

nored the evidence which would indicate that the Pentagon does not run a gigantic propaganda machine.

Instead of at least examining such contrary evidence, the producers pulled together film of colonels traveling the country to support the nation's military policy—the colonels, undoubtedly, who are responsible for the great ground swell of public opinion that has made this the most popular war in U.S. history.

They also got some film of children imitating the soldiers they had seen demonstrating hand-to-hand combat—part of the Pentagon's skillful effort to instill a military spirit in the young and which has forced the Army to propose a \$3,000 bounty to get young men to join the infantry.

They found, somewhere in the files, some decade-old Cold War film, but little film designed to glorify the Vietnam war. In the process, they missed a beautiful piece put together a couple of years ago by the Air Force, in which the bombs rain endlessly on the tropic greenery of Vietnam.

Strangest, of all, the producers of "Selling of the Pentagon" failed to find out how much this effort costs—whether it is \$30 million a year or \$190 million—a lapse unworthy of a cub reporter.

Television has no responsibility to the Pentagon or to anyone else in government to "be fair," but it does have the responsibility to its viewers to come just as close as humanly possible to reflecting reality as it is. Unfortunately, CBS didn't come very close.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the Senator from Missouri yield back the remainder of his time?

Mr. SYMINGTON. Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Under the previous order the Senator from New Jersey is recognized for not to exceed 15 minutes.

THE VIETNAM DISENGAGEMENT ACT

Mr. CASE. Mr. President, I have long advocated putting a deadline on our participation in the war in Vietnam. Today, I announce my support for the Vietnam Disengagement Act. I do this with the understanding that the date set for withdrawal is subject to adjustment before the act comes to a vote. I am advised that the bipartisan sponsors of the act visualize that the final withdrawal date should be about a year after Congress takes final action. I believe that the middle of next year would be an appropriate time to fix the end to our involvement, and by this I mean a complete end to our involvement.

The important thing is to let the American people, the South Vietnamese, and indeed the world know that there is a deadline to our participation in Vietnam. This is the principle that I support and have supported for sometime, and this is why I join, on the basis I have stated, as a cosponsor of the Vietnam Disengagement Act. I voted last year with the bipartisan forces supporting the Hatfield-McGovern measure, and the reasons that prompted me to do so, if anything, hold more true today.

I wholeheartedly support the President's stated intention of winding down the war and reducing American troop

levels. We have made progress in this direction but we have not gone far enough.

An announced timetable will require the Saigon government to decide whether it can achieve military success on its own or whether it can work out a peaceful solution. The problem in Vietnam is essentially a Vietnamese one, and any final settlement will have to be found in terms of the relative strengths of the various indigenous forces involved there.

As long as American forces remain in Vietnam the incentive for Saigon to shape up or negotiate is very slight, since its leaders realize all too well that American power keeps them secure. Only when they understand that the Americans will depart on a definite date, with no ifs, ands, or buts about it, with no residual forces left, will the South Vietnamese face up to the job they alone can do.

I feel very strongly that by mid-1972 the United States will have done everything that can be done in direct military support of our Saigon allies. In fact I think it is quite clear that in many ways we have already done too much and by our overhelpfulness we have prevented the South Vietnamese from developing their own capacities. Nevertheless we have given South Vietnam a fighting chance for life. But, only when Saigon faces a final deadline on U.S. military support, will it take those actions which are necessary for its survival.

Here I wish to emphasize again that, as my colleagues know, I have never been one who felt that the Vietnam effort on the part of the United States was ab initio inherently evil, that our motives were not good motives, or that we were impelled by some unworthy imperialistic desire to rule the world.

As everyone who is aware of my views knows, I have not felt we were doing anything but our best to try to maintain stability in that part of the world and, although we found it enormously difficult, we nevertheless pressed on in the attempt. It was only 2 or 3 years ago, somewhere around 1967, that I came to realize that the effort we were making had become counterproductive, that we were doing more harm than good, and that no more could be done; but rather harm would be done if we continued. So I came to the conclusion, and it is a matter of public record that we must disengage. I have not ever thought we should leave precipitately so as to pull the rug out from under the people who have come to rely upon our aid. I would have been grossly unfair and unwise to do so.

Since the time I reached the conclusion we should disengage, I have advocated that a definite deadline be fixed and publicly announced.

A matter that deeply concerns me and all Americans is the fate of our prisoners in Indochina. I have roundly condemned the lack of humanity in Hanoi's treatment of these men and Hanoi's failure to live up to the clearly defined rules of the Geneva Convention. Yet, for the United States to declare that it will remain in Vietnam until the prisoners are released gives Hanoi the ability to keep us there indefinitely. To concede this veto power

to Hanoi is intolerable in terms of our own national interests.

If we withdraw and Hanoi does not return the prisoners, then we will do whatever we must do to get them back. This purpose will not be advanced, however, by our keeping indefinitely a residual force of some 50,000 men or any other amount in Indochina.

The distinguished senior Senator from New York (Mr. JAVITS) cannot be here this morning but he has previously made quite clear his views on the Vietnam question. He is firmly committed to the idea of a deadline being set on American involvement in Vietnam, and he has already gone on record as a cosponsor of the Vietnam Disengagement Act.

Accordingly, at his request, I ask unanimous consent that the excellent remarks of the Senator from New York (Mr. JAVITS) made at the time of his announcement in favor of the Hatfield-McGovern measure be entered in the RECORD at the conclusion of these remarks.

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

AN AMENDMENT TO END THE WAR (Statement by Senator JAVITS)

Mr. JAVITS. Mr. President, I have come to my decision on the so-called McGovern-Hatfield amendment very slowly, after much thought, and only based on its complete redrafting. To me it is a very basic decision and I think the individual terms are designed only in order to demonstrate the impact of that decision.

The basic decision between ourselves and the President is: Shall we fix a date for withdrawal from Vietnam or shall we leave it open? By leaving it open we would leave it to the President, giving him the benefit of all good faith, feeling, in terms of withdrawal, that we would do it "as soon as it possibly could be done." That, to my mind, is the issue.

Mr. President, in coming out for the McGovern-Hatfield amendment, I have come down on the side which says "fix a date." That is the real issue here.

Mr. President, during this legislative session the Senate has had its mettle challenged on numerous grueling occasions. There have been debates and decisive votes on many of the key issues of domestic policy. In the international sphere, classic struggles have been waged concerning policy in Cambodia, over the ABM and the nuclear arms race. Now, the Senate is being called upon to face up to its most important duty. That duty, simply, is to fulfill its constitutional responsibilities with respect to the war in Vietnam.

In my judgment, however, there is a great deal potentially to be concerned about if the Senate does not act positively by adopting this amendment. In a policy sense, the defeat of this amendment leaves up in the air possible further U.S. involvement in Indochina.

The Vice President already has asserted that:

"We are going to do everything we can to help the Lon Nol Government."

He is further quoted as warning that—
"It would be impossible for United States combat troops to pull out of South Vietnam if the Communists overthrew the Government of Lon Nol and took over Cambodia."

Mr. President, I am greatly concerned that this school of thought will be greatly strengthened in the councils of the Nixon administration if a date is not fixed for getting out of Vietnam.

Also, there is, in my judgment, a constitu-

tional danger which might threaten the very foundations of our system of government and liberties; and that is the implication that the President is beyond the control of Congress in the exercise of the Nation's war powers and the conduct of its foreign policy.

Within the course of this very year, it has been asserted that it is desirable that the President be deemed to have the power to acquire foreign bases without reference to Congress, to deploy the Armed Forces abroad without reference to Congress, and to take whatever action he feels necessary to protect these forces wherever he has deployed them—all without reference to Congress. It has been asserted, too, that the President may take these actions without the advice of the Senate and that he may withhold pertinent information concerning those negotiations from the Senate on security grounds, although details may be freely communicated to foreign governments who are not a party to the negotiations.

Recent remarks of the Vice President even have hinted that the President is not bound by congressional action and appropriation in the expenditure of public funds. In commenting on the possibility of the Cooper-Church amendment becoming law, the Vice President is quoted as stating:

"There are many ways to bring about financial assistance to a friendly nation."

Mr. President, there has been considerable public comment about recent efforts within the Congress to reassert the war powers reserved to the Congress in the Constitution. I am a participant in this on-going effort and I believe that my oath of office requires me to do this.

What has been noticed, Mr. President, is that the reassertion of congressional authority has led to a countervailing hardening and intensification of assertions of unilateral and unfettered Presidential prerogative. Our action has produced a reaction. The situation is now a dynamic one, in which it is impossible for us to stand still. If we back off now, we may not be able to preserve even the position we now hold, because of the counter pressure of claims for the Presidency.

A further expansion of the powers of the Presidency, in present circumstances, could leave the nation dependent solely upon the good judgment and benign intent of the incumbent. And, though we have a high standard for eminence in the Presidency in our history, the centuries of the struggle for freedom teach us that our liberties require firmer institutional safeguards if they are to survive. This is the basis of our constitutional system of checks and balances.

To some of my colleagues who are most illustrious captains of earlier battles I would like to borrow a most apt exhortation from Shakespeare: "Once more into the breach, dear friends, once more."

The question before the Senate is amendment 862, principally sponsored by Senators McGOVERN and HATFIELD, along with Senators GOODELL, HUGHES, and CRANSTON and a considerable number of other Senators. As everyone knows, the language to be voted on today differs very significantly from the language of the original "end-the-war" amendment language first introduced on April 30. I commend the sponsors for the sincerity they manifested in their willingness to go that extra mile—by again revising their amendment—so as to make it conform to the approach of a broader group in the Senate.

And, I am gratified to have been able to join in bringing about the final revisions which are embodied in the amendment now to be voted upon. In my judgment we now have a formula which meets the basic criteria in a situation such as this. In a most responsible and carefully considered way, it says something significant while preserving flexibility and taking due account of the President's responsibility and prerogatives.

I did not support the original version of the McGovern-Hatfield amendment because I did not think it met those criteria. I have cosponsored the present amendment because I am confident that it does.

The amendment is no longer structured in a way which suggests that the Senate has only the alternatives of declaring war or bringing about an abrupt end of military operations through a denial of further appropriations at the end of 1970. In my judgment, the differences between the present amendment and the original "end-the-war" amendment are well expressed in the editorial of the Washington Post on August 28.

To me the most significant difference between the original and the present amendments is in the difference in the views they articulate of the responsibility of the Senate with respect to the Vietnam war and the exercise of the Nation's war powers. Amendment 862 is a positive amendment. It is an affirmative assertion of the will and the authority of the Senate in conjunction with the President's exercise of his authority. It is not a dissenting amendment. It is not an "opposition" amendment telling the President that we are going to cut off money because we do not like what is happening.

This amendment presents the Senate with a unique opportunity with respect to the war in Vietnam. In adopting this amendment, the Senate will have asserted a national policy for ending the war through the establishment of a terminal target date for the disengagement of U.S. military forces.

This would be an exercise of the Senate's constitutional role of advise and consent in its highest sense.

The Senate has voted twice to repeal the Gulf of Tonkin resolution, by which it gave the President the broad authority to wage war in Southeast Asia without any time limitation. The Senate must now give its advice and consent to a policy of terminating the war in Vietnam. In doing this we are not opposing the President, we are sharing with him, through a positive action in our own right, the responsibility for bringing an end to the Vietnam war.

In its most important provision this amendment established by statute the national objective of: "the orderly termination of military operations there and the safe and systematic withdrawal of remaining Armed Forces by December 31, 1971."

These are objectives—omitting the date—which the President himself has proclaimed publicly to the Congress and to the American people. The President is given great flexibility in achieving these objectives. In the final "proviso" clause there is a built-in mechanism which enables the President to extend the terminal date for military disengagement by 60 days, if this should be warranted by circumstances for a new termination date altogether.

In saying that this amendment does not oppose the President, I was not trying to gloss over the difference of approach which undoubtedly exists between the administration and the supporters of this amendment concerning the Vietnam war. The virtue of this amendment is that it enables the Senate to express effective opposition to the war, without placing itself in a position of confrontation with the President. This is how our constitutional system is designed to work. The exercise of the Senate's constitutional responsibilities to declare war through this amendment in no way impedes the President's exercise of his constitutional responsibilities as Commander in Chief. The President may not be happy with the national policy of fixing a withdrawal date contained in this amendment, but he has no grounds for feeling that the Presidential power is invaded.

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

Mr. JAVITS. I yield.

Mr. McGOVERN. Is it not a fact that the President's function is Commander in Chief so long as there is one single American soldier in Indochina, up until December 31, 1971, or if it is extended, up until the end of that extension. The President is in total command, is he not, of any American forces that remain in the theater of operations?

Mr. JAVITS. That was my motive in selecting the language which I did. I must pay tribute here to my colleagues who are sponsoring the amendment for their willingness to amend their language, once convinced, and without being rigid adherents to their own draftsmanship.

I would like to make clear that the President remains Commander in Chief, but the power of Commander in Chief, and this is a constitutional question, does not include the power to declare war or to make war of a kind which can only result from a declaration of war. That is what we have here.

Mr. McGOVERN. Or to provide money for the war.

Mr. JAVITS. That is exactly right.

Mr. McGOVERN. If the Senator will yield further, I just want to take a moment to express the appreciation that I know every cosponsor of the amendment feels. The senior draftsman from New York was a principal draftsman in improving the language of the amendment. He has worked very closely, patiently, and helpfully with the cosponsors of the amendment from the very beginning, and has given us generously of his legal and constitutional knowledge and his experience as a member of the Committee on Foreign Relations. I know I speak for many Members of the Senate in expressing the appreciation we feel for the leadership he has provided.

Mr. JAVITS. I am grateful to my colleague for his very kind remarks.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. May I have 5 minutes?

Mr. McGOVERN. I yield 5 minutes to the Senator from New York.

Mr. JAVITS. We know that no general has ever had enough troops. No general ever had enough transport. No general ever had enough time to deal with a military operation, whether it was for an attack or defense. Never in the history of warfare has any general conceded that he was completely ready.

The same thing is true for Vietnamization, which is finally under the control of the government of Saigon. Therefore, until they say they are ready, there is no completion of Vietnamization. If that is going to be our timetable, then it is without end. It has no date at all.

I do not think the President feels that way. I think the President has a date in mind. I am sure of that. He is intelligent and sensitive, a human being of high distinction. But unless that date is shared with the American people and the Congress, unless Saigon knows that is the end of the road, it is not going to pay attention. One can always talk with the President, which is a private matter. There is no desire to have an operation in Vietnam that is discreditable. If I were Mr. Thieu or Mr. Ky I would advise the President that, as between a published date and an unpublished date, the published date is worse for them—but better for us.

The veto in the hands of Hanoi is similar. Hanoi has taken the position that this is a civil war and as long as there are American troops in Vietnam, there is a foreign military power at work and the civil war cannot be settled between the parties.

In view of the fact that the President has announced withdrawal anyway, we might just as well give notice in the most effective way possible that we are ready to see a political settlement, this time between North Vietnam and South Vietnam, and just as South

Vietnam could not exercise the veto on Vietnamization because there was a fixed date, so there would be an enormous inducement, both to Hanoi and Saigon, to negotiate a political settlement precisely because there was a fixed date.

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

Mr. JAVITS. I yield.

Mr. MCGOVERN. The Senator has made reference to the fact that there are really two vetoes over our policy in Vietnam now, one of those votes being held by Hanoi and the other by Saigon.

If what the Vice President told us a week or so ago is correct, that the whole thing is off if the Lon Nol government falls, that both Vietnamization and assured American withdrawal are ended if Lon Nol—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MCGOVERN. I yield myself 5 minutes.

If all of that is true, that Vietnamization and the withdrawal timetable that we are presently on depend on the capacity of the Lon Nol government to survive, have we not now added a third veto that hampers the control of our policy?

Mr. JAVITS. We may very well have done so, except that, frankly, I can hardly believe that American policymakers, aside from general remarks to buck up the Lon Nol government, are really engaged in such a commitment which, as the Senator properly says, if made would build yet a third veto into the situation, and keep us there perhaps even longer than the first two.

Mr. MCGOVERN. I think the Senator has underscored, in his remarks today, a problem that has for years bedeviled us in Vietnam, and that is that there is a difference between our interests and the interests of our ally in South Vietnam.

The President has said, if I read him correctly, that we would be willing to consider a coalition government—I think he referred to it as a government representative of the major political interests in the South—but General Thieu says he will never consider that, he will never share his power with his challengers in the South.

I think the Senator is correct in saying that President Nixon is looking toward withdrawal at some time, but Mr. Thieu says it is ridiculous to talk about that now. When the President expressed the hope to the American people that the South Vietnamese forces would come out of Cambodia when we did, Mr. Thieu said, "That is silly talk from silly people."

I think all of this—and the thrust of the Senator's remarks makes this very clear—shows that we are involved in a situation where, until we do take control of our own policy, we are going to be tied to the government in Saigon, which has interests far different from our own.

Mr. JAVITS. Mr. President, I think that is of extreme importance. But it seems to me that we need not discredit the government in Saigon to make that acknowledgement. I have no desire to tear them down. When we leave, I hope they make it. As I say, I have no desire to tear them down; there is no need for it.

But let us face the issue that if they are ever going to have any political relationship with their own people who are fighting them—and there are plenty of them in addition to the North Vietnamese—we must provide a timetable within which they will have to do it.

Mr. MCGOVERN. Is it not true that there is an army of some 1 million men under the command of General Thieu?

Mr. JAVITS. There is a million-man army, and they are beginning to develop an air force. They are showing considerable signs of self dependence in Cambodia, where some of their forces are now, and certainly in Vietnam.

It seems to me that every nation which goes in to do what we wanted to do, which was to help a small people achieve the right to determine its own future, must have some terminal point for its efforts. Really, on moral grounds, we had the same reason for going into Czechoslovakia under the United Nations Charter, or Hungary. Obviously, those would have been insane commitments. We took this one, which in my judgment was very improvident.

But, Mr. President, there must be some terminal point, some conditions, some outside parameter to that effort and Congress has a role in defining what it is.

That leads me to this question, which I think is basic here: the question of defeat as far as the United States is concerned. It reminds me, in the reverse, of what Senator ARKEN said one day, "Let us just say we won, and get out." We may as well say we lost and get out. The point is, we never went in to win or lose; we went in to give a small nation an opportunity to seek its own solution, its own way out. Our commitment was always limited, in many ways. We could wipe out North Vietnam in two afternoons; everyone knows that. But no one would want us to do that, in the beginning or now.

Besides that, we are not there to win and we are not there to lose; we are there to do a particular thing in terms of assisting the right of a small people to find its own place in the world. The President himself has now decided that issue. He himself says he is going to withdraw. So all we are talking about is what shall be the timetable, and shall it be in his mind or shall it be written into the laws?

In my judgment, that is the central issue. There is no other issue involved. He himself says he is getting out as soon as he possibly can. The central issue is, shall we set a date? On that issue, I believe the weight of the evidence is now on the side of the proponents of the amendment, and that is why I have joined in supporting it.

Mr. MCGOVERN. As far as simply saying we have won and getting out is concerned, it is my view that we have applied that doctrine in Cambodia, and I hope we can sustain it there.

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

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MCGOVERN. I yield myself 5 additional minutes to yield to the Senator from Oregon.

Mr. HATFIELD. Will the Senator from New York yield at this time?

Mr. JAVITS. Oh, yes.

Mr. HATFIELD. Will the Senator comment a little further on the question about our commitments in Vietnam, as to the legal aspect of them, under President Eisenhower? Are we under an irrevocable and clearly defined legal responsibility, upon which we would be reneging to withdraw at this time?

Mr. JAVITS. No, I have never thought that. I do not think President Eisenhower thought that. He rejected that proposition himself, in refusing to send troops in to ball the French out of Dienbienphu.

I doubt that we ever subscribed to any proposition which took us beyond our national interest or our constitutional processes, both of which are basically built into the American freedom of action in respect of this situation.

The implication of the commitment was contained in a protocol to the Southeast Asia Treaty. Indochina was not even a party to that treaty in any affirmative sense of being a contracting party. It was a kind of third party beneficiary, to use a legal term, and always on the basis of the volition of the United States, plus obedience to American constitutional processes.

On both grounds, the interests of our country and the right of our country to determine

when it would or would not act in a given situation, and the assertion now of the congressional authority, seeking that it be joined with the Presidential authority, I see no legal basis which could lock us into Vietnam as against an exercise of the authority by the President and Congress which would be represented by this enactment.

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

Mr. JAVITS. I yield.

Mr. HATFIELD. The Senator is a member of the Committee on Foreign Relations, where he has been serving with great distinction. In view of that service and his long involvement in concerns throughout the world of problems that lead to peace and war, would the Senators not agree that those who say that this is a neoisolationist move or a neoisolationist trend in this country are completely in error, because among other sponsors and supporters of this amendment are men who are well known for their concern about international commitments and international involvement? Would the Senator not agree that this kind of tiedown to an interminable period in Southeast Asia actually creates a possibility of less likelihood for the United States to assume its rightful role in other parts of the world, where there is a greater threat to the peace existing even today?

Mr. JAVITS. I agree with that, and I would like to make just one brief observation on that point. There is a lot of speculation in the world that the American people have somehow relinquished their interest in the world and are no longer concerned with playing an activist role in peacekeeping in the world. That does not mean we have withdrawn, but just that we will carry only our share.

I think the events in Vietnam and the terrible division in this country which they have engendered have intended to magnify that. I do not believe that the fundamental feeling of responsibility of the American people has changed, but I think it has been inhibited by the way in which events in Vietnam have gone. I believe that we would tremendously free America to take its role in the world in terms of building peace elsewhere, if we would end this particular involvement.

Mr. HATFIELD. I thank the Senator.

It seems to me, both from the standpoint of the statement made today on the floor of the Senate and the very outstanding contribution made by him on a national television program last Saturday night, the Senator from New York speaks not only as an authority with much background from the Committee on Foreign Relations and other involvements, but also as one of the outstanding constitutional lawyers in the Senate. Therefore, I think his testimony and his comments should weigh heavily in the minds of those who are uncommitted. I do not think anyone could charge the Senator from New York with being other than intimately and deeply concerned about all our involvements in the world, our leadership in the world, for the cause of peace and the upholding of our legal commitments and our legal responsibilities.

I thank the Senator from New York for his contribution in helping to revise the language of the amendment and the leadership he has given on the floor of the Senate and elsewhere on behalf of this amendment at this time.

Mr. JAVITS. I thank both my colleagues.

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

Mr. CASE. Yes; I am happy to yield to my colleague from Maryland.

Mr. MATHIAS. I am wondering whether the Senator would define for the Senate his concept of withdrawal. He refers

to his support for the fixing of a withdrawal date, but I think it is very important that we understand exactly what we mean by withdrawal. There was withdrawal in Korea, but in spite of that withdrawal we have substantial military forces and we have constant casualties there, and this has gone on for a period of almost 20 years. Could the Senator define "withdrawal"?

Mr. CASE. Withdrawal, as I understand it, means complete withdrawal of American troops; and cessation of further activity, whether in the air, on the sea, or on the ground; removal of American advisers; and the discontinuation of logistics assistance. That is what I mean by withdrawal. I mean complete disengagement. I mean that I am not in favor of attempting in South Vietnam what has been called a Korean solution.

I do not think Korea and Vietnam are in any way comparable. I feel that for us to attempt to do what was done in Korea in South Vietnam would be merely to continue an endless war, rather than to end it. So I mean complete withdrawal.

Mr. MATHIAS. I thank the Senator for that answer. I thank him for making very clear what he feels, and I thank him because I agree so totally that this is not the kind of situation that calls for a Korean solution; that when we talk about withdrawal, we have to talk about the pullback of all American military power and our understanding that we are not going to attempt to force military solutions in that area by any form of military power.

I know the Senator from New Jersey, in his entire record in this whole area, has been as concerned as I think most Members of the Senate have been that we work out these solutions in a coordinated way with the executive branch of Government, with the President.

I am interested that the Senator has defined "withdrawal" as he has, and as I would define it.

I am interested also that in the President's radio and television address of April 7, he spoke of "total withdrawal." He spoke of the goal of the American people as a total withdrawal of all our forces, and I am quoting the President's words.

I hope that indicates that in this area there is some meeting of minds between the Members of the Senate and the President. When we talk about withdrawal, whether we do it by the method that the Senator from New Jersey and I agree on, on a fixed deadline policy, or some other policy, I hope that at least we can agree that withdrawal means total withdrawal.

Mr. CASE. I appreciate what the Senator from Maryland has said, and I am grateful for his intervention here, because I think one of the important matters to be served by congressional consideration of this measure is, as the Senator suggests, the resolution of the confusion that has existed—confusion that I think is most unfortunate.

The Senator correctly points out what the President said, and I am all for it, but I remind the Senator—and he does not need to be reminded—that the Secretary of Defense said something quite different more recently in regard to the

continuation of American air and other support for an indefinite period. The Senator is aware of those remarks; is he not?

Mr. MATHIAS. I am aware of them, and that is the reason why I think it is important to surface the fact that there is confusion. If there is confusion in this country and in Washington as to what we mean by "withdrawal," there must be confusion in the minds of other parties with whom we hope to negotiate an end of the war. How can there be a meeting of the minds when there is not any agreement on the meaning of the term we are using here?

Mr. CASE. The Senator is making a very good point.

May I call attention to another recent incident that has not served to clarify the situation in this regard. Several of our congressional leaders were in the White House, I understand, and heard the President and other high officials in the administration talk. They came back with a quite different view of what actually was said in the matter of whether we are going to withdraw or not, and in the matter of whether the President had in mind, though he was not going to announce it publicly, a definite date for full withdrawal. That has never been clarified as far as the Senator from New Jersey is concerned; but, rather, the confusion has been deepened by that additional incident. Does the Senator agree?

Mr. MATHIAS. I do agree completely. I think it would be so important if those questions could be resolved. I know the Senator from New Jersey has always, in his dealings with the executive branch, shown the utmost respect for the President and the President's judgment. I think all Senators do. I think he shares with me a feeling that it would be much better if we could agree with the President on a deadline rather than have the Congress simply finally resort to the ultimate use of the legislative power of the purse to impose a deadline. I think it would be much better for the country—

The ACTING PRESIDENT pro tempore. The time allotted to the Senator from New Jersey has expired.

The Chair will now recognize the Senator from Maryland (Mr. MATHIAS) for not to exceed 15 minutes.

Mr. CASE. Mr. President, would the Chair permit me to yield to the Senator on his time?

Mr. MATHIAS. Mr. President, if I may just complete my thought, I think it would be so much better for the country, for the climate of opinion in the country, if the coordinate branches of government could agree on a deadline. I would think that would promote chances of our negotiating an end of the war and a political settlement, without which there cannot but be continued, further tragedy.

Mr. CASE. I thank the Senator. I am not quite sure who controls the floor at this time—

Mr. MATHIAS. I am delighted to yield to the Senator.

Mr. CASE. I join with him fully in this thought. All along, those of us who have been endeavoring to discover the right course and then to put our shoulder

to the wheel behind the effort to pursue that course have wanted to do it in cooperation with the executive branch. This was true during the Johnson administration. This was true during the Nixon administration. It is true today.

If this is to be done really satisfactorily, it has to be done in cooperation with the executive branch and with the President. With all my heart, I second what the Senator from Maryland has said when he expressed the hope that the President and Congress could come together on this issue. This is the way to present a united front in clarification of American purpose both at home and abroad. It is the only way in which solutions are ever really found in a democracy.

During discussion of the Hatfield-McGovern amendment last year, I remember saying that we were working with the President, that we had to work with him, and that if the date we proposed to fix at that time proved too close, or if the other provisions of the act proved unwise in their operation, the President could always come to Congress and, in cooperation with Congress, make such changes in time or otherwise as might seem necessary.

This principle would still obtain here. What we would like to see happen, however, is for the American people and their Government in all its branches to unite upon a clear course of action. That is the purpose which we hope to accomplish in a spirit of cooperation and harmony. That is my hope and purpose in adhering to this measure. I thank the Senator from Maryland for permitting me to conclude my remarks on his time.

Mr. MATHIAS. Mr. President, I acknowledge with a great deal of thanks the leadership the Senator from New Jersey has shown in this matter. I do not think there is any Member of the Senate who has given more searching attention to the problem, or has approached it with more conscience and more anguish, than the Senator from New Jersey. I think what he has done here today will help to clarify this difficult issue. He has added his weight to the voice of the Senate on this question of the wisdom of setting a deadline. I think that by clarifying the issue here, he is helping to bring this country closer to some sense of national unity, national agreement, and national determination, and I think he is also helping in our negotiating with the other side in this conflict, because if there is this much confusion about what we are talking about here in Washington, it is pretty hard to see how there really could be any progress in negotiations in Paris or anywhere else.

I think the Senator from New Jersey, as always, in his thoughtful and careful way, has shed further light on a very murky subject. In support of what the Senator from New Jersey has done, I should like to call the attention of the Senate to a rather remarkable and unusual statement made over the past weekend by Charles Yost, the recently retired Ambassador of the United States to the United Nations—a man who served President Nixon and the whole American

people in one of our most sensitive and important diplomatic posts; a man who has had a long and distinguished diplomatic career in Asia, and a man who, because he is in every sense of the word a professional diplomat, is highly attuned to all the issues involved in the war in Indochina.

He has offered to the American people a rather remarkable personal summary of the situation as he sees it, which supports exactly the proposition that the Senator from New Jersey has offered to the Senate today. I ask unanimous consent that Ambassador Yost's article, entitled "A Way to Disengage From Vietnam," be printed in full in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. MATHIAS. What I should like to say about that, very briefly, is that he has outlined a precise plan of action which the United States can undertake now to get out of Southeast Asia with the best possible advantage. It encompasses the following basic points: First, fix a date for total withdrawal of all U.S. Forces—subject only to North Vietnamese agreement to begin releasing our prisoners; second, propose a general cease-fire but not make it a condition of our withdrawal; third, before announcing a fixed date for withdrawal, urge the South Vietnamese Government to negotiate a political settlement; fourth, propose a renewal of the Geneva accords of 1954 and 1962 to all participants; and fifth, reiterate our past offer to contribute substantially to a program of economic rehabilitation for both parts of Vietnam and for Cambodia and Laos.

I hardly need say, Mr. President, that this brief summation does very little credit to the strength and the eloquence of Ambassador Yost's proposal; but I do wish to call the attention of the Senate to this rather remarkable document, coming from one of our most respected professional diplomats and one who I think is totally disinterested. He is, I hope not at the end, but at the climax of a remarkable career. Only his love of his country and his desire that this country should prosper and succeed could have motivated this statement. I think it comes from his heart and his conscience, and it is one to which we should all give close attention. I believe it is entirely complementary to the proposals and the thoughts that have been expressed today by the Senator from New Jersey.

EXHIBIT 1

[From the Washington Post]

A WAY TO DISENGAGE FROM VIETNAM

(By Charles W. Yost)

(EDITOR'S NOTE.—Yost was charge d'affaires at Bangkok in 1945-6, ambassador to Laos in 1954-6 and capped his Foreign Service career with two years as ambassador to the United Nations. Since February, he has been associated with the Columbia University School of International Affairs.)

In 1968 I prepared for the Carnegie Endowment on International Peace and the Council on Foreign Relations a paper in which I urged that the recently commenced negotiations in Paris be used to seek a political settlement which, I pointed out, would

require "substantial and painful concession" by both sides.

It was perfectly clear that Hanoi would not accept a settlement which left the Thieu-Ky government in power indefinitely or which provided for elections to be carried out by that government, even with some international supervision. There is a strong tendency among Asian voters, even in relatively free elections, to accept "the mandate of heaven"—that is, to vote for the party in power. To Hanoi, elections managed by the present Saigon government would mean loss of all it had fought for so long and so hard.

My paper suggested, therefore, that we explore seriously and urgently in Paris whether the North Vietnamese would accept a neutral interim government to carry out elections, a government from which both the Thieu partisans and the National Liberation Front would be excluded or, alternatively, one in which both would be included but in a minor role. If this were possible, I thought an immediate cease-fire could be brought about and the war rapidly wound down. If Hanoi insisted on an interim government which the NLF would clearly control, that would be unacceptable to our side and the negotiations would fail.

This paper was just about to be circulated to the members of the two organizations which sponsored it when I was offered by the incoming Nixon administration the post of U.S. ambassador to the United Nations. The first request which was made to me after I accepted the post was that this paper not be circulated. It was clearly inconsistent with the policy which the administration intended to follow.

During my two years service with the administration, I was not involved in any way in the formulation or execution of its policy toward Southeast Asia. My advice was never asked on any substantive aspect of the problem nor was I involved in any National Security Council deliberations on it. I therefore watched from the sidelines with growing apprehension and heartache the prolongation of our military effort in Vietnam far beyond what seemed to me a rational or justifiable point.

In October, 1969, I was moved to submit a memorandum to the administration in which I made this argument as strongly as I could. I urged that we either "bring about a drastic change in the character of the Saigon government as a basis for political settlement" or, if that was considered to be unacceptable, that we "substantially accelerate troop withdrawals without a political settlement."

I never received any response to this memorandum. On the contrary, the Paris negotiations were allowed to degenerate into a charade and troop withdrawals continued at the same deliberate pace which in April, 1971, still leaves 300,000 American troops in Vietnam. Even last Wednesday's announcement by the President of slightly accelerated withdrawals would leave about 180,000 Americans there at the beginning of 1972, nearly seven years after our major involvement in the war began.

It was and still is quite clear that, despite the Nixon Doctrine and the commitment to "Vietnamization," the President and his national security adviser, Dr. Henry Kissinger, continue to believe that "victory," in the sense of the maintenance of power of the Thieu-Ky government, can still be achieved, and that continued substantial U.S. participation in the war for this purpose is not only acceptable but necessary.

They contend that all their military actions, both defensive and offensive into Cambodia and Laos, are designed to reduce American casualties, to protect American forces as they withdraw and to secure the release of American prisoners of war. Actually, there seems little doubt that, if the administration were prepared either to accept a political settlement involving a change in the Saigon

government or to fix a proximate date for the total withdrawal of U.S. forces, the North Vietnamese would be only too willing substantially to reduce hostilities, as well as to release all U.S. prisoners by the time U.S. withdrawal was completed.

AN EMOTIONAL BASIS

It appears more likely that the real reasons why the President and Kissinger are preoccupied with at least the appearance of victory in Southeast Asia are: (1) the simplistic conception, stamped on their minds in their politically formative years and never relinquished, of an apocalyptic bipolar global struggle between communism and the "Free World" in which any setback to either side anywhere threatens critically the delicate balance of power everywhere; (2) their fear that the loss of South Vietnam, after the expenditure of so much American blood and treasure in its defense, would produce a domestic political upheaval in the U.S. which would discredit their administration and throw the Republican Party into the arms of its right wing, and (3) the panic which seems to overcome any American President at the thought of being the first "to lose a war."

These deeply felt emotions are, I suspect, much more decisive with the President and Kissinger than are the more prudent considerations which led them to proclaim the Nixon Doctrine. They cannot yet bring themselves to renounce military "options" involving U.S. forces which they still hope will preserve the status quo in South Vietnam and which the American public could still be persuaded to tolerate. The President has, partly by the exercise of his own rhetoric, persuaded himself, as President Johnson did earlier, that the "loss" of South Vietnam, however it came about, would be an intolerable "humiliation," would cause the U.S. to be considered by both foes and friends, "a pitiful, helpless giant" and would fatally blot the reputation in history of the President who presided over it.

Actually, of course, the more leaders use this sort of language in public, the more they create the atmosphere which could make it self-fulfilling. It is at least as reasonable to contend that the U.S. has, after six years of massive engagement itself and a vast buildup of the ARVN, far more than fully met any obligation it might have had to self-determination in Vietnam. If the government of South Vietnam cannot in 1972 maintain itself without U.S. military involvement, it is unlikely to be able to do so in 1973 or at any time thereafter.

Moreover, it would now seem to be demonstrated that no practicable expansion of the war is likely to be profitable or even tolerable. The Cambodian "incursion" last year and the Laotian "incursion" this year, while they produced marginal tactical advantages, have had two much more prejudicial strategic consequences: (1) they have seriously overextended the South Vietnamese forces which we have been trying to prepare to defend their own country and, in the Laotian case, have badly damaged their morale; (2) they have so aggravated U.S. public dissatisfaction with the whole Southeast Asian enterprise that, as the polls indicate, a majority of Americans now wish to withdraw almost immediately. Under these circumstances no further expansion of the war, concerning which the President still seems determined to keep his "options" open, lies within the realm of political reality.

In this connection, neither the administration nor the public has faced up to the role, present and future, of U.S. airpower in Southeast Asia. The impression is, however, emerging that the massive way in which it has been used in South Vietnam since 1965, and in Laos and Cambodia more recently, is not only indecisive and often counterproductive in a war of this character, but is so indiscriminating between combatant and

noncombatant, so devastating to the lives and livelihood of friends more than of foes, so cruel and inhuman in its scale and consequences, that it is unjustifiable under either the laws of war or the laws of humanity.

AN ABSOLUTE DEADLINE

In summary, in light of all this tragic history and these inexorably accumulating facts of life, what should the United States do now about getting out of Southeast Asia? I would propose the following five steps.

1. We should promptly and publicly fix a date for the total withdrawal of all U.S. military forces from South Vietnam—subject only to North Vietnamese agreement to commence releasing U.S. prisoners as soon as the date is fixed and to complete the release of all prisoners before withdrawal is completed. This date should preferably be Dec. 31, 1971, but, if this should turn out not to be logistically feasible or if agreement on the release of prisoners could not be obtained soon enough, it might be March 31 or even June 30, 1972, but certainly no later.

2. At the same time that we fix a date for withdrawal, we should propose a general cease-fire, to take effect at once or at any time prior to completion of withdrawal. We should not, however, make withdrawal conditional on a cease-fire. Acceptance of a general cease-fire would mean that the status quo throughout South Vietnam, and perhaps Laos and Cambodia as well, would be frozen while the Americans were withdrawing. It seems unlikely that such a freezing for a period of many months would be acceptable to either the North or South Vietnamese. On the other hand, after a date had been fixed for U.S. withdrawal, local cease-fires to facilitate withdrawal might be quite feasible.

3. Before announcing a fixed date for U.S. withdrawal, we should offer the South Vietnamese government a last opportunity to negotiate a political settlement on the only basis on which it might conceivably be negotiated—that is, an interim government acceptable to both sides to carry out elections. Obviously, if Saigon were willing to try to negotiate such a settlement, it would have a better chance of doing so successfully while the Americans were still militarily present in Vietnam and participating in the Paris negotiations. Since, however, I very much doubt that the Thieu-Ky government would agree to negotiate a settlement of this kind, even faced with the prospect of early U.S. withdrawal, I should not suggest delaying for this purpose for more than one month the announcement of a terminal date for U.S. withdrawal.

4. We should, simultaneously with this announcement, propose to all participants in the Geneva Accords of 1954 and 1962 return to the full application of those accords, with such modifications as changed circumstances require or as seem desirable to all concerned, but specifically including withdrawal of all foreign forces (including North and South Vietnamese) from Laos and Cambodia and reaffirmation of the neutralization of these two countries. One modification of the accords which would be most desirable, if it could be obtained, would be the creation of more effective supervisory machinery than the old International Control Commission. If a new Geneva Conference were necessary to accomplish these ends, as it very likely would be such a conference, with the same or larger participation, should be convened as soon as possible. The conference could also concern itself with Vietnam, if the governments of both North and South so desired, but it would not necessarily do so.

5. We should at the same time reiterate the offer we have made in the past to contribute substantially to a program of economic rehabilitation, reconstruction and development in North and South Vietnam,

Laos and Cambodia, to be carried out preferably under United Nations auspices.

Achievement of the objectives proposed under these five points seems to me realistic and practicable. Achievement of the objectives apparently still being pursued by the administration seems to me an empty fantasy, the continued pursuit of which under present circumstances would be disastrous to the security, welfare and moral character of the American people.

EIGHT ERRORS CAUSED OVERINVOLVEMENT

The direct and massive U.S. military involvement in Southeast Asia beginning in 1965 was grossly disproportionate to any national interest the United States had in the area, and soon proved to be prodigiously damaging to the welfare of the Vietnamese and Laotian people. There are many reasons why this highly motivated but disastrous miscalculation by U.S. leadership occurred. In my view, eight major errors of judgment caused us to get in so deeply:

1. The first was the belief that Communist China had in the 1950s and 1960s both the intention and the capability to extend its dominion beyond its borders, especially southward either through invasion or, more probably, through "wars of national liberation" which it would inspire and support. In the cooler light of hindsight we can now note that, with the exception of the war in Korea, which was certainly felt to be defensive, and the war in Vietnam, which derives almost wholly from Vietnamese rather than Chinese inspiration, Communists China has shown little intention or capability of involving itself directly or indirectly in military adventures outside its borders.

2. The second mistake in judgment, the "domino theory," was the belief that Southeast Asia outside Vietnam was acutely vulnerable to wars of national liberation or to subversion and takeover; that if South Vietnam fell, others were almost certain to follow. This error arose from an indiscriminating extrapolation of the situation in South Vietnam, which for 10 years prior to 1954 had been deeply infested at the grassroots with Communist cadres, to the rest of Southeast Asia, which had not been penetrated to anywhere nearly such a degree. Of course the extension and conduct of the war in recent years have made Laos and Cambodia much more vulnerable to takeover than they were in the 1950s.

3. A third error in judgment was the belief that North Vietnam, if partially or wholly victorious in the South, would serve thereafter as a compliant instrument of Communist China. Actually, as the history of the past 25 years has amply demonstrated, only the Yugoslav Communists have rivaled the North Vietnamese in stiff-necked recalcitrance and independence.

4. The fourth error was in imagining that NATO could be duplicated in Southeast Asia and in setting up there a purported military coalition which was in fact only a facade for unilateral U.S. support of several weak countries. Nevertheless, SEATO had the effect of committing the United States to a deeper and more formal involvement in Southeast Asia than was wise, without in fact significantly increasing its capabilities there.

5. Perhaps the most decisive mistake made in Vietnam and, for a time, in Laos was, on the one hand, U.S. insistence that regimes it supported be 100 per cent anticommunist and antineutralist and, on the other, its failure effectively to insist that the support it so unstintingly provided these regimes be used to carry out reforms which might have given them an expanding popular base.

6. The sixth mistake arose from the extravagant faith in "counterinsurgency" which swept Washington in the early 1960s. Based on the correct assessment that Communist aggression was henceforth more likely to take

the form of insurgency than of massive attacks across frontiers, it nevertheless enormously overestimated the capability of U.S. forces, no matter how thoroughly trained for this purpose, to conduct this highly sophisticated and acutely political type of warfare in environments where language, customs and physical conditions were so wholly alien to them.

7. The seventh error was also a military one: U.S. insistence on organizing and training most of the Vietnamese forces, from 1954 on, to fight a European or Korean-type war rather than to counter insurgency. Serious efforts have been made in recent years to correct this error but even now the ARVN is still trained to fight with massive air and artillery support, which obviously will be far less effectively available when the Americans depart.

8. The final error of judgment occurred repeatedly after our massive involvement, when we so often neglected or fatally compromised potential opportunities for negotiation, either for ephemeral military advantage or for fear of causing trouble with and for the Saigon government.

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

Mr. MATHIAS. I yield.

Mr. CASE. I agree fully about the significance and importance and the rightness of Mr. Yost's statement, and I am very happy to have it included as a part of the colloquy we have been engaged in here.

I am happy also to see that our colleague from Massachusetts (Mr. BROOKE) is now in the Chamber. Yesterday he made a splendid contribution on this same subject, and it is a pleasure to be associated with him on this matter.

Mr. BROOKE. Mr. President, will the Senator from Maryland yield?

Mr. MATHIAS. I am happy to yield to the Senator from Massachusetts, after associating myself with the Senator from New Jersey in expressing our appreciation for the stand taken by the Senator.

Mr. BROOKE. Mr. President, may I inquire how much time is left to the Senator from Maryland?

The ACTING PRESIDENT pro tempore. The Senator has 4 minutes remaining.

Mr. BROOKE. Mr. President, I am sorry that I was unable to hear the entire colloquy of the distinguished Senators from New Jersey and Maryland. I was somewhat surprised, as perhaps my distinguished colleagues were, when I read last week in the newspaper that our distinguished minority leader (Mr. SCOTT), our assistant minority leader (Mr. GRIFFIN), and our assistant majority leader (Mr. BYRD) had all said that the President had a timetable for withdrawal. The suggestion was even made that perhaps it was election day of 1972.

I bring this point up at this time that I might inquire further as to the flexibility that my distinguished colleagues see insofar as the establishment of a time certain is concerned. I know that both Senators MCGOVERN and HATFIELD have at all times spoken of flexibility with regard to a withdrawal date. As we know, they have talked most recently about December 31, 1971. But do the Senators who are engaged in this colloquy think that if the President were