

initiated to solve problems of intervention on the high seas in cases of oil pollution casualties and the civil liabilities for oil pollution damage. International conventions on those subjects are now before the Senate for its advice and consent to ratification.

However, previous efforts have concentrated on action after the pollution casualty has occurred. What is needed now is action to prevent casualties. And that is what Senator MAGNUSON's bill is designed to accomplish. It is a tough bill, that goes to the root of the problems—construction, maintenance, and operation of tankers and other vessels carrying certain liquid cargoes in bulk, and regulation of the movement of all vessels and placement of structures in navigable waters of the United States. These are essential actions that we must take, particularly in the face of the rapidly increasing amount of ocean transport of liquid cargoes in bulk.

At the same time, it is important that other countries join us in applying equally stringent regulations on construction, maintenance, and operation of vessels, and on their movement in international commerce. The problems are of international magnitude. And while strong domestic legislation such as the Magnuson bill will contribute enormously to their solution, the problems cannot be solved unilaterally by the United States. International agreement is essential, and I urge that immediate steps be taken by the United States to strengthen our efforts to reach agreement in IMCO on these important problems. And to strengthen our international negotiations, I urge passage of the Magnuson bill and swift establishment of its enforcement, particularly in those areas—such as vessel traffic control systems—where we are lagging behind other countries.

INCREASED CONGRESSIONAL CONTROL OVER CIA

Mr. CASE. Mr. President, much has been said lately about the efforts of Congress to reassert and redefine its authority in the field of foreign policy. For myself, I am scarcely at all interested in this as an exercise in congressional self-aggrandizement. I am very much interested in it as a means of forcing our Government to conduct foreign policy in the open so that the public may know what is going on and have the controlling voice in important decisions.

In a moment I shall mention briefly several measures I shall soon be proposing to allow Congress to exercise increased control over certain Central Intelligence Agency—CIA—and Defense Department programs.

My purpose is to place some outside control on what has been the freewheeling operation of the executive branch in carrying on foreign policy and even waging foreign wars.

To be perfectly honest, our system has gotten out of whack, and it is time to restore a better balance.

The Constitution does not give the President authority to declare a secret war, and I do not accept that there are any precedents in our history which would permit him now to do so.

Moreover, our recent history in Southeast Asia shows that wars approved by simply a handful of Presidential advisers may well be not only unconstitutional, but relatively unsuccessful, too.

Like most Americans, I was shocked by the cynical manipulation of our political processes revealed in the New York Times' account of the McNamara study on the origins of the Vietnam war. I believe that our country should not go to war as part of a carefully plotted scenario which involves secret attacks on the other side—some apparently with the aim of provoking retaliation against us and our allies. This approach has no place in our open society.

I do not want to get into an extended postmortem on Vietnam, however. Our primary task should not be to engage in recriminations or assign blame, but to bring the war to an end. That is why, last year and earlier this week, I voted for the Hatfield-McGovern proposal to set a definite date for U.S. withdrawal from Vietnam.

The Vietnam war, at least during the last several years, has been waged essentially in the open. The same cannot be said for the war in neighboring Laos. A top American diplomat was quoted recently by the Washington Star saying:

What we are doing here in Laos is totally inconsistent with our kind of society. We are fighting a war by covert means and an open society cannot tolerate that.

I agree with this diplomat's appraisal and consequently I have done everything I can to bring the facts on the war in Laos before the American public.

For example, I stated several weeks ago that there apparently was an agreement between the U.S. and Thai Governments for the financing and support through CIA of thousands of Thai troops in Laos. Only when the administration became aware of my speech did the Senate receive any kind of explanation of what was going on. And the explanation was incomplete and partially inaccurate despite its secret classification which prevented it from being made known to the public.

Even today, the Government tries to maintain a thick veil of secrecy over some of its programs in Laos. Every so often news trickles out in dribbles as an energetic newspaperman digs out a story or a government official leaks out a revelation.

But essentially, we are only told things after they have somehow gotten into the public realm, despite the \$350-odd million in taxpayers' funds which are being spent annually in Laos, to say nothing of the estimated \$2 billion annual cost of U.S. air activity over Laos.

Successive administrations have been able to carry on the secret war in Laos, as they did earlier in Vietnam, by use of that vast billion dollar treasure chest which Congress has appropriated, but never controlled, for discretionary intelligence and military programs. And the U.S. Government agency assigned to carrying out the administrations' policies such as the running of the 30,000 man Secret Army—Armée Clandestine—and the funding of Thai troops has usually been the CIA.

I do not direct criticism against the CIA, for it has only been following orders

issued by several Presidents. I simply question whether a secret intelligence organization should be assigned a war-making role abroad. Certainly this was not the intent of Congress when it originally voted to establish CIA.

So I come to my three proposals to limit the Executive's authority to wage a secret war. These are not all-inclusive, but they are an attempt to get at the questions of the circumvention of congressional intent and the hiring of mercenaries. The specific proposals are:

First, a bill to extend the limitations which now apply to the use by the Defense Department of its funds overseas to all U.S. Government agencies, including CIA. This would prevent the circumvention of congressional intent in the funding of activities such as the Thai troops in Laos through CIA rather than through more open Government agencies. It would also eliminate the possibility that the Cooper-Church prohibitions against the use of American troops or advisers in Cambodia could be skirted by using CIA personnel.

Second, a bill to prohibit the funding by any U.S. Government agency of military operations by any country outside its borders without specific congressional authorization. This would eliminate the confusing trail of Thais in Laos, Cambodians in Laos, and even Thais in Cambodia. It would not affect the present programs for U.S. payments to Koreans, Thais, and Filipinos in Vietnam, since Congress has specifically voted money for these troops. My bill would, however, require the administration to inform the Congress, on a confidential basis, if necessary, of the details of any agreements with foreign governments to finance their military operations abroad. I would hope this would prevent our Government from offering lavish inducements to foreign governments in return for the use of their troops. As you may remember, it was revealed last year that the U.S. Government in some cases had been secretly paying Koreans and Thais in Vietnam higher levels of combat pay than were being paid to American troops fighting in the same country.

Third, a bill to extend existing limitations on the use by the Defense Department of surplus military materiel to all Government agencies. I make this proposal because of reports I have received of the relatively unrestricted use of surplus materiel by CIA. I have no means of verifying these reports, but if they are untrue, my bill would not interfere with any existing Government programs.

The three proposals I have outlined would serve to plug some loopholes in the law. Of course they would by no means close them all. The Executive can find ways to skirt almost any prohibition if it is so inclined. The solution to the problem lies, in the long run, not in a tighter drafting of the law but in the acceptance by the Executive of Congress and the public as partners in the conduct of the peoples' vital business.

Our country was founded on the principles of democracy, and the essence of a democracy is the participation of the people and their representatives in the decisions which affect their very national existence.