described the same general differently: "He's a clown. He dances well."

Mr. CHURCH. There is a stubborn inclination by certain observers to look at the Cambodian operation in the most limited possible frame—we have struck at certain border sanctuaries, and that we will withdraw from Cambodia within the time limitation set by the President.

I assume this to be the case. However, that is not the full picture of the Cambodian situation. Since the operation commenced, the situation in that part of Southeast Asia has become very complex.

The President, at a press conference on May 8, in response to a question, said he anticipated that the South Vietnamese would come out of Cambodia when we came out. He based this assumption on the fact that we furnished them with their logistics and their supplies.

Several days later, Vice President Ky responding to a question relating to coming out of Cambodia, replied that that was a silly argument of silly people, apparently his reference being the President and the Vice President of the United States.

Since then, we have learned that South Vietnam is not coming out when we come out. Since then, the administration's policy has shifted. The administration now says that while we are coming out, we will continue to support the South

Vietnamese in the decisions that they make with reference to staying.

This is a significant development. It extends beyond the narrow framework imposed upon the American operations in Cambodia.

Furthermore, we are now told that Thai troops—who were not in Cambodia prior to this operation—are going to Cambodia. We do not know, as yet, how many. Their purpose is to join in the new front in Cambodia, presumably to support the Lon Nol regime. I consider this especially when we remember that we have treaty obligations to Thailand, is a very significant development. It relates directly to the broadening of the war.

These, plus the Nixon doctrine, could involve the United States, in many ways, in the defense of Cambodia, unless the Church-Cooper amendment becomes a part of the law.

The Senator from Indiana has plenty of evidence already presented in the course of the few short weeks that have elapsed since the Cambodia borders were breached to suggest that indeed the war has been complicated, widened, and perhaps lengthened.

I commend the Senator for having made so forceful an argument on this floor today.

Mr. BAYH. I thank the Senator from Idaho for his observations. I might pose just one question, inasmuch as the Senator has been a distinguished member of the Committee on Foreign Relations.

The Senator pointed out that Thai troops were being sent in and Cambodian forces were being armed. From what source do these troops get their sustenance?

Mr. CHURCH. The Thai armed forces are being financed by the United States. Our generosity is hardly a secret.

Under similar attitudes and circumstances, Cambodian forces could also receive generous financing, as well as weapons, ammunition, equipment and supplies that they need to conduct their battle operations.

Alas, the government holding the moneybags, the financier of military operations in Cambodia by all friendly parties will, undoubtedly, be the United States.

Mr. BAYH. I thank the Senator from Idaho.

I ask unanimous consent to have printed in the Record at this point an article published in the Washington Post on June 8, 1970, written by the distinguished columnist Chalmers Roberts. Significantly enough, the title of this article is "Thai Troops Cost the United States \$200 million."

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

THAI TROOPS COST THE UNITED STATES \$200 MILLION

(By Chalmers M. Roberts)

The United States has paid more than \$200 million to Thailand for the support of its forces now in South Vietnam, according to Senate hearings released on American involvement in Thailand.

The extensively censored transcript of closed-door Senate Foreign Relations Committee hearings held last Nov. 11-17 was made public by Sen. Stuart Symington (D-

Mo.), the subcommittee chairman. He also released a letter asking Secretary of State William P. Rogers for details of the American role in last week's announcement by Thailand that it will send "volunteers" to Cambodia.

Symington asked Rogers for details on when negotiations on the "volunteers" began, what the United States is to provide, what it will cost, the Thai role in supporting the Cambodian regime of Lon Nol and which country can bring about withdrawal of Thai units from Cambodia.

Both the hearing and the letter are part of the effort by senators opposed to the Indochina war to force full disclosure of what the United States has been and is doing. The senators hope to increase pressure on President Nixon to end the conflict.

Despite more than 3,000 pages of transcript, the hearings, as censored, produced only a few nuggets of new information. Much of the hearings consisted of repetitious rival contentions between the senators, especially Symington and Sen. J. William Fulbright (D-Ark.), on the one hand, and the administration on the other about the nature of the American commitment to Thailand. Symington repeatedly castigated administration witnesses for excessive executive branch secrecy on matters he contended the Congress and the public had a right to know.

The \$200 million figure was supplied by the administration. A submitted statement said American "support to Thai forces" had averaged about \$50 million a year, or \$200 million since their arrival in South Vietnam in 1966.

Fulbright put into the record a table showing that a Thai lieutenant general received \$370 a month base pay, paid by Thailand, plus \$450 a month in overseas allowance, paid by the United States. The scale ran down to a private whose base pay was \$26 a month from his own country plus \$39 a month from the United States.

In addition, the United States pays \$2,500 for death and disability benefits for Thai enlisted men, \$3,500 for noncommissioned officers and \$5,500 for officers. A mustering out bonus, also paid by the United States, is \$400 per volunteer. While in South Vietnam, the United States also pays for quarters, rations, transport and ammunition for the Thais. About 11,000 Thai troops are now there.

American Ambassador to Thailand Leonard Unger provided figures showing that in the period 1949-69 the United States had given Thailand \$2,190,000,000 in all forms of economic and military assistance and for military expenditures. He also estimated that the American contribution of all sorts to the Thai economy was about \$200 million a year in 1967 and 1968 and about \$170 million in 1969.

Graham Martin, now Ambassador to Italy and former Ambassador to Thailand, said at one point that he thought the Thais had sent the troops to Vietnam "because they were requested to by the government of Vietnam and by the United States. I think they made that decision in the full realization that it was increasingly uncomfortable for the United States to have the massive deployment of U.S. troops with far less contingents from the other partners in the SEATO alliance."

The nature of the Southeast Asia Treaty Organization (SEATO) commitment by the United States, and how it was affected by the Rusk-Thanasat statement, was much argued over during the hearings by the new agreement between senators and administration witnesses.

The Rusk-Thanasat statement of March 6, 1962, signed by then Secretary of State Dean Rusk and Thai Foreign Minister Thanat Khoman, was defended by Unger as not "in any sense altering or extending our commitment under SEATO." The statement, in

State's view, simply made clear that the United States could come to Thailand's aid on its own initiative without the agreement of all the SEATO nations.

Fulbright, however, contended that the statement had created "a bilateral agreement" and had done so "without reference to Congress." But the most the administration witnesses would concede was that the statement had been an added assurance to Thailand at a moment of peril.

The peak of American military manpower, chiefly Air Force, in Thailand was 48,000, with 42,000 the ceiling for June of this year, a Pentagon statement said. Included are 290 men in the Special Forces.

Despite suspicions raised by senators and by subcommittee counsel Roland A. Paul that the Special Forces might have some role other than training, administration military and diplomatic officials denied it.

The issue of the Thai-American contingency plan, as the administration calls it, also figured in the transcript. Fulbright brought out that it was updated last August but he never got what he considered a satisfactory explanation as to how the two governments "agreed" to do so.

Symington indicated he considers the contingency plan issue, first made public last year, as moot after Secretary of Defense Melvin R. Laird publicly repudiated its applicability.

When Fulbright demanded of Unger his "authority" for the Nov. 19, 1967, agreement "in which you apparently committed our country to equip and supply the Thai forces in South Vietnam," the ambassador cited "instructions from the Department of State" based on the SEATO treaty.

An administration supplied "summary" of that secret agreement said that because the Thais "were concerned that the dispatch of this force could weaken their security position at home," the United States had agreed to provide an additional \$30 million in aid to modernize the Thai forces, including provision of a battery of Hawk anti-aircraft missiles. The rest of the administration document was deleted from the transcript.

Much of the hearing related to Laos, the subject of another subcommittee hearings the transcript of which already has been released.

At one point it was disclosed that American planes in 1968 flew 67,000 sorties over Laos but the 1969 figure was censored. This sortie figure covered raids both on Northern Laos, in support of the Royal Government of Souvanna Phouma, and against the North Vietnamese on the Ho Chi Minh trail.

Walter Pincus, the subcommittee's chief consultant, read newsmen sortie figures for raids in North Laos alone, increasing for 30 in the year 1964 to 32 per day by September, 1968, to "over 100" per day in 1969.

Maj. Gen. Robert L. Petit, deputy commander of an Air Force unit at Udorn, one of the American bases in Thailand, testified that American Ambassador to Laos G. McMurtre Godley "maintains a very tight control" over the sorties "going into North Laos."

All references to reports that Thai troops have been serving in Laos were deleted except for a newspaper report that 5,000 had been sent "disguised in the uniform of the Royal Lao Lian Army."

The hearings produced much wrangling about the American "interest" in Thailand and the nature of the Chinese and North Vietnamese threat but no agreement between the senators and the administration witnesses. About the only favorable senatorial comment came from Sen. Jacob K. Javits (R-N.Y.). He called Thailand "a bastion of the kind of order and stability and justice that we are trying so hard to attain."

Early in the hearings witnesses refused to discuss American post-Vietnam planning for Thailand but later on it was described as

"merely proposals" without any decisions having been made. Witnesses refused to disclose any of the proposals although the committee implied the United States really intends to keep bases and forces in Thailand indefinitely.

The committee also made much of American payments to the Thai-run Express Transport Organization, with documentation to show that handling of American cargo had produced what the committee concluded was a profit of 35 to 40 per cent based on expenditures.

Mr. BAYH. Mr. President, I should like to repeat, since the Senator from Idaho is here now and had been called off the floor for other duties as I began my remarks, the reference to Secretary of State Rogers' statement to the House Appropriations Committee about not getting involved in Cambodia.

It is my understanding that he shortly thereafter testified before the committee of the Senator from Idaho, the Senate Committee on Foreign Relations, to the same effect. But I think it is interesting to note what the Secretary of State said to the House committee, and I suggest to my distinguished colleague from Florida that I would think that the Secretary would speak for the President of the United States on matters such as this. He said:

We have no incentive to escalate—

This was 7 days before the Cambodian invasion—

Our whole incentive is to deescalate. We recognize that if we escalate and get involved in Cambodia with ground troops, that our whole Vietnamization program is defeated.

It seems to me that perhaps by this statement the Secretary of State has answered the very pertinent question raised earlier by the Senator from Florida.

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

Mr. BAYH. I am happy to yield.

Mr. GURNEY. Commenting on that specific point—and I hope we can get back to expanding on the other point, because that is what we had been discussing, but this point was raised earlier, and it is certainly fair to talk about it—of course, the word "escalation" means one thing to one Senator, and another thing to another Senator. To me, the word "escalation" means broadening the war, stepping up the war, further involving the United States of America, prolonging the war, sending more troops in, doing more of a whole lot of things.

The word "deescalation" means taking those steps, particularly those tactical steps, in Southeast Asia, which may very well lead to a shortening of the war, if it hurts the enemy and seriously sets him back, and of course that is what this debate during the last several weeks has been all about. I am well aware that some Senators have one viewpoint, and other Senators have another.

Speaking to the words of the Secretary of State, in the sense of this Senator, deescalation, in the light of the Cambodian incidents, means that when the President, the Commander in Chief, has taken a tactical step that has wiped out Communist sanctuaries, that has destroyed supplies, that has weakened the enemy's ability to wage war, this is indeed an escalation.

I realize that we have differences of viewpoint on that.

Mr. BAYH. We can describe "escalation" and "deescalation" in different terms, but it seems to me that we have to interpret it the way the Secretary of State described it. Although we might differ as to what "escalation" and "deescalation" mean, can we really say that there is much dispute about what he meant when he said that if we escalate and get involved in Cambodia with ground troops, our whole program is defeated?

Mr. GURNEY. I think that what the Secretary was talking about is that if we went permanently into Cambodia—

Mr. BAYH. He did not say that.

Mr. GURNEY (continuing). Supported the present Government of Cambodia, and shored it up and kept troops in there permanently, that, indeed, would be an escalation and a broadening of the war. Obviously, he did not mean that.

As a matter of fact, the Secretary of State spoke very eloquently on one of the television programs—I believe it was "Face the Nation," on CBS last Sunday—and answered a great many of the questions posed by the Senator from Indiana.

But to get back to prolonging the war—

Mr. BAYH. Before the Senator proceeds, let me suggest that I was not fortunate enough to hear what the Secretary of State had to say after the invasion. But I am insistent that we recognize what he said before the invasion. I think it is interesting to compare what he said then with what happened just 1 week later. It seems to me that there is a bit of inconsistency there. But the Senator from Florida and I can disagree and still pursue this colloquy.

Mr. GURNEY. We can. But, to get back to the prolonging of the war—because I think it is a most important point—I think there is a great deal of evidence on that subject, that the Cambodian incursion, with the destruction of the supplies that has resulted from this military operation, has indeed not prolonged the war in any sense, but, if anything, has shortened the war.

I cite, for example, an authority on Southeast Asia—perhaps an authority who is second to none—on how these people fight over there, their method of military operations, and that is Sir Robert Thompson, a Britisher, who masterminded the defense of Malaysia against communism and was successful in defeating communism there and rescuing Malaysia from falling into the hands of the Communists. He has said, for example, that the Communists have been set back anywhere from nine months to a year by this operation into Cambodia. The enemy has been hurt previously, and because he has, our program of Vietnamization and our ability to withdraw our troops has been enhanced.

To me, that represents not only a very authoritative opinion but also an opinion of a great many people who follow the war in Southeast Asia.

This is why I was interested in pursuing the talk about prolonging the war.

Mr. BAYH. I explained that in my remarks earlier. I would be glad to re-

iterate what I said, hoping that the Senator from Indiana is wrong and the Senator from Florida is right and that the President of the United States is right. The one thing which we have in common is that we want to end that war.

Mr. GURNEY. I agree.

Mr. BAYH. The question is how we can best accomplish this purpose. It seems to me that we have to recognize some very hard facts. Analyzing the South Vietnam conflict is not easy.

The facts of the matter are, as I see them—and if the Senator from Florida has other facts, I shall be more than happy to hear them—that prior to the Cambodian invasion there were no South Vietnamese troops in Cambodia; prior to the Cambodian invasion, there were no Thai troops in Cambodia; prior to the Cambodian invasion, there were no U.S. troops in Cambodia. Now there are Thai, South Vietnamese, and American troops in Cambodia.

On the other hand, we have a joint statement of "all for one and one for all" from the Pathet Lao, from Sihanouk, from the Vietcong—everybody involved, backed by China.

If that does not mean an escalation, if it does not mean we are going to have to get a broader settlement, involving more territory and more nations, then the Senator from Indiana is misinterpreting these events. But I do not think so.

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

Mr. BAYH. I yield.

Mr. GURNEY. It seems to me that the confusion arises from the terms "broadening" and "prolonging."

I might say to the Senator from Indiana that I suppose the invasion of Sicily and Italy during World War II and the invasion of France on the beaches of Normandy was a broadening of the war. I suppose it was. It also was the shortening of the war, in that these attacks led to the final defeat of Germany. The terms are quite confusing.

Mr. BAYH. Does the Senator suggest that those areas, from the standpoint of involvement and occupation by an enemy force, are analogous?

Mr. GURNEY. Was not Cambodia occupied by the North Vietnamese and the Vietcong?

Mr. BAYH. I am not arguing the complexity of the Southeast Asia situation but for the Senator from Florida to suggest that there is a comparison between the two, is difficult for the Senator from Indiana to comprehend.

Mr. GURNEY. Does the Senator from Indiana suggest that the Communist sanctuaries in Cambodia were not occupied by North Vietnamese and Vietcong troops—the enemy?

Mr. BAYH. They were occupied—there is no question about that. They were occupied on the date that the Secretary of State said that to escalate and to go into Cambodia would ruin the Vietnamization program.

Mr. GURNEY. The parallel is exact between that and Italy and France.

Let us turn to another question.

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

Mr. BAYH. I yield to the Senator from Idaho.

Mr. CHURCH. The comparison of the Vietnamese war with the Second World War goes so far beyond the facts of the current situation that it should not go unchallenged.

The Second World War was an unlimited war; our stated objective was the unconditional surrender of the enemy. It was a war declared by Congress. It differed in character and in all its particulars from the present war, including the fact that the continuing conflict in Indochina is an undeclared war.

President Nixon has said repeatedly, as have his predecessors, President Johnson and President Kennedy, that this was a limited war for limited objectives. If it were not so, I am certain that long ago we would have invaded, occupied, and conquered all of Southeast Asia. That has not been our purpose. That was not the reason why we went there. All these Presidents have reiterated that this is a limited engagement.

To make these rash analogies between our situation in Southeast Asia today and our situation in the Second World War, such as when we went into Italy, seems to me to fly in the face of everything we know about our involvement in Southeast Asia and the declared, unlimited war for unconditional surrender that we fought in the days of the Second World War.

The essential purpose of the Church-Cooper amendment is to assume legislative responsibility in defining the theater of this limited war. That is its whole purpose. It seems to us that after so many years of inconclusive fighting, the time has come for Congress to assume responsibility in joining with the President in setting the outer limits of American involvement in Southeast Asia. In the Cooper-Church amendment, we are setting those limits precisely where the President has set them.

Mr. BAYH. In essence.

Mr. CHURCH. Yes; we have said, "If you are going to go beyond those limits in this limited war, then come back to Congress and let Congress share, as the Constitution intended, in any decision which opens up or expands the theater of American involvement." I reject the analogies based upon our experience in the Second World War.

Mr. BAYH. The Senator from Idaho knows well, and the whole country knows well, the nature of the guerrilla war in Southeast Asia. This was not involved in Western Europe in World War II. So that I think the comparison falls on its ace.

Before returning to the discussion with the distinguished Senator from Florida, I want to emphasize that what this amendment does is not slap the President in the face but indicates a willingness and desire on the part of Congress to accept some of the responsibility. It gives the President an easier "out," to keep it from being just his war, and thus, hopefully to join him in ending the war.

Mr. CHURCH. The Senator is eminently correct. It seems to me that if we are going to come out of this morass in Southeast Asia, we must find a way to

come out of it together. Otherwise, the frightful political recriminations, about which the President worries, will become reality. All of us will face them because there will not be a pleasant, popular ending to this war. Everyone knows that. We are presently withdrawing, which is the President's policy. This ending will not be the kind the American people have been accustomed to. There is, already, danger that serious political recriminations could devastate and divide our own country.

Looking ahead, I think that the best course for the country is for Congress to begin—now—to share a joint responsibility with the President for extricating the United States from this interminable and inconclusive war in Southeast Asia.

The Cooper-Church amendment is a first step in that direction. It assumes a legislative responsibility to define the outer limits of the American penetration into Cambodia, the exact place where the President himself has stated it. Thus, it is an offer to the President to join him in an orderly extrication of this country from the quicksands on the Southeast Asian mainland.

The persistence by some in attempting to construe the amendment as something else baffles me. The attempt to characterize our amendments as some kind of slap at the President of the United States is patently absurd.

The distinguished Republicans who have joined in supporting the amendment, such outstanding, acknowledged statesmen as JOHN SHERMAN COOPER, of Kentucky; GEORGE Aiken, of Vermont; JACOB JAVITS, of New York; and many others, would have no part of any legislative attempt if its purpose was to embarrass or discredit the President. To insist upon interpreting the amendment in this fashion, is not only unfortunate, but utterly unsupportable.

Mr. BAYH. I appreciate the Senator's clarification, and salute him for his initiative in this area.

Now I am happy to yield to the Senator from Florida.

Mr. GURNEY. I thank the Senator.

I should like to go back and discuss a little bit the remarks just made by the distinguished Senator from Idaho. He feels deeply about this matter, as do all of us. So, to pooh-pooh the idea that there is any analogy between one war and another, I think, if he went over to South Vietnam or even to Cambodia right now and talked to the GI's over there and tried to reassure them that they were fighting a small war, not a big conflict like the Second World War was, that our objectives and aims are different now, and all the other arguments we have just heard, I think the reaction of the GI's might be, "The shot and shell are flying thick at me, just as they did in World War II. All the other things that are happening here happened in World War II."

One war is like another so far as the young men are concerned whose lives are being laid out on the line. So that I believe we should do the things that will not prolong the war but will shorten it.

An interesting thing on that score, I am sure that other Senators have had the same experience I have had, concerning letters written to me personally from Vietnam in recent days and also sent to me by parents who have received letters from their boys in Vietnam and Cambodia in recent days. The letters say, "Dear Senator" or to the parent, as the case may be, "Thank heaven, we have finally done something which will hit the enemy and hurt the enemy and shorten the war."

That is what they say, the soldiers in the field.

Now let us turn to another point the Senator from Indiana mentioned in his remarks, that I think is important, too.

He spoke about the political price that was being paid here at home. I guess part of the point was that there is so much uproar here at home that the President and the administration is losing the backing it had, or may have had, as far as Vietnam policy is concerned.

I think it is interesting to note the polls which have been made since President Nixon moved troops into Cambodia. One is from Newsweek and supports the President in the Cambodian action by a rather substantial majority. The most recent poll is even more interesting, and that is the Gallup Poll which was made just a few days ago, and shows actually that during the time the President sent troops into Cambodia, his popularity as President has risen.

I do not know what political price the Senator from Indiana is talking about but if he is talking about the administration's political price apparently the country backs up the President and backs up his Vietnam policy, and not only approves of what he is doing but also the popularity of the President has increased.

Perhaps the Senator could go into the political price he is talking about a little more.

Mr. BAYH. I must say, with all respect to my friend from Florida, that is a very poor reason, indeed, to invade Cambodia—in order to improve the President's standing in a Gallup poll.

Mr. GURNEY. Of course, the Senator from Indiana knows that is not why I made that argument at all—

Mr. BAYH. What the Senator from Indiana said—I will answer the question—what the Senator from Indiana said had nothing to do with popularity on the political scale. If anyone here is the least observant, and certainly my friend from Florida is most observant, any of us would have to come to the assessment that there is considerably more turmoil, agitation, confusion, and frustration in the country today, at almost any level, than there was before the Cambodian invasion. Just take a good look at the stock market. Read what the experts say this did to the confidence of the business community.

Mr. GURNEY. I thought the stock market was going up. Has not the Senator from Indiana read the stock market reports lately?

Mr. BAYH. I have no money, so I cannot be investing in the stock market.

Mr. GURNEY. The stock market is

going up, in case the Senator did not know.

Mr. BAYH. Well, if the Senator would read some of the statements coming from eminent, qualified members of the business community, they would give him an idea of the tremendous shock and jolt the invasion of Cambodia gave to the business community.

Mr. GURNEY. The business community is backing up the President. The poll made by the Research Institute of America shows that 80 percent of the business community is behind the President.

Mr. BAYH. It seems to me that the best poll, as far as support from the business community is concerned, is the Senator from Florida has to have some sort of poll—

Mr. GURNEY. I do not need a poll. You do.

Mr. BAYH. The Senator is the one who brought it up. If the Senator has to have some poll, I have had more businessmen suggest that the best barometer of the attitude of the business community is to see which way the stock market is going. If we compare where it is today and where it was before Cambodia—I think that answers the—

Mr. GURNEY. The stock market has been going down for month after month because it was too high. But let us turn to something else, the question of turmoil. The Senator mentioned Kent State as an example of the great turmoil now going on in the country. The Senator from Indiana should read the report of the Senate Internal Security Committee that warned the Senate 2 years ago of all kinds of trouble brewing at Kent State, and that was long before Cambodia.

Mr. BAYH. Now, does the Senator from Florida—I want to make sure we have all the facts on the record here—does the Senator believe that the unfortunate incident at Kent State was directly the result of the factors contained in the report to which he referred?

Mr. GURNEY. Mr. President, what I am saying is that trouble was brewing on the campus of Kent State University for 2 long years.

Mr. BAYH. Mr. President, is the answer to the question I posed to the Senator from Florida "Yes"? I want to make sure we get that into the Record.

Mr. GURNEY. What was the question?

Mr. BAYH. Mr. President, I would like to know if the Senator from Florida believes that the confrontation which occurred at Kent State University—a most unfortunate incident—was directly related solely to the conditions described in the report of the Internal Security Committee which was mentioned earlier by the Senator from Florida.

Mr. GURNEY. Mr. President, it certainly is due in part to the conditions revealed by the Senate Internal Security Subcommittee.

I also point out that trouble and turmoil has been going on on the Kent State campus for months and months. It has been a continual process, as it has been on many other college and university campuses throughout the country.

The point I am trying to make is that the trouble and turmoil on the campuses has been going on for a long time.

The trouble that was caused on the campuses by Cambodia is only one part of the whole campus picture.

The point that the Senator from Indiana was trying to make, it appeared to me, was that the trouble at Kent State University and all other campuses is the fault of the President of the United States because of the Cambodian incursion. And I do not think that is true.

Mr. BAYH. Mr. President, I will send to the periodical room for a copy of yesterday's Washington Post, which contains an article describing how the President had sent five of his young assistants to the various college and university campuses throughout the country.

I do not know whether the President sent anyone to the campus of Kent State University. We have had these investigations up one side and down the other.

These young men, members of the President's party, went all over the country. They came back with dramatic expressions of concern, saying that they themselves, as young men, were surprised to find the tremendous alarm that existed all over this country.

I do not for a moment want the Record to show, or my friend, the Senator from Florida, to get the idea, or anyone else that might read the Record, to get the idea that the Senator from Indiana believes that violent dissent because of the Vietnam war has any place on the campus or any place else.

I think when they get to the place of burning down banks, destroying institutions of higher learning, and doing physical damage to other citizens that this matter has gone beyond the point of legitimate dissent.

It has gone to the point addressed by former Justice Holmes long ago when he said, "The first amendment does not give anybody the right to cry 'Fire' in a crowded theater."

It has been my belief over the past few weeks that most of the dissent and the deep concern that has been expressed has been in a nonviolent way. It has been expressed not just by students, but also by mothers and fathers, by automobile workers and by steel workers.

My mail has increased astronomically. And all of this mail is not from students.

Mr. GURNEY. Mr. President, is the Senator speaking of the hard-hat demonstrations in New York a couple of weeks ago? Is that one of the examples the Senator is referring to?

Mr. BAYH. I must say that when a fellow, whether he is wearing a hard hat or not, tells me he is against obscenity, four-letter words, desecrating the flag, and burning down bank buildings, I say: "me too." And I do not think that has anything to do with the war in Vietnam or with the stock market.

Mr. GURNEY. Mr. President, I think they were backing the President's efforts in Vietnam.

Mr. BAYH. Mr. President, I think the President will have a rude awakening if he feels that the fathers and mothers of these boys and girls are not deeply concerned over this war in Vietnam. This is a matter that transcends occupational lines. It should transcend class lines.

Mr. GURNEY. Mr. President, I agree whole heartedly with the Senator. But

people all over the country are concerned over the disturbances going on on the college campuses, if that is the point the Senator was making.

Mr. BAYH. That was not the point I was making.

Mr. GURNEY. Mr. President, all I am saying is that there are many other fundamental factors involved in the campus dissent than Cambodia.

I pointed out two of the most notable examples of campus dissent. One was on the campus of Columbia University. I feel that the disturbances really began in the East. This was about 2 years ago.

One involved a piece of property which Columbia University was contemplating building on in the ghetto area. That was what that was all about.

I recall the disturbance at Cornell University when certain students came out of the administration building with guns and rifles in their hands.

I do not feel that those incidents had anything to do with Cambodia.

I agree that we do have much turmoil on college campuses. But I feel that this trouble and turmoil started long before the Cambodian incursion.

Mr. BAYH. Mr. President, before the Senator leaves this subject, I will just read into the Record part of this article to which I have referred.

Mr. GURNEY. I remember reading the article.

Mr. BAYH. Mr. President, since the Senator from Florida has read the article, I will not bother to take up the time to read the article now.

Mr. President, I ask unanimous consent that the article entitled "Young Aides Tell Nixon of Youth Unrest," written by Carroll Kilpatrick, and published in the Washington Post of June 9, 1970, be printed in the Record.

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

YOUNG AIDES TELL NIXON OF YOUTH UNREST

(By Carroll Kilpatrick)

Eight youthful White House staff members reported to President Nixon yesterday that the Cambodian operation seriously damaged his support on the campuses and drove many moderate students into the arms of radicals.

The President met for more than an hour with eight White House staff members he dispatched last month to sample opinion on some 30 university campuses.

Chancellor Alexander Heard of Vanderbilt University, the President's temporary adviser on campus activities and thinking, was present for the meeting in the cabinet room.

The eight staff members, all under 30, were described as shocked by what they discovered on the campuses. They reportedly told the President that the extreme opposition to the Cambodian operation and the Vietnam war was not a fringe phenomenon but a widespread condition in the universities.

The staff members' reports generally bore out what others previously have found about the extent of student and faculty opposition to the administration's Southeast Asian policies.

The eight reported their findings early to senior staff members at the White House and in writing. The President invited them to give an oral report to him yesterday.

He now fully recognizes the extent of campus opposition to him and his policies and is "very sensitive" to the problem, an informant said.

Hugh Sloan, 28, who visited Princeton, Columbia, Rutgers, Connecticut College, the Coast Guard Academy and New York University, said after visiting Columbia that "the depth of feeling is considerably stronger than I personally imagined."

He met at Low Library on the Columbia campus last month with a series of student and faculty groups. Prof. Charles Frankel of the philosophy department, a former assistant secretary of state for cultural affairs, said after meeting Sloan that the Cambodian operation was a blow to moderates on campus.

Students "felt betrayed," Frankel said at the time. Dean Carl Hovde of Columbia college, who also met with Sloan, told reporters that "patience has snapped over the (war) issue."

White House press secretary Ronald L. Ziegler said the eight staff members spent three or four days each visiting different campuses. Ziegler discounted one report that the eight were stunned by the opposition sentiment they encountered.

Other officials said it was true the eight had been shocked by the extent to which conservative and moderate students had turned against the administration because of Cambodia.

Ziegler said the staff members "talked to students, administrators and faculty to get their views—primarily to assess their feelings for the specific purpose of communicating their views to the President."

The staff members reported that a major target of campus criticism was Vice President Agnew.

The White House aides who made the survey for Mr. Nixon were, in addition to Sloan:

John L. Campbell, 28, he visited Duke, North Carolina Central College and the University of North Carolina.

William Casselman, 28, visited Claremont College and the University of California at San Diego.

Christopher DeMuth, 23, Harvard, University of Massachusetts, Boston College, and Northeastern University.

Jeffrey Donfeld, 26, University of California at Berkeley, University of Texas and the Los Angeles Valley Junior College.

Chester F. Finn, 25, Reed College, University of Washington and Montana State University.

Lee Huebner, 29, Northwestern, Ohio State and Bowling Green College in Ohio.

Don Murdock, 28, University of Wisconsin, Edgewood College in Madison, Wis., and Madison Area Technical and Vocational College.

Mr. BAYH. Mr. President, I must say that the Senator from Florida seemed determined to relate the student unrest over Cambodia and the militant violence on other campuses of 2 years ago.

I thought perhaps the Senator had not read the article.

I think the Record should show conclusively that there was deep concern, deep unrest, and deep division in this country as a direct result of the Cambodian invasion. That has nothing to do with politics.

I find myself as a member of the loyal opposition hoping and praying that the President can be successful, knowing that if he is successful, it will be the biggest political thing that he will have going for him.

We cannot ignore the fact that today there is unrest in this country. After a period of 15 or 16 months of planned disengagement—slowly, steadily, and surely—many of us in the opposition party who had gone along with the President on this matter, suddenly find

that the situation has turned around and gone the other way.

This is what shocked the business community. This is what shocked the students. This is what shocked the country. That is why I am concerned. And I think the Record should show that.

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

Mr. GURNEY. Mr. President, will the Senator yield further?

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

Mr. BAYH. Mr. President, to let my friend, the Senator from Florida, get his breath, I yield now to the Senator from New York.

Mr. JAVITS. Mr. President, I have some prepared remarks concerning the Byrd amendment which I would like to deal with first. Then I would like to make some remarks concerning the colloquy I have just heard between my distinguished colleagues.

BYRD AMENDMENT BEGS THE QUESTION

The amendment offered by the Senator from West Virginia (Mr. BYRD) only begs the question raised by the Cooper-Church amendment and settles nothing. For the President, according to his own declaration of his reasons for sending U.S. Forces into Cambodia, has already, in the words of the Byrd amendment, taken "such action as may be necessary to protect the lives of U.S. Forces in South Vietnam or to hasten withdrawal of U.S. Forces from South Vietnam."

But, the question now is—and it is raised by the Cooper-Church amendment—whether the Congress can place a limit on the exercise by the President of his power as Commander in Chief by restricting his authority to use appropriations in the support of forces carrying out his orders in Cambodia. This, I feel, the Congress has an absolute right to do. The President may choose not to use an appropriation on these conditions, but if he does use it, he cannot at the same time negate its purpose or its restriction.

What Senator BYRD tries to do is to turn the clock back to the time preceding the Cambodian decision and to disregard the fact of the decision or its implications. I believe the Cooper-Church amendment is not only a proper, but a wise, exercise of the congressional authority. For, the Senate, in dealing in the Cooper-Church amendment with the question of extending the theatre of war beyond Vietnam as a matter of basic policy. The Cooper-Church amendment seeks to restrain the President from using his Commander in Chief authority with respect to the security of our forces in Vietnam beyond the very limited involvement which he himself has specified as essential for that security.

It is proper to state that nothing the Senate can do, including the Cooper-Church amendment, can deprive the President of his Constitutional authority as Commander in Chief. All the Congress is asked to do by the Cooper-Church amendment is to limit broader-scale involvement in Cambodia which would intrude upon the warmaking powers of the Congress itself.

Indeed, the issue of liquidating the Vietnam war is now wholly a question of tactics and timetable. This is true of the Cooper-Church amendment and even of the much broader McGovern-Hatfield-Goodell-Cranston-Hughes amendment. The basic issue with which we still must come to grips is a definition of the war powers of the Congress and, therefore, by implication, of the President under contemporary circumstances. I do not say this in criticism of the Cooper-Church amendment, which strongly favors and in the drafting of which I participated as a member of the Foreign Relations Committee—but rather because it makes no such claim for itself.

What needs to be defined is how the Congress is to exercise its policymaking power with respect to war which is explicitly reserved to it in the Constitution in consonance with the President's executive or command authority as Commander in Chief. The Constitution defines this executive capacity of the President only to "take care that the laws be faithfully executed." The President certainly enjoys discretionary authority but it is the discretionary authority of an executive. He does not have discretionary authority with respect to warmaking in a policy sense. This is a power granted to the Congress under the system of checks and balances in the Constitution.

But, the adoption by the Senate of the Cooper-Church amendment—an important piece in an emerging mosaic—would be a significant historical milestone in asserting this authority of the Congress. Its historic significance may be further enhanced by the President's open endorsement of the Byrd amendment.

Under these circumstances I see the Byrd amendment, in its effect, as an effort to table the Senate's effort to reassert and to define the constitutional responsibilities of the Congress as specified in section 1, article 8, of the Constitution. If the Byrd amendment is adopted, it will set back a vital historic process—the assertion of the responsibilities of the Congress in warmaking. Also it will give new momentum to a phenomenon which has aroused such grave concern in our Nation in recent years—the exercise by the President of the warmaking power in the name of his authority as Commander in Chief. Since the first rumblings of World War II, we have seen this constantly expanding power of the President often due to abdication by the Congress of its warmaking powers. Throughout the past decade, this trend has gained an ominous momentum.

It has reached the point where any effort just to check the expansion of Presidential power is regarded by some defenders of the Presidency as an encroachment on the Office of the President. Many advocates of Presidential prerogative in the field of war and foreign policy seem at times to be arguing that the President's "powers" as Commander in Chief are what the President alone defines them to be.

I believe that passage of the Byrd amendment would amount to Senate acquiescence in this position—that is, the

President enjoys such powers as Commander in Chief as he defines them to be. I believe that this could undermine our whole constitutional system and lead the Nation into grave new crises at home and abroad.

What is most needed, in my judgment, is a new policy codification of rules to be followed in circumstances where military hostilities must be undertaken in the absence of a declaration of war. There are two categories of such circumstances: First, those on which a declaration of war is not justified or desirable because of the total consequences of a declaration of war; second, when the suddenness of events does not permit the prior enactment of a declaration of war.

In the nuclear age, hostilities are likely to continue to take the form of "limited" and even "clandestine" wars. Such wars require a response adapted to the circumstances and those circumstances do not seem to be adequately encompassed in the 18th century concept of a "declared" war, which is specified in the Constitution.

The Congress has done little or nothing, in my judgment, to adapt its constitutionally specified "declaration-of-war" power to 20th century circumstances. At the same time, our Presidents have shown great vigor and ingenuity in adapting and expanding the Commander in Chief powers to deal with limited and clandestine wars. The process of atrophy of congressional power and unilateral expansion of Presidential power in warmaking has now reached dangerous limits.

There is an urgent need for enactment of a law which codifies historical practice as it has evolved in a prudent manner harmonious with the Constitution. The Congress has ample powers to this under article 1, section 8, of the Constitution. I have been working on such legislation for some time and I intend to introduce a bill to this effect shortly.

Now, I would like to make two observations respecting the previous colloquy. One concerns the matter of the business community which the Senator from Florida has been discussing. It is a fact, as the Senator has said, that the stock market has made a slight recovery from its very deep low point. I hope that we will not be confused by that fact. The fact is that the stock market was at its lowest point for 4 or 5 years. However, it has made a slight recovery. I hope that it recovers more.

Inflation makes it impossible to finance the efforts of such a major corporation as the Penn Central Railroad.

There is a deep erosion of confidence, as shown by the plans for acquisition or for other business improvements.

We are beginning to see a marked erosion of confidence and a decrease in buying by consumers and continuing inflation.

The Vietnam war and the fact that there is in the minds of many people of the United States the suggestion of an expansion of the war because of the Cambodian move are very major contributing factors. Many very outstanding business leaders have expressed themselves on that score.

Business exigencies are now pressing also, as are so many social problems in our country, for some way to bring this war to a close, and not to proceed again, as unhappily Cambodia did, to devastate a large segment of the community because they saw an expansion rather than a contraction of our war efforts.

I hope very much the Senate will face this issue which is being so eloquently debated by Senators. It is essentially a constitutional issue.

Mr. BAYH. I appreciate the contribution of the Senator.

Mr. President, I apologize for the length of the debate. The Senator from Florida has been anxious to pursue some interrogation of the Senator from Indiana, and that is the reason we have been proceeding here.

Mr. JAVITS. Mr. President, will the Senator yield further?

Mr. BAYH. I yield.

Mr. JAVITS. I want to say also that I appreciate the courtesy of the Senator from Florida (Mr. GURNEY) because if he had not allowed me to be yielded to and make these expressions, I would not have been able to do so.

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

Mr. BAYH. I yield.

Mr. CHURCH. Mr. President, throughout much of the debate, opponents of the Cooper-Church amendment have spoken as though they are for our servicemen and that our servicemen are for them. On the other hand, those who support the amendment presumably have no such support among the servicemen who are on the battle line in Vietnam. Of course, that is not so. I am sure the Senator from Indiana has received, as I have, a great many letters from servicemen in Vietnam who wholeheartedly support the effort we are making here.

One such letter arrived today. The letter is addressed to the Senator from Arkansas (Mr. FULBRIGHT), the chairman of the Committee on Foreign Relations. It is so pertinent, I believe it should be printed in the Record.

The letter is from one of our fighting men who has been in Vietnam for 10 months and who has been involved in the Cambodian operation. The letter is an indictment of both our presence in South Vietnam—which he labels as a "travesty of reason"—and our invasion of Cambodia—which he claims "was designed to fool the American public."

Mr. President, the soldier writing this letter concludes it with the following plea:

Senator, I beseech you to listen to those dissenters our Vice President has been criticizing, for they are concerned about me and their country. They certainly seem more alarmed than either the President or his "silent majority."

I say "Amen" to these comments, and I hope that my colleagues will show their concern for this young soldier and the thousands like him by rejecting any attempt to water down the Church-Cooper amendment. We can do no less and still meet our responsibility to these young men.

Mr. President, I ask unanimous consent that this letter be printed in its entirety at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

MAY 23, 1970.

Senator J. WILLIAM FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SIR: My purpose in writing you is twofold. First, I wish to add to the influx of mail demonstrating opposition to the Cambodian drive. As a soldier in Viet Nam for ten months, I am already appalled by the travesty of reason my country is perpetrating here; the push into yet another foreign territory shocks and frightens me.

Secondly, I hope to bring to your attention the extent to which the military officials "planned" the Cambodian campaign, a campaign which was supposed to save American lives and shorten the war.

My artillery unit, part of the 2nd Brigade, of the Fourth Division, was sent into Cambodia with absolutely no building materials, and inadequate water. We didn't receive sandbags, a necessity on any firebase, for three days, and when we did receive them, there were only ten bundles where we needed 160.

Never in Viet Nam did we have to do without materials necessary to provide protection from mortars and rockets. But in Cambodia, where the enemy has artillery pieces, we weren't supplied.

The official explanation was a shortage of logistical equipment, such as the 2½ ton trucks which moved our battery's ammunition and supplies. If that was the case, then why did our battalion commander use one of the few trucks allocated to my battery to move his personal privy and shower to Plei Djereng (Viet Nam), when we needed a truck for sandbags and water?

On our last night in Cambodia, we received enemy mortars and rockets. A friend of mine died, and many were injured: we do not have overhead coverage. I submit that what happened to us, and others, such as the 101st Airborne Infantry, who suffered badly, was the result of something other than a carefully planned maneuver designed to forestall the war and save lives. I submit that the campaign, which purportedly captured huge caches and killed many enemy—where the numbers of weapons, supplies, and enemy dead published in both dubious and captious—actually was designed to fool the American public and benefit a small group of people.

Senator, I beseech you to listen to those dissenters our Vice President has been criticizing, for they are concerned about me and their country. They certainly seem more alarmed than either the President or his "silent majority."

Sincerely yours,

Mr. CHURCH. Mr. President, again I commend the distinguished and able Senator from Indiana for the fine contribution he has made to the debate today.

Mr. BAYH. Mr. President, I appreciate the comments of the distinguished Senator from Idaho.

I feel I have occupied the floor for too lengthy a period of time. I see the Senator from Florida is no longer in the Chamber, so perhaps he has no further questions. I yield the floor, Mr. President.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 4204) to amend section 6 of the War Claims Act.